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Friday
August 26, 1983

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Immigration and Naturalization Service

Air Pollution Control
Environmental Protection Agency

Aircraft
Federal Aviation Administration

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

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Chapter XIV

Regional Office; Jurisdictional Change

AGENCY: Federal Labor Relations Authority and the General Counsel of the Federal Labor Relations Authority.

ACTION: Amendment of rules and regulations.

SUMMARY: Appendix A, paragraph (f) of the rules and regulations of the Federal Labor Relations Authority and the General Counsel of the Federal Labor Relations Authority published at 5 CFR Part 2400 et. seq. sets forth the geographic jurisdictions of the Regional Directors of the Authority. Under paragraph (f) of Appendix A, all cases arising in European countries, i.e. all land and water areas east of the continents of North and South America to long. 90° E, except the Virgin Islands, Panama (limited FLRA jurisdiction), Puerto Rico and coastal islands, are listed to be within the geographic jurisdiction of the Authority's Washington, D.C. Regional Office. In the best interest of efficient case handling by the Office of the General Council, it has been concluded that all cases arising in Europe should be within the geographic jurisdiction of the Authority's Boston Regional Office.

DATES:

Effective date: September 1, 1983.

Comment date: Written comments will be considered if received no later than October 1, 1983.

ADDRESS: Send written comments to the Federal Labor Relations Authority, Office of the General Counsel, 500 C Street, SW., Washington, D.C. 20424.

FOR FURTHER INFORMATION CONTACT: David L. Feder, Assistant General Counsel, (202) 382-0834.

SUPPLEMENTARY INFORMATION: Effective January 28, 1980, the Authority and the General Counsel published, at 45 FR 3482, January 17, 1980, final rules and regulations to govern the processing of cases by the Authority and the General Counsel under chapter 71 of title 5 of the United States Code. These rules and regulations are required by Title VII of the Civil Service Reform Act of 1978 and are set forth in 5 CFR Part 2400 et. seq. (1983).

The address of the Boston Regional Office, as set forth in Appendix A, paragraph (d)(1) of the rules and regulations is as follows:

(1) *Boston Regional Office,* 441 Stuart Street, 9th Floor, Boston, MA 02116. Telephone: FTS: 223-0920, Commercial: (617) 223-0920.

Appendix A—[Amended]

Accordingly, Appendix A, paragraph (f) of the Authority and General Counsel rules and regulations is amended to read as follows: in the table by revising the entry which begins "all land and water areas east . . ."

Appendix A to CFR Ch. XIV—Current Addresses and Geographic Jurisdictions

(f) The geographic jurisdictions of the Regional Directors of the Authority, are as follows:

State or other locality	Regional office
. . . . .	
All land and water areas east of the continents of North and South America to long. 90° E, except the Virgin Islands, Panama (limited FLRA jurisdiction), Puerto Rico and coastal islands.	Boston.
. . . . .	

(5 U.S.C. 7134)

Dated: August 23, 1983.

For the Authority.

James J. Shepard,

Executive Director.

For the General Counsel.

S. Jesse Reuben,

Deputy General Counsel.

[FR Doc. 83-23482 Filed 8-25-83; 8:45 am]

BILLING CODE 6727-01-M

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 831

Retirement

AGENCY: Office of Personnel Management.

ACTION: Final rulemaking.

SUMMARY: On October 1, 1982, interim regulations were published in the **Federal Register** (47 FR 43634) to implement the retirement provisions of the Omnibus Budget Reconciliation Act of 1982 (Pub. L. 97-253). Revised interim regulations were published on January 25, 1983 (48 FR 3353). The revised interim regulations included changes necessitated by the amendments made to the Reconciliation Act by Pub. L. 97-346 and Pub. L. 97-377. After considering the comments submitted and making appropriate changes, including the addition of a new subpart which provides a definition of refund policy, we are now publishing final regulations for the amended Reconciliation Act. We are also publishing, as final regulations, the proposed regulations published on October 5, 1982 (47 FR 43981) to add certain provisions not previously incorporated in the regulations, to correct certain omissions, and to conform to certain changes in the law.

EFFECTIVE DATE: September 26, 1983.

FOR FURTHER INFORMATION CONTACT: Mary Angel, (202) 632-4634, or Margaret Sears, (202) 632-9677.

SUPPLEMENTARY INFORMATION: During the comment period for the proposed regulations that were published on October 5, 1982, we received comments from two agencies that had no objections to the proposed regulations as published.

During the extended comment period on the regulations to implement the amended Reconciliation Act, OPM received written comments from 29 agencies, two employee organizations, two labor organizations, and four individuals. The comments have been organized by subject area (in the order in which the regulations will appear when incorporated in the Code of

Federal Regulations) and addressed below.

For the convenience of the reader, the January 25, 1983, amended Reconciliation Act regulations and the technical changes proposed on October 5, 1982, are merged into this document in the order in which they will appear when included in the Code of Federal Regulations.

Computation of Interest

Section 303 of the amended Reconciliation Act provides that OPM shall charge increased rates of interest on deposits for civilian and military service effective January 1, 1985, and shall pay increased rates of interest on voluntary contributions effective the same date.

One agency suggested that variable interest rates be published in the Federal Personnel Manual (FPM). OPM plans to do so each year when it publishes the current interest rates in the **Federal Register**. In addition, the variable interest rates will become a permanent part of FPM Supplement 831–1 as that supplement is revised.

Civilian Service

Section 303(b) of the amended Reconciliation Act created a new type of civilian service for which deposits could be made—nondeduction service performed on or after October 1, 1982. Such service differs from nondeduction service performed before October 1, 1982. If a deposit is not made for nondeduction service performed before October 1, 1982, the service is still creditable in full for title and annuity computation purposes, with only a nominal reduction for nonpayment of the amount of deposit owed. However, if a deposit is not made for nondeduction service performed on and after October 1, 1982, that service is creditable for title purposes only; it is not creditable for annuity computation purposes. This makes the treatment of nondeduction service on and after October 1, 1982, comparable to the treatment of refunded service and encourages employees to make deposits to cover that service.

One commenter stated that § 831.303 of the interim regulations does not make a clear statement about the creditability of a period of service covered by a refund which has not yet been redeposited. We have amended that section to make it clear that such service, like nondeduction service performed on and after October 1, 1982, is creditable for annuity computation purposes only if the employee makes a redeposit for the full period of service.

Retirement Based on Involuntary Separation

Section 308 of the Reconciliation Act provides that an employee would not be eligible for discontinued-service retirement if he or she is offered a position that is not more than two grades or pay levels below the employee's grade or pay level.

Two labor organizations have differed with our definition of "reasonable offer." One believes that an employee is eligible for retirement based on involuntary separation if he or she declines any offer of a position that is less than an "equivalent position," by which it means a position of the same grade or pay level. This is not consistent with section 308 of the Reconciliation Act.

The other labor organization commented that considering occupied positions to be "reasonable offers" will adversely impact a large number of employees. These regulations were written to be consistent with the reduction-in-force provisions of Part 351 of Title 5, Code of Federal Regulations. If occupied positions were excluded from the positions that can be considered "reasonable offers," these regulations would be inconsistent with the reduction in force procedures already in effect.

One agency commented that an agency should be able, at its option, to reassign employees who are serving subject to mobility agreements out of their commuting areas by choosing to invoke or not to invoke the mobility agreements. This would allow agencies to determine an individual employee's discontinued service retirement eligibility. As this would accord disparate treatment to different employees in the same situation, we have not adopted this suggestion.

Effective Dates of Annuities

Section 305 of the amended Reconciliation Act provides that an annuity based on the voluntary separation of an employee who serves more than three days in the month of retirement commences on the first day of the month following the month in which the employee meets the age and service requirements for an annuity.

We have amended § 831.701 of the interim regulations to indicate that a deferred annuity commences on a former employee's 62nd birthday. This issue was not addressed in the interim regulations.

Supplemental Annuity and Redetermined Annuity

Section 303 of the amended Reconciliation Act provides that *all* employees must make deposits to receive full credit for nondeduction civilian service performed on and after October 1, 1982. Therefore, reemployed annuitants, as well as other employees, are required to make deposits to receive full credit for such service. Reemployed annuitants have not had retirement deductions withheld from their salaries in the past, but the amended Reconciliation Act permits such deductions to be withheld from their pay, so that they may make deposits of amounts due on a current basis and without an interest charge before retirement.

One agency asked whether all reemployed annuitants may have retirement deductions withheld from their salaries. Retirement deductions may be withheld from the pay of a reemployed annuitant who is eligible to continue to receive his or her annuity during reemployment. However, if the annuitant retired under a provision of law that requires termination of annuity upon reemployment, the employee may have retirement deductions withheld from his or her pay only if he or she is reinstated under a type of appointment covered by retirement deductions.

We have also amended § 831.802(c) of the interim regulations to show that supplemental annuities and redetermined annuities commence on the day following separation from service or the day following the day pay ceases and the service requirements for title to supplemental annuity or redetermined annuity are met if the reemployed annuitant is (1) involuntarily separated from service (except by removal for cause on charges of misconduct or delinquency); (2) involuntarily converted to an intermittent status; or (3) retiring after serving three days or less in the month of retirement. In addition, we have amended section 831.802(c) of the interim regulations to show that supplemental annuities and redetermined annuities based on voluntary conversion to intermittent status or the voluntary separation of employees who serve more than three days in the month of retirement begin on the first day of the month after separation from service or, if earlier, the first day of the month after pay ceases and the service requirements for title to supplemental annuity or redetermined annuity are met. This issue was not addressed in the interim regulations.

Deposits for Military Service

Section 306 of the amended Reconciliation Act requires employees to complete deposits for post-1956 military service to receive full credit for periods of that service.

Under the provisions of law in effect before enactment of the Reconciliation Act, an annuity or survivor annuity which included credit for post-1956 military service was reduced when the former employee or surviving spouse became eligible for a social security benefit which included credit for that service. Because this reduction affected former employees at age 62, this reduction was called "catch 62." The Reconciliation Act allows employees who were first employed under the retirement system before October 1, 1982 (and survivors of those employees), to make deposits for post-1956 military service, receive credit for it in both civil service and social security benefits, and avoid the reduction at age 62. Individuals who were first employed before October 1, 1982 (and their survivors) who choose not to make the deposit will have their annuities reduced at age 62 if they are also eligible for social security benefits which include credit for the post-1956 military service.

Employees who are first employed under the retirement system on and after October 1, 1982 (and their survivors), may make a deposit for post-1956 military service and receive credit for it in both their civil service annuity computation and in their social security benefits. If they do not make the deposit, they do not receive credit for their post-1956 military service, either for title or annuity computation purposes.

Most of the agencies, employee organizations, and individuals who commented on the interim regulations addressed the regulations dealing with deposits for military service. A large number of comments have already been answered by the amendatory language of Pub. L. 97-346, the revised interim regulations published in the **Federal Register** on January 25, 1983, FPM Letter 831-77, and a January 14, 1983, letter from our Office of Financial Control and Management to agency payroll offices. This section addresses only those comments that have not been addressed by that material.

Many agencies objected to collecting deposits for military service because of the large amount of time and effort that would be involved in performing the function. A large number of agencies wanted OPM to accept full responsibility for deposits for military service. As section 306(d) of the amended Reconciliation Act states that employees shall make deposits for military service to their employing agencies, that responsibility cannot be performed elsewhere.

Two agencies wanted OPM to verify all agency computations of deposits for military service. Since the computation procedure is very simple (employees must provide agencies with sufficient evidence of basic pay and agencies are required only to calculate 7 percent of that amount, plus compounded interest, when applicable), we do not believe that it will be necessary for OPM to routinely verify agency computations.

Several agencies asked that OPM provide training on the computation of deposits for military service. We believe that the information provided by FPM Letter 831-77 will enable agencies to correctly compute military deposits.

One agency asked that OPM publish FPM guidance on eligibility for Social Security benefits. That information is contained in FPM Chapter 832, which is now being updated by the Social Security Administration.

Some respondents objected to the time limits and the minimum payment requirements for deposits for military service as they felt that many employees would not be able to comply with those requirements. Those requirements have been deleted. However, agencies will not be required to accept individual checks in amounts of less than $50.

One agency was in favor of limiting installment payments to payroll deductions. Though we realize that this would greatly simplify agency processing of deposits for military service, it would also limit an employee's options for making deposits for military service. Therefore, we have not amended the regulations to permit payment by payroll deductions only.

Lump-Sum Payments

The Reconciliation Act created new types of service for which deposits could be made—nondeduction civilian service performed on and after October 1, 1982, and post-1956 military service. In doing so, it also created new types of deposits which may be refunded to employees. We have extended our current lump-sum payment policy to apply to the new deposits and we have added another subpart to the regulations to provide a definition of that policy.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that within the scope of the Regulatory Flexibility Act, this regulation will not have a significant economic impact on a substantial number of small entities because it affects Federal employees and retirees only.

List of Subjects in 5 CFR Part 831

Administrative practice and procedure, Claims, Firefighters, Government employees, Handicapped, Law enforcement officers, Pensions, Retirement.

Office of Personnel Management.

Donald J. Devine,
Director.

Accordingly, Part 831 of Title 5 of the Code of Federal Regulations, is amended as follows:

PART 831—RETIREMENT

1. Section 831.104 is revised to read as follows:

§ 831.104 Application.

(a) Except as provided in paragraph (b) of this section, applications under subchapter III of chapter 83 of title 5, United States Code, shall be filed with OPM and shall be on forms prescribed by OPM.

(b) Applications to make deposit for military service shall be filed in accordance with Subpart U of this part.

2. In § 831.105, paragraphs (b) through (g) are revised to read as follows:

§ 831.105 Computation of interest.

* * * * *

(b) Interest is allowed on current deductions and deposits at the rate of 4 percent per year to December 31, 1947, and 3 percent per year thereafter, compounded annually, to December 31, 1956. After December 31, 1956, except as provided below, interest is allowed at the rate of 3 percent per year, compounded annually, to date of final separation or transfer to a position that is not covered by the retirement system. After December 31, 1956, interest is not allowed:

(1) When an employee has one year or less of covered service,

(2) For any fractional part of a month in the total service, or

(3) For more than five years' civilian service.

(c) Interest at the rate of 3 percent per year through December 31, 1984, and, thereafter, at the yearly rate determined by the Secretary of Treasury, compounded annually, is allowed on voluntary contributions during periods of employment and, after the employee or Member has completed at least 5

years' civilian service, during periods of separation until the beginning date of annuity or death, whichever is earlier. For refund purposes, however, interest on voluntary contributions terminates on the date of the employee's or Member's final separation or on the date of the employee's or Member's last transfer to a position in which he or she is not subject to subchapter III of chapter 83 of title 5, United States Code

(d) For noncontributory service performed before October 1, 1982, and for redeposits of refunds paid on an application received by either the individual's employing agency or OPM before October 1, 1982, interest at the rate of 4 percent per year to December 31, 1947, and at the rate of 3 percent per year thereafter, compounded annually, is charged. Interest is charged on the outstanding balance of a deposit from the midpoint of each service period for which deposit is involved; interest is charged on the outstanding balance of a refund from the date the refund was paid. Interest is charged to the date of deposit or commencing date of annuity, whichever is earlier, except that interest is not charged for any period of separation from the service which began before October 1, 1956.

(e) For noncontributory service performed on or after October 1, 1982, and for redeposits of refunds paid on an application received by the individual's employing agency or OPM on or after October 1, 1982, interest is charged at the rate of 3 percent per year through December 31, 1984, and, thereafter, at the yearly rate determined by the Secretary of Treasury, compounded annually. Interest is charged on the outstanding balance of a deposit from the midpoint of each service period for which deposit is involved; interest is charged on the outstanding balance of a refund from the date the refund was paid. Interest is charged to the date of deposit.

(f) No interest is charged on a deposit for military service if that deposit is made before October 1, 1984, or within 2 years of the date that an individual first becomes an employee or Member under the civil service retirement system, whichever is later. When interest is charged on a deposit for military service, it is charged on the outstanding balance at the rate of 3 percent per year, compounded annually, from October 1, 1984, or 2 years from the date the individual first becomes an employee or Member, whichever is later, through December 31, 1984, and thereafter at the yearly rate determined by the Secretary of the Treasury.

(g) For calendar year 1985 and for each subsequent calendar year, OPM will publish a notice in the **Federal Register** to notify the public of the interest rate that will be in effect during that calendar year.

§ 831.110 [Amended]

3. In §831.110, paragraphs (b), (c), (d), and (e) are removed and the designation "(a)" of the introductory paragraph is removed.

4. In § 831.201, paragraph (a)(9) is revised to read as follows:

§ 831.201 Exclusions from retirement coverage.

(a) * * *

(9) Officers in Charge, clerks in fourth-class post offices, substitute rural carriers, and special-delivery messengers at second- third-, and fourth-class post offices.

* * * * *

5. Section 831.301 revised to read as follows:

§ 831.301 Military service.

(a) *Service of an individual who first became an employee or Member under the civil service retirement system before October 1, 1982.* A period of honorable active service after December 31, 1956, in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States, or, after June 30, 1960, in the Regular Corps or Reserve Corps of the Public Health Service, or, after June 30, 1961, as a commissioned officer of the National Oceanic and Atmospheric Administration (formerly Coast and Geodetic Survey and Environmental Science Services Administration), performed before the date of separation on which civil service annuity entitlement is based shall be included in the computation of the annuity provided—

(1) The employee or Member has completed 5 years' (18 months' for survivors of employees or Members who die in service) civilian service;

(2) The employee or Member is not receiving (or was not receiving at the time of death) military retired pay awarded for reasons other than (i) service-connected disability incurred in combat with an enemy of the United States, (ii) service-connected disability caused by an instrumentality of war and incurred in line of duty during a period of war (as that term is used in chapter 11 of title 38, United States Code), or (iii) under chapter 67 of title 10, United States Code; and

(3)(i) The employee or Member (or his or her widow(er) is not entitled, or upon application would not be entitled, to monthly old-age or survivors benefits under § 202 of the Social Security Act (41 U.S.C. 402) based on the individual's wages or self-employment income, or

(ii) For an employee or Member (or his or her widow(er) who is entitled, or upon application would be entitled, to monthly old-age or survivors benefits under § 202 of the Social Security Act (41 U.S.C. 402) based on the individual's wages or self-employment income, the employee, Member, or survivor has completed a deposit in accordance with Subpart U of this part, for each full period of such military service performed after December 1956.

If a deposit has not been completed, periods of military service performed after December 31, 1956 (other than periods of military service covered by military leave with pay from a civilian position), are excluded from credit from and after the first day of the month in which the individual (or survivor) becomes entitled, or upon proper application would be entitled, to Social Security benefits under § 202. Military service performed prior to January 1957 is included in the computation of the annuity regardless of whether a deposit is made for service after December 31, 1956.

(b) *Service of an individual who first becomes an employee or Member under the civil service retirement system on or after October 1, 1982.* A period of honorable active service after December 31, 1956, in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States, or, after June 30, 1960, in the Regular Corps or Reserve Corps of the Public Health Service, or, after June 30, 1961, as a commissioned officer of the National Oceanic and Atmospheric Administration (formerly Coast and Geodetic Survey and Environmental Science Services Administration), performed before the date of separation on which civil service annuity entitlement is based shall be included in the computation of the annuity provided—

(1) The employee or Member has completed 5 years' (18 months' for survivors of employees or Members who die in service) civilian service;

(2) The employee or Member is not receiving (or was not receiving at the time of death) military retired pay awarded for reasons other than (i) service-connected disability incurred in combat with an enemy of the United States, (ii) service-connected disability caused by an instrumentality of war and incurred in the line of duty during a period of war (as that term is used in chapter 11 of the title 38, United States Code), or (iii) under chapter 67 of title 10, United States Code; and

(3) The employee or Member (or his or her widow(er)) had completed a deposit in an amount equal to 7 percent of his or her basic pay under section 204 of title 37, United States Code, (plus interest, if any) for each full period of such military service performed after December 1956. Military service performed prior to January 1957 is included in the computation of the annuity regardless of whether a deposit is made for service after December 31, 1956.

(c) *Military retirees and recipients of Veterans Administration benefits.* An employee or Member applying for annuity, who otherwise meets all conditions for receiving credit for military service, but who is in receipt of retired or retainer pay which bars credit for military service, may elect to waive the retired or retainer pay and have the military service added to civilian service for annuity computation purposes. An applicant for disability retirement, who is receiving a Veterans Administration pension or compensation in lieu of military retired or retainer pay, may elect to waive the retired or retainer pay and renounce the Veterans Administration pension or compensation and have the military service added to civilian service for annuity computation purposes.

6. Section 831.303 is revised to read as follows:

§ 831.303 Civilian service.

(a) *Periods of civilian service performed before October 1, 1982, for which retirement deductions have not been taken.* Periods of creditable civilian service performed by an employee or Member after July 31, 1920, but before October 1, 1982, for which retirement deductions have not been taken shall be included in determining length of service to compute annuity under subchapter III of chapter 83 of title 5, United States Code; however, if the employee, Member, or survivor does not elect either to complete the deposit describes by section 8334(c) of title 5, United States Code, or to eliminate the service from annuity computation, his or her annuity is reduced by 10 percent of the amount which should have been deposited (plus interest) for the period of noncontributory service.

(b) *Periods of civilian service performed on or after October 1, 1982, for which retirement deductions have not been taken and periods of service for which refunded contributions have not been redeposited.* A period of creditable civilian service performed by an employee or Member on or after October 1, 1982, for which retirement deductions have not been taken and a period of service for which refunded contributions have not been redeposited shall be included in determining length of service to compute the annuity under subchapter III of chapter 83 of title 5, United States Code, only if—

(1) The employee or Member subsequently becomes eligible for an annuity payable under subchapter III of chapter 83 of title 5, United States Code; and

(2) The employee, Member, or survivor makes a deposit (or redeposit) for the full period of service. If more than one distinct period of service is covered by a single refund, the periods of service covered by that refund are considered to be single full periods of service. However, in all other instances, a distinct period of nondeduction civilian service (i.e., a period of nondeduction service that is not interrupted by a break in service of more than three days) and a distinct period of redeposit civilian service (i.e., a period of redeposit service that is not interrupted by a break in service of more than three days) are considered as separate full periods of service, even when they are immediately consecutive. A period of nondeduction service which begins before October 1, 1982, and ends on or after that date is also considered two full periods of service: one ending on September 30, 1982, and the other beginning on October 1, 1982.

7. In § 831.501, paragraph (a) is revised to read as follows:

§ 831.501 Time for filing applications.

(a) An employee or Member who is eligible for retirement may file an application for retirement with his or her department or agency within 30 days before, on, or any time after he or she reaches the requisite retirement age; a former employee or Member who is eligible for retirement may file an application for retirement with OPM within 30 days before, on, or any time after he or she meets the requisite retirement age. An applicant for disability retirement must submit an application for retirement before separation from service or within one year after separation from service, but this time limit may be extended in the case of an employee who is found to be incompetent. When the department or agency contemplates immediate reemployment of a retiring employee, the individual, the department, or agency shall submit to OPM with the Standard Form 2801 (Application for Retirement), a photocopy of Standard Form 2806 (Individual Retirement Record).

* * * * *

8. In § 831.502, paragraph (e) and paragraph (f)(6) are revised to read as follows:

§ 831.502 Disability retirement.

* * * * *

(e) *Income limitation.* (1) Each disability annuitant who, on December 31 of any calendar year, is under 60 years of age shall report to OPM, in a format acceptable to OPM, on or before the following February 15, his or her income from wages and/or self-employment for that calendar year. If the annuitant fails to submit the report, OPM may suspend annuity payments until the report is received and the annuitant's entitlement to continued annuity is determined on the basis of that report.

(2) In regard to income received prior to January 1, 1983: When, in each of two succeeding calendar years, a disability annuitant under age 60 has received income from wages and/or self-employment, equaling at least 80 percent of the current rate of basic pay of the position from which he or she retired, the annuitant's earning capacity is deemed restored. If earning capacity is restored, OPM shall discontinue payment of the annuity at the expiration of 1 year from the end of the 2-year period. When the disability annuitant is reemployed by a department or agency within this 1-year period, OPM shall discontinue payment of the annuity from the date of reemployment.

(3) In regard to income received after December 31, 1982: When, in any calendar year, a disability annuitant under age 60 has received income from wages and/or self-employment, equaling at least 80 percent of the current rate of basic pay of the position from which he or she retired, the annuitant's earning capacity is deemed restored. If earning capacity is deemed restored, OPM shall discontinue payment of the annuity 180 days from the end of the calendar year. One hundred and eighty days shall be computed on the basis that each month has 30 days. When the disability annuitant is reemployed by a department or agency within the 180-day period, OPM shall discontinue the annuity from the date of reemployment.

(f) *Reemployment.* * * *

(6) A disability annuity awarded to a former National Guard Technician under the provisions of 5 U.S.C. 8337(h), in addition to being subject to the provisions of paragraphs (d) and (e) of this section, shall terminate when—

(i) The annuitant is reemployed by a department or agency, or

(ii) The annuitant declines an offer of employment with a department or

agency which is in the same commuting area and of the same grade as, or a level equivalent to, the position from which the annuitant retired.

* * * * *

9. In § 831.503, paragraphs (b) and (c) are redesignated (c) and (d), respectively. A new paragraph (b) is added, and paragraph (c) is revised, to read as follows:

§ 831.503 Automatic separation; exemption.

* * * * *

(b)(1) The head of the agency, when in his or her judgment the public interest so requires, may exempt a law enforcement officer or firefighter from automatic separation until that employee becomes 60 years of age.

(2) The Secretary of Transportation and the Secretary of Defense, under such regulations as each may prescribe, may exempt an air traffic controller having exceptional skills and experience as a controller from automatic separation until that controller becomes 61 years of age.

(c) When a department or agency lacks authority and wishes to secure an exemption from automatic separation for one of its employees other than a Presidential appointee, beyond the age(s) provided by statute, i.e., age 60 for a law enforcement officer or firefighter, age 61 for an air traffic controller, and age 62 for an employee of the Alaska Railroad in Alaska or an employee who is a citizen of the United States employed on the Isthmus of Panama by the Panama Canal Commission, the department or agency head shall submit a recommendation to that effect to OPM.

(1) The recommendation shall contain:

(i) A statement that the employee is willing to remain in service;

(ii) A statement of facts tending to establish that his/her retention would be in the public interest;

(iii) The period for which the exemption is desired, which period may not exceed 1 year; and,

(iv) The reasons why the simpler method of retiring the employee and immediately reemploying him or her is not being used.

(2) The recommendation shall be accompanied by a medical certificate showing the physical fitness of the employee to perform his or her work.

* * * * *

10. Section 831.504 is revised to read as follows:

§ 831.504 Retirement based on involuntary separation.

(a) *General.* An employee who would otherwise be eligible for retirement based on involuntary separation from the service is not entitled to an annuity under section 8336(d)(1) of title 5, United States Code, if the employee has declined a reasonable offer of another position.

(b) *Criteria for reasonable offer.* For the purposes of determining entitlement to annuity based on such involuntary separation, the offer of a position must meet all of the following conditions to be considered a reasonable offer:

(1) The offer must be made in writing;

(2) The employee must meet established qualification requirements; and

(3) The offered position must be—

(i) In the employee's agency, including an agency to which the employee with his or her function is transferred in a transfer of functions between agencies;

(ii) Within the employee's commuting area as defined in § 831.502(a) of this subpart, unless geographic mobility is a condition of the employee's employment;

(iii) Of the same tenure and work schedule; and

(iv) Not lower than the equivalent of two grades or pay levels below the employee's current grade or pay level, without consideration of the employee's eligibility to retain his or her current grade or pay under Part 536 of this chapter or other authority. In movements between pay schedules or pay systems, the representative rate of the grade or pay level that is two grades below that of the current position shall be compared with the representative rate of the grade or pay level of the offered position. For this purpose, "representative rate" has the meaning given that term in § 536.102 of this chapter.

11. Section 831.701 is revised to read as follows:

§ 831.701 Effective dates of annuities.

(a) Except as provided in paragraphs (b) and (c) of this section, an annuity of an employee or Member commences on the first day of the month after—

(1) Separation from the service; or

(2) Pay ceases and the service and age requirements for title to annuity are met, if earlier than the date of separation.

(b) An annuity of—

(1) An employee involuntarily separated from service (except by removal for cause on charges of misconduct or delinquency) and eligible for an immediate annuity based on that involuntary separation;

(2) An employee or Member retiring due to a disability; and

(3) An employee or Member retiring after serving three days or less in the month of retirement—shall commence on the day after separation from the service or the day after pay ceases and the service and age or disability requirements for title to annuity are met.

(c) An annuity granted under section 8338, title 5, United States Code, commences on the appropriate birthday of the employee or Member.

(d) Survivor annuities commence as provided in § 831.1002.

(e) Except as provided in §831.502, annuity terminates on the date of death or on the date of any other terminating event in each case when OPM terminates the annuity.

(f) Annuity accrues on a daily basis, one-thirtieth of the monthly rate constituting the daily rate. Annuity does not accrue for the thirty-first day of any month, except in the initial month if the employee's annuity commences on the 31st of a 31-day month. For accrual purposes, the last day of a 28-day month constitutes 3 days and the last day of a 29-day month constitutes 2 days.

12. A new § 831.702 is added to read as follows:

§ 831.702 Adjustment of annuities.

(a)(1) An annuity which includes creditable National Guard technician service performed prior to January 1, 1969, shall be reduced by the portion of any benefits under any State retirement system to which an annuitant is entitled (or on proper application would be entitled) for any month in which the annuitant is eligible for State benefits based on the same pre-1969, service.

(2) Any cost-of-living increases in the State benefit shall require a corresponding deduction in the civil service annuity.

(3) Any cost-of-living increase to a civil service annuity shall apply to the gross annuity before deduction for benefits under any State retirement system.

(b) In the adjudication of claims arising under subchapter III of Chapter 83 of title 5, United States Code, OPM shall take appropriate action to obtain the data that it considers necessary to assure the proper annuity deduction. Upon request by OPM, an annuitant shall promptly submit this data.

13. Paragraphs (a), (b), (c), and (d) of § 831.802 are revised to read as follows:

§ 831.802 Supplemental annuity and redetermined annuity.

(a) An annuitant employed in an appointive or elective position that is not subject to another retirement system for Government employees (unless excepted by the first sentence of 5 U.S.C. 8344(a)) may elect to have

deductions for the Fund made from his or her pay. When an annuitant elects to have deductions made, he or she may not change the election during service under that appointive or elective position. When an annuitant is employed continuously for at least one year in such appointive or elective position and actually serves for at least one year on a full-time basis, or the equivalent of one year of full-time service on a part-time basis, in a position not excluded from coverage by section 8331(1)(i) and (ii) of title 5, United States Code, the annuitant is entitled to a supplemental annuity on termination of the employment by separation for more than three calendar days or by conversion to intermittent status; however, if the annuitant performs service on or after October 1, 1982, he or she must make a deposit for all such service if no deductions are taken from his or her salary in order to obtain a supplemental annuity based on the service on or after October 1, 1982. The supplemental annuity is (1) computed under the formula provided by the law in effect at the date of termination of employment, (2) based on all periods of full-time or part-time service performed after his or her retirement (service performed on or after October 1, 1982, must be covered by retirement deductions or a deposit of the retirement deductions which should have been taken, plus interest), with such periods considered as part of his or her total service, and (3) based on the average basic pay (before annuity deduction) received during the periods of full-time or part-time service performed after his or her retirement.

(b) If the annuitant is employed continuously for at least five years in an appointive or elective position and actually serves for at least 5 years on a full-time basis, or the equivalent of 5 years of full-time service on a part-time basis, in a position not excluded from coverage by section 8331(1)(i) and (ii) of title 5, United States Code, the annuitant may make a deposit for service performed before October 1, 1982, (service performed on or after October 1, 1982, must be covered by retirement deductions or a deposit of the retirement deductions that should have been taken, plus interest) and elect instead of the supplemental annuity described herein to have his or her retirement rights redetermined under the law in effect at separation date.

(c) Except as provided in paragraph (d) of this section, the supplemental or redetermined annuity commences (1) on the first day of the month after separation from such employment, or (2) on the first day of the month after the annuitant is converted to an intermittent status and meets the service requirements.

(d) The supplemental or redetermined annuity of—

(1) a reemployed annuitant involuntarily separated from service (except by removal for cause on charges of misconduct or delinquency);

(2) A reemployed annuitant involuntarily converted to an intermittent status;

(3) A reemployed annuitant retiring due to disability; and

(4) a reemployed annuitant retiring after serving three days or less in the month of retirement—

shall commence on the day after separation from the service, the effective date of conversion to intermittent status, or the day after pay ceases and the service requirements for title to supplemental or redetermined annuity are met.

* * * * *

§ 831.803 [Amended]

14. In § 831.803, "annunity" is corrected to read "annuity".

15. In § 831.901, paragraphs (c) and (d) are revised to read as follows:

§ 831.901 Special provisions applicable.

* * * * *

(c) Section 8335(b), pertaining to mandatory separation;

(d) Section 8336(c)(1) pertaining to immediate retirement; and

* * * * *

16. In § 831.903, the introductory text of paragraph (c)(1) is revised to read as follows:

§ 831.903 Law enforcement officer.

* * * * *

(c) * * *

(1) Service in the position transferred to follows service in a law enforcement position without—

* * * * *

§ 831.904 [Amended]

17. In § 831.904(c), § "8336(b)" is corrected to read § "8335(b)".

18. In § 831.905, paragraph (b)(1)(i) and the introductory text of paragraph (c) are revised to read as follows:

§ 831.905 Creditability-of-service determinations.

* * * * *

(b) * * *

(1)(i) The position in which the service was performed was approved by OPM under paragraph (a) of this section as being subject to section 8336(c)(1) of title 5, United States Code; or

* * * * *

(c) In the event an employee is separated mandatorily under section 8335(b) of title 5, United States Code, or is separated for optional retirement under section 8336(c)(1) of title 5, United States Code, and OPM finds that all or part of the minimum service required for entitlement to immediate annuity was in a position in which the employee was not a law enforcement officer or firefighter, such separation shall be considered erroneous. For service held by OPM to have been in a position in which the employee was not a law enforcement officer of firefighter, the employee may, upon proper application, be paid a refund, without interest, of—

* * * * *

19. Section 831.906 is added to read as follows:

§ 831.906 Reemployment of law enforcement and firefighter personnel.

An employee required to retire by 5 U.S.C. 8335(b) may be reemployed until age 60. The prohibition against the reemployment of firefighters and law enforcement personnel after age 60 applies only to those positions involved with the performance of actual firefighting or law enforcement duties as described in §§ 831.903(a) and 831.904(a).

20. In § 831.1002, paragraph (c) is redesignated as paragraph (d), a new paragraph (c) is added, and paragraph (d) is revised to read as follows:

§ 831.1002 Effective dates of survivor annuities.

* * * * *

(c) A survivor annuity which terminates for reasons other than death may be restored under conditions defined in section 8341(e)(2) and (g) of title 5, United States Code.

(d) Survivor annuity accrues on a daily basis, one-thirtieth of the monthly rate constituting the daily rate. Annuity does not accrue for the thirty-first day of any month, except in the initial month if the survivor's (of a deceased employee) annuity commences on the 31st of a 31-day month. For accrual purposes, the last day of a 28-day month constitutes 3 days and the last day of a 29-day month constitutes 2 days.

* * * * *

21. In § 831.1705, paragraph (a)(3) is revised to read as follows:

§ 831.1705 Retirement benefits—amount, when payable.

(a) * * *

(3) Deducted for life insurance premiums pursuant to sections 8707(b), 8714a(d), 8714b(d), and 8714c(d) of title 5, United States Code;

* * * * *

22. Subpart T is added to read as follows:

Subpart T—Payment of Lump-Sums

Sec.
831.2001 Retirement system.
831.2002 Eligibility for lump-sum payment upon filing an Application for Refund of Retirement Deductions (SF 2802).
831.2003 Eligibility for lump-sum payment upon death or retirement.
831.2004 Amount of lump-sums.

Authority: 5 U.S.C. 8347.

Subpart T—Payment of Lump-Sums

§ 831.2001 Retirement system.

For purposes of this part, "retirement system" shall be the civil service retirement system.

§ 831.2002 Eligibility for lump-sum payment upon filing an Application for Refund of Retirement Deductions (SF 2802).

A former employee who has been separated from a covered position for at least 31 days at the time of filing an application for refund and who is ineligible for an annuity commencing within 31 days after the date of filing an application for refund is eligible for a refund for the total lump-sum credit to his or her credit in the Retirement Fund.

§ 831.2003 Eligibility for lump-sum payment upon death or retirement.

(a) If there is no survior who is entitled to monthly survivor annuity benefits on the death of a former employee, annuitant, or survivor annuitant, the total lump-sum credit to the former employee's credit in the Retirement Fund is payable to the person(s) entitled in the normal order of precedence described in section 8342(c), title 5, U.S. Code.

(b) If an immediate annuity or survivor annuity is payable, the former employee or the person entitled in the order of precedence described in section 8342(c), title 5, U.S. Code, may be paid a lump-sum payment of:

(1) Retirement deductions withheld from the employee's pay after he or she became eligible for the maximum annuity, if the employee or survivor does not elect to treat those deductions as voluntary contributions toward the purchase of an additional annuity;

(2) Retirement deductions withheld from the employee's pay during his or her final period of service if the employee was not subject to the retirement system for at least one of the last two years before final separation from service and if the service covered by the deductions is not used for title to annuity;

(3) Partial redeposits of refunds previously paid;

(4) Partial deposits for civilian service performed on and after October 1, 1982;

(5) Partial deposits for post-1956 military service; and

(6) Annuity accrued and unpaid.

(c) A former employee or survivor who is eligible for an immediate annuity or survivor annuity may not be paid a lump-sum payment of:

(1) Partial or completed deposits for nondeduction civilian service performed before October 1, 1982, unless the service covered by the deposit is not creditable under the retirement system;

(2) Completed deposits for nondeduction civilian service performed on and after October 1, 1982, unless the service covered by the deposit is not creditable under the retirement system; or

(3) Completed deposits for post-1956 military service, unless the service covered by the deposit is not creditable under the retirement system.

§ 831.2004 Amount of lump-sums.

If applicable, the amount of a refund shall include interest computed as described in § 831.105(b) of this part.

23. Subpart U is revised to read as follows:

Subpart U—Deposits for Military Service

Sec.
831.2101 Purpose.
831.2102 Scope.
831.2103 Definitions.
831.2104 Eligibility to make deposit.
831.2105 Filing an application to make deposit.
831.2106 Processing applications for deposit for service.
831.2107 Payments on deposits.

Authority: 5 U.S.C. 8347.

Subpart U—Deposits for Military Service

§ 831.2101 Purpose.

This subpart prescribes the procedures to be followed when an employee or Member (or survivor of an employee or Member) wishes to make a deposit for service, and when a former employee or Member who retires or separates from civilian service with title to annuity after September 8, 1982, but before October 1, 1983 (or survivor of such employee or Member), wishes to make a deposit for service.

§ 831.2102 Scope.

This subpart applies to all agencies with employees occupying positions subject to subchapter III of chapter 83 of title 5, United States Code, the United States Senate, and the United States House of Representatives.

§ 831.2103 Definitions.

"Employee" shall have the same meaning as in 5 U.S.C. 8331(1).

"Estimated earnings" is an estimate of basic pay for a period of military service, as determined by an authorized official of the Department of Defense the Department of Transportation, the Department of Commerce, or the Department of Health and Human Services.

"Fund" is the Civil Service Retirement and Disability Fund.

"Member" shall have the same meaning as in 5 U.S.C. 8331(2).

"OPM" is the Office of Personnel Management.

"Period of service" is the total years, months, and days from date of initial entry on active duty (or January 1, 1957, if that is later) to date of final discharge for enlisted military personnel, and to date of final release from active duty for officers and reservists. "Period of service" includes consecutive periods of service where there is no break in service, but does not include any lost time.

"Service" is active honorable military service performed after December 31, 1956.

"Sufficient evidence" of basic pay for service exists when the employee, Member, or survivor eligible to make a deposit for service provides copies of all official military pay documents, as identified in Federal Personnel Manual instructions published by OPM, which show the exact basic pay he or she received for a full period of service. If an employee, Member, or survivor does not have sufficient evidence of basic pay, he or she shall obtain a statement of estimated earnings from the appropriate branch of the military service.

"Survivor" shall have the same meaning as in 5 U.S.C. 8331(10).

§ 831.2104 Eligibility to make deposit.

The following individuals may make deposit for any full period of service performed before the separation on which title to civil service annuity is based:

(a) An employee or Member currently occupying a position subject to subchapter III of chapter 83 of title 5, United States Code, and the survivor(s) of such an employee or Member who dies in service; and

(b) A former employee or Member who was separated with title to an annuity or who retired from a position subject to subchapter III of chapter 83 of title 5, United States Code, after September 8, 1982, and before October 1, 1983, and the survivor(s) of such an employee or Member.

§ 831.2105 Filing an application to make deposit.

(a) An individual described in § 831.2104(a) of this subpart shall file an application for deposit with the appropriate office in the employing agency, or, for Members and Congressional employees, with the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate.

(b) An individual described in § 831.2104(b) of this subpart may, at the time of filing an application for retirement or death benefits, file an application for deposit or complete a deposit with OPM.

§ 831.2106 Processing applications for deposit for service.

(a) The agency, Clerk of the House of Representatives, or Secretary of the Senate shall have the employee or Member:

(1) Complete an application to make deposit;

(2) Provide a copy of his or her DD 214 or its equivalent to verify the period(s) of service; and

(3) Provide sufficient evidence of basic pay, if available, or a statement of estimated earnings.

(b) Upon receipt of the application, the DD 214(s), and either sufficient evidence of basic pay, if available, or a statement of estimated earnings, the agency, Clerk of the House of Representatives, or Secretary of the Senate shall multiply the amount of basic pay by 7 percent to compute the exact deposit owed, exclusive of any interest.

(c) If interest is applicable, it shall be computed in accordance with instructions published by OPM in the Federal Personnel Manual.

(d) The agency, Clerk of the House of Representatives, or Secretary of the Senate shall establish a deposit account showing the total amount due, and a payment schedule (unless deposit is made in a lump sum), and record the date and amount of each payment.

(e) An individual who is eligible to make deposit to OPM shall submit an application to make deposit, accompanied by a copy of his or her DD 214(s) or its (their) equivalent(s), as well as sufficient evidence of basic pay, if available, or a statement of estimated earnings, to OPM.

§ 831.2107 Payments on deposits.

(a) Deposits made to agencies, the Clerk of the House of Representatives or the Secretary of the Senate.

(1) Deposits made to agencies, the Clerk of the House of Representatives or the Secretary of the Senate shall be collected in full in one lump sum whenever this is possible.

(2) If the employee or Member cannot make payment in a lump sum, the agency, the Clerk of the House of Representatives, or the Secretary of the Senate shall accept installment payments (by allotments or otherwise). However, agencies, the Clerk of the House of Representatives, and the Secretary of the Senate will not be required to accept individual checks in amounts of less than $50.

(3) If the employee or Member dies, the employing agency, the Clerk of the House of Representatives or the Secretary of the Senate shall advise the survivor of the right to make or complete a deposit. If the survivor decides to make or complete the payment, the agency, the Clerk of the House of Representatives, or the Secretary of the Senate shall collect the amount due in one lump sum.

(4) Payments received by the employing agency, the Clerk of the House of Representatives, or the Secretary of the Senate shall be remitted immediately to OPM for deposit to the Fund.

(5) Once the employee's, Member's, or survivor's deposit has been paid in full or closed out, the employing agency, the Clerk of the House of Representatives, or the Secretary of the Senate shall submit documentation pertaining to the deposit to OPM, in accordance with instructions published in the Federal Personnel Manual.

(6) Deposits must be made for full periods of service.

(b) Deposits made to OPM.

(1) Deposits made to OPM shall be made in a lump sum prior to final adjudication of the application for retirement or survivor benefits.

(2) Deposits must be made for full periods of service.

(5 U.S.C. 8347)

[FR Doc. 83-23507 Filed 8-25-83; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

United States Standards for Grades of Mixed Nuts In-The-Shell

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Temporary rule.

SUMMARY: This action will temporarily revise the voluntary U.S. Standards for Grades of Mixed Nuts In-The-Shell. One of the largest packagers of mixed nuts has requested that the minimum mixture requirements for almonds (U.S. Extra Fancy and U.S. Fancy grades) be lowered from 10 to 5 percent for the current marketing season. Adverse weather during the growing season has caused a substantial reduction in the Peerless variety of almonds to the extent that supplies will be inadquate for this marketing season. An adjustment of the mixture requirement for this marketing season will assist the industry in providing the public with a major portion of this season's mixed nuts packaged and certified as to grade under the Department's continuous inspection program.

EFFECTIVE DATE: September 2, 1983 through September 1, 1984.

FOR FURTHER INFORMATION CONTACT: Michael V. Morrelli, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-2011.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA Procedures and Executive Order 12291 and has been classified as a non-major rule because it does not meet the criteria contained therein for major regulatory actions.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601) because this action will relax a mixture requirement used in the voluntary grading program for mixed nuts and this action is of a temporary nature.

The current U.S. standards require that only the tree nut species Almonds, Brazils, Filberts, Pecans, and Walnuts may be used in the mixture and that the quantity of each species (U.S. Extra Fancy and U.S. Fancy grades) shall meet

a minimum mixture of 10 percent and a maximum of 40 percent by weight.

In-shell mixed nuts are principally marketed from early October through December. Traditionally, demands for at least 75 percent of this product occur before Thanksgiving. For supplies to reach the retailer in time for the season, packaging of the product must begin during the last week of September. Any substantial delay would mean that the product would not be available for its normal marketing season.

Potential suppliers have advised that the supply of the Peerless variety of almonds, traditionally used in the mixture because of its unique characteristics, will be inadequate to meet the needs for the current marketing season.

The Peerless variety was in short supply during the 1982–83 marketing season. Abnormally large amounts of rain caused a sharp reduction in crop output and also resulted in stained shells further reducing the amount of useable supplies. In view of this severe shortage the standards were temporarily revised to reduce the percentage of almonds required from 10 to 5 percent for the 1982–83 marketing season. Abnormal rainfall has again caused a reduction in crop output. Trade sources estimate that the 1983 crop will be about 15 percent less than the 1982 crop. Consequently, the required minimum 10 percent mixture of almonds for the U.S. Extra Fancy and U.S. Fancy grades again cannot be met.

Therefore, pursuant to the provisions of the Administrative Procedure Act (5 U.S.C 553) good cause is found that it is impractical, unnecessary and contrary to the public interest to give preliminary notice and provide for comments on this action in that: (1) There is insufficient time between the date when information became available upon which the changes incorporated in this action are based and the date to effectuate the final rule; (2) the traditional marketing season for 1983 begins in early September and it is necessary that this action be applicable to this crop; (3) the bulk of marketing occurs by December 31; and (4) major segments of the mixed nut industry concur and request that this action be put in effect as soon as possible.

This action is of a temporary nature because it is based upon emergency circumstances relating to only the present marketing season. Therefore, the minimum percent of almonds for the grades U.S. Extra Fancy and U.S. Fancy is temporarily suspended by changing the percent from 10 to 5 percent.

List of Subjects in 7 CFR Part 51

Agricultural commodities, Food grades and standards, Fruits, Nuts, Vegetables.

Accordingly, the United States Standards For Grades of Mixed Nuts In-The-Shell are amended as follows:

PART 51—[AMENDED]

Sections 51.3521 and 51.3522 are amended by revising footnote 1; as revised, §§ 51.3521 and 51.3522 read as follows:

§ 51.3521 U.S. Extra Fancy.

GRADES

Nut species	Allowable mixture		Minimum size	Minimum grade
	Minimum percent	Maximum percent		
Almonds	[1] 10	40	28/64 inch (11.1mm)	U.S. No. 1.
Brazils	10	40	Medium	Do.
Filberts	10	40	Long type varieties: 44/64 inch (17.5 mm)	Do.
			Round type varieties: 49/64 inch (19.4 mm)	
Pecans	10	40	Extra large	Do.
Walnuts	10	40	Large	Do.

§ 51.3522 U.S. Fancy

Nut species	Allowable mixture		Minimum size	Minimum grade
	Minimum percent	Maximum percent		
Almonds	[1] 10	40	28/64 inch (11.1 mm)	U.S. No. 1.
Brazils	10	40	Medium	Do.
Filberts	10	40	Long type varieties: 44/64 inch (17.5 mm)	Do.
			Round type varieties: 49/64 inch (19.4 mm)	
Pecans	10	40	Large	Do.
Walnuts	10	40	Medium	Do.

[1] The minimum percent of allowable mixture of almonds for the grades U.S. Extra Fancy and U.S. Fancy is temporarily suspended by changing the percent from 10 to 5 percent for the period beginning September 2, 1983, and ending September 1, 1984.

Authority: Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended ([7 U.S.C. 1622, 1624]).

Done at Washington, D.C. on August 22, 1983.

Vern F. Highley,

Administrator, Agricultural Marketing Service.

[FR Doc. 83-23436 Filed 8-25-83; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 910

[Lemon Regulation 426]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 261,091 cartons during the period August 28–September 3, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: August 28, 1983.

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 final 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 the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy currently in effect. The committee met publicly on August 23, 1983, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is good on larger sizes and weaker on smaller sizes.

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

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

Section 910.726 is added as follows:

§ 910.726 Lemon Regulation 426.

The quantity of lemons grown in California and Arizona which may be handled during the period August 28, 1983, through September 3, 1983, is established at 261,091 cartons.

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

Dated August 24, 1983

Charles R. Brader,

Director, Fruit and Vegetable Division Agricultural Marketing Service

[FR Doc. 83-23740 Filed 8-25-83; 11:33 am]

BILLING CODE 3410-02-M

7 CFR Parts 915 and 944

[Florida Avocado Reg. 28; Avocado Import Reg. 34]

Avocados Grown in South Florida and Imported Avocados; Grade and Maturity Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule establishes minimum grade and maturity requirements for shipments of fresh avocados grown in south Florida, and for avocados imported into the United States. Such action is necessary to assure the shipment of ample supplies of mature avocados of acceptable quality in the interest of producers and consumers.

DATES: Effective August 29, 1983 through April 30, 1984.

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 final 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 the Florida avocado crop and of imported avocados for the benefit of producers and consumers, and will not substantially affect costs for the persons directly regulated.

An interim rule was published in the **Federal Register** on June 3, 1983 (48 FR 24860), which specified grade and maturity requirements applicable to shipments of Florida avocados and imported avocados through August 28, 1983. That rule provided an opportunity to file comments through August 2, 1983. No comments were received. This final rule contains the same requirements as specified in the interim rule, except for the removal of those avocado varieties for which minimum weight and diameter requirements have expired.

The Florida avocado regulation is issued under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The avocado import regulation is issued under section 8e (7 U.S.C. 608e–1) of the Act. The grade and maturity requirements applicable to Florida avocado shipments were recommended by the Avocado Administrative Committee, which locally administers this marketing order program.

Both regulations establish U.S. No. 3 as the minimum grade, and prescribe minimum weights or diameters by specified dates as the maturity requirements for the various varieties of avocados. Minimum weights or diameters and picking dates are used as indicators during harvest to determine which avocados are sufficiently mature to complete the ripening process. Skin color is also authorized as a method of determining maturity for certain varieties which turn red or purple when mature. The grade and maturity requirements are designed to assure that the various varieties of avocados will be

of suitable quality and maturity so they provide consumer satisfaction essential for the successful marketing of the crop. These requirements are also designed to provide the trade and consumers with an adequate supply of mature avocados of acceptable quality in the interest of producers and consumers. It is hereby found that this action will tend to effectuate the declared policy of the Act.

Section 8e of the Act requires that when specified domestically produced commodities, including avocados, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements.

The Avocado Administrative Committee estimates 1983–84 season fresh Florida avocado shipments at 1,150,000 bushels (55 pounds) 13 percent less than the estimated 1,325,310 bushels shipped fresh in 1982–83, but 15 percent more than the 976,872 bushels shipped fresh in 1981–83. California fresh avocado shipments were 5,470,531 bushels for the 12-month period ending March 31, 1983. Avocados are imported into the United States in relatively small amounts, mostly from the Dominican Republic.

It is found that it is impracticable and contrary to the public interest to postpone the effective date of this final rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that: (1) No comments were received during the 60 days provided in the interim rule published in the **Federal Register**; (2) the grade and maturity requirements in this final rule, except for the removal of expired requirements, are the same as those in the interim rule; and (3) the avocado import requirements are mandatory under section 8e of the Act, and the required 3 days notice is provided.

List of Subjects

7 CFR Part 915

Marketing Agreements and Orders, Avocados, Florida.

7 CFR Part 944

Food grades and standards, Imports, Avocados.

PART 915—[AMENDED]

Therefore, new § 915.328 is added to read as follows: (section 915.328 expires April 30, 1984, and will not be published in the annual Code of Federal Regulations.)

§ 915.328 Florida Avocado Regulation 28.

(a) During the period August 29, 1983, through April 30, 1984, no handler shall handle any variety of avocados grown in the production area unless:

(1) Such avocados grade at least U.S. No. 3, except for avocados handled within the production area in containers other than those authorized in § 915.305.

(2) Such avocados have any portion of the skin of the individual fruit changed to the color normal for that fruit when mature for those varieties which normally change color to any shade of red or purple when mature, except for the Linda variety.

(3) Such avocados, except as provided in paragraph (a)(2) of this section, meet the minimum weight or diameter requirements for the specified effective periods for each variety listed in the following Table 1: *Provided,* That avocados may not be handled prior to the earliest date specified in column 2 of such table for the respective variety: *Provided further,* That up to a total of 10 percent, by count of the individual fruit in each lot may weigh less than the minimum specified or be less than the specified diameter, except that no such avocados shall be over 2 ounces lighter than the minimum weight specified for the variety: *Provided further,* That up to double such tolerance shall be permitted for fruit in an individual container in a lot.

TABLE I

Avocado variety	Effective period		Minimum size	
	From	Through	Weight (ounces)	Diameter (inches)
West Indian Seedling [1]	8-29-83	9-25-83	14	
Miguel (p)	8-22-83	9-4-83	18	3 15/16
Beta	8-15-83	9-4-83	16	3 1/16
Gorham	8-22-83	9-4-83	27	4 1/16
Tower [2]	8-22-83	9-11-83	12	3 1/16
Tonnage	8-29-83	9-4-83	12	3
Waldin	8-22-83	9-4-83	14	3 1/16
	9-5-83	9-18-83	12	3 1/16
Days	8-15-83	9-5-83	14	3 1/16
Catalina	8-22-83	9-4-83	24	
	9-5-83	9-25-83	22	
Fairchild	8-22-83	9-4-83	16	3 15/16
	9-5-83	9-18-83	14	3 1/16
	9-19-83	9-25-83	12	3 1/16
Loretta	8-22-83	10-2-83	28	4 1/16
Blair	9-5-83	9-18-83	16	3 1/16
	9-19-83	10-9-83	14	3 1/16
Black Prince	8-22-83	9-4-83	28	4 1/16
	9-5-83	9-18-83	23	3 15/16
	9-19-83	10-9-83	16	3 1/16
Booth 8	9-5-83	9-25-83	16	3 1/16
	9-26-83	10-9-83	14	3 1/16
	10-10-83	10-23-83	10	3 1/16
Booth 7	9-5-83	9-18-83	18	3 15/16
	9-19-83	10-2-83	16	3 10/16
	10-3-83	10-16-83	14	3 1/16
Booth 5	9-12-83	9-25-83	14	3 1/16
	9-26-83	10-9-83	12	3 1/16
Guatemalan Seedling [3]	9-12-83	10-9-83	15	
	10-10-83	12-11-83	13	
Marcus	9-12-83	9-25-83	32	4 15/16
	9-26-83	11-6-83	24	4 1/16
Brooks 1978	9-12-83	9-18-83	12	3 1/16
	9-19-83	9-25-83	10	3 1/16
	9-26-83	10-16-83	8	2 15/16
Collinson	9-19-83	10-16-83	16	3 15/16
Rue	9-19-83	9-25-83	30	4 1/16
	9-26-83	10-9-83	24	3 15/16
	10-10-83	10-23-83	18	3 1/16
Hickson	9-19-83	10-2-83	12	3 1/16
	10-3-83	10-16-83	10	3
Simpson	9-26-83	10-16-83	16	3 1/16
Choquette	9-26-83	10-9-83	24	4 1/16
	10-10-83	10-23-83	20	3 15/16
	10-24-83	11-6-83	16	3 1/16
Winslowson	10-3-83	10-23-83	18	3 15/16
Booth 10	10-3-83	10-30-83	16	3 15/16
Booth 11	10-3-83	10-23-83	16	3 15/16
Leona	10-3-83	10-16-83	18	3 15/16
Hall	10-3-83	10-16-83	26	3 15/16
	10-17-83	10-30-83	20	3 1/16
	10-31-83	11-13-83	18	3 1/16
Herman	10-10-83	10-23-83	16	3 1/16
	10-24-83	11-6-83	14	3 1/16
Lula	10-10-83	10-23-83	18	3 15/16
	10-24-83	11-6-83	14	3 1/16
	11-7-83	11-20-83	12	3 1/16
Ajax (B-7)	10-17-83	11-6-83	18	3 15/16
Taylor	10-17-83	10-30-83	14	3 1/16
	10-31-83	11-13-83	12	3 1/16
Booth 3	10-17-83	10-23-83	16	3 1/16
	10-24-83	11-6-83	14	3 1/16
Byars	11-7-83	11-27-83	16	3 15/16
Linda	11-7-83	11-27-83	18	3 15/16
Monroe	11-7-83	11-20-83	24	4 1/16
	11-21-83	12-4-83	20	3 15/16
	12-5-83	12-18-83	16	3 1/16
Booth 1	11-14-83	11-27-83	16	3 15/16
	11-28-83	12-11-83	12	3 1/16
Zio (P)	11-21-83	12-4-83	12	3 1/16
	12-5-83	12-18-83	10	2 15/16
Wagner	11-28-83	12-11-83	12	3 1/16
	12-12-83	12-25-83	10	3 1/16
Brookstate	12-12-83	12-25-83	18	3 15/16
	12-26-83	1-15-84	14	3 1/16
	1-16-84	1-29-84	12	3 1/16
	1-30-84	2-12-84	10	
Meya (P)	12-19-83	1-1-84	13	3 1/16
	1-2-84	1-15-84	11	3

[1] Avocados of the West Indian type varieties and the West Indian type seedlings not listed elsewhere in Table I.
[2] Avocados of the Guatemalan type varieties, hybrid varieties, and unidentified seedlings not listed elsewhere in Table I.

(b) The term "diameter" means the greatest dimension measured at a right angle to a straight line from the stem to the blossom end of the fruit, and the term "U.S. No. 3" means the same as in the U.S. Standards for Grades of Florida Avocados (7 CFR 51.3050–3069).

PART 944—[AMENDED]

Section 944.26 is added to read as follows: (Section 944.26 expires April 30, 1984, and will not be published in the annual Code of Federal Regulations.)

§ 944.26 Avocado Import Regulation 34.

(a) *Applicability to imports.* Pursuant to § 8e of the Act and Part 944—Fruits; Import Regulations, the importation into the United States of any avocados is prohibited during the period August 29, 1983, through April 30, 1984, unless:

(1) Such avocados grade at least U.S. No. 3, as defined in § 915.328.

(2) Such avocados have any portion of the skin of the individual fruit changed to the color normal for that fruit when mature for those varieties which normally change color to any shade of red or purple when mature, except for the Linda variety.

(3) Such avocados, except as provided in paragraph (a)(2) of this section, meet the minimum weight or diameter requirements for the specified effective periods for each variety listed in the following Table 2: *Provided,* That avocados may not be imported prior to the earliest date specified in column 2 of such table for the respective variety: *Provided further,* That up to a total of 10 percent, by count of the individual fruit in each lot may weigh less than the minimum specified or be less than the specified diameter, except that no such avocados shall be over 2 ounces lighter than the minimum weight specified for the variety: *Provided further,* That up to double such tolerance shall be permitted for fruit in an individual container in a lot.

TABLE 2

Avocado variety	Effective period		Minimum size	
	From	Through	Weight (ounces)	Diameter (inches)
West Indian seedling [1]	8-29-83	9-25-83	14	
Catalina	8-22-83	9-4-83	24	
	9-5-83	9-25-83	22	
Guatemalan seedling [2]	9-12-83	10-9-83	15	
	10-10-83	12-11-83	13	

[1] Avocados of the West Indian type varieties and the West Indian type seedlings.
[2] Avocados of the Guatemalan type varieties, hybrid varieties, and unidentified seedlings except for the Catalina variety.

(b) It is hereby found that avocados imported into the United States shall meet the same grade and maturity requirements specified in § 915.328 for avocados grown in South Florida under M.O. 915 (7 CFR Part 915), except that all varieties of avocados, other than the Catalina variety, shall meet comparable weight or diameter maturity requirements, because it is not practicable to apply the same requirements due to the variations in characteristics between avocados grown in Florida and avocados imported into the United States.

(c) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) and in accordance with the Procedure for Requesting Inspection and Designating the Agencies to Perform Required Inspection and Certification (7 CFR Part 400).

(d) The term "importation" means release from custody of the United States Customs Service.

(e) *Minimum quantity exemption.* Any person may import up to 55 pounds of avocados exempt from the requirements specified in this section.

(f) Any lot or portion thereof which fails to meet the import requirements prior to or after reconditioning may be exported or disposed of under the supervision of the Federal or Federal-State Inspection Service with the costs of certifying the disposal of said lot borne by the importer.

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

Dated: August 23, 1983.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-23438 Filed 8-25-83; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 75

[Docket No. 83-051]

Contagious Equine Metritis (CEM); Areas Released From Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document removes certain premises in Kentucky from the list of areas quarantined because of contagious equine metritis (CEM). Based on surveys, it has been determined that CEM no longer exists on these premises. The effect of this action is to remove restrictions on the interstate movement of horses and other equidae from these premises.

EFFECTIVE DATE: August 26, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. C. A. Gipson, USDA, APHIS, VS, Room 826, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8321.

SUPPLEMENTARY INFORMATION: The "Communicable Diseases in Horses, Asses, Ponies, Mules, and Zebras" regulations in 9 CFR Part 75, among other things, impose restrictions on the interstate movement of horses and other equidae from areas designated as quarantined areas because of contagious equine metritis (CEM).

This document, on an emergency basis, amends 9 CFR Part 75 by removing the following premises in the following counties in Kentucky from the list of areas quarantined because of CEM:

County	Premises
Boone	Liberty Hill Farm.
Bourbon	Bradyleigh Farm.
	Claiborne Farm.
	Miracle Acres.
	Stonereath Farm.
	Spring Place Farm.
	Weathering Farm.
Fayette	Belair Farm, Ltd.
	Bluegrass (Houston) Farm.
	Hagyard Farm.
	Highcroft Farm.
	Mereworth Farm.
	Mill Ridge Farm.
	Murty Farm.
	North Ridge Farm.
	Twin Eagles Farm.
	Wimbleton Farm.
Graves	Harrison Evans Farm.
Jessamine	Taylormade Farm.
Kenton	Charles Deters Farm.
Mercer	Shawnee Farm.
Scott	Beaconsfield Farm.
	Hollingsworth Farm.
	McMillan Brothers Farm.
	Westgrove Farm.
Woodford	Buck Pond Farm.
	Shadowlawn Farm.
	Kinirey Stud Farm.

Based on surveys conducted by personnel of the U.S. Department of Agriculture and the State of Kentucky it has been determined that CEM no longer exists on these premises. Therefore, in order to remove unnecessary restrictions on the interstate movement of horses and other equidae from these premises, it is necessary to remove these premises from the list of areas quarantined because of CEM.

Executive Order 12291

This final action has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule." The Department has determined that this rule will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any significant adverse effects on competition, employment, investment,

productivity, or innovation, or on 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.

Certification Under the Regulatory Flexibility Act

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. This action affects only breeding and boarding establishments owned by 28 entities located in nine counties in the State of Kentucky. This compares with at least 10,000 similar establishments in the entire United States.

Emergency Action

Dr. E. C. Sharman, Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, has determined that the emergency nature of this final rule warrants publication without opportunity for public comment. This amendment relieves restrictions no longer deemed necessary to prevent the spread of CEM from certain areas which have been determined to be free of CEM. Also, this amendment must be made effective immediately in order to permit affected persons to move horses interstate from such areas without unnecessary restrictions.

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

List of Subjects in 9 CFR Part 75

Animal diseases, Horses, Quarantine, Transportation, Equine, Contagious Equine Metritis (CEM).

PART 75—COMMUNICABLE DISEASES IN HORSES, ASSES, PONIES, MULES, AND ZEBRAS

Accordingly, 9 CFR Part 75, is hereby amended in the following respects:

§ 75.7 [Amended]

1. In § 75.7(a)(1), relating to the State of Kentucky, paragraph (i), relating to Boone County, is removed.

2. In § 75.7(a)(1), relating to the State of Kentucky, in paragraph (ii), relating to Bourbon County, paragraphs (ii)(A), (ii)(B), (ii)(D), (ii)(E), (ii)(F), (ii)(G), and (ii)(H) are removed; and paragraph (ii)(C) is redesignated (ii).

3. In § 75.7(a)(1), relating to the State of Kentucky, in paragraph (iv), relating to Fayette County, paragraphs (iv)(A) through (iv)(K) and (iv)(M) through (iv)(R) are removed; and paragraph (iv)(L) is redesignated (iv).

4. In § 75.7(a)(1), relating to the State of Kentucky, paragraph (v), relating to Graves County, is removed.

5. In § 75.7(a)(1), relating to the State of Kentucky, paragraph (vi), relating to Jessamine County, is removed.

6. In § 75.7(a)(1), relating to the State of Kentucky, paragraph (vii), relating to Kenton County, is removed.

7. In § 75.7(a)(1), relating to the State of Kentucky, in paragraph (viii), relating to Mercer County, paragraph (viii)(B) is removed and paragraph (viii)(A) is redesignated as (viii).

8. In § 75.7(a)(1), relating to the State of Kentucky, in paragraph (x), relating to Scott County, paragraphs (x)(A), (x)(D), (x)(E), and (x)(F) are removed; and paragraphs (x)(B) and (x)(C) are redesignated (x)(A) and (x)(B), respectively.

9. In § 75.7(a)(1), relating to the State of Kentucky, paragraph (xi), relating to Woodford County, is removed.

10. In § 75.7(a)(1), relating to the State of Kentucky, paragraph (ii) is redesignated (i); paragraph (ii) is redesignated (iii); paragraph (iv) is redesignated (iii); paragraph (viii) is redesignated (iv); paragraph (ix) is redesignated (v); and paragraph (x) is redesignated (vi).

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), 7 CFR 2.17, 2.51, 371.2(d))

Done at Washington, D.C., this 22d day of August 1983.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-23533 Filed 8-25-83; 8:45 am]

BILLING CODE 3410-34-M

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Small Business Innovation Research Program; Policy Directive

AGENCY: Small Business Administration.

ACTION: Rule-related notice; publication of Policy Directive No. 65 01.1.

SUMMARY: This document revises the Small Business Innovation Research (SBIR) Program Policy Directive No. 65 01 which was published on November 24, 1982 (47 FR 52966). This revised policy directive reflects comments received from the public, participating agencies, associations and small business concerns. It is intended to provide guidance to participating Federal agencies for the general conduct of their fiscal year 1984 SBIR programs.

DATES: This policy directive is effective August 26, 1983.

ADDRESSES: Written comments should be submitted to Richard J. Shane, Director, Division of Research Acquisition Policy, Office of Innovation, Research and Technology, Room 500, 1441 L Street, N.W., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Donald R. Templeman, Assistant Administrator for the Office of Innovation, Research and Technology, phone number: (202) 653–7875.

SUPPLEMENTARY INFORMATION: Public Law 97–219 96 Stat. 221, amended section 9(j) of the Small Business Act, 15 U.S.C. 631, *et seq.*, to establish a government-wide Small Business Innovation Development program. The law directed the Small Business Administration (SBA), by November 19, 1982, to develop, issue and maintain Small Business Innovation Research (SBIR) program policy directive to be used as guidance by the participating agencies. Policy Directive 65 01.1 represents the first major revision to the original policy directive and is intended to provide guidance to the agencies for their Fiscal Year 1984 SBIR programs.

This amended policy directive has been modified to reflect oral and written comments and clarifications received from the public, participating agencies, associations and small business concerns. During the 120 day comment period allowed for the original directive, SBA received four written comments from the public, one of which was germaine to the SBIR policy directive. That comment dealt with the treatment of data rights under the SBIR program and will be subject of a subsequent policy directive amendment. In compliance with Pub. L. 97–219, 96 Stat. 221, SBA has also consulted on this amended policy directive with the Director of the Office of Federal Procurement Policy, the Director of the Office of Science and Technology Policy and the Intergovernmental Affairs Division of the Office of Management and Budget.

SBA is issuing this amended policy directive in final form without additional opportunity for prior public comment

because of the proximity of the start of the FY 1984 contracting/granting year. However, SBA welcomes public comment upon this policy directive subsequent to its publication and will consider all comments carefully in revising the policy directive in the future as may be necessary to improve the general conduct of the Small Business Innovation Research Program.

SBIR Policy Directive No. 65 01, published November 24, 1982, 47 FR 52966, *et seq.*, has been modified as follows to reflect comments and recommended clarifications of the public, participating agencies, associations and small business concerns. It is intended that participating agencies will adopt these changes in their FY 1984 SBIR programs.

A. Substantive Changes in the Text of Policy Directive No. 65 01

1. Among the introductory comments, number 3, entitled "Procurement Regulations," has been modified to state that the Federal Procurement Regulations may, rather than will, need to be modified to conform with Pub. L. 97-219 and this policy directive.

2. Paragraph 2(d)(2) has been changed to clarify that all types of non-SBIR funding agreements with the Federal Government are acceptable for Phase III funding.

3. Paragraph 4, subsections (f), (g), (h), (i), and (j) have been changed in the following respects: subsection (f), which states the definition of minority and disadvantaged small business, now makes clear that the definition applies only to businesses that are small according to section 3 of the Small Business Act, 15 U.S.C. 631, *et seq.*

Subsection (g), which defines small business for purposes of the SBIR program, has been expanded to state the statutory and regulatory requirements of the Small Business Act and its implementing regulations. It is required that the concern be independently owned and operated, not dominant in its field of operation, and have its principal place of business located in the United States. Additionally, it must be at least 51 percent owned, or in the case of a publicly owned business, at least 51 percent of its voting stock must be owned by United States citizens or lawfully admitted permanent resident aliens. It must also have, including its affiliates, no more than 500 employees and meet the other regulatory requirements found in Title 13, Part 121 of the Code of Federal Regulations. The subsection also defines "affiliates" and "business concerns," and references the definition of "number of employees" found in Title 13 of the Code of Federal Regulations.

Subsection (h) has been amended by adding the word "small" before business in the first line to clarify that women-owned businesses must also be small businesses according to section 3 of the Small Business Act and its implementing regulations.

Former subsection (i), which defined "SBIR program," has been deleted as duplicative of paragraph 6 of the policy directive. New subsection (i) is a redesignation of former subsection (j). In addition, a sentence has been included in subsection (j) to clarify that announcements in the *Commerce Business Daily* or **Federal Register** will not be considered SBIR program solicitations.

4. Paragraph 5(c) has been amended to clarify that the goal set by an agency in compliance with Pub. L. 97-219 must be for non-SBIR research and R&D funding agreements reached with small businesses. This new subsection also makes clear that SBIR awards may not be counted toward these goals. These amendments are consistent with the legislative history of the Act. The Act's purpose is to increase small business participation in research and R&D, not merely to redirect current research and R&D funding agreements within the small business community.

5. Paragraph 6, subsections (c) and (d) have been amended in several respects. Subsection (c) has been modified to reiterate that, for Phase I, a minimum of two-thirds the research and/or analytical effort must be performed by the proposing small concern. This subsection has also been amended to require that a minimum of one-half of the research and/or analytical effort in Phase II be performed by the proposing firm. This change was made in response to a concern voiced frequently by participating agencies and members of the public that the previous requirement of two-thirds in-house research or analytical effort for Phase II was too restrictive. This subsection contains a clarified definition of "primary employment." It states that the principal investigator must spend one-half of his/her time in the employ of the proposing small business.

Finally, this subsection specifies a previously implicit requirement that Phase I and Phase II research and R&D work be performed in the United States and it includes a definition of "United States" for purposes of the SBIR program. This requirement is consistent with the intent of Congress to enhance United States' R&D capabilities through the establishment of a Federal Government-wide SBIR program. The legislative history of the Act is replete with references to the gap in technology between the United States and other nations. It is clear that Congress intended the R&D advances resulting from this program to remain in this country and to benefit the United States. One way to encourage that result is to require that the research and R&D be performed in the United States by firms which are at least majority-owned by United States citizens or lawfully admitted permanent resident aliens. Therefore, these requirements have been made a part of the SBIR program for FY 1984.

In subsection (d)(1)(b), SBA has deleted a factor from the secondary consideration recommended for evaluation of Phase I proposals. That factor is whether or not a proposer intends to obtain follow-on non-Federal funding to pursue the commercial applications in Phase III. Comments from participating agencies and the public indicated that the Phase I proposal stage is often too early for firms to know this information.

Subsection (d)(2) contains a clarification that, in some cases, Phase II awards may not provide the total funding necessary to complete all of the R&D required to satisfy commercial or Federal needs beyond the SBIR program. For example, some firms may have to secure other funding to complete their projects prior to commercializing them. In addition, this subsection formerly suggested that agencies accord a preference to firms which would show a commitment of Phase III non-Federal funding at least equal to the amount requested from the Federal Government in Phase II. Any reference to such a preference has been deleted. SBA believes that this matter is better left to the discretion of participating agencies.

Subsection (d)(3) has been changed to make clear that Phase III follow-on funding may also consist of non-SBIR federally funded R&D or production funding agreements.

6. Paragraph 8 has been condensed. Subsection (a) describes the mailing list used for the SBIR program by SBA and notes that a two week period will be required to answer requests for the SBA mailing list. Subsection (d) now contains an abbreviated description of SBA's Procurement Automated Source System (PASS).

7. Paragraph 9 has been amended to delete references to the FY 1983 solicitations. In addition, this paragraph establishes presolicitation procedures. Experience with the program has taught that a regular release schedule for the presolicitation announcement published

by SBA is the most efficient and cost-effective manner for SBA to comply with its statutory requirement to publish such information. The following summarizes the presolicitation procedures:

SBA intends to publish four presolicitation announcements this fiscal year, one each on September 20, December 20, March 20 and June 20. Agencies may release their solicitations not less than 10 days after the publication of the presolicitation announcement which contains notice of that solicitation. This procedure also requires agencies to notify SBA in writing of their proposed solicitation dates and to have their written presolicitation announcement nformation to SBA 30 days prior to the presolicitation issuance date for the quarter in which that solicitation is to be released.

8. Paragraph 10, formerly entitled "Phase I Program Solicitation Release Schedule or Master Schedule," has been retitled "Phase I Program Presolicitation Announcements" to reflect more accurately the publications prepared and issued by SBA prior to the release of SBIR solicitations by the participating agencies. After release of the presolicitation announcement for that quarter, any changes must be reported to SBA in writing. This subsection notes that, where possible, amendments to the presolicitation announcements will be released separately.

In subsection (b) of paragraph 10 references to FY 1983 have been deleted and a requirement has been added that agencies provide the necessary presolicitation announcement information to SBA within 30 days prior to the issuance dates of the announcement stated in the master schedule

9. Paragraph 11, subsection (b) requires that agencies increase the number of copies of their solicitations which they provide SBA from 5 to 10 copies. Five copies was found to be insufficient to accommodate SBA's monitoring needs. In addition, this subsection requires that the copies be received by SBA "no later than the release of the solicitation or modification to the public." This provision is intended to insure that SBA is kept current on the status of such solicitations in order to assist small businesses which may have questions regarding the solicitations or any modifications to the solicitations.

10. Paragraph 12, subsection (a)(1)(c) has been amended to require that all similar proposals and any previous Federal Government award be identified by subject, due date and agency and be reported to the soliciting agency as part of the firm's SBIR proposal. Policy Directive No. 60 05 required firms to report previous similar SBIR awards only. This amendment is intended to prevent Federal funding of duplicative research regardless of the program under which it has been originally funded.

Subsection (d) has been rephrased to clarify that proposal review cycle requirements are for Phase I only. Phase II proposal submissions, review and selections are to be dealt with through arrangements between the agency and the Phase I performer competing for the Phase II award.

Subsection (i)(1) of this paragraph has been amended to delete the description of "cost basis" as duplicative of the definition of funding agreement. Any type of funding agreement is acceptable under the SBIR program as long as it is consistent with the guidelines of Pub. L. 97-224 (41 U S.C. 501) and with the practices of the awarding agency for similar research or R&D awards.

Subsection (i)(2) has been modified to make clear that reasonable fee or profit on SBIR funding agreements should be the norm. This requirement is consistent with one of the purposes of the Act which is to increase the involvement of small for-profit businesses in the nation's research and R&D efforts.

Subsection (k)(2) has been amended to require that, within 30 days after an award of a funding agreement exceeding the amounts suggested in the legislative history of the Act ($50,000 and $500,000 for Phases I and II respectively), the agency must provide SBA with a written justification of its decision to exceed those suggested amounts. The same requirement of a written justification has also been added for any increases in funding which would bring the cumulative dollar awards to the same firm for the same project above the $50,000 or $500,000 benchmarks.

A new subsection (m) has been included in this amended policy directive which cautions agencies about potential conflicts of interest that could arise from an agency funding a proposal submitted by a former agency employee or even by a former employee of another Federal agency This subsection also refers participating agencies to their individual standards of conduct review procedures to screen for potential conflicts of interest.

11 Paragragh 13, subsection (a), has been amended to clarify that annual reports to SBA required by Pub. L. 97-219 will be for the period ending September 30 of each fiscal year and must be submitted within 90 days of the date

Subsections (b) and (c) are new sections listing all the reporting requirements for the agencies having SBIR programs and goaling programs under Pub. L. 97-219 (non-SBIR awards over $10,000). Each requirement has been discussed with participating agencies and some have been revised per agency suggestion.

Subsection (e) requires that agencies submit 5 copies of each annual report to SBA.

12. Paragraph 16 is a new paragraph which describes the efforts which SBA and the participating agencies intend to make to carry out the Act's mandate "to foster and encourage participation by minority and disadvantaged persons in technological innovation."

B. Substantive Changes in the Appendix to Policy Directive No. 65 01

1. In the introductory material entitled "Format Description," Research Topics, former Part III has been redesignated Part VIII and former sections IV through VIII have been renumbered accordingly

2. Section I, (C), containing a description of eligibility for the SBIR program, has been amended to include the requirement that Phase I and Phase II research and R&D work be performed in the United States and defines "United States" for purposes of this program.

3. Section II now requires that the definitions of "women-owned business" and "subcontracting" be included in the definitions sections of the agencies' solicitations.

4. Section III(A) has been amended to increase the page limit on Phase I proposals from 20 to 25 pages, including the cover page. This change was made in response to comments from the public and the participating agencies indicating that the 20 page ceiling may be too restrictive in certain fields of research.

5. Section III(B) has been amended to require that a certification of woman-owned business be added to the proposal cover sheet requirements which are listed in the solicitation. Beginning in FY 1984, SBIR solicitations are required to state that both the certifications of small minority and disadvantaged business and woman-owned small business are for statistical purposes only

6. Section III(B)(1) contains a disclosure permission statement which must be included in the solicitation. Formerly a signed permission statement merely granted the agency permission to release the title of the project and the name, address and telephone number of a corporate official of the firm. The permission statement has been expanded to grant permission to the

agencies to release a technical abstract of the project also. This change has been made to assist small businesses in locating other means of funding their research and development projects. Often potential investors who are interested in projects request a technical abstract of the project in addition to the project title before they are willing to discuss the project with the small firm.

7. Sections III(B) (9) and (10) impose a requirement to be included in the SBIR solicitations that the proposer provide a project summary, which must include the agency name, the solicitation number, the solicitation topic and subtopic and up to 8 key words which describe the project.

8. Section III(d)(3) has been amended to delete the requirement that at least one-third of the proposal for Phase I consist of the proposed work plan. This requirement was found to be inappropriate in some circumstances.

9. Section III(D)(8) has been amended to delete from this portion of the Appendix the requirement that, absent written approval by the funding agreement officer, no more than 33 percent of a funding agreement may be expended on consultant fees, leases, and other subcontracts. This requirement has been retained in substance in section V(H) of the SBIR Appendix.

10. Section III(D)(9) contains a requirement of a description of potential post-SBIR applications of the proposed project. This description has been modified to include both potential future commercial and Federal Government applications of the proposed project. Future Federal Government applications have been inadvertently omitted from Policy Directive No. 65 01.

11. Section III(D)(10)(A) has been amended to clarify that all awards from Federal agencies, whether SBIR and non-SBIR, must be identified.

12. Section V(B) has been amended to delete a page length requirement from the description of the reports which will be required under Phase I funding agreements. It is intended that interim reports be brief letter-type reports.

13. Section V(C) has been amended to provide that payment schedules must also specify the frequency of payment in addition to the method of payment under Phase I agreements.

14. Section V(D)(1)(a) has been amended to delete the inference that proposals containing legends indicating that proprietary information is present in the proposal which differ from the prescribed version would be returned to the proposer. This method of handling divergent legends has been found to be too costly to implement. This section, as amended, now states that such proposals may simply be removed from consideration for an SBIR award.

15. The requirement of section V(G) that solicitations include a provision concerning joint ventures and limited partnerships has been reworded to make clear that such entities are eligible for SBIR awards if they qualify as a small business as defined in the program solicitation.

16. Section V(H), which deals with subcontracting limits, has been amended to treat Phase I and Phase II separately and to clarify that, absent written approval to the contrary by the funding agreement officer, a minimum of two-thirds of the research or analytical work for Phase I must be performed by the proposing small business. Similarly, absent written approval to the contrary, a minimum of one-half of the research or analytical effort in Phase II must be performed by the proposing firm.

17. Section VI(C) has been amended to require the soliciting agency to include in the solicitation a delivery address as well as a mailing address, if the delivery address differs from the mailing address. This amendment will facilitate timely receipt by agencies of hand-delivered proposals.

C. Technical Changes

In general, there are three technical changes which were made consistently throughout the amended policy directive. First, when referring to the type of activity funded by the SBIR program, "research and R&D" was used, rather than merely research and development. This change was made to reflect the statutory intent that basic research also is properly part of the SBIR program.

Second, any previous reference to contract or contractor has been amended to state funding agreement or awardee since the program applies to all types of SBIR funding agreements and awardees of those agreements.

Finally, all references to topic in Policy Directive No. 65 01 have been amended to include topic and subtopic. These designations are more useful to the participating agencies and are consistent with their current methods of collecting information.

Dated: August 19, 1983.

James C. Sanders,

Administrator.

U.S. Small Business Administration, Washington, D.C. 20416.

Small Business Innovation Research Program Policy Directive 65 01.1.

To The Heads of Executive Departments and Establishments.

Subject: Small Business Innovation Development Act, Small Business Innovation Research Programs.

1. *Purpose.* To modify the policy directive pursuant to public comment of associations and small business concerns.

2. *Authority.* This Policy Directive is issued pursuant to the authority contained in 15 U.S.C. 638 (Pub. L. 97-219, 96 STAT. 217, "Small Business Innovation Development Act of 1982").

3. *Procurement Regulations.* It is recognized that Federal procurement regulations (currently, DAR, FPR and NASAPR) may need to be modified to conform to the requirements of Pub. L. 97-219 and this policy directive. Agencies responsible for the regulations, DOD, GSA and NASA are encouraged to proceed rapidly with necessary changes to the regulations. Regulatory provisions pertaining to areas of SBA responsibility, as established by Pub. L. 97-219, will require approval of the SBA Administrator or his designee. SBA's Office of Innovation, Research and Technology is the appropriate office for coordinating such regulatory provisions.

4. *Personnel Concerned.* All Federal Government personnel who are involved in the administration, funding agreements and technical process of the Small Business Innovation Research Program and the establishment of goals for small business concerns in research or research and development acquisitions or grants.

5. *Distribution.* Federal Government agencies and departments with Small Business Innovation Research Programs and those required to establish small business research and development goals as directed by Pub. L. 97-219.

6. *Originator.* Small Business Administration, Office of Innovation, Research and Technology.

Authorized by:

Donald R. Templeman,

Assistant Administrator, Office of Innovation, Research and Technology.

James C. Sanders,

Administrator.

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Appendix: 1. Instructions for SBIR Program Solicitation Preparation

1. Purpose

a. Section 9(j) of the Small Business Act (as amended by Pub. L. 97-219) requires that "the Small Business Administration . . . issue policy directives for the general conduct of the Small Business Innovation Research (SBIR) program within the Federal Government . . ."

b. This policy directive fulfills this statutory obligation and provides guidance to the participating Federal agencies for the general conduct of the SBIR program, including research or research and development (R,R&D) goaling requirements. Additional instructions may be issued by the Small Business Administration (SBA) as a result of public comment or experience. These instructions will be issued as additional of replacement pages for this directive

2. Summary of Legislative Provisions

The Small Business Innovation Development Act of 1982, Pub. L. 97-219, that became law on July 22, 1982, amends the Small Business Act (15 U.S C. 631).

a. The purposes of the Act are to:

(1) Stimulate technological innovation.

(2) Use small business to meet Federal research and development needs.

(3) Increase private sector commercialization of innovations derived from Federal research and development.

(4) Foster and encourage minority and disadvantaged participation in technological innovation.

b. The Act Mandates that Federal agencies establish SBIR programs if their FY 1982 extramural budgets for research or R&D exceed stated threshold figures ($100 million). The Act also requires agencies whose R,R&D budgets exceed a lower threshold figure ($20 million), to establish specific goals for the participation of small business in contracts, grants, or cooperative agreements for research or R&D

(1) No goal may be less than the percentage of the agency's R,R&D budget expended with small business under grants, contracts, and cooperative agreements in the immediately preceding fiscal year.

(2) Agencies with budgets over $100 million shall have both programs.

c. The statutory requirements are aimed at assisting small business by establishing a uniform, simplified format for the operation of the SBIR programs while allowing the participating agencies flexibility in the content and operation of their individual SBIR programs.

d. The Act states that each participating agency will establish an SBIR program by reserving a statutory percentage of its extramural budget to be awarded to small business concerns for research or R&D through a uniform, three-phase process.

(1) The first two phases will help agencies meet their R&D objectives.

(2) The third phase, where appropriate, is to pursue commercial applications from the Government-funded research or R&D to stimulate technological innovation and the national return on investment from research or R&D or for further contracting or grant activities with Federal agencies through non-SBIR funding agreements.

e. The Act mandates that each agency required to have an SBIR program or to establish research or research and development goals must report annually to SBA.

(1) Agencies having an SBIR program must also annually report to the Office of Science and Technology Policy.

(2) The Act also requires SBA to acquire annual reports and monitor each agency's SBIR program and to report its findings annually to the House and Senate Committees on Small Business.

f. Effective October 1, 1988, the Small Business Innovation Act of 1982 is repealed.

3. Minimizing Regulatory Burden

a. Important objectives in establishing uniform SBIR program implementation are to:

(1) Minimize the creation of new or complex regulations.

(2) Ensure that the program s requirements are met.

(3) Simplify and standardize application of existing regulations related to the program. The explicit nature of the SBIR legislation concerning certain recognized acquisition procedures provides a strong base of authority for streamlining the process for obtaining research or R&D from small highly innovative business concerns.

(a) The above includes funding allocations, centralized SBIR technology management, and routine operational implementation.

(b) Where not contrary to existing statutory requirements, each agency is authorized to establish financial procedures and financing mechanisms that it deems necessary to properly implement the SBIR, including, but not limited to, obligating funds solely on the basis of proposal merit without regard to the purpose for which funds were originally appropriated, and transferring assessed funds to a single account to facilitate financial management, reporting, and oversight.

(c) The participating agencies are encouraged to initiate or continue their development of simplified procedures that may be used on SBIR actions. Submit information concerning simplified procedures to the SBA for possible general program improvements.

b. No participating agency may promulgate a rule or regulation that is contrary to or inconsistent with the SBIR legislation or this policy directive.

4. Definitions

a. *Research or Research and Development (R,R&D).* Any activity that is:

(1) A systematic, intensive study directed toward greater knowledge or understanding of the subject studied.

(2) A systematic study directed specifically toward applying new knowledge to meet a recognized need.

(3) A Systematic application of knowledge toward the production of useful materials, devices, and systems or methods, including design, development, and improvement of prototypes and new processes to meet specific requirements.

b. *Extramural Budget.* The sum of the total obligations for R,R&D minus amounts obligated for R,R&D activities by employees of the agency in or through Government-owned, Government-operated facilities, except that for the Agency for International Development it shall not include amounts obligated solely for general institutional support for international research centers or for grants to foreign countries.

c. *Federal Agency.* An executive agency as defined in 5 U.S.C. 105, or a military department as defined in 5 U.S C. 102 except that is does not include any agency within the Intelligence Community as defined in Executive Order 12333, Section 3.4(f), or its successor orders.

d. *Funding Agreement.* Any contract, grant, or cooperative agreement entered

into between any Federal agency and any small business for the performance of experimental, developmental, or research work funded in whole or in part by the Federal Government.

e. *Subcontract.* Any agreement, other than one involving an employer-employee relationship, entered into by a Federal Government funding agreement awardee calling for supplies or services required solely for the performance of the original funding agreement.

f. *Minority and Disadvantaged Small Business.* A minority and disadvantaged small business concern is one that is:

(1) At least 51 percent owned by one or more minority and disadvantaged individuals; or in the case of any publicly owned business, at least 51 percent of the voting stock of which is owned by one or more minority and disadvantaged individuals; and

(2) Whose management and daily business operations are controlled by one or more of such individuals.

A minority and disadvantaged individual is defined as a member of any of the following groups:

(1) Black Americans.

(2) Hispanic Americans.

(3) Native Americans.

(4) Asian-Pacific Americans.

(5) Asian-Indian Americans.

g. *Small Business.* A small business concern is one that, at the time of award of Phase I and Phase II:

(1) Is independently owned and operated, is not dominant in the field of operation in which it is proposing, and has its principal place of business located in the United States;

(2) Is at least 51 percent owned, or in the case of a publicly owned business, at least 51 percent of its voting stock is owned by United States citizens or lawfully admitted permanent resident aliens;

(3) Has, including its affiliates, a number of employees not exceeding 500, and meets the other regulatory requirements found in 13 CFR Part 121. Business concerns, other than investment companies licensed, or state development companies qualifying under the Small Business Investment Act of 1958, 15 U.S.C. 661, *et seq.*, are affiliates of one another when either directly or indirectly (A) one concern controls or has the power to control the other; or (B) a third party or parties controls or has the power to control both. Control can be exercised through common ownership, common management, and contractual relationships. The term "affiliates" is defined in greater detail in 13 CFR 121.3-2(a). The term "number of employees" is defined in 13 CFR 121.3-2(t). Business concerns include, but are not limited to, any individual, partnership, corporation, joint venture, association or cooperative.

h. *Women-Owned Small Business.* A small business that is at least 51 percent owned by a woman or women who also control and operate it. "Control" in this context means exercising the power to make policy decisions. "Operate" in this context means being actively involved in the day to day management.

i. *Program Solicitation.* A formal solicitation of proposals whereby an agency notifies the small business community of its research or R&D needs and interests in selected areas and requests proposals in response to these needs from small business concerns. Announcements in the Federal Register or the Commerce Business Daily are not to be considered substitutes for an SBIR program solicitation.

5. Program Levels.

The Act directs that agencies shall conduct SBIR programs beginning in FY 1983 and in subsequent fiscal years depending upon the size of their extramural research or R&D budgets as defined in Sec. 4. of Pub. L. 97-219.

a. Each agency extramural research or R&D budget for FY 1982 or any fiscal year thereafter in excess of $10 billion shall establish an SBIR program and set aside and expend funds through funding agreements. The program shall be phased in over 5 years using set extramural funding percentages. The percentages of the extramural budget for the program are for:

(1) FY 1983, 0.1%.

(2) FY 1984, 0.3%.

(3) FY 1985, 0.5%.

(4) FY 1986, 1.0%.

(5) FY 1987 and FY 1988, 1.25%.

b. Each agency with an extramural research or R&D budget in FY 1982 or any year after that in excess of $100 million but less than $10 billion shall establish an SBIR program and set aside and expend funds through funding agreements. The program shall be phased in over 4 years using set extramural funding percentages. The percentages of extramural funding for the program are for:

(1) FY 1983, 0.2%.

(2) FY 1984, 0.6%.

(3) FY 1985, 1.0%.

(4) FY 1986 through FY 1988, 1.25%.

c. Each agency that has a research or R&D budget for any fiscal year beginning with FY 1983 in excess of $20 million shall establish non-SBIR goals for the awarding of funding agreements with small businesses in research or R&D. Any goal established shall not be less than the agency's non-SBIR achieved percentage to small business in research or R&D funding the preceding fiscal year. SBIR awards may not be counted toward this non-SBIR goal achievement. Non-SBIR awards to small business may not be counted toward meeting SBIR program funding levels or achievement.

6. Small Business Innovation Research Program

a. The SBIR program is a phased process uniform throughout the Federal government of soliciting proposals and awarding funding agreements for research or R&D to meet stated agency needs or missions.

b. Each agency shall at least annually issue an SBIR solicitation that sets forth a substantial number of research or R&D topic and subtopic areas consistent with stated agency needs or missions. Both the list of topics and the description of the topics and subtopics shall be sufficiently comprehensive to provide a wide range of opportunity for small busines concerns to participate in the agency research or R&D programs. Topics and subtopics shall emphasize the need for proposals with advanced concepts to meet specific agency research or R&D needs. Each topic and subtopic shall describe the needs in sufficient detail so as to assist small firms in providing on-target responses, but shall not involve detailed specifications to prescribed solutions of the problems.

c. Because the program is intended to increase the use of small business firms in Federal R&D, for Phase I a minimum of two-thirds of the research and/or analytical effort must be performed by the proposing firm. For Phase II a minimum of one-half of the research and/or analytical effort must be performed by the proposing firm. For both Phases I and II the primary employment of the principal investigator must be with the small business firm at the time of award and during the conduct of the proposed effort. Deviations from these requirements must be approved in writing by the funding agreement officer. Primary employment means that more than one-half of the prinicipal investigator's time is spent in the employ of the small business. Also for both Phase I and Phase II the research or R&D work must be performed by the small business concern in the United States. "United States" means the several states, the Territories and possessions of the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the District of Columbia.

d. To stimulate and foster technological innovation, including increasing private sector applications of Federal R.R&D, the program must follow a uniform process of three phases:

(1) *Phase I.* Phase I involves a solicitation of proposals to conduct feasibility related experimental or theoretical research or R&D efforts on described agency requirements. The object of this phase is to determine the technical feasibility of the proposed effort and the quality of performance of the small firm with a relatively small agency investment before consideration of further Federal support in Phase II.

(a) Several different proposed solutions to a given problem may be funded.

(b) Awards shall be made primarily on the basis of scientific and technical merit. Secondary considerations may include program balance, critical agency requirements, and whether the proposal indicates potential commercial applications in addition to meeting agency needs.

(c) Only awardees in Phase I are eligible to participate in Phase II. Agencies may include a provision requiring submission of a Phase II proposal as a deliverable item under Phase I.

(2) *Phase II.* Phase II is the principal research or R&D effort. Funding shall be based upon the results of Phase I and the scientific and technical merit of the Phase II proposal. The object is to continue the research or R&D initiated under Phase I on agency needs. Phase II awards may not necessarily complete the total research and development that may be required to satisfy commercial or federal needs beyond the SBIR program. Completion of the research and development may be through Phase III. The Government is not obligated to fund any specific Phase II proposal. The Phase II award decision requires, where proposals are evaluated as being of approximately equal merit, that special consideration shall be given to proposals that have demonstrated third phase, non-Federal capital commitments.

(3) *Phase III.* Where appropriate, Phase III is to be conducted with non-Federal funds by the small business to pursue commercial applications of the government research or R.R&D funded in Phase I and II. Phase III also may involve follow-on non-SBIR funded R&D or production contracts with a Federal agency for potential products or processes intended for use by the United States Government.

7. Unilateral Actions of Participating Agencies and Departments

The Act requires each participating agency to:

a. Unilaterally determine the categories of projects to be included in its SBIR program.

b. Issue SBIR solicitations in accordance with the SBA master schedule.

c. Unilaterally receive and evaluate proposals, resulting from SBIR solicitations and make awards.

d. Administer its own SBIR funding agreements or delegate such administration to another agency.

e. Make payments to recipients of SBIR funding agreements on the basis of progress toward or completion of the funding agreement requirements.

f. Make an annual report on the SBIR program to SBA and the Office of Science and Technology Policy.

8. SBA Source File

a. *SBA Business Innovation Research Program Source File.* The SBA has developed and maintains an SBIR mailing list of interested small business concerns. The list is available to all participating SBIR agencies for solicitation purposes. Requests for the mailing labels from the list may be made to the Office of Innovation, Research and Technology. A two-week period is required to fill requests.

b. *SBA Procurement Automated Source System (PASS).* Participating agencies may acquire additional potential sources from the SBA PASS system. PASS uses a "keyword" system that identifies the capabilities of small firms as related to specific government requirements. Agencies may contact SBA, Office of Procurement and Technical Assistance, to obtain further information.

c. *Federal Procurement Data System (FPDS).* Participating agencies should review FPDS data that identify small business awardees of research or R&D contracts as a potential supplement to their existing source data base.

d. *Other Sources.* Agencies may maintain their own mailing lists or use other sources.

9. SBA Coordination of SBIR Solicitation Schedules

a. The Act requires issuance of agency (Phase I) Program Solicitations in accordance with a master schedule coordinated between SBA and the agency. The SBA organization responsible for coordination is:

Office of Innovation, Research and Technology, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416

b. For maximum participation by interested small business concerns it is important that the planning, scheduling and coordination of agency SBIR solicitation release schedules be completed as early as practicable. Bunching of agency SBIR solicitation release and closing dates may prohibit small concerns from the preparation and timely submission of proposals for more than one SBIR project. SBA's coordination of agency schedules will minimize the bunching of proposed issue and close dates.

Participating agencies may elect to establish multiple solicitations within a given year to facilitate in-house agency proposal review and evaluation scheduling.

c. To accomplish the master schedule coordination process the following procedure will be followed:

(1) The SBA will publish four pre-solicitation announcements a year, one in each quarter of the year. It is intended that the dates of publication will be September 20, December 20, March 20 and June 20. The Agency solicitation release date shall not be prior to 10 days after publication of the pre-solicitation announcement which includes notice of that solicitation.

(2) Each agency representative will notify the SBA in writing of its proposed solicitation date by August 1. The SBA and the agency representatives will coordinate the final agency solicitation dates by the second week of August.

(3) Agency representatives must have their written pre-solicitation announcement information (subparagraph 10(b)) to the SBA 30 days prior to the pre-solicitation issue date for the quarter in which their solicitation is to be released.

10. SBA (Phase I) Program Pre-Solicitation Announcements

a. *SBA Publication.* The SBA, as required by public law, shall prepare and issue pre-solicitation Phase I Program Solicitation announcements, covering all participating agencies. After the release of SBA pre-solicitation announcements any changes that occur in agency announcement information must be reported in writing to the SBA by the agency SBIR representative. If possible, announcement amendments will be released reflecting such changes. The pre-solicitation announcements will be based upon the data received by SBA from the agencies. The agencies are advised, however, that:

(1) The publication of the pre-solicitation announcements is not

intended to restrict or prohibit application of customary or other internal agency procedures designed to obtain publicity for its research or R&D programs.

(2) The pre-solicitation announcement publications by SBA shall not be interpreted as a substitute or relief vehicle for existing statutory and regulatory publication requirements related to individual or specific procurement/grant actions.

b. *Pre-Solicitation Announcement Content.* The SBIR pre-solicitation announcements will include sufficient data to effectively apprise appropriate segments of the Nation's small business community of forthcoming SBIR Program Solicitations, thereby assisting the participating agencies in identifying prospective, responsible sources. The agencies shall provide the required information to the SBA 30 days prior to the pre-solicitation announcement dates set by the SBA per the master schedule. The following information is required:

(1) The list of topics upon which research or R&D proposals will be sought. Each research or R&D topic shall have approximately 10 words or less in its title.

(2) Agency address and/or phone number from which SBIR Program Solicitations can be obtained.

(3) Names, addresses, and phone numbers of agency contact points where SBIR-related inquiries may be directed.

(4) Dates of Program Solicitations release.

(5) Dates for receipt of proposals.

(6) Estimated number and average dollar amounts or level of effort of Phase I awards to be made under the solicitation.

11. Simplified, Standardized and Timely SBIR Program Solicitations

a. *Instructions for SBIR Program Solicitation Preparation.* The Small Business Research Development Act (Pub. L. 97-219) requires "* * * simplified, standardized and timely SBIR solicitation" (Sec. 4(j)(1)). Further, the Act requires the SBIR programs of participating agencies to use a "uniform process" (Sec. 4(e)(4)) and that the regulatory burden of participating in the SBIR programs be minimized. The instructions in Appendix 1, therefore, purposely depart from normal Government solicitation formats and requirements. SBIR Program Solicitations shall be prepared according to Appendix 1.

b. Agencies shall provide the SBA, Office of Innovation, Research and Technology, ten copies of each solicitation and any modifications thereto no later than the release of the solicitation or modification to the public.

c. *Non-SBIR R, R&D-Related Actions.* It is not intended that the SBIR Program Solicitation replace or be used as a substitute for unsolicited proposals or R, R&D awards to small business authorized by existing regulations; nor, are the SBIR Program Solicitation procedures intended to prohibit other agency R, R&D actions with small business concerns carried on in accordance with applicable statutory/regulatory authorizations.

12. Simplified and Standardized Funding Process

In its requirement for the establishment of a "simplified standardized funding process," the SBIR legislation requires that specific attention be given to the following areas of SBIR program administration:

a. *Timely Receipt and Review of Proposals.*

(1) Participating agencies shall establish firm schedules and review formats for appropriate distribution of the proposals for reviewing recommendations and submission to the SBIR program manager for award determinations.

(a) All activities related to Phase I proposal reviews shall normally be completed and awards made within 6 months from the date proposals are received by the agencies.

(b) The SBIR Program Solicitations for Phase I will establish proposal submission dates. Related to Phase II activity, an agency may establish set proposal submission dates; however, it is anticipated that each agency will negotiate mutually acceptable proposal submission dates with individual phase I performers, accomplish proposal review expeditiously, and proceed with awards. While it is recognized that Phase II arrangements between the agency and the proposer may require more detailed negotiation to establish terms acceptable to both parties, the agencies must not sacrifice the research or R&D momentum created under Phase I by engaging in unnecessarily protracted Phase II proceedings.

(c) It can be anticipated that SBIR participants will submit duplicate or similar proposals to more than one soliciting agency when the work projects appear to involve similar topics or requirements which are within the expertise and capability levels of the small business proposer. To the extent reasonably feasible, interagency funding duplications related to acquiring similar technology under the SBIR or other Federal programs should not occur. For this purpose, the standardized SBIR Program Solicitation will require the proposers to indicate the name and address of the agencies to which duplicate or similar proposals were made and to identify by subject the projects for which the proposal was submitted and the dates submitted. The same information will be required for any previous Federal Government awards. Each SBIR-participating agency shall submit to SBA three copies of the Technical Abstract (required by para. IV. C. of Appendix 1) for Phase I and II awards within 30 days of award. SBA's Office of Innovation, Research and Technology will distribute information to assist participating agencies in identifying research or R&D programs already in process that may be of interest to them.

b. *Review of SBIR Proposals.* Agencies are encouraged to use their normal review process for SBIR proposals whether internal or external evaluation is used. A more limited review process may be used for Phase I due to the larger number of proposals anticipated. Where appropriate, "peer" reviews, that are external to the agency, are authorized by the SBIR legislation. Participating agencies are cautioned that all review procedures shall be formulated to minimize any possible conflict of interest as it pertains to proposer proprietary data. The standardized SBIR solicitaton will advise potential proposers that proposals may be subject to an established external review process, but that the proposer may include in its proposal company designated proprietary information.

c. *Proprietary Information Contained in Proposals.* In preparation of the standardized SBIR Program Solicitation as described in Appendix 1, provisions will be included requiring confidential treatment of proprietary information to the extent permitted by law. Offerors will be discouraged from submitting information considered proprietary unless it is deemed essential for proper evaluation of the proposal. The solicitation will require that all proprietary information be clearly identified and marked with a prescribed legend. Agencies may elect to require proposers to limit proprietary information to that essential to the proposal and to have such information submitted on a separate page or pages keyed to the text.

d. *Selection of Phase I Awardees.* Participating agencies shall establish a proposal review cycle wherein successful and unsuccessful proposers shall be notified of final award

decisions within 6 months of the agency's Phase I proposal due date.

(1) The standardized Program Solicitation (Appendix 1) shall:

(a) Advise Phase I proposers that additional information may be requested by the awarding agency to evidence awardee responsibility for project completion.

(b) Contain information advising potential offerors of basic proposal evaluation criteria, such as legally required Phase II special consideration to proposals that have demonstrated third phase, non-Federal follow-on funding commitments.

(2) Phase II proposal submissions, review, and selections shall be managed by arrangements between the agency and each Phase I performer considered for Phase II award.

e. *Rights in Data Developed Under SBIR Funding Agreement.* The SBIR legislation provides for "retention of rights in data generated in the performance of the contract by the small business concern." The legislative history clarifies that the intent of the statute is to provide authority for the participating agency to protect technical data generated under the funding agreement, and to refrain from disclosing such data to competitors of the small concern or from using the information to produce future technical procurement specifications that could harm the small business that discovered and developed the innovation until the small business has a reasonable chance to seek patent protection if appropriate. Therefore, it is recommended that, except for program evaluation, participating agencies protect such technical data for a period of 2 years from the completion of the project from which the data was generated unless the agencies obtain permission to disclose such data from the contractor or grantee. However, at the conclusion of the 2-year period, the Government shall retain a royalty-free license for Government use of any technical data delivered under an SBIR funding agreement whether patented or not.

f. *Title Transfer of Agency Provided Property.* Under SBIR legislation, title to equipment purchased in relation to project performance with funds provided under SBIR funding agreements may be transferred to the awardee where such transfer would be more cost effective than recovery of the property by the government.

g. *Cost Sharing.*

(1) Cost participation could serve the mutual interest of the participating agencies and certain SBIR performers by helping to assure the efficient use of available resources. Cost-sharing, however, shall not normally be encouraged except where required by other statutes.

(2) Except where required by other statutes, participating agencies shall not, as a general policy, request or require cost-sharing on Phase I and Phase II projects. The standardized SBIR Program Solicitation (Appendix 1) will, however provide information to prospective SBIR performers concerning cost-sharing. Cost participation will not be a consideration factor in evaluation of Phase I and Phase II proposals except where required by other statutes.

h. *Payment Schedules and Cost Principles.*

(1) Consistent with Sec. 4 of the SBIR legislation (Section 9(j)(2)(H) of the Small Business Act (as amended by Pub. L. 97–219)), SBIR performers may be paid under an applicable, authorized progress payment procedure or in accordance with a negotiated/definitized price and payment schedule. Advance payments are optional and may be made under appropriate public law.

(2) All SBIR funding agreements shall use, as appropriate, current cost principles and procedures authorized for use by the participating agencies.

i. *Funding Agreement Types and Fee or Profit.* The legislative requirements for uniformity and standardization require that there be consistency in application of SBIR program provisions among participating agencies. This consistency must consider, however, the need for flexibility by the various agencies in missions and needs as well as the wide variance in funds required to be devoted to SBIR programs in the agencies. The following guidelines are for the purpose of meeting these requirements:

(1) *Funding Agreement.* The choice of type of funding agreement (contract, grant, or cooperative agreement) rests with the awarding agency but must be consistent with the guidelines in Pub. L. 95–224 (41 U.S.C. 501), as amended by Pub. L. 97–258 (31 U.S.C. 6301–6308).

(2) *Fee or Profit.* Unless expressly excluded by statute, awarding agencies are to provide for a reasonable fee or profit on SBIR funding agreements, including grants, consistent with normal profit margins provided to profit-making firms for R, R&D work.

j. *Periods of Performance and Extensions.*

(1) *Phase I.* Period of performance should normally not exceed 6 months except where agency needs or research plans require otherwise. Extensions should be minimized.

(2) *Phase II.* Period of performance under Phase II is the subject of negotiations between the selected Phase I recipient and the awarding agency. However, the duration of Phase II should normally not exceed 2 years. Exceptions should be minimized.

(3) In keeping with the legislative intent to make a large number of relatively small awards, modification of funding agreements to extend periods of performance, increase the scope of work, or to increase the dollar amount should be minimized, except for options in the original Phase I or II awards.

k. *Dollar Value of Awards.*

(1) The SBIR legislation does not establish limitations on dollar amounts of Phase I or Phase II awards. The legislative history clearly envisions a large number of relatively small awards of "up to $50,000" and "up to $500,000" for Phase I and II respectively. While no specific limitations on dollar amounts for Phase I or II are established by this policy directive, and while it is recognized that some research or R&D projects will require larger awards, agencies should strive to plan SBIR projects so that the majority of Phase I awards will be $50,000 (or ½ person year) or less and the majority of Phase II awards will be $500,000 or less. SBA will amend the policy directive as required to adjust the $50,000 and $500,000 amounts to compensate for inflation.

(2) Within 30 days after the award of any funding agreement exceeding $50,000 for Phase I or $500,000 for Phase II, the agency SBIR representative shall provide the SBA with written justification of such action. Similar justification is required for any dollar increase of a funding agreement which would bring the cumulative dollar amount to a total in excess of the aforestated amounts.

l. *Grant Authority.* The Small Business Innovation Development Act does not, in and of itself, convey grant authority. Each agency must secure grant authority in accordance with its normal procedures.

m. *Conflicts of Interest.* Participating agencies are cautioned that awards made to firms owned by or employing current or previous Federal Government employees could create conflicts of interest for those employees in violation of the Ethics in Government Act of 1978 (Pub. L. 95–521, as amended by Pub. L. 96–19 and Pub. L. 96–28). Each participating agency should refer to the standards of conduct review procedures currently in effect for that agency to ensure that such conflicts of interest do not arise.

13. Annual Report to SBA and Office of Science and Technology Policy

The Small Business Innovation Development Act requires a "simplified, standardized and timely annual report" from the participating agencies in the SBIR program and those agencies required to establish small business research and research and development goals to the SBA and OSTP. Reports to SBA are due and shall include the following:

a. *Reporting Dates to SBA.* Reporting shall be on an annual basis and will be for the period ending September 30 of each fiscal year. The report is due to SBA within 90 days from the annual period ending date.

b. *Small Business Innovation Research Programs (SBIR) (awards over $10,000).*

(1) Agency total fiscal year, for FY 1983 and each year thereafter, extramural research and research and development total budget authority.

(2) SBIR program total fiscal year dollars derived by applying the statute per centum to the agencies extramural research and research and development total budget authority.

(3) SBIR program fiscal year dollars obligated through SBIR program funding agreements.

(4) Number of SBIR individual solicitations during the fiscal year and the number of topics and subtopics contained in each solicitation.

(5) Number of copies of each SBIR solicitation provided small businesses by the participating agency.

(6) Number of proposals or applications received by the agency for each topic in each SBIR solicitation.

(7) For both Phase I and II the SBIR awardee's name and address, solicitation topic and subtopic, solicitation number, project title, and dollar amount of funding agreement. Identify minority and disadvantaged small business and women-owned small business awardees.

(8) Name and address, subject title and dollar amount obligated for each SBIR program Phase III agency award under Federal non-SBIR funds.

c. *Small Business Research and Research and Development Goaling Program (non-SBIR awards over $10,000).*

(1) Agency previous fiscal year's total R,R&D dollar obligations.

(2) Agency previous fiscal year's total R&R&D obligated dollars to small business, minority and disadvantaged small businesses and women-owned small business under funding agreements and the percentage to the agency's total R,R&D dollar authority.

(3) Agency current fiscal year total R,R&D budget authority.

(4) Agency current fiscal year total R&R&D small business goal based on the percentage of awards to small businesses made the previous fiscal year.

(5) Current fiscal year achievement of the singular small business R&R&D goal and the dollars obligated through prime funding agreements by categories of small business, minority and disadvantaged small business and women-owned small business.

d. *Agency Research and Research and Development Funding Agreements (SBIR and goaling program awards over $10,000).*

Report the number and dollar value of awards under subparagraph b. and c. above made pursuant to the categories of contracts, cooperative agreements or grants. Identify SBIR awards of a participating agency, and compare the number and amount of such awards with awards to other than small business concerns.

e. *Agency Reports.* Submit five copies of each report to the SBA, Office of Innovation, Research and Technology, 1441 "L" Street, N.W., Washington, D.C. 20416. The reporting requirements of OSTP will be the subject of a subsequent policy directive revision.

14. SBA Program to Monitor and Survey SBIR Activity

a. *Examples of SBIR Areas to be Monitored by SBA.*

(1) *SBIR Funding Allocations.* Of major significance to the success of the SBIR program is the magnitude and nature of the agencies' funding allocations identified for fiscal year SBIR applications. The SBIR legislation explicitly relates to both the definition of the SBIR effort, research or R&D (as defined in the Act and OMB Circular A-11), and the mathematical methodology for determining fiscal year participation levels for all work categorized within the statutory definitions. SBA will monitor these allocations.

(2) *Program Solicitation and Award Status.* The accomplishment of scheduled SBIR events, such as Program Solicitation release and contract, grant, or cooperative agreement award, is critical to meeting statutory mandates and to operating an effective, useful program. SBA plans to monitor these and other operational features of SBIR program implementation. Except in instances where SBA assistance is requested related to a specific SBIR project, contract, etc., SBA does not intend to monitor administration of the agreements.

(3) *Follow-on Funding Commitments.* SBA will monitor whether follow-on non-Federal funding commitments obtained by Phase II awardees for Phase III were considered in the evaluation of Phase II proposals as required by the Act.

(4) *Agency Rules and Regulations.* It is essential that no implementing regulation be promulgated by the participating agencies that is inconsistent with or contradicts either the letter or intent of the legislation and this directive. SBA's monitoring activity will include review of rules and regulations and procedures generated to facilitate intra-agency SBIR program implementation.

15. SBIR Information System

SBA will prepare and distribute information materials (pamphlets, fact sheets and news releases as appropriate) that describe the basic elements of the SBIR program.

a. The legislative requirement for an SBA-maintained information system is not interpreted as prohibiting participating agencies from publicizing SBIR activities relating to individual agency programs to identify organizational structures actually responsible for carrying on SBIR operational functions.

(1) In view of certain joint SBA/agency activities required by the SBIR legislation, information publication may often be most effectively accomplished in concert.

(2) The participating agencies are invited to advance suggestions to SBA concerning existing information systems that may be tailored to serve specific SBIR publication needs.

b. SBA identifies in its SBIR publications points of contact for obtaining SBIR-related information.

(1) All participating agencies will establish and maintain contact points to process inquiries related to specific agency SBIR activities.

16. Small Minority and Disadvantaged Business Concerns

Pub. L. 97-219 (Sec. 2(b)(3)) states that one of its purposes is "to foster and encourage participation by minority and disadvantaged persons in technological innovation."

a. To carry out this purpose of the statute the SBA and agencies will make outreach efforts to find and place innovative small minority and disadvantaged concerns in the SBIR program information system.

b. The SBA will develop, participate in, and when appropriate and feasible sponsor seminars for innovative small

minority and disadvantaged concerns and individuals to inform them of the SBIR program.

c. The SBA will inform small minority and disadvantaged concerns and individuals of Federal and commercial assistance and services available for SBIR program participants.

d. While these individuals and small concerns will be required to compete for SBIR awards on the same basis as all other small business concerns, participating agencies are encouraged to work independently and cooperatively with SBA to develop methods to encourage qualified small minority and disadvantaged firms to participate in their SBIR programs.

17. Exemption for National Security or Intelligence Functions

a. The SBIR legislation provides for exemptions related to the simplified, standardized funding process "* * * if national security or intelligence functions clearly would be jeopardized." This "exemption" should not be interpreted as a blanket exemption or prohibition of SBIR participation concerning acquisition of effort related to these subjects and functions except as specifically defined under Section 4 (Section 9(e)(2) of the Small Business Act (as amended by Pub. L. 97-219)) of the SBIR public law. Agency technology managers in directing research or R&D projects under the SBIR program, where the project subject matter may be particularly sensitive to national security must make a determination on which, if any, of the standardized proceedings clearly place national security and intelligence functions in jeopardy, then proceed with an acceptable modified process to complete the SBIR action.

b. It is anticipated that SBA's SBIR program monitoring activities, except where prohibited by security considerations, shall include a review of nonconforming SBIR actions justified under this public law provision.

Appendix 1

Instructions for SBIR Program Solicitation Preparation

The Small Business Innovation Development Act (Pub. L. 97-219) requires "* * * simplified, standardized and timely SBIR solicitations" (Sec. 4, Section 9(j)(1)). Further, the Act requires the SBIR programs of participating agencies to utilize a "uniform process" (Sec. 4, Section 9(E)(4) and that the regulatory burden of participating in the SBIR programs be minimized. Therefore, the following instructions purposely depart from normal government solicitation formats and requirements. SBIR solicitations will be prepared and issued as Program Solicitations in accordance with the following instructions.

Limitation in Size of Solicitation

In the interest of meeting the legislative requirement for simplified and standardized solicitations, the entire SBIR solicitation with the exception of Section VIII "Research Topics," described below, shall be limited to 20 pages. There is no page limit on Section VIII "Research Topics."

Format

SBIR Program Solicitations will be prepared in a simplified, standardized, easily read, easy to understand format including a cover sheet, a table of contents and the following sections in the order listed (content of each section is discussed below):

I. Program Description
II. Definitions
III. Proposal Preparation Instructions and Requirements
IV. Method of Selection and Evaluation Criteria
V. Considerations
VI. Submission of Proposals
VII. Scientific and Technical Information Sources
VIII. Research Topics

Cover Sheet

The cover sheet or title page of an SBIR Program Solicitation shall clearly identify the solicitation as a Small Business Innovation Research Program Solicitation, identify the agency issuing the solicitation, specify date (or dates) proposals are due under the solicitation and state solicitation number.

Instructions for Preparation of SBIR Program Solicitation Sections I through VIII

I. Program Description

A. Summarize in narrative form the invitation to submit proposals and the objectives of the SBIR program.

B. Describe in narrative form the agency's SBIR program including a description of the three phases. Note in your description that the solicitation is for Phase I proposals only. (See Section VI, 65-01.)

C. Describe program eligibility, as follows: *Eligibility.* Each concern submitting a proposal must qualify as a small business for research or R&D purposes. In addition, the primary employment of the principal investigator must be with the small business firm at the time of award and during the conduct of the proposed research. Also for both Phase I and Phase II the research or R&D work must be performed in the United States. "United States" means the several states, the Territories and possessions of the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the District of Columbia.

D. List name, address and telephone number of agency contacts for general information on the SBIR Program Solicitation.

II. Definitions

Whenever terms that are unique to the SBIR Program, a given solicitation or portion of a solicitation are used, these terms will be defined in a separate section titled "Definitions." As a minimum the definitions of small business, small disadvantaged business, women owned small business and subcontracting from paragraph 4 of Small Business Administration (SBA) Policy Directive 65 01 shall be included in this section.

III. Proposal Preparation Instructions and Requirements

The purpose of this section is to tell the proposer what to include in his or her proposal and to set forth limits on what may be included. It should also provide guidance to assist proposers in improving the quality and acceptance of proposals particularly to firms which may not have previous Government experience.

A. *Limitations on Length of Proposal.* Include at least the following information:

1. SBIR Phase I proposals shall not exceed a total of 25 pages (regular size type—no smaller than elite—single or double spaced, standard 8½" × 11" pages) including cover page, budget and all enclosures or attachments.

2. A notice that no additional attachments, appendices or references beyond the 25-page limitation shall be considered in proposal evaluation and that proposals in excess of the 25-page limitation shall not be considered for review or award.

B. *Proposal Cover Sheet.* Every proposer will be required to include at least the following information on the first page of proposals. Items 8 and 9 are for statistical purposes only.

1. Agency and solicitation number.
2. Topic Number.
3. Subtopic Number.
4. Topic Area.
5. Project Title.
6. Name and complete address of firm.

7. Small Business certification as follows:

"The above concern certifies it is a small business firm and meets the definition as stated in the solicitation."

8. Minority and Disadvantaged Business Certification as follows:

"The above concern certifies that it —— does —— does not qualify as a minority and disadvantaged small business as defined in the Definition Section of the Program Solicitation."

9. Women-owned Small Business Certification as follows:

The above concern certifies that it —— does —— does not qualify as a women-owned small business as defined in the Definition Section of the Program Solicitation.

10. Disclosure permission statement as follows:

"Will you permit the Government to disclose the title and technical abstract page of your proposed project, plus the name, address, and telephone number of the corporate official of your firm, if your proposal does not result in an award, to firms that may be interested in contacting you for further information or possible investment? Yes—— No——."

11. Signature of a company official of the proposing firm and that individual's typed name, title, address, telephone number, and date of signature.

12. Signature of Principal Investigator or Project Manager within the proposing firm and that individual's typed name, title, address, telephone number, and date of signature.

13. Legend for proprietary information as described in the "Considerations" Section of this Program Solicitation if appropriate.

C. *Abstract or Summary.* Proposers will be required to include a one-page project summary of the proposed research of R&D including at least the following:

1. Name and address of firm.

2. Name and title of principal investigator or project manager.

3. Agency name, solicitation number, solicitation topic and subtopic.

4. Title of project.

5. Technical abstract, limited to two hundred words.

6. Provide key words (8 maximum) description of the project useful in identifying the technology, research thrust and/or potential commercial application.

7. Summary of the anticipated results and implications of the approach (both Phase I and II) and the potential commercial applications of the research.

D. *Technical Content.* SBIR Program Solicitations shall require as a minimum the following to be included in proposals submitted thereunder:

1. *Identification and Significance of the Problem or Opportunity.* A clear statement of the specific technical problem or opportunity addressed.

2. *Phase I Technical Objectives.* State the specific objectives of the Phase I research and development effort, including the technical questions it will try to answer to determine the feasibility of the proposed approach.

3. *Phase I Work Plan.* A detailed description of the Phase I R,R&D plan. The plan should indicate what will be done, where it will be done and how the R,R&D will be carried out. Phase I R,R&D should address the objectives and the questions cited in 2 above. The methods planned to achieve each objective or task should be discussed in detail.

4. *Related Research or R&D.* Describe significant research or R&D that is directly related to the proposal including any conducted by the project manager/principal investigator or by the proposing firm. Describe how it relates to the proposed effort, and any planned coordination with outside sources. The proposer must persuade reviewers of his or her awareness of key recent research or R&D conducted by others in the specific topic area.

5. *Key personnel and Bibliography of Directly Related Work.* Identify key personnel involved in Phase I including their directly related education, experience, and bibliographic information. Where vitae are extensive, summaries that focus on the most relevant experience or publications are desired and may be necessary to meet proposal size limitation.

6. *Relationship with Future Research or Research and Development.*

a. State the anticipated results of the proposed approach if the project is successful (Phase I and II).

b. Discuss the significance of the Phase I effort in providing a foundation for Phase II research or research and development effort.

7. *Facilities.* A detailed description, availability and location of instrumentation and physical facilities proposed for Phase I should be provided.

8. *Consultants.* Involvement of consultants in the planning and research stages of the project is permitted.

a. If such involvement is intended, it should be described in detail.

9 *Potential Post Applications* Briefly describe

a. Whether and by what means the proposed project appears to have potential commercial application.

b. Whether and by what means the proposed project appears to have potential use by the Federal Government.

10. *Similar Proposals or Awards.* A firm may elect to submit essentially equivalent work under other Federal Program Solicitations, or may have received other Federal awards for essentially equivalent work. In these cases, a statement must be included in each such proposal indicating:

a. the name and address of the agencies to which proposals were submitted or from which awards were received.

b. Date of proposal submission or date of award.

c. Title, number, and date of solicitations under which proposals were submitted or awards received.

d. The specific applicable research topics for each proposal submitted or award received.

e. Titles of Research Projects.

f. Name and title of project manager or principal investigator for each proposal submitted or award received

E. *Cost Breakdown/Proposed Budget* The solicitation will require the submission of simplified cost or budget data. Appropriate and simplified forms such as optional form 60 (FPRI–16.806) may be used.

IV. Method of Selection and Evaluation Criteria

A. *Standard Statement.* Essentially the following statement shall be included in all SBIR Program Solicitations:

All Phase I and II proposals will be evaluated and judged on a competitive basis. Proposals will be initially screened to determine responsiveness. Proposals passing this initial screening will be technically evaluated by engineers or scientists to determine the most promising technical and scientific approaches. Each proposal will be judged on its own merit. The agency is under no obligation to fund any proposal or any specific number of proposals in a given topic. It also may elect to fund several or none of the proposed approaches to the same topic or subtopic.

B. *Evaluation Criteria.*

1. The agency in its evaluation process shall develop a standardized method that will consider as a minimum the following factors:

a. The technical approach and the anticipated benefits that may be derived from the research.

b. The adequacy of the proposed effort and its relationship to the

fulfillment of requirements of the research topic or subtopics.

c. The soundness and technical merit of the proposed approach and its incremental progress toward topic or subtopic solution.

d. Qualifications of the proposed principal/key investigators supporting staff and consultants.

e. In Phase II evaluations of proposals of equal technical and scientific merit the agency should give special consideration to proposals which demonstrate Phase III non-Federal capital commitments. Phase II proposals may only be submitted by Phase I award winners.

2. The factors in subparagraph 1, and other appropriate evaluation criteria, if any, shall be specified in the "Method of Selection" Section of SBIR Program Solicitations.

C. *Peer Review.* If it is contemplated that as a part of SBIR proposal evaluation external peer review will be used, the Program Solicitation must so indicate.

D. *Release of Proposal Review Information.* After final award decisions have been announced the technical evaluations of the proposer's proposal may be provided, to the proposer only, upon written request. The identity of the reviewer shall not be disclosed.

V. Considerations

This section shall include, as a minimum, the following information:

A. *Awards.* Indicate the estimated number and type of awards anticipated under the particular SBIR Program Solicitation in question including:

1. Approximate number of Phase I awards expected to be made.

2. Type of funding agreement, i.e., contract, grant or cooperative agreement.

3. State whether fee or profit will be allowed.

4. Cost basis of funding agreement, e.g., grant, firm-fixed-price, cost reimbursement, or cost-plus-fixed fee.

5. Information on the approximate average dollar value of awards for Phase I and Phase II.

B. *Reports.* Describe the frequency and nature of reports that will be required under Phase I funding agreements. Interim reports should be brief letter reports.

C. *Payment Schedule.* Specify the method and frequency of payment under Phase I agreements.

D *Innovations, Inventions and Patents.*

1. *Limited Rights Information and Data.*

a. *Proprietary Information.* Essentially the following statement shall be included in all SBIR solicitations.

Information contained in unsuccessful proposals will remain the property of the proposer. The Government may, however, retain copies of all proposals Public release of information in any proposal submitted will be subject to existing statutory and regulatory requirements.

If proprietary information is provided by a proposer in a proposal which constitutes a trade secret, proprietary commercial or financial information, confidential personal information or data affecting the national security, it will be treated in confidence, to the extent permitted by law, provided this information is clearly marked by the proposer with the term "confidential proprietary information" and provided the following legend appears on the title page of the proposal:

For any purpose other than to evaluate the proposal, this data shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed in whole or in part, provided that if a funding agreement is awarded to this proposer as a result of or in connection with the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the funding agreement. This restriction does not limit the Government's right to use information contained in the data if it is obtained from another source without restriction. The data subject to this restriction is contained in pages —— of this proposal.

Any other legend may be unacceptable to the Government and may constitute grounds for removing the proposal from further consideration and without assuming any liability for inadvertent disclosure. The Government will limit dissemination of such information to within official channels.

b. *Alternative To Minimize Proprietary Information.* Agencies may elect to instruct proposers to:

(1) Limit proprietary information to only that absolutely essential to their proposal.

(2) Provide proprietary information on a separate page with a numbering system to key it to the appropriate place in the proposal.

c. *Rights in Data Developed Under SBIR Funding Agreements.* To notify the small concern of the policy stated in Policy Directive 65.01, para. 12(e), essentially the following statement will be included in all SBIR Program Solicitations:

Rights in technical data including software developed under the terms of any funding agreement resulting from proposals submitted in response to this solicitation shall remain with the contractor or grantee, except that the Government shall have the limited right to use such data for Government purposes and shall not release such data outside the Government without permission of the contractor or grantee for a period of two years from completion of the project from which the data was generated. However, effective at the conclusion of the two-year period, the Government shall retain a royalty free license for Government use of any technical data delivered under an SBIR funding agreement whether patented or not.

d. *Copyrights.* Include an appropriate statement concerning copyrights and publications; for example:

"With prior written permission of the contracting officer, the awardee normally may copyright and publish (consistent with appropriate national security considerations, if any) material developed with (agency name) support. (Agency name) receives a royalty-free license for the Federal Government and requires that each publication contain an appropriate acknowledgement and disclaimer statement."

e. *Patents.* Include an appropriate statement concerning patents; for example:

Small business firms normally may retain the principal worldwide patent rights to any invention developed with Govenment support. The Government receives a royalty-free license for Federal Government use, reserves the right to require the patentholder to license others in certain circumstances, and requires that anyone exclusively licensed to sell the invention in the United States must normally manufacture it domestically. To the extent authorized by 35 U.S.C. 205, the Government will not make public any information disclosing a Government-supported invention for a two-year period to allow the awardee a reasonable time to pursue a patent.

E. *Cost-Sharing.* Unless in conflict with another statute, include a statement essentially as follows:

"Cost-sharing is permitted for proposals under this Program Solicitation; however, cost-sharing is not required nor will it be an evaluation factor in consideration of your proposal."

Where cost-sharing is required by statute, include an appropriate statement.

F. *Profit or Fee.* Include a statement on the payment of profit or fee on

awards made under the SBIR Program Solicitation.

G. *Joint Ventures or Limited Partnerships.* Include essentially the following language:

"Joint ventures and limited partnerships are eligible provided the entity created qualifies as a small business as defined in this Program Solicitation."

H. *Research and Analytical Work.* Include essentially the following statement:

1. "For Phase I a minimum of two-thirds of the research and/or analytical effort must be performed by the proposing firm unless otherwise approved in writing by the funding agreement officer."

2. For Phase II a minimum of one-half of the research and/or analytical effort must be performed by the proposing firm.

I. *Contractor Commitments.* To meet the legislative requirement that SBIR solicitations be simplified, standardized and uniform, clauses expected to be in or required to be included in SBIR funding agreements shall not be included in full or by reference in SBIR Program Solicitations. Rather proposers shall be advised that they will be required to make certain legal commitments at the time of execution of funding agreements resulting from SBIR Program Solicitations. Essentially the following statement shall be included in the "Consideration" section of SBIR Program Solicitations:

Upon award of a funding agreement, the awardee will be required to make certain legal commitments through acceptance of numerous clauses in Phase I funding agreements. The outline that follows is illustrative of the types of clauses to which the contractor would be committed. This list should not be understood to represent a complete list of clauses to be included in Phase I funding agreements, nor to be specific wording of such clauses. Copies of complete terms and conditions are available upon request.

J. *Summary Statements.* The following are illustrative of the type of summary statements to be included immediately following the statement in the subparagraph I. These statements are examples only and may vary depending upon type of funding agreement.

1. *Standards of Work.* Work performed under the funding agreement must conform to high professional standards.

2. *Inspection.* Work performed under the funding agreement is subject to Government inspection and evaluation at all times.

3. *Examination of Records.* The Comptroller General (or a duly authorized representative) shall have the right to examine any directly pertinent records of the awardee involving transactions related to this funding agreement.

4. *Default.* The Government may terminate the funding agreement if the contractor fails to perform the work contracted.

5. *Termination for Convenience.* The funding agreement may be terminated at any time by the Government if it deems termination to be in its best interest, in which case the awardee will be compensated for work performed and for reasonable termination costs.

6. *Disputes.* Any dispute concerning the funding agreement which cannot be resolved by agreement shall be decided by the contracting officer with right of appeal.

7. *Contract Work Hours.* The awardee may not require an employee to work more than eight hours a day or forty hours a week unless the employee is compensated accordingly (i.e., overtime pay).

8. *Equal Opportunity.* The awardee will not discriminate against any employee or applicant for employment bacause of race, color, religion, sex, or national origin.

9. *Affirmative Action for Veterans.* The awardee will not discriminate against any employee or application for employment because he or she is a disabled veteran or veteran of the Vietnam era.

10. *Affirmative Action for Handicapped.* The awardee will not discriminate against any employee or applicant for employment because he or she is physically or mentally handicapped.

11. *Officials Not To Benefit.* No member of or delegate to Congress shall benefit from the funding agreement.

12. *Covenant Against Contingent Fees.* No person or agency has been employed to solicit or secure the funding agreement upon an understanding for compensation except bonafide employees or commercial agencies maintained by the awardee for the purpose of securing business.

13. *Gratuities.* The funding agreement may be terminated by the Government if any gratuities have been offered to any representative of the Government to secure the contract.

14. *Patent Infringement.* The awardee shall report each notice or claim of patent infringement based on the performance of the funding agreement.

K. *Additional Information.* Information pertinent to an understanding of the administration requirements of SBIR proposals and funding agreements not included elsewhere shall be included in this section. As a minimum, statements essentially as follows shall be included under "Additional Information" in SBIR Program Solicitations:

1. This Program Solicitation is intended for informational purposes and reflects current planning. If there is any inconsistency between the information contained herein and the terms of any resulting SBIR funding agreement, the terms of the funding agreement are controlling.

2. Before award of an SBIR funding agreement, the Government may request the proposer to submit certain organizational, management, personnel, and financial information to assure responsibility of the proposer.

3. The Government is not responsible for any monies expended by the proposer before award of any funding agreement.

4. This Program Solicitation is not an offer by the Government and does not obligate the Government to make any specific number of awards. Also, awards under this program are contingent upon the availability of funds.

5. The SBIR program is not a substitute for existing unsolicited proposal mechanisms. Unsolicited proposals shall not be accepted under the SBIR program in either Phase I or Phase II.

6. If an award is made pursuant to a proposal submitted under this SBIR Program Solicitation, the contractor or grantee or party to a cooperative agreement will be required to certify that he or she has not previously been, nor is currently being, paid for essentially equivalent work by any agency of the Federal Government.

VI. Submission of Proposals

A. This section shall clearly specify the proposal due date (due dates where the agency elects to phase proposal submissions by research topic).

B. This section shall specify the number of copies of the proposal that are to be submitted.

C. This section shall clearly set forth the complete mailing and/or delivery address(s) where proposals are to be submitted.

D. This section may include other instructions such as the following:

1. *Bindings.* Please do not use special bindings or covers. Staple the pages in the upper left corner of the cover sheet of each proposal.

2. *Packaging.* All copies of a proposal should be sent in the same package.

VII. Scientific and Technical Information Sources

Whenever descriptions of research topics or subtopics include reference to publications, information on where such publications will normally be available shall be included in a separate section of the solicitation entitled "Scientific and Technical Information Sources."

VIII. Research Topics

Describe the research or R&D topics and subtopics for which proposals are being solicited sufficiently to inform the proposer of technical details of what is desired while leaving sufficient flexibility in order to obtain the greatest degree of creativity and innovation consistent with the overall objectives of the SBIR programs.

[FR Doc. 83-23398 Filed 8-25-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 23

[Docket No. 23699; SC No. 23-ACE-4]

Special Conditions; Beech Model 38P Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Special Conditions.

SUMMARY: These Special Conditions are issued to Beech Aircraft Corporation (Beech) to become a part of the type certification basis for the new single-engine, turbopropeller-powered, Beech Model 38P Series airplanes. These airplanes will have novel or unusual design features associated with a turbopropeller installation in a single-engine airplane for which the applicable airworthiness standards of Part 23 of the Federal Aviation Regulations (FAR) do not contain adequate or appropriate safety standards. These Special Conditions contain the additional safety standards which the Administrator of the FAA finds necessary to establish a level of safety equivalent to that provide in the regulations for single, reciprocating-engine-powered airplanes.

EFFECTIVE DATE: September 26, 1983.

FOR FURTHER INFORMATION CONTACT: J. Robert Ball, Aerospace Engineer, Regulations and Policy Office (ACE-110), Aircraft Certification Division; Central Region, Federal Aviation Administration; Room 1656, Federal Office Building, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-5688.

SUPPLEMENTARY INFORMATION:

Type Certification Basis

The type certification basis for the Beech Model 38P Series airplanes is Part 23 of the FAR, effective February 1, 1965, as amended by Amendments 23-1 through 23-28; Part 36 of the FAR, effective December 1, 1969, as amended by Amendments 36-1 through 36-12; Special Federal Aviation Regulation (SFAR) No. 27, effective February 1, 1974, as amended by Amendments 27-1 through 27-4; and the Special Conditions adopted by this rulemaking action.

Background

On November 12, 1982, Beech Aircraft Corporation, Post Office Box 85, Wichita, Kansas, 67201, submitted an application for a Type Certificate for the new turbopropeller-powered model of airplane identified as the Beech model 38P Series airplanes. The Beech Model 38P Series are single-engine, turbopropeller-powered, pressurized, 5-seat, excluding the pilot seat; i.e., 6-place, low-wing, land monoplanes.

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

In 1969, the flutter requirements of § 23.629 of the FAR were amended to set forth requirements for turbopropeller engine installations on small multiengine airplanes. Turbopropeller engine installations being greater in length than those of reciprocating engines are more critical with regard to engine mount flexibility. This forward displacement of the propeller in conjunction with the high rotational speed of the turbine engine and engine mount flexibility may result in significant aerodynamic and elastic inertia forces and cause dynamic instabilities which can adversely affect airplane whirl-flutter stability. Turbine engine installations on a single-engine airplane were not envisioned when § 23.629 of the FAR was amended to include a dynamic evaluation of engine-propeller-mount stiffness and damping variations on multiengine, turbine-powered airplanes. The engine mount flexibility in the new Beech Model 38P Series airplanes appears to be the same order of magnitude as that in small multiengine airplanes with wing-mounted engines. As a result of this determination, the FAA issued Notice No. SC-83-2-CE (48 FR 28658; June 23, 1983) proposing Special Conditions to require additional dynamic evaluation of the Beech Model 38P Series airplanes.

Discussion of Comments

There were no comments received by the FAA in response to Notice No. SC-83-2CE published in the **Federal Register** on June 23, 1983. The closing date for comments was July 25, 1983.

List of Subjects

14 CFR Part 21

Air transportation, Aircraft, Aviation safety, Safety.

14 CFR Part 23

Air transportation, Aircraft, Aviation safety, Safety, Tires.

Adoption of the Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, Special Conditions No. 23-ACE-4 are adopted for the Beech Aircraft Corporation Model 38P Series airplanes, as follows:

Dynamic Evaluation, Engine Installation

In addition to the applicable requirements of § 23.629, Flutter, of the FAR, the dynamic evaluation of the airplane must include:

1. Whirlmode degree of freedom which takes into account the stability of the plane of rotation of the propeller and significant elastic, inertial and aerodynamic forces; and

2. Engine-propeller-mount stiffness and damping variations appropriate to the particular configuration.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) (revised Pub. L. 97-449, January 12, 1983); and §§ 11.28 and 11.29(b) of the Federal Aviation Regulations (14 CFR 11.28 and 11.29(b)))

Issued in Kansas City, Missouri, on Augu. 15, 1983.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-23445 Filed 8-25-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 83-ANE-13; Amdt. 39-4701]

Airworthiness Directives; Detroit Diesel Allison (DDA) Model 250-C30, -C30P, and -C30S Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) which requires mandatory inspection of all P/N 6898694 4th stage nozzles in certain turbine assemblies on Detroit Diesel Allison (DDA) Model 250-C30 engines. This amendment is needed to expand the compliance requirements to the -C30P and -C30S engine models and because the FAA has determined that the inspection criteria and turbine assembly applicability in the existing AD are inadequate for determining which P/N 6898694 nozzles are subject to cracks. These cracks could possibly lead to uncontained turbine wheel failures and subsequent damage to aircraft.

DATES: Effective—September 26, 1983.

Compliance Schedule—As prescribed in body of AD.

Incorporation by Reference—Approved by Director of the Federal Register on September 26, 1983.

ADDRESSES: The applicable service bulletin may be obtained from Detroit Diesel Allison, Division of General Motors Corporation, Indianapolis, Indiana 46206.

A copy of the service bulletin is contained in the Rules Docket at the Office of Regional Counsel, FAA, Attn: Rules Docket No. 83-ANE-13, 12 New England Executive Park, Burlington, Massachusetts 01803 and may be examined weekdays, except federal holidays, between 8:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Royace Prather, Chicago Aircraft Certification Office, Propulsion Branch, ACE-140C, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018; telephone: 312-694-7132.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-4179, 46 FR 39991, AD 81-13-12, which currently requires inspections of P/N 6898694 4th stage nozzles to assure service life integrity in certain turbine assemblies on Detroit Diesel Allison Model 250-C30, -C30P, and -C30S engines. After issuing Amendment 39-4179, the FAA has determined, based on investigation of a recent P/N 6898694 4th stage nozzle failure, and updated fatigue analysis, that the present inspection criteria and turbine assembly applicability in AD 81-13-12 are inadequate for determining which nozzles are subject to cracks. These cracks could possibly lead to uncontained turbine wheel failures and subsequent damage to aircraft. Therefore, the FAA is amending Amendment 39-4179 by revising the inspection criteria, by establishing life limits based on inspection results where applicable, and by adding additional serial numbers of turbine assemblies which will require inspection of P/N 6898694 nozzles at the next overhaul on DDA Model 250-C30, -C30P, and -C30S engines.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Air transportation, Engines, Aircraft, Aviation safety, Safety, Incorporation by reference.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-4179, 46 FR 39991, AD 81-13-12, to read as follows:

81-13-12 *Detroit Diesel Allison:* Amendment 39-4179 as amended by Amendment 39-4701. Applies to all Model 250-C30, -C30P, and -C30S engines and turbine assemblies equipped with 4th stage turbine nozzle assembly P/N 6898694 installed in aircraft certificated in all categories, except:

1. Models 250-C30, -C30S: *Engine Serial No.* CAE 890690, 890691, 890692, 890696, and subsequent; *Turbine Serial No.* CAT 95105, 95106, 95108, 95109, and subsequent.

2. Model 250-C30P: *Engine Serial No.* CAE 895086, 895087, and subsequent; *Turbine Serial No.* CAT 95110, 95111, 95112, and subsequent.

Compliance is required as indicated unless already accomplished. To prevent cracks in P/N 6898694 4th stage turbine wheel nozzles leading to uncontained turbine wheel failures accomplish the following:

a. Inspect, reduce life limits where applicable based on inspection results, and remove from service affected P/N 6898694 nozzles in compliance with the schedule, instructions, and inspection criteria provided in Detroit Diesel Allison Commercial Engine Alert Bulletin CEB-A-72-3056, Revision 3 dated March 30, 1983, or later FAA approved revisions.

b. Special flight permits may be issued in accordance with FAR's 21.197 and 21.199 to operate aircraft to a base where compliance with this AD can be accomplished.

c. Upon request of the operator, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Chicago Aircraft Certification Office, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Detroit Diesel Allison, Division of General Motors Corporation, Indianapolis, Indiana 46206. These documents also may be examined at the Office of Regional Counsel, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803 weekdays, except federal holidays, between 8:00 am and 4:30 pm.

This amendment becomes effective September 26, 1983.

This amendment amends Amendment 39-4179, 46 FR 39991, AD 81-13-12.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 106(g) revised, Pub. L. 94-449, January 12, 1983; 14 CFR 11.89)

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

Issued in Burlington, Massachusetts, on July 25, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 83-23446 Filed 8-25-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 83-ASO-25]

Alteration of Transition Area, Columbia, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment increases the size of the Columbia, South Carolina, transition area to accommodate Instrument Flight Rule (IFR) operations at Corporate Airport. This action lowers the base of controlled airspace from 1200 to 700 feet above the surface in the vicinity of the airport. An instrument approach procedure, predicated on the Columbia VORTAC facility, has been developed to serve the airport and the additional controlled airspace is required for the protection of IFR aeronautical activities.

EFFECTIVE DATE: 0901 G.m.t., September 29, 1983.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On Thursday, June 30, 1983, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by increasing the size of the Columbia, South Carolina, transition area to accommodate IFR operations at Corporate Airport (48 FR 30144). An instrument approach procedure has been developed to serve the Corporate Airport and the airport operating status is changed from VFR to IFR. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. All comments received in response to the circularization were favorable. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the Columbia, South Carolina, transition area by lowering the base of controlled airspace in the vicinity of Corporate Airport from 1200 to 700 feet above the surface.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

Adoption of the Amendment

PART 71—[AMENDED]

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

Columbia, SC (Amended)

By adding the following words to the end of the present text: "* * *; within a 6.5-mile radius of Corporate Airport (Lat. 33°47'40"N., Long. 81°14'46"W.) * * *"

(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)

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

Issued in East Point, Georgia, on August 16, 1983.

Thomas H. Protiva,

Acting Director, Southern Region.

[FR Doc. 83-23448 Filed 8-25-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71 and 75

[Airspace Docket No. 83-ASO-22]

Alteration of Airways/Jet Routes, Jacksonville, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: These amendments alter the descriptions of several VOR Federal Airways and Jet Routes in the vicinity of Jacksonville, FL. The Jacksonville VORTAC has been relocated at lat. 30°20'19" N., long. 81°30'36" W., due to the construction of the new electric power plant that has caused serious derogation of the VORTAC's performance. This action returns the VORTAC to normal operating performance at this new site.

DATES: Effective date—November 24, 1983.

Comments must be received on or before October 10, 1983.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA, Southern Region, Attention: Manager, Air Traffic Division, Docket No. 83-ASO-22, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although these actions are in the form of a final rule, which involve the realignment of several VOR Federal Airways and Jet Routes in the vicinity of Jacksonville, FL, and, thus, were not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specially invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of these amendments to § 71.123 and § 75.100 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) is to realign V-1, V-3, V-51, V-198, V-243, V-267 and V-5. Realign J-121, J-2, and J-79 located in the vicinity of Jacksonville, FL. The Jacksonville VORTAC has been relocated approximately 5 miles to the southeast of its former location. Sections 71.123 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations were republished in Advisory Circular AC 70-3A dated January 3, 1983.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to realign all of the airways and jet routes associated with the Jacksonville VORTAC relocation. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is contrary to the public interest and that good cause exists for making these amendments effective on the next charting date.

List of Subjects in 14 CFR Parts 71 and 75

VOR Federal airways, Jet routes, Aviation safety.

Adoption of the Amendments

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, § 71.123 and § 75.100 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as amended (48 FR 6958), are further amended, effective 0901 G.m.t., November 24, 1983, as follows:

Under section 71.123:

V-1 [Amended]

By deleting the words "via Charleston, SC;" and substituting the words "via INT Jacksonville 020° and Charleston, SC, 214° radials; Charleston;"

V-3 [Amended]

By deleting the words "including a W alternate from Melbourne to Ormond Beach, via Melbourne 321° INT Ormond Beach 211° radials; Ormond Beach, FL; INT Ormond Beach 345° and Brunswick 175° radials; Brunswick, GA;" and substituting the words "including a W alternate via INT Melbourne 322° and Ormond Beach 211° radials; Ormond Beach; Brunswick, GA;"

V-51 [Amended]

By deleting the words "INT Ormond Beach 345° and Jacksonville, FL, 155° radials; Jacksonville; INT Jacksonville 318° and Alma, GA, 150° radials, Alma;" and substituting the words "Jacksonville, FL; Waycross, GA; Alma, GA;"

V-198 [Amended]

By deleting the words "to Jacksonville, FL." and substituting the words "INT Taylor 093° and Jacksonville, FL 285° radials; Jacksonville."

V-243 [Amended]

By deleting the words "INT Jacksonville 318° and Waycross, GA, 126° radials, Waycross;" and substituting the words "via Waycross, GA;"

V-267 [Amended]

By deleting the words "INT Jacksonville 333° and Dublin, GA, 152° radials; Dublin;" and substituting the words "Dublin, GA;"

V-5 [Amended]

By deleting the words "From Jacksonville, FL; INT Jacksonville 318° and Alma, GA, 150° radials; Alma; INT Alma 342° and Dublin, GA, 167° radials; Dublin;" and substituting the words "From Dublin, GA, via"

PART 75—[AMENDED]

Under Section 75.100:

J-2 [Amended]

By deleting the words "Tallahassee; to Jacksonville, FL." and substituting the words "Tallahassee; to Taylor, FL."

J-79 [Amended]

By deleting the words "INT of Ormond Beach 360° and Jacksonville, FL, 028° radials; Charleston, SC;" and substituting the words "INT Ormond Beach 360° and Jacksonville, FL, 020° radials thence Charleston, SC, 214° radials; Charleston;"

J-121 [Amended]

By deleting the words "via Charleston, SC;" and substituting the words "via INT Jacksonville 020° and Charleston, SC, 214° radial; Charleston;"

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

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

Issued in Washington, D.C., on August 16, 1983.

John W. Baier,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-23458 Filed 8-25-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 373 and 399

Exports of Spectrum Analyzers; No Special Licensing Procedures Available

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Extension of suspension of interim rule.

SUMMARY: This rule extends for 180 days the suspension of an interim rule regarding the unavailability of special licensing procedures for exports of spectrum analyzers. This extension of the suspension will provide exporters more time in adjusting to the transition from using special export licenses to shipping under individual validated licenses, and provide the Government additional time to evaluate the public comments on the interim rule received to date.

The original interim rule that ended the use of special licensing procedures for exports of spectrum analyzers was published on June 6, 1983 (48 FR 25174). The original suspension was announced on June 30 (48 FR 30097) and would have ended on August 29, but is now extended until February 25, 1984. On February 25, 1984, the temporarily suspended interim rule will take effect.

Exporters should apply as soon as possible for individual validated licenses or reexport authorizations for spectrum analyzers that will not be shipped from either the U.S. special license holder or the foreign approved consignee within the 180-day period.

EFFECTIVE DATE: August 29, 1983.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff (Telephone: (202) 377-4811).

Public comments are invited on the suspended interim rule (48 FR 25174, June 6, 1983) regarding the unavailability of special licensing procedures for exports of spectrum analyzers. Those wishing to comment should follow the procedures stated in the June 6 **Federal Register** notice.

List of Subjects in 15 CFR Parts 373 and 399

Exports.

PART 373 AND 399—[AMENDED]

Accordingly, the Export Administration Regulations (15 CFR Parts 368-399) are amended as follows:

The interim amendments to Supplement No. 1 to Part 373 and Supplement No. 1 to § 399.1, as published at 48 FR 25174, June 6, 1983, which were suspended on June 30, 1983 (48 FR 30097), are further suspended until February 25, 1984. The former text of Supplement No. 1 to Part 373 and Supplement No. 1 § 399.1 affected by the June 6 rule is reinstated on a temporary basis until February 25, 1984.

The reinstated text reads as follows:

1. Supplement No. 1 to Part 373.

Commodities Excluded From Certain Special License Procedures

* * * * *

1522 Only those lasers and laser systems and specifically designed components and parts therefor, as follows: machine tools containing or which are designed to contain lasers described in the Commodity Control List under entry No. 1522; single aperture lasers with an output greater than one thousand joules per nanosecond; and tunable diodes.

4530 UF_6 mass spectrometers. (Entire entry.)

* * * * *

2. Supplement No. 1 to § 399.1.

Commodity Control List

* * * * *

1529A Electronic measuring, calibrating counting, testing, and/or time interval measuring equipment * * *

Controls for ECCN 1529A.

* * * * *

Special Licenses Available: See Part 373.

* * * * *

Authority: Sections 13 and 15, Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980).

Dated: August 23, 1983.

John K. Boidock,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 83-23413 Filed 8-25-83; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM 79-14]

Publication of Incremental Pricing Acquisition Cost Thresholds

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order Prescribing Incremental Pricing Thresholds.

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

EFFECTIVE DATE: September 1, 1983.

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

SUPPLEMENTARY INFORMATION:

Order of the Director, OPPR

Issued: August 23, 1983.

Publication of prescribed incremental pricing acquisition cost threshold of the NGPA of 1978, Docket No. RM79-14.

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

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

List of Subjects in 18 CFR Part 282

Natural gas.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

TABLE I.—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Calendar Year 1980												
Incremental Pricing Threshold	$1.702	$1.738	$1.750	$1.762	$1.776	$1.790	$1.804	$1.819	$1.834	$1.849	$1.863	$1.877
NGPA Section 102 Threshold	2.358	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640
NGPA Section 109 Threshold	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915	1.929	1.943
130 percent of No. 2 Fuel Oil in New York City Threshold	7.170	7.280	7.410	7.110	7.380	8.040	7.840	7.380	7.400	7.400	7.450	7.560
Calendar Year 1981												
Incremental Pricing Threshold	$1.891	$1.908	1.925	$1.942	$1.954	$1.967	$1.980	$1.990	$2.000	$2.010	$2.025	$2.041
NGPA Section 102 Threshold	2.667	2.698	2.729	2.761	2.787	2.813	2.840	2.863	2.886	2.909	2.940	2.971
NGPA Section 109 Threshold	1.957	1.975	1.993	2.011	2.024	2.037	2.050	2.060	2.070	2.080	2.096	2.112
130 percent of No. 2 Fuel Oil in New York City Threshold	7.610	7.760	8.260	9.010	9.510	9.430	9.360	9.260	8.860	8.700	8.930	8.990
Calendar Year 1982												
Incremental Pricing Threshold	$2.057	$2.071	$2.085	$2.099	$2.106	$2.113	$2.120	$2.129	$2.139	2.149	$2.159	$2.169
NGPA Section 102 Threshold	3.003	3.033	3.063	3.093	3.112	3.132	3.152	3.176	3.200	3.224	3.249	3.274
NGPA Section 109 Threshold	2.128	2.143	2.158	2.173	2.180	2.187	2.194	2.204	2.214	2.224	2.234	2.244
130 percent of No. 2 Fuel Oil in New York City Threshold	9.180	9.340	9.470	9.340	9.280	8.000	8.170	8.670	8.660	8.950	8.640	8.890
Calendar Year 1983												
Incremental Pricing Threshold	$2.179	$2.187	2.195	$2.203	$2.214	$2.225	$2.236	$2.245	$2.254			
NGPA Section 102 Threshold	3.299	3.321	3.344	3.367	3.394	3.421	3.448	3.472	3.496			
NGPA Section 109 Threshold	2.254	2.262	2.270	2.278	2.289	2.300	2.311	2.320	2.329			
130 percent of No. 2 Fuel Oil in New York City Threshold	9.420	9.320	8.820	8.120	7.550	6.950	7.540	7.610	7.440			

[FR Doc. 83-23487 Filed 8-25-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

[T.D. 83-177]

Customs Regulations Amendment Relating to the Customs Field Organization; Determination Regarding Proposed Change of Hours of Service at a Customs Port of Entry

AGENCY: Customs Service, Treasury.

ACTION: Final rule and determination on proposal.

SUMMARY: This document amends the Customs Regulations by deleting Lochiel, Arizona, from the list of designated Customs stations. This change will enable Customs to obtain more efficient use of its personnel, facilities, and resources. The document also advises the public that Customs has decided not to reduce the hours of service at the Customs port of entry of Naco, Arizona.

EFFECTIVE DATE: September 26, 1983.

FOR FURTHER INFORMATION CONTACT: Denise Crawford, Office of Inspection and Control, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8157).

SUPPLEMENTARY INFORMATION:

Background

Customs ports of entry and stations are locations where Customs officers are placed for the purpose of accepting the entry of merchandise, collecting duties, examining baggage, clearing passengers, and enforcing the various provisions of the customs laws and other laws.

The significant difference between ports of entry and stations is that at stations, the Federal Government is reimbursed for:

(1) The salaries and expenses of its officers or employees for services rendered in connection with the entry or clearance of vessels; and

(2) Except as otherwise provided by the Customs Regulations, the expenses (including any per diem allowed in lieu of subsistence), but not the salaries, of its officers or employees, for service rendered in connection with the entry or delivery of merchandise on vessels.

In a notice published in the **Federal Register** on November 29, 1982 (47 FR 53744), Customs proposed: (1) To close the Customs station at Lochiel, Arizona; and (2) to reduce the hours of service at the port of Naco, Arizona, from 24 hours a day to 6 a.m. to 10 p.m.

Lochiel, Arizona

As stated in the notice, in Fiscal Year 1981, the station at Lochiel, Arizona, did not collect any revenue, did not make any entry examinations, and did not take any enforcement action. Approximately 17 vehicles a day, most of which are noncommercial, use Lochiel to cross the U.S./Mexican border. If Lochiel were to be closed, those vehicles would clear Customs at Nogales, Arizona, 25 miles from Lochiel. Because of the minimal use of Lochiel, Customs believes that the annual cost of operations of $41,218 is not justified.

Naco, Arizona

Section 101.6, Customs Regulations (19 CFR 101.6), provides that, with certain exceptions, each Customs office shall be open for the transaction of general Customs business between the hours of 8:30 a.m. and 5:00 p.m., on all days of the year. If, because of local conditions, different but equivalent hours are required to maintain adequate service, such hours shall be observed provided that the Commissioner of Customs approves them and provided further that a notice of business hours is prominently displayed at the principal entrance and in each public room of the Customs office.

The notice also provided that the port of Naco, Arizona, which is open 24 hours a day, experiences very little activity between the hours of 10 p.m. and 6 a.m. Approximately 38 noncommercial vehicles use the Naco port of entry to cross the U.S./Mexican border during those hours, and many of those are repeat crossers. If the port of Naco were to be closed form 10 p.m. to 6 a.m., travelers desiring clearance during these hours could clear Customs at Douglas, Arizona, a 24-hour port located about 30 miles from Naco. The reduction in hours of service would result in an annual savings of $42,130.

Discussion of Comments

Two comments were received on the proposal to close the Lochiel station, one in support and one in opposition. Although the commenter in opposition states that the closing of Lochiel will work a hardship on the local community, Customs believes that any inconvenience will be minimal. After a further review of the matter, Customs has decided to adopt the proposal to close the Lochiel station.

Several comments were received on the proposal to reduce the hours of service at Naco. One of the comments was in favor of the proposal and the rest were in opposition. Customs also received two lengthy petitions of signatures opposing the change. The commenters in opposition state that the proposal would inconvenience travelers and have a detrimental effect on the tourist trade and local business. After a further review of this proposal, Customs has decided to keep the port of Naco open 24 hours a day.

List of Subjects in 19 CFR Part 101

Customs duties and inspection, Exports, Imports, Organization and functions (Government agencies).

Amendment to the Regulations

PART 101—GENERAL PROVISIONS

Because Customs is closing the station at Lochiel, Arizona, § 101.4(c), Customs Regulations (19 CFR 101.4(c)), is amended by revising the entry beginning with the District of Nogales, Arizona to read as follows:

District	Customs stations	Port of entry having supervision
•	•	•
Nogales, Ariz.	Tucson, Ariz.	Nogales
•	•	•

(Section 301, 80 Stat. 379, section 1, 37 Stat. 434, R.S. 251, as amended, section 624, 46 Stat. 759 (5 U.S.C. 301, 19 U.S.C. 1, 66, 1624))

Executive Order 12291

Because this amendment relates to the organization of the Customs Service, pursuant to section 1(a)(3) of Executive Order 12291, it is not a regulation or rule subject to that E.O.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this document because the amendment will not have a significant economic impact on a substantial number of small entities. The amendment is not expected to have significant secondary or incidental effects on a substantial number of small entities, or to impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the amendment will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal author of this document was Gerard J. O'Brien, Jr., Regulations Control Branch, Office of Regulations

and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Alfred R. De Angelus,

Acting Commissioner of Customs.

Approved: July 19, 1983.

Robert E. Powis,

Acting Assistant Secretary of the Treasury.

[FR Doc. 83-23469 Filed 8-25-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Social Security Benefits; Disability Insurance Benefits; Deductions, Reductions, and Nonpayments of Benefits

Correction

In FR Doc 83-22379 beginning on page 37015 in the issue of Tuesday, August 16, 1983, make the following corrections:

1. In § 404.408(l)(2)(i) which appears in the third column of page 37019, in the first line of (i), "The rate" should have read "The ratio".

2. In § 404.408(l)(3), in the Example appearing on page 37020, in the computations appearing at the end of the document, third line "×96.80" should have read "−96.80", and in the ninth line, insert a parenthesis before "rounded from $135.85)".

BILLING CODE 1505-01-M

Food and Drug Administration

21 CFR Part 81

[Docket No. 76N-0366]

Provisional Listing of D&C Red No. 19 and D&C Red No. 37 For Use in Externally Applied Drugs and Cosmetics; Postponement of Closing Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of D&C Red No. 19 and D&C Red No. 37 for use as color additives in externally applied drugs and cosmetics. The new closing date will be October 31, 1983. This brief postponement will provide additional time for determining the applicability of the statutory standard for the listing of noningested color additives to the results of the scientific investigations of D&C Red No. 19 and D&C Red No. 37.

DATES: Effective August 30, 1983, the new closing date for D&C Red No. 19 and D&C Red No. 37 will be October 31, 1983.

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

SUPPLEMENTARY INFORMATION: FDA established the current closing date of August 30, 1983, for the provisional listing of D&C Red No 19 and D&C Red No. 37 for use in externally applied drugs and cosmetics by a rule published in the **Federal Register** of June 28, 1983 (48 FR 29684). The agency extended the closing date to provide additional time for determining the applicability of the statutory standard for the listing of noningested color additives to the results of the scientific investigations of D&C Red No. 19 and D&C Red No. 37. Previously in the **Federal Register** of April 29, 1983 (48 FR 19365), FDA had published a rule establishing the June 28, 1983 closing date for the provisional listing of D&C Red No. 19 and D&C Red No. 37 to provide time for determining the applicability of the statutory standard for the listing of noningested color additives to the results of the scientific investigations. In the **Federal Register** of March 1, 1983 (48 FR 8443), FDA had published a rule establishing the April 29, 1983, closing date for the provisional listing of D&C Red No. 19 and D&C Red No. 37 to provide time for consideration of studies submitted by the Cosmetic, Toiletry, and Fragrance Association, Inc. (CTFA), and in the **Federal Register** of March 27, 1981 (46 FR 18954), FDA had published a rule establishing a closing date of February 28, 1983, for the provisional listing of D&C Red No. 19 and D&C Red No. 37 for cosmetic and general drug uses. The agency extended the closing date until February 28, 1983, to provide time for the completion of chronic toxicity studies and the review and evaluation of these studies. In the **Federal Register** of February 4, 1983 (48 FR 5262), FDA terminated the provisional listing of D&C Red No. 19 and D&C Red No. 37 for coloring ingested drugs and cosmetics.

As noted in the **Federal Register** of August 6, 1973 (38 FR 21199), D&C Red No. 19 and D&C Red No. 37 are the subject of a petition (CAP 9C0091) submitted by the Toilet Goods Association, Inc. (now CTFA), for use in coloring drugs and cosmetics. As discussed in the **Federal Register** of February 4, 1983 (48 FR 5262), the petitioner has amended its color additive petition by withdrawing its request to list these color additives for coloring ingested drugs and cosmetics but has continued to seek permanent listing of these color additives for use in external cosmetic and drug products that are not subject to incidental ingestion. Prior to February 4, 1983, the petitioner submitted analyses of the safety and legal issues involved in the decision on whether to list the external uses of these color additives, including data regarding skin penetration. However, the agency found the skin penetration data did not provide an adequate basis upon which to determine whether these color additives were in fact absorbed through the skin.

Thus, on November 24, 1982, CTFA asked the agency to review new skin penetration studies on these color additives. CTFA said it would be able to submit these studies to the agency by February 10, 1983. Because of unforeseen events, CTFA was unable to submit these new data until February 16, 1983. The agency agreed to review these data before reaching a conclusion on the safety of D&C Red No. 19 and D&C Red No. 37 for use in externally applied drugs and cosmetics.

The agency is now considering the scientific and legal aspects of the CTFA submissions in support of the external uses of these color additives. Although D&C Red No. 19 and D&C Red No. 37 have been shown to be animal carcinogens upon ingestion, the agency believes that somewhat different questions are raised by the request to list these color additives for noningested use. FDA finds that additional time is needed to determine the applicability of the statutory standard for the listing of color additives for noningested use to D&C Red No. 19 and D&C Red No. 37. It has taken FDA more time to evaluate the data involved in making this decision than the agency anticipated. This postponement will also provide additional time for the agency to prepare and to publish a **Federal Register** document setting forth its final decision on the petition for the permanent listing of these color additives for external use. The continued use of these color additives in externally applied products for the short time needed for adequate evaluation of the data and for preparation of the **Federal Register** document will not pose a hazard to the public health.

Because of the short time until the August 30, 1983 closing date, FDA concludes that notice and public procedure on these amendments are impracticable.

This final rule will permit the uninterrupted use of these color additives until October 31, 1983. To prevent any interruption in the provisional listing of D&C Red No. 19 and D&C Red No. 37 and in accordance with 5 U.S.C. 553(d)(1) and (3), this final rule is being made effective August 30, 1983.

List of Subjects in 21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706(b), (c), and (d), 52 Stat. 1055–1056 as amended, 74 Stat. 399–403 (21 U.S.C. 371, 376(b), (c), and (d))) and under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86–618; sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 81 is amended as follows:

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

§ 81.1 [Amended]

1. In § 81.1 *Provisional lists of color additives*, by revising the closing date for "D&C Red No. 19" and "D&C Red No. 37" in paragraph (b) to read "October 31, 1983."

§ 81.27 [Amended]

2. In § 81.27 *Conditions of provisional listing*, by revising the closing date for "D&C Red No. 19" and "D&C Red No. 37" in paragraph (d) to read "October 31, 1983."

Effective date. This final rule shall be effective August 30, 1983.

(Secs. 701, 706(b), (c), and (d), 52 Stat. 1055–1056 as amended, 74 Stat. 399–403 (21 U.S.C. 371, 376(b), (c), and (d)); sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note))

Dated: August 10, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-23444 Filed 8-25-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 177

[Docket No. 83F-0037]

Indirect Food Additives; Polymers

Correction

In FR Doc. 83–21557 beginning on page 36099 in the issue of Tuesday, August 9, 1983, make the following correction:

On page 36099, middle column, under **FOR FURTHER INFORMATION CONTACT:**, "(HFF–333)" should have read "(HFF–334)".

BILLING CODE: 1505-01-M

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21 CFR Part 558

New Animal Drugs For Use in Animal Feeds; Monensin, Roxarsone, and Virginiamycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by SmithKline Animal Health Products, Division of SmithKline Beckman Corp., for the use of three currently approved premixes for the preparation of complete broiler chicken feeds containing combinations of monensin, roxarsone, and virginiamycin at different levels.

EFFECTIVE DATE: August 26, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV–128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4317.

SUPPLEMENTARY INFORMATION: SmithKline Animal Health Products, Division of SmithKline Beckman Corp., 1600 Paoli Pike, West Chester, PA 19380, is the sponsor of NADA 120–724 providing for the use of a combination of three individually approved premixes for the preparation of complete broiler chicken feeds containing monensin, roxarsone, and virginiamycin at levels currently approved for each premix. The approved premixes used for the preparation of the complete broiler chicken feeds are Coban® (monensin sodium), 3-Nitro (roxarsone), and Stafac® (virginiamycin). The NADA is approved and the regulations are amended accordingly. The basis for approval is discussed in the freedom of information (FOI) summary.

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

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEED

1. In § 558.355 by revising paragraph (b)(5) and adding new paragraph (f)(1)(xx) to read as follows:

§ 558.355 Monensin.

* * * * *

(b) * * *

(5) To 000007: 45 grams per pound, as monensin sodium provided by No. 000986, paragraph (f)(1)(xiii) and (xx) of this section.

* * * * *

(f) * * *

(1) * * *

(xx) *Amount per ton.* Monensin, 90 to 110 grams, plus virginiamycin, 5 to 10 grams, and roxarsone, 22.7 grams (0.0025 percent).

(*a*) *Indications for use.* For incease in rate of weight gain; as an aid in the prevention of coccidiosis caused by *Eimeria necatrix, E. tenella, E. acervulina, E. maxima, E. brunetti,* and *E. mivati.*

(*b*) Limitations. Do not feed to laying chickens; feed continuously as the sole ration; withdraw 5 days before slaughter; as sole source of organic arsenic; as monensin sodium; as roxarsone provided by Nos. 017210 and 011801 in § 510.600(c) of this chapter.

* * * * *

2. In § 558.530 by adding new paragraph (f)(3)(xxi) to read as follows:

§ 558.530 Roxarsone.

* * * * *

(f) * * *

(3) * * *

(xxi) Monensin and virginiamycin as in § 558.355.

* * * * *

3. In § 558.635 by adding new paragraph (f)(3)(iii) to read as follows:

§ 558.635 Virginiamycin.

* * * * *

(f) * * *

(3) * * *

(iii) Monensin and roxarsone as in § 558.355.

Effective date. August 26, 1983.

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

Dated: August 19, 1983.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 83-23443 Filed 8-25-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 47

[DoD Directive 1000.20]

Determinations of Active Military Service and Discharge; Civilian or Contractual Personnel

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule has been revised to require the Secretary of the Military Department concerned to issue a report of casualty including an equivalent pay grade for those civilian or contractual personnel who were killed during a designated period of active military duty. The revision also directs the Secretary of the Air Force to publish notification in the **Federal Register** of the acceptance of a group application and, subsequently, of the final Secretarial determination. The DD Form 2168, Application for Discharge of Member or Survivor of Member of Group Certified to Have Performed Active Duty with the Armed Forces of the United States, has been revised to include an authorization to release copies of official personnel records maintained by the National Personnel Records Center to the appropriate Military Service. These changes will allow the Veterans Administration to award appropriate survivor benefits, ease notification to members of approved groups, and speed processing of requests for discharge from members of approved groups.

EFFECTIVE DATE: This rule was approved and signed by the Deputy Secretary of Defense on June 9, 1983, and is effective as of that date.

FOR FURTHER INFORMATION CONTACT: Major Sallie A. Savage, USAF, Office of the Secretary of the Air Force (Personnel Council) (SAF/MIPC), The Pentagon, Washington, D.C. 20330, telephone 202-694-5204 or 694-5074.

SUPPLEMENTARY INFORMATION: In FR Doc. 79-5887 appearing in the **Federal Register** on February 28, 1979 (44 FR 11220), the Office of the Secretary of Defense (OSD) published a final rule establishing DoD policies and procedures for the operation of a civilian and military service review board to implement the provisions of Section 401 of Pub. L. 95-202, The G.I. Bill Improvement Act of 1977. The Part hereunder revises this rule.

List of Subjects in 32 CFR Part 47

Military personnel.

Accordingly, 32 CFR is amended by revising Part 47, reading as follows:

Sec.

47.1 Reissuance and Purpose.
47.2 Applicability.
47.3 Definition.
47.4 Policy.
47.5 Responsibilities.
47.6 DoD Civilian/Military Service Review Board and Advisory Panel.
47.7 Procedures.

Authority: Section 401, Pub. L. 95-202, 38 U.S.C. 106 note.

§ 47.1 Reissuance and purpose.

This Part is hereby revised and reissued and implements Section 401, Pub. L. 95-202, which directs the Secretary of Defense to determine whether civilian employment or contractual service rendered by civilian or contractual groups to the Armed Forces of the United States shall be considered active military service (38 U.S.C. 101) for purposes of laws administered by the Veterans Administration. It also establishes the DoD Civilian/Military Service Review Board and Advisory Panel, sets forth policy, assigns responsibilities.

§ 47.2 Applicability.

This Part applies to the Office of the Secretary of Defense (OSD), the Military Departments, and, by agreement with the Secretary of Transportation, the U.S. Coast Guard.

§ 47.3 Definition.

Civilian or Contractual Group. An organization similar to the Women's Airforces Service Pilots (a group of federal civilian employees attached to the U.S. Army Air Force in World War II) whose members rendered service to the Armed Forces of the United States in a capacity that was then considered civilian employment or contractual service.

§ 47.4 Policy.

(a) It is DoD policy to determine whether the civilian employment or contractual services of a civilian or contractual group shall be considered active military service for the purposes of laws administered by the Veterans Administration by considering judicial and other appropriate precedents, including the extent to which the members of such a group:

(1) Received military training and acquired a military capability, or the service performed by such group was critical to the success of a military mission.

(2) Were subject to military justice, discipline, and control.

(3) Were permitted to resign.

(4) Were susceptible to assignment for duty in a combat zone.

(5) Had reasonable expectations that their service would be considered to the active military service (see Pub. L. 95-202).

(b) The Department of Defense may not provide counsel representation or defray the cost of such on any matters covered by this Part.

§ 47.5 Responsibilities.

(a) The *Secretary of the Air Force* shall:

(1) Establish the DoD Civilian/Military Service Review Board and Advisory Panel.

(2) Appoint a chair and a member and alternate from members or employees of the Air Force in grades GS-15 or O-6 or higher.

(3) If civilian or contractual groups claim Coast Guard active military service, requst the Secretary of Transportation to appoint one member and one alternate member in the grade of GS-15 or O-6 or higher from the Coast Guard to be an additional voting member of the Board when the Board is considering the claims of such groups.

(4) Provide a recorder, maintain the records of the Board, and provide the Board with nonvoting legal advisors as requested by the chair.

(5) Publish notification in the **Federal Register** of the acceptance of a group application and, later, of his final determination.

(b) The *Secretaries of the Army and Navy and the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) (ASD(MRA&L))* shall appoint to the Board a member and alternate from members or employees of their organization in grades GS-15 or O-6 or higher.

§ 47.6 DoD Civilian/Military Service Review Board and Advisory Panel.

(a) *Organization and Management.* (1) The Board shall consist of a chair and one representative each from the OSD,

the Departments of the Army, Navy, and Air Force, and the Department of Transportation when cases involve groups claiming active Coast Guard service. Each member shall have one vote except that the chair shall vote only in the event of a tie vote. The chair and two voting members shall constitute a quorum.

(2) The Advisory Panel shall act as a nonvoting adjunct of the Board. It shall consist of a group of historians or their alternates selected by the Secretaries of the Military Departments and, if required, by the Secretary of Transportation. The respective Military Departments shall ensure that the Advisory Panel is provided with the necessary administrative and legal support.

(b) *Functions.* (1) The Board shall meet in executive session and shall limit its reviews to:

(i) Written submissions by an applicant on behalf of a civilian or contractual group.

(ii) A written report prepared by the appropriate member or members of the Advisory Panel.

(iii) Any other relevent information available and the criteria established by law.

(2) The Board shall submit, with justification, a written recommendation to the Secretary of the Air Force that the service of a civilian or contractual group either be or not be considered active military service in one of the Armed Forces of the United States.

(3) The Advisory Panel shall provide historical data or other assistance requested by the chair of the Board.

§ 47.7 Procedures.

(a) The Secretay of the Air Force shall consider the recommendations of the Board and determine whether the service rendered by a civilian or contractual group shall be considered active military service for the purpose of all laws administered by the Veterans Administration. If the Secretary does not concur with the recommendation or rationale of the Board, his decision and reasons therefor shall be stated in writing, and he shall notify:

(1) The person or persons who made the request for the active military service determinations.

(2) The Administrator of Veterans Affairs.

(3) The Secretaries of the Army and Navy.

(4) The ASD(MRA&L).

(5) The Secretary of Transportation when a civilian or contractual group claimed Coast Guard service.

(b) Following a determination by the Secretary of the Air Force that the service of a civilian or contractual group constitutes active military service, individuals who were members of that group may submit to the Military Department concerned or the Department of Transportation, as appropriate, an application for discharge.

(c) The Secretary of the Military Department concerned or the Secretary of Transportation, as appropriate, shall determine whether the applicant was a member of the civilian or contractual group after considering the individual's evidence of membership. If the applicant is determined to have been a member of the group, the Secretary concerned shall issue a DD Form 214, Certificate of Release or Discharge from Active Duty, and a DD Form 256, Honorable Discharge Certificate, or a DD Form 257, General Discharge Certificate, as appropriate, consistent with Parts 45 and 41 of this title and the implementing documents of the appropriate statutes of the Military Department concerned or the Department of Transportation, as appropriate.

(d) If an approved member was killed during the period of equivalent active military duty, the Secretary of the Military Department concerned or the Secretary of Transportation, as appropriate, shall issue a DD Form 1300, Report of Casualty, including equivalent military pay grade, consistent with DoD Instruction 1300.9.

(e) For the purpose of Veterans Administration benefits, a pay grade is needed only in cases when an individual was killed or received service-related injuries or disease during the equivalent military service period. A DD Form 1300 shall be issued with the equivalent pay grade annotated for those members who died during the approved period of service. A DD Form 214 may not include pay grade unless the Administrator of Veterans Affairs requests that a determination of pay grade be made. Proof of grade may include, in order of importance, the following:

(1) Equivalent rank or organizational grade (must have been officially recognized).

(2) If no equivalent rank, then for government employees, the corresponding rank for civilian pay grade.

(3) If neither of the above applies, only one of three grades may be issued: O–1, E–4, or E–1. Selection of one of these three grades shall depend upon the nature of the job performed, the level of supervision exercised, and the military privileges, if any, to which the individual was entitled.

(f) If the applicant challenges the characterization of a discharge issued by a Military Department or the Department of Transportation, as appropriate, the applicant may appeal the characterization to the Secretary concerned.

(g) *Applications.* (1) Applications for civilian or contractual group determinations shall be submitted to the Secretary of the Air Force (SAF/MIPC), the Pentagon, Washington, D.C. 20330.

(2) Individual members of civilian or contractual groups whose employment was determined to have been active military service may submit applications for discharge to the Military Department concerned or the Department of Transportation, as appropriate. The application may be prepared using DD Form 2168, Application for Discharge of Member or Survivor of Member of Group Certified To Have Performed Active Duty With the Armed Forces of the United States, or in narrative form. Applications on behalf of individuals who are deceased or incompetent shall be accompanied by legal proof of death or incompetency.

Dated: August 22, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-23442 Filed 8-25-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

34 CFR Part 5b

Privacy Act Regulations

AGENCY: Education Department.

ACTION: Final Regulations.

SUMMARY: The Secretary of Education issues final regulations under the Privacy Act of 1974 (Act). This amendment permits the Office for Civil Rights (OCR) to exempt the "Complaint Files and Log" system of records from certain provisions under the Act, including the access provisions and some notice provisions. Currently, a complainant has access to the files compiled during the investigation of his or her civil rights complaint against a recipient of Federal financial assistance. The amemdment encourages recipients to furnish information essential to the investigation, since this information will be exempt from disclosure under the Act.

EFFECTIVE DATE: These regulations are expected to take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call

or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: William A. Delaney III, Litigation, Enforcement and Policy Service, Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW., 20202. Telephone: (202) 245-0912, "Voice-TDE" 472-4422.

SUPPLEMENTARY INFORMATION: The notice of proposed rulemaking with invitation to comment was published in the **Federal Register** in 47 FR 21096-7 (May 17,1982). The public was given 30 days to comment on this regulation. The period for comment was extended to August 13, 1982, 47 FR 30498 (July 14, 1982).

These regulations allow OCR to deny access to the complaint file and log by individuals who file complaints, and to delete portions of the notices of systems of records published in the **Federal Register.** In addition, OCR would not be required to account for disclosure of an individual's record to that individual. These regulations will aid negotiations between recipients and OCR in resolving civil rights issues. Disclosure of an investigative file to a complainant pursuant to the Act has on occasion disrupted negotiations. Also, the regulations will encourage recipients to more readily furnish information to OCR, since that information will not be subject to disclosure under the Act. Comments were received from several State and local governmental entities, private individuals, and advocacy groups. The concern most often expressed was that the regulations were overbroad, and that Congress did not intend the exemption codified at 5 U.S.C. 552a(k)(2) ((k)(2) exemption) to apply to civil rights investigatory files. The comments have been reviewed and appropriate responses have been prepared.

Summary of Comments and Responses

A summary of the substantive comments and the responses of the Secretary follows:

Comment: A school district commented that it opposed the regulations as the "accused" should have a right to respond to charges made against it, and that the exemption will delay the resolution of complaints.

Response: No change has been made. The exemption only affects the rights of individuals under the Act. School districts do not have any rights under the Privacy Act (5 U.S.C. 552a(a)(2); 34 CFR 5b.1(e)). The purpose of the regulations is to expedite civil rights investigations, not to delay them. If a school district is found in violation of the civil rights laws, it is notified through a letter of findings.

Comment: One commenter opposed adoption of the regulations on the grounds that it would violate the court order entered in *Adams* v. *Bell*, C.A. No. 3095-70 (D.D.C., filed Dec. 29, 1977).

Response: The *Adams* order requires that a complainant be interviewed during the course of an investigation. Further, if OCR anticipates making a finding adverse to the complainant, then OCR must notify the complainant to that effect. In addition, OCR must notify the complainant of the evidence supporting the adverse finding, either by actually showing the evidence to the complainant or by providing a written or oral summary of the evidence. Then, the complainant will be provided an opportunity to respond. See *Adams* v. *Bell, supra,* ¶10. The *Adams* order does not require that the entire contents of an investigatory file be turned over to a complainant upon request. Thus, the regulations do not violate the *Adams* order. OCR will continue to carry out its obligations under *Adams*.

Comment: Some commenters stated that the justification for the regulations is insufficient as written in the preamble to the NPRM.

Response: No change has been made. The Secretary feels that the reasons set forth in the NPRM are ample justification for the regulations. As stated in the NPRM, OCR's investigatory efforts, in certain instances, have been impeded by recipients' reluctance to reveal information where providing such information compromises the legitimate privacy interests of a source. Additionally, the untimely release of information may jeopardize delicate and sometimes lengthy negotiations that would otherwise result in the successful resolution of complaints. The regulations reflects the Secretary's carefully considered solution to problems experienced in the course of investigating civil rights complaints. It is intended to enhance OCR's ability to conduct investigations and thus to ensure compliance with civil rights laws.

Comment: Some commenters stated that the exemption was unnecessary, since the Department has the power to compel a recipient to respond to an information request pursuant to an investigation. One commenter also stated, in this vein, that an administrative proceeding to compel disclosure of information is the more appropriate method of resolving the problem.

Response: No change has been made. While it is true that a refusal by a recipient to supply information upon request is grounds for an administrative proceeding under 34 CFR 100.6(c), it has been the experience of OCR that these proceedings are time-consuming and may delay the investigation of the merits of a complaint for years while the access issue is being litigated. In that light, the Secretary feels that the regulations are appropriate and will encourage cooperation of recipients in providing the information necessary for investigating complaints, and thereby avoid protracted litigation which might substantially delay resolution of complaints.

Comment: Several commenters stated that the exemption of the complaint files and log is overbroad, and suggested that the more appropriate method is to disclose records on a case-by-case basis.

Response: No change has been made. OCR has considered this type of procedure, but has rejected it as impractical. Further, it is not required under the Act.

Comment: An attorney who has represented school districts commented that the regulations may impede discovery, and may lead to litigation.

Response: No change has been made. As already stated, the Privacy Act does not apply to school districts. Consequently, promulgating the regulations will not alter any right or privilege of a school district. However, the Secretary feels that the exemption will encourage the school districts to provide information pursuant to a civil rights investigation, and thereby diminish the possibility of litigation.

Comment: One commenter stated that OCR should maintain a list of persons to whom the investigative file has been disclosed.

Response: No change has been made. The Department is required by the Act to maintain an accounting of disclosures made under most of the exceptions to the Act, except 5 U.S.C. 552a(b) (1) and (2). Under 5 U.S.C. 552a(c)(3), the Department must make the accounting of disclosures under each exception, other than exception (b)(7), available to the subject individual. (See 34 CFR 5b.9(c)). The Department is still required to keep the accountings. The change made by this amendment only affects a subject individual's access to the accountings.

Comment: Several commenters have expressed concern that the regulations will exclude complainants from the investigatory process, in that they will be precluded from "overseeing" the case, and from the opportunity to rebut incorrect information or otherwise be apprised of the course of the investigation.

Response: No change has been made. As already stated, the *Adams* order requires that the complainant be informed at appropriate stages of the investigation. Under *Adams*, a complainant is informed of, and given an opportunity to rebut, any evidence that may lead to an adverse finding. The involvement of the complainant in the investigatory process will not be diminished by the regulations.

Comment: One commenter expressed the fear that the regulations may hinder disabled people from securing jobs, education, or training.

Response: No change has been made. The Secretary feels that the regulations will have the opposite effect, since it will facilitate civil rights investigations.

Comment: One State agency agreed with the regulations, noting that the nature of OCR's investigations sometimes require that the complainant not be given access to the complaint file, and observes that the regulations will enhance informal resolution of complaints.

Response: No change has been made. The Secretary concurs with the comment.

Comment: One commenter suggested that further study of the problem be made, with a view toward finding remedies other than utilizing the (k)(2) exemption.

Response: No change has been made. The Secretary feels that the problem has been sufficiently studied, and that the regulations are within the intent of the Act, and are the most appropriate and practical remedy.

Comment: One commenter stated that the (k)(2) exemption ought to be read in light of another exemption in the Act precluding disclosure of information compiled in anticipation of a civil action, 5 U S.C. 552a(d)(5), and the exemption precluding disclosure of criminal records, 5 U.S.C. 552a(j)(2). The commenter urged that if the (k)(2) exemption is read in light of these two exemptions, then the exemption may only be invoked when access to investigatory files seriously jeopardizes an agency's law enforcement activities.

Response: No change has been made. The Secretary disagrees that the regulations should be limited by the other exemptions suggested by the commenter. The Secretary notes the two exemptions apply to circumstances different than the present regulations. Further, if Congress intended the (k)(2) exemption to be read as urged, it would have so stated in the Act. In any event, the Secretary feels that the need for the regulations has been sufficiently demonstrated, and their implementation is appropriate.

Comment: The most common concern expressed by the commenters was that Congress did not intend the (k)(2) exemption to apply to the investigative files maintained by OCR. One commenter asserted that the purpose of the (k)(2) exemption was to prohibit individuals who were the targets of investigation from being alerted that they were being investigated. Along this line, another commenter stated that Congress did not intend all civil rights files to fall within the purview of the (k)(2) exemption.

Response: No change has been made. The Secretary feels that both the legislative history and the language of the Act support the regulations. In setting forth the basis for the (k)(2) exemption, the legislative history states.

> Individual access to certain law enforcement files could impair investigations, particularly those which involve complex or continuing patterns of behavior. *H.R. Rep. No. 93–1416*, 93 Cong. 2nd Sess., 19 (1974).

The above report cites an example whereby the (k)(2) exemption could be utilized to preclude an individual, who is the subject of an investigation, from obtaining his or her file under the Privacy Act and thus being able to frustrate detection of illegal action or escape prosecution. Some commenters take the position that this is the only time the (k)(2) exemption should be employed. However, the commenter read the example too narrowly. As was stated elsewhere in the legislative history:

> The exemptions (allowed from disclosure under the Act) are for three purposes only, national defense, and foreign policy, and certain law enforcement investigative and intelligence matters where access and challenge rights are found to damage the purpose for which the information is collected. *S. Rep. No. 93–1183*, 93rd Cong. 2nd Sess, *reprinted in* (1974) *U.S. Code Cong., & Ad. News* 6916, 6935–36.

The true test is whether disclosure of information contained in investigative files will "damage the purpose for which the information is collected." The Department has demonstrated that disclosure of its investigative files by a complainant has impeded investigations by OCR because recipients were reluctant to disclose information, thus damaging the purpose for which the information is collected. Moreover, a plain reading of 5 U S.C. 552a(k)(2) does not limit the exemption to the very narrow grounds urged by the commenter. Thus, both the legislative history and the statute support the promulgation of the regulations by the Secretary. Moreover, many other Federal agencies have promulgated regulations similar or identical to the present regulations.

Comment: One commenter stated that the Privacy Act does not give the Department authority to exempt whole systems of files from disclosures under the (k)(2) exemption.

Response: No change has been made. The Act specifically allows the head of any agency to promulgate rules to "exempt any system of records" under the appropriate circumstances outlined by the Act. 5 U.S.C. 552a(k). This language is broad enough to allow the Secretary's exemption permitting the Office for Civil Rights to withhold investigatory materials contained in its complaint files and log system of records.

Comment: A commenter suggested that there was no "compelling need" for the exemption, and that the same end could be achieved by deleting or encoding names or other information, encoding or eliminating confidential documents, or summarizing documents.

Response: No change has been made. The suggested measures, if adopted, would not avoid the application of the Privacy Act. Every record connected to an individual by a personal identifier must be disclosed to that identifying under the Act unless the record falls within an exemption. Moreover, the Secretary must disclose what identifying symbols, numbers, or other identifying particulars the Secretary used in responding to a request under the Act. Consequently, encoding or eliminating documents with personal identifiers from files will not avoid disclosure under the Act. These regulations are the most viable means available for exempting its complaint log and files from disclosure. See 5 U S.C. 552a(a) (4–5); 34 CFR 5b.1(h,n); *Shermco Industries* v. *Secretary of the Air Force*, 452 F. Supp. 306, 315 n. 5 (N.D. Tex. 1978); *reversed on other grounds*, 613 F 2d 1314 (5th Cir. 1980). The Secretary disagrees that a compelling case for implementing the regulations has not been made.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291, and are classified as nonmajor because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. These

regulations are administrative and do not affect any small entities.

List of Subjects in 34 CFR Part 5b

Administrative practice and procedure, Civil rights, Privacy, Privacy Act regulations.

Citation of Legal Authority

A citation of statutory authority is placed in parentheses on the line following the regulations.

(Catalog of Federal Domestic Assistance number does not apply)

Dated: August 22, 1983.

T. H. Bell,

Secretary of Education.

The Secretary amends Part 5b of Title 34 of the Code of Federal Regulations as follows:

PART 5b—PRIVACY ACT REGULATIONS

1. Section 5b.11 is revised by adding a new paragraph (b)(2)(ii) to read as follows:

§ 5b.11 Exempt systems.

* * * * *

(b) * * *

(2) * * *

(ii) Pursuant to subsection (k)(2) of the Act: Complaint Files and Log, Office for Civil Rights.

* * * * *

(5 U.S.C. 552a(k))

[FR Doc. 83-23465 Filed 8-25-83; 8:45 am]

BILLING CODE 4000-01-M

VETERANS ADMINISTRATION

38 CFR Part 3

Definition of Nursing Home

AGENCY: Veterans Administration.

ACTION: Final regulation amendment.

SUMMARY: The Veterans Administration has amended its adjudication regulations to establish a definition of the term "nursing home" for benefit purposes. This definition is necessary to determine the scope of that term as used in the adjudication of claims.

EFFECTIVE DATE: This amendment is effective August 10, 1983.

FOR FURTHER INFORMATION CONTACT: Robert White, Compensation and Pension Service (211B), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-3005.

SUPPLEMENTARY INFORMATION: On pages 56881 to 56882 of the **Federal Register** of December 21, 1982, the Veterans Administration published a proposed amendment to 38 CFR 3.1 which added a new paragraph (z) defining the term "nursing home." Interested persons were given until January 20, 1983 to submit comments, objections or suggestions on this regulatory amendment.

A total of three written comments were received. The commentators were the Congressman from the 4th District of Oregon, the Director, National Veterans Service, Veterans of Foreign Wars of the United States (VFW), and attorneys of the National Senior Citizens Law Center (NSCLC).

The major concern expressed by all commentators involved the procedural aspects of reviewing the files of beneficiaries who are already receiving the aid and attendance benefit to determine their continued entitlement, and the assistance to be provided by the VA to beneficiaries who may no longer be entitled to that benefit on a presumptive basis. This concern involves the use to be made of the new definition and not the regulatory definition itself. A general description of the VA's review procedure should alleviate this concern.

The aid and attendance review procedures have been constructed in such a manner as to provide a wide variety of assistance in establishing entitlement while protecting due process rights. Those beneficiaries whose aid and attendance entitlement is based on a formal rating decision or on patient status in a nursing home which meets the proposed definition will not lose that benefit because of this review. Those who reside in extended care facilities which do not meet the proposed definition will be advised as to the type of evidence necessary to support entitlement and will be given a reasonable time in which to submit that evidence. Statements of private physicians will be interpreted liberally in favor of beneficiaries, and if they are insufficient to establish entitlement, a VA examination may be authorized. No benefits will be adjusted until a final rating decision has been made or until the due process period for submission of evidence has lapsed without response.

Two commentators indicated that the regulation may result in higher costs to the VA than any savings realized by the review of claims because beneficiaries who lose entitlement to aid and attendance benefits will be forced to seek admission into VA hospitals and nursing homes for continued care. In addressing this concern it must be remembered that no benefit adjustments will be made until it is determined that no entitlement exists on a factual basis or there is a failure to provide requested evidence of entitlement. Any individual who was residing in an extended care facility which did not meet the new definition of nursing home and who was so disabled as to require VA hospitalization or nursing home care would clearly be able to provide medical evidence of continuing entitlement to aid and attendance benefits. We believe, therefore, that this concern is not justified.

Two commentators mentioned the current trend toward community-based residential care as an alternative to institutionalization and indicated that aid attendance benefits for individuals so placed may be terminated because of this regulation. We do not believe that this concern is justified. Although beneficiaries in such programs would have to establish aid and attendance entitlement on a factual basis, significant weight would be accorded to a statement of the medical professional who supervises such care that, but for the residential care program, the beneficiary would require admission to a nursing home.

With regard to residential care programs the NSCLC specifically recommended expansion of the regulatory definition to include "board and care homes that are regulated by States." We cannot accept that recommendation because such terminology is so imprecise as to include nearly every extended care facility currently in operation, whether or not nursing care is provided. Such vague terminology cannot be the basis for a legal presumption of entitlement to additional VA benefits.

One commentator was concerned about the effects of license revocation and variations among States as to the terminology used for licensing different levels of nursing care. The terms "skilled and intermediate-level care" are standard within the nursing home industry. Any variations in the terminology used by individual States would be closely examined by the VA authorities in those States to ensure that the level of care provided is comparable to the care certified by most States as skilled or intermediate-level. If, by application of the 38 CFR 3.1(z) standard, a beneficiary were to lose entitlement to the presumption granted by 38 CFR 3.351(c)(2), he or she could still qualify for an aid and attendance allowance if his or her disabilities meet the requirements of 38 CFR 3.351(c) (1) or (3).

Finally, the NSCLC recommended that the new regulatory definition be applied prospectively only and that no action be

taken to adjust benefits unless the case required review on other grounds. This recommendation cannot be accepted as it is clearly contrary to the VA's responsibility to insure the integrity of its benefit programs through periodic reviews and correction of errors.

We appreciate the concerns and recommendations of the individual commentators; however, after careful consideration, we find no basis for change. Accordingly, the regulatory amendment is adopted as proposed and is set forth below.

The Administrator hereby certifies that this regulation amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. The regulatory definition would not directly affect any small entities. Only VA beneficiaries could be directly affected. Additional reasons for this certification are set out in the proposed notice of this regulation amendment at 47 FR 56882 (December 21, 1982). Therefore, pursuant to 5 U.S.C. 605(b), this regulation amendment is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulations, we have determined that this regulation change is non-major for the following reasons: (1) It will not have an effect on the economy of $100 million or more; (2) It will not cause a major increase in costs or prices; and (3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

There is no Catalog of Federal Domestic Assistance Number involved.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Approved: August 10, 1983.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 3—ADJUDICATION

The Veterans Administration is amending 38 CFR Part 3 to read as follows:

In § 3.1, paragraph (z) is added as follows:

§ 3.1 Definitions.

* * * * *

(z) "Nursing home" means

(1) Any extended care facility which is licensed by a State to provide skilled or intermediate-level nursing care,

(2) A nursing home care unit in a State veterans' home which is approved for payment under 38 U.S.C. 642, or

(3) A Veteans Administration Nursing Home Care Unit. (38 U.S.C. 210(c)(1))

[FR Doc. 83-23472 Filed 8-25-83; 8:45 am]

BILLING CODE 8320-01-M

38 CFR Part 17

VA/DOD Contingency Plan

AGENCY: Veterans Administration.

ACTION: Interim final regulations.

SUMMARY: The VA is setting forth an interim final regulation to implement VA/DOD Health Care Resources Sharing and Emergency Operations Act (Pub. L. 97–174), enacted into law on May 4, 1982. Section 4 of this law establishes the VA health-care system as the primary backup to the Department of Defense in time of war or national emergency. This interim final regulation takes effect immediately because of the importance of instructing staff to plan for the provision of proper medical treatment to active duty personnel of the United States Armed Forces in time of war or national emergency. Although the regulations are for immediate use, they are subject to change based on comments received during the comment period.

DATES: The effective date is August 11, 1983. Comments must be received on or before September 26, 1983.

ADDRESS: Send written comments to Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. Comments will be available for inspection only in the Veterans Services unit, Room 132, of the above address, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) until October 11, 1983.

FOR FURTHER INFORMATION CONTACT: Anthony Ilardi, Acting Emergency Preparedness Planning Officer (IOCC), Department of Medicine and Surgery, (202–389–2322).

SUPPLEMENTARY INFORMATION: Pub. L. 97–174 is explicit and this regulation is not discretionary since it is limited to implementing the letter and the clear legislative intent of the law. In addition, this regulation comes within the good cause exception to the general VA policy of obtaining prior public comment on proposed regulatory development and a prior proposed notice is unnecessary. Also, the Regulatory Flexibility Act (Pub. L. 96–354) is not applicable since it applies only to regulations for which a general notice of proposed rulemaking is published.

The Veterans Administration has determined that this regulation is not a "major rule" as defined by E.O. 12291, Federal Regulation. It will not have an effect on the economy of $100 million and will not result in any major increases in costs or prices for anyone; nor will they have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This regulation is for the purpose of implementing a law intended to establish the VA as the principal backup to the health-care resources of the Department of Defense in time of war or national emergency. Consequently, this regulation is issued "with respect to a military * * * function of the United States," and comes within an exception to the definition of regulations covered by E.O. 12291, (Section 1(a)(2)). Even if a portion of this regulation is considered to deal with a non-military function, it will clearly not have any sizeable economic impact, in itself. This regulation pertains to contingency planning and under peacetime conditions there is no effect on any segment of the economy. In the event of war or national emergency, the effect on the economy is potentially significant, dependent on the level of the emergency. Nonservice-connected veterans could be displaced from or denied admission to VA health facilities. The number of these veterans would depend on the level of the emergency. To ease the burden on these veterans, the VA is authorized to place nonservice-connected veterans in community health facilities at VA expense. Under the law, the extent to which the VA could place these veterans depends on the availability of funds and the authorization of the President. However, all of these potential economic effects would result from the war or national emergency and from Pub. L. 97–174, not from implementing this regulation. Therefore, even if this regulation is considered subject to E.O. 12291, it does not qualify as a "major rule."

The Catalog of Federal Domestic Assistance Numbers are: 64.009 (Veterans Hospitalization); 64.010 (Veterans Nursing Home Care); 64.011 (Veterans Outpatient Care); and, 64.018 (Sharing Specialized Medical Resources).

List of Subjects in 38 CFR Part 17

Health care, Health facilities, Nursing home care, Veterans.

These interim final regulations are being adopted under the authority granted the Administrator by sections 210(c) and 620(a) of Title 38, United States Code.

By direction of the Administrator.

Approved: August 11, 1983.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 17—[AMENDED]

38 CFR Part 17, MEDICAL, is amended by adding a new § 17.190 to read as follows:

§ 17.190 Contingency backup to the Department of Defense.

(a) *Priority care to active duty personnel.* The Administrator, during and/or immediately following a period of war or national emergency declared by the Congress or the President that involves the use of United States Armed Forces in armed conflict, is authorized to furnish hospital care, nursing home care, and medical services to members of the Armed Forces on active duty. The Administrator may give higher priority in the furnishing of such care and services in VA facilities to members of the Armed Forces on active duty than to any other group of persons eligible for such care and services with the exception of veterans with service-connected disabilities. (38 U.S.C. 5011A, Pub. L. 97–174)

(b) *Contract authority.* During a period in which the Administrator is authorized to furnish care and services to members of the Armed Forces under paragraph (a) of this section, the Administrator, to the extent authorized by the President and subject to the availability of appropriations or reimbursements, may authorize VA facilities to enter into contracts with private facilities for the provision during such period of hospital care and medical services for certain veterans. These veterans include only those who are receiving hospital care under 38 U.S.C. 610 or, in emergencies, for those who are eligible for treatment under that section, or who are receiving care under 38 U.S.C. 612 (f) and (g). This authorization pertains only to circumstances in which VA facilities are not capable of furnishing or continuing to furnish the care or services required because of the furnishing of care and services to members of the Armed Forces. (38 U.S.C. 5011A, Pub. L. 97–174)

[FR Doc. 83-23471 Filed 8-25-83; 8:45 am]

BILLING CODE 8320-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

41 CFR Part 44–17

Extraordinary Contractual Adjustment Procedures

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule establishes standards and procedures for disposition of requests for extraordinary contractual action pursuant to Pub. L. 85–804 and Executive Order 10789. The regulation is needed to implement the statute and Order, and to supplement that part of the Federal Procurement Regulations dealing with extraordinary actions to facilitate the national defense (41 CFR 1–17).

EFFECTIVE DATE: September 26, 1983.

FOR FURTHER INFORMATION CONTACT: George W. Watson, Associate General Counsel, Telephone (202) 287–0376.

SUPPLEMENTARY INFORMATION: FEMA has been delegated authority to take certain extraordinary contractual actions to facilitate the national defense under the terms of Pub. L. 85–804 (50 U.S.C. 1431) and Executive Order 10789. General regulations applicable to all agencies to whom the authority has been delegated have been issued by General Services Administration (GSA), 41 CFR Part 1–17. FEMA needs to supplement these regulations with provisions applicable to it only. This regulation does that but must be read with the GSA regulation.

FEMA published a proposed rule in the **Federal Register**, May 6, 1983, 48 FR 20441. No comments were received. There is no change between the proposed and final rule.

An environmental assessment is not necessary as this rule is procedural and has no effect on the quality of the human environment. The rule is not a major rule as defined in section 1(b) of Executive Order 12291, nor will it have a significant, economic impact on a substantial number of small entities. Hence, regulatory impact analyses are not necessary. The regulation does not contain any information requirements subject to the provisions of 44 U.S.C. 350(h).

List of Subjects in 41 CFR Part 44–17

Government procurement.

Accordingly, Title 41 CFR Chapter 44 is amended by adding a new Part 44–17 as follows:

PART 44–17—EXTRAORDINARY CONTRACTUAL ADJUSTMENT PROCEDURES

Sec.
44–17.000 Scope of part.

Subpart 44–17.1—General

44–17.101 Authority.
44–17.102 General policy.
44–17.103 Types of action.

Subpart 44–17.2—Procedures

44–17.201 Procedures for filing requests.
44–17.202 Records.
44–17.203 Investigation.
44–17.204 Action by the Contract Adjustment Board.
44–17.205 Action by Office of Acquisition Management.

Subpart 44–17.3—Contract Adjustments

44–17.301 General.
44–17.302 Amendments without consideration.
44–17.303 Correction of mistakes.
44–17.304 Formalization of informal commitments.
44–17.305 Advance payments.
44–17.306 Residual powers.
44–17.306–1 Indemnification of contractors for unusually hazardous or nuclear risks.

Subpart 44–17.4—Administration

44–17.401 Reports.
44–17.402 Interagency coordination.

Authority: 50 U.S.C. 1431–1435; E.O. 10789; E.O. 12148.

§ 44–17.000 Scope of part.

This part establishes standards and procedures for the disposition of requests for extraordinary contractual action by contractors of the Federal Emergency Management Agency (herein after referred to as "FEMA") pursuant to Pub. L. 85–804 (found at 50 U.S.C. 1431 through 1436 and hereinafter referred to as "the Act") and Executive Order 10789, as amended (hereinafter referred to as the "Executive Order") and Executive Order 12148. This part supplements the extraordinary contractual actions to facilitate the national defense portion of the Federal Procurement Regulations (41 CFR Part 1–17). The reader of this part should refer to the Federal Procurement Regulation when processing requests for extraordinary contractual actions.

Subpart 44–17.1—General

§ 44–17.101 Authority.

(a) All authority granted by 41 CFR 1–17.101 may be exercised by the Director

of the Federal Emergency Management Agency (hereinafter referred to as "the Director"). However, such authority to approve actions under the Act which do not obligate the United States in excess of $50,000 are delegated to the Chief, Acquisition Management. The limitations contained in 41 CFR 1–17.205–2 apply to said Chief. Where 41 CFR Part 1–17 requires action or approval at "secretarial level," such action shall be taken by the Director

(b) As cases arise under the Act, the Director of FEMA shall appoint, as needed, a FEMA Contract Adjustment Board consisting of one senior staff member, not otherwise involved with the action under consideration, from each of the following offices:

(1) Acquisition Management,

(2) General Counsel,

(3) Comptroller.

The Board shall prescribe its own procedures and has power to do all acts and things necessary or appropriate for the conduct of their functions. The decisions of the Board shall be final but each Board may reconsider, modify, correct or reverse any of its previous decisions.

§ 44–17.102 General policy.

The general policies of 41 CFR 1–17.102 apply. If it is at all practicable, other authority shall be used to settle claims by contractors before using authority of the Act and this Part.

§ 44–17.103 Types of action.

FEMA may take any type of action authorized under 41 CFR 1–17.103. However, any action taken under this Part shall be subject to the limitations contained in 41 CFR 1–17.205–1.

Subpart 44–17.2—Procedures

§ 44–17.201 Procedures for filing requests.

Any person seeking an adjustment under these regulations may file a request. Persons filing requests for extraordinary contractual actions with FEMA should file the request in duplicate with the cognizant contracting officer, the Director, or with the Chief, Office of Acquisition Management, Federal Emergency Management Agency, 500 C Street, SW., Washington, D.C. 20472. The form of the request and the facts and evidence required are described at 41 CFR 1–17.207–2 and 1–17.207–4.

§ 44–17.202 Records.

The cognizant contracting officer or, if none exists, a person appointed by the Chief, Office of Acquisition Management, shall maintain records relating to each request under the Act and shall be responsible for presentation of such record to the FEMA Contract Adjustment Board. Records shall be compiled in accordance with 41 CFR 1–17.207–3, 1–17.208–4, 1–17.401, and 1–17.402. Also see 41 CFR 1–17.400.

§ 44–17.203 Investigation.

The cognizant contracting officer or person appointed in accordance with § 44–17.202 above shall fully investigate in accordance with 41 CFR 1–17.208–1 all aspects of the request including, but not limited to audit reports, documentary evidence, knowledge of individuals connected with the action involved and signed statements of material facts. Upon completion of the investigation, the investigator shall forward the report of the investigation with all exhibits and evidence to the Office of General Counsel with a letter stating:

(a) The nature of the case,

(b) The recommended disposition of the case, and

(c) If extraordinary contractual relief is recommended, the opinion of the cognizant contracting officer that such relief will facilitate the national defense.

The General Counsel or his designee shall review the investigation, the record and other relevant factors and shall forward them to the FEMA Contract Adjustment Board for further action.

§ 44–17.204 Action by the Contract Adjustment Board.

(a) The Board, upon receiving the file from the Office of General Counsel, may make further investigation as deemed necessary and will solicit the views of the contractor. The Board then acting in accordance with its own procedures, will render its decision as expeditiously as possible and shall prepare a Memorandum of Decision, which shall meet the requirements of 41 CFR 1–17.208–3.

(b) Copies of the Board's decision will be transmitted to the cognizant contracting officer or, if none exists, the Chief of the Office of Acquisition Management for implementation. A copy of the decision and any evidence not previously sent will be forwarded to the contractor.

(c) Any adjustment involving expenditure in excess of $50,000 must be approved by the Director before being implemented.

§ 44–17.205 Action by Office of Acquisition Management.

The Office of Acquisition Management shall implement the decision of the Board. Any contract entered into under this Part is subject to the requirements of 41 CFR 1–17.206, and to any applicable limitations of 41 CFR 1–17.205–2. The Memorandum of Decision shall be incorporated (as required by 41 CFR 1–17.304) in the record of the case.

Subpart 44–17.3—Contract Adjustments

§ 44.–17.301 General.

This subpart describes adjustments which may be made to existing contracts or arrangements which may be made where a contract should have been made. The remedies prescribed herein are only representative of those which the Contract Adjustment Board may fashion. Wherever possible, normal contracting procedures including, but not limited to, settlements under the Contract Disputes Act, should be utilized.

§ 44–17.302 Amendments without consideration.

Standards for this remedy are set forth at 41 CFR 1–17.204–2. The evidence required to support a claim for this remedy is set forth at 41 CFR 1–17.207–4 (b) and (c).

§ 44–17.303 Correction of mistakes.

Standards for this remedy are set forth at 41 CFR 1–17.204–3. The evidence required to support a claim for this remedy as set forth at 41 CFR 1–17.207–4(d).

§ 44–17.304 Formalization of informal commitments.

Broad authority for contracting officers to ratify informal commitments, after the fact, has been granted under the Contract Disputes Act of 1978. For any cases not falling under the authority of that Act or other statutes or regulation, standards for informal commitments are set forth in 41 CFR 1–17.204–4. The evidence required to support a claim for this remedy is set forth at 41 CFR 1–17.207–4(e).

§ 44–17.305 Advance payments.

Standards and procedures for use of advance payment is set forth in 41 CFR Subpart 1 30 4

§ 44–17.306 Residual powers.

Standards and procedures for use of residual powers under the Act are set forth in 41 CFR Subpart 1–17.3. Authority to approve actions obligating the United States in excess of $50,000 shall be exercised only by the Director of FEMA.

§ 44-17.306-1 Indemnification of contractors for unusually hazardous or nuclear risks.

(a) Contractor requests for indemnification provisions in FEMA contracts should be submitted to the cognizant contracting officer and shall include at least the following:

(1) An identification of the procurement for which the indemnification provisions are requested;

(2) An identification and definition of the unusually hazardous or nuclear risks for which indemnification is requested. This requirement shall include a statement indicating the manner in which the contractor would be exposed to such risk;

(3) A statement of all insurance coverage applicable to the risks to be defined in the contract as usually hazardous or nuclear in nature. The statement shall be executed by a corporate official who has authority contractually to bind the contractor and shall include:

(i) Names of the insurance companies, policy numbers, and expiration dates;

(ii) Types of insurance provided (including a statement of the extent to which the contactor is presently self-insured and any intentions to further self-insure), with emphasis on identifying the risks insured against and the coverage extended to persons or property, or both;

(iii) Dollar limits per occurrence and annual aggregate, or any other limitation, for relevant segments of the total insurance coverage;

(iv) Deductible(s), if any, applicable to losses under the policies;

(v) Any exclusions from coverage under such policies for unusually hazardous or nuclear risks; and

(vi) Applicable workmen's compensation insurance coverage. When significant changes in a contractor's insurance coverage take place or the dollar coverage varies by at least plus or minus 10% after the contractor submits his/her indemnification request and before approval, a brief description of these changes shall be submitted to the contracting officer.

(4) A statement as to the controlling or limiting factors for the establishment of the amount of financial protection to be provided or maintained by the contractor; to include information as to the availability, cost and terms of additional insurance or other forms of financial protection;

(5) A statement as to whether the contractor's insurance program has been approved or accepted by any Agency or Department of the Federal Government; and whether the contractor has an indemnification agreement with respect to similar risks under any other Government program, and if so a brief description of any limitations thereunder;

(6) If the corporation is a division or subsidiary of a parent corporation, the existing insurance coverage of the parent corporation that bears on the risks for which the contractor is seeking indemnification. A description of the precise legal relationship between parent and subsidiary or division should be included.

(b) The contracting officer, with the assistance of legal counsel and cognizant program office personnel, shall review the contractor's request and ascertain that all information required is provided. If the contracting officer, after consideration of all the facts and evidence presented, decides to deny the contractor's request, he/she shall notify the contractor promptly that the request is denied and state the reasons therefor. If the contracting officer recommends approval, he/she shall forward the contractor's request, as might be modified by negotiations between the contracting officer and the contractor, through channels for final processing to the Director. The contracting officer's submission shall include all information submitted by the contractor and the following:

(1) An identification of the proposed procurement or program together with all pertinent contract or program information, including the period of performance locations and facilities;

(2) A definition of the unusually hazardous or nuclear risks involved in the proposed contract or program, together with a statement reflecting agreement of the parties to such definition;

(3) A statement by responsible authority that the indemnification action would facilitate the national defense;

(4) A statement that the contract will involve unusually hazardous or nuclear risks that could impose a liability upon the contractor in excess of financial protection reasonably available;

(5) A statement that the contractor is in compliance with applicable Government safety requirements;

(6) Whether there is need for extension to subcontractors; and

(7) A statement of any significant changes in a contractor's insurance coverage occurring during processing of the indemnification requests.

(c) Approval of a request to include an indemnification provision in a contract shall be by a Memorandum of Approval executed by the Director. The definition of unusually hazardous or nuclear risks approved by the Director shall be incorporated in the contract, along with the applicable indemnity clause.

(d) When authorized by the Director in the Memorandum of Approval and when justified by the circumstances, the contracting officer may approve the contractor's written request to provide for the indemnification of subcontractors using the same procedures as those require of contractors.

Subpart 44-17.4—Administration

§ 44-17.401 Reports.

Reports required under 41 CFR 1-17.105 shall be prepared by the Office of Acquisition Management for approval and forwarding by the Director.

§ 44-17.402 Interagency coordination.

Where a case involves matters of interest to agencies other than FEMA, interagency coordination as prescribed by 41 CFR 1-17.208-2 shall be effectuated by the Office of Acquisition Management in consultation with the Office of General Counsel.

Dated: August 16, 1983.

Louis O. Giuffrida,

Director.

[FR Doc. 83-22938 Filed 8-25-83; 8:45 am]

BILLING CODE 6718-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-11

[FPMR Amdt. B-52]

Records Management; Records Equipment and Supplies; Stationery Standards; Correction

AGENCY: Office of Information Resources Management, GSA.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule on specifications governing Federal agencies' use of stationery standards that appeared at page 31033 in the **Federal Register** of Wednesday, July 6, 1983 (48 FR 31033).

FOR FURTHER INFORMATION CONTACT: Richard P. Stephenson, Mail, Correspondence and Files Management Branch (202-535-7462).

Accordingly, the General Services Administration is correcting FR Doc. 83-18118, 41 CFR 101-11.603-5, 101-11.603-12, and table 2 as follows:

1. In § 101-11.603-5, paragraphs (j) and (k) are redsignated as paragraph (j) and revised to read as follows:

§ 101–11.603–5 Printing of letterhead stationery.

* * * * *

(j) End-of-text marks, fold marks, and marks to align the address block in a window envelope are to be preprinted on all letterhead stationery, but the head of the agency or, if so delegated, the senior official for information resources management may grant a written exception to preprinted marks on formal letterhead;

* * * * *

2. In § 101–11.603–5, paragraph (l) is removed and paragraph (m) is redesignated as paragraph (k).

3. The second sentence in § 101–11.603–12 is removed.

4. In § 101–11.603–3, the Table of Standard Specifications, on page 31036, column 6, 1st item, is corrected to read "Determined by Federal Supply and Services."

5. Also in the Table of Standard Specifications, on page 31036, footnote 5 is corrected to read "Weight, per sheet, per square meter."

6. On page 31038, § 101–11.603–13, line 14, "Consequently" is corrected to "Consecutively."

Roger W. Walker,

Chief, Policy Branch.

[FR Doc. 83–23540 Filed 8–25–83; 8:45 am]

BILLING CODE 6820–26–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 421

Medicare Program; Nonrenewal of Carrier Contracts; Correction

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction of final rule.

SUMMARY: This document corrects technical errors that appeared in a final rule with comment period, published in the **Federal Register** on June 30, 1983. That rule clarified a regulation concerning the expiration of a contract between HCFA and a carrier.

FOR FURTHER INFORMATION CONTACT: Bernard Gelber, (302) 594–9700.

SUPPLEMENTARY INFORMATION:

On June 30, 1983, we published in the **Federal Register** (48 FR 30118) a final rule clarifying the meaning of the term nonrenewal, as contrasted with termination, of a contract between HCFA and a carrier.

Since publication, we have found that the authority citation we included was incorrect. This document corrects those errors. In addition, the authority citation applies to all of Part 421, not just to Subpart C as was erroneously stated.

FR Doc. 83–17815, "Medicare Program; Nonrenewal of Carrier Contracts," appearing at 48 FR 30118, June 30, 1983, is corrected as follows:

PART 421—INTERMEDIARIES AND CARRIERS

On page 30119, column 2, lines 13 through 17 are corrected to read as follows:

The authority citation for Part 421 reads as follows:

Authority: Secs. 1102, 1815, 1816, 1842, 1861(u), 1871, 1874 and 1875 of the Social Security Act (42 U.S.C. 1302, 1395g, 1395h, 1395u, 1395x(u), 1395hh, 1395kk and 1935ll) and 42 U.S. C. 1395b–1.

Approved: August 22, 1983.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 83–23460 Filed 8–25–83; 8:45 am]

BILLING CODE 4120–03–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6555]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the flood plain management requirements of the program. If FEMA receives documentation that the community has adopted the required flood plain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register.**

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Acting Chief, Natural Hazards Division, (202) 287–0270, 500 C Street Southwest, Donohoe Building, Room 505, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the **Federal Register.**

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6 month, 90 days, and 30 days notification addressed to the Chief Executive Officer that the community will be suspended unless the

required flood plain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood looses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

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

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Region II					
New Jersey:					
Warren	Blairstown, township of	340482B	July 3, 1975, emergency; Sept. 1, 1983, regular; Sept. 1, 1983, suspended.	July 26, 1974, Jan. 16, 1976	Sept. 1, 1983.
Burlington	Evesham, township of	340097B	June 23, 1972, emergency; Sept. 1, 1983, regular; Sept. 1, 1983, suspended.	May 31, 1974, Feb. 27, 1976	Do.
Warren	Hackettstown, town of	340484B	Oct. 1, 1975, emergency; Sept. 1, 1983, regular; Sept. 1, 1983, suspended.	Jan. 13, 1978	Do.
New York: Orange	Harriman, village of	360618B	July 21, 1975, emergency; Sept. 1, 1983, regular; Sept. 1, 1983, suspended.	Mar. 8, 1974, Nov. 21, 1975	Do.
New Jersey: Middlesex.	Woodbridge, township of	345331C	Sept. 25, 1970, emergency; Sept. 1, 1983, regular; Sept. 1, 1983, suspended.	June 1, 1972, July 1, 1974, June 25, 1976.	Do.
Region III					
Maryland: Kent	Rock Hall, town of	240048B	Feb. 26, 1975, emergency; Sept. 1, 1983, regular; Sept. 1, 1983, suspended.	July 26, 1974, Sept. 12, 1975	Do.
Pennsylvania: York	Delta, borough of	422211A	Jan. 20, 1976, emergency; Sept. 1, 1983, regular; Sept. 1, 1983, suspended.	Nov. 22, 1974	Do.
Virginia: Tazewell	Unincorporated areas	510160B	May 13, 1975, emergency; Sept. 1, 1983, regular; Sept. 1, 1983, suspended.	June 2, 1978	Do.
West Virginia: McDowell.	Welch, city of	540123B	October 10, 1974, emergency; Sept. 1, 1983, regular; Sept. 1, 1983, suspended.	May 31, 1974, May 7, 1976	Do.
Region V					
Ohio:					
Lawrence	Athalia, village of	390698B	Aug. 12, 1976, emergency; Sept. 1, 1983, regular; Sept. 1, 1983, suspended.	Aug. 1, 1975, Sept. 8, 1978	Do.
Franklin	Groveport, village of	390174C	Nov. 7, 1974, emergency; Sept. 1, 1983, regular; Sept. 1, 1983, suspended.	May 31, 1974, June 11, 1976, Aug. 31, 1979.	Do.
Lawrence	Hanging Rock, village of	390699A	Dec. 9, 1976, emergency; Sept. 1, 1983, regular; Sept. 1, 1983, suspended.	Mar. 28, 1975	Do.
Stark	Unincorporated areas	390780B	Mar. 2, 1977, emergency; Sept. 1, 1983, regular; Sept. 1, 1983, suspended.	Jan. 13, 1978	Do.
Wisconsin:					
Walworth	Delavan, city of	550463B	Oct. 16, 1974, emergency; Sept. 1, 1983, regular; Sept. 1, 1983, suspended.	June 7, 1974, June 11, 1976	Do.
Waukesha	Oconomowoc, city of	550488B	May 1, 1975, emergency; Sept. 1, 1983, regular; Sept. 1, 1983, suspended.	May 17, 1974, Aug. 15, 1975	Do.
Michigan: Kent	Lowell, city of	260108	Dec. 27, 1974, emergency; May 16, 1983, regular; Sept. 1, 1983, suspended.	May 16, 1983	Do.
Region X					
Alaska: Nome Division.	Nome, city of	020069B	Aug. 9, 1977, emergency; Sept. 1, 1983, regular; Sept. 1, 1983, suspended.	June 28, 1974, Aug. 9, 1977	Do.

[1] Date certain Federal assistance no longer available in special flood hazard area.

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

Issued: August 16, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-23449 Filed 8-25-83; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 101

Medicare, Medicaid, and Maternal and Child Health Services Block Grant Programs; Civil Money Penalties and Assessments for False or Improper Claims

AGENCY: Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: These regulations specify procedures for implementing the authority provided to the Department by section 1128A and 1128(b) of the Social Security Act (the Act), as amended by section 2105 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) and section 137(b)(26) of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97–248), to impose administratively civil money penalties and assessments for making false or certain other improper claims or requests for payment in the Medicare, Medicaid, or Maternal and Child Health Services Block Grant programs. The statute also permits an individual upon whom the Department imposes a civil money penalty or assessment to be suspended from participation in the Medicare and Medicaid programs.

Under section 1128A violators may be fined up to $2,000 as a penalty for each false or improper item or service claimed and an additional assessment of up to twice the amounts falsely claimed. The procedures set forth in the regulations provide persons liable for civil money penalties and assessments an opportunity for a hearing on the record in accordance with the Administrative Procedure Act, for a discretionary appeal to the Secretary, and for judicial review of the Secretary's final determination.

DATE: These regulations are effective September 26, 1983.

FOR FURTHER INFORMATION CONTACT: Harvey Yampolsky, Assistant General Counsel, Inspector General Division, Room 5541, HHS North Building, 330 Independence Avenue, SW., Washington, D.C. 20201, (202) 472–5335.

SUPPLEMENTARY INFORMATION:

I. Regulatory Burden

Regulatory Impact Analysis

This regulation is not a major rule within the meaning of Executive Order 12291 because it does not meet any of the criteria set forth in section 1(b) of the Order, and thus does not require a regulatory impact analysis.

Regulatory Flexibility Analysis

This regulation establishes procedures for imposing civil money penalties, assessments, and suspensions against those who have violated existing requirements of the Medicare, Medicaid, and Maternal and Child Health Services Block Grant programs. It does not impose any new requirements on participants in those programs. Thus, under the Regulatory Flexibility Act, the Secretary certifies that the rule will not have a significant economic impact on a substantial number of small entities.

Recordkeeping and Reporting Requirements

This regulation imposes no recordkeeping or reporting requirements and therefore is not subject to the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

II. Background

The Department published proposed rules for public comment on December 30, 1982, 47 FR 58309. During the 60-day comment period, the Department received and considered comments from 14 sources: four State agencies; four national associations; the Administrative Conference of the United States; one Congressman; one law firm; one public interest law center; one nursing home corporation; and one consulting firm.

Their comments, and our responses are set forth below in the section-by-section analysis. In addition, we made changes in the proposed rule, as follows:

III. Revisions

A. *Numbering.* After the notice of proposed rulemaking was published on December 30, 1982, when the Department proposed adding 45 CFR Part 100 to implement sections 1128A and 1128(b) of the Act, the Department published on January 24, 1983 a notice of proposing rulemaking to implement Executive Order 12372, which also proposed to add a new 45 CFR Part 100. Accordingly, we have designated the regulations implementing the civil monetary penalties statute as 45 CFR Part 101.

B. *Period of Limitations.* Although section 1128A of the Act does not contain a statute of limitations provision limiting the time within which an action may be instituted, and there were doubts whether any general limitations statute applied to proceedings under that section, we have added a regulation, § 101.132, which limits the Department's authority to commence a proceeding under section 1128A to five years from the date that the right of action accrues.

C. *Discovery.* We have liberalized to some extent the discovery provisions of the proposed regulation to permit the earlier exchange of witness lists, the prehearing discovery of prior statements by prospective witnesses, and for depositions of experts in support of or opposition to basing a proposed penalty or assessment on a statistical sampling study.

D. *Statistical Sampling.* To clarify the type of evidence admissible in proceedings brought under section 1128A, we have added section 101.133 which provides for the use of statistical sampling studies in establishing the number and amount of claims and/or requests for payment.

E. *Appeal to the Secretary.* In response to a comment from the Administrative Conference of the United States, we modified final section 101.125(f) to provide for discretionary, rather than mandatory, review by the Secretary.

F. *Administrative Hearing Details.* Final § 101.130 was expanded to provide for routine housekeeping details, such as the computation of time, the form and manner of filing and disposition of motions, and the like.

G. *Mitigating and Aggravating Circumstances.* Under section 1128A(c), before imposing any penalty or assessment the Secretary must consider in every case (1) the nature and circumstances of the claim, (2) the degree of culpability, history of prior offenses, and financial condition of the respondent, and (3) such other matters as justice may require. A number of commenters criticized the way we chose to limit the discretion of those considering these factors in proposing and imposing sanctions under the proposed regulation. Although we have preserved the general format of mitigating and aggravating factors, we have eliminated fixed numbers as triggering devices. As we gain greater experience in imposing sanctions under the statute, we may further refine the guidelines, but at this early stage, we believe that increased flexibility is preferable. At the same time, we have developed a range within which the amount of penalties and assessments should fall in most cases. As a general matter, penalties and assessments should never be less than double the

amount of damages. Where there are substantial or several aggravating circumstances, the combined penalty and assessment should approach or equal the statutory maximum, and where there are substantial or several mitigating circumstances; they should recede from the statutory maximum. In addition, decisions concerning suspension will be based on the same criteria as are used to determine penalties and assessments.

IV. General Comments

Comment: An association remarked that the regulations should be withdrawn because they fail to include any reference to the role of the Attorney General in authorizing the Secretary to initiate a proceeding under section 1128A(a) as provided in section 1128(b)(1) (42 U.S.C. 1320a–7a(b)(1)).

Response: Section 1128A(b)(1) (42 U.S.C. 1320a–7a(b)(1)) provides that the Secretary may initiate a proceeding under subsection (a) "only as authorized by the Attorney General pursuant to procedures agreed upon by them." A memorandum of understanding (MOU) between this Department and the Department of Justice establishes the procedures pursuant to which the Secretary will exercise authority under the statute. It is apparent from the face of the cited provision that the contents of the MOU are rules of procedure that need not be published under 5 U.S.C. § 553(b). It is clear that the procedures are to be mutually agreeable to the Secretary and to the Attorney General, and may be changed by them without notifying or consulting the public.

Comment: Three commenters criticized the regulations for failing to include limitation on the time period during which the Department could seek penalties, assessments, and/or suspensions under § 1128A(a) and § 1128(b). They noted that this could result in unfairness in cases where the passage of time would impair a respondent's ability to defend an action due to lack of memory on the part of witnesses, loss of documentation, etc. One suggested that the six-year statute of limitations in the False Claims Act (31 U.S.C. 3731(b)) might be appropriate. All suggested tailoring the limitations period to the time requirements imposed by the Medicare and Medicaid programs for the retention of records.

Response We agree that a limitations period should be stated expressly in the regulations. We have included final § 101.132, which bars the Department from proceeding against a party for violations concerning which a right of action has accrued more than five years before the filing of a Notice of Proposed Determination as provided in § 101.109(a). The five-year period chosen comports with 28 U.S.C. 2462, governing actions to enforce civil fines, penalties and forfeitures. This time period is sufficient to protect a respondent from being forced to defend stale claims.

Comment: In response to alleged statements by some Department employees that the regulations would permit imposition of penalties and assessments against States, one commenter noted that Congress did not intend to include States within the reach of the statute and that the definitions of "Person" and "State" in proposed § 100.101 did not support such an interpretation.

Response: Section 1128A(a) (42 U.S.C. 1320a–7a(a)) reaches broadly by its terms "any person (including an organization, agency, or other entity)" that presents or causes to be presented false or improper claims, or requests for payment. Thus, Congress clearly intended the Secretary to have authority to impose civil money penalties and/or assessments against those who present or cause to be presented such false or improper claims in the Medicare, Medicaid, and Maternal and Child Health Services Block Grant programs. Because State, county, and municipal institutions are among providers of services in these programs, they are within the ambit of the statute. Public entities may also be among those persons receiving grant funds from a State under the Maternal and Child Health Services Block Grant program. Nothing in the statute or legislative history provides a rationale for excluding these entities or their agents and employees from the scope of the plain meaning of the statute. Hence, we have clarified the proposed definition of "Person" in final § 101.101 by adding the words "public or private" following the word "entity". We recognize that the effect that imposing a penalty, assessment, or suspension on a public entity will have on State or local taxpayers supporting it may be a circumstance that justice may require us to consider.

Comment: A large number of commenters objected to the Department's intention, as stated in the preamble to the NPRM, to apply the statute to claims or requests for payment made before the statute's effective date, August 13, 1981. Some stated that this violated the ex post facto clause of the Constitution, others labeled it unfair, while some simply stated that retroactive application of the statute contravened congressional intent, express or presumed.

Response: The ex post facto clause of the United States Constitution, art. I, section 9, cl. 3, does not bar the retrospective application of this statute to claims filed before the act's effective date. It is well-settled that the clause pertains only to criminal statutes that make punishable conduct that was not criminal at the time it was committed, that increase the amount of punishment for past conduct, or that alter the rules of evidence to make it easier to convict a criminal defendant. *Calder* v. *Bull*, 3 U.S. (3 Dall.) 386 (1798).

Although Congress did not expressly make section 1128A applicable to claims made before the effective date of the statute, there is some indication in the legislative history that Congress intended it to so apply. The provision was conceived as an alternative remedy to criminal prosecution of cases of fraud, which were not being prosecuted. *See*, II H.R. Rep. No. 97–158, 97th Cong., 1st Sess. 344 (1981) and III H.R. Rep. No. 97–158, 97th Cong., 1st Sess. 329 (1981). The Senate Finance Committee estimated annual cost savings of $7 million for fiscal year 1982, which began two months after enactment. S. Rep. No. 97–139, 97th Cong., 1st Sess. 462 (1981).

Since 1863, Congress has provided for the United States to recover in a civil suit double damages and $2,000 forfeitures from those making or causing to be make false claims against the Federal Government. 31 U.S.C. § 3729, formerly 31 U.S.C. § 231. Section 1128A is closely modeled on that statute. Although there are some differences between them, we have restricted the retrospective application section 1128A to circumstances in which the respondent would have been liable under the False Claims Act. 45 CFR 101.114(b). With respect to claims presented before August 13, 1981, we have also limited substantive liability to that which would have been imposed under that statute.

As thus interpreted by the Department, section 1128A adds an alternative administrative procedure for the recovery of damages and forfeitures. As such, it falls within the principal exception to the general rule that statutes are presumed to operate prospectively: Where a statute changes a remedy or a procedure for the enforcement of a right without affecting the substantive liabilities of the parties, it is presumed to apply to all cases brought on or after the effective date even though the cause of action arose before that date.

Judged by the fairness considerations underlying both the ex post facto and the due process clauses, the retroactive

application of section 1128A in the manner proposed is not unfair. Those who filed false claims before the date of enactment of section 1128A were already on notice that their misconduct subjected them to liability for double damages and a $2,000 forfeiture per claim in a civil suit. *See, e.g., Peterson* v. *Richardson*, 370 F. Supp. 1259 (N.D. Tex. 1973), *aff'd sub nom. Peterson* v. *Weinberger*, 508 F.2d 45 (5th Cir. 1975), cert. *denied*, 423 U.S. 830; *United States ex rel. Davis* v. *Long's Drugs*, 411 F. Supp. 1144 (S.D. Cal. 1976). They have no vested right in a particular mode of procedure being used to determine that liability as long as the procedures employed afford due process. *Crane* v. *Hahlo*, 258 U.S. 142 (1922); *Montana Power Co.* v. *Federal Power Commission*, 144 App. D.C. 259, 445 F.2d 739 (D.C. Cir. 1970) (en banc), *cert. denied*, 460 U.S. 1013. Thus, retroactive application of the procedures specified in section 1128A neither deprives respondents of vested rights nor interferes with their reasonable expectations at the time they committed the acts giving rise to liability.

Comment: One State agency suggested that penalties be imposed where claims are false or improper due to consistent and inordinate inaccurate billing practices by those using tape billing and tape billing agents. Where such claims are consistently submitted by those failing to follow billing instructions, the State agency recommended that it be allowed to notify them that it would recommend them for civil money penalties and that it would not accept tape billing until the procedures were corrected.

Response: We believe that the statute and proposed regulations as worded already include the described practices. As to the State's authority to refuse tape billings, that is a question of State authority under its Medicaid plan.

V. Section-by-Section Analysis

Section 101.101 Definitions.

Comment: Two commenters objected to the definition of "item or service", which, in "the case of a claim based on costs" means "any entry or omission in a cost report, books of account or other documents supporting the claim." Because penalties and assessments are computed on the basis of "items or services" falsely claimed, the commenters thought it was unfair for the Department to reach behind the false entry on the cost report to multiply the number of false items or services found in the supporting documents.

Response: No change has been made in the final regulation. The definition of "item or service" is taken directly from the statute. 42 U.S.C. 1320a-7a(h)(3). Furthermore, we should note that the definition of "claim" in the statute, and reflected in our regulation, would include any application for reimbursement submitted by a hospital pursuant to the Department's procedures for making payment under the prospective reimbursement methodology authorized by Pub. L. 98-21.

Section 101.102 Basis for civil monetary penalties and assessments.

Comment: One commenter noted that the statute authorizes the imposition of a penalty only, not an assessment, when a person requests payment in violation of an assignment agreement under section 1842(b)(3)(B)(ii) or an agreement with a State agency not to charge a person for an item or service in excess of the amount permitted to be charged. The modification of section 1128A(a) by Pub. L. 97-248 clearly implies a distinction between "request for payment" and "claim" (defined in section 1128A(h)(2)), upon which an assessment is based.

Response: We agree. Sections 101.102 and 101.104 have been modified accordingly.

Comment: One commenter suggested that the regulation clarify that providers shall not be held liable for errors committed by State agencies or intermediaries in their instructions or interpretations to providers.

Response: This comment does not entail a change in the proposed regulation. The Department will not seek to impose a civil money penalty on a provider that detrimentally relied in good faith on the erroneous advice of the State agency or intermediary. Where the basis for a penalty is section 1128(a)(1)(A), the provider's good faith reliance on erroneous instructions or interpretations would tend to negate that the provider knew or should have known that the items or services for which it was claiming reimbursement were not provided as claimed. With respect to section 1128(a)(2), it is difficult to see how a provider could be held liable for violating an agreement with the State agency if it is interpreting the agreement in the same way as the State agency.

Comment: One commenter stated that the final regulations should clarify that providers should not be liable for claims for items or services made by others who provide contract services in the institution but who claim reimbursement independently under separate provider numbers.

Response: The comment does not require a change in the proposed regulation. Where a person provides services in an institution and files claims for such services as a separate entity, the institution would neither have presented nor caused to be presented false or improper claims, and hence would not be liable under the statute or the regulation.

Comment: One commenter recommended that this regulation specify criteria for determining when sevices are "substantially in excess of the needs of individuals" or "of a quality which fails to meet professionally recognized standards of health care" as used in section 1862(d)(1)(c) of the Act (42 U.S.C. 1395y(d)(1)(c)).

Response: No change is required in the proposed regulation. Because civil monetary penalties and assessments may be levied against persons under section 1128A(a)(1)(B) only if they present or cause to be presented claims for reimbursement *after* they have been suspended or excluded under the provision cited therein, it would not be appropriate to specify in regulations implementing section 1128A the criteria for excluding persons under section 1862(d)(1)(C).

Comment: One commenter stated that in enumerating the bases for imposition of a civil monetary penalty under section 1128A(a)(1)(B), the regulation should reference exclusion under section 1156 pursuant to a determination by a Professional Review Organization.

Response: The regulation includes all of the bases for exclusion cited in section 1128A(a)(1)(B) of the statute.

Section 101.104 Amount of assessment.

Comment: Two commenters objected that the proposed regulation permitted the Secretary to make assessments which exceed any damage the government may have suffered. They suggested that the final regulation should provide that the amount of the assessment be limited to twice the amount falsely claimed, as provided in the False Claims Act, 31 U.S.C 3729.

Response: The proposed regulation follows the statute, and no change is required. Under the False Claims Act (31 U.S.C. 3729, formerly 31 U.S.C. 231), the United States is entitled to recover, in addition to a forfeiture of $2,000 per false claim, "2 times the amount of damages the government sustains . . . ." and the costs of the civil action. Section 1128A(a), on the other hand, subjects the person filing a false or improper claim to "an assessment of not more than twice the amount claimed for each such item or service in lieu of damages sustained by the United States or a State agency because of such

claims." The amount of actual damages sustained as a result of fraud has often been difficult to prove. In enacting the latter provision, Congress clearly intended to obviate the need for the government to prove the amount of damages in order to make an assessment. Because the costs of investigating the false claim and of pursuing administrative sanctions are not separately recoverable, it is reasonable for Congress to have concluded that twice the amount claimed for such items or services would fully compensate the government for all losses incurred as a result of the claim.

However, although the statute *permits* the Secretary to assess *not more than* twice the amount claimed for such items or services, the Secretary exercises discretion in fixing the amount of the assessment, taking into account the factors listed in section 1128A(c). Hence, in instances where the actual damages to the government may be readily calculated, perhaps as a result of evidence supplied by respondents in mitigation of a proposed penalty, the amount of actual damages suffered by the government will be a factor that justice requires be taken into account in arriving at a proper assessment. *See*, comments and responses to § 101.106 *infra*.

Section 101.105 Suspension from participation in Medicare or Medicaid.

Comment: Two commenters noted that section 1128(b) (42 U.S.C. 1320a–7(b)) allows the State to request, and the Secretary to grant, a waiver of a requirement that the State suspend from the Medicaid program a person upon whom a civil money penalty or assessment has been imposed. The proposed regulation did not reflect this.

Response: The final regulation, § 101.105(a), has been revised to provide for waivers of suspensions from the Medicaid program when a shortage of providers or other health care personnel in the area would deny Medicaid beneficiaries access to medical care or when such beneficiaries would suffer hardship. This is similar to the situation under which waivers are currently granted under section 1128(a) (42 U.S.C. 1320a–7(a)). 42 CFR 455.214.

Comment: One commenter suggested that the regulation should make it clear that there can be no final decision by the Secretary if an appeal is pending.

Response: See, comments and response to § 101.128, *infra*.

Comment: Given the trauma that relocation may have on nursing home residents in the event the facility is suspended, a commenter recommended that a long-term care facility be suspended only "in the most egregious situations" and only after residents of the facility have been given notice and an opportunity to intervene.

Response: We recognize the significant interests that Medicaid and Medicare beneficiaries, as well as other residents in long-term care facilities, have in avoiding trauma associated with relocation. We believe that the suspension provisions of the statute and the proposed regulations take them into account in the following ways.

First, where the long-term care facility is faced with a proposed suspension in conjunction with a proposed civil money penalty or assessment, it will be in that facility's interest to present evidence of the hardships that residents would suffer if it were suspended. This is arguably a matter that justice requires be taken into account under the final regulation. 45 CFR 101.106 and 101.107.

Secondly, where the Secretary decides to suspend a long-term care facility under Medicare, a State may request a waiver from the Secretary to avoid its suspension under Medicaid as discussed above.

Finally, even after the facility is finally suspended, section 1128(c) (42 U.S.C. 1320a–7(c)) provides that payment may be made for up to 30 days with respect to post-hospital extended care services furnished to any eligible individual who was admitted to such institution prior to the effective date of the suspension.

To augment these protections further, we have provided in final § 101.105(c) that when the Inspector General proposes to suspend a long-term care facility from participation in Medicare and Medicaid, he will notify the appropriate State Office of Aging, the long term-care ombudsman, and the State Medicaid agency. The ombudsman or agency would then be in a position to inform the residents of the facility that the suspension has been proposed and to make arrangements for alternative placing in the event that the facility is subsequently suspended. Where the State officials determine that suspension of the provider would result in denying Medicaid beneficiaries adequate access to medical care, or in hardship for such beneficiares, they could suggest that the State Medicaid agency request a waiver under § 101.105(a).

We do not believe that the interests of nursing home residents also require that they be authorized to intervene as parties to the proceeding, which could unduly complicate and prolong the administrative proceedings.

Comment: A commenter recommended that the effective date of the suspension "should allow sufficient time to plan relocations carefully" in addition to the 30 days of continued Federal financial participation (FFP). The commenter did not recommend how long that might be.

Response: We believe that the response to the preceding comment addresses this concern. By notifying the State agency responsible for protecting the interests of its elderly citizens, particularly those in nursing homes, at the earliest time possible—when suspension is proposed—the Secretary gives those in a position to aid in the possible relocation as much time as possible to make alternative arrangements. In addition, the suspension, if it occurs, does not become effective until 15 days after the date it becomes final. This 15 days is in addition to the 30 days with respect to which FFP continues for post-hospital extended care services after the suspension becomes effective.

Comment: A commenter expressed concern for the continuity of care to beneficiaries whose practitioner or provider is suspended. He recommended that the regulations require the suspended person to inform his or her patients of his suspension and to recommend another approved practitioner or provider to continue services.

Response: We believe the final regulations answer these concerns. Section 101.129 has been amended to provide for public notice in the area served by a suspended person. *Cf.* 42 CFR 420.124. Furthermore, as the State Medicaid agency is notified, it should publicize the suspension among beneficiaries, social workers, and its employees to reduce hardship on the beneficiary population. With reimbursement suspended, the suspended person will have every incentive to inform his or its beneficiary patients. However, once a person is suspended, the Department no longer has any leverage to enforce an obligation upon the person to refer his or its patients to an approved provider or practitioner.

Comment: One Departmental commenter noted that the proposed regulation should eliminate the need for the Administrator of HCFA to concur in the decision to suspend a person as the authority to suspend and exclude persons from Medicare has been transferred from the Administrator of HCFA to the Inspector General.

Response: Final regulation § 101.105 has been revised in accordance with the comment to reflect the delegation of suspension and exclusion authority to

the Inspector General effective April 18, 1983.

Comment: One State agency noted that the proposed regulation is unclear regarding the effect that a person's suspension under section 1128(b) would have on the the person's participation under the Maternal and Child Health Services Block Grant program (MCH program).

Response: We agree. In providing for the suspension of a person from the Medicare and/or Medicaid programs under section 1128(b), Congress did not specify the effect that this would have on the person's continued participation, if any, under a State's MCH program even though misconduct in the latter program may be the basis for suspension from the former programs. Also, in restructuring title V of the Act in Pub. L. 97–35, Congress did not require States to suspend from participation in their MCH programs those persons who had been suspended from Medicare and/or Medicaid as Congress did with respect to Medicaid under section 1902(a)(39) of the Act (42 U.S.C. 1396a(a)(39)).

The absence of such a requirement is, of course, consistent with the block grant model, which permits greater latitude to the State in administering federal grants in aid.

However, if a person has been suspended from participation in the Medicare and/or Medicaid programs under section 1128(b), it seems reasonable to conclude that Congress intended the State to be able to suspend the person from its MCH program, especially where misconduct in that program is what prompted the imposition of civil money penalities and/or assessments and the suspension. Thus, final regulation § 101.129 provides that notice will be given to the State agency responsible for administering the State's MCH program under section 509(b) of the Act (42 U.S.C. 709(b)). The State may then take whatever steps it deems appropriate.

Section 101.106 Determining the amount of the penalty and assessment.

Comment: Several commenters criticized proposed subsection (b)(1). Two said that there should be a greater difference between those factors which would be considered aggravating and those which would be considered mitigating, *e.g.*, in proposed § 100.106(b)(1). Another challenged the dollar figures and other benchmarks as arbitrary.

Response: In consideration of the comments and upon further reflection, we have made several changes in this section. Under section 1128A(c), in determining the amount or scope of any penalty or assessment, the Secretary is obliged to consider "the nature of claims and the circumstances under which they were presented, the degree of culpability, history of prior offenses, and financial condition of the person presenting the claims, and such other matters as justice may require." We proposed to guide decision-makers' discretion in imposing penalties and assessments by refining these factors by rule, defining what would be considered aggravating and mitigating circumstances. We believed that this would ensure fairness and facilitate settlements because all parties would be able to calculate the appropriate penalty and/or assessment.

On the one hand, we recognized that such a process inevitably involves drawing lines, and that line-drawing inevitably invites the comment that the lines have been drawn arbitrarily. On the other, where few lines are drawn, the proposed rule is criticized for permitting the Secretary unfettered discretion in imposing penalties and assessments.

Ultimately, then, the question is one of balancing flexibility against predictability. In reconsidering these factors in light of the comments, we decided that without experience with the number of claims involved, the period over which they were submitted, the culpability of respondents, etc., the balance would be better struck, at least initially, in favor of more flexibility. Hence, although we continue to regard it as a mitigating circumstance where the total amount of the items and services claimed is less than $1,000, we have deleted a specific dollar figure for defining an aggravating circumstance.

Comment: A commenter suggested that "reciprocal billing", which it defined as the practice of one physician performing services for another physician where the latter bills as though he had performed the service himself (*e.g.*, as a weekend fill-in), should be "exempted" or considered a mitigating circumstance.

Response: If we understand the comment correctly, it is asking the Secretary to approve of this practice. Even if, as the commenter states, this is "common and accepted practice" and does not harm federally financed health programs, this regulation is not the place for such a policy determination to be given expression. In any case involving "reciprocal billing", the Inspector General's determination would be guided by the applicable standards of HCFA.

Comment: Several commenters took exception to proposed §100.106(b)(2), concerning degree of culpability. One commenter thought that to consider it a mitigating circumstance if the false or improper claim was the result of an unintentional or unrecognized error was inconsistent with proposed § 100.102(a)(1)(i). Another objected that it should not be a mitigating factor that an improper claim was the result of unintentional or unrecognized error; "a simple, honest mistake" should not subject anyone to liability for a penalty or assessment. Still another commenter objected that "knowledge" should not be an aggravating factor because it is "simply an element of the offense."

Response: These comments show a misunderstanding of the proposed regulation. Although liability for submitting a "false" claim under section 1128A(a)(1)(A) requires that respondent "knows or has reason to know" that the items or services for which payment is claimed were not provided as claimed, "knowledge" *per se* is not an element of any of the practices giving rise to liability under section 1128A(a). In fact, as noted above, the language just quoted indicates that Congress intended to subject to civil money penalty liability those who present or cause to be presented claims for items or services that they did *not* know, but *should* have known, were not provided as claimed. Sections 1128A (a)(1)(B) and (a)(2) are completely silent as to any element of knowledge or intent on the part of the respondent.

The statute sweeps within its ambit not only the knowing, but the negligent, and we are obliged to give it its scope. Under section 1128A(c)(2) we are also obliged to consider the "degree of culpability" in determining the amount or scope of any penalty or assessment. Thus, it seems reasonable to conclude that Congress intended that those who had inadvertently and unintentionally made a false or improper claim or request for payment, all other things being equal, should not be subjected to as large a penalty or assessment as those who did so knowingly and intentionally. This judgment is reflected in final § 101.106(b)(2).

Comment: A commenter noted that the reference in the last sentence of proposed § 100.106(b)(2) should have been "§ 100.102 (a)(1)(ii) or (a)(2)" rather than § 100.102 (a) or (b)". Another disagreed with language in proposed § 100.106(b)(2) that made it an aggravating circumstance "for claims subject to a determination under § 100.102 (a) or (b)," if the respondent "knew that no payment could lawfully be made for the claim." The commenter regarded this provision as usurping a

providers' statutory right to challenge in court the intermediary's and HCFA Administrator's determination on disputed elements of cost.

Response: The first commenter is correct, and final § 101.106(b)(2) has been modified to reflect our original intent to make an aggravating circumstance the knowing submission of false claims or the knowing making of claims or requests for payment that cannot be paid because a person had been excluded from program reimbursement or because payment would violate an assignment agreement under section 1842(b)(3)(B)(ii) of the Act or an agreement with a State agency.

Contrary to the second commenter's assertion, the proposed regulation was not an "attempt to preempt a provider's legal right to challenge an administrative determination as to the allowability of cost elements of service". Where a provider claims costs it has incurred in providing services to beneficiaries in order to preserve its right to appeal a denial of those costs by the intermediary, the claim is not false under the statute or the regulation. The cost report represents that the provider incurred costs in providing items and services to beneficiaries. It is then up to the intermediary, the PRRB, and the Administrator to determine whether they are allowable under Medicare as costs reasonably related to patient care.

Comment: A commenter recommended that proposed § 100.106(b)(3) should make it clear that "prior offense" is one other than that complained of in the present proceeding, and stated that a final determination of culpability must have been made.

Response: We believe that the proposed regulation was sufficiently clear that the term "prior offenses" does not include the claims or requests for payment that are the subject of the instant proceeding. Further, we do not intend to utilize prior offenses as an aggravating factor unless there has been a final adjudication of liability. In the case of criminal and civil sanctions, a judgment of a United States District Court or state trial court would constitute such a final adjudication. In the case of administrative sanctions, final agency action on the sanction would constitute a final adjudication. The pendency of appeals from such final adjudications will not affect their finality for the purposes of this section. This is in accord with established principles of res judicata and collateral estoppel. Finally, although prior offenses related to reimbursement for medical services will always be an aggravating circumstance, there will be times when justice may require that certain other convictions be considered an aggravating circumstance under § 101.106(b)(5). For example, a conviction for a white collar crime, such as embezzlement, would reflect on the trustworthiness of the respondent, and would therefore be a circumstance to take into account.

Comment: A number of commenters criticized proposed § 100.106(b)(4) for making a provider's or person's "secure financial position" an aggravating circumstance. One remarked that a person's sound financial condition should be taken into account only if the person profited substantially from the conduct constituting a violation. All said that penalties or assessments should be based on the seriousness of the offense, not on the financial condition of the person, which is tantamount to penalizing the financially successful.

Response: We have deleted sound financial condition as an aggravating circumstance in final § 101.106(b)(4). However, consistent with our view of congressional intent that in all cases the Secretary must consider a person's financial condition, we have provided that the resources available to a respondent will be considered in determining the amount of the penalty and assessment.

Comment: A number of commenters challenged proposed § 100.106(c)(1) for fixing the amount of the assessment at "twice the amount of the claim" as a "general matter". Instead, it should be related to damages. One commenter also noted that proposed § 100.106(c) was deficient in failing to take account of the possibility of mitigating factors.

Response: We have revised subsection (c). As indicated in response to a previous comment, we have deleted many of the specific bench-marks delineating aggravating and mitigating circumstances. However, subsection (c) provides that where there are substantial or several mitigating circumstances, the aggregate amount of the penalties and assessments should be set sufficiently below the maximum amount permitted to be set by § 101.103 to reflect that fact. Conversely, where there are substantial or several aggravating circumstances, the aggregate amount should be set at or sufficiently close to the maximum amount permitted to reflect that fact. As a general matter, unless there are extraordinary mitigating circumstances, the amount of the penalties and assessments should not fall below double the amount of damages sustained by the United States or a State government where the amount of damages can be ascertained readily. Although we intend to follow these guidelines, § 101.106(d) provides for the exceptional case by indicating that the provisions of § 101.106 are what we have labelled them—"guidelines". Section 101.106(d) also clearly states that the provisions of § 101.106 do not in any way limit the Department's ability to settle any issue or case as provided in § 101.126 or to compromise any penalty and assessment as provided by § 101.128.

Section 101.107 Determining the duration of a suspension.

Comment: One commenter remarked that proposed regulation §§ 100.105 and 100.107 seem to permit the suspension of a person upon whom a penalty or assessment has been imposed "in the seemingly uncontrolled discretion" of the Secretary or the Administrator of HCFA "without regard to the person's . . . state of mind." (*See also,.* the following comment and response). The commenter suggested that suspension should only occur where the person has acted in reckless disregard of the person's obligations.

Response: Section 1128(b) permits the Secretary to suspend from Medicare and to order suspended from Medicaid a person upon whom a penalty or assessment under section 1128A has been imposed. Congress established factors to guide the Secretary's discretion in imposing penalties and assessments in section 1128A(c), the predicate to suspension under section 1128(b). Because Congress evidently conceived of civil money penalties and assessments and suspension from participation in federally funded health care programs as a sanctions package with remedial and prophylactic aspects, it is appropriate that the same factors be considered in determining whether to suspend a person and for what period of time. Final regulation § 101.107 reflects that judgment by incorporating the factors of § 101.106. We have also added a provision that where there are aggravating circumstances, a person should be suspended.

Final regulation § 101.106(b)(2) provides that the respondent's knowledge or lack thereof be considered in imposing these sanctions. However, we find no support in the statute for the commenter's position that only those who act in reckless disregard of their obligations should be suspended; both the language and the standard are foreign to it.

Comment: A number of commenters attacked proposed § 100.107 as unacceptably vague. Some also regarded the $5,000 penalty-assessment figure as too low a threshold to trigger

suspension. Furthermore, two commenters also said that revised guidelines should apply not only to the duration of the suspension but to a determination of whether to suspend.

Response: Final § 101.107 has been substantially rewritten. It requires the decision-maker to take account of the factors under § 101.106 in reaching a decision to suspend and if so, for how long a period of time. All references to a specific dollar amount triggering suspension have been deleted. Particularly in instances where a heavy penalty and assessment would be warranted but for the poor financial condition of the respondent, the Department may consider its interests vindicated if the respondent is simply suspended from further participation in federally financed health care programs.

Section 101.108 Penalty not exclusive.

Comment: One commenter said that proposed § 100.108 should give specific examples of other laws prescribing penalties.

Response: No change is required. The regulation reiterates a provision of section 1128A(a) that civil monetary penalties and assessments are "in addition to any other penalties that may be prescribed by law". We decline to enumerate all other penalties that are currently or later may be prescribed by law—State or federal. Most obviously, this statute makes it clear that the imposition of criminal penalties does not foreclose the Secretary from imposing civil money penalties and assessments. *Cf. e.g.*, sections 1877 and 1909 of the Act (42 U.S.C. 1395nn and 1396h). The filing of false claims is also grounds for the Secretary to exclude a person from Medicare under section 1862(d) or to terminate a provider agreement under section 1866(b)(2). Regardless of whether these are denominated "penalties", it is clear that civil money penalties and assessments may be imposed in addition to exclusion or termination.

Section 101.109 Notice of proposed determination.

Comment: One commenter regarded proposed § 100.109 as deficient for failing specifically to require the notice to inform respondent of his or its right to an administrative hearing and that failure to respond to the notice could result in automatic imposition of the penalty, assessment, and/or suspension. The commenter suggested that the notice warn in bold letters of the consequences of a failure to respond, and also recommended that where proposed penalties and assessments exceed $1,000, a second notice be sent before the 30-day period commences.

Response: By providing that the notice contain "instructions for responding to the notice; and a copy of the rules", the proposed regulation provided for adequate notice to insure that respondents did not inadvertently waive their rights. Nonetheless, we have added to final § 101.109 a requirement that the notice state respondent's right to a hearing and to request an extension of time and that failure to request a hearing permits imposition of the penalty, assessment, and/or suspension without further right to appeal. We see no reason to require that these elements of notice be highlighted by bold-face type.

We disagree with the comment insofar as it implies that even with these more specific notice provisions it is somehow unfair for the penalties, assessments, and suspensions to take effect upon respondent's failure to respond to the notice. The notice is the functional equivalent of a complaint and summons in a civil proceeding, which a defendant is required to answer to avoid entry of a default judgment against him.

We fail to see how anyone's interest is substantially served by prolonging the process by requiring the Inspector General to send a second notice before imposition of the sanctions. No change is made in this regard.

Comment: One commenter requested that the time for response be extended from 30 days to 60 days.

Response: We believe that in most cases, 30 days will be sufficient time within which to respond; however, final § 101.109(c) allows the Inspector General to extend the 30 day period for good cause shown.

Comment: Two commenters recommended that the respondent be given an opportunity to correct deficiencies and present mitigating factors informally to the Inspector General or to seek modification of the penalty proposed or request a hearing on the limited issue of the amount of the penalty or assessment or the length of the suspension.

Response: We believe that the regulation as proposed adequately meets these concerns. Nothing prevents the respondent from correcting deficiencies whether or not the respondent seeks a hearing. By requesting a hearing, thereby preserving the right to contest in whole or in part liability or the severity of the sanctions proposed, a respondent is not prevented from engaging in negotiations with the Inspector General concerning possible settlement. *See, e.g.*, final § 101.126. In fact, we believe that the procedures we have proposed not only permit, but facilitate, fruitful negotiation. We think that requiring the respondent to state his or its position in an answer responding to the Inspector General's position encourages negotiation before hearing. Should negotiations break down, the process is already on track toward a hearing, and is not subject to further delay in determination of the rights of the parties. This encourages the parties to negotiate in good faith and not merely to delay the process. Accordingly, we have not adopted these suggestions.

Comment: One commenter said the regulations were unclear concerning the Department's obligation to inform a respondent that he or it faces suspension, and for how long, at the same time it notifies respondent of proposed penalties and assessments.

Response: Both proposed § 100.109 and final § 101.109 provide that the Inspector General shall include a proposal to suspend in its notice to respondent concerning proposed penalties and assessments.

Section 101.110 Failure to request a hearing.

Comment: A commenter suggested that the Inspector General's denial of a request for an extension under proposed § 100.109(c) should be appealable, and imposition of the penalty should be tolled pending resolution of the appeal.

Response: We anticipate that the Inspector General will grant extensions of the 30 day period for good cause shown. We have attempted to make the procedures for adjudicating liability under the civil monetary penalty statute both fair and expeditious. Little is to be gained by adding an appeals mechanism to resolve a single preliminary issue, and such a mechanism could readily thwart the resolution of substantive issues by encouraging all respondents to request extensions, and if denied, to appeal their denial. No change has been made in final § 101.110.

Section 101.111 Initiation of a hearing.

Comment: A commenter expressed concern with the use of administrative law judges as presiding officers over the hearing in view of allegations that the agency (Office of Hearings and Appeals of the Social Security Administration) has established production quotas for administrative law judges and has pressured them to decide cases in favor of the agency.

Response: Section 1128A(b)(2) (42 U.S.C. 1320a-7a(b)(2)) provides that "[t]he Secretary shall not make a determination adverse to any person

under subsection (a) until the person has been given written notice and an opportunity for the determination to be made on the record after a hearing * * *" 5 U.S.C. 554(a) makes section 554 applicable "in every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing, * * *" with some exceptions not here applicable. 5 U.S.C. 554(c) states that "the agency shall give all interested parties opportunities for * * * hearing and decision on notice in accordance with sections 556 and 557 of this title." 5 U.S.C. 556(b) provides that the agency, one or more of the members of the body comprising the agency, or one or more administrative law judges appointed under 5 U.S.C. 3105 shall preside at the taking of evidence.

The statute requires a hearing conducted pursuant to 5 U.S.C. 554, and, unless the agency or one or more of the members comprising it is to preside at the taking of evidence, the Administrative Procedure Act requires that administrative law judges preside.

The Department currently intends to have cases under section 1128A heard by one or more administrative law judges placed under the Departmental Grant Appeals Board rather than in the Social Security Administration's Office of Hearings and Appeals.

Section 101.114 Issues and burdens of proof.

Comment: Two commenters argued that the standard of proof in all circumstances, not only with respect to claims presented before the effective date of the statute, should be clear and convincing, as is required in most federal circuits to establish liability under the False Claims Act, 31 U.S.C. 3729 *et seq.*

Response: We have not made the requested change. As discussed above under comments on § 101.111, section 1128A requires that the Secretary provide an opportunity for a hearing under the Administrative Procedure Act, 5 U.S.C. 554, 556, 557. In *Steadman* v. *Securities and Exchange Commission*, 450 U.S. 91, 94, *rehearing denied*, 451 U.S. 933 (1981), the SEC has found by a preponderance of the evidence that the petitioner had violated, *inter alia*, certain anti-fraud provisions of the Securities Act of 1933, the Securities Exchange Act of 1934, and the Investment Advisers Act of 1940, had barred him from associating with any investment adviser or affiliating with any registered investment company, and had suspended him for one year from associating with any broker or securities dealer. The Court upheld the SEC, holding that in enacting section 7(c) of the Administrative Procedure Act (codified at 5 U.S.C. 556(d)), Congress intended to establish a standard of proof and to adopt the traditional preponderance-of-the-evidence standard in hearings thereunder. *Id.* at 102. As we see no countervailing constitutional consideration nor any higher burden dictated by statute, we will adhere to the standard chosen by Congress to govern hearings under the Administrative Procedure Act.

Comment: One commenter suggested that language be added to proposed § 100.114(c) that would clarify (1) that the final determination in the earlier proceeding was made with respect to the same claims at issue in the civil monetary penalties proceeding and (2) that the respondent was a party in the earlier proceeding.

Response: We believe that the proposed regulation was sufficiently clear concerning the first point. We agree as to the second point, and have modified final § 101.114(c) accordingly.

Section 101.116 Rights of parties.

Comment: A commenter stated that parties should be able to compel the appearance of witnesses.

Response: We agree in principle. However, the statute does not provide for compulsory process in these proceedings. Under 5 U.S.C. 556(c), "subject to published rules of the agency and within its powers, employees presiding at hearings may * * * (2) issue subpoenas authorized by law". Thus, the administrative law judge's authority to compel testimony depends on the Secretary's authority to do so.

42 U.S.C. 1395ii incorporates by reference 42 U.S.C. 405(d), giving the Secretary authority to issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence in matters relating to the administration of the Medicare program. However, no such statute makes similar provision with respect to titles V and XIX, and no general statute confers that power on the Secretary with respect to matters within her jurisdiction. Thus, the regulation restricts the authority of the administrative law judge to issue subpoenas to cases involving the Medicare program.

The Department will consider the feasibility of seeking curative legislation on this point.

The final regulations dealing with subpoenas have been revised. Section 101.116(b) makes clear a party's right and the administrative law judge's duty to compel the attendance of witnesses and the production of evidence in cases involving Medicare. Section 101.116(b) also obliges a party in all hearings to produce for examination upon another party's request any person over whom it has control. A party or prospective witness may file an objection to a notice to appear or a motion to quash a subpoena. That section also provides for enforcement under section 205(e) of the Act.

Section 101.117 Discovery.

Comment: Several commenters urged that proposed § 100.117 should be revised to provide for full discovery. One suggested the first sentence be changed to provide that the ALJ must allow a requesting party to inspect and copy all documents relevent to the issues in the proceeding that are in the possession or control of the other party. Three commenters stated that the prior statements of witnesses should be made available before the hearing and that depositions, interrogatories, and other forms of discovery should be authorized. One commenter also noted that discovery from experts upon whom the Inspector General intended to rely in cases involving the use of statistical samples is crucial to giving respondents a fair hearing. That comment also stated that there should be included a mechanism for a party to gain access to documents under the control of non-parties.

Response: We have adopted the first suggestion by changing "may" to "shall" in final § 101.117(a).

We have added a new paragraph (c) to final § 101.117 providing for the exchange of witness lists and hearing exhibits before the hearing. At that time, prior statements of witnesses will also be exchanged.

Because we anticipate that as a general matter, issues in these cases will hinge on documentary evidence, we have not provided for full-scale pre-hearing discovery akin to that provided in the Federal Rules of Civil Procedure. We have provided for prehearing access to all unprivileged documents relevant to issues in the proceeding and under the control of another party. Beyond that, in our estimation, the potential for harassment and unnecessary delay outweighs the limited marginal utility of more expansive discovery rights. We have also added a proviso that the regulation shall not be interpreted to require the disclosure of internal government documents prepared in conjuction with the investigation or litigation of the case, such as documents subject to attorney work product and attorney-client privilege.

In final § 101.117(b) we have provided for depositions in the cases in which the Inspector General intends to introduce the results of a satistical sampling study. In such cases, upon request of the respondent, the Inspector General shall make available for deposition, in accordance with Rules 28 and 30 of the Federal Rules of Civil Procedure, the individual(s) responsible for conducting the statistical sampling study. Likewise, a respondent shall make available for deposition any expert whose testimony it intends to introduce to rebut the statistical sample. Failure to make experts available under the regulation bars their testimony or other evidence from them at the hearing.

With respect to compelling the production of documents in the control of third parties, the Secretary, as indicated above, has authority to issue subpoenas only in cases involving Medicare.

Section 101.118 Evidence and witnesses.

Comment: One commenter remarked that "[e]liminating the 'technical rules of evidence' from the hearing is inequitable."

Response: We fail to see how eliminating technical rules of evidence operates to the advantage of one of the parties and hence is inequitable. Furthermore, it is well established that technical rules of evidence applicable in civil jury trials are neither required nor generally employed in hearings under the Administrative Procedure Act. 5 U.S.C. 556(d). In the absence of any rationale offered by the commentor for doing so, we decline to eschew the well-recognized advantages of less restrictive rules of evidence. *See generally*, 3 Davis, Administrative Law Treatise, 2d ed. § 16.4 (1980).

Section 101.120 Ex parte contacts.

Comment: One commenter objected to proposed § 100.120(a), indicating that it was unclear what ex parte matters or what "facts in issue" might require a party to consult with the administrative law judge in the absence of other parties. Two other commenters said that consultation should be restricted to "minor procedural issues", and a record of such consultations should be kept and made available to all parties.

Response: The language in proposed § 100.120(a) was based on 5 U.S.C. 557(d). It was designed to prohibit all ex parte consultations between the administrative law judge and any party on any matter in issue. We have revised final § 101.120(a) to permit ex parte contacts only with respect to the issuance of subpoenas.

The provisions of 5 U.S.C. 557(d) apply to proceedings under this part. 5 U.S.C. 557(d)(1)(C) requires, "the administrative law judge" or any "other employee who is or may reasonably be expected to be involved in the decisional process" to place on the public record of the proceeding a record as specified therein if he "receives or . . . makes or knowingly causes to be made, a communication prohibited by [that] subsection." The agency may then consider a knowing violation of that section sufficient grounds for a decision adverse to the party violating the prohibition. 5 U.S.C. 556(d).

Comment: Two commenters remarked that intervention should be permitted when useful for clarification of issues or when justice may require. As noted and addressed above, another commenter favored intervention by program beneficiary residents of long-term care facility respondents threatened with suspension.

Response: The interests of non-parties, including beneficiaries, can be recognized and considered without allowing them to intervene as parties with full rights of presenting and cross-examining witnesses, attending prehearing conferences, being party to settlement discussions, and the like. Although their interests are not inconsequential, they will be tangential to the fundamental dispute between the Inspector General and the respondent, *viz.*, liability for the severity of proposed penalties, assessments, or suspensions. Allowing them to participate as witnesses, if called by either party or the administrative law judge, would not encumber the process with additional parties litigant.

Section 101.123 Post-hearing briefs.

Comment: One commenter stated that the final regulation should provide for more flexibility by allowing the administrative law judge to extend the thirty-day time limit for submission of briefs, and that the thirty-day limit should begin with the date of receipt of the transcript rather than the termination of the hearing.

Response: We have adopted these suggestions in part. Final regulation § 101.123 provides that the thirty-day period will begin with receipt of the hearing transcript by the parties. It also provides that the administrative law judge may extend the period for up to 60 days in cases of unusual length or complexity or for other good cause shown upon motion of a party.

Section 101.125 Initial decision; administrative review; finality.

Comment: One commenter recommended that proposed § 100.125(f) be modified so that the Secretary retains discretion to review or refuse to review administrative law judges' decisions rather than making review mandatory at the instance of any party. This would conform with Recommendation 68-6(b) the Administrative Conference of the United States. 1 CFR 305.68-6.

Response: We have adopted this suggestion and revised final § 101.125 to provide for review of the administrative law judge's initial decision at the discretion of the Secretary. The Secretary's decision to grant or deny review is not itself reviewable. The only decision that is reviewable is the final decision of the agency, *i.e.*, (a) the initial decision of the administrative law judge if no exceptions are filed or if the Secretary denies review, or (b) the final decision of the Secretary upon discretionary review.

Comment: Two commenters noted the dual review anomaly created by the statute: civil money penalties and assessments are reviewable in the United States Court of Appeals under section 1128a(d) (42 U.S.C. 1320a-7a(d)); whereas, a suspension imposed as a result of a civil money penalties and assessment determination under section 1128(b) (42 U.S.C. 1320a-7a(b)) is reviewable in district court under section 1128(d) (42 U.S.C. 1320a-7(d)).

One of the commenters recommended that we seek legislative correction. The other commenter suggested that the regulation be amended to compel the Secretary to file a motion for a stay in the district court pending a decision by the circuit court on the penalties and assessments when dual appeals have been filed in both the district and the circuit courts, and the suspension is based on civil money penalties and assessments.

Response: The Department will consider the possibility of seeking legislation to correct the situation. While we agree with the idea that until the statute is amended a stay should be sought in the district court, there is no reason why the Secretary should be obliged to seek it. Especially since the adversely affected party will be filing the appeals, it seems more reasonable for that party to move for a stay.

Section 101.126 Settlements.

Comment: One commenter suggested that there ought to be some mechanism whereby the "Secretary's office" is

informed of the Inspector General's intent to settle.

Response: We agree that if the Secretary has agreed to review a case, the Inspector General should inform the Secretary if the case is settled after a hearing and before a final action by the Secretary; however, as that is an internal matter, we do not believe that this comment requires a change in the regulation.

Section 101.127 Judicial review.

Comment: Three commenters objected to proposed § 100.127 because it appeared to preclude judicial review in cases where a respondent's failure to file an exception to an administrative law judge's finding or conclusion could be "excused because of extraordinary circumstances" as permitted by section 1128A(d) (42 U.S.C. 1320a–7a(d)).

Response: We have amended final § 100.127 to conform to the statute.

Section 101.128 Collection of penalty and assessment.

Two commenters wrote that proposed § 100.128 should make it clear that penalties, assessments, and/or suspensions cannot be imposed unitl all appeals have been exhausted.

Response: Sections 101.125(f) (3) and (4) have been revised to make clear that the Secretary's determination (or the ALJ's determination, in the case where the Secretary declines review) becomes final for the purpose of §§ 101.105(b) and 101.128 sixty days after the respondent receives notice of the final determination. This finality is not affected by the pendency of an appeal. This position is in accord with the clearly stated intent of Congress in enacting section 1128A(f) (42 U.S.C. 1320a–7(f)). See H.R. Rep. 97–208, 97th Cong., 1st Sess. Book 2 (Conference Report) p. 950. Further, this position comports with general administrative practice whereby final administrative orders take effect regardless of the pendency of an appeal, unless an administrative or judicial stay is granted. *Cf.*, 5 U.S.C. 705. *See also*, Fed. R. Civ. P. 62; Fed. R. App. P. 18.

Section 1128A does not provide otherwise, and application of the standard rule on finality will discourage frivolous appeals solely to delay payment of penalties and assessments or imposition of a suspension.

We have added a new subsection (5) to § 100.125(f), which creates a procedure for a respondent to seek a stay of the effective date of the final determination pending judicial review. Such requests must be made to the ALJ, who may grant such requests where justice so requires and to the extent necessary to prevent irreparable harm. A determination requiring the payment of money will not be stayed except where the respondent gives a bond or other adequate security.

A decision by the ALJ refusing to grant a stay is not appealable to the Secretary. However, the respondent may seek a stay from the reviewing court.

Section 101.129 Notice to other agencies.

Comment: One commenter said that notice should not be given until all appeals are exhausted.

Response: Section 1128A(g) (42 U.S.C. 1320a–7a(g)) provides that "[w]henever the Secretary's determination to impose a penalty or assessment under subsection (a) of this section becomes final, he shall notify" specified organizations and agencies of the fact and the reasons therefor. As discussed in response to the preceding comment, we interpret "final" in the statute and final § 100.129 as meaning at the expiration of the sixty-day period following the respondent's receipt of the final decision. However, § 100.125(f)(5) permits the respondent to seek a stay of imposition of the suspension.

Comment: One commenter noted that the proposed regulations did not provide for public notice of suspensions as required by 42 U.S.C. 1320a–7(c).

Response: Final § 100.129 provides for notice to the public of final determinations to suspend a person.

List of Subjects in 45 CFR Part 101

Penalties, Medicare, Medicaid, Administrative practice and procedure, Archives and records, Grant programs—social programs, Maternal and child health.

45 CFR Subtitle A—Department of Health and Human Services—is amended as set forth below:

1. The table of contents of Subtitle A is amended by adding at the end thereof the following:

Part

101 Civil Money Penalties and Assessments

2. Subtitle A is amended by adding after Part 100 the following new Part 101:

PART 101—CIVIL MONEY PENALTIES AND ASSESSMENTS

Sec.

101.100 Basis and purpose.
101.101 Definitions.
101.102 Basis for civil money penalties and assessments.
101.103 Amount of penalty.
101.104 Amount of assessment.
101.105 Suspension from participation in Medicare or Medicaid.
101.106 Determinations regarding the amount of the penalty and assessment.
101.107 Determinations regarding suspension.
101.108 Penalty not exclusive.
101.109 Notice of proposed determination.
101.110 Failure to request a hearing.
101.111 Initiation of hearing.
101.112 Parties.
101.113 Notice of hearing.
101.114 Issues and burden of proof.
101.115 Authority of ALJ.
101.116 Rights of parties.
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101.119 Exclusion from the hearing for misconduct.
101.120 Ex parte contacts.
101.121 Separation of functions.
101.122 Official transcript.
101.123 Post-hearing briefs.
101.124 Record for decision.
101.125 Initial decision; administrative review; finality.
101.126 Settlement.
101.127 Judicial review.
101.128 Collection of penalty and assessment.
101.129 Notice to other agencies.
101.130 Form, filing and service of papers; computation of time; motions, deposition of motions.
101.131 Records to be public.
101.132 Limitations.
101.133 Statistical sampling.

Authority: Sec. 1102, 1128 and 1128A of the Social Security Act (42 U.S.C. 1302, 1320a–7 and 42 U.S.C. 1320a–7a).

§ 101.100 Basis and purpose.

(a) *Basis.* This part implements sections 1128A and 1128(b) of the Social Security Act (42 U.S.C. 1320a–7a and 1320a–7(b)).

(b) *Purpose.* This part (1) establishes procedures for imposing civil money penalties and assessments against persons who have submitted certain prohibited claims under the Medicare Medicaid, or the Maternal and Child Health Services Block Grant programs; (2) establishes procedures for suspending from the Medicare and Medicaid programs, persons against whom a civil money penalty or assessment has been imposed; and (3) specifies the appeal rights of persons subject to a penalty or assessment.

§ 101.101 Definitions.

For purposes of this part:

Act means the Social Security Act.

Agent includes a Medicare fiscal intermediary or carrier, a Medicaid fiscal agent, or any other claims processing agent under the Medicare, Medicaid, or Maternal and Child Health Services Block Grant program.

ALJ means an Administrative Law Judge.

Assessment means the amount described in section 101.104, and includes the plural of that term.

Claim means an application submitted by a person to an agency of the United States or of a State, or an agent thereof, for payment for:

(a) An item or service for which payment may be made under Medicare, or

(b) An item or service for which medical assistance is provided under a State plan for medical assistance, or

(c) An item or service for which payment may be made under the Maternal and Child Health Services Block Grant program.

Department means the Department of Health and Human Services.

General Counsel means the General Counsel of the Department or his designees.

HCFA means the Health Care Financing Administration.

Inspector General means the Inspector General of the Department or his designees.

Item or service includes (a) any item, device, medical supply or service claimed to have been provided to a patient and listed in an itemized claim for program payment or a request for payment, and (b) in the case of a claim based on costs, any entry or omission in a cost report, books of account or other documents supporting the claim.

Maternal and Child Health Services Block Grant program means the program authorized under title V of the Act.

Medicaid means the program of grants to the States for medical assistance authorized under title XIX of the Act.

Medicare means the program of health insurance for the aged and disabled authorized under XVIII of the Act.

Penalty means the amount described in § 101.103, and includes the plural of that term.

Person means an individual, trust or estate, partnership, corporation, professional association or corporation, or other entity, public or private.

Program means the Medicare, Medicaid or Maternal and Child Health Services Block Grant program.

Request for payment means an application submitted by a person to any person for payment for an item or service covered under the Medicare, Medicaid or Maternal and Child Health Services Block Grant program.

Respondent means the person upon whom the Secretary has imposed, or proposes to impose, a penalty or assessment.

Secretary means the Secretary of the Department or his designees.

State includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

Suspension means the temporary barring or permanent exclusion of a person from participation in the Medicare or Medicaid programs under section 1128(b) of the Social Security Act.

§ 101.102 Basis for civil money penalties and assessments.

(a) The Department may impose a penalty and assessment against any person whom it determines in accordance with this part has presented or caused to be presented a claim which is for an item or service:

(1) That the person knew or had reason to know was not provided as claimed; or

(2) For which no payment could be made under the program under which it was submitted because:

(i) The person had been excluded under § 1128 of the Act (42 U.S.C. 1320a–7);

(ii) The person had been excluded from eligibility to provide services on a reimbursement basis under section 1160(b) of the Act as that section read prior to enactment of Pub. L. 97–248 (42 U.S.C. 1320c–9(b));

(iii) Payment had been prohibited under title XVIII of the Act because of a determination under section 1862(d) of the Act (42 U.S.C. 1395y(d)); or

(iv) The Secretary had initiated termination proceedings against the person pursuant to a determination by the Secretary under section 1866(b)(2) of the Act (42 U.S.C. 1395cc(b)(2)).

(b) The Department may impose a penalty against any person whom it determines in accordance with this part has presented or caused to be presented a request for payment in violation of the terms of:

(1) an assignment under section 1842(b)(3)(B)(ii) of the Act, or

(2) an agreement with a State agency not to charge a person for an item or service in excess of the amount permitted to be charged.

(c)(1) In any case in which it is determined that more than one person was responsible for presenting or causing to be presented a claim as described in paragraph (a) of this section, each such person may be held liable for the penalty prescribed by this part, and an assessment may be imposed against any one such person or jointly and severally against two or more such persons, but the aggregate amount of the assessments collected may not exceed the amount that could be assessed if only one person was responsible.

(2) In any case in which it is determined that more than one person was responsible for presenting or causing to be presented a request for payment described in paragraph (b) of this section, each such person may be held liable for the penalty prescribed by this part.

§ 101.103 Amount of penalty.

The Department may impose a penalty of not more than $2,000 for each item or service that is subject to a determination under § 101.102.

§ 101.104 Amount of assessment.

A person subject to a penalty determined under §101.102(a) may be subject, in addition, to an assessment of not more than twice the amount claimed for each item or service which was a basis for the penalty. The assessment is in lieu of damages sustained by the Department or a State agency because of that claim.

§ 101.105 Suspension from participation in Medicare or Medicaid.

(a) A person subject to a penalty or assessment determined under § 101.102 may, in addition, be suspended from participation in Medicare for a period of time determined under §101.107. The Secretary may require the appropriate State agency to suspend the person from the Medicaid program for a period he shall specify. The State agency may request the Secretary to waive suspension of a person from the Medicaid program under this section if it concludes that, because of the shortage of providers or other health care personnel in the area, individuals eligible to receive Medicaid benefits would be denied access to medical care or that such individuals would suffer hardship. The Secretary will notify the State agency if and when the Secretary waives suspension in response to such a request.

(b) Any suspension under this section shall become effective only after there is a final decision of the Secretary pursuant to § 101.125(f), or at any earlier date that the respondent fails, within the time permitted, to exercise his right to a hearing under § 101.109 or administrative review under § 101.125 The effect of such suspension shall be governed by 42 CFR 420.126.

(c) When the Inspector General proposes to suspend a long-term care

facility from the Medicare and Medicaid programs, he shall, at the same time he notifies the respondent, notify the appropriate State Office of Aging, the long-term care ombudsman, and the State Medicaid agency of his intention to suspend the facility.

§ 101.106 Determinations regarding the amount of the penalty and assessment.

(a) In determining the amount of any penalty or assessment, the Department shall take into account, in accordance with this section: (1) The nature of the claim or request for payment and the circumstances under which it was presented, (2) the degree of culpability of the person submitting the claim or request for payment, (3) the history of prior offenses of the person submitting the claim or request for payment, (4) the financial condition of the person presenting the claim or request for payment, and (5) such other matters as justice may require.

(b) *Guidelines for determining the amount of the penalty or assessment.* As guidelines for taking into account the factors listed in paragraph (a), of this section, the following circumstances are to be considered:

(1) *Nature and circumstances of the claim.* It should be considered a mitigating circumstance if all the items or services subject to a determination under § 101.102 included in the action brought under this part were of the same type and occurred within a short period of time, there were few such items or services, and the total amount claimed for such items or services was less than $1,000. It should be considered an aggravating circumstance if such items or services were of several types, occurred over a lengthy period of time, there were many such items or services (or the nature and circumstances indicate a pattern of claims for such items or services), or the amount claimed for such items or services was substantial.

(2) *Degree of culpability.* It should be considered a mitigating circumstance if the claim for the item or service was the result of an unintentional and unrecognized error in the process respondent followed in presenting claims, and corrective steps were taken promptly after the error was discovered. It should be considered an aggravating circumstance if the respondent knew the item or service was not provided as claimed, of if the respondent knew that no payment could be made because he had been excluded from program reimbursement as specified in § 101.102(a)(2) or because payment would violate the terms of an assignment agreement or an agreement with a State agency under § 101.102(b).

(3) *Prior offenses.* It should be considered an aggravating circumstance if at any time prior to the presentation of any claim which included an item or service subject to a determination under § 101.102, the respondent was held liable for criminal, civil, or administrative sanctions in connection with a program covered by this part or any other public or private program of reimbursement for medical services.

(4) *Financial Condition.* It should be considered a mitigating circumstance if imposition of the penalty or assessment without reduction will jeopardize the ability of the respondent to continue as a health care provider. In all cases, the resources available to the respondent will be considered when determining the amount of the penalty and assessment.

(5) *Other matters as justice may require.* Other circumstances of an aggravating or mitigating nature should be taken into account if, in the interests of justice, they require either a reduction of the penalty or assessment or an increase in order to assure the achievement of the purposes of this part.

(c) As guidelines for determining the amount of the penalty and assessment to be imposed, for every item or service subject to a determination under § 101.102:

(1) If there are substantial or several mitigating circumstances, the aggregate amount of the penalty and assessment should be set at an amount sufficiently below the maximum permitted by § 101.103, to reflect that fact.

(2) If there are substantial or several aggravating circumstances, the aggregate amount of the penalty and assessment should be set at an amount sufficiently close to or at the maximum permitted by § 101.103, to reflect that fact.

(3) Unless there are extraordinary mitigating circumstances, the aggregate amount of the penalty and assessment should never be less than double the approximate amount of damages sustained by the United States, or any State, as a result of claims subject to a determination under § 101.102.

(d) The guidelines set forth in this section are not binding. Moreover, nothing in this section shall limit the authority of the Department to settle any issue or case as provided by § 101.126 or to compromise any penalty and assessment as provided by § 101.128.

§ 101.107 Determinations regarding suspension.

In determining whether to suspend a person and the duration of a suspension, the Department will take into account the circumstances set forth in § 101.106(a) and described in § 101.106(b). Where there are aggravating circumstances as described in § 101.106(b), the person should be suspended. The guidelines set forth in this section are not binding. Moreover, nothing in this section shall limit the authority of the Department to settle any issue or case as provided by § 101.126 or to compromise any suspension as provided by § 101.128.

§ 101.108 Penalty not exclusive.

A penalty imposed under this part is in addition to any other penalties prescribed by law.

§ 101.109 Notice of proposed determination.

(a) If the Inspector General proposes to impose a penalty and assessment, or to suspend a respondent from participation in Medicare or Medicaid, in accordance with this part, he must deliver or send by certified mail, return receipt requested, to the respondent, written notice of his intent to impose a penalty, assessment and suspension, as applicable. The notice will include reference to the statutory basis for the penalty, assessment, and suspension; description of the claims and requests for payment with respect to which the penalty, assessment, and suspension are proposed (except in cases where the Inspector General is relying upon statistical sampling pursuant to § 101.133, in which case the notice shall describe those claims and requests for payment comprising the sample upon which the Inspector General is relying and shall also briefly describe the statistical sampling technique utilized by the Inspector General); the reason why such claims and requests for payment subject the respondent to a penalty, assessment, and suspension; the amount of the proposed penalty, assessment, and the period of proposed suspension (where applicable); any circumstances described in § 101.106 which were considered when determining the amount of the proposed penalty and assessment and the period of suspension; instructions for responding to the notice, including a specific statement of respondent's right to a hearing, of the fact that failure to request a hearing within 30 days permits the imposition of the proposed penalty, assessment, and suspension without right to appeal, and of respondent's right to request an extension of time in which to respond to the notice and a copy of the rules contained in this part.

(b) Within 30 days of the date of receipt of the notice, the respondent may submit:

(1) A written statement accepting imposition of the penalty, assessment, and suspension as proposed; or

(2) A written request for a hearing which shall be accompanied by an answer to the notice that (i) with respect to the claims and requests for payment identified in the notice, admits or denies that the respondent presented or caused to be presented such claims and requests for payment, (ii) states any defense on which the respondent intends to rely, and (iii) may state any reasons which respondent contends should result in a reduction or modification of a penalty, assessment, and suspension.

(c) The Inspector General may extend the 30 day period for good cause shown by the respondent upon request made prior to the expiration of the 30 day period.

§ 101.110 Failure to request a hearing.

If the respondent does not request a hearing within the time prescribed by § 101.109 (b) and (c), the Inspector General may impose the proposed penalty, assessment, and suspension, or any less severe penalty, assessment, and suspension.

The Inspector General shall notify the respondent by certified mail, return receipt requested, of any penalty, assessment, and suspension that has been imposed and of the means by which the respondent may satisfy the judgment. The respondent has no right to appeal a penalty, assessment, and suspension, with respect to which he has not requested a hearing.

§ 101.111 Initiation of hearing.

If the respondent requests a hearing in accordance with § 101.109(b)(2), determination of the penalty, assessment, and suspension will be assigned to an ALJ for hearing.

§ 101.112 Parties.

The Inspector General and the respondent are parties to the hearing.

§101.113 Notice of hearing.

The ALJ will send written notice to the respondent and to the Inspector General stating the time and place for the hearing and the issues that will be considered. In fixing the time and place of the hearing, the ALJ will attempt to minimize the costs to the parties.

§ 101.114 Issues and burden of proof.

(a) To the extent that a proposed penalty and assessment is based on claims and/or requests for payment presented on or after August 13, 1981, the Inspector General must prove by a preponderance of the evidence that the respondent presented or caused to be presented such claims and/or requests for payment as described in § 101.102.

(b) To the extent that a proposed penalty and assessment is based on claims presented before August 13, 1981, the Inspector General must prove by clear and convincing evidence that

(1) the respondent presented or caused to be presented such claims as described in § 101.102; and

(2) presenting or causing to be presented such claims could have rendered respondent liable under the provisions of the False Claims Act, 31 U.S.C. 3729 et seq., for payment of an amount not less than that proposed.

(c) Where a final determination that the respondent presented or caused to be presented a claim and/or request for payment falling within the scope of § 101.102 has been rendered in any proceeding in which the respondent was a party and had an opportunity to be heard, the respondent shall be bound by such determination in any proceeding under this part.

(d) The respondent shall bear the burden of producing and proving by a preponderance of the evidence any circumstances described in § 101.106 that would justify reducing the amount of the penalty or assessment, or the period of suspension.

§ 101.115 Authority of ALJ.

(a) The ALJ will conduct a fair hearing, avoid delay, maintain order, and assure that a record of the proceeding is made.

(b) The ALJ shall have the authority to:

(1) Change the date, time, and place on the hearing, upon notice to the parties;

(2) Continue or recess the hearing in whole or in part for a reasonable period of time;

(3) Hold conferences to identify or simplify the issues, or to consider other matters that may aid in the expeditious disposition of the proceeding;

(4) Administer oaths and affirmations;

(5) Issue subpoenas in hearings involving Medicare claims;

(6) Rule on motions and other procedural matters;

(7) Regulate the course of the hearing and the conduct of counsel;

(8) Examine witnesses;

(9) Receive, rule on, exclude, or limit evidence;

(10) Upon motion of a party, decide cases, in whole or in part, by summary judgment where there is no disputed issue of material fact;

(11) Issue a written opinion containing findings of fact, conclusions of law, and an initial decision on whether a penalty or assessment or suspension should be imposed, and if so, the amount.

(c) The ALJ does not have the authority to decide upon the validity of Federal statutes or regulations.

(d)(1) The ALJ shall schedule a prehearing conference at a reasonable time in advance of the hearing, at which the parties or their counsel shall meet with the ALJ to consider:

(i) Simplification of the issues;

(ii) The necessity or desirability of amendments to pleadings for purposes of clarification, simplification, or limitation;

(iii) Stipulations, admissions of fact or the contents and authenticity of documents;

(iv) Limitation of the number of witnesses;

(v) Scheduling dates for the exchange of witness lists and of proposed exhibits; and

(vi) Such other matters as may tend to expedite the disposition of the proceedings.

(2) The ALJ shall issue an order containing all matters described in paragraph (d)(1) of this section agreed upon by the parties or ordered by the ALJ.

§ 101.116 Rights of parties.

(a) All parties may:

(1) Appear by counsel (or, in the case of a government agency, other authorized representative) in all hearing proceedings.

(2) Participate in any prehearing or posthearing conference held by the ALJ.

(3) Agree to stipulations as to facts which will be made part of the record.

(4) Make opening statements at the hearing.

(5) Present material evidence which is relevant to the issues at the hearing.

(6) Present witnesses who then must be available for cross-examination by all other parties.

(7) Present oral arguments at the hearing.

(8) Submit written briefs, proposed findings of fact, and proposed conclusions of law, after the hearing.

(b)(1) A party wishing to procure the appearance and testimony at the hearing of any person having personal knowledge of the matters in issue may serve on the person a notice to appear as witness. The notice shall set forth the time, date, and place at which the person is to appear for the purpose of giving testimony and the categories of documents the witness is to bring to the hearing, if any. A copy of the notice

shall be filed with the ALJ and additional copies shall be served upon all parties.

(2)(i) In all hearings, it shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time and place, and on the date set forth in a notice to appear as witness, if that party has control over such person.

(ii) In hearings involving Medicare claims, a notice to appear as witness may be accompanied by an administrative subpoena. A party who desires the issuance of a subpoena shall, not less than 15 days prior to the time fixed for a hearing, file with the ALJ a written request therefor, designating the witness(es) or document(s) to be produced and describing the address and location thereof with sufficient particularity to permit such witness(es) or document(s) to be found. A subpoena issued under this section shall be in the name of the Secretary. The party requesting the subpoena shall pay the cost of service and the fees and the mileage of any witnesses so subpoenaed, as provided in 28 U.S.C. 1821. Subpoenas shall be served by the party requesting issuance in the manner provided in § 205(d) of the Act. A check for witness fees and mileage shall accompany the subpoena when served.

(3) A party or propsective witness may file an objection to notice to appear as witness or, in the case of a subpoena a motion to quash within five days after the notice or subpoena is served, stating with particularity the reasons why the party should not be required to produce a requested witness or why the prospective witness should not be required to appear. Where the party serving the notice has reason to believe that the party being served is likely to refuse to produce the requested witness, that party may move for an order enforcing the notice to appear as witness. Upon the failure of any person to comply with a subpoena issued under this section, the Secretary shall institute enforcement proceedings before the appropriate district court pursuant to § 205(e) of the Act, unless in the judgment of the Secretary the enforcement of such subpoena would be inconsistent with law or the purposes of the Act.

§ 101.117 Discovery.

(a) Upon request of a party, the ALJ shall allow that party to inspect and copy all documents, unless privileged, relevant to the issues in the proceeding that are in the possession or control of the other party. Depositions, interrogatories, and other forms of discovery are not authorized except as provided for in § 101.117(b). Nothing in this section shall be construed as requiring the disclosure of internal government documents prepared in conjunction with the investigation or litigation of the case.

(b) In those cases in which the Inspector General intends to introduce the results of a statistical sampling study as evidence at the hearing pursuant to § 101.133, the Inspector General, upon request of the respondent, shall make available for desposition, the individual(s) responsible for conducting the statistical sampling study. Should respondent intend to introduce expert testimony to rebut the statistical sampling study at the hearing, the respondent shall, upon request of the Inspector General, make available for deposition the expert witness or witnesses who will be called to so testify at the hearing. Such depositions shall be conducted in accordance with Rules 28 and 30 of the Federal Rules of Civil Procedure. Such depositions may be used by an adverse party for any purpose at the hearing. The failure of a party to make witnesses available for deposition pursuant to this section shall serve to bar the introduction of testimony or other evidence from those witnesses at the hearing.

(c)(1) Witness lists, prior statements of witnesses, and hearing exhibits shall be exchanged at least 15 days in advance of the hearing, or such other later time as is set by the ALJ. Each party shall provide to the other party copies of all exhibits that it then plans to use at the hearing.

(2) All discovery shall be concluded at least 30 days prior to the hearing or by such other later time as ordered by the ALJ. The ALJ shall, however, allow adequate time for discovery.

§ 101.118 Evidence and Witnesses.

(a) Testimony at the hearing is given orally and under oath or affirmation. Written direct testimony may be used in the discretion of the ALJ. Witnesses must be available at the hearing for cross-examination by all parties.

(b) The parties may agree to stipulations of fact. Such stipulations, or any exhibit proposed by a party, must be exchanged at a prehearing conference or otherwise prior to the hearing, if the ALJ so decides.

(c) Technical rules of evidence are not applicable to the hearing, except that when reasonably necessary, the ALJ must apply rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination.

(d) A witness may be cross-examined on any matter relevent to the proceeding without regard to the scope of his or her direct examination.

(e) The ALJ shall exclude irrelevant, immaterial, or unduly repetitious evidence.

(f) All documents and other evidence offered or taken for the record shall be open to examination by the parties.

§ 101.119 Exclusion from the hearing for misconduct.

Disrespectful or disorderly language or conduct, refusal to comply with directions, or continued use of dilatory tactics by any individual at the hearing constitutes grounds for immediate exclusion of that individual from the hearing by the ALJ.

§ 101.120 Ex parte contacts.

(a) Except for matters related to the issuance of ex parte subpoenas, the ALJ may not consult or be consulted by a party or any other individual (except employees of his own office) on any matter in issue, unless on notice and opportunity for all parties to participate.

(b) The ALJ shall not consider letters or other contacts from non-parties expressing views or urging action.

§ 101.121 Separation of functions.

An employee or an agent of the Department, who is engaged in the performance of investigative or prosecutive functions for or on behalf of the Department in a case may not, in that or a factually related case, participate or advise in the decision, except as witness or counsel in public proceedings.

§ 101.122 Official transcript.

The hearing will be recorded and transcribed. Transcripts may be obtained from the reporter by a party or the public at not to exceed the maximum rates fixed by contract between the Department and the reporter.

§ 101.123 Post-hearing briefs.

The ALJ shall fix the time for filing post-hearing briefs, which shall not exceed 30 days from the date of receipt of the hearing transcript by the parties. Upon motion by a party, the ALJ may extend the time in which to file post-hearing briefs for a period of up to 60 days where the hearing was of unusual length or complexity or for other good cause shown. Such briefs may contain proposed findings of fact and conclusions of law. The ALJ may permit the parties to file reply briefs.

§ 101.124 Record for decision.

The transcript of testimony, exhibits, and all papers, requests and rulings filed or made in the proceedings, constitute the exclusive record for the ALJ's initial decision.

§ 101.125 Initial decision; administrative review; finality.

(a) The ALJ shall serve the initial decision on all parties within 60 days after the time for submission of post-hearing briefs and reply briefs (if permitted) has expired.

(b) The initial decision shall contain findings of fact, conclusions of law, and the amount of any penalties and assessments (which may be the amount proposed by the Inspector General, or a greater or lesser amount), and the length of any suspension (which may be for the period proposed by the Inspector General, or a greater or lesser period of time), imposed upon the respondent thereby.

(c) The findings of fact shall include a finding on each of the following issues for every item or service with respect to which a penalty or assessment was proposed:

(1) Whether the item or service is subject to a determination under § 101.102; and

(2) If the item or service is subject to a determination under § 101.102 whether there are mitigating or aggravating circumstances as described in § 101.106(b).

(d) The initial decision of the ALJ becomes final and binding on the parties 30 days after notice thereof is received by the respondent, unless on or before that 30th day a party files with the ALJ written exception to the initial decision and supporting reasons for the exceptions.

(e) A party opposing exceptions may file a brief in opposition to exceptions within 30 days after receipt of the exceptions or may file a brief which is limited to the issue of whether or not the Secretary should review the initial decision of the ALJ.

(f)(1) If a party timely files exceptions under paragraph (d) of this section, the ALJ will forward to the Secretary the record of the proceeding, the exceptions and reasons therefor, and any briefs filed in opposition.

(2) After the Secretary receives the initial decision, the record on which it is based, and submissions of the parties made subsequent to the decision, the Secretary will determine whether or not he will review the initial decision of the ALJ.

(3) In any case in which the Secretary decides to review the initial decision of the ALJ, he will inform each party of his decision by written notice. A party opposing exceptions may file a brief addressing any relevant issues not addressed in any brief filed under paragraph (e) of this section within 30 days after receipt of the Secretary's written notice under this paragraph. After the Secretary has reviewed the initial decision, the record on which it is based, and submissions of the parties made subsequent to the decision, the Secretary will affirm, modify, or reverse the initial decision, or remand the case to an ALJ. The Secretary may modify the penalty, assessment, or suspension, to be more or less severe than that imposed by the ALJ. There is no right to appear personally before the Secretary. A copy of the decision of the Secretary will be sent to the respondent by certified mail, mailed return receipt requested, and served upon the Inspector General. Except in the case of a remand, the decision of the Secretary becomes final and binding on the parties 60 days after notice thereof is received by the respondent.

(4) In any case in which the Secretary declines to review the initial decision of the ALJ, he will notify the respondent by certified mail, return receipt requested, and inform the Inspector General of his decision. The initial decision of the ALJ becomes final and binding on the parties 60 days after the Secretary's notice is received by the respondent.

(5)(i) The respondent may file with the ALJ a request for stay of the effective date of the final decision pending appeal. Such request shall state the grounds upon which respondent relies in requesting the stay, together with a copy of the notice(s) of appeal filed by respondent seeking review of the decision of the Secretary. The filing of such a request shall automatically act to stay the effective date of the decision of the Secretary until such time as the ALJ rules upon the request.

(ii) The Inspector General may file an opposition to respondent's request for a stay within 10 days of receipt of the request. If the Inspector General fails to file such an opposition within the allotted time, or indicates that he has no objection to the request, the ALJ shall grant the stay without requiring respondent to give a bond or other security.

(iii) In those cases in which the Inspector General opposes respondent's request for a stay, the ALJ may grant respondent's request where justice so requires and to the extent necessary to prevent irreparable harm. An ALJ may grant an opposed request to stay a final decision requiring the payment of money only upon the respondent's giving of a bond or other adequate security. The ALJ shall rule upon an opposed request for stay within 10 days of the receipt of the opposition of the Inspector General. A decision of the ALJ denying respondent's request for a stay shall constitute final agency action.

§ 101.126 Settlement.

The Inspector General has exclusive authority to settle any issues or case, without the consent of the ALJ or the Secretary, at any time prior to a final decision by the Secretary. Thereafter, the General Counsel has such exclusive authority.

§ 101.127 Judicial review.

(a) Section 1128A(d) of the Act authorizes judicial review of a penalty or assessment imposed under §§ 101.110 or 101.125 that has become final. Judicial review may be sought by a respondent only with respect to a penalty or assessment with respect to which the respondent filed an exception under § 101.125(d) unless the failure or neglect to urge such exception shall be excused by the court pursuant to section 1128(A) because of extraordinary circumstances.

(b) Section 1128(d) of the Act authorizes judicial review of a determination to bar a person from participation in Medicare or Medicaid pursuant to 1128(b) of the Act. Judicial review may be sought by a respondent only with respect to a suspension with respect to which the respondent filed an exception under § 101.125(d) unless the failure or neglect to urge such exception shall be excused because of extraordinary circumstances.

§ 101.128 Collection of penalty and assessment.

(a) Once a determination by the Secretary has become final under § 101.125(f), collection of any penalty and assessment shall be the responsibility of HCFA, except in the case of the Maternal and Child Health Services Block Grant, where the collection shall be the responsibility of the Public Health Service.

(b) A penalty and assessment imposed under this part may be compromised by the General Counsel, after consultation with the Inspector General, and may be recovered in a civil action brought in the United States district court for the district where the claim was presented, or where the respondent resides.

(c) The amount of a penalty and assessment when finally determined, or the amount agreed upon in compromise, may be deducted from any sum then or later owing by the United States, or by a State agency, to the respondent.

(d) Matters that were raised or that could have been raised in a hearing before an ALJ or in an appeal under section 1128A(d) of the Act may not be raised as a defense in a civil action by the United States to collect a penalty under this part.

§ 101.129 Notice to other agencies.

Whenever a penalty and assessment or suspension imposed under this part becomes final, HCFA and the Public Health Service will notify the appropriate State or local medical or professional association, the appropriate Professional Standards Review Organization, the State Medicaid agency, the appropriate Medicare carrier or intermediary, the appropriate State or local licensing agency or organization (including the Medicare and Medicaid State survey agencies), the long-term care ombudsman, and where appropriate, the State agency administering a Maternal and Child Health Services Block Grant Program, that the penalty and assessment or suspension have become final and the reasons for them. In cases involving suspensions, HCFA will also give notice to the public of the suspension and its effective date. HCFA will also provide to the State Medicaid agency the notice required under section 1128(b) of the Social Security Act.

§ 101.130 Form, filing and service of papers; computation of time; Motions, disposition of motions.

(a) *Form, filing and service of papers*—(1) *Form.* The original and one copy of all papers in a proceeding conducted under this part shall be filed with the ALJ assigned to the case or with the Chief ALJ if the case has not been assigned. Every pleading and paper filed in the proceeding shall contain a caption setting forth the title of the action, the case file number assigned by the ALJ, and a designation of the paper (e.g., motion for summary judgment). The paper shall be signed and shall contain the address and telephone number of the person representing the party or the person on whose behalf the paper was filed. Unless the ALJ otherwise orders with respect to specific papers in a specific case, all such papers are public documents. Papers are considered filed when they are received by the ALJ.

(2) *Service.* Service upon any party shall be made by the party filing the document by delivering or mailing a copy to the party's last known address. When a party is represented by an attorney, service shall be made upon the attorney.

(3) *Proof of service.* A certificate of the person serving the document by personal delivery or by mailing, setting forth the manner of sevice, shall be proof of service.

(b) *Computation of Time.* In computing any period of time under these rules or in an order issued hereunder, the time begins with the day folowing the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed by the Federal government, in which event it includes the next business day. When the period of time allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays observed by the Federal government shall be excluded from the computation.

(c) *Motions, disposition of motions*—(1) *Motions.* Motions shall state the relief sought, the authority relied upon and the facts alleged, and shall be filed with the ALJ. If made before or after the hearing itself, the motions shall be in writing. If made at the hearing, motions may be stated orally; bu the ALJ may require that they be reduced to writing and filed and served on all parties in the same manner as a formal motion. Unless otherwise ordered by the ALJ, written motions shall be accompanied by a supporting memorandum. Within 10 days after a written motion is served, or such other time period as may be fixed by ALJ, any party may file a response to a motion.

(2) *Disposition of motions.* The ALJ may not grant a written motion prior to expiration of the time for filing responses thereto, except upon consent of the parties or following a hearing, but may overrule or deny such motion without awaiting response. The ALJ shall make every reasonable effort to dispose of all outstanding motions prior to the beginning of the hearing.

§ 101.131 Records to be public.

All documents contained in the records of formal proceedings for imposing a penalty and assessment or suspension under this part may be inspected and copied, unless ordered sealed by the ALJ.

§ 101.132 Limitations.

No action under this part shall be entertained unless commenced, pursuant to § 101.109(a) of this part, within five years from the date on which the right of action accrued.

§ 101.133 Statistical sampling.

(a) In meeting the burden of proof set forth in § 101.114, the Inspector General may introduce the results of a statistical sampling study as evidence of the number and amount of claims and/or requests for payment as described in § 101.102 that were presented or caused to be presented by respondent. Such as statistical sampling study, if based upon an appropriate sampling and computed by valid statistical methods, shall constitute prima facie evidence of the number and amount of claims or requests for payment as described § 101.102.

(b) Once the Inspector General has made a prima facie case as described in paragraph (a) of this section, the burden of production shall shift to respondent to produce evidence reasonably calculated to rebut the findings of the statistical sampling study. The Inspector General will then be given the opportunity to rebut this evidence.

Approved: July 27, 1983.

Margaret M. Heckler,

Secretary.

[FR Doc. 83-23385 Filed 8-25-83; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 71-3a; Notice 7]

Federal Motor Vehicle Safety Standards; Rearview Mirror Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule and response to petitions.

SUMMARY: This notice responds to a petition for reconsideration filed by Volkswagen of America regarding a recent amendment to Federal Motor Vehicle Safety Standard (FMVSS) 111, and to a related petition for rulemaking filed by Toyota Motor Corporation. The amendment to FMVSS 111 permitted the use of exterior passenger side convex mirrors on passenger cars and trucks, multipurpose passenger vehicles and buses other than schoolbuses with a gross vehicle weight rating of 10,000 pounds or less to meet the field of view requirements of that standard. The amendment required that such convex mirrors must have "indelibly etched" on the mirror's surface the warning "Objects in Mirror Are Closer Than They Appear." The amendment also specified a maximum radius of curvature requirement for such mirrors. The agency is denying Volkswagen requests that the warning and maximum radius requirements be deleted, but in

response to Volkswagen's and Toyota's petition, is modifying the warning requirement to permit the warning to be permanently marked on the mirror by methods other than etching.

DATE: This amendment is effective on August 26, 1983.

FOR FURTHER INFORMATION CONTACT: Kevin Cavey, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590, (202–426–2153).

SUPPLEMENTARY INFORMATION: On September 2, 1982, NHTSA published an amendment to FMVSS 111, *Rearview Mirrors*. Prior to this amendment, the standard specified that field of view requirements (i.e., minimum permissible viewing area behind the vehicle) could be met only by using plane mirrors. This amendment, issued in response to a petition from General Motors Corporation, permitted field of view requirements to be met in part by using an exterior, passenger side convex mirror meeting certain specifications. Among these specifications were the requirements that a warning ("Objects in Mirror Are Closer Than They Appear") must be "indelibly etched" on the mirror and that the radius of curvature of the convex mirror must not exceed 65 inches. The warning was deemed necessary to alert drivers to the fact that the driver is using a convex mirror, which provides a different image than the common plane mirror. The maximum radius of curvature requirement was deemed necesssary to limit the range of different image sizes to which drivers would be exposed and to provide an additional warning that the mirror being used is convex. With regard to the latter point, larger radius convex mirrors provide images which approach those of plane mirrors. The agency concluded that large radius convex mirrors might mislead drivers into thinking that a mirror was plane, when in fact it was convex and the distances from following vehicles was less than the drivers would realize.

With respect to the warning requirement, Volkswagen argues in its October 4 petition for reconsideration that the requirement imposes a trade barrier, since other countries do not require a warning and an English language warning would be of no use in non-English speaking countries. The agency agrees that this requirement would, as a practical matter require manufacturers to use different convex mirrors (at least with regard to the warning lettering) in vehicles sold in the U.S. than in vehicles sold in some other countries. However, as noted in the September 2 final rule, the agency's research indicates that providing a clear warning is necessary, given the relative inexperience of U.S. drivers in using automotive convex mirrors. Accordingly, the agency is denying Volkswagen's request to delete the warning requirement altogether.

Nevertheless, in response to Volkswagen's petition and an October 6, 1982 rulemaking petition submitted by Toyota Motor Corporation, the agency will amend the warning requirement to facilitate compliance with it. Making this change may reduce the burdens associated with having to provide different mirrors for different markets. Toyota pointed out that the requirement that the warning be "indelibly etched" on the mirror unnecessarily restricts the methods available for assuring that the warning is permanently marked on the mirror. "Etching" implies that lettering is produced by the corrosive action of an acid on the mirror. Toyota suggests that sandblasting or glass-based ink printing can equally-well produce permanent lettering on mirrors whose reflective surface is at the back side of the mirror glass. The agency agrees that manufacturers should be given additional flexibility in choosing their means of compliance. The agency is amending FMVSS 111 to permit the use of any process which assures that the warning is "permanently and indelibly marked" on the mirror's reflective surface. The agency cannot foresee all possible methods which might be used to "permanently and indelibly" mark warning lettering on a mirror and does not wish to unnecessarily limit the use of new technology in this area. The agency notes that exterior-surface painting or the use of a plastic decal, either of which could be removed or become illegible, would not be deemed "permanent and indelible" by the agency.

Volkswagen also objected to the warning requirement on the basis that no advance notice or opportunity to comment was provided with regard to the enactment of that provision. However, the agency specifically sought comment on this issue and suggested that warning lettering might be required. See 43 FR 51660, November 6, 1978. Further, the provision was adopted in response to several comments suggesting that warning lettering be required.

With regard to the maximum radius of curvature requirement, Volkswagen argues that the requirement differs from European requirements (which impose no maximum) and therefore imposes a trade barrier. Volkswagen also argues that large radius mirrors closely resemble plane mirrors in terms of the image provided, and therefore present no safety concerns. However, the agency still feels this requirement is necessary, given the relative inexperience of U.S. drivers with convex mirrors. The maximum radius requirement assures that drivers will be able to tell from the appearance of the image when they are using a convex mirror. It also assures that drivers will not be exposed to a wide range of image sizes and corresponding depth perception and distortion effects. Further, mirrors meeting the U.S. maximum radius requirement may still be used in European countries, which have no maximum radius requirement. Therefore, this requirement will be retained.

The agency is making this amendment effective immediately upon publication, since the amendment "relieves a restriction" within the meaning of 5 U.S.C. 553(d)(1), by permitting the use of additional methods for marking mirrors. The agency also finds that making this amendment effective immediately is in the public interest, in accordance with section 103(c) of the National Traffic and Motor Vehicle Safety Act, since doing so will facilitate the use of additional mirrors as soon as possible. Also, since the amendment relieves a restriction in FMVSS 111, providing 180 days lead time is unnecessary.

NHTSA has determined that this proceeding does not involve a "major rule" within the meaning of section 1, paragraph (b), of Executive Order 12291 because it is not likely to have an effect on the economy of $100 million or more, to result in a major increase in costs or prices, or to have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States firms to meet foreign competition. Similarly, this action is not deemed "significant" for purposes of Department of Transportation procedures for internal review of regulatory actions. The economic impacts of this amendment are so minimal as to not warrant preparation of a full regulatory evaluation, since the amendment merely permits the use of additional methods for labeling rearview mirrors.

Pursuant to the Regulatory Flexibility Act, the agency has considered the impact of this rulemaking action on small entities. I certify that this action will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not required for this action. The agency has concluded

that few, if any, manufacturers of rearview mirrors are small entities and that the impacts of this rule on those companies which decide to take advantage of the new alternative methods of labeling should be small. Since this action will impose no new costs, the action will not affect small governmental units or other organizations which purchase automobiles.

NHTSA has concluded that the environmental consequences of this action will be of such limited scope that they clearly will not have a significant effect on the quality of the human environment.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, Section 5.4.2 of 49 CFR 571.111 is revised to read as follows:

§ 571.111 Standard No. 111; Rearview Mirrors.

* * * * *

Section 5.4.2 Each convex mirror shall have permanently and indelibly marked at the lower edge of the mirror's reflective surface, in letters not less than 3/16 of an inch nor more than 1/4 inch high the words "Objects in Mirror Are Closer Than They Appear."

* * * * *

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.7)

Issued on August 19, 1983.

Diane K. Steed,

Deputy Administrator.

[FR Doc. 83-23450 Filed 8-25-83; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1056

[Ex Parte No. MC-19 (Sub-No. 36)]

Practices of Motor Common Carriers of Household Goods (Revision of Operational Regulations)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Permissible Change in Moving Service Questionnaire (Form OCP-100A).

SUMMARY: The Director of the Commission's Office of Compliance and Consumer Assistance is allowing affected carriers to change the Moving Service Questionnaire by deleting the phrase (Not a Complaint Form) and inserting in bold face type at the bottom of the questionnaire the following: Survey form only. See pages 1 and 2 of accompanying booklet for complaint and inquiry procedures.

This action implements the recent information collection approval made by the Office of Management and Budget (OMB). Changes in the questionnaire are intended to clarify the purpose of the questionnaire and to direct users to the proper procedure for making complaints and inquiries about mover's services.

EFFECTIVE DATE: August 26, 1983.

FOR FURTHER INFORMATION CONTACT: Patricia M. Schulze, (202) 275-7841 or John H. O'Brien, (202) 275-7148.

SUPPLEMENTARY INFORMATION:

The Commission requested that OMB extend the May 31, 1983, expiration date of the Moving Service Questionnaire (Form OCP-100A) which is part of the publication *Your Rights and Responsibilities When You Move* (Form OCP-100).

The extension was granted by OMB for use through May 31, 1984, conditioned on changes in the questionnaire as described in the Summary portion of this document.

The changes authorized accommodate certain concerns expressed to OMB by representatives of the moving industry. Since these changes are not substantive and are designed to strengthen and clarify consumer understanding of the questionnaire's purpose and its distinction from a specific complaint or inquiry, notice and comment procedures are unnecessary. Instead, the Director of the Office of Compliance and Consumer Assistance is exercising authority under 49 CFR 1056.2 to permit carriers to change the format and text of Form OCP-100 to the extent necessary to accomplish OMB's changes in the questionnaire.

Commission reprints of Form OCP-100 will reflect these changes as soon as possible. Carrier printed copies of Form OCP-100 should reflect these changes immediately or when current supplies of the publication are exhausted.

Dated: August 19, 1983.

By the Commission, Director of the Office of Compliance and Consumer Assistance, J. Warren McFarland.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-23476 Filed 8-25-83; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Parts 1181 and 1183

[Ex Parte No. MC-79 (Sub-No. 2); Ex Parte No. MC-152 (Sub-No. 1)]

Control of Duplicate Operating Rights; Policy Statement Regarding Duplicate Operating Rights

AGENCY: Interstate Commerce Commission.

ACTION: Final rules and policy statement.

SUMMARY: In light of the changes contained in the Bus Regulatory Reform Act of 1982, the Commission is eliminating its regulations at 49 CFR 1181.3(c) and 1183.8 to remove the prohibition against motor carriers of passengers holding duplicate operating rights under common control. Simultaneously, the Commission is issuing a final policy statement that it will no longer deny passenger carrier operating rights applications merely because they would result in commonly controlled carriers holding duplicate authority. The Commission will also permit individual carriers to hold duplicative authority and will no longer require carriers granted authority which duplicates one or more of their outstanding certificates to submit that duplicated authority for cancellation as a precondition to the issuance of new authority.

EFFECTIVE DATES: The change in rules will be effective on September 26, 1983. The policy statement becomes effective on August 26, 1983.

FOR FURTHER INFORMATION CONTACT: Barry Cohen, (202) 275-7971, or Howell I. Sporn, (202) 275-7691.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. Info System, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C. 20423, or call 289-4357 (D.C. Metropolitan area) or toll-free (800) 424-5403.

Environmental and Energy Considerations

We adopt our preliminary finding in the notice that the proposed changes will not have any significant impact on the quality of the human environment or the conservation of energy resources. No comments were submitted on this matter.

Regulatory Flexibility Analysis

We affirm our previous determination that these proceedings will not have a

significant impact on a substantial number of small entities.

List of Subjects in 49 CFR Parts 1181 and 1183

Administrative practice and procedure, Buses.

Removal of Rules and Adoption of Policy Statement

We are removing from Title 49, Code of Federal Regulations, §§ 1181.3(c) and 1183.6, and simultaneously adopting the policy statement set forth above.

PART 1181—TRANSFERS OF OPERATING RIGHTS UNDER 49 U.S.C. 10926

§ 1181.3 [Amended]

1. Section 1181.3 is amended by removing paragraph (c) and reserving it for future use.

PART 1183—CONTROL OR CONSOLIDATION OF MOTOR CARRIERS OR THEIR PROPERTIES

§ 1183.6 [Removed]

2. Section 1183.6 is removed.

This decision is issued pursuant to 49 U.S.C. 10321, 10922(i) and 5 U.S C. 553.

Dated: August 18, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-23588 Filed 8-25-83; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 48, No. 167
Friday, August 26, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 334

Temporary Assignment of Personnel Under the Intergovernmental Personnel Act; Authority To Approve Agreements

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management is proposing to amend its regulations on temporary assignments of personnel under the Intergovernmental Personnel Act (IPA) to limit agency authority to sign IPA mobility agreements to the Department or agency head, or to an officer of the agency at a level no lower than that of an Assistant Secretary or equivalent in other than Cabinet Departments. This change would improve the planning and control of mobility assignments at the Department and agency level, and should reduce the possibility of assignments being made for personal reasons rather than for organizational purposes. Several agencies have already made this change in their own procedures. The intended effect is to improve the management of the mobility program by more careful IPA assignments.

DATE: Comments must be submitted on or before October 25, 1983.

ADDRESS: Send or deliver written comments to: Ardrey Harris, Chief, Personnel Mobility Programs, Office of Personnel Management, 1900 E Street, NW., Room 7H39, Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Ardrey Harris, (202) 632–7647.

SUPPLEMENTARY INFORMATION: The Intergovernmental Personnel Act (IPA) gives authority to heads of departments and agencies to approve IPA assignments. This authority is usually delegated to senior management in the same ways as other appointing authorities. Such delegation often results in:

(a) Lack of adequate knowledge, planning and control of mobility assignments at the Department level; and

(b) Increased chance that some assignments will be made for personal reasons rather than for organizational purposes consistent with the Act.

Therefore, the Office of Personnel Management is proposing to add a paragraph to 5 CFR Part 334 which would limit delegation to the level of Assistant Secretary or equivalent in other than Cabinet Departments.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of Executive Order 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it primarily affects personnel offices of Federal departments and agencies.

List of Subjects in 5 CFR Part 334

Colleges and universities, Government employees, Indians, and Intergovernmental relations.

Office of Personnel Management.

Donald J. Devine,

Director.

PART 334—TEMPORARY ASSIGNMENT OF EMPLOYEES BETWEEN FEDERAL AGENCIES AND STATE, LOCAL, AND INDIAN TRIBAL GOVERNMENTS, INSTITUTIONS OF HIGHER EDUCATION, AND OTHER ELIGIBLE ORGANIZATION

Accordingly, the Office of Personnel Management is proposing to amend 5 CFR 334.106 by redesignating paragraphs (b) and (c) as (c) and (d) respectively, and adding a new paragraph (b) to read as follows:

§ 334.106 Requirement for written agreement.

* * * * *

(b) Agreements shall be authorized and signed by the head of the Federal agency or delegated to an officer of the agency at a level no lower than that of the Assistant Secretary or equivalent in other than Cabinet Departments.

* * * * *

(5 U.S.C. 3376; E.O. 11589, 3 CFR 557 (1971–1975))

[FR Doc. 83-23509 Filed 8-25-83; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

United States Standards for Grades of Summer Squash

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) proposes to amend the voluntary United States Standards for Grades of Summer Squash. The current standards require that percentages of offsize and defective squash be computed on the basis of weight. This amendment would change the basis for determining percentages of offsize and defects from weight to count. Studies have confirmed that this action would materially reduce lot inspection time without affecting the accuracy of grade certification. AMS has the responsibility to review and amend its grade standards whenever such action would be beneficial to its voluntary inspection program.

DATE: Comments must be received on or before October 25, 1983.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments should reference the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Philip C. Eastman, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–5024.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA

Procedures and Executive Order 12291 and has been designated as a "non-major" rule. It will not result in an annual effect of $100 million or more. There will be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because it reflects current marketing practices.

The voluntary United States Standards for Grades of Summer Squash became effective in March 1945. They specify, by tolerances, that the percentages permitted by the grades for offsize and defective squash are to be computed on the basis of weight. This amendment would change the basis for determining percentages of offsize and defects from weight to count.

Squash marketed at the time the standards were established were shipped in various types and sizes of containers with little apparent interest in product size uniformity. For products not uniformly sized in the shipping container, it is standard policy to use weight as the basis for computing percentages of offsize and defects. This makes it necessary to weigh the individual sample as well as the offsize and defective specimens.

Since these standards became effective, shipping containers have become more standardized and the sizing of the product much more uniform. In consideration of these marketing changes, inspection program personnel have recommended that the basis for determining percentages of offsize and defects be changed from weight to count. Comparative studies confirm that use of count as the basis for computing percentages can reduce lot inspection time up to 50 percent without affecting the accuracy of grade certification. This proposed time-saving change would result in more efficient use of inspection personnel.

List of Subjects in 7 CFR Part 51

Fresh fruits, Vegetables and other products (inspection certification, and standards).

PART 51—[AMENDED]

Accordingly, it is proposed that 7 CFR Part 51 be amended as follows:

1. In § 51.4051, the introductory text of paragraph (a) is revised to read:

§ 51.4051 U.S. No. 1

* * * * *

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by count, are provided as specified:

* * * * *

2. In § 51.4052, the introductory text of paragraph (a) is revised to read:

§ 51.4052 U.S. No. 2.

* * * * *

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by count, are provided as specified:

* * * * *

(Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended (17 U.S.C. 1622, 1624))

Done at Washington, D.C. on: August 23, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-23534 Filed 8-25-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 3

[AG Order No. 1029-83]

Forwarding of Record on Appeal

AGENCY: INS, Department of Justice.

ACTION: Proposed regulation.

SUMMARY: Under the present provisions of 8 CFR 3.5, if an appeal is taken to the Board of Immigration Appeals from a decision by an Immigration and Naturalization Service District Director, the record must be forwarded to the Board for adjudication of the appeal. The proposed regulation is designed to permit District Directors to reopen and reconsider their decisions subsequent to a party's filing of an appeal to the Board where, upon review of the matters submitted on appeal, it is concluded that the benefit sought by the appealing party should have been granted. Such reconsideration is only to be authorized where the District Director concludes that the benefit sought should have been granted and the new decision is served on the appealing party within 45 days of receipt of any briefs or the expiration of the time allowed for such submission. In any case in which a new decision granting relief is not served within 45 days or in which the appealing party does not agree that the new decision disposes of the matter, the record must be promptly forwarded to the Board. The proposed regulations should permit a prompt disposition of cases to the benefit of all concerned where the District Director, subsequent to an appeal, concludes that favorable action is warranted. Additionally, unnecessary Board consideration of appeals in such cases can be eliminated.

DATE: Written comments must be received by September 26, 1983.

ADDRESS: All written comments should be addressed to the Chairman, Board of Immigration Appeals, Department of Justice, 2 Skyline Place, 5203 Leesburg Pike, Falls Church, Virginia 22041.

FOR FURTHER INFORMATION CONTACT: David B. Holmes, Chief Attorney Examiner, Board of Immigration Appeals (703/756-6170).

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 605(b), the Attorney General certifies that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Further, the rule is not a major rule within the definition of section 1(b) of E.O. 12291 and is not subject to a regulatory impact analysis.

List of Subjects in 8 CFR Part 3

Administrative practice and procedure, Aliens.

PART 3—[AMENDED]

Accordingly, it is proposed to revise 8 CFR 3.5 to read as follows:

§ 3.5 Forwarding of record on appeal.

If an appeal is taken from a decision, as provided in this chapter, the entire record of the proceeding shall be forwarded to the Board by the office having administrative jurisdiction over the case upon timely receipt of the briefs of the parties, or upon expiration of the time allowed for the submission of such briefs. A district director need not forward an appeal to the Board, but may reopen and reconsider any decision made by the director when an appeal to the Board has been filed, if the district director's new decision will grant the benefit which has been requested; provided that the district director's new decision is served on the appealing party within 45 days of receipt of any briefs or upon expiration of the time allowed for the submission of any briefs. If the district director's new decision is not served within these time limits or

the appealing party does not agree that the new decision disposes of the matter, the record of proceeding shall be promptly forwarded to the Board.

Dated: August 18, 1983.

Edward C. Schmults,

Acting Attorney General.

[FR Doc. 83-23504 Filed 8-25-83; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

FAA Auxiliary Fuel System Forum

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public technical forum.

SUMMARY: This notice announces an FAA-sponsored public technical forum utilizing FAA and industry expertise to discuss improvements to the current airworthiness design and standards for auxiliary fuel system installations applicable to transport category airplanes. This technical basis will then be used by the FAA to develop a draft advisory circular following normal procedures at a later date. This technical forum is open to all parties, both foreign and domestic, who have an interest in this subject. Participation FAA representatives will be from all regions, and it is anticipated that all aspects of industry will participate.

DATES: The forum is scheduled for Tuesday, November 15, through Friday, November 18, 1983. Registration will be on Monday, November 14, 1983, from 2:00–8:00 p.m. and on Tuesday, November 15, 1983, from 7:00–8:00 a.m. The forum sessions will begin at 8:00 a.m. Tuesday with a general session. Concurrent propulsion fuel systems and structural technical sessions will commence on Tuesday at 9:30 a.m. and continue through Thursday until 5:00 p.m. Mechanical, electrical, and flight test aspects will probably be addressed on Thursday, November 17, 1983. The forum will close on Friday with a summary session from 8:00–9:30 a.m. This is to be followed by an in-house FAA meeting from 10:00 a.m.–12:00 noon.

ADDRESS: The forum will be held at the Bahia Hotel, in San Diego, California.

FOR FURTHER INFORMATION CONTACT: Persons interested in attending the FAA Auxiliary Fuel System Forum, being on the mailing list, and/or wishing further information should contact Mr. Sam Frick, FAA, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 548–2835.

SUPPLEMENTARY INFORMATION: A proposed auxiliary fuel system technical draft is now being prepared which will include details of the FAA forum as well as hotel reservation information. This draft will be available upon request by September 16, 1983. The intent is that this technical draft be used as the basis for the forum discussions. Each major paragraph will be reviewed and discussed. Comment sheets will be available and submittal will be requested at the conclusion of each discussion item. All comments received will be considered for the advisory circular which is targeted for draft completion by February 1984.

A few examples of the overall technical subjects which will be discussed during the forum are:

1. Fuel system installation integrity and crashworthiness.
2. Auxiliary fuel system arrangement.
3. Component materials.
4. Auxiliary fuel system performance.
5. Impact of system on aircraft operation and performance.
6. User instructional requirements.

Each of these areas will have detailed paragraphs addressing all aspects on each one of these subjects and will be preliminarily defined in the draft available on September 16, 1983. These items will be discussed paragraph by paragraph during the forum. Propulsion, structural, electrical, mechanical sealing, and flight test aspects are involved.

A mailing list is now being prepared so that all information on the forum can be distributed starting September 16, 1983. Included will be a "Survey of Comments" form which is to provide an indication as to which items will have *major* discussion. The schedule for the forum may be adjusted based on the results of this survey.

Pertinent dates associated with the FAA Auxiliary System Forum are:

1. Proposed Auxiliary Fuel System Technical Draft and information/registration kits available—September 16, 1983.
2. "Draft," Survey of Comments requested—October 20, 1983.
3. Hotel reservations (preregistration complete)—November 1, 1983.
4. FAA forum registration—November 14–15, 1983.
5. FAA Auxiliary Fuel System Forum—November 15–18, 1983.
6. Draft advisory circular—February 1984.

Issued in Seattle, Washington, on August 9, 1983.

H. A. Parker,

Acting Manager, Aircraft Certification Division, ANM-100.

[FR Doc. 83-23447 Filed 8-25-83; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 822-3139]

Emergency Devices, Inc., et al. and Monte Proulx; Proposed Consent Agreements With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreements.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, these consent agreements, accepted subject to final Commission approval, would require a San Francisco, Ca. corporation and three individuals, among other things, to cease representing that the "Extra Margin Emergency Escape Mask" provides protection from carbon monoxide gas; will permit a person to breathe normally or for an express amount of time; or has been endorsed or approved by any municipal, state or federal agency, unless such claims are true and are substantiated by competent and reliable scientific evidence. The orders would also require that any representation that an emergency escape mask protects the user from the hazards associated with fire must be accompanied by a disclosure that, "The mask does not filter carbon monoxide—a lethal gas associated with fire." Additionally, should the company continue to market the "Extra Margin Emergency Escape Mask" or any emergency escape mask in its current packaging, it would be required to affix a white permanent-adhesive label to such packaging, in order to remove any reference to the mask's ability to provide protection from carbon monoxide and its effectiveness for up to 20 minutes and inform the user of the mask's inability to filter out lethal carbon monoxide gas. The orders would further require the respondents to retain documentation substantiating or contradicting advertising claims for a period of 3 years, and provide all present and future sales, advertising, and policy-making personnel with a copy of the order and an acknowledgement form.

DATE: Comments must be received on or before October 25, 1983.

ADDRESS: Comments should be directed to: FTC/S, Office of the Secretary, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/PA, Wendy Kloner, Washington, D.C. 20580, (202) 724-1479.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreements containing consent orders to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, have 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 § 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, Gas masks, Trade practices.

Agreement Containing Consent Order To Cease and Desist

[File No. 822-3139]

In the matter of Emergency Devices, Inc., a corporation, Steven Weiss, individually and as an officer of said corporation, and Michael Weiss, individually and as an officer of said corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Emergency Devices, Inc., a corporation, Steven Weiss, individually and as an officer of said corporation and Michael Weiss, individually and as an officer of said corporation, hereinafter sometimes referred to as proposed respondents, and it now appearing that the proposed respondents are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by an between Emergency Devices, Inc., by its duly authorized officer, and Steven and Michael Weiss, individually and as officers of Emergency Devices, Inc., and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Emergency Devices, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of California, with its office and principal place of business located at 3132 Laguna Street, San Francisco, California, 94123.

2. Proposed respondent Steven Weiss is President of Emergency Devices, Inc. ("EDI"). He directs and controls the acts of EDI, and his business address is the same as that of said corporation.

3. Proposed respondent Michael Weiss is Vice President of EDI. He directs and controls the acts of EDI, and his business address is the same as that said corporation.

4. Proposed respondents admit all the jurisdictional facts set forth in the draft complaint here attached.

5. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

6. This agreement shall not become 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, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, will be placed on the public 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 the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

7. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached.

8. 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 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect hereto. 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 of the U.S. Postal Service of the complaint and decision containing the agreed-to-order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they 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 the agreement may be used to vary or contradict the terms of the order.

9. Proposed respondents have read the proposed complaint and order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For the purpose of this Order, the following definitions shall apply:

(1) "The Extra Margin Emergency Escape Mask" shall mean the over-the-head vinyl mask with a built-in mouthpiece and filter manufactured by Nihon Saibohgu Company, Ltd., of Japan.

(2) "Competent and reliable scientific test" shall mean a test in which persons with skill and expert knowledge in the filed to which the test pertains conduct the test and evaluate its results in an objective manner using testing, evaluation, and analytical procedures that ensure accurate and reliable results.

I

It is ordered that respondents Emergency Devices, Inc., a corporation, its successors and assigns, and its officers, and Steven Weiss, individually and as an officer of said corporation, and Michael Weiss, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of the Extra Margin Emergency Escape Mask or any other emergency escape mask, in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, as

amended, do forthwith cease and desist from:

1. Disseminating, or causing or permitting the dissemination of, any advertisement or other representation, express or implied, that an emergency escape mask provides protection from carbon monoxide gas unless at the time the representation is made, the representation is true and respondents possess and rely upon a competent and reliable scientific test substantiating the representation.

2. Disseminating, or causing or permitting the dissemination of, any advertisement or other representation, express or implied, that an emergency escape mask provides twenty (20) minutes of breathable air or that an emergency escape mask provides any express amount of time of breathable air unless at the time the representation is made, the representation is true and respondents possess and rely upon a competent and reliable scientific test substantiating the representation.

3. Disseminating, or causing or permitting the dissemination of, any advertisement or other representation, express or implied, that an emergency escape mask permits normal breathing unless at the time the representation is made, the representation is true and respondents possess and rely upon a competent and reliable scientific test substantiating the representation.

4 Disseminating, or causing or permitting the dissemination of, any advertisement or other representation, express or implied, that an emergency escape mask has been endorsed or approved by any municipal, state or federal agency unless at the time the representation is made, the representation is true and the respondents possess and rely upon a reasonable basis for the claim consisting of a verified statement from the agency that endorsed or approved the mask. When referring to any test conducted by or on behalf of the aforesaid agency as a basis for the agency's endorsement or approval, the results of such test must be fairly and accurately disclosed in conjunction with the representation or claim.

II

It is further ordered that respondents Emergency Devices, Inc., a corporation, its successors and assigns, and its officers, and Steven Weiss, individually and as an officer of said corporation, and Michael Weiss, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of the Extra Margin Emergency Escape Mask or any other emergency escape mask, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that an emergency escape mask protects the user from the hazards associated with fire without disclosing in close conjunction therewith the following statement in print at least as large as the print in which the representation is made, with nothing to the contrary or in mitigation of this statement.

The mask does not filter carbon monoxide—a lethal gas associated with fire.

III

It is further ordered that should respondents Emergency Devices, Inc., a corporation, its successors and assigns, and its officers, and Steven Weiss, individually and as an officer of said corporation, and Michael Weiss, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, continue to market the Extra Margin Emergency Escape Mask, or any other emergency escape mask, in its current packaging, the respondents shall affix a white permanent-adhesive label to all its current packaging. This label shall remove all references on the current packaging relating to the emergency escape mask's ability to provide protection from carbon monoxide and its effectiveness for up to twenty (20) minutes. The first line of this label shall state "The mask does not filter carbon monoxide—a lethal gas associated with fire." As shown in Attachment A of this Order, this sentence shall appear on the label in ten-point bold type.

IV

It is further ordered that respondents distribute a copy of this Order to all present and future personnel, agents or representatives having sales, advertising, or policy responsibilities with respect to the subject matter of this Order and that respondents secure from each such person a signed statement acknowledging receipt of said Order.

V

It is further ordered that respondents, for a period of three years after respondents last disseminate the advertisements for products covered by this Order, shall retain all test results, data, and other documents or information on which they relied for their representations or any documentation which contradicts, qualifies or calls into serious question any claim included in such advertisements which were in their possession during either their creation or dissemination. Such records may be inspected by the staff of the Commission upon reasonable notice.

VI

It is further ordered that respondents 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 emergence 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 the Order.

VII

It is further ordered that the individual respondents promptly notify the Commission of the discontinuation of their present business or employment. In addition, for a period of five (5) years from the date of service of this Order, the respondents shall promptly notify the Commission of each affiliation with a new business or employment whose activities include the offering for sale, sale or distribution of emergency escape masks or of their affiliation with a new business or employment in which their duties and responsibilities involve the offering for sale, sale or distribution of emergency gas masks. Each such notice shall include the respondents' new business address and a statement of the nature of the business or employment in which the respondents are newly engaged, as well as a description of the respondents' duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this Order.

VIII

It is further ordered that respondents shall within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, setting forth in detail, the manner and form in which they have complied with this Order.

Agreement Containing Consent Order To Cease and Desist

[File No. 822-3139]

In the matter of Monte Proulx, an individual.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Monte

Proulx, an individual, hereinafter sometimes referred to as proposed respondent, and it now appearing that proposed respondent is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Monte Proulx, an individual, and counsel for the Federal Trade Commission that:

1. Proposed respondent Monte Proulx is an individual whose address is 50300 Highway 245, Badger, California 93603.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft complaint here attached.

3. Proposed respondent 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; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become 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, together with the draft of complaint contemplated hereby and related material pursuant to Rule 2.34, will be placed on the public 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 the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement pruposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. 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 provision of Section 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and 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 of the U.S. Postal Service of the complaint and decision containing the agreed-to-order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right he 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 the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. He understands that once the order has been issued, he will be required to file one or more compliance reports showing that he has fully complied with the order. Proposed respondent further understands that he may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For the purpose of this Order, the following definitions shall apply:

(1) "The Extra Margin Emergency Escape Mask" shall mean the over-the-head vinyl mask with a built-in mouthpiece and filter manufactured by Nihon Saibohgu Company, Ltd., of Japan.

(2) "Competent and reliable scientific test" shall mean a test in which persons with skill and expert knowledge in the field to which the test pertains conduct the test and evaluate its results in an objective manner using testing, evaluation, and analytical procedures that ensure accurate and reliable results.

I

It is ordered that respondent Monte Proulx, an individual, his agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of the Extra Margin Emergency Escape Mask or any other emergency escape mask, in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Disseminating, or causing or permitting the dissemination of, any advertisement or other representation, express or implied, that an emergency escape mask provides protection from carbon monoxide gas unless at the time the representation is made, the representation is true and respondent possesses and relies upon a competent and reliable scientific test substantiating the representation.

2. Disseminating, or causing or permitting the dissemination of, any advertisement or other representation, express or implied, that an emergency escape mask provides twenty (20) minutes of breathable air or that an emergency escape mask provides any express amount of time of breathable air unless at the time the representation is made, the representation is true and respondent possesses and relies upon a competent and reliable scientific test substantiating the representation.

3. Disseminating, or causing or permitting the dissemination of, any advertisement or other representation, express or implied, that an emergency escape mask permits normal breathing unless at the time the representation is made, the representation is true and respondent possesses and relies upon a competent and reliable scientific test substantiating the representation.

4. Disseminating, or causing or permitting the dissemination of, any advertisement or other representation, express or implied, that an emergency escape mask has been endorsed or approved by any municipal, state or federal agency unless at the time the representation is made, respondent possesses and relies upon a reasonable basis for the claim consisting of a verified statement from the agency that endorsed or approved the mask. When referring to any test conducted by or on behalf of the aforesaid agency as a basis for the agency's endorsement or approval, the results of such test must be fairly and accurately disclosed in conjunction with the representation or claim.

II

It is further ordered that respondent Monte Proulx, an individual, his agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of the Extra Margin Emergency Escape Mask or any other emergency escape mask, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that an emergency escape mask protects the user from the hazards associated with fire without disclosing in close conjunction therewith the following

statement in print at least as large as the print in which the representation is made, with nothing to the contrary or in mitigation of this statement:

The mask does not filter carbon monoxide—a lethal gas associated with fire.

III

It is further ordered that should respondent Monte Proulx, an individual, his agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, continue to market the Extra Margin Emergency Escape Mask, or any other emergency escape mask, in its current packaging, the respondent shall affix a white permanent-adhesive label to all its current packaging. This label shall remove all references on the current packaging relating to the emergency escape mask's ability to provide protection from carbon monoxide and its effectiveness for up to twenty (20) minutes. The first line of this label shall state "The mask does not filter carbon monoxide—a lethal gas associated with fire." As shown in Attachment A of this Order, this sentence shall appear on the label in ten-point bold type.

IV

It is further ordered that respondent distribute a copy of this Order to all present and future personnel, agents or representatives having sales, advertising, or policy responsibilities with respect to the subject matter of this Order and that respondent secure from each such person a signed statement acknowledging receipt of said Order.

V

It is further ordered that respondent, for a period of three years after respondent last disseminates the advertisements for products covered by this Order, shall retain all test results, data, and other documents or information on which he relied for his representations or any documentation which contradicts, qualifies or calls into serious question any claim included in such advertisement which were in his possession during either their creation or dissemination. Such records may be inspected by the staff of the Commission upon reasonable notice.

IV

It is further ordered that respondent promptly notify the Commission of the discontinuation of his present business or employment. In addition, for a period of five (5) years from the date of service of this Order, the respondent shall promptly notify the Commission of each affiliation with a new business or employment whose activities include the offering for sale, sale or distribution of emergency escape masks or of his affiliation with a new business or employment in which his duties and responsibilities involve the offering for sale, sale or distribution of emergency gas masks. Each such notice shall include the respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged, as well as a description of respondent's duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this Order.

VII

It is further ordered that the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail, the manner and form in which he has complied with this order.

Attachment A

The mask does not filter carbon monoxide—a lethal gas associated with fire.

Analysis of Proposed Consent Orders To Aid Public Comment

[File No. 822-3139]

In the matter of Emergency Devices, Inc. et al.

Agency: Federal Trade Commission.

Action: Provisional Acceptance of Consent Orders in the Matter of Emergency Devices, Inc. et al., File No. 822-3139.

Summary: This document contains an analysis of proposed consent orders to aid public comment on the Federal Trade Commission's provisional acceptance of consent orders in the matter of Emergency Devices, Inc. et al., File No. 822-3139.

Supplemental Information: The Federal Trade Commission has provisionally accepted agreements to proposed consent orders from Emergency Devices, Inc., and from Monte Proulx, an individual, relating to respondents' advertising claims for a product called the Extra Margin Emergency Escape Mask.

The proposed consent order has been 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, modify, or make final the agreement's proposed order.

The Complaints charge the respondents with disseminating advertisements containing several unfair, false, misleading or deceptive representations regarding the Extra Margin Emergency Escape Mask. The complaints allege that, contrary to fact, these advertisements claimed that (1) the Extra Margin Emergency Escape Mask provides twenty (20) minutes escape time in the event of fire; (2) The Extra Margin Emergency Escape Mask screens lethal gases associated with fire, including carbon monoxide; (3) The Extra Margin Escape Mask permits normal breathing in the event of fire; and (4) The Extra Margin Emergency Escape Mask has been endorsed or approved by state and federal government agencies.

Based upon its investigation, staff alleges:

(1) The Extra Margin Emergency Escape Mask does not provide twenty (20) minutes escape time in the event of fire. The mask user can be overcome by gases associated with fire, such as carbon monoxide, in less than twenty (20) minutes;

(2) The Extra Margin Emergency Escape Mask is incapable of screening out carbon monoxide, a lethal gas associated with fire;

(3) The Extra Margin Emergency Escape Mask does not permit normal breathing. The mask's filter creates inhalation and exhalation breathing resistance; and

(4) The Extra Margin Emergency Escape Mask has not been endorsed or approved by any state or federal agency. Government test results show that the mask has several significant limitations, listed above.

The consent order contain various provisions designed to remedy the alleged advertising violations.

Part I of the order prohibits dissemination of each of the representations, discussed above, which the complaints allege are contrary to fact, unless at the time the representations are made, they are true and respondents possess and rely upon a competent and reliable scientific test substantiating each representation.

Part II of the order requires the respondents to affirmatively disclose the mask's inability to filter carbon monoxide in all future advertising in which performance claims for the mask are made.

Part III of the order requires respondents to affix a permanent label

on the mask's current packaging, if such packaging continues to be used, which deletes the false performance claims appearing on the current packaging and which provides the affirmative disclosure about carbon monoxide required in Part II of the order.

Part IV of the order requires respondents to distribute copies of the order to their employees and agents.

Part V of the order requires respondents to maintain records for three years involving their substantiation for advertising claims.

Part VI of Emergency Devices, Inc.'s order requires them to notify the Commission thirty (30) days prior to any change in the corporate respondent.

Part VII of Emergency Devices, Inc.'s order (and Part VI of Monte Proulx's order) requires the individual respondents to notify the Commission for five years as to any new affiliation with a business which markets emergency escape masks.

Part VIII of Emergency Devices, Inc.'s order (and Part VII of Monte Proulx's order) requires the respondents to file a compliance report with the Commission within sixty (60) days after the order becomes final.

The purpose of this analysis is to facilitate public comment on the proposed orders. It is not intended to constitute an official interpretation of the complaints, agreements and proposed orders to modify in any way their terms.

Michael A. Baggage,

Acting Secretary.

[FR Doc. 83-23502 Filed 8-25-83; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 355

[Docket No. 80N-0042]

Discussion of Appropriate Laboratory Testing Profiles (Testing Standards) for OTC Abrasive-Containing Fluoride Anticaries Drug Products; Public Meeting and Reopening of the Administrative Record

AGENCY: Food and Drug Administration.

ACTION: Public meeting and reopening of the administrative record.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a public meeting will be held to discuss recommendations of the Advisory Review Panel on over-the-counter (OTC) Dentifrice and Dental Care Drug Products regarding final formulation testing, i.e., "Laboratory Testing Profiles," of Category I (generally recognized as safe and effective and not misbranded) fluoride anticaries active ingredients formulated in a dentifrice (abrasive-containing) dosage form. The meeting will be structured to seek answers to the specific questions listed below in this notice.

DATES: September 26, 27, and 28, 1983, beginning at 9 a.m.

ADDRESS: Conference Rm. M, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

FOR FURTHER INFORMATION CONTACT: Saul Bader, National Center for Drugs and Biologics (HFN-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4871.

SUPPLEMENTARY INFORMATION: The Advisory Review Panel on OTC Dentifrice and Dental Care Drug Products recommended in its report published in the **Federal Register** of March 28, 1980 (45 FR 20666), that laboratory testing profiles (testing standards) for Category I (generally recognized as safe and effective and not misbranded) abrasive-containing fluoride anticaries drug products be included in the monograph for OTC anticaries drug products to insure the effectiveness of these drug products. In the preamble to the Panel's report, the agency stated that these laboratory testing profiles would not be included in the proposed monograph (advance notice of proposed rulemaking) because "the Panel's final formulation recommendations represent a new concept with many technical issues yet to be resolved" (45 FR 20666). The agency has received seven comments in response to the Panel's report urging the agency to include the laboratory testing profiles in the anticaries monograph (Ref. 1). The agency did not receive any comments that were opposed to the inclusion of the laboratory testing profiles in the anticaries monograph.

In an effort to resolve technical issues concerning the laboratory testing profiles, the Division of OTC Drug Evaluation invited comments from the Council on Dental Therapeutics of the American Dental Association, the Cosmetic Toiletry & Fragrance Association, and The Proprietary Association (Ref. 2). These organizations responded with comments ranging from recommendations to use only the nonbiological portion of the laboratory testing profiles as a standard for new fluoride dentifrice products that are formulated with an abrasive and fluoride ingredient included in the laboratory testing profiles in the Panel's report (45 FR 20679 to 20681), to requiring further laboratory testing in addition to the Panel's biological and nonbiological testing recommendations for such new formulations (Ref. 3). The administrative record for the OTC anticaries drug products rulemaking is being reopened to include this correspondence.

Under 21 CFR 10.65 the Commissioner has concluded that it would be in the public interest to hold an open public meeting to discuss the issues concerning testing profiles for OTC anticaries drug products. Therefore, the agency is inviting interested individuals or groups to discuss these issues at an open meeting to be held on September 26, 27, and 28, 1983. The questions to be considered during the meeting are:

1. Do the Panel's recommended laboratory testing profiles address all the parameters that are significant in determining the effectiveness of the product? Has the technology changed in the 5 years since the Panel recommended these testing profiles?

2. Are all of the parameters that the Panel recommended be included in the laboratory testing profiles necessary in determining the effectiveness of the product? Are the Panel's established limits for specific gravity necessary? If yes, does a lower specific gravity affect the effectiveness of the anticaries activity? If not, could the Panel's limits (specific gravity: 1.3 to 1.7) be widened to 1.1 to 1.7?

3. Are all of the test values recommended by the Panel in the laboratory testing profiles valid for the abrasive/fluoride formulations listed by the Panel?

4. Are there any laboratory testing profiles, i.e., specific standards, that could validly be applied to new abrasive/fluoride formulations not specifically listed in the Panel's profile tables? Is silica a compatible abrasive for a sodium fluoride dentifrice?

5. The Panel recommended that biological testing in addition to analytical testing be required for abrasive-containing dentifrices. The recommended biological testing would require comparison of test dentifrice formulations to certain dentifrice reference formulations. These reference formulations are discussed in a submission made to the Panel by The Proprietary Association (Ref. 4). The reference formulations are commercial products that have been clinically tested and found to be effective. They are available only from the manufacturers of these commercial products. The following questions and concerns

regarding the recommended biological testing profiles will be discussed:

a. Do the reference formulations consist of lots of dentifrices that have actually been clinically tested and found effective, or do they consist of lots that have been manufactured and formulated in exactly the same manner as those that have been tested clinically? It is obvious that at some time all of the lots that have actually been tested clinically will have been used up.

b. Should reference formulation lots that are manufactured by the same manufacturing process as lots that have been clinically tested be considered equivalent to the clinically tested lots, particularly when these lots have been processed by different manufacturers?

c. How stable are such reference formulations? Should there be specific storage conditions and dating periods established to ensure the stability of these reference formulations? Should a new reference lot be standardized against the previous reference lot? Can the test values of these reference lots "drift" over time after numerous restandardization procedures, creating the possibility that they are no longer equivalent to lots that were clinically tested and found to be effective?

d. In view of the many questions and potential problems that arise concerning the use of reference formulations for the biological portion of the Panel's recommended testing profiles, is there any possibility that the biological portion of the testing could be omitted as a requirement? If not, would a United States Pharmacopeia (U.S.P.) reference standard be a desirable approach?

e. Can a 90-percent confidence level in biological tests be replaced by another appropriate statistical procedure?

6. Is it necessary to specify particular test methods to determine the test values recommended by the Panel in the laboratory testing profiles?

7. Can the testing methods submitted to the Panel by The Proprietary Association (Ref. 4) be considered examples of appropriate test methods that may be used or should they be recommended as the "precise" methods that must be used? Do these test methods represent the "current state of the art" or are there newer and/or better testing methods that could be considered appropriate? Are the precise test values recommended by the Panel in the laboratory testing profiles dependent on the test method used to obtain these test values? Should new abrasive/fluoride formulations be required to either meet specific soluble fluoride levels or else show effectiveness in clinical studies? Is the Panel's recommended dilution factor of 1:10 weight to weight (w/w) appropriate?

8. Are the "Aged minimal F Value" limits provided in the Panel's tables of "Acceptable Test Values" (45 FR 20679 to 20681) appropriate for use in determining expiration dates for abrasive-containing fluoride dentifrices?

9. The Panel recommended that expiration dates be included in the labeling of fluoride dentifrices (45 FR 20671). However, a proposed regulation that would exempt OTC drug products without dosage limitations from including expiration dates in their labeling provided the drug products have been shown to be stable for 3 or more years was published in the **Federal Register** on September 29, 1978 (43 FR 45088 and 45089). As is pointed out in the proposed rule on expiration dates, significant stability problems have been noted with some fluoride toothpastes. Are there specific fluoride/abrasive formulations that have significant stability problems? Are there specific fluoride/abrasive formulations that are stable for more than 3 years? * * * for less than 3 years? Is the stability of the fluoride/abrasive formulation dependent on the manufacturing process?

The agency believes that the concept of using testing standards such as the laboratory testing profiles is a good concept. However, the agency is concerned that inadequate testing standards may result in the marketing of ineffective products. Conversely, unnecessarily stringent laboratory testing profiles might exclude some effective fluoride abrasive-containing dentifrices from the marketplace. Anticaries drug products differ from most other OTC drug products in that they prevent the development of a condition rather than treat the symptoms of a condition already presnt. The prevention of caries is dependent on long-term use of an effective product over several years. Therefore, the consumer's ability to discriminate between an effective and an ineffective anticaries drug product is limited. In addition, the impact of an ineffective anticaries drug product on the consumer could be an increased incidence of caries resulting in lifelong damage to the teeth.

The agency requests information on the recommended laboratory testing profiles from any interested person. Any individual or group wishing to present information relevant to the questions above should contact Saul Bader, Ph. D., Division of OTC Drug Evaluation (HFN-510), Office of Drugs, National Center for Drugs and Biologics, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4871. Interested persons who wish to participate must send a notice of participation on or before September 9, 1983, to the Dockets Management Branch, Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. All notices submitted should be identified with the docket number found in brackets in the heading of this notice and should contain the following information: name; address; telephone number; business affiliation, if any, of the person desiring to make a presentation; and the approximate amount of time requested for the presentation.

Groups having similar interests are requested to consolidate their comments and present them through a single representative. FDA may require joint presentations by persons with common interests. After reviewing the notices of participation, FDA will notify each participant of the schedule and time allotted to each person.

The administrative record of the OTC anticaries drug products rulemaking is being reopened to include the proceedings of this public meeting. The administrative record will remain open for 15 days after the meeting to allow comment on matters raised at the meeting.

References

(1) Comment Nos. C00001, C00002, C00014, C00016, C00019, C00026, C00028, Docket No. 80N-0042, Dockets Management Branch.

(2) Comment Nos. LET002, LET003, and LET004, Docket No. 80N-0042, Dockets Management Branch.

(3) Comment Nos. C00037, MT, and C00038, Docket No. 80N-0042, Dockets Management Branch.

(4) OTC Volume 080248, Docket No. 80N-0042, Dockets Management Branch.

Dated: August 23, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83-23552 Filed 8-25-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Ch. I

[FHWA Docket No. 83-7]

Acceleration of Projects; Consolidated Rulemaking

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The FHWA is considering ways to expedite the processing of Federal-aid Highway Projects by promoting wider use of findings and recommendations of a demonstration project carried out under Section 141 of the Federal-Aid Highway Act of 1976, or by techniques in addition to those proposed as a result of that project. The FHWA is seeking ways to simplify, streamline and consolidate requirements in order to advance projects in an accelerated manner. This rulemaking focuses on activities which are not accounted for by current rule. This action is being taken pursuant to Section 129 of the Surface Transportation Assistance Act of 1982.

DATE: Comments must be received by September 25, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mr. Steiner M. Silence, Special Procedures Branch, Federal-Aid Division, 202–426–0335, or Mr. Edward V. A. Kussy, Assistant Chief Counsel, 202–426–0791, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Copies of reports and memorandums referenced in the Supplementary Information may be obtained from Mr. Silence.

SUPPLEMENTARY INFORMATION: Pursuant to Section 141 of the Federal-Aid Highway Act of 1976, Pub. L. 94–280, May 5, 1976, the FHWA initiated a demonstration project in Everett, Pennsylvania, in conjunction with the Pennsylvania Department of Transportation. A final report on this project entitled, "Acceleration of Highway Projects," was transmitted to the Congress on January 16, 1981. The report documents how time was saved on the Everett Bypass project and makes several recommendations which could apply to other selected highway projects. FHWA implemented many of the findings through advisory memoranda to its operating offices dated February 25, 1981; June 10, 1981; and December 1, 1981. On May 13, 1982, all offices were advised of the selection of Acceleration of Projects as a special Cost Avoidance, Reduction, and Efficiency; and Effectiveness (CARE) Program effort.

Section 129 of the Surface Transportation Assistance Act of 1982, Pub. L. 97–424, January 6, 1983, requires the FHWA to issue rules and regulations which implement timesaving procedures developed under Section 141 of the Federal-Aid Highway Act of 1976. FHWA issued a new policy on May 27, 1983 (published at 48 FR 25181, June 6, 1983), formalizing acceleration of projects as the FAST program—to Facilitate Acceleration through Special Techniques. This policy is confined to acceleration techniques permitted under existing laws and regulations. Although some significant results are anticipated through use of the FAST procedures, further wide-spread timesavings would require changes to existing policies and regulations. A report was issued by the American Association of State Highway and Transportation Officials (AASHTO) in April 1981 entitled, "Federal Mandates Contributing to Excessive Project Costs," which points out several areas where changes may be desirable and the follow-up actions taken by FHWA to respond to that report will be fully coordinated with the development of this rule.

The FHWA's present policy for accelerating projects is set forth in detail in the policy documents described above. The FAST techniques rely primarily on waivers permitted by existing rules and focus attention on projects selected for FAST processing.

The FHWA is now considering going beyond project-by-project actions into "across-the-board" changes to Federal/State/local procedures by establishing tailor-made processes to assure compliance with applicable laws through (1) various disciplines within State highway agencies (planning, right-of-way, environment, location, design, bridge, etc.), working as a concurrent team; (2) program activity consolidation; (3) project development through FHWA working closely with the State highway agency, relying on combined interagency reviews; and (4) development of alternative procedures which allow operational flexibility in appropriate circumstances.

Responses to the following questions are of particular interest:

1. Should FHWA develop procedures which would accelerate all Federal-aid highway processes or should acceleration techniques be limited to a few projects per State to assure that priority treatment can be maintained?

2. What would be the most valuable procedures for accelerating projects?

3. What would be the most valuable type of project to try the acceleration techniques?

4. Which timesavings techniques set forth in the May 27, 1983, policy statement (48 FR 25181) result in the most time saved?

5. What other timesaving approaches should be included in this rulemaking?

6. What methods would be effective in assuring adequate community involvement while minimizing time required?

7. What methods would be most effective in assuring interagency (local-State-Federal) cooperation while minimizing time required?

8. Should the FHWA require the States to accelerate certain projects? If so, what type of projects?

9. Should each State be permitted to develop its own acceleration techniques?

The FHWA is also considering the development of a regulation which would establish general waiver criteria for regulatory requirements. Under such a regulation, the FHWA could waive or modify specific requirements under appropriate conditions. Project acceleration could be one of the reasons permitting waiver or modification. Comment is also sought on whether such a waiver provision should be prepared, and whether such general waiver criteria would have significant effects on public safety and convenience, and project costs.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation. The FHWA has further determined that it does not have adequate information at this time to prepare a regulatory evaluation and, therefore, specifically solicits information which will assist in the analysis of alternatives available to it as indicated in the nine points referred to immediately above. The FHWA further requests information upon which to determine whether such action would have a significant economic impact on a substantial number of small entities.

(Sec. 129, Pub. L. 97–424, 96 Stat. 2118; 23 U.S.C. 140, 315; 49 CFR 1.48(b))

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12372 and former OMB Circular A–95 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: August 19, 1983.

R. A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 83-23503 Filed 8-25-83; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-059B]

Occupational Exposure to Benzene

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Extension of comment period.

SUMMARY: This notice extends the comment period for written comments and information requested in the advance notice of proposed rulemaking: "Occupational Exposure to Benzene" (48 FR 31412, July 8, 1983).

DATES: Written comments and information should be postmarked on or before September 6, 1983.

ADDRESSES: Written comments should be submitted in quadruplicate to the Docket Officer, Occupational Safety and Health Administration, Docket No. H-059B, Room S-6212, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, D.C. 20210, Telephone (202) 523-7894.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Occupational Safety and Health Administration, Room N-3637, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, D.C. 20210 (202) 523-8148.

SUPPLEMENTARY INFORMATION: On July 8, 1983, OSHA published in the **Federal Register** (48 FR 31412) a notice, "Occupational Exposure to Benzene", announcing its plans to revise its benzene regulation at 29 CFR Part 1910. In the notice, OSHA solicited information regarding the content, scope and format of a complete revision of the standard. The written responses were to have been postmarked on or before August 22, 1983.

OSHA has received a request from the Chemical Manufacturers Association for an extension of the comment period to September 6, 1983. Other parties have asked for extensions as well. In order to ensure that interested parties have sufficient time to prepare and submit information, comments and regulatory proposals related to the subject, OSHA extends the written comment period to September 6, 1983.

(Sec. 6 Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655) 29 CFR 1911; Secretary of Labor's Order No. 8-76 (41 FR 25029))

Signed at Washington, D.C., this 22nd day of August 1983.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 83-23400 Filed 8-25-83; 8:45 am]

BILLING CODE 4510-26-M

FEDERAL MARITIME COMMISSION

46 CFR Part 510

[General Order 4, Revised; Docket No. 83-35]

Licensing of Independent Ocean Freight Forwarders

AGENCY: Federal Maritime Commission.

ACTION: Proposed Rulemaking.

SUMMARY: The Federal Maritime Commission proposes to revise General Order 4 which governs the licensing and operations of independent ocean freight forwarders. A majority of the proposed rule changes were suggested by the National Customs Brokers & Forwarders Association of America, Inc. and cover a variety of issues. The suggested changes which the Commission has decided to propose in this rulemaking include the reporting and noticing of shipper affiliations by forwarders, amending the current invoicing rules, sale or transfer of stock, forwarder arrangements with sales agents, accounting to clients for funds due, anti-rebate certification and non-exclusive cooperative working agreements. In addition to the suggestions from the Association, the Commission is proposing to change certain other rules concerning port-wide exemptions and notice of license revocation.

DATES: Comments to be filed by October 25, 1983.

ADDRESS: Comments (Original and fifteen copies) to: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: Jeremiah D. Hospital, Chief, Office of Freight Forwarders, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523-5843.

SUPPLEMENTARY INFORMATION: The National Customs Brokers & Forwarders Association of America, Inc. (hereinafter referred to as the Association)[1] submitted a number of suggested changes to the rules in the Commission's General Order 4 (46 CFR Part 510). Some of the suggestions are new while others are believed to correct perceived deficiencies in the rules as amended effective October 1981. The Association feels that after more than a year's experience under the current rules, it would be appropriate for the Commission to determine whether changes are justified.

We have carefully reviewed the Association's suggestions and find that many have merit. These have been included, in one form or another, in this proposed rulemaking. The Association also suggested changes in the rules concerning the licensing of carriers and their agents and the liability of forwarders for ocean freight charges. The Commission has addressed the issue of the licensing of carriers and steamship agents on a number of occasions since 1963, the last time being in Docket No. 80-13, Licensing of Independent Ocean Freight Forwarders, and we are not persuaded by the Association's arguments that changes in the current rules are necessary. As for the issue of forwarder liability for ocean freight charges, we also considered this issue in Docket No. 80-13 and believe that this issue should be addressed on an ad hoc basis. We see no reason to disturb that finding at this time. Therefore, no changes are being proposed in either of those two areas.

In addition to the proposed changes generated by the Association's suggestions, we are proposing to amend § 510.33(e) which will dispose of the so-called exemptions issue already before the Commission in Docket No. 82-22, Notice of Intent to Review Certain Port-wide Exemptions. We also are proposing to amend § 510.17(c) to provide for publication of a notice of revocation in lieu of the entire text of the Commission's Order of Revocation. All interested parties are urged to comment on these proposals.

1. Protecting the Shipping Public

The Association suggests that an amendment is required to have forwarders with an exporter affiliation report such fact to the Commission within a specified period of time. The Association further recommends that forwarders who have such affiliations should be required to give notice, on their office stationery and billing invoices, that they are affiliated with an exporter. This suggestion is meant to lessen the opportunity for a forwarder to use the highly confidential information acquired about a customer's business to

[1] The Association is comprised of over three hundred and fifty custom brokers and ocean freight forwarders and is affiliated with twenty-eight local associations.

siphon off such business. The Association believes that the prohibition in section 20 of the Shipping Act, 1916, barring unauthorized release of proprietary information, simply is not sufficient.

General Order 4 currently contains no specific requirement for a licensed forwarder to notify the Commission of any changes in its operations and/or affiliations as there is for applicants (see § 510.13(e) of General Order 4). The application form, FMC–18, does provide that any changes in facts must be reported to the Commission within thirty days, but this has less force than a rule. We now propose to amend § 510.13(e) to require reporting of changes in operations and/or affiliations.

We agree with the suggestion that shipper-affiliated forwarders provide notice of such affiliation to their actual or potential shipper-clients. Notification would give clients the opportunity to choose whether or not to employ certain forwarders who may be controlled by or otherwise affiliated with a competitor. We recognize that requiring forwarders to reveal and keep up to date the specific identity of each exporter affiliate on all stationery and invoices may in some cases create an unreasonable burden. Therefore, we propose to amend § 510.31(b) to allow a forwarder the option of identifying its affiliations or printing a notice on stationery and invoices to the effect that the forwarder is affiliated with one or more shippers or sellers of goods exported from the United States and upon request will identify such affiliations in writing. Either option would give sufficient notice to shipper-clients and the latter option would relieve a forwarder who is affiliated with a number of shippers from the burden and expense of obtaining new stationery items every time its affiliations change. It also would avoid unnecessary cluttering of stationery and invoices.

2. The Invoicing Rules

The Association seeks basic amendments to the present invoicing rules, § 510.32(h). For example, the Association decries the current requirement to disclose the aggregate markup for arranging accessorial services, and seeks clarification of the rule concerning written quotations, § 510.32(h)(2)(i). The Association would prefer the rule to allow forwarders the opportunity to provide lump sum quotations and, if accepted by the client, would allow the forwarder to submit an invoice with no breakdown of charges, such as ocean freight, as is now required.

In an effort to solicit as much comment as possible, we are proposing alternatives ranging from retention of the present invoicing rules to deletion of the rules in their entirety. Comments are requested on these possibilities or on any compromise rule within those parameters. At this time, we are leaning toward a middleground position which would partially adopt the Association's suggestion and allow forwarders to quote and submit lump sum charges. A forwarder, however, would be required to provide its client with copies of all underlying documents (invoices for the trucking, warehousing, insurance, etc., arranged for its client), if the client requested the forwarder to do so. This would provide exporters with the means to protect their interests if they so desired. After considering all comments on this issue, the Commission will make no change, delete the present rule entirely, or modify the current rule.

3. Sale or Transfer of Five Percent or More of a Forwarder's Stock

The Association suggests that in view of the Breaux Amendment [2] there is no need for the currently required approval of such transactions. The requirement was meant to ensure that licensees remain independent of shipper connections. The Association suggests that it would be sufficient if the Commission simply was notified of such changes in stock ownership.

We agree with the sugestion and propose to delete § 510.20(a)(5) in order that the sale or transfer of stock will be subject to notification of the Commission, instead of to prior approval by the Commission.

4. Arrangements with Unauthorized Persons

First, the Association points out that § 510.31(e) appears to prohibit a licensee from sharing its forwarding fee or compensation with any unlicensed person. The Association argues that this unreasonably restricts a licensee from compensating a person for obtaining business for the licensee (e.g., a sales agency arrangement) and would prefer fee sharing to be allowed for this type of arrangement.

Second, the Association believes that the requirement in the second sentence of § 510.31(e) is unnecessary. This requires a licensee to send a copy of its invoice to the actual shipper. On project shipments, for example, the party engaging the forwarder may be an engineering firm coordinating the project. The bills of lading in such cases may show the U.S. supplier as shipper when in fact the goods were sold f.o.b. plant. Under the rule as interpreted by the Association, however, the forwarder must send a copy of its invoice to the supplier, which serves no regulatory purpose. The Association believes that this rule should be deleted.

As to the first issue, the rule was not intended to prohibit forwarders from compensating bona fide sales agents for services rendered, provided that such services are restricted to soliciting and obtaining business for the forwarder and are not otherwise prohibited by law or regulation. We propose to clarify that portion of the rule to so specify. With respect to the second issue, the Association may be misinterpreting the rule's intent. It is the intent of the rule that forwarders send copies of their invoices to the parties who will eventually pay for the forwarding services, not suppliers selling f.o.b. plant. This may be a consignee in the example used by the Association. We propose to clarify the rule.

5. Anti-Rebate Certification

The Association believes that the Commission should reconsider § 510.31(h) which requires forwarders to put an anti-rebate certification on each invoice to clients and on each certification of service to ocean carriers. The Associaton characterizes such repeated anti-rebate certification as overregulaton which just clutters the "already crammed full" documents on which it appears. The Association believes that the annual anti-rebate certification is sufficient.

To obtain as much comment as possible, we propose two alternatives dealing with this issue. First, that no change be made because the current rule serves to "close the loop" among the carrier, shipper and forwarder on the issue of rebates, and, second, that the rule be deleted leaving only the annual certification as suggested by the Association. Comments for a compromise between those alternatives will be considered.

6. Accounting to Principal

The Association states that § 510.32(k) (which requires forwarders to promptly forward funds due their clients, or, with the written consent of the client, offset outstanding receivables due from the client) imposes an unnecessary hardship. By requiring forwarders to wait for written permission to offset

[2] This refers to the changes to the definition of an independent ocean freight forwarder contained in the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35. This change in the law allows a forwarder to have a beneficial interest in the goods being forwarded, e.g., allows a forwarder to be owned by a shipper.

funds, forwarders suffer an undue delay in collecting receivables due from clients. Forwarders would like to be able to offset funds and remit only any balance due the client.

We think that it would be unwise to delete the rule and thus permit a forwarder to dispose of funds belonging to its principal without the principal's authority to do so. The relationship between a forwarder and its principal is one of trust. The forwarder is for all purposes the trustee of its clients' funds. It would do violence to such a relationship to allow a forwarder to invade a client's account to satisfy that forwarder's claims. We believe, however, that a compromise rule is possible. Accordingly, we propose to delete the requirement that the forwarder obtain written consent to offset funds on each and every shipment. In its stead, we propose that the forwarder either execute a written agreemnent with its principal which would allow the forwarder to offset funds on all of the principal's shipments, or obtain oral consent on each shipment. Such oral consent would have to be noted in the forwarder's records.

7. Section 15 Agreements, Exemptions

The Association points out that non-exclusive cooperative working agreements between forwarders, as provided for in § 510.36(b), are informal and noncompetitive in nature. Therefore, the Association contends that the requirement that such agreements be reduced to writing serves no useful regulatory purpose, particularly because they are exempt from section 15 approval and filing requirements. The Association requests that such agreements not be required to be reduced to writing, as was the case under previous General Order 4.

In view of the fact that such agreements were not required to be reduced to writing under the previous rule in General Order 4, and because no adverse effects of the previous rule were brought to our attention, we are proposing to amend §§ 510.36(b) and 510.34(e) accordingly.

8. Port-wide Exemptions

In addition to the changes suggested by the Association, we propose to amend § 510.33(e). This rule prohibits a licensee from receiving compensation from an underlying ocean carrier if the licensee has requested the carrier, or its agent, to perform any forwarding services on behalf of the licensee, unless no other licensee is willing and able to perform such services or unless the Commission has granted a port-wide exemption from the rule. We propose to modify the rule in order to allow compensation to be paid if the underlying carrier or its agent is also a licensee. This change would make the port-wide exemption provision unnecessary. Accordingly, we propose to delete the port-wide exemption provisions from the rule. These changes will allow all licensees the same compensation opportunities and will lessen the chance of discrimination against licensees who also happen to be engaged in the steamship agency business. The Commission has the issue of port-wide exemptions under consideration in Docket No. 82-22, and if the port-wide exemption provisions are deleted as we now propose, Docket No. 82-22 could be discontinued.

9. Publication of Orders of Revocations.

The staff points out that § 510.17(c) requires the Commission to publish each entire order of revocation in the **Federal Register**. The publication of each entire order of revocation is unnecessary and expensive. The public will be sufficently informed by a simple notice identifying the forwarder and the revoked license. Accordingly, we purpose to change this section to provide that a "notice" of revocation shall be published in lieu of each entire order.

Pursuant to 5 U.S.C. 601 *et seq.*, The Commission certifies that the rule revisions proposed herein will not have a significant economic impact on a substantial number of small entities. The proposed rules lessen the regulatory burden upon the forwarding industry and thus should have a cost-saving impact on daily operations.

This Notice of Proposed Rulemaking has been submitted to the Office of Management and Budget for review and public comment, in accordance with the Paperwork Reduction Act of 1980. Comments regarding the paperwork burden should be addressed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503, Attention: Desk Officer for the Federal Maritime Commission.

List of Subjects in 46 CFR Part 510

Freight forwarders.

PART 50—[AMENDED]

Therefore, pursuant to sections 21, 43, and 44 of the Shipping Act, 1916 (46 U.S.C. 820, 841a and 841b), and 5 U.S.C. 553, the Commission proposes to amend 46 CFR Part 510 as follows:

(1) Section 510.13(e) is revised to read as follows:

§ 510.13 Application for license.

* * * * *

(e) *Changes in facts.* Each applicant and each licensee shall submit to the Commission, in duplicate, an amended Form FMC-18 Rev., advising of any changes in the facts submitted in the original application, within thirty (30) days after such change(s) occur. In the case of an application for a license, any unreported change may delay the processing and investigation of the application and may result in rejection or denial of the application. No fee is required when reporting changes to an application for initial license under this section.

* * * * *

(2) Section 510.17(c) is revised to read as follows:

§ 510.17 Revocation of suspension of license.

* * * * *

(c) *Notice of Revocation.* The Commission shall publish in the Federal Register a notice of each revocation.

§ 510.20 [Amended]

(3) Section 510.20(a) is amended by removing paragraph (a)(5) and renumbering the subsequent numbered paragraphs as follows: (a)(6) to (a)(5); (a)(7) to (a)(6); and (a)(8) to (a)(7).

(4) Section 510.31(b) is revised to read as follows:

§ 510.30 General duties.

* * * * *

(b)(1) *Stationery and billing forms.* The name and license number of each licensee shall be permanently imprinted on the licensee's office stationery and billing forms. The Commission may temporarily waive this requirement for good cause shown if the licensee rubber stamps or types its name and FMC license number on all papers and invoices concerned with any forwarding transaction.

(b)(2) When a licensee is affiliated with a shipper or seller of goods exported from the United States, the licensee shall have the option of either identifying its affiliations on its office stationery and billing forms, or putting the following notice on such items:

This company is affiliated with a shipper or seller of goods exported from the United States. Upon request, a written list of the names of such affiliates and a general statement of the business activities of each will be provided.

* * * * *

(5) **Section 510.31(e) is revised to read as follows:**

§ 510.31 General duties.

* * * * *

(e) *Arrangements with unlicensed persons.* No licensee shall enter into an

agreement or other arrangement (excluding sales agency arrangements not prohibited by law or this part) with an unlicensed person so that any resulting freight forwarding fee, compensation, or other benefit inures to the benefit of the unlicensed person. When a licensee is employed for the transaction of forwarding business by a person who is not the person responsible for paying the forwarding charges, the licensee shall transmit to the person paying the forwarding charges a copy of its invoice for services rendered.

* * * * *

§ 510.31 [Amended]

(6) The Commission is proposing two alternatives concerning § 510.31(h): delete the rule in its entirety, or retain the rule with no change. Comments supporting an alternative rule between these extremes also will be considered. If the Commission adopts a final rule which deletes the requirements contained in § 510.31(h), then § 510.33(c) would be amended to delete reference to section 510.31(h).

§ 510.32 [Amended]

(7) The Commission is proposing alternatives concerning § 510.32(h):

a. Retain the current rule with no changes,

b. Delete the entire rule, or

c. Any modification of the current rule, including a rule that would allow a forwarder to provide a lump sum invoice but, at the same time, require the forwarder, upon request of its principal, to provide copies of any or all pertinent documents (such as invoices for trucking, warehousing, insurance, etc.) pertaining to the forwarder's invoice.

(8) Section 510.32(k) is amended as follows:

a. The last sentence is revised to read:

§ 510.32 Forwarder and principal; fees.

* * * * *

(k) * * * These sums shall be forwarded promptly to the principal or, with the principal's consent, may be used to offset the licensee's outstanding receivables due from such principal.

b. New language is added to the end of § 510.32 which reads:

"A memorandum of such consent shall be retained by the licensee in each shipment file. Alternatively, the licensee may execute a written agreement with its principal which would authorize the licensee to offset funds on all the principal's shipments handled by the licensee."

(9) Section 510.33(e) is revised to read as follows:

§ 510.33 Forwarder and carrier; compensation.

* * * * *

(e) *Compensation for services performed by underlying carrier.* No licensee shall charge or collect compensation in the event the underlying oceangoing common carrier or its agent has, at the request of such licensee, performed any of the forwarding services set forth in § 510.2(h) of this part, unless such carrier or agent is also a licensee or unless no other licensee is willing and able to perform such services.

* * * * *

(10) Section 510.34(b) is revised to read as follows:

§ 510.34 Records required to be kept.

* * * * *

(b) *Types of services by shipment.* A separate file shall be maintained for each shipment. Each file shall include a copy of each document prepared, processed, or obtained by the licensee, including each invoice for any service arranged by the licensee and performed by others, with respect to such shipment.

* * * * *

(11) Section 510.34(e) is revised to read as follows:

§ 510.34 Records required to be kept.

* * * * *

(e) *Agreements to Offset Funds.* Any written agreement, or a memorandum of any oral agreement, with a principal to offset funds, as provided in § 510.32(k) of this part, shall be retained by the licensee.

§ 510.36 [Amended]

(12) Section 510.36(b) is amended as follows:

a. In the first sentence, everything after "for approval" shall be deleted. The following language shall be inserted in place of the deleted language: "or be reduced to writing."

b. The second sentence shall be deleted and replaced by the following language: "A typical form of such exempt agreement is as follows:"

c. The signature lines contained in the form of exempt agreements shall be removed.

By the Commission

Francis C. Hurney,

Secretary.

[FR Doc. 83-23440 Filed 8-25-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-514; RM-4431; RM-4561]

FM Broadcast Stations in Susanville, California and Reno, Nevada; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Extension of reply comment period.

SUMMARY: This action extends the time for filing reply comments in the proceeding involving a proposed substitution of channels at Susanville, California. Petitioner, Radio Lassen, requests the additional time to submit a response to a counterproposal for an FM asignment to Reno, Nevada, submitted by David E. Caldwell and Kathryn S. Caldwell.

DATE: Reply comments must be filed on or before September 5, 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.

Order Extending the Time for Filing Reply Comments

In the matter of amendment of § 73.202(b) Table of Assignments, FM Broadcast Stations (Susanville, California, and Reno, Nevada); [1] MM Docket No. 83-514, RM-4431, RM-4561.

Adopted: August 12, 1983.

Released: August 18, 1983.

By the Chief, Policy and Rules Division.

1. On May 19, 1983, the Commission adopted a *Notice of Proposed Rule Making*, 48 FR 28494, published June 22, 1983, in response to a petition filed by Radio Lassen. The *Notice* proposed the substitution of Channel 226 for Channel 224A at Susanville, California. The date for filing reply comments was August 9, 1983. A counterproposal was filed July 25, 1983 by David E. Caldwell and Kathryn S. Caldwell ("Caldwell") requesting that Channel 226 be assigned to Reno, Nevada, and Channel 277 be substituted at Susanville, California.

2. On August 3, 1983, counsel for petitioner filed a request to extend the date for filing reply comments to and including September 5, 1983. Counsel

[1] This community has bee n added to the caption [RM-4561].

states that the additional time is needed to study and prepare a response to the counterproposal filed in this proceeding. Counsel also states that he will be appearing in a hearing before the F.C.C. beginning August 9, 1983, and will not be available to work on this matter for approximately two weeks.

3. Although the request did not meet the filing deadline of seven (7) days in advance of the reply date, as provided by § 1.46 of the Commission's Rules, counsel did serve the order party to this proceeding. Thus, we believe that it would be in the public interest to waive the filing deadline. We feel that the filing of reply comments would aid in our analysis of this proceeding where a comparative evaluation is to be made. We shall grant the additional time requested.

4. Accordingly, it is ordered that the above request for an extension of time, filed by Radio Lassen, is granted and the date for filing reply comments is extended to, and including, September 5, 1983.

5. This action is taken pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's rules.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-23483 Filed 8-25-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-523; RM-3543; RM-3780]

FM Broadcast Station in Helena, Montana; Order Extending Time for Filing Responses To Petition Requesting the Commission To Hold Channels and Applications in Abeyance

AGENCY: Federal Communications Commission.

ACTION: Expedited Petition: Extension of time for filing responses.

SUMMARY: This action further extends the time for responding to a petition filed by KCAP Broadcasters, Inc. requesting the Commission to hold in abeyance the assigned channels and applications at Helena, Montana.

DATE: Comments must be filed on or before August 31, 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.

Order Extending Time For Filing Responses To Petition Requesting the Commission To Hold Channels and Applications in Abeyance

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Helena, Montana): BC Docket No. 80-523, RM-3543, RM-3780 (See 48 FR 35964, 8-8-83).

Adopted: August 16, 1983.

Released: August 18, 1983.

By the Chief, Policy and Rules Division.

1. On June 28, 1983, KCAP Broadcasters, Inc. filed a petition pursuant to § 1.41 of the Commission's rules that the Commission not accept new applications and withhold processing on pending applications for newly assigned FM channels at Helena, Montana, until final resolution of the captioned docket and any rule making growing out of that proceeding. By an *Order* adopted July 25, 1983, the Commission provided a period of time for filing responses to the petition to August 12, 1983.

2. On August 11, 1983, Capital Investments, a party-applicant in the above captioned matter, requested that the time for responding to the Expedited Petition, filed by KCAP Broadcasters, Inc., be extended to and including August 31, 1983. The additional time is said to be needed to continue discussion of possible settlement procedures. Counsel for KCAP has agreed to the instant request.

3. In light of the possibility that an extension of time would culminate settlement discussions in this proceeding, the Commission believes it would be appropriate to extend the comment date as requested.

4. Accordingly, it is ordered, that the date for filing responses to the petition of KCAP, referred to above, is further extended to and including August 31, 1983.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-23484 Filed 8-25-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Public Hearing and Reopening of Comment Period on Endangered Status and Critical Habitat for Astragalus Montii (Heliotrope Milk-Vetch)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of public hearing and reopening of comment period on proposed rule.

SUMMARY: Notice is given that a public hearing will be held and the comment period reopened on a proposal of Endangered status and Critical Habitat for *Astragalus montii*, known only from a few alpine meadows in the Manti-LaSal National Forest in Utah. This public hearing and comment period are to allow any further comment from any interested parties.

DATES: The public hearing will be held on September 12, 1983, from 6 p.m. to approximately 9 p.m. The comment period is reopened effective with the publication of this notice and closes on September 14, 1983, by which time all comments must be received.

ADDRESSES: The public hearing will be held in the basement courtroom of the County Courthouse, across from the Sheriff's office at 160 North Main in Manti, Utah. Comments and materials concerning this proposal should be sent to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Comments and related materials will be available for public inspection by appointment during normal business hours at the Service's Endangered Species Division, 134 Union, fourth floor, Lakewood, Colorado.

FOR FURTHER INFORMATION CONTACT: Dr. James L. Miller, Regional Botanist, Regional Endangered Species Division, at either Colorado address shown above (303/234-2496), or Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771).

SUPPLEMENTARY INFORMATION: A proposal of Endangered status and Critical Habitat for *Astragalus montii* (Heliotrope milk-vetch) was published in the **Federal Register** (46 FR 3187-3191) on January 13, 1981. That proposal also

announced a public meeting, which was never held. At the time of the proposal, the species was known only from Heliotrope Mountain in Sanpete County, Utah. Under a management plan in cooperation with the U.S. Forest Service, an second population of a few thousand plants was discovered in 1982 on White Mountain in Sevier County, Utah. No new populations of *Astragalus montii* were found during field work in 1983, and the species remains vulnerable, although probably Threatened rather than Endangered, on limited outcrops of white limestone of the Flagstaff Limestone Formation. Section 4(b)(6) of the Endangered Species Act of 1973, as amended in 1982, requires a listing decision on this species to be published in the **Federal Register** by October 13, 1983.

The U.S. Fish and Wildlife Service will hold a public hearing on the proposed Endangered status and Critical Habitat for *Astragalus montii* at 6 p.m. on September 12, 1983, in the basement courtroom of the County Courthouse, across from the Sheriff's office at 160 North Main, Manti, Utah. The Service is also reopening the comment period on the proposal, effective with the publication of this notice. The reopened comment period will close on September 14, 1983, by which time all comments must be received. This hearing and reopening of the comment period are intended to replace the previously announced public meeting and to allow any additional comment on the proposal to list this species and designate Critical Habitat for it.

The primary author of this notice is Dr. Bruce MacBryde, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975).

List of Subject in 50 CFR Part 17

Endangered and threatened wildlife, Endangered and threatened plants, Fish, Marine mammals, Plants (agriculture), Wildlife.

Dated: August 19, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-23403 Filed 8-25-83; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 48, No. 167
Friday, August 26, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Adjudication; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Adjudication of the Administrative Conference of the United States, to be held at 10:00 a.m., Monday, September 19, 1983, at the office of the Administrative Conference of the United States, 2120 L Street, NW., Washington, D.C.

The committee will meet to consider (1) a proposed recommendation regarding structure for agency review of administrative law judges' decisions (Cass Report); and (2) Professor David Welborn's report and proposed recommendations regarding agency experience under the Government in the Sunshine Act.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days prior to the meeting. The committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting, contact Richard K. Berg, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037. (Telephone: 202–254–7020.) Minutes of the meeting will be available on request.

Dated: August 19, 1983.

Richard K. Berg,

General Counsel.

[FR Doc. 23428–83 Filed 8–25–83; 8:45 am]

BILLING CODE 6110–01–M

Committee on Rulemaking; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Rulemaking of the Administrative Conference of the United States, to be held at 9:30 a.m., Friday, September 16, 1983, at the offices of Hughes, Hubbard and Reed, 1201 Pennsylvania, Avenue NW., Suite 300, Washington, D.C.

The committee will review the status of pending projects and discuss recent administrative law developments. Included on the agenda are discussion of Professor Thomas O. McGarity's ongoing study of agency implementation of regulatory analysis requirements, as well as discussion of agency repeal of rules and Congressional oversight of rules in the light of recent U.S. Supreme Court decisions.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days prior to the meeting. The committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting, contact Michael W. Bowers, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037. (Telephone: (202–254–7065.) Minutes of the meeting will be available on request.

Dated: August 19, 1983.

Richard K. Berg,

General Counsel.

[FR Doc. 83–23429 Filed 8–25–83; 8:45 am]

BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Plant Variety Protection Advisory Board Meeting

Date and Time: Friday, September 23, 1983, 9 a.m. to 2 p.m. open session, 2 p.m. to 4 p.m. closed session.

Place: Conference Room 2096, South Agriculture Building, 1400 Independence Avenue, SW., Washington, D.C.

Status: Most of the meeting will be open to the public. Parts of the meeting will be closed to the public.

Matters To Be Considered

Portion open to the public: The agenda for this portion of the meeting will consist of:

(1) Updating variety files.
(2) Technical variety information.
(3) Conversion to microcomputers.
(4) Funding.
(5) Fee adjustments.
(6) Amended regulations.
(7) Other.

Portion closed to the public: This part of the meeting will involve consideration by the Board of the Commissioner's decision concerning an application for plant variety protection and to advise the Secretary whether to uphold the Commissioner's decision in whole or in part. Review of this application in closed session is required to maintain the confidentiality of the application and its contents as required in section 56 of the Plant Variety Protection Act (7 U.S.C. 2426), and is permitted pursuant to the authority in section 10(d) of the Federal Advisory Committee Act and section 552b(c)(3) of the Administrative Procedure Act (5 U.S.C. 552b).

Contact person for more information: Kenneth H. Evans, Executive Secretary, Plant Variety Protection Board, National Agricultural Library Building, Beltsville, Maryland 20705 (301/344–2518).

Done at Washington, D.C., August 22, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83–23437 Filed 8–25–83; 8:45 am]

BILLING CODE 3410–02–M

Forest Service

Extension of Certain Timber Sale Contracts

AGENCY: Forest Service, USDA.

ACTION: Notice of interim policy.

SUMMARY: This policy provides opportunity for additional extension of certain Forest Service timber sale contracts bid before January 1, 1982. Many of these sales were bid at prices which are not profitable in the current

market. Under this policy which has been authorized by the President, extensions can be granted for a maximum of 5 years and can provide purchasers the flexibility to mix the high priced sales with more recent lower priced sales so as to obtain an economical mix. Unless this action is taken promptly, a number of purchasers may be facing imminent contract default which would consequently disrupt employment and the economies of forested regions of the country.

FOR FURTHER INFORMATION CONTACT: Wendell Jones, Timber Management Staff, Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013, (202) 447-4051.

SUPPLEMENTARY INFORMATION:

Background

The Forest Service sells timber from National Forest System lands to individuals or companies. Each sale transaction begins with an advertised offering which sets the appraised fair market value of the timber to be sold. The sale is awarded to the prospective purchaser who offers the highest qualifying bid. Timber sales vary in value from a few thousand dollars to several million dollars. Each sale is formalized by execution of a contract between the purchaser and the Forest Service. The contract sets forth the explicit terms and provisions of the sale. These include: estimated volume of timber to be removed, period for removal, price to be paid the Government, road construction and logging requirements, and environmental protection measures to be taken. The average contract period is about 3 years. Many sales, however, have contract terms of 1 or 2 years while a few contracts have terms of 7 or 8 years.

In the late 1970's, intense competition in some geographic areas for Forest Service timber sales resulted in bid prices that exceeded, by as much as two or three times, the advertised appraised value of the timber. Many purchasers have been unable to operate under these sale contracts due to low demand, decreased product prices, and strong competition from cheaper Canadian lumber. In a normal situation, an uncompleted sale contract would go into default. The purchaser would be liable for the difference between the contract price and the amount the Government received from reselling the defaulted timber, plus the costs of resale. The spectre of a large number of potential defaults followed by bankruptcies, with all of the consequent disruptive effects to employment and the economy in forested regions of the country caused the Forest Service in the spring of 1980, in October 1981, and in November 1982 to find it in the substantial, overriding public interest to permit, upon request, extensions of timber sale contracts, even though diligent performance conditions for extension may not have been met.

Although timber markets are improving, it is unlikely that many of these contracts could be operated profitably during the current contract period. Thus, many timber purchasers would default without some form of immediate, additional relief. Given this situation, the President has authorized the Secretary of Agriculture, upon a finding of substantial, overriding public interest, to grant additional extensions of certain timber sale contracts without interest for a maximum of 5 years beyond their present termination dates. On August 18, 1983, the Chief of the Forest Service, pursuant to delegated authority, made such a finding. Accordingly, the Forest Service is implementing a new contract extension policy that will give purchasers the opportunity to operate profitably by providing them time to mix newer, less expensive timber sales with their high-priced timber.

Policy

This extension policy applies only to certain sales bid between January 1, 1976, and January 1, 1982. A purchaser may apply for contract extensions for a maximum of 5 years. Total sale life could exceed 10 years. The period of the extension would generally commence upon modification of the contract in accordance with an approved Multi-Sale Extension Plan submitted by the purchaser.

Those purchasers who are facing imminent contract termination may receive a conditional extension. This type of extension would keep the contract in effect until an extension under a Multi-Sale Extension Plan could be approved.

Even though contract termination is not imminent, some purchasers who have previously been granted contract extensions may find it necessary to convert to the extensions available under this policy in order to maintain the economic viability of their operations. These purchasers may apply for, and be granted, an interim modification of the contract until the purchaser receives an extension based on an approved Multi-State Extension Plan.

In order to be eligible for extension under this policy, the extension cannot be injurious to the United States and a National Forest timber sale contract must meet all of the following minimum criteria:

1. The contract is for a sawtimber or pulpwood sale.

2. The contract was bid after January 1, 1976, and before January 1, 1982.

3. The purchaser is in substantial compliance with the terms of the contract.

4. Less than 25 percent of the remaining estimated volume of material is subject to rapid deterioration.

5. The contract was not awarded to assist in the control of forest pest epidemics.

Extensions under this policy are available only upon application. A purchaser applying for extensions will be required to submit a Multi-Sale Extension Plan to the Forest Service by December 31, 1983. The purchaser will be required to show all timber harvest commitments—National Forest, other Federal, and non-Federal purchases within the purchaser's manufacturing area. The purchaser will also set forth a harvest schedule in the extension plan which shows how the contractual commitments for timber in the manufacturing area will be met. Eligible National Forest timber sales included in the Multi-Sale Extension Plan can be scheduled on the premise of the requested period of extension beyond the present termination date.

In order to be acceptable, a plan must provide for completion of operations on National Forest sales within the extended contract period. Moreover, the Forest Service will not approve a schedule that defers removal of disproportionate volumes of timber to the last years of a Multi-Sale Extension Plan.

Contracts to be extended under this policy must also meet the following additional conditions:

1. Roads specified for access to all timber to be removed during the extended contract period will be substantially completed within the first year of extension.

2. To offset the Government's costs associated with the delay in performance, such as remarking trees and restaking roads, a purchaser will deposit $2 per thousand board feet of timber covered by the extension. In accordance with the Granger-Thye Act, this payment for the estimated costs is due prior to the time the extension is granted.

3. The timber covered by the extension will be reappraised under terms set forth in the initial contract to establish rates applicable during the

extension period. Rates during the extension period could be higher, but not lower than rates established in the initial contract.

4. After a Multi-Sale Extension Plan is approved those National Forest timber sale contracts to be extended shall be modified to implement the approved plan. An elment of the approved plan will be inclusion of additional provisions for calculating damages for default.

5. Those purchasers who request and are granted interim modifications in order to convert current contract extensions to extensions under this policy must pay any deferred interest charges and be current with other payments before the contract can be modified. A contract containing an interim modification will be further modified upon approval of the Multi-Sale Extension Plan in which it is included. However, the effective date of the extension granted under this authority would be as of the date that the interim modification was made. If a previously extended contract containing an interim modification is not included in an approved Multi-Sale Extension Plan harvest schedule, all sums that would have accured had an interim modification not been granted are immediately due and the terms and conditions of the contract prior to the interim modification will continue.

6 Contracts which will terminate before a Multi-Sale Extension Plan can be submitted and approved may be conditionally extended. However, no cutting or removal of timber will be permitted during the conditional extension period.

7. Extension deposits made under a previously extended contract may not be transferred to other contracts or refunded.

8. Contracts extended under this policy will not be eligible for any further extensions, including extensions based on diligent performance.

9. A purchaser must harvest extended sales as scheduled or make payment to cover the lack of harvest.

Public Comment

The Chief of the Forest Service, in accordance with 16 U.S.C. Section 472 a(c), has determined it to be in the substantial, overriding public interest to grant extensions of up to 5 years on certain National Forest timber sales (FINDING OF SUBSTANTIAL, OVERRIDING PUBLIC INTEREST, August 18, 1983). This policy provided the standards, criteria, and guidelines for effecting those extensions.

In accordance with 36 CFR 216.5(f) it is found and determined upon good cause that an emergency exists and that public notice and request for comments would be impracticable and contrary to the public interest. Failure to promptly offer these extensions is likely to result in imminent default of some National Forest timber sale purchasers. It has been found that, unless the standards, criteria, and guidelines for these extensions are implemented now to minimize these defaults, failure of a large number of firms would reduce the capacity of the forest products industry to respond to housing and other national need and would mean decreased competition and further concentration within the industry. These defaults could also result in severe adverse local, regional and national economic impacts. Because of the immediate need for these extensions to the timber sale contracts, compliance with these standards, criteria, and guidelines should not be delayed.

This policy is effective August 26, 1983. Public comments received by November 25, 1983 will be considered and the policy will be revised, if necessary, in light of the public comments received. Comments on the policy should be sent to: R. Max Peterson, Chief (2400), Forest Service, USDA, P.O. Box 2417, Washington, DC 20013.

F. Dale Roberston,

Associate Chief.

[FR Doc. 83-23435 Filed 8-25-83; 8:45 am]

BILLING CODE 3410-11-M

Land and Resource Management Plan Lake Tahoe Basin Management Unit, El Dorado and Placer Counties, California; Intent To Reevaluate Roadless Areas

In January 1979, the Forest Service issued a national environmental impact statement documenting the results of a review of 62 million acres of roadless and undeveloped areas within the 190 million acre National Forest System. The purpose of the roadless area review and evaluation (RARE II) was to determine which areas were most suitable for wilderness and which should be used for other purposes.

In California, RARE II dealt with over 6 million acres located in the Pacific Southwest Region. About 983,000 acres were recommended for wilderness, 2,643,000 acres were recommended for further planning; and 2,395,000 acres were recommended for nonwilderness.

In 1979, the State of California challenged the adequacy of the National RARE II Environmental Impact Statement to be used as the basis for decisions to manage 46 areas in California for other than wilderness. In October, 1982, the United States Court of Appeals for the Ninth Circuit affirmed a lower court decision that the RARE II Environmental Impact Statement was inadequate.

Although the decision applied specifically to only the 46 roadless areas in California, it sets binding precedent in any Federal District Court in the Ninth Circuit.

Because of the October, 1982 court decision, all National Forest roadless areas that meet the original criteria for the RARE II study will be reevaluated. This Notice is being issued because, contrary to earlier regulations (issued 9/30/82), a proposed revision to 36 CFR 219.17 (issued 4/18/83) will allow further evaluation of RARE II wilderness and nonwilderness areas during the Forest planning process.

The reevaluation of areas on the Lake Tahoe Basin Management Unit will be done as part of the Forest's land and resource management plan. During this reevaluation process, current management and protection policies and activities in the roadless areas will be continued. That is, management for other uses will continue in areas recommended for nonwilderness.

The two areas to be reevaluated in the Lake Tahoe Basis are:

Name	RARE II ID number	Gross acres	Net national forest acres	Previous recommendation
Granite Chief	B5261	1,243	1,243	Nonwilderness
Dardanelles	05982	900	900	Nonwilderness

All other roadless areas in the Basin were recommended for further planning and therefore were already being evaluated. No areas have been recommended for wilderness.

The analysis for the Granite Chief area will be presented in the Tahoe National Forest draft plan and environmental impact statement, since they administer the majority of the roadless area. The Lake Tahoe Basin Management Unit draft plan will present the analysis for the entire Dardanelles Roadless Area including the Eldorado and Toiyabe National Forest portions.

Detailed information on the roadless areas and the reevaluation process will be distributed to individuals on the Forest mailing list and to other individuals and organizations requesting a copy. In addition, there will be an open house held from 2:00–4:00 p.m. and 7:00–9:00 p.m., September 27, 1983 at the

Forest Supervisor's Office, 870 Emerald Bay Road, South Lake Tahoe, California. The purpose of these open houses is to further explain, discuss, and gather new information specifically about these two roadless areas and the reevaluation process.

Written comments concerning the reevaluation are encouraged. These comments should be directed to Jon Hoefer, Planning Staff Officer, Lake Tahoe Basin Management Unit, P. O. Box 8465, So. Lake Tahoe, CA 95731. These comments should be received by November 1, 1983. For further informantion about the reevaluation process, contact Jon Hoefer at the above address, or call (916) 544–6420.

Dated: August 17, 1983.

W. A. Morgan,

Forest Supervisor, Lake Tahoe Basin Management Unit.

[FR Doc. 83-23407 Filed 8-25-83; 8:45 am]

BILLING CODE 3410-11-M

Land and Resource Management Plan; Sawtooth National Forest; Idaho and Utah; Revised Notice of Intent To Prepare an Environmental Impact Statement

This Notice revises a previously issued Notice of Intent published in the Federal Register dated August 20, 1980, page 57476.

This Notice is being issued because 36 CFR 219.17 is being revised to allow the reevaluation of roadless areas during the forest planning process. Public participation in the reevaluation permits data collection and analysis activities to proceed pending release of the final regulations.

The proposed revision to 36 CFR 219.17 (issued 4/18/83) will allow further evaluation of the Forest roadless areas. The results of the reevaluation will be included in the Environmental Impact Statement and Sawtooth National Forest Land and Resource Management Plan.

The first steps involving initial public participation, inventory, and analysis of the management situation have been completed. The scoping for the roadless area reevaluation portion of the land management planning process will be initiated by explaining the roadless area reevaluation to all individuals interested and wanting to become involved in the planning process for the Forest. Significant issues relating to reevaluation will be identified and included with those issues already identified for the Forest.

Detailed information on the roadless areas and reevalution processes will be available for individuals and organizations requesting the information. In addition, there will be an informational briefing held October 1983 at Twin Falls, Idaho, to further explain, discuss, and gather information about the roadless areas and reevaluation process. Specific dates and times will be pulbished in local newspapers prior to the October period.

The Sawtooth National Forest Plan will select from a range of alternatives which will include at least:

(1) The "no-action" alternative, which represents continuation of present levels of activity.

(2) One or more alternatives which represent levels of activity that will result in elimination of all backlogs of needed treatment for restoration of renewable resources and ensure that a major portion of planning intensive multiple-use and sustained-yield management procedures are operating on an environmentally sound basis.

(3) One or more alternatives formulated to resolve the identified major public issues and management concerns, including roadless areas.

The Draft Environmental Impact Statement and proposed Land and Resource Management Plan for the Sawtooth National Forest are scheduled for filing with the Environmental Protection Agency for a draft review by December 1984. The final documents are scheduled for filing with the Environmental Protection Agency in November 1985.

During the reevaluation process, current management and protection policies and activities in the roadless areas may be continued. Wilderness values will be protected in the areas recommended in RARE II for Wilderness, and management for other uses may continue in areas recommended for non-Wilderness.

J. S. Tixier, Regional Forester, Intermountain Region, USDA Forest Service, is the responsible official for the Forest Management Plan and Environmental Impact Statement. Roland Stoleson, Sawtooth Forest Supervisor is responsible for preparation of the Forest Plan and Environmental Impact Statement.

Written comments, suggestions, and/or requests for information during this process should be sent to William J. Little, Acting Forest Planner, Sawtooth National Forest, 525 Addison Avenue, Twin Falls, Idaho 83301, phone 208/733–3698.

Dated: August 17, 1983.

R. E. Greffenius,

Deputy Regional Forester.

[FR Doc. 83-23434 Filed 8-25-83; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Commonwealth Telephone Company, Dallas, Pennsylvania; Proposed Loan Guarantee

AGENCY: Rural Electrification Administration (REA), USDA.

ACTION: Proposed loan guarantee.

SUMMARY: Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320–22 (Guarantee of Loans for Telephone Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $35,721,000 to Commonwealth Telephone Company of Dallas, Pennsylvania. This loan guarantee will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Umphred, President, Commonwealth Telephone Company, 100 Lake Street, Dallas, Pennsylvania 18612.

SUPPLEMENTARY INFORMATION: Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed program, including the engineering and economic feasibility studies and the proposed schedule for advances to the borrower of the guaranteed loan funds from Mr. William J. Umphred at the address given above.

In order to be considered, proposals must be submitted September 26, 1983, to Mr. Umphred. The right is reserved to give such consideration and to make such evaluation or other disposition of all proposals received as Commonwealth Telephone Company and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320–22 are available from the Director, Public Information Office, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.851—Rural Telephone Loans and Loan Guarantees.

Dated: August 18, 1983.

Joe S. Zoller,

Acting Administrator.

[FR Doc. 83-23523 Filed 8-25-83; 8:45 am]

BILLING CODE 3410-15-M

Northeast Missouri Electric Power Cooperative; Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations (40 CFR Part 1500), and REA Bulletin 20–21:320–21, Environmental Policies and Procedures, has made a Finding of No Significant Impact with respect to a request for financing assistance from Northeast Missouri Electric Power Cooperative (Northeast Power) for construction of 69 kV transmission facilities in Marion and Shelby Counties, Missouri.

FOR FURTHER INFORMATION CONTACT: REA's Finding of No Significant Impact (FONSI) and Environmental Assessment (EA) and Northeast Power's Borrower's Environmental Report (BER) may be reviewed in the Office of the Chief, Distribution and Transmission Engineering Branch, Southwest Area-Electric, Room 0009 South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, telephone (202) 382–1915, or at the office of Northeast Missouri Electric Power Cooperative, (Ralph Shaw, Manager), P.O. Box 191, Palmyra, Missouri 63461, telephone (314) 769–2107, during regular business hours.

SUPPLEMENTARY INFORMATION: REA, in conjunction with a request for financing assistance from Northeast Power, has reviewed the BER submitted by Northeast Power and has determined that it represents an accurate assessment of the environmental impact of the proposed project. Northeast Power's project consists of a 69 kV transmission line about 37 km (23 mi) long between the existing Hagers Grove Substation, the propsed Emden Substation at the junction of Routes 168, W, and T, and the existing Belltown Substation.

REA determined that the proposed project will have no effect on cultural resources, floodplains, wetlands and threatened and endangered species and an insignficant effect on important farmland.

Alternatives examined for the Northeast Power 69 kV facilties included no action and alternative routes. Alternative routes are located in Marion and Shelby Counties also. REA determined that the proposed 69 kV facilties are an acceptable alternative for providing Northeast Power's needs.

Based upon the BER and support documents, REA prepared an EA concerning the proposed project and its impact. REA concluded that any proposed financing assistance for Northeast Power would not be a major Federal action significantly affecting the quality of the human environment.

In accordance with REA Bulletin 20–21:320–21, dated January 21, 1980, Northeast Power advertised and requested comments on the environmental aspects of the proposed project in local newspapers in Marion and Shelby Counties, Missouri. Comments concerning alignment were submitted by several landowners along the proposed route. These comments will be considered when establishing the final alignment of the line and several highway crossings could result between Emden and Belltown.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850-Rural Electrification Loans and Loan Guarantees.

Dated: August 18, 1983.

Joe S. Zoller,

Acting Administrator.

[FR Doc. 83-23524 Filed 8-25-83; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Permits filed under Subpart Q of the Board's Procedural Regulations; week ended August 19, 1982.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings (See 14 CFR 302. 1701, et seq.)

Date filed	Docket No.	Description
Aug. 16, 1983	41649	Air America Incorporated, c/o Perry T. Christy, Christy & Robbins, One Parklane Boulevard, Michigan 48126. Application of Air America Incorporated, pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations for an amendment to its certificate of public convenience and necessity to engage in scheduled interstate and overseas air transportation of passengers and their baggage, cargo and mail. Conforming Applications, Motions to Modify Scope and Answers may be filed by September 13, 1983.
Do	41650	Air America Incorporated, c/o Perry T. Christy, Christy & Robbins, One Parklane Boulevard, Michigan 48126. Application of Air America Incorporated pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations for scheduled authority between the following pairs of points in foreign air transportation of persons and their baggage, property and mail: Detroit—Acapulco, Detroit-Cancum/Cozumel/Merida, Detroit—Nassau/Freeport. Conforming Applications, Motions to Modify Scope and Answers may be filed by September 13, 1983.
Aug. 19, 1983	41655	Alaska International Air, Inc., c/o James T. Lloyd, Hyderman, Mason, Burzio & Lloyd, 1220 19th Street, NW., Washington, D.C. 20036. Application of Alaska International Air, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate in order to provide scheduled air transportation of persons, property and mail in combination service within points in Alaska. Conforming Applications, Motions to Modify Scope and Answers may be filed by September 16, 1983.
Aug. 15, 1983	41191	Michigan Peninsula Airways, Ltd. d/b/a MPA International Airways, c/o Herbert A. Rosenthal, Hausman and Rosenthal, 2020 K Street, NW., Suite 350, Washington, D.C. 20006. Amended Application of Michigan Peninsula Airways, Ltd. hereby amends the application to request domestic passenger charter authority in addition to domestic cargo charter authority. Answers may be filed by September 12, 1983.
Do	41192	Michigan Peninsula Airways, Ltd. d/b/a MPA International Airways c/o Herbert A. Rosenthal, Hausman and Rosenthal, 2020 K Street, NW., Suite 350, Washington, D.C. 20006. Amended Application of Michigan Peninsula Airways, Ltd. d/b/a MPA International Airlines hereby amends its application to request international passenger charter authority in addition to international cargo charter authority.

Date filed	Docket No.	Description
		Answers may be filed by September 12, 1983

Phyllis T. Kaylor,
Secretary.
[FR Doc. 83-23517 Filed 8-25-83; 8:45 am]
BILLING CODE 6320-01-M

[Docket 41048]

Northeast Imperial Airlines, Inc. Fitness Investigation; Postponement of Hearing

Notice is hereby given that the hearing scheduled in the above-entitled proceeding for September 1, 1983, is rescheduled for September 15, 1983, at 10:00 a.m. (local time), Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., August 19, 1983.

Ronnie A. Yoder,
Administrative Law Judge.

[FR Doc. 83-23516 Filed 8-25-83; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: Annual Survey of Pollution Abatement Costs and Expenditures
Form numbers: Agency—MA-200; OMB—0607-0176
Type of request: Revision of a currently approved collection
Burden: 20,000 respondents; 30,000 reporting hours
Needs and uses: This survey is the only source of comprehensive industry data on pollution abatement capital expenditures, operating costs, and costs recovered. Information on the cost incurred by the manufacturing sector for pollution abatement activities is used in the measurement of the effect of pollution abatement spending on real economic growth and on capital stock investments. The primary users of the data are government agencies, business firms, and trade associations.
Affected public: Business or other for-profit
Frequency: Annually
Respondent's obligation: Mandatory
OMB desk officer: Tim Sprehe, 395-4814
Agency: Bureau of the Census
Title: Unresolved Cases Pilot Study—Post Enumeration Program
Form numbers: Agency—D-8149, D-8153; OMB—N/A
Type of request: New collection
Burden: 70 respondents; 53 reporting hours
Needs and uses: This project is a Census methodology study. Approximately 70 former Post Enumeration Program participants will be traced and interviewed by telephone and personal visits. The Post Enumeration Program has been used to estimate the undercount in the 1980 Census.
Affected public: Individuals or households
Frequency: Nonrecurring
Respondent's obligation: Mandatory
OMB desk officer: Tim Sprehe, 395-4814
Agency: National Bureau of Standards (NBS)
Title: NBS Questionnaire on Magnetic Measurements, Calibrations, and Standards
Form numbers: Agency—NBS 1208, OMB—N/A
Type of request: New collection
Burden: 2,000 respondents; 500 reporting hours
Needs and uses: NBS is considering reinstating a magnetics calibration and standards development program. Survey will be used to assess the interest throughout the magnetics community on the reinstatement of such a program.
Affected public: Businesses or other for-profit, Federal agencies or employees, Non-profit institutions, and small businesses or organizations
Frequency: Nonrecurring
Respondent's obligation: Voluntary
OMB desk officer: Ken Allen, 395-3785
Agency: National Oceanic and Atmospheric Administration
Title: Dealer Purchases and Trip Interviews
Form numbers: Agency—88-20; OMB—0648-0013
Type of request: Revision
Burden: 4,547 respondents; 8,376 reporting hours
Needs and uses: The statistical shrimp reporting system, voluntary since 1956, will become mandatory to ensure timely collection of data needed for effective monitoring, evaluation and refinement of the management strategy for the Shrimp Fishery Management Plan.
Affected public: Businesses or other for-profit, small businesses or organizations
Frequency: On occasion, monthly
Respondent's obligation: Mandatory
OMB desk officer: Ken Allen, 395-3785
Agency: National Oceanic and Atmospheric Administration
Title: Coastal Zone Management Program Administrative Grants
Form numbers: Agency—CS-292; OMB—0648-0119
Type of request: Extension
Burden: 10 respondents; 600 reporting hours
Needs and uses: Program provides funds to states and territories to implement federally-approved coastal zone management plants. Information collected is used for application purposes and to determine if a state is adhearing to its approved plan.
Affected public: State governments
Frequency: Annually
Respondent's obligation: Required to obtain or retain a benefit
OMB desk officer: Ken Allen, 395-3785
Agency: National Oceanic and Atmospheric Administration
Title: Logbook Family of Forms
Form numbers: Agency—88-59, 88-140, 88-153, 88-176; OMB—0648-0016
Type of request: Revision
Burden: 4,966 respondents; 7,475 reporting hours
Needs and uses: Data from these forms is used for proposing and evaluating Fishery Management Plans and other development activities of the National Marine Fisheries Service. The Magnuson Fishery Conservation and Management Act (MFCMA 16 USC 1801) requires that certain data and statistics be submitted for every Fishery Management Plan. This data will be used by NMFS, Regional Fishery Management Councils, Department of State, OMB and the public in the development of fishery

management strategies, monitoring of fishery quotas and changes in fishing effort, disposition of harvested species, allocation of harvests to foreign nations, biological assessments of fish stocks and quantifying regulatory impacts.
Affected public: Business or other for-profit, Small Businesses or organizations
Frequency: On occasion, weekly, monthly
Respondent's obligation: Mandatory
OMB desk officer: Ken Allen, 395–3785
Agency: National Oceanic and Atmospheric Administration
Title: Estuarine Sanctuary Program (Preacquisition, Acquisition, Operations and Management Grants)
Form numbers: Agency—CD–292; OMB—0648–0121
Type of request: Revision
Burden: 25 respondents; 6,300 reporting hours
Needs and uses: The information from this application is necessary to provide funds to states for the pre-acquisition, acquisition, operations and management of estuarine sanctuaries. The information provided enables the Secretary of Commerce to make grants to coastal states to acquire, develop, or operate estuarine sanctuaries as authorized under Section 315(1) of Pub. L. 92–583 of the Coastal Zone Management Act of 1972, as amended.
Affected public: State or Local Governments
Frequency: On occasion
Respondent's obligation: Required to obtain or retain a benefit
OMB desk officer: Ken Allen, 395–3785
Agency: National Oceanic and Atmospheric Administration
Title: Fisheries Development and Utilization Research and Demonstration Grants and Cooperative Agreements
Form numbers: Agency—N/A; OMB—0648–0086
Type of request: Reinstatement of a previously approved collection
Burden: 250 respondents; 3,500 reporting hours
Needs and uses: The Saltonstall-Kennedy Act authorizes a grant program for fisheries research and development. Information is needed to make funding decisions.
Affected public: Individuals, State or local governments, Farms, Businesses or other for-profit, Non-profit institutions, Small businesses or organizations, and Federal Agencies or employees
Frequency: Annually
Respondent's obligation: Required to obtain or retain a benefit
OMB desk officer: Ken Allen, 395–3785
Agency: National Oceanic and Atmospheric Administration
Title: Gulf and Atlantic Coral Fishery Management Plan
Form numbers: Agency—N/A; OMB—N/A
Type of request: New
Burden: 9 respondents; 3 reporting hours
Needs and uses: This information collection will require permittees involved in taking corals for scientific or educational purposes to submit an annual report of their harvest. Data collected will be used for the management of this resource.
Affected public: Businesses or other for-profit, Small businesses or organizations
Frequency: Mandatory
Respondent's obligation: Annually
OMB desk officer: Ken Allen, 395–3785

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to the respective OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Ed Michals,

Departmental Clearance Officer.

[FR Doc. 83–23486 Filed 8–25–83; 8:45 am]

BILLING CODE 3510–CW–M

International Trade Administration

Consolidated Decision on Applications for Duty-Free Entry of Election Microscopes; Smith College 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 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number 83–225. Applicant: Smith College, Northampton, MA 01063. Instrument: Electron Microscope, Model JEM–100CXII and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of instrument: See notice on page 31278 in the **Federal Register** of July 7, 1983. Instrument ordered: May 20, 1983.

Docket Number 83–226. Applicant: Emory University, Department of Ophthalmology, 1339 Clifton Road, Atlanta, GA 30322. Instrument: Electron Microscope, Model JEM–100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of instrument: See notice on page 31279 in the **Federal Register** of July 7, 1983. Instrument ordered: April 19, 1983.

Docket Number 83–229. Applicant: University of Pittsburgh, School of Medicine, 3550 Terrace Street, Pittsburgh, PA 15261. Instrument: Electron Microscope, Model JEM–100CXII and Accessories. Manufacturer: JEOL Co., Ltd., Japan. Intended use of instrument: See notice on page 31277 in the **Federal Register** of July 7, 1983. Instrument ordered: March 10, 1983.

Docket Number 83–230. Applicant: USDA–ARS–Southern Region, Southeast Area, Russell Research Center, College Station Road, P.O. Box 5677, Athens, GA 30613. Instrument: Electron Microscope, Model JEM–100CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of instrument: See notice on page 31278 in the **Federal Register** of July 7, 1983. Instrument ordered: March 17, 1983.

Docket Number 83–231. Applicant: Washington University, Purchasing Department, Box 1069, Lindell and Skinker Blvds., St. Louis, MO 63130. Instrument: Electron Microscope, Model JEM–100CX and Accessories. Manufacturer: JOEL Ltd., Japan. Intended use of instrument: See notice on page 31278 in the **Federal Register** of July 7, 1983. Instrument ordered: March 29, 1983.

Docket Number 83–239. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. Instrument: Electron Microscope, EM 400 with Accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of instrument: See notice on page 31684 in the **Federal Register** of July 11, 1983. Instrument ordered: January 28, 1983.

Docket Number 83–241. Applicant: National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20205. Instrument: Electron Microscope, Model JEM–200CX and Accessories. Manufacturer: JOEL, Japan. Intended use of instrument: See notice on page 33508 in the **Federal Register** of July 22, 1983. Instrument ordered: June 22, 1983.

Docket Number 83–247. Applicant: University of California, Lawrence

Berkeley Laboratory, One Cyclotron Road, Berkeley, CA 94720. Instrument: Electron Microscope, JEM–200CX and Accessories. Manufacturer: JOEL Ltd., Japan. Intended use of instrument: See notice on page 33509 in the Federal Register of July 22, 1983. Instrument ordered: October 26, 1982.

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 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. 83–23452 Filed 8–25–83; 8:45 am]

BILLING CODE 3510–25–M

Applications for Duty-Free Entry of Scientific Instruments; State of Connecticut Health Laboratory et al.

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States. Comments must be filed in accordance with Subsections 301.5(a) (3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the Federal Register.

A copy of each application is on file in the Department of Commerce, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, Room 1523, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number 83–89R. Applicant: State of Connecticut—Health Laboratory, 10 Clinton Street, P.O. Box 1689, Hartford, CT 06101. Instrument: Electron Microscope, JEM–100CX SEG and Accessories. Original notice of this resubmitted application was published in the Federal Register of January 28, 1983.

Docket Number 83–172R. Applicant: Eastman Dental Center, 625 Elmwood Avenue, Rochester, N.Y. 14620. Instrument: Osseointegration System-Product System for Association. Manufacturer: Bofors Nobelpharma, Sweden. Intended use of instrument: The instrument is intended to be used in a unique technique of placement of dentures on patients who have severe loss of jaw bone. Detailed technical and clinical information for each patient are collected and compiled in a central computer system which will provide cumulative as well as individualized assessment of the results and therefore provide a better understanding of the applicability of the method and long-term assessment of its effectiveness. Application received by Commissioner of Customs: May 10, 1983.

(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. 83–23451 Filed 8–25–83; 8:45 am]

BILLING CODE 3510–25–M

Applications for Duty-Free Entry of Scientific Instruments; University of Wisconsin et al.

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States.

Comments must be filed in accordance with Subsections 301.5(a) (3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the Federal Register.

A copy of each application is on file in the Department of Commerce, and may be examined between 8:30 a.m. and 5 p.m., Monday through Friday, Room 1523, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number 83–264. Applicant: University of Wisconsin, Madison, 750 University Avenue, Madison, WI 53706. Instrument: Spectropolarimeter for Circular Dichroism and Optical Rotatory Disperson. Manufacturer: Japan Spectroscopic Co., Ltd., Japan. Intended use of instrument: The instrument is intended to be used for the investigation of the structure-function relationship of botulinum neurotoxin in different but three complementary ways. These will include:

(1) Selective modification of amino acid residues,

(2) Determining the physiochemical changes in type E neurotoxin after mild trypsinization which produces 100-fold increase in toxicity and

(3) Following the reaction of the neurotoxin with ganglioside G_{T1b}.

Application received by Commissioner of Customs: July 28, 1983.

Docket Number 83–265. Applicant: Thomas Jefferson University, 1025 Walnut Street, Philadelphia, PA 19107. Instrument: Electron Microscope, EM 109. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: The instrument is intended to be used in the study of ultrastructural changes in a variety of biological systems. The research projects involve studies of the ultrastructure of:

(1) The effects of hyperthermia, local anesthetics and ionizing radiation on

synchronous CHO cells;

(2) Cytochemical localization of heat shock proteins;

(3) Craniofacial development and localized cell death;

(4) Consequences of X-rays on behavioral parameters after birth;

(5) Chondrogenesis and skeletal defects as a consequence of genetic alterations and teratogens;

(6) Regulation of mucosal immunity by enteric bacteria and the route of invasion by *Yersinia* sp.;

(7) Lung-histopathology and the effects of excess vitamin A in lung development;

(8) Normal tissue effects of hyperthermia;

(9) Chondrogenesis *in vitro* and its dependence on prostaglandin synthesis; and

(10) Immunochemical studies of MICG in various immune system cells during development.

Application received by Commissioner of Customs: August 1, 1983.

Docket Number 83–266. Applicant: The Aerospace Corporation, 2350 E. El Segundo Blvd., El Segundo, CA 90245. Instrument: Multigas Laser Head, Model EMG 101, and Accessores. Manufacturer: Lambda Physik, West Germany. Intended use of instrument: The instrument is intended to be used for studies of infrared multiphoton induced decomposition of hydrazine fuels in order to stimulate IR emission spectra of the decomposition products that have been observed in rocket plumes. Application received by Commissioner of Customs: August 1, 1983.

Docket Number 83–267. Applicant: St. Joseph's Hospital and Medical Center, 703 Main Street, Paterson, N.J. 07503. Instrument: Osseous Implant Kit. Manufacturer: Bofors Nobelpharma, Sweden. Intended use of instrument: The instrument is intended to be used for oral surgery training in an Oral Surgery Residency Training Program. Application received by Commissioner of Customs: August 1, 1983.

Docket Number 83–268. Applicant: U.S. Department of Commerce, National Bureau of Standards, Washington, D.C. 20234. Instrument: Accessories for a Laser Microprobe Mass Analyzer. Manufacturer: Leybold-Heraeus, GmBH, West Germany. Intended use of instrument: The instruments are accessories to an existing laser microprobe mass analyzer which is being used to perform trace analysis on particles of micrometer and submicrometer dimensions. Fundamental studies using glass microspheres of known composition are used to develop schemes for quantifying the data generated by the laser microprobe mass analyzer. Application received by Commissioner of Customs: August 2, 1983.

Docket Number 83–269. Applicant: National Bureau of Standards, Center for Materials Science, Bldg. 224, Room A–313, Washington, D.C. 20234. Instrument: Fluorescence Decay Instrument. Manufacturer: Photochemical Research Associates, Inc., Canada. Intended use of Instrument: The instrument is intended to be used for studies of fluorescent polymer blends in solutions or in solid films. The fluorescence from these polymer blends will be used to determine whether the polymer blends are single-phase or two-phase. Properties to be studied include fluorescence lifetime, quantum yield, and decay of fluorescence aniosotropy. These properties will allow measurement of the extent of mixing of the polymers in blends and the microviscosity of the blends. Application received by Commissioner of Customs: August 2, 1983.

Docket Number 83–270. Applicant: National Aeronautics and Space Administration, NASA Resident Office, Jet Propulsion Laboratory, 4800 Oak Grove Drive, Pasadena, CA 91109. Instrument: Color Film Recorder. Manufacturer: McDonald Dettwiler & Associates Ltd., Canada. Intended use of instrument: The foreign instrument is intended for state-of-the-art recording of color images in support of space exploration projects (such as Voyager and Galileo), near earth science, applications activities, medical activities and various other activities. Application received by Commissioner of Customs: August 2, 1983.

Docket Number 83–271. Applicant: National Aeronautics and Space Administration, NASA Resident Office, Jet Propulsion Laboratory, 4800 Oak Grove Drive, Pasadena, CA 91109. Instrument: CCD 2000 Imaging System. Manufacturer: Cambridge Electronic Imaging, United Kingdom. Intended use of instrument: The foreign instrument is intended for use at ground-based astronomical sites for extremely low level photon detection which is needed for astronomical imaging photometry and spectroscopy in a number of current solar system investigations, including planetary atmospheres, Jovian magnetospheric dynamics and comet phenomena. Application received by Commissioner of Customs: August 2, 1983.

(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. 83-23453 Filed 8-25-83; 8:45 am]

BILLING CODE 3510-25-M

Stainless Steel Round Wire; Announcement of Fourth Quarter 1983 Monitoring Prices

AGENCY: International Trade Administration, Commerce.

ACTION: Announcement of the fourth quarter 1983 monitoring price levels for imports of stainless steel round wire products.

SUMMARY: The Department of Commerce announces that base prices for fourth quarter 1983 trigger prices of stainless steel round wire products will decline 1.6 percent from their third quarter base price levels. Changes in the cost of rod accounted for a large part of the decline in base prices. Size extra prices for stainless steel round wire will decrease an average of 2.0 percent from their third quarter 1983 levels. Changes in capacity utilization accounted for much of the decline in size extras. The Department uses trigger prices to monitor the prices of stainless steel wire and cold drawn round bar under 0.703 inch in diameter for possible initiation of antidumping or countervailing duty investigations if unfair sales of these products appear to be injuring domestic producers. Each quarter the Department reviews Japanese steel production and delivery costs and revises trigger prices accordingly. The fourth quarter trigger price applies to stainless steel round wire products and round stainless steel drawn bars in sizes under 0.703 inch in diameter exported to the United States on or after October 1, 1983.

FOR FURTHER INFORMATION CONTACT: Juanita S. Kavalauskas, Agreements Compliance Division, Import Administration, Room 3099, Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–3793.

SUPPLEMENTARY INFORMATION: Trigger price monitoring procedures for stainless steel round wire are the same as those published in the TPM Procedures Manual (46 FR 49928). Japanese stainless steel wire manufacturers agreed to supply cost of production and transportation information necessary to monitor the import prices. Commerce uses Special Summary Steel Invoices to monitor imports of stainless steel round wire and

small cold drawn bar under 0.703 inch diameter. In computing the invoice price for comparison to the trigger price, Commerce will use a 12.0 percent annual rate (1.0 percent per month) when interest must be adjusted and the actual rate is not known. For its calculation of trigger price levels, the yen/dollar exchange rate the Department uses to convert Japanese steel producers' yen denominated production cost to dollars is the average of the 36 months preceding the calculation and publication of the quarter's trigger price levels.

The exchange rate used in the Department's fourth quarter 1983 production cost estimate is 233 yen to the dollar (the yen/dollar exchange rate average for August 1980 through July 1983).

Other Charges

Trigger prices are an estimate of the Japanese stainless steel wire manufacturers' cost of production plus the cost of transporting to the United States and handling in the United States. Each trigger price includes ocean freight, insurance, interest and handling as well as the base prime and extras. The ocean freight, handling and interest are shown for each of the major importing regions: Pacific Coast, Atlantic Coast, Gulf Coast and the Great Lakes. All prices are shown in U.S. dollars per metric ton.

The interest component of the delivery charge has been adjusted to reflect the current level of price interest rate. Handling charges remain unchanged. Ocean freight charges have increased. The extras shown define the coverage in terms of sizes, grades, and qualities.

The following rules apply to product coverage and extras:

(1) If a product fails to fit the general description because the cost of producing that product varies substantially from the cost of producing the product described in the heading, the product is not covered.

(2) If a product is covered by a grade which is not in the base coverage and for which no grade extra is listed, the product is not covered.

(3) If a product has a size specification that falls above the largest size specification shown or below the smallest size specification shown, it is not covered.

(4) If a product has a size specification that falls between two size specification listed, it is covered and the size specification with the higher dollar value is to be used unless otherwise noted on the page.

(5) If a product embodies extras other than size or grade which are not listed, the product is covered. In those cases, the base trigger price plus any applicable extras listed will be applied.

A list of stainless steel round wire and cold drawn bar products subject to trigger price monitoring and the applicable base prices and extras are contained in the Appendix to this notice.

Dated: August 22, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

BILLING CODE 3510-25-M

APPENDIX

4TH QUARTER 1983 TRIGGER PRICES PER METRIC TON

STAINLESS STEEL WIRE

ROUND STAINLESS STEEL DRAWN BARS
IN SIZES UNDER 0.703 INCHES

AISI Categories 20 and 12

Charges to CIF	Ocean Freight	Handling	Interest
Pacific Coast	$110	$9	2.3%
Gulf Coast	135	5	3.0%
Atlantic Coast	135	4	3.0%
Great Lakes	176	4	3.7%

Interest charge equals F.O.B. trigger base price including size extra times interest factor.

Insurance 1% of base price + extras + ocean freight

Extras ($/M.T.):

1. Annealed Wire - Group I
   A. Base Prices Including Grade Extras
   B. Size by Grade Group
   C. Small Bar Size Extras
2. Hard/Spring Wire - Group II
   A. Base Prices Including Grade Extras
   B. Size by Grade Group
3. Soft/Intermediate Wire - Group III
   A. Base Prices Including Grade Extras
   B. Size by Grade Group
4. Coating
5. Finish
   A. Centerless Ground
   B. Centerless Ground and Polished
6. Diameter Tolerance
7. Straightening and Cut to Length
   A. Size Range
   B. Length
8. Packaging

Note: This coverage applies to stainless steel round wire and stainless steel bar under 0.703 inches produced by drawing. Bar, in these sizes, if produced by hot rolling is not covered by published prices.

1. Group I - Annealed Wire: Soft wire in which there is no further cold drawing after the last annealing treatment. This wire is made by annealing in open fired furnaces or molten salt followed by pickling, which produces a clean gray matte finish. It is also made with a bright finish by annealing wet, oil or grease drawn wire in a protective atmosphere, and is sometimes described as bright annealed wire.

A. Grades	Base Price
301	1,746
302	1,699
303	1,793
304	1,746
305	1,912
310	3,215
314	3,689
316	2,504
316-L	2,670
317	2,978
317-L	3,144
304-L	1,912
17-4PH*	2,168
308	1,888
308-L	2,054
309	2,409
309-L	2,575
321	2,054
302 HQ (18-19LW)**	1,865
347	2,362
384	2,315
409	1,414
410	1,106
416	1,106
420	1,154
430	1,154
430-F	1,367
434	1,462
434-A	1,272
446	1,746

*May also be designated as type 630 or as UNS 17400
**May also be designated as type 302 CU and as 306

GROUP I - ANNEALED WIRE (Continued)

8. Size *

Size *	Grade Group: 300 Series & 17-7PH	400 Series	17-4PH 15-5PH
.574" - .703"	338	426	336
.501" - .573"	338	426	338
.500"	345	426	345
.375" - .499"	374	441	374
.3125" - .374"	381	441	381
.250" - .312"	417	441	417
.234" - .249"	465	462	465
.216" - .233"	486	479	486
.200" - .215"	556	498	556
.185" - .199"	603	544	603
.170" - .184"	611	556	611
.155" - .169"	639	577	639
.142" - .154"	668	659	668
.128" - .141"	680	754	679
.113" - .127"	740	802	680
.099" - .112"	843	898	682
.086" - .098"	896	984	689
.076" - .085"	955	1,032	724
.067" - .075"	989	1,087	860
.058" - .066"	1,049	1,207	972
.051" - .057"	1,097	1,262	1,023
.044" - .050"	1,147	1,334	1,071
.038" - .043"	1,224	1,379	1,149
.033" - .037"	1,322	1,537	1,247
.030" - .032"	1,370	1,640	1,370
.027" - .029"	1,463		1,463
.024" - .026"	1,566		1,566
.021" - .023"	1,707		1,707
.019" - .020"	1,783		1,783
.018"	1,863		1,863
.017"	1,908		1,908
.016"	1,937		1,937
.015"	1,985		1,985

*All intermediate sizes to take next higher price.

GROUP I - ANNEALED WIRE (Continued)

Size *	Grade Group: 300 Series & 17-7PH	400 Series	17-4PH 15-5PH
.014"	2,138	--	2,138
.013"	2,258	--	2,258
.012"	2,308	--	2,308
.011"	2,411	--	2,411
.010"	2,569	--	2,569
.009"	2,720	--	2,720
.008"	3,010	--	3,010
.0075"	3,166	--	3,166
.007"	3,395	--	3,395
.0065"	3,822	--	3,822
.006"	4,265	--	4,265
.00575"	4,662	--	4,662
.0055"	5,563	--	5,563
.00525"	5,654	--	5,654
.005"	5,840	--	5,840
.00475"	5,929	--	5,929
.0045"	6,211	--	6,211
.00425"	6,635	--	6,635
.004"	7,246	--	7,246
.00375"	15,011	--	15,011
.0035"	17,415	--	17,415
.00325"	20,061	--	20,061
.003"	22,686	--	22,686
.0027"	24,633	--	24,633
.0025"	25,772	--	25,772
.002"	31,445	--	31,445

*All intermediate sizes to take next higher price.

C. Small Bar*: Small cold drawn bar in wire gauges is to be trigger priced using these size extras:

Size Range**	Grade Group		
	300 Series & 17-7PH	400 Series	17-4PH 15-5PH
.574" - .703"	304	256	304
.501" - .573"	304	256	304
.500"	331	283	331
.375" - .499"	331	283	331
.3125" - .374"	370	318	370
.250" - .312"	370	318	370
.234" - .249"	370	318	370
.216" - .233"	443	395	443
.185" - .215"	443	395	443

*Annealing and pickling is included in base material cost. Size extras include cost of straightening and cut to length.

**Intermediate sizes to take next higher price.

2. Group II - Hard/Spring Wire: wire drawn in several drafts as required to produce the high tensile strengths required for such products as spring wire.

A. Grades	Base Price
301	1,746
302	1,699
303	1,793
304	1,746
305	1,912
310	3,215
314	3,689
316	2,504
316-L	2,670
317	2,978
317-L	3,144
321	2,054
17-4PH*	2,168
17-7PH***	2,694
308	1,888
308-L	2,054
309	2,409
309-L	2,575
302 HQ (18-19LW)**	1,865
347	2,362
384	2,315
409	1,414
410	1,106
416	1,106
420	1,154
430	1,154
430-F	1,367
434	1,462
434-A	1,272
446	1,746

*May also be designated as type 630 or UNS 17400
**May also be designated as type 302 CU or 306
***May also be designated as typed 631 or UNS 17700

GROUP II - HARD/SPRING WIRE (Continued)

B. Size *

Size *	Grade Group 300 Series & 17-7PH
Over .375"	699
.3125" - .374"	699
.2500" - .312"	699
.234" - .249"	699
.216" - .233"	699
.200" - .215"	699
.185" - .199"	699
.170" - .184"	699
.155" - .169"	699
.142" - .154"	704
.128" - .141"	704
.113" - .127"	704
.099" - .112"	709
.086" - .098"	785
.076" - .085"	843
.067" - .075"	915
.058" - .066"	1,015
.051" - .057"	1,221
.044" - .050"	1,403
.038" - .043"	1,480
.033" - .037"	1,624
.030" - .032"	1,710
.027" - .029"	2,059
.024" - .026"	2,246
.021" - .023"	2,466
.019" - .020"	2,759
.018"	3,338
.017"	3,625
.016"	3,716
.015"	3,803
.014"	3,980
.013"	4,123
.012"	4,416
.011"	5,646
.010"	5,795
.009"	6,020
.008"	6,226

*All intermediate sizes to take next higher price.

3. Group III - Soft/Intermediate Wire: wire drawn one or more drafts after annealing as required to produce minimum strength or hardness. The properties can be varied between soft temper and those approaching spring temper wire. Wire in this temper is usually produced in a variety of dry drawn tempers. Cold heading wire belongs in this group.

A.

Grades	Base Price
301	1,746
302	1,699
302 (302HQ, 18-9LW)	1,865
303	1,793
304	1,746
305	1,912
310	3,215
314	3,689
316	2,504
316-L	2,670
317	2,978
317-L	3,144
321	2,054
17-4PH*	2,168
308	1,888
308-L	2,054
309	2,409
309-L	2,575
347	2,362
384	2,315
409	1,414
410	1,106
416	1,106
420	1,154
430	1,154
430-F	1,367
434	1,462
434-A	1,272
446	1,746

*May also be designated as type 630 or UNS 17400

GROUP III - SOFT/INTERMEDIATE WIRE (Continued)

B. Size *

Size	Grade Group: 300 Series & 17-7PH	400 Series	17-4PH 15-5PH
Over .375"	594	465	594
.3125" - .374"	594	465	594
.2500" - .312"	594	465	594
.2340" - .249"	647	508	647
.2160" - .233"	647	508	647
.200" - .215"	647	508	647
.185" - .199"	699	551	699
.170" - .184"	699	551	699
.155" - .169"	699	584	699
.142" - .154"	776	647	776
.128" - .141"	776	757	776
.113" - .127"	829	813	829
.099" - .112"	934	920	934
.086" - .098"	1,030	996	1,030
.076" - .085"	1,078	1,044	1,078
.067" - .075"	1,192	1,135	1,192
.058" - .066"	1,293	1,288	1,293
.051" - .057"	1,336	1,456	1,336
.044" - .050"	1,389	1,475	1,389
.038" - .043"	1,509	1,580	1,509
.033" - .037"	1,604	1,686	1,604
.030" - .032"	1,714	1,849	1,714
.027" - .029"	1,873		1,873
.024" - .026"	2,016		2,015
.021" - .023"	2,174		2,174
.019" - .020"	2,323		2,323

*All intermediate sizes to take next higher price.

4. Coating: Material provided uncoated or coated with lime (or equivalent to lime) and/or soap will carry no extra. Other coatings require an appropriate extra where additional costs are involved. Metallic coatings include copper, nickel, and lead. Non-metallic coatings include plastics, molybdenum disulfide, etc.

Size Range	Metallic: Copper	Metallic: Nickel	Non-metallic
Over .154"	117	36	25
.099" - .154"	175	36	25
.063" - .098"	233	48	32
.041" - .062"		74	49
.030" - .040"		101	65
.025" - .029"		101	65
.020" - .024"		136	93
.015" - .019"		181	123
.010" - .014"		214	148

5. Finish

Size Ranges *	Centerless Ground	Centerless Ground and polished
.595" - .703"	492	619
.501" - .594"	492	619
.500"	544	688
.375" - .499"	556	710
.3125" - .374"	556	710
.250" - .3124	556	710
.234" - .249"	854	1,037
.216" - .233"	854	1,037
.200" - .215"	945	1,152
.185" - .199"	1,105	1,335
.170" - .184"	1,301	1,546
.155" - .169"	1,558	1,822
.142" - .154"	1,816	2,079
.128" - .141"	2,136	2,400
.113" - .127"	2,675	2,961
.093" - .112"	5,448	5,998

*Intermediate sizes to take next higher price.

These extras are applicable to all grades listed.

Straightening and cut to length extras are included in the above finish extras.

6. Diameter Tolerance

Standard: AISI or JIS Specification

	Extra
Standard	Base
Not less than 1/2 standard	101
Closer than 1/2 to 1/4 standard	25% of size extra
Closer than 1/4 standard	50% of size extra

7. Straightening and Cut to Length: Use the sum of the appropriate extras from A and B below to form the total extra.

A.

Size Range	Extras
.595" - .703"	103
.501" - .594"	103
.500"	103
.375" - .499"	129
.3125" - .374"	129
.170" - .3124"	233
.099" - .169"	582
.051" - .098"	1,683
.032" - .050"	1,942

B.

Length	
Under 12"	91
12" to under 18"	58
18" to under 24"	58
24" to under 30"	38
30" to under 36"	38
36" to under 48"	38
48" to under 60"	38
60" to under 72"	38
72" to under 120"	33
120" to under 168"	33
168" to under 192"	33
192" to under 216"	33
216" to under 240"	33
240" to under 264"	26
264" to under 288"	26
288" to 316"	26

B. Packaging

Bundle	26
Wooden Boxes	90
Fibre Drums	83
Coil Carriers	26
Spools	
Sizes under .020"	162
Both Spools and Wooden Boxes	
Sizes .020" and greater	90
Sizes under .020"	252

[FR Doc. 83-23408 Filed 8-25-83; 8:45 am]
BILLING CODE 3510-25-C

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

August 18, 1983.

The USAF Scientific Advisory Board Ad Hoc Committee on Engineering & Services Role in the Employment of Air Power will meet at Tyndall Air Force Base, Florida on September 21–23, 1983.

The purpose of the meeting will be to consider the role of Air Force engineers in the employment of air power and to finalize the ad hoc committee report. The meeting will convene at 8:00 a.m. to 5:00 p.m. each day.

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 Officer.

[FR Doc. 83-23406 Filed 8-25-83; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF ENERGY

Office of the Secretary

International Atomic Energy Agreements; Proposed Subsequent Arrangement; International Atomic Energy Agency

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the International Atomic Energy Agency (IAEA) Concerning Peaceful Application of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale:

Contract Number S–IA–124, to the IAEA, Seibersdorf Laboratory Austria, 151.96 grams of uranium, depleted in the isotope U-235, 933.62 grams of normal uranium, and 153.65 grams of thorium, for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: August 22, 1983.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-23425 Filed 8-25-83; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; Spain

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Spain Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale:

Contract Number S–SP–19, to ENUSA, Madrid, Spain, of natural uranium, to be used as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: August 22, 1983.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-23426 Filed 8-25-83; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; Venezuela

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the safeguards and guarantee provisions of the Agreement for Cooperation Between the Government of the United States of America and the Government of Venezuela Concerning Civil Use of Atomic Energy, as amended. While this agreement expired by its terms on February 8, 1980, the safeguards and guarantee provisions were extended through an exchange of notes concluded February 18, 1981.

The subsequent arrangement to be carried out under the above mentioned safeguards and guarantee provisions of the expired Agreement for Cooperation involves the signature of a protocol concerning the suspension of the application of safeguards by the IAEA under the trilateral safeguards agreement between the International Atomic Energy Agency, the Government of Venezuela and the Government of the United States of America signed on March 27, 1968. The application of IAEA safeguards in Venezuela under the trilateral agreement shall remain suspended during the time the Venezuela-IAEA NPT Safeguards Agreement is in force. The application of IAEA safeguards in the U.S.A. under the trilateral agreement shall be suspended during the time and to the extent that the U.S.-IAEA voluntary safeguards agreement is in force and safeguards specified therein are being applied by the IAEA in accordance with Article 22 of the agreement, which entered into force on December 9, 1980. The protocol is to be signed in Vienna, Austria by the authorized representatives of the IAEA and the Governments of Venezuela and the United States of America.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that entering into this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after publication in the **Federal Register.**

For the Department of Energy.

Dated: August 22, 1983.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-23424 Filed 8-25-83; 8:45 am]

BILLING CODE 6450-01-M

Establishment of Performance Review Board, Names of Board Members

Section 4314(c) of the title 5, United States Code (as amended by the Civil Service Reform Act of 1978), requires that the Department of Energy establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more Performance Review Board(s) to review, evaluate, and make a final recommendation on performance appraisals assigned to Departmental members of the Senior Executive Service. The Performance

Review Board established for the Department of Energy also makes written recommendations to the Executive Personnel Board or the Chairman, Federal Energy Regulatory Commission, regarding Senior Executive Service performance bonuses, awards, and performance-related actions.

Section 4314(c) of title 5, United States Code requires that notice of appointment of Performance Review Board members be published in the **Federal Register**. The following persons have been appointed to serve on the performance review board standing register for the Department of Energy:

William P. Anderson
Earl E. Gjelde
Charles E. Kay
Donald K. Pearlman
William S. Heffelfinger
Harry L. Peebles
J. Merle Schulman
K. Dean Helms
Cleo N. Mitchell
Gene K. Fleming
Robert E. Greeves
John W. Polk
Morris L. Myers
Nathaniel H. Pierson
William V. Vitale
Joseph G. Coyne
Charles R. Tierney
Elizabeth E. Smedley
Carl W. Guidice
Arthur E. Guyer
Hilary J. Rauch
Berton J. Roth
Thomas J. Davin
Vincent Mason
Edwin R. Itnyre
David G. Newman
Eric J. Fygi
Thomas C. Newkirk
Stephen H. Greenleigh
Leonard Rawicz
Ralph Goldenberg
Leon Silverstrom
Gordon W. Harvey
Matthew T. Abruzzo
William R. Partridge
Wayne I. Tucker
James U. De Francis
Constance Stuart
Christopher J. Warner
Thomas P. Cantrell
Thomas O. Mann
Richard T. Tedrow
Thomas L. Wieker
George J. Bradley, Jr.
Edward J. Hanrahan
William J. Silvey
Richard Williamson
Howard E. Perry
James S. Herod
Howard S. Coleman
Robert L. San Martin
Melvin Chiogioji
Linda R. Gregory
Richard A. Benson
Louis V. Divone
Barton R. House
Robert W. Davies
Robert J. Stern
Lawrence A. Pettis
Richard D. Furiga
Ronald L. Winkler
C. Curtis Johnson
Richard E. Weiner
Melinda L. Carmen
James S. Kane
George Y. Jordy
Richard H. Kropschot
James E. Leiss
Antoinette G. Joseph
John F. Clarke
J. Ronald Young
Robert W. Wood
Charles W. Edington
Donald K. Stevens
Louis C. Ianniello
Bernard Hildebrand
Nelia H. Davies
William R. Ellis, Jr.
Ryszard Gajewski
Ira M. Adler
Samuel Rousso
William M. Lamb
James W. Culpepper
Francis C. Gilbert
Ronald W. Cochran
Ralph E. Caudle
Goetz K. Oertel
Maurice J. Katz
Donald K. Gestson
Thomas A. Dillon
Gordon L. Chipman, Jr.
Franklin E. Coffman
William R. Voigt
Neal Goldenberg
Kermit O. Laughon
W. Wade Ballard, Jr.
James W. Vaughan
Charles H. Brown, Jr.
Thomas L. Foster
Robert M. Forssell
Carl H. Schmitt
Donald Erb
David B. Pye
Donald L. Bauer
Cleveland K. Benedict
Richard E. Harrington
Jeremiah E. Walsh
Augustine A. Pitrolo
Sun W. Chun
Paul T. Michael
James W. Workman
Milton C. Lorenz
Sandra L. Delaney
Carl A. Corrallo
Alberet H. Linden, Jr.
Kenneth A. Vagts
Jimmie L. Petersen
John C. Geidl
Yvonne M. Bishop
Frank E. Lalley
Charles C. Heath
Leonard Jacobvitz
Raymond G. Romatowski
Donald Ofte
James R. Nicks
Paul R. Wagner
Jack R. Roeder
Robert H. Bauer
Fred C. Mattmueller
John P. Kennedy
Andrew Mravca
Troy Wade
Nick C. Aquilina
Jon P. Hamric
Joe B. LaGrone
James C. Hill
Percy Brewington, Jr.
John T. Milloway, Jr.
Ewin B. Kiser, Jr.
Herschel D. Hickman
James C. Hall
William Snyder
Richard A. DuVal
Donald W. Pearman
Robert L. Morgan
Richard P. Denise
Thomas R. Clark
Ray D. Duncan
Alex G. Fremling
Robert P. Fasulo
Richard L. Hames
Harry Geisinger
Richard B. Risk, Jr.
Warren L. Jamison
Robert Cross
Peter J. Johnson
Robert E. Ratcliffe
James J. Jura
Robert L. McPhail
William H. Clagett
Lawrence R. Anderson
Scott P. Anger
Andrew W. Battese
Raymond A. Beirne
Charles E. Bullock
Robert W. Cackowski
Bernard B. Chew
Lynne H. Church
William Conneily
Marilyn L. Doria
Quentin A. Edson
Philip L. Essley, Jr.
Russell E. Faudree, Jr.
Jerome M. Feit
Morris R. Fitzgerald
Francis J. Gilmore
Lynn H. Hargis
Howard Kilchrist
Randolph E. Mathura
William G. McDonald
Charles A. McManus
Robert C. Means
Stephen R. Melton
Louis W. Mendonsa
Gordon E. Murdock
Karen K. Nygaard
Rachelle Patterson
Kenneth M. Pusateri
Michael Schopf
Joan Simmons
Leon J. Slavin
Joseph J. Solters
Jon R. Stover
Robert J. Szekely
Anthony F. Toronto
Maynard Ugol
Barbara J. Weller
Bernard Wexler
Kenneth A. Williams

Issued in Washington, D.C. on August 19, 1983.

Harry L. Peebles,

Acting Director, Directorate of Administration.

[FR Doc. 83-23422 Filed 8-25-83; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Proposed Power Sales Contract Offer to Pend Oreille County Public Utility District No. 1

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice and Request for Comments.

SUMMARY:

File No.: PSC-1
Responsible official: Thomas M. Noguchi

Under the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (Regional Act), the Bonneville Power Administration (BPA) is required to offer firm power sales contracts to requesting public bodies and cooperatives to serve those utilities' loads in excess of their resources. Pend Oreille County Public Utility District No. 1 (Pend Oreille) in the State of Washington has requested such a contract.

BPA offered "initial" long-term power sales contracts under the Regional Act to all Northwest utilities on August 28, 1981. Pend Oreille is one of six Northwest utilities which chose to retain their existing BPA power sales contract rather than sign one of these "initial" Regional Act power sales contracts.

Pend Oreille now wishes to execute a Regional Act power sales contract. BPA proposes to offer Pend Oreille a contract using the terms of the "initial" Regional Act power sales contract, excepting only those clauses which specifically apply to the initial offering, and a few housekeeping measures. This notice outlines the terms of BPA's proposed offer, and requests comments on that proposal.

DATES: Comments on the proposed contract offer to Pend Oreille will be accepted by mail or telephone through September 30, 1983. Written comments should be postmarked no later than that date.

ADDRESS: Submit comments to Ms. Donna L. Geiger, Public Involvement Manager, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Public Involvement, at the above address, 503-230-3478. Oregon callers may use 800-452-8429; callers in California, Idaho, Montana, Nevada, Utah, Washington, and Wyoming may use 800-547-6048. Information may also be obtained from:

Mr. George Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 N.E. Irving Street, Portland, Oregon 97232, 503-230-4551.

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503-687-6952.

Mr. Ronald H. Wilkerson, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509-456-2518.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406-329-3860.

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509-662-4377, extension 379.

Mr. Richard D. Casad, Puget Sound Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, 206-442-4130.

Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509-525-5500, extension 701.

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208-523-2706.

Mr. Frederic Rettenmund, Boise District Manager, Owyhee Plaza, Suite 245, 1109 Main Street, Boise, Idaho 83707, 208-334-9138.

SUPPLEMENTARY INFORMATION:

I. Background

The Regional Act requires BPA to offer long-term power sales contracts upon request to qualifying Northwest public bodies and cooperatives, as well

as other entities. In these contracts, BPA must offer to serve these utilities' loads, to the extent that the utilities do not have resources or develop resources to meet their loads.

Section 5(g)(1) of the Regional Act required BPA to offer such initial long-term power sales contracts to its existing customers and other specified entities within 9 months following enactment of the Regional Act. These contracts are called "5(g)" contracts. BPA offered 5(g) contracts to Northwest utilities and to other BPA customers on August 28, 1981. Customers had 1 year from the date of offer, until August 28, 1982, to accept the 5(g) contracts. Pend Oreille was one of the public bodies to whom this offer was made.

In all, 145 BPA customers signed 5(g) power sales contracts. Pend Oreille was one of six public body and cooperative customers of BPA which chose not to sign the offered contract. Instead, Pend Oreille has continued to rely on its existing contract with BPA. That contract expires on December 31, 1984.

II. Request and Qualifications for Service

On January 12, 1983, Pend Oreille notified BPA that it wishes to sign a Regional Act power sales contract to replace its existing contract. Section 5(b) of the Regional Act obligates BPA to offer such a contract to any Northwest public agency, so long as the prospective customer can comply with BPA's standards for service. As an existing customer, Pend Oreille meets those standards of service.

BPA may also delay service to new customers under the Regional Act until it has sufficient resources available to adequately serve the customer. BPA now has a surplus of resources, so this is not currently an impediment to service.

BPA must, therefore, respond positively to Pend Oreille's request for a new power sales contract.

III. Pend Oreille Contract May Set Precedent

BPA's obligations to offer contracts to public agencies under Section 5(b) of the Regional Act differ slightly from the obligations specified in Section 5(g) for the initial power sales contract. Pend Oreille will be the first utility to receive a power sales contract offer under Section 5(b) of the Regional Act. This contract will be called a "5(b)" contract. The contract BPA offers will, therefore, be the first which reflects the differences between Sections 5(g) and 5(b) of the Regional Act. The Pend Oreille contract may be used as the basis for future 5(b) contracts to be offered to other requesting utility customers.

IV. General Differences Between Proposed Offer and Initial Regional Act Contracts

BPA proposes to offer Pend Oreille a 5(b) contract using the terms of the earlier 5(g) offering, excepting only those clauses which applied to the initial 5(g) contract, and a few housekeeping measures. These changes are described generally below.

The proposed 5(b) contract deletes any reference to Section 5(g)(7) of the Regional Act, in which BPA is deemed to have sufficient resources to offer initial long-term contracts. This section was specifically reserved by statute for those customers which signed the initial 5(g) contracts. BPA currently has an actual surplus of resources.

If BPA should ever enter a period where its resources are insufficient to meet its loads, both contracts provide for an allocation of firm power. Public agency customers which signed the initial 5(g) contracts are guaranteed an amount of power no less than they received in the year immediately preceding the period of insufficiency. The proposed 5(b) contract does not contain this guarantee.

The majority of those utilities which signed initial 5(g) contracts agreed to certain amendments to those contracts. These Amendments Nos. 1, 2, and an amendment to section 8(e) of the General Contract Provisions (GCP's) to the 5(g) contracts, are incorporated in the proposed 5(b) contract.

The (b) contract will be effective upon execution by BPA and will expire on June 30, 2001, the day on which the 5(g) contracts expire.

V. Impacts of Pend Oreille Offer and Precedent It May Set

A. *On Pend Oreille:* Pend Oreille is an existing BPA customer with its own generation, storage arrangements, and a distribution system. Pend Oreille's resources currently exceed its load, but the utility occasionally needs to rely on the return of energy out of storage, or power purchases from other entities. This situation arises in about one-half of the years during May or June when increased tailwater levels at Pend Oreille's Box Canyon hydroelectric project temporarily reduce or eliminate generation. The proposed contract would provide Pend Oreille added flexibility in dealing with this situation, while preserving its access to available nonfirm power from BPA when the Box Canyon project does not generate.

Secondly, Pend Oreille's loads may some day exceed its generation capacity. Under the proposed contract, BPA woud then meet the difference between Pend Oreille's firm loads and firm resources.

Signing a 5(b) power sales contract would make Pend Oreille eligible to participate in all conservation programs BPA develops pursuant to the Regional Act for the full duration of those programs. It would also make Pend Oreille eligible to receive billing credits for qualifying resources.

B. *On BPA:* The six BPA utility customers which did not sign initial 5(g) contracts have a 1983–84 cumulative system load forecasted at about 125 average megawatts. BPA currently serves about 110 average megawatts of this total. If all these utilities were to request and execute 5(b) power sales contracts, the prinicipal effect on BPA would be to simplify BPA's resource planning and operations because, generally, it is easier to operate when all of BPA's customers are under similar contracts. Such contracts would not impose any immediate impact on BPA's load obligations.

VI. Compliance with National Environmental Policy Act (NEPA)

NEPA procedures require that environmental information be available to public officials and citizens before decisions are made and before actions are taken. BPA has undertaken a review of the proposed provisions of the Pend Oreille 5(b) contract to determine the level of NEPA documentation necessary in this case. An Environmental Assessment will be available for public review and comment before any final decision on the contract provisions is made by BPA.

VII. Specific Terms of Proposed Offer

With the exceptions specified below, the terms of the contract BPA proposes to offer Pend Oreille are those published in the **Federal Register** on September 3, 1981, June 4, 1982 and October 20, 1982, as follows:

(46 FR 44340) Notice of Final Action Concerning Power Sales and Residential Exchange Contracts Required by Pacific Northwest Electric Power Planning and Conservation Act;

(47 FR 24381) Notice of Correction of Errors and Ambiguities in Utility Power Sales Contracts Offered August 28, 1981; and

(47 FR 46800) Notice of Final Action Concerning Amendments to Utility Power Sales Contracts Required for Settlement of Lawsuits and Full Implementation of Pacific Northwest Electric Power Planning and Conservation Act.

The proposed changes to these terms follow. In each case, the purpose and effect of the contract change is described. Then, the section or subsection of the 5(b) contract in which the change appears is printed. Additions to the contract are enclosed in arrows; deletions are bracketed.

VIII. Proposed Contract Changes

A. Section 2 Term of Contract

Purpose.—Unlike 5(g) contracts, which BPA signed before sending to the customer for signature, the 5(b) contracts will be sent unsigned. In this way BPA will be able to coordinate the contract's effective date with the beginning of a billing month. Accordingly, the following change is made to Section 2 of the contract:

Changes.—2. *Term of Contract.* This contract shall be effective ◄*upon execution by Bonneville*δ [on the first day of the next Billing Month following the date at least five calendar days after Bonneville acknowledges receipt of an executed contract] and shall continue until 2400 hours on June 30, 2001. Bonneville shall acknowledge receipt of an executed contract upon receipt of a contract signed by the Purchaser and any authorizing resolution necessary for the execution of such contract.

B. Section 7 Allocation Provisions in the Event of Planning Insufficiency

Purpose.—Under the 5(g) "initial" contracts, public body, cooperative, and Federal agency customers are guaranteed an amount of power during a period of insufficiency no less than the amount of firm power provided by BPA to the customer in the year immediately preceding the period of insufficiency. This assurance was required by Section 5(g)(6) of the Regional Act.

The 5(b) contracts are not required to contain this guarantee. The practical impact upon 5(b) customers is impossible to foresee. The guarantee was provided in the 5(g) contracts through an additional allocation of intra-class excess entitlements, power in excess of a customer's load, but less than its entitlement under the allocations formula. If there are enough intra-class excess entitlements available, the 5(b) customers could receive just as much power as if they were 5(g) customers. Whether or not a 5(b) customer will receive any of the intra-class excess entitlements will depend upon increases and decreases in the loads of other customers in its customer class during a period of power restrictions.

Changes.—Section 7(f)(2):

(2) If the sum of the Intra-Class Excess Entitlements for the public body and cooperative class or Federal agency class of Customers is less than Bonneville's respective estimate for such Operating Year of the amounts needed to supply the Firm Capacity or Firm Energy requirements of the Customers of such class after providing such Customers their entitlement to the Federal base system resources and their entitlement to any resources acquired by Bonneville under Pub. L. 96-501 from or on behalf of such Customers, Bonneville shall use the Intra-Class Excess Entitlements for the public body and cooperative class or the Federal agency class to first meet its obligation to supply to each Customer of each class, respectively, ►which has executed a power sales contract offered pursuant to Section 5(g)(1) of Pub. L. 96-501,◄ an amount of Firm Capacity and Firm Energy equal to the amounts actually supplied by Bonneville in the Year Preceding Insufficiency. ►The Purchaser shall not be entitled to an allocation based upon this paragraph.◄

Exhibit D (Allocation Formulas) Factor T:

T = The respective sum of "S" for all Customers in the public body and cooperative or Federal agency class. "T" is zero for the investor-owned utility class ►and for public body and cooperative or Federal agency customers which did not execute power sales contracts offered pursuant to Section 5(g)(1) of Pub. L. 96-501.◄

C. Removal of deemed sufficient clause

Purpose.—Under Section 5(g)(7) of the Regional Act, BPA was deemed to have sufficient power to enter into the 5(g)(1) "initial" contracts. This was necessary to avoid questions as to whether BPA had adequate resources to sign power sales contracts. The 5(b) contracts, however, are not "initial" contracts and are therefore not within the coverage of the deemed sufficient clause. If a request for a contract is made during a future period of insufficiency, BPA will not be obligated to serve that customer until BPA acquires sufficient resources. Since BPA currently has sufficient resources, this change will not impact customers requesting 5(b) contracts in the near future.

Changes.—Section 20(c) Miscellaneous:

(c) If Bonneville offers to enter into a written amendment of any other similar long-term power sales contract other than informal arrangements between the parties referred to in subsection (b) above, Bonneville shall offer to the Purchaser a corresponding amendment of this contract, to the extent such a corresponding amendment would be applicable to the Purchaser under this contract. Bonneville shall advise and use reasonable efforts to consult with the Purchaser during the development or consideration of any offer to enter into such amendments. This contract is offered pursuant to section [s] 5(b) [and 5(g), including, but not limited to section 5(g)(7),] of Pub. L. 96-501, and amendments hereto shall not be construed to represent the offer of a new contract.

D. Offering period

Purpose.—The Regional Act required that the customers receive 1 year from the date of Bonneville's contract offer in which to sign the 5(g) contract. The 5(b) contracts do not have this requirement. BPA expects to leave the 5(b) offers open for approximately 120 days; however, the offer period will not be specified in the contracts. Accordingly, the following change from 5(g) contract language is required.

Change.—21. *[Termination of Offer.* The Purchaser shall have one year from the date it receives a signed copy of this contract from Bonneville to accept this contract. Bonneville's offer to make Firm Power available to the purchaser under the terms of this contract shall expire on such date unless Bonneville has received a signed contract from the Purchaser by such date.]

E. Incorporation of Amendment Nos. 1, 2, and the amendment to section 8(e) of the GCP's

Purpose and Change.—Amendment Nos. 1, 2, and the section 8(e) amendment will be incorporated into the text of the 5(b) contract. Amendment Nos. 1 and 2 were published in the **Federal Register** on June 4 and October 20, 1982, respectively, (47 FR 24381 and 47 FR 46800) along with a summary of the amendments, and were signed by most of the 5(g) contract customers.

Purpose.—The section 8(e) amendment extended the deadline from July 1, 1983, to March 1, 1984, for BPA to publish a methodology for implementing Section 7(b)(2) of the Regional Act. To accomplish this, Section 8(e) of the General Contract Provisions was changed as follows:

Change.—Bonneville's wholesale power rates established on any Rate Adjustment Date shall be developed consistent with the provisions of section 7 of Pub. L. 96-501. Bonneville shall develop in consultation with its utility Customers and shall be published by ►March 1, 1984,◄ [July 1, 1983] methodologies as required for implementing section 7(b)(2).

F. Incorporating revisions to provisions required by statute

Purpose.—The General Contract Provisions of the 5(b) contract will be revised as follows to incorporate the changes recently made in the provisions which BPA is required by statute to include in its contracts.

Changes.—35. *Contract Work Hours and Safety Standards.* This contract, if and to the extent required by applicable law or if not otherwise exempted, is subject to the following provisions:

(a) *Overtime Requirements.* No Contractor or Subcontractor contracting for any part of the contract work which may require or involve the employment of laborers[,] ►or◄ mechanics [, apprentices, trainee, watchmen, and guards] shall require or permit or permit any laborer[,] ►or◄ mechanic [, apprentice, trainee, watchman, or guard] in any workweek in which such worker is employed on such work to work in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek [on work subject to the provisions of the Contract Work Hours and Safety Standards Act] unless such laborer[,] δory mechanic [, apprentice, trainee, watchman, or guard] receives compensation at a rate not less than one and one-half times such workers basic rate of pay for all [such] hours worked in excess of eight hours in any calendar day or in excess of 40 hours in such workweek, δas the case may bey [whichever is the greater number of overtime hours].

(b) *Violation; Liability for Unpaid Wages; Liquidated [Liquidation of] Damages.* In the event of any violation of the provisions of subsection (a), the Contractor and any subcontractor responsible therefor shall be liable to any affected employee for such employee's upaid wages. In addition, such Contractor and subcontractor shall be liable to the Government for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer[,] ►or◄ mechanic [, apprentice, trainee, watchman, or guard] employed in violation of the provisions of subsection (a) in the sum of $10 for each calendar day on which such employee was required or permitted to be employed in such work in excess of eight hours or in excess of such employee's standard workweek of 40 hours without payment of the overtime wages required by subsection (a) above.

(c) *Withholding for Unpaid Wages and Liquidated Damages.* Bonneville may withhold, δor cause to be withheld,γ from [the Government Prime Contractor, from] any moneys payable on account of work performed by the Contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in subsection (b) above.

(d) *Subcontracts.* The Contractor shall insert ►in any◄ subcontracts the clauses set forth in ◄subsections (a) through► (c) of this provision and also a clause requiring the subcontracts to include these clauses in any lower tier subcontracts which they may enter into, together with a clause requiring this insertion in any further subcontracts that may in turn be made◄ [(d) of this section in all subcontracts, and shall require their inclusion in all subcontracts of any tier].

37. *Equal Employment Opportunity.* (g) The Contractor will include the provisions of subsections (a) through ►(f)◄ [(g)] in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as Bonneville may direct as a means of enforcing such provisions, including sanctions for noncompliance. In the event the Contractor becomes involved in, or is threatened with, litigation with a subcontract or vendor as a result of such direction by Bonneville, the Contractor may request the Government to enter into such litigation to protect the interests of the Government.

►38. Additional Provisions. The Contractor agrees to comply with the clauses for Government contracts contained in the following statutes, Executive Orders, and regulations to the extent applicable:

(a) The Rehabilitation Act of 1973, Pub. L. 93–112, as amended, and 41 CFR Part 60–741 (affirmative action for handicapped workers);

(b) the Vietnam Era Veterans Readjustment Assistance Act of 1974, Pub. L. 92–540, as amended, and 41 CFR Part 60–250 (affirmative action for disabled veterans and veterans of the Vietnam era);

(c) Executive Order 11625 and 41 CFR 1–1.1310–2 (utilization of minority business enterprises);

(d) the Small Business Act, as amended.◄

This completes the proposed contract change.

Issued in Portland, Oregon, on August 17, 1983.

Peter T. Johnson,

Administrator.

[FR Doc. 83-23427 Filed 8-25-83; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[6COX00257]

Apex Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department of Energy hereby gives Notice of a Proposed Remedial Order which was issued to Apex Oil Company of St. Louis, Missouri. This Proposed Remedial Order alleges violations in the pricing of crude oil of 10 CFR 212.131, 210.62(c), 205.202, 212.182 and 212.183. The total violation alleged during April 1978 through January 1979 is $5,974,033.22.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, Attn: John W. Sturges, Director, 440 S. Houston, Room 306, Tulsa, Oklahoma 74127.

Within 15 days of publication of this Notice any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Tulsa, Oklahoma on the 11th day of August 1983.

John W. Sturges,

Director, Tulsa Office, Economic Regulatory Administration.

[FR Doc. 83-23416 Filed 8-25-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-267 et al.]

Donnelley Printing Co. et al., Certification of Eligible Use of Natural Gas To Displace Fuel Oil

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received the following applications for certification of an eligible use of natural gas to displace fuel oil pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). Notice of these applications, along with pertinent information contained in the applications, was published in the **Federal Register** and an opportunity for public comment was provided for a period of ten calendar days from the date of publication. No comments were

received. More detailed information is contained in each application on file and available for inspection at the ERA Fuels Conversion Division Docket Room, RG–42, Room GA–093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Applicant and facility location	Date filed	Docket No.	"Federal Register" notice of application
Donnelley Printing Co., Lancaster, Pa.	July 18, 1983	83-CERT-267	48 FR 36313, Aug. 10, 1983.
General Electric Co., Lexington, Ky.	July 20, 1983	83-CERT-268	48 FR 36313, Aug. 10, 1983.
Mar-Zane, Inc., Haydenville, Ohio.	...do	83-CERT-269	48 FR 36313, Aug. 10, 1983.

The ERA has carefully reviewed the above applications for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that the applications satisfy the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certifications and transmitted those certifications to the Federal Energy Regulatory Commission.

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

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-23419 Filed 8-25-83; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Presidential Permit PP–80 to Citizens Utilities Company and Record of Decision for Two 25 kV International Distribution Lines From Canaan and Norton, Vermont, to Quebec, Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of issuance of Presidential Permit PP–80 to the Citizens Utilities Company and record of decision for the corresponding pair of 25 kilovolt international distribution lines.

SUMMARY: The Department of Energy has issued Presidential Permit PP–80 to the Citizens Utilities Company (Citizens) authorizing the construction, connection, operation, and maintenance of two 25 kilovolt (kV) international distribution lines from Vermont to Quebec, Canada. The record of decision appears below.

FOR FURTHER INFORMATION CONTACT:

Garet Bornstein, Division of Petroleum and Electricity (RG–44), Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–5935

Lise Courtney M. Howe, Office of General Counsel (GC–11), Department of Energy, Forrestal Building, Mail Stop 6A–141, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–2900.

SUPPLEMENTARY INFORMATION: Record of Decision for two 25 kV International Transmission Lines from Canaan and Norton, Vermont, to Quebec, Canada.

Pursuant to Regulations of the Council on Environmental Quality (40 CFR Part 1505) and Implementing Procedures of the U.S. Department of Energy (45 FR 20694):

Decision

The U.S. Department of Energy (DOE) has reached a decision to issue a Presidential Permit to the Citizens Utilities Company (Citizens) to construct, connect, operate and maintain electric transmission facilities at the international border between the United States and Canada. This Permit is being issued pursuant to Executive Order 10485, as amended by Executive Order 12038.

Project Description

Citizens proposes to construct, connect, operate and maintain two 25 kV transmission lines from the State of Vermont to Canada. The first will connect a 25/34.5 kV substation, located near Route 141 in Canaan, Vermont, with a 25 kV tie point to be established with Hydro-Quebec (HQ) at the U.S./Canadian border. The second will connect a 25/12.5 kV substation, located near Route 114 in Norton, Vermont, with a 24 kV tie point to be established with HQ at the U.S./Canadian border.

The Canaan Substation will be placed alongside an existing highway near the international border. The Norton Substation will be placed alongside an existing transmission line right-of-way. Both transmission lines will be strung on wooden poles parallel to existing highways or transmission line right-of-way. The power to be imported over the Canaan line is on the order of 5 megawatts (MW) each year. The power to be imported over the Norton line is on the order of 1 MW each year.

Further details concerning this project can be found in the application filed by Citizens and also in the negative determination of environmental impacts issued by DOE on May 11, 1983.

Description of Alternatives

DOE has determined that there are no viable alternatives which would provide more efficient supplemental electric energy to Norton and Canaan, Vermont,than Citizens' proposal.

Basis for Decision

DOE is authorized, pursuant to Executive Order 10485, as amended by Executive Order 12038, to grant a Presidential Permit to construct, connect, operate and maintain a transmission line crossing an international border. DOE must determine that the issuance of a permit is consistent with the public interest.

Considerations in Implementation of the Decision

The construction and maintenance of these lines will not involve significant environmental impacts because the small substations and short lines are being placed alongside existing roads and rights-of-way. Operation of the lines will not cause significant impact due to the small amount of power being imported. Thus, no significant impacts to air, water or land use are expected and it was determined that the project would have no significant effects on the quality of human environment. Additionally, all practicable means to minimize environmental harm have been made part of the Permit. Precautions will be taken to minimize radio and television interference with Citizens being responsible for taking appropriate corrective action where warranted.

Reliability impact from the construction and operation of the line also will be minimal. The substation at Norton, Vermont, will contain a 25 kV/12.5 kV, 1 MVA transformer, while the Canaan, Vermont, substation will contain a 25 kV/34.5 kV, 5 MVA transformer. The facilities will not connect to any regional or local bulk power supply system. All loads will be supplied radially from the two proposed Canadian interconnections. At some future date, the applicant expects to eliminate the HQ supply and integrate these facilities into the remainder of its system in the region. The applicant must notify DOE of any action that would

alter the power supply system reviewed herein.

The only reliability issue apparent in this application is the lack of synchronism between the HQ system and other U.S. electric utility systems. Discussions with the applicant indicated that the proposed substations would be supplied solely from the HQ system and at no time would these facilities be connected in parallel with other U.S. utility systems. However, arrangements have been made for Public Service Company of New Hampshire to provide alternate supply upon temporary loss of the two HQ supply feeders. Based on the information made available by the Applicant, DOE staff has determined that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Pursuant to Executive Order 10485, as amended, DOE must receive concurrences by the Department of State and the Department of Defense on its decision to issue the Permit. Both concurred on July 13, 1983.

A copy of the Presidential Permit is available for public inspection and copying at the DOE Freedom of Information Library, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington D.C. 20585, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. August 5, 1983.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 83-23487 Filed 8-25-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER83-369-003]

Alabama Power Co.; Compliance

August 22, 1983.

Take notice that on July 13, 1983, Alabama Power Company (Alabama) in compliance with the Commission's Order of May 5, 1983, submitted for filing its revised cost of service and Period II rates. Included in the filing were revisions to the various statements and exhibits filed under the above-referenced docket.

Any person desiring to be heard or to protest said filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before August 29, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23488 Filed 8-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-681-000]

Georgia Power Co.; Filing

August 23, 1983.

The filing Company submits the following:

Take notice that Georgia Power Company (Georgia Power) on August 16, 1983, tendered for filing an amendment to its contract with the United States of America, Department of Energy, acting by and through Southeastern Power Administration (Georgia Power's Rate Schedule FPC No. 781). The amendment extends the Contract for one year until May 31, 1984, and increases Georgia Power's monthly charge to the government for providing transmission service from $155,192.30 to $194,549.33, effective October 1, 1983.

Georgia Power states that the one-year extension will permit the parties to attempt to negotiate a new contract. Georgia Power contends that its transmission service must be increased to reflect the increased cost of providing transmission service since the rate was established.

Georgia Power requests an effective date of June 1, 1983, and therefore requests waiver of the Commission's notice requirements.

A copy of the filing was served upon the Southeastern Power Administration.

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 September 8, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 83-23489 Filed 8-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-679-000]

Kansas Power and Light Co.; Filing

August 23, 1983.

The filing Company submits the following:

Take notice that on August 15, 1983, the Kansas Power and Light Company (KPL) tendered for filing a newly executed renewal contract dated July 19, 1983 with the City of Wathena, Kansas for wholesale service to that community. KPL states that this contract permits the City of Wathena to receive service under rate schedule WSM–81 designated Supplement No. 8 to R.S. FERC No. 147. KPL further states that the proposed contract change provides essentially for the ten year extension of the original terms of the presently approved contract.

KPL requests an effective date of July 19, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been mailed to the City of Wathena and the State Corporation Commission of Kansas.

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 September 8, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 83-23490 Filed 8-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-677-000]

Louisville Gas and Electric Co.; Filing

August 23, 1983.

The filing Company submits the following:

Take notice that on August 15, 1983, Louisville Gas and Electric Company (LG&E) tendered for filing pursuant to the Agreement between LG&E, the Cincinnati Gas & Electric Company (CG&E) and Tennessee Valley Authority (TVA), an amendment by Letter Agreement.

LG&E states that the purpose of this filing is to amend said Agreement to increase the transmission toll charged by LG&E for energy transactions between CG&E and TVA from the present rate of .365 mill per killowatt-hour on energy furnished by TVA to CG&E and .35 mill per kilowatt-hour on energy furnished by CG&E to TVA to a proposed rate of 1 mill per kilowatt-hour on energy scheduled by either CG&E or TVA. The proposed toll charge was negotiated and agreed to by the affected parties.

Copies of the filing were served upon the Cincinnati Gas & Electric Company, Tennessee Valley Authority and the Public Service Commission of Kentucky.

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 September 8, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 83-23491 Filed 8-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-675-000]

Madison Gas and Electric Co.; Filing

August 23, 1983.

The filing Company submits the following:

Take notice that on August 12, 1983, Madison Gas and Electric Company (MGE) tendered for filing an Energy Sales Contract (the Contract) for initial service to the Wisconsin Public Power, Inc. System (WPPI). MGE states that the Contract provides for the sale of electric energy to WPPI from time to time when MGE has energy available to sell to other utilities and when purchases of such energy are advantageous to WPPI. MGE states further that rates charged for such energy may vary based on several factors, but shall be subject to maximum on-peak and off-peak rates.

MGE requests waiver of the prior notice requirements of the Commission's regulations to allow the Contract to become effective at the earliest possible date.

According to MGE copies of the filing were served upon WPPI and upon the Public Service Commission of Wisconsin.

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 September 6, 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. 83-23492 Filed 8-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-779-000]

Pennsylvania Power Co.; Compliance

August 23, 1983.

Take notice that on August 4, 1983, Pennsylvania Power Company (Penn Power) in compliance with the Commission's Order of January 21, 1982 and the Administrative Law Judge's Initial Decision of June 20, 1983, submitted for filing a revised cost of service study and revised rate schedule applicable to wholesale service.

Penn Power also tendered for filing a description of the changes made to the cost of service study and a revenue analysis of the increased rates.

Copies of the filing were served upon the public utility's jurisdictional customers and upon the other parties on the service list.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before September 6, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23493 Filed 8-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-680-000]

Public Service Company of New Mexico; Filing

August 23, 1983.

The filing Company submits the following:

Take notice that on August 15, 1983, Public Service Company of New Mexico (PNM) tendered for filing Service Schedule F (Agreement for Block Energy Sale) to the Interconnection Agreement (Rate Schedule FERC No. 46) between PNM and Texas-New Mexico Power Company (TNP).

PNM under this agreement shall make available to TNP block energy in the amount of up to 150 gigawatt hours at a rate of delivery of up to 50 megawatts solely and exclusively for PNM to serve its copper industry customers. Interruptibility provisions are set forth in Section 4 of the Agreement. Service commenced on August 3, 1983, and is to continue until February 29, 1984, and from month to month thereafter until terminated by either party in accordance with Section 2.3 of the Agreement.

PNM requests waiver of the Commission's notice requirements to allow this schedule to remain in effect as of August 3, 1983.

Copies of the filing were served upon TNP and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 motions or protests should be filed on or before September 6, 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. 83-23494 Filed 8-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-676-000]

Public Service Company of Oklahoma; Filing

August 23, 1983.

The filing Company submits the following:

Take notice that on August 12, 1983, Public Service Company of Oklahoma (PSO) tendered for filing a Letter Agreement (Agreement) dated June 3, 1983, to be made a part of the Interconnection Agreement between PSO and Western Farmers Electric Cooperative (WFEC). The Agreement provides for a one year extension of the in service date of the second 138 kV East West line to be constructed by WFEC.

PSO requests an effective date of June 3, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been sent to WFEC and the Oklahoma Corporation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 6, 1983. Protests will be considered by the Commission in detemining the appropriate action to be taken, but will not serve to make protestant 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. 83-23495 Filed 8-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-678-000]

San Diego Gas & Electric Co.; Filing

August 23, 1983.

The filing company submits the following:

Take notice that on August 15, 1983, San Diego Gas & Electric Company (SDG&E) tendered for filing as an initial rate schedule an Economy Energy Agreement between SDG&E and State of California Department of Water Resources (DWR), dated June 29, 1983.

SDG&E requests waiver of the Commission's notice requirements to allow service to commence on June 29, 1983.

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 September 8, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 83-23496 Filed 8-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-453-000]

Arkansas Louisiana Gas Co., a Division of Arkla, Inc.; Request Under Blanket Authorization

August 22, 1983.

Take notice that on August 3, 1983, Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Applicant), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP83-453-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Applicant proposes to construct and operate a sales tap and related facilities to provide gas for retail distribution in Pope County, Arkansas, under the authorization issued in Docket Nos. CP82-384-000 and CP82-384-001 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.

Applicant proposes to construct and operate a sales tap and related facilities on its Line BT-4 near Dover in Pope County, Arkansas. It is stated that Applicant would distribute the gas to domestic customers along its new Distribution Rural Extension No. 1119. Applicant estimates that approximately 1,000 Mcf of natural gas per year would be delivered through the proposed facilities. It is indicated that the domestic customers would be billed at Applicant's regular standard state-wide retail rates effective for the applicable class of customer.

The cost of the proposed facilities would be approximately $4,800, it is stated.

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 Section 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. 83-23498 Filed 8-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-454-000]

East Tennessee Natural Gas Co.; Request Under Blanket Authorization

August 22, 1983.

Take notice that on August 3, 1983, East Tennessee Natural Gas Company (East Tennessee), P.O. Box 10245, Knoxville, Tennessee 37919, filed in Docket No. CP83-454-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that East Tennessee proposes to construct and operate a new delivery point for its existing customer, United Cities Gas Company (United Cities), under the authorization issued in Docket No. CP82-412-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

East Tennessee proposes to establish a new delivery point for its existing customer, United Cities, at East Tennessee's Main Line Valve 3304 on its 3300 Line near Tennessee State Highway 160 in Hamblen County, Tennessee. It is explained that the new delivery point would enable United Cities to serve the community of Lowland, which presently does not have gas service. The estimated cost of the facilities is $60,000 which cost would be paid from funds on hand. East Tennessee states that all gas to be sold to United Cities through the proposed new facility would be within United Cities' existing contract volume and/or curtailment period quantity entitlement.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to rule 214 of the

Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23409 Filed 8-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2354-007]

Georgia Power Co.; Application for Change in Land Rights

August 22, 1983.

Take notice that Georgia Power Company, Licensee for the North Georgia Project, FERC No. 2354, on June 22, 1983, filed an application for approval of an easement affecting project land and waters at the Yonah development of the project. The easement would enable the City of Tocoa, Georgia to construct and operate a raw water pumping station at Lake Yonah and to withdraw water from the lake for use in the municipal water works system.

Correspondence with the Licensee should be directed to: Mr. W. L. Westbrook, Senior Vice President, Georgia Power Company, Post Office Box 4545, Atlanta, Georgia 30302.

Agency Comments—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Motions to Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025-26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or motions to intervene must be filed on or before September 26, 1983.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Project Management Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23410 Filed 8-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-383-000]

J. D. McCollum; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

August 22, 1983.

On August 5, 1983, J. D. McCollum (Applicant) of Box 112, Twin Falls, Idaho 83301, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The hydropower facility will be located on the Canyon Springs Golf Course, which is owned by the Applicant and is located north of Twin Falls, Idaho. The primary energy source for the facility will be water from an artesian well. The plant flow rate will be 6.5 cubic feet per second with a head of 344 feet. The electric power production capacity of the facility will be 120 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23411 Filed 8-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-24-001]

Pacific Telephone & Telegraph Co.; Application for Commission Recertification of Qualifying Status of a Cogeneration Facility

August 22, 1983.

On July 22, 1983, Pacific Telephone & Telegraph Company (Applicant), 7337 Trade Street, Room 4110, P.O. Box 26360, San Diego, California 92121, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

Pacific Telephone & Telegraph Company was granted qualifying status for a natural gas-fired topping cycle cogeneration facility, by delegation order issued February 16, 1982. In a letter received by the Commission January 11, 1983, Applicant stated that revisions to the system would result in the facility not meeting the efficiency standard set forth under § 292.205(a)(2) during 1983 but that due to increased thermal demand, the facility would meet the standard in 1984 and thereafter. Applicant states in the July 22, 1983 application, that further revisions to the system operation will result in the facility meeting the standard in 1983 and in future years.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23412 Filed 8-25-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Issuance of Proposed Decision and Order; Period of July 11 Through August 12, 1983

During the period of July 11 through August 12, 1983, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of this proposed decision and order are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave. NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays.

Dated: August 19, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Kentucky Oil and Refining Co., Betsy Layne, Ky., HYX-0013, Crude Oil

The Office of Hearings and Appeals conducted a year-end review of the entitlement exception relief granted to Kentucky Oil and Refining Company for its 1980 fiscal year. The OHA tentatively determined that Kentucky Oil received $1,634,630 more relief than was warranted. On August 12, 1983, the OHA issued a Proposed Decision and Order in which it required Kentucky Oil to purchase entitlements equal in value to $1,634,630. The August 12, 1983 Proposed Decision and Order supersedes a Proposed Decision and Order issued on August 2, 1982, which was found in error with regard to the appropriate level of exception relief that Kentucky Oil should receive for its 1980 fiscal year.

[FR Doc. 83-23421 Filed 8-25-83; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of August 5 Through August 12, 1983

During the Week of August 5 through August 12, 1983, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: August 19, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Aug. 5 through Aug. 12, 1983]

Date	Name and location of applicant	Case No.	Type of submission
Aug. 8, 1983	J. C. Yamas Co., Bakersfield, CA	HFA-0175	Appeal of an information request denial. If granted: The June 30, 1983, Freedom of Information Request Denial issued by the Environmental Protection, Safety, and Emergency Preparedness Office would be rescinded and J. C. Yamas Co. would receive access to the report submitted by Williams Brothers Engineering Co.
Do.	Pennzoil Co., Washington, DC	HQF-0024	Implementation of second stage refund procedures. If granted: The Office of Hearigns and Appeals would implement the second stage refund proceeding in the Consent Order entered into with Pennzoil Co. (Case No. BEF-0072).
Aug. 9, 1983	Seneca Oil Co., Washington, DC	HEE-0075	Price exception. If granted: Seneca Oil Co. would be granted retroactive exception relief which would permit the firm to sell the crude oil produced from various wells located in Major County, Oklahoma, in 1979 at market prices.
Aug. 11, 1983	Economic Regulatory Administration/West Coast Oil Co., Oroville, CA.	HRZ-0161	Interlocutory order. If granted: Certain findings in the Proposed Remedial Order issued July 20, 1982 to West Coast Oil Co. (Case No. HRO-0087) will be deemed to be admitted.
Do.	McKenna, Conner & Cuneo, Washington, DC	HFA-0176	Appeal of an information request denial. If granted: The July 8, 1983, Freedom of Information Request Denial issued by the Nevada Operations Office would be rescinded, and McKenna, Connor & Cuneo would receive access to certain Department of Energy's records regarding Centel Business Systems.
Do.	West Coast Oil Co., Oroville, CA	HRZ-0160	Interlocutory order. If granted: The economic regulatory administration's May 18, 1983, comments will be stricken from the record in West Coast Oil Co. (Case No. HRO-0087).
Aug. 12, 1983	ERA/Entex Petroleum, Inc., Washington, DC	HRR-0069	Request for modification/rescission. If granted: The Feb. 26, 1980, Decision and order (Case No. DRO-0087) issued to Entex Petroleum, Inc., would be modified regarding the substitution of an appropriate remedy.

REFUND APPLICATIONS RECEIVED

[Week of Aug. 5 through Aug. 12, 1983]

Date	Name of refund proceeding/name of refund applicant	Case No.
Aug. 12, 1983	Palo Pinto/Montana	RQ5-10
Do.	Palo Pinto/Indiana	RQ5-11
Aug. 5, 1983-Aug. 12, 1983.	Amoco Refund Applications	RF21-12145-RF21-12160

[FR Doc. 83-23420 Filed 8-25-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPRM-FRL 2422-6]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests that have been forwarded to the Office of Management and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers, Office of Standards and Regulations, Information Management Section (PM-223), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, telephone (202) 382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION:

Toxics Programs

Title: Records of Allegations That Chemical Substances Cause Significant Adverse Reactions (EPA ID 1031).

Abstract: TSCA requires certain manufacturers, processors and distributors of chemical substances/mixtures to retain allegations that their product caused significant adverse reactions to health or the environment. EPA will review these records to determine if further testing or regulation is necessary.

Respondents: Chemical manufacturers, processors and distributors.

Comments on all parts of this notice should be sent to:

David Bowers (PM-223), U.S. Environmental Protection Agency, Office of Standards and Regulations, 401 M Street, SW., Washington, D.C. 20460

and

Don Arbuckle, Vartkes Broussalian, or Anita Ducca, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place NW., Washington, D.C. 20503.

Dated: August 22, 1983.

N. Phillip Ross,

Chief, Statistical Policy Staff.

[FR Doc. 83-23463 Filed 8-25-83; 8:45 am]

BILLING CODE 6560-50-M

[SAB-FRL 2422-7]

Science Advisory Board, Subcommittee on Integrated Environmental Management, Open Meeting—September 12-13, 1983

Under Public Law 92-463 notice is hereby given of a two-day meeting of the Subcommittee on Integrated Environmental Management of the Science Advisory Board. The meeting will begin at 9:15 am on both days in Rooms 3906-08 Mall, EPA Headquarters, 401 M Street, SW., Washington, D.C.

The principal purpose of the meeting is to enable the Subcommittee to carry out a scientific review of the health scoring methodology developed for the iron and steel industry study that was initiated for the Agency's Integrated Environmental Management Project. Specific issues to be addressed include: weighting of different health effects; the shape of dose-response curves for different health effects; accounting for multiple insults to the same organ from different pollutants or effects to more than one organ system for the same pollutants; and other issues of Subcommittee member interest.

The meeting is open to the public. Any member of the public wishing to attend, obtain information, or submit comments to the Subcommittee should contact Dr. Terry F. Yosie, Staff Director, Science Advisory Board, (202) 382-4126 before close of business on September 7, 1983.

Dated: August 19, 1983.

Terry F. Yosie,

Staff Director, Science Advisory Board.

[FR Doc. 83-23464 Filed 8-25-83; 8:45 am]

BILLING CODE 6560-50-M

[(OPTS-51481) BH-FRL 2421-8]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 (a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5 (a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of fifteen PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 83-1047, 83-1048 and 83-1049: November 9, 1983

PMN 83-1050, 83-1051 and 83-1052: November 12, 1983

PMN 83-1053, 83-1054, 83-1055, PMN 83-1056, 83-1057 and 83-1058: November 13, 1983

PMN 83-1059: November 14, 1983

PMN 83-1060, and 83-1061: November 15,1983

Written comments by:

PMN 83-1047, 83-1048 and 83-1049: October 10, 1983

PMN 83-1050, 83-1051 and 83-1052: October 13, 1983

PMN 83-1053, 83-1054, 83-1055, PMN 83-1056, 83-1057 and 83-1058: October 14, 1983

PMN 83-1059: October 15, 1983

PMN 83-1060, and 83-1061: October 16, 1983

ADDRESS: Written comments, identified by the document control number "[OPTS-51481]" and the specific PMN

number should be sent to: Document Control Officer (TS-793), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Margaret Stasikowski, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

PMN 83-1047

Manufacturer. Confidential.

Chemical. (S) Polymer of benzophenone tetracarboxylic dianhydride, methylene dianiline, bicyclo (2.2.1)-5-hepten-2,3 dicarboxylic anhydride.

Use/Production. (G) Resin to make products for contained uses. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Condidential.

Environmental Release/Disposal. .025 to .1 kg/batch released to land. Disposal by incineration.

PMN 83-1048

Manufacturer. Confidential.

Chemical. (G) Polyether polyurethane.

Use/Production. (G) Highly dispersive use. Prod. range: 2,000-200,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 40 workers, up to 8 hrs/da, up to 50 da/yr.

Environmental Release/Disposal. 3 to 10 kg/yr released to land. Disposal by incineration and landfill.

PMN 83-1049

Manufacturer. Confidential.

Chemical. (G) Alkoxy polyalkyleneoxy alkyl trialkoxy silane.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 18 workers, up to 2 hrs/da, up to 7 da/yr.

Environmental Release/Disposal. No release. Disposal by incineration.

PMN 83-1050

Manufacturer. Hercules Incorporated.

Chemical. (G) Cationic acrylamide copolymer.

Use/Production. (S) Industrial paper fine particle retention aid and wastewater clarification and sludge dewatering aid. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: inhalation, a total of 2 workers, up to 8 hrs/da, up to 110 da/yr.

Environmental Release/Disposal. 100 kg/yr released to air. Disposal by publicly owned treatment works (POTW) and approved landfill.

PMN 83-1051

Manufacturer. GTE Products Corporation.

Chemical (S) Thiomolybdic acid, diammonium salt.

Use/Production. (S) Industrial precursor of a direct methanation catalyst. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 6 workers.

Environmental Release/Disposal. 0.01 kg/batch released to air and water with 0.98 kg/batch to land. Disposal by navigable waterway.

PMN 83-1052

Importer. Calgon Corporation.

Chemical. (S) Polymer of: tannin, formaldehyde, monoethanolamine, hydrochloric acid.

Use/Import. (S) Solid/liquid and oil/water separation for industrial and commercial use. Import range: 250,000-750,000 kg/yr.

Toxicity Data. Acute oral: >5 g/kg; Irritation: Skin—Not an irritant, Eye—An irritant; LC_{50}(tilapia sparmanii)-Negative; TD_{50} (guinea pigs, monkeys)—Negative; Ames test: Negative.

Exposure. Import: dermal and inhalation, minimal time involved.

Environmental Release/Disposal. No release.

PMN 83-1053

Manufacturer. Confidential.

Chemical. (G) Epoxy resin.

Use/Production. (G) Resin in coatings. Prod. range: Confidential.

Toxicity Data. Acute oral: 5.3 g/kg; Acute dermal: 2.0 g/kg; Irritation: Skin—Slight, Eye—Slight; Skin sensitization: Negative.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83-1054

Manufacturer. Confidential.

Chemical. (G) Substituted polyether polyurethane.

Use/Production. (G) Open use. Prod. range: 10,000-125,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 35 workers, up to 4 hrs/da, up to 32 da/yr.

Environmental Release/Disposal. 41 kg/batch released to land. Disposal by incineration and approved landfill.

PMN 83-1055

Manufacturer. Confidential.

Chemical. (G) Trisubstituted heteromonocycle.

Use/Production. (G) Incorporating chemical into an article. Prod. range: 1-20 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture, processing and disposal: dermal and inhalation, a total of 196 workers, :up to 24 hrs/da, up to 335 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by POTW and approved landfill.

PMN 83-1056

Manufacturer. Confidential.

Chemical. (G) Trisubstituted heteromonocycle.

Use/Production. (S) Industrial and site-limited intermediate. Prod. range: 1-20 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and processing: dermal and inhalation, a total of 12 workers, up to 8 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by POTW and approved landfill.

PMN 83-1057

Manufacturer. Confidential.

Chemical. (G) 1,1-di(alkylsubstituted)hydrazine.

Use/Production. (S) Site-limited and industrial intermediate. Prod. range: 1-20 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and processing: dermal and inhalation, a total of 12 workers, up to 8 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by POTW and approved landfill.

PMN 83-1058

Manufacturer. Confidential.

Chemical. (G) Methylated alkene-yne.

Use/Production. (G) Reaction modifier. Prod. range: Confidential.

Toxicity Data. Acute oral: > 5,000 mg/kg; Acute dermal: > 2,000 mg/kg; Irritation: Skin—Slight, Eye—Moderate; Ames Test: Negative.

Exposure. Manufacture: a total or 2 workers, up to 2 hrs/da, up to 88 da/yr.

Environmental Release/Disposal. No release.

PMN 83–1059

Manufacturer. CIBA-GEIGY Corporation.

Chemical. (G) Amine salt of perfluoroalkylamido carboxylate.

Use/Productions. (S) 100% industrial use as an oil and water repellent sizing agent for paper and paperboard. Prod. range: Confidential.

Toxicity Data. Acute oral: > 5 g/kg; Irritation: Skin—Mild, Eye—Minimal.

Exposure. Manufacture and use: 200 manhours, maximum third year production.

Environmental Release/Disposal. No release.

PMN 83–1060

Manufacturer. Confidential.

Chemical. (G) Polyamide of tall oil, diethylenetriamine, and polybasic acid.

Use/Production. (G) Open, non-dispersive use. Prod. range: 255,000–300,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 3 workers, up to 2 hrs/da, up to 61 da/yr.

Environmental Release/Disposal. 1–10 kg/batch released to land. Disposal by incineration and approved landfill.

PMN 83–1061

Manufacturer. Confidential.

Chemical. (G) Tetracarboxylic compound.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Minimal environmental impact.

Dated: August 19, 1983.

V. Paul Fuschini,

Acting Director, Management Support Division.

[FR Doc. 83-23304 Filed 8-25-83; 8:45 am]

BILLING CODE 6560-50-M

[(OPTS-53052) BH-FRL 2422-1]

Premanufacture Notices; Monthly Status Report for July 1983

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the **Federal Register** at the beginning of each month reporting the premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired since publication of the last monthly summary. This is the report of July 1983.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance. Nonconfidential portions of the PMNs may be seen in Rm. E–106 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

ADDRESS: Written comments are to be identified with the document control number "[OPTS–53052]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Management Support Division, Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M Street, SW., Washington, DC 20460, (202–382–3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–229, 401 M Street, SW., Washington, DC 20460, (202–382–3736).

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during July; (b) PMNs received previously and still under review at the end of July; (c) PMNs for which the notice review period has ended during July; (d) chemical substances for which EPA has received a notice of commencement to manufacture during July; and (e) PMNs for which the review period has been suspended. Therefore, the July 1983 PMN Status Report is being published.

Dated: August 18, 1983.

Linda A. Travers,

Acting Director, Management Support Division.

Premanufacture Notices Monthly Status Report, July 1983

I. 126 Premanufacture Notices Received During the Month

PMN No.	Identity and generic name	FR citation	Expiration date
83-882	Generic name: Ester of gluco-heptonic acid	48 FR 32381 (7/15/83)	Sept. 28, 1983.
83-883	Generic name: Modified rosin calcum salt	48 FR 32381 (7/15/83)	Do.
83-884	Generic name: Poly(ester amide)	48 FR 32381 (7/15/83)	Do.
83-885	Generic name: Styrene containing copolymer	48 FR 32381 (7/15/83)	Do.
83-886	Generic name: Carbocyclic diol	48 FR 32381 (7/15/83)	Do.
83-887	Generic name: Carbocyclic isocyanate	48 FR 32381 (7/15/83)	Do.
83-888	Generic name: Carbocyclic isocyanate	48 FR 32381 (7/15/83)	Do.
83-889	Generic name: Carbocyclic urethane	48 FR 32382 (7/15/83)	Do.
83-890	Generic name: Carbocyclic urethane	48 FR 32382 (7/15/83)	Do.
83-891	Generic name: Carbocyclic urethane	48 FR 32382 (7/15/83)	Do.
83-892	Generic name: Carbocyclic urethane	48 FR 32382 (7/15/83)	Do.
83-893	Generic name: Substituted sulfobenzoic acid	48 FR 32382 (7/15/83)	Do.
83-894	Generic name: Trisubstituted benzenesulfonic acid	48 FR 32382 (7/15/83)	Do.
83-895	Generic name: Disubstituted benzenesulfonic acid	48 FR 32382 (7/15/83)	Do.
83-896	Generic name: Trisubstituted benzenesulfonic acid, alkali metal salt	48 FR 32382 (7/15/83)	Do.
83-897	Generic name: Polymer of ethylene oxide, maleic anhydride and alkanepolyol and polymer of ethylene oxide, maleic anhydride and alkanepolyol, ammonium salt.	48 FR 32382 (7/15/83)	Do.
83-898	Generic name: Polyether CR1226B	48 FR 32382 (7/15/83)	Do.
83-899	Generic name: Alkyl (hydroxy aryloxy) alkanoate	48 FR 32382 (7/15/83)	Oct. 2, 1983.
83-900	Generic name: Polyglycol, polyalkyl polymer with polyalkanolamine	48 FR 32382 (7/15/83)	Do.
83-901	Generic name: Polyglycol, polyalkyl polymer with polyalkanolamine acetate	48 FR 32382 (7/15/83)	Do.
83-902	Generic name: Polyglycol polyalkyl, polymer with polyalkanolamine hydrochloride	48 FR 32382 (7/15/83)	Do.
83-903	Generic name: Polyalkylenepolyammonium alkanoate hydrohalide	48 FR 32383 (7/15/83)	Do.
83-904	Generic name: 4,4'-thio diether dianhydride	48 FR 32383 (7/15/83)	Do.
83-905	Generic name: Acetyl anilino ether	48 FR 32383 (7/15/83)	Do.
83-906	Generic name: Brominated aryl alkyl ether	48 FR 32383 (7/15/83)	Do.

I. 126 Premanufacture Notices Received During the Month—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
83-907	Generic name: Substituted benzoyl benzoic acid	48 FR 32383 (7/15/83)	Do.
83-908	Generic name: Ethylated amino phenol	48 FR 32383 (7/15/83)	Do.
83-909	Generic name: Amino phenol	48 FR 32383 (7/15/83)	Do.
83-910	Generic name: Anilino-ether	48 FR 32383 (7/15/83)	Do.
83-911	Generic name: 2,2-dimethyl butanoic acid	48 FR 32383 (7/15/83)	Oct. 3, 1983.
83-912	Generic name: Substituted, amine salt	48 FR 32383 (7/15/83)	Do.
83-913	Generic name: Copper sulfonylphenazopolyhydroxy phenazobenzoate	48 FR 32383 (7/15/83)	Do.
83-914	Generic name: Polyester of dicarboxylic acids and substituted alkanes	48 FR 32383 (7/15/83)	Do.
83-915	Generic name: Poly alkylene polyol	48 FR 32383 (7/15/83)	Do.
83-916	Generic name: [(Benzoquinolinyl)-(Methimidazolylmethylene)] Indenedion deriv.	48 FR 32383 (7/15/83)	Do.
83-917	Generic name: Substituted (cyanophenyl-thiazolyl) tetraazo dimethoxybenzene	48 FR 32383 (7/15/83)	Do.
83-918	Generic name: Aminomethyl sulfide	48 FR 32384 (7/15/83)	Do.
83-919	Generic name: Trisubstituted pyrimidine	48 FR 32384 (7/15/83)	Do.
83-920	Generic name: Phosphonocarboxylic acid derivative	48 FR 32384 (7/15/83)	Do.
83-921	Generic name: Hydrolyzed copolymer based on maleic anhydride	48 FR 32384 (7/15/83)	Do.
83-922	Generic name: Substituted aniline	48 FR 32384 (7/15/83)	Oct. 4, 1983.
83-923	Generic name: Substituted vinyl pyridine salt	48 FR 32384 (7/15/83)	Do.
83-924	Generic name: Polymer of substituted vinyl pyridine salt	48 FR 32384 (7/15/83)	Do.
83-925	Generic name: Substituted benzenesulfonamide	48 FR 32384 (7/15/83)	Do.
83-926	Generic name: Substituted benzenesulfonamide	48 FR 32384 (7/15/83)	Do.
83-927	Generic name: Amino aliphatic propoxylate	48 FR 32384 (7/15/83)	Do.
83-928	Generic name: Polyglycolamine	48 FR 32384 (7/15/83)	Do.
83-929	Generic name: Mixed phthalic-glycol polyester polymer	48 FR 32384 (7/15/83)	Do.
83-930	Generic name: Modified phenol/formaldehyde resin	48 FR 33532 (7/22/83)	Oct. 5, 1983.
83-931	Generic name: Branched polyamidoamine	48 FR 33532 (7/22/83)	Do.
83-932	Vinylbenzal-2,4-disodium disulfonate/vinyl alcohol copolymer	48 FR 33532 (7/22/83)	Do.
83-933	Polymer of styrene and sodium styrene sulfonate	48 FR 33532 (7/22/83)	Do.
83-934	Generic name: Fatty acid polyamide	48 FR 33532 (7/22/83)	Do.
83-935	Generic name: Fatty acid polyamide	48 FR 33532 (7/22/83)	Do.
83-936	Generic name: Alkyl ester of alkenyl succinic acid	48 FR 33532 (7/22/83)	Do.
83-937	Generic name: Fatty acid polyamide	48 FR 33533 (7/22/83)	Do.
83-938	Generic name: A polymer of methacrylic acid derivatives and a substituted alkane	48 FR 33533 (7/22/83)	Do.
83-939	Oxo-heptyl acetate	48 FR 33533 (7/22/83)	Do.
83-940	Generic name: Aromatic carbonate	48 FR 33533 (7/22/83)	Oct. 8, 1983.
83-941	Generic name: Reaction product of hexane, 1-6 disocyanate and 2-alkeneamide, 2 methyl-N-(substituted methoxy).	48 FR 33533 (7/22/83)	Do.
83-942	Generic name: Ethylene polymer with mixed alpha olefins	48 FR 33533 (7/22/83)	Do.
83-943	Generic name: Vinyl aromatic methacrylate polymer	48 FR 33533 (7/22/83)	Do.
83-944	Generic name: Cationic polymer	48 FR 33533 (7/22/83)	Do.
83-945	Generic name: Poly(amide ester)	48 FR 33533 (7/22/83)	Do.
83-946	Generic name: Polyglycol alcohol polymer	48 FR 33533 (7/22/83)	Do.
83-947	Generic name: 1-hydrocarbyl pyridinium halide	48 FR 33533 (7/22/83)	Do.
83-948	Generic name: Halogenated aryl alkoxide	48 FR 33533 (7/22/83)	Do.
83-949	Generic name: Polyglicidyl ethers of hydrocarbon novolac	48 FR 33534 (7/22/83)	Do.
83-950	Generic name: Carboxylated arylalkene alkadiene copolymer	48 FR 33534 (7/22/83)	Do.
83-951	Generic name: Polypropylene glycol/bisphenol copolymer	48 FR 33534 (7/22/83)	Do.
83-952	Void		
83-953	Generic name: Modified phenol-formaldehyde alkyl ether amine	48 FR 33534 (7/22/83)	Do.
83-954	Generic name: Modified styrene—acrylic polymer	48 FR 33534 (7/22/83)	Do.
83-955	Generic name: Polybutadiene ester acylcaprolactam	48 FR 33534 (7/22/83)	Do.
83-956	Generic name: Polyallylether polymer	48 FR 33534 (7/22/83)	Do.
83-957	Generic name: Spiro-[isobenzofuran-xanthene]	48 FR 33534 (7/22/83)	Do.
83-958	Generic name: Dialkylphenyl substituted amine	48 FR 33534 (7/22/83)	Do.
83-959	Generic name: Cresol—formaldehyde resin	48 FR 33534 (7/22/83)	Oct. 9, 1983.
83-960	Generic name: Silicone modified polyester resin	48 FR 33534 (7/22/83)	Do.
83-961	2,2'-dihydroxydiethylamine p-methoxy cinnamate	48 FR 33534 (7/22/83)	Do.
83-962	Generic name: Acrylic unsaturated acid terpolymer	48 FR 33534 (7/22/83)	Do.
83-963	Generic name: Modified dialdehyde starch	48 FR 33534 (7/22/83)	Do.
83-964	Magnesium aluminum hydroxy anion chloride	48 FR 33535 (7/22/83)	Oct. 8, 1983.
83-965	Magnesium aluminum hydroxy anion carbonate	48 FR 33535 (7/22/83)	Do.
83-966	Magnesium aluminum hydroxy anion bicarbonate	48 FR 33535 (7/22/83)	Do.
83-967	Generic name: Isocyanate terminated ricinoleate prepolymers	48 FR 33535 (7/22/83)	Oct. 10, 1983.
83-968	Generic name: Isocyanate terminated ricinoleate prepolymers	48 FR 33535 (7/22/83)	Do.
83-969	Generic name: Terpolymer of alkyl methacrylates and divinyl benzene	48 FR 33535 (7/22/83)	Do.
83-970	Generic name: Aromatic aliphatic branched polyester resin	48 FR 33535 (7/22/83)	Do.
83-971	Generic name: Alkyl metallic halide	48 FR 33535 (7/22/83)	Do.
83-972	Methyl fluorene-9-carboxylate	48 FR 33535 (7/22/83)	Do.
83-973	9-methyl carboxylate-9-aminophenyl (4-dimethylamino) fluorene	48 FR 33535 (7/22/83)	Do.
83-974	Methyl 9-bromofluorene-9-carboxylate	48 FR 33535 (7/22/83)	Do.
83-975	Generic name: (Polyurethane from polyhydroxy-alkyls and an aromatic diisocyanate)	48 FR 33535 (7/22/83)	Oct. 11, 1983.
83-976	Generic name: Fluoroalkylamine	48 FR 34507 (7/29/83)	Oct. 12, 1983.
83-977	Generic name: Acrylic polymer	48 FR 34507 (7/29/83)	Oct. 16, 1983.
83-978	Generic name: Aromatic copolyester	48 FR 34507 (7/29/83)	Do.
83-979	Generic name: Blocked nitrile fumarate polymer	48 FR 34507 (7/29/83)	Oct. 17, 1983.
83-980	Generic name: Cyanoacetate ester	48 FR 34507 (7/29/83)	Do.
83-981	Generic name: Quaternized alkyl amine	48 FR 34507 (7/29/83)	Oct. 18, 1983.
83-982	Generic name: Cyanoacrylate ester	48 FR 34507 (7/29/83)	Do.
83-983	Generic name: Styrene/acrylic copolymer	48 FR 34507 (7/29/83)	Do.
83-984	Generic name: Styrene/acrylic copolymer	48 FR 34507 (7/29/83)	Do.
83-985	Generic name: Styrene/acrylic copolymer	48 FR 34507 (7/29/83)	Do.
83-986	Generic name: Amino silane	48 FR 34507 (7/29/83)	Do.
83-987	Generic name: Amino silane	48 FR 34508 (7/29/83)	Do.
83-988	Generic name: Hydroxy functional silane	48 FR 34508 (7/29/83)	Do.
83-989	Generic name: Substituted carboxylated cocoimidazoline	48 FR 35713 (8/5/83)	Oct. 22, 1983.
83-990	3-aminonaphthalene-1,5-disulfonic acid, monosodium salt	48 FR 35713 (8/5/83)	Do.
83-991	Generic name: Substituted sulfated naphthylazo sodium salt	48 FR 35713 (8/5/83)	Do.
83-992	Generic name: Co-polymer of styrene and an alkyl methacrylate	48 FR 35713 (8/5/83)	Do.
83-993	Polymer of: adipic acid, dipropylene glycol, lauric acid, trimellitic anhydride, trimethylol propane, and triphanyl phosphite.	48 FR 35713 (8/5/83)	Oct. 23, 1983.
83-994	Generic name: Saturated natural fatty acid choline chloride	48 FR 35713 (8/5/83)	Do.
83-995	Generic name: Complex of a substituted oxazoline and a metal-substituted pyrazol	48 FR 35713 (8/5/83)	Do.

I. 126 Premanufacture Notices Received During the Month—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
83-996	1,3-benzenedicarboxylic acid, polymer with 1,4 benzenedicarboxylic acid, (1,1' biphenyl)-4,4'-diol and 4-hydroxybenzoic acid.	48 FR 35713 (8/5/83)	Do.
83-997	Generic name: 6-diethylamino-2-(substituted) spiro(xanthene-9,3'-phthalide)	48 FR 35713 (8/5/83)	Do.
83-998	Generic name: 6-dibutylamino-2-(substituted) spiro(xanthene-9,3'-phthalide)	48 FR 35714 (8/5/83)	Do.
83-999	Generic name: Substituted oxazoline	48 FR 35714 (8/5/83)	Oct. 24, 1983.
83-1000	Generic name: Heptasodium salt of 3,5-bis[4-(7-(2-substituted-phenylazo)-3,6-disulfo-8-hydroxy-1-naphthylamino)-6-chloro-1,3,5-triazin-2-ylamino]benzoic acid.	48 FR 35714 (8/5/83)	Oct. 25, 1983.
83-1001	N,N,N',N',N'',N''-hexaisopropyl thiomelamine	48 FR 36647 (8/12/83)	Oct. 26, 1983.
83-1002	Hexamethylene-1,6-bisthiosulfate, nickel salt; hexahydrate	48 FR 36647 (8/12/83)	Do.
83-1003	Propanoic acid, 3-[(dibutoxyphosphinothioyl) dithio]-methyl ester	48 FR 36648 (8/12/83)	Do.
83-1004	Hexamethylene 1,6-bisthiosulfate, disodium salt, dihydrate	48 FR 36648 (8/12/83)	Do.
83-1005	Generic name: Polycarboxylic acid, alkanolamine salt	48 FR 36648 (8/12/83)	Do.
83-1006	Generic name: (Amino)-(hydroxy)-(substituted)-(substituted) naphthalenedisulfonic acid; and (amino)-(hydroxy)-(substituted)-(substituted) naphthalenedisulfonic acid, salts with sodium and potassium.	48 FR 36648 (8/12/83)	Do.
83-1007	Generic name: (Substituted)-(substituted)-hydroxy-naphthalenesulfonic acid, sodium salts	48 FR 36648 (8/12/83)	Do.
83-1008	Generic name: Dihydro-(substituted)-(substituted)-(substituted)-1H-indole	48 FR 36648 (8/12/83)	Do.

II. 86 Premanufacture Notices Received Previously and Still Under Review At the End of the Month

PMN No.	Identity and generic name	FR citation	Expiration date
83-796	Generic name: Aminomethylphosphonic acid	48 FR 26885 (6/10/83)	Aug. 29, 1983.
83-797	Generic name: Aminomethylene phosphonic acid	48 FR 26885 (6/10/83)	Do.
83-798	Generic name: Blocked polyurethane prepolymer	48 FR 26885 (6/10/83)	Do.
83-799	N, N,-dimethyl-S-benzyldithiocarbamate	48 FR 26885 (6/10/83)	Do.
83-800	Polymer of: coconut oil, coconut fatty acid, glycerin, phthalic anhydride, and maleic anhydride	48 FR 26885 (6/10/83)	Do.
83-801	Polymer of: tall oil fatty acids, isophthalic acid, phthalic anhydride, pentaerythritol, dipentaerylthritol, trimethylpentane diol, trimellitic anhydride.	48 FR 26885 (6/10/83)	Do.
83-802	Generic name: Polymer of mixed fatty acids, unsubstituted aromatic and aliphatic dicarboxylic acids, an alky-substituted triol, and substituted alkyl diols.	48 FR 26885 (6/10/83)	Do.
83-803	Generic name: Prepolymerized halogenated silicon magnesium aluminum oxotitanate	48 FR 26885 (6/10/83)	Do.
83-804	3'-(p-(dimethylamino)phenyl)Spiro-(fluorene-9, 4'-oxazolidine-2',5' dione	48 FR 26885 (6/10/83)	Do.
83-805	Generic name: Saturated polyester resin	48 FR 26885 (6/10/83)	Do.
83-806	Generic name: Metal oxide	48 FR 26886 (6/10/83)	Do.
83-807	Generic name: Substituted azo substituted benzenesulfonic acid	48 FR 26886 (6/10/83)	Do.
83-808	2-,3-, and 4-pinanol mixture	48 FR 26886 (6/10/83)	Do.
83-809	Generic name: Saturated polyester	48 FR 26886 (6/10/83)	Do.
83-810	Generic name: Cyclo alkyl acrylate	48 FR 26886 (6/10/83)	Do.
83-811	Generic name: Aliphatic alkyl acrylate	48 FR 26886 (6/10/83)	Do.
83-812	Generic name: Blocked polyurethane prepolymer	48 FR 26888 (6/10/83)	Do.
83-813	Generic name: Cationic polymer	48 FR 29048 (6/24/83)	Sept. 3, 1983.
83-814	Generic name: Styrene, mixed acrylate copolymer	48 FR 29048 (6/24/83)	Do.
83-815	Generic name: Modified polyacrylate	48 FR 29049 (6/24/83)	Do.
83-816	Generic name: Alkenyl mercapto thiadiazole	48 FR 29049 (6/10/83)	Do.
83-817	Generic name: Disperse blue azo dye	48 FR 29049 (6/24/83)	Do.
83-818	Generic name: Disperse blue azo dye	48 FR 29049 (6/24/83)	Do.
83-819	Generic name: Polymer of a long chain fatty acid, hydroxy functional alkane, phthalic acid, substituted and unsubstituted anhydrides and a hydroxy functional resin.	48 FR 29049 (6/24/83)	Sept. 6, 1983.
83-820	Generic name: Disubstituted heterocyclic azo disubstituted benzene	48 FR 29049 (6/24/83)	Do.
83-821	Generic name: Trisubstituted phenyl azo disubstituted heterocycle	48 FR 29049 (6/24/83)	Do.
83-822	Generic name: Trisubstituted aniline	48 FR 29049 (6/24/83)	Do.
83-823	Generic name: Organofunctional polydimethyl-siloxane	48 FR 29049 (6/24/83)	Do.
83-824	Generic name: Organofunctional polydimethyl-siloxane	48 FR 29049 (6/24/83)	Do.
83-825	Generic name: Disubstituted pyridinium bromide	48 FR 29054 (6/24/83)	Do.
83-826	Generic name: Disubstituted pyridinium bromide	48 FR 29055 (6/24/83)	Sept. 7, 1983.
83-827	Generic name: Disubstituted pyridinium bromide	48 FR 29055 (6/24/83)	Do.
83-828	Generic name: Aliphatic sulfonate salt	48 FR 29055 (6/24/83)	Sept. 11, 1983.
83-829	Generic name: Bis(azo) substituted naphthalene disulfonic acid, alkali metal salt	48 FR 29055 (6/24/83)	Do.
83-830	Generic name: Arylazo disubstituted naphthalene-disulfonic acid, alkali metal salt	48 FR 29055 (6/24/83)	Do.
83-831	Generic name: Disazo solvent red dye	48 FR 29055 (6/24/83)	Do.
83-832	Generic name: Prepolymerized halogenated magnesium, zirconium, aluminum oxo-titanate	48 FR 29055 (6/24/83)	Do.
83-833	Generic name: Coconut oil epoxy polymer	48 FR 29055 (6/24/83)	Do.
83-834	Generic name: Coconut oil alkyd	48 FR 29055 (6/24/83)	Do.
83-835	Generic name: Substituted benzoate salt	48 FR 29055 (6/24/83)	Do.
83-836	Generic name: Aliphatic esters	48 FR 29055 (6/24/83)	Sept. 12,1983.
83-837	Generic name: Barium salts of aliphatic esters	48 FR 29055 (6/24/83)	Do.
83-838	Generic name: Calcium salts of aliphatic esters	48 FR 29055 (6/24/83)	Do.
83-839	4-Nitrophenol-2-sulfonic acid, disodium salt	48 FR 29055 (6/24/83)	Sept. 13, 1983.
83-840	Polymer of: methyl glucoside, propylene oxide, ethylene oxide, diethylene glycol, polyethylene terophthalate.	48 FR 30434 (7/1/83)	Sept. 14, 1983.
83-841	2,2-dimethyl-1, 3-propanediol polymer with 1,4-cyclohexane-dimethanol, 1,6-hexanedicic acid; 1,3-benzenedicarboxylic acid and 1,4-benzenedicarboxylic acid.	48 FR 30434 (7/1/83)	Do.
83-842	2,2-dimethyl-1, 3-propanediol, polymer with 1,6-hexanediol; 1,6-hexanedioic acid, 1,3-benzenedicarboxylic acid and 1,4-benzenedicarboxylic acid.	48 FR 30434 (7/1/83)	Do.
83-843	2,2'-(ethylenedioxy-bis-(2-phenylazo))-bis-(N-2,3-dihydro-2- = oxo-1H-benzimidazol-5-yl) 3-oxo-butanamide.	48 FR 30434 (7/1/83)	Do.
83-844	Generic name: Disubstituted heteropolycyclic dye	48 FR 30434 (7/1/83)	Do.
83-845	Generic name: Tertasodium salt of μ-(2-(2-hydroxy-3-nitro-5-sulfo-phenylazo)-2'-(2-hydroxy-5-substituted-3-sulfphenylazo)-3,3'-disulfo-6,6'-iminodi-1-naphtholate-(0,0',0'',0''')(8-))dicopper (II) acid.	48 FR 30434 (7/1/83)	Do.
83-846	Generic name: C.I. basic blue 54	48 FR 30434 (7/1/83)	Do.
83-847	Generic name: Spiro xanthene	48 FR 30434 (7/1/83)	Do.
83-848	Generic name: Modified polyester polyurethane containing substituted alkanediol and diphenylmethane disocyanate.	48 FR 30434 (7/1/83)	Do.
83-849	Generic name: Metal complex with substituted 4-phenylazo pyrazol-3-one and substituted benzenesulfonic acid.	48 FR 30435 (7/1/83)	Sept. 18, 1983.
83-850	Generic name: Substituted phenylazo naphthalene-sulfonic acid	48 FR 30435 (7/1/83)	Do.
83-851	Generic name: Substituted phosphonium borate	48 FR 30435 (7/1/83)	Do.

II. 86 Premanufacture Notices Received Previously and Still Under Review At the End of the Month—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
83-852	Generic name: Addition polymerization product of: isobornyl methacrylate; isobutyl methacrylate and isocyanatoethylmethacrylate.	48 FR 30435 (7/1/83)	Do.
83-853	Generic name: Polymer of aliphatic diol, hydroxy functional resin, aromatic diacid, aliphatic diacid, and aromatic polyacid.	48 FR 30435 (7/1/83)	Do.
83-854	Generic name: Salt of aminomethyl phosphonic acid	48 FR 30435 (7/1/83)	Do.
83-855	Generic name: Salt of aminomethyl phosphonic acid	48 FR 30435 (7/1/83)	Do.
83-856	Generic name: Salt of aminomethyl phosphonic acid	48 FR 30435 (7/1/83)	Do.
83-857	Generic name: Salt of aminomethyl phosphonic acid	48 FR 30435 (7/1/83)	Do.
83-858	Generic name: Salt of aminomethyl phosphonic acid	48 FR 30435 (7/1/83)	Do.
83-859	Generic name: Salt of aminomethyl phosphonic acid	48 FR 30435 (7/1/83)	Do.
83-860	Generic name: Metal complexed substituted aromatic azo compound	48 FR 30435 (7/1/83)	Sept. 19, 1983.
83-861	Generic name: Substituted vinyl polymer	48 FR 30435 (7/1/83)	Do.
83-862	Generic name: Anhydro polyol monoalkanoate	48 FR 30435 (7/1/83)	Do.
83-863	Generic name: Thiazolium salt, N-substituted, 3-substituted	48 FR 30435 (7/1/83)	Sept. 20, 1983.
83-864	Generic name: Disazo pigment of a substituted benzidine ans acetoacetanilide derivative	48 FR 30436 (7/1/83)	Do.
83-865	Generic name: Disazo pigment of a substituted benzidine and p-aminoacetoacetanilide derivative	48 FR 30436 (7/1/83)	Do.
83-866	Generic name: Modified rosin zinc salt	48 FR 31461 (7/8/83)	Sept. 21, 1983.
83-867	Generic name: Alkyl ethoxylated, sulfated salt	48 FR 31461 (7/8/83)	Sept. 24, 1983.
83-868	Generic name: Tallow alkyl, substituted propylene diamine	48 FR 31461 (7/8/83)	Do.
83-869	Generic name: Reaction product of a diamine, cycloaliphatic dieopxide and a hydroxyl functional acid.	48 FR 31461 (7/8/83)	Do.
83-870	Generic name: Modified polyurethane from aliphatic polyester alkanepolyols and aliphatic diisocyanate.	48 FR 31461 (7/8/83)	Do.
83-871	Generic name: [Alkoxyalkyloxadiazol-nitrophenazol]-[Bisalkylamino-methylpyridine nitril]	48 FR 31461 (7/8/83)	Do.
83-872	Generic name: Epoxy modified alkyl polysiloxane	48 FR 31461 (7/8/83)	Sept. 25, 1983.
83-873	Generic name: Substituted polyurethane	48 FR 31461 (7/8/83)	Do.
83-874	Generic name: Copolymer of alkyl and substituted alkyl methacrylates	48 FR 31461 (7/8/83)	Do.
83-875	4-(2-cyano-4-nitrophenylazo)-[N-(2-cyanoethyl)-N(2-phenoxyethyl)amino]benzene	48 FR 31462 (7/8/83)	Sept. 26, 1983.
83-876	4-(2-cyano-4-nitrophenylazo)-[N,N-bis(2-propionyloxyethyl)amino]-3-chlorobenzene	48 FR 31462 (7/8/83)	Do.
83-877	Generic name: Polymer of aliphatic diamine and benzenedicarboxylic acid	48 FR 31462 (7/8/83)	Do.
83-878	2-Propanesulfenamide, N,N',N''-phosphinylidine-tris[N-phenyl]	48 FR 31462 (7/8/83)	Do.
83-879	Generic name: Epoxy modified acrylic copolymer	48 FR 31462 (7/8/83)	Sept. 27, 1983.
83-880	Generic name: Substituted-oxo-N-(substituted) butanamide, dichloride	48 FR 31462 (7/8/83)	Do.
83-881	Generic name: (Substituted) (substituted) anthraquinone	48 FR 31462 (7/8/83)	Do.

III. 77 Premanufacture Notices for Which the Notice Review Period has Ended During the Month. (Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory.)

PMN No.	Identity and generic name	FR citation	Expiration date
83-263	Generic name: Substituted thiocyclic compound	47 FR 55423 (12/9/82)	July 2, 1983.
83-350	Withdrawn as of July 6, 1983.		
83-389	Generic name: ((Substituted heterocycle)azo) substituted aniline, acid salts	48 FR 3046 (1/24/83)	July 11, 1983.
83-518	1,1' (isopropylidenebis(6-hydroxy-m-phenylene)] bis[tetrahydisthiophenium hydroxide) bis (inner salt) tetrahydrate.	48 FR 10469 (3/11/83)	July 24, 1983.
83-601	Generic name: Halogenated alkene acid ester	48 FR 15181 (4/7/83)	July 20, 1983.
83-610	Generic name: Disubstituted glycine complex	48 FR 16331 (4/15/83)	July 2, 1983.
83-611	Generic name: Disubstituted glycine	48 FR 16331 (4/15/83)	Do.
83-612	Generic name: Polymer of alkyl and heteromono-cyclic amines and an alkanedioic acid	48 FR 16331 (4/15/83)	Do.
83-613	1,3 Benzenedmethanamine polymer with (chloromethyl) oxirane	48 FR 16331 (4/15/83)	July 3, 1983.
83-614	Generic name: Modified fluoroaliphatic adduct	48 FR 16331 (4/15/83)	Do.
83-615	Generic name: Perfluoroaliphatic isocyanate adduct	48 FR 16331 (4/15/83)	Do.
83-616	Cesium permanganate	48 FR 16332 (4/15/83)	July 4, 1983.
83-617	Cesium aluminum sulfate	48 FR 16332 (4/15/83)	Do.
83-618	Generic name: CI direct red 259	48 FR 16332 (4/15/83)	July 5, 1983.
83-619	Cuprate(5-), [μ-[2-[[1-[4-[2-[4-[[4-[2-[4-[4-[(2-carboxyphenyl]azo]-4,5-dihydro-3-methyl-5-oxo-1*H*-pyrazol-1-yl]-2-sulfophenyl] ethenyl]-3-sulfophenyl]amino]-6-(phenylamino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]ethenyl]-3-sulfophenyl]-4,5-dihydro-3-methyl-5-oxo-1*H*-pyrazol-4-yl]azo]-5-sulfobenzoato(9-)]]di, pentasodium.	48 FR 16332 (4/15/83)	Do.
83-620	Generic name: CI direct red 260	48 FR 16332 (4/15/83)	Do.
83-621	Benzoic acid, 2-[[1-[4-[2-[4-[[4-[[4-[2-[4-[4-[(2-carboxyphenyl]azo]-4,5-dihydro-3-methyl-5-oxo-1*H*-pyrazol-1-yl]-2-sulfophenyl]ethenyl]-3-sulfophenyl]amino]-6-(phenylamino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]ethenyl]-3-sulfophenyl]-4,5-dihydro-3-methyl-5-oxo-1*H*-pyrazol 4-yl]azo]-5-sulfo-, pentasodium salt.	48 FR 16332 (4/15/83)	Do.
83-623	Generic name: [Bis(alkylphenamino)-fluoran]](phenimidazolyl)bis methylene] deriv. phosphate	48 FR 16332 (4/15/83)	Do.
83-624	Generic name: Styrene-acrylate-methacrylate copolymer	48 FR 16332 (4/15/83)	Do.
83-625	Generic name: Polyamine adduct	48 FR 16332 (4/15/83)	Do.
83-626	Generic name: Substituted melamine formaldehyde compound	48 FR 16332 (4/15/83)	Do.
83-627	Generic name: Substituted diyne urethane	48 FR 17385 (4/22/83)	July 6, 1983.
83-628	Reaction product of diglycidyl ether of bisphenol A, dimer acid, soya fatty acid and dimethylol propionic acid.	48 FR 17385 (4/22/83)	July 9, 1983.
83-629	Reaction product of 2-butanone oxime and polymethylene polyphenylene isocyanate	48 FR 17385 (4/22/83)	Do.
83-630	Generic name: Reaction product of an aromatic diglycidyl ether an amine and a cyclic ester	48 FR 17385 (4/22/83)	Do.
83-631	Generic name: Polymer of formaldehyde and substituted phenols	48 FR 17385 (4/22/83)	Do.
83-632	7-[4 chloro-6-[3-[2-(hydroxy sulfonyloxy) ethylsulfonyl)-N-ethylanilino]-1,3,5-triazine-2-ylamino]-4-hydroxy-3-(4-methoxy-2-sulfophenylazo)-2-naphthalenesulfonic acid, trisodium salt.	48 FR 17385 (4/22/83)	July 10, 1983.
83-633	4-amino-5-hydroxy-3-[3-[2-(hydroxysulfonyloxy) ethylsulfonyl]phenylazo]-6-(1,5-disulfo-2-naphthylazo)-2,7-naphthalenedisulfonic acid, pentasodium salt.	48 FR 17385 (4/22/83)	Do.
83-635	Generic name: Isocyanate functional polyester urethane prepolymer	48 FR 17386 (4/22/83)	July 11, 1983.
83-636	Generic name: Modified polyester polyurethane	48 FR 17386 (4/22/83)	Do.
83-637	Generic name: Polyether alkenyl alkanyl esters	48 FR 17386 (4/22/83)	July 12, 1983.
83-638	Generic name: Polyether alkenyl alkanyl esters	48 FR 17386 (4/22/83)	Do.
83-639	Generic name: Trisubstituted benzoxazolium salt	48 FR 17386 (4/22/83)	Do.
83-640	Generic name: Disubstituted benzenamine	48 FR 17386 (4/22/83)	Do.
83-641	Generic name: Trisubstituted benzothiazolium salt	48 FR 17386 (4/22/83)	Do.
83-642	Generic name: Disubstituted phenol	48 FR 20487 (5/6/83)	July 13, 1983.
83-643	Generic name: Disubstituted benzoxazole	48 FR 20488 (5/6/83)	Do.
83-644	Generic name: Trisubstituted benzoxazolium salt	48 FR 20488 (5/6/83)	Do.

III. 77 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY.)—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
83-645	Generic name: Alkyd polymer from a vegetable oil with substituted alkanediols and carbomonocyclic acids.	48 FR 20488 (5/6/83)	Do.
83-646	Generic name: Modified alkyd resin	48 FR 20486 (5/6/83)	Do.
83-647	Generic name: Polymer of formaldehyde and substituted phenols	48 FR 20488 (5/6/83)	Do.
83-648	Generic name: Polymer of formaldehyde and substituted phenols	48 FR 20488 (5/6/83)	Do.
83-649	Generic name: Polymer of formaldehyde and substituted phenols	48 FR 20488 (5/6/83)	Do.
83-650	Generic name: Polymer of a diisocyanate, polyether, alkanol substituted cycloalkane, dipropylene glycol.	48 FR 20488 (5/6/83)	July 16, 1983.
83-651	Generic name: Polymer of a diisocyanate polyether glycol, alkanol substituted cycloalkane, dipropylene glycol, alkanol diamine, substituted bisphenol A polymer.	48 FR 20488 (5/6/83)	Do.
83-652	Generic name: Modified poly(amido-amine)	48 FR 20488 (5/6/83)	July 17, 1983.
83-653	Generic name: Disubstituted isobenzofurandione, disubstituted bis phenyleneoxy bis copolymer with tetracarboxy carbocycle and disubstituted benzenediamine.	48 FR 20488 (5/6/83)	Do.
83-655	Generic name: Naphthalenesulfonic acid, derivative, ester with hydroxybenzo-phenone	48 FR 20488 (5/6/83)	Do.
83-656	Generic name: Substituted alkyl carboxylic acid, carbomonocyclic ester	48 FR 20488 (5/6/83)	July 18, 1983.
83-657	Generic name: Pentasubstituted benzimidazolium salt	48 FR 20489 (5/6/83)	July 19, 1983.
83-658	Generic name: Trisubstituted benzenamine	48 FR 20489 (5/6/83)	Do.
83-659	Generic name: Tetrasubstituted benzene	48 FR 20489 (5/6/83)	Do.
83-660	Generic name: Perfluorinated hydrocarbon	48 FR 20489 (5/6/83)	Do.
83-661	Generic name: Polyimide ester	48 FR 20490 (5/6/83)	July 20, 1983.
83-662	Generic name: Melamine formaldehyde resin	48 FR 20490 (5/6/83)	Do.
83-664	Generic name: Substituted benzoic acid	48 FR 20490 (5/6/83)	July 23, 1983.
83-665	Generic name: Mixed polyalkoxy alkyl siloxanes and silasesquioxanes	48 FR 20490 (5/6/83)	July 24, 1983.
83-666	Generic name: Aromatic alkyd	48 FR 20490 (5/6/83)	Do.
83-667	Generic name: Pentasubstituted benzimidazolium salt	48 FR 20490 (5/6/83)	Do.
83-668	Generic name: Tetrasubstituted benzenamine	48 FR 20490 (5/6/83)	Do.
83-669	Generic name: Chromium complex of substituted phenolazosulfonaphthol with naphtholazosulfonaphthol.	48 FR 20490 (5/6/83)	Do.
83-670	Polymer of: neopentyl glycol, trimellitic anhydride, phthalic anhydride, trimethyl pentanediol	48 FR 20491 (5/6/83)	Do.
83-671	Generic name: Tetrasubstituted benzothiazole salt	48 FR 20491 (5/6/83)	July 25, 1983.
83-672	Generic name: Trisubstituted benzothiazole salt	48 FR 20491 (5/6/83)	Do.
83-673	Generic name: 1-((4-((substitutedphenyl)azo)-1-naphthalenyl)amino)-3-methoxy-2-propanol	48 FR 23903 (5/27/83)	Do.
83-674	Generic name: 1-((4-((substitutedphenyl)azo)-1-naphthalenyl)amino)-3-butoxy-2-propanol	48 FR 23903 (5/27/83)	Do.
83-675	Generic name: Vinyl acetate, butyl acrylate, substituted methacrylate, terpolymer	48 FR 20491 (5/6/83)	Do.
83-677	Generic name: Chromium complex of substituted alkylaminoforminidphenol with sulfonaphtholazosulfophenylpyrazolone.	48 FR 20491 (5/6/83)	July 26, 1983.
83-680	Generic name: Hydroxyethylaminomethylated tannin	48 FR 21370 (5/12/83)	July 27, 1983.
83-681	Generic name: Carbocyclic isocyanate	48 FR 21370 (5/12/83)	Do.
83-682	Generic name: Carbocyclic isocyanate	48 FR 21370 (5/12/83)	Do.
83-683	1-ethynyl-1-cyclopentanol	48 FR 21371 (5/12/83)	July 30, 1983.
83-684	1,4-bis(1-hydroxy cyclopentyl)butadiyne	48 FR 21371 (5/12/83)	Do.
83-685	Generic name: [(Substituted phenyl)hydrazono] substituted oxoheteromonocycle	48 FR 21371 (5/12/83)	Do.
83-686	Generic name: Modified ethylene—tetrafluoroethylene copolymer	48 FR 21371 (5/12/83)	Do.
83-687	Generic name: Carboxylated vinylic polymer	48 FR 21371 (5/12/83)	July 31, 1983.
83-688	Generic name: Substituted acrylamide copolymer	48 FR 21371 (5/12/83)	Do.

IV. 50 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE.

PMN No.	Chemical identification	FR Citation	Date of commencement
80-63	Alkyl substituted cyclic peroxyketal	45 FR 26200 (4/28/80)	July 12, 1983.
80-359	Generic name: Neutralized polymer of substituted polypropylene oxide and an epoxy resin	46 FR 8714 (1/27/81)	July 7, 1983.
80-364	Generic name: Monoethanol amide of long chain fatty acid	46 FR 8718 (1/27/81)	July 21, 1983.
80-385	Generic name: Calcium sodium ethylenediamine tetralkis (methylene phosphate)	46 FR 5060 (1/19/81)	Nov. 1, 1982.
81-90	Generic name: Oxime blocked polyurethane prepolymer, water borne	46 FR 19314 (3/30/81)	May 4, 1983.
81-282	Generic name: Modified olefin/carboxylic acid polymer	46 FR 35339 (7/8/81)	Sept. 29, 1981
81-435	1-(2-nitrophenyl) ethanone	46 FR 45995 (9/16/81)	On or about May 13, 1983.
81-497	Generic name: Polymers of alkylamines and aryl epoxides	46 FR 49947 (10/6/81)	July 28, 1983.
81-592	Sorbitan nonanoate	46 FR 58178 (11/30/81)	June 27, 1983.
81-593	Sorbitan nonanoate, poly(oxy-1,2-ethanediyl) derivatives	46 FR 58178 (11/30/81)	Do.
82-47	Generic name: Alkyl, alkanol derivative of ammonia, chloride salt	47 FR 5326 (2/4/82)	Apr. 21, 1983.
82-77	Generic name: Higher alkyl acrylate copolymer	47 FR 7487 (2/19/82)	On or about July 15, 1983.
82-305	Generic name: Modified hyroxyethyl cellulose	47 FR 19781 (5/7/82)	Aug. 1, 1983.
82-572	Generic name: Organophosphorous compound	47 FR 37954 (8/27/82)	July 28, 1983.
82-647	Generic name: [(Benzoquinolinyl)-(imidazolyl methylene)]-indenedione derivative, mixed salt	47 FR 41166 (9/17/82)	Dec. 3, 1982.
82-648	Generic name: [(Benzoquinolinyl)-(imidazolyl methylene)]-indenedione derivative, mixed salt	47 FR 41166 (9/17/82)	Do.
82-673	Generic name: Substituted polyethylenesamine polyisobutenylsuccinimide	47 FR 42153 (9/24/82)	Mar. 26, 1983.
82-706	Generic name: Sulfophenylazonaphthyl dye	47 FR 44609 (10/8/82)	Apr. 27, 1983.
83-29	Generic name: Alkyldiaryphosphine	47 FR 47067 (10/22/82)	April 1983.
83-236	Generic name: Polyamide	47 FR 53733 (11/29/82)	Mar. 17, 1983.
83-263	Generic name: Substituted thiocyclic compound	47 FR 55423 (12/9/82)	July 7, 1983.
83-277	2-Oxepanone, polymer with 2,2'-[oxybis (methylene)]bis[2-(hydroxymethyl)-1,2-propanediol]	47 FR 57333 (12/23/82)	Mar. 7, 1983.
83-318	Generic name: Acrylic copolymer of styrene and methacrylate monomers	47 FR 57338 (12/23/83)	May 19, 1983.
83-329	Generic name: Substituted phenyl azo substituted naphthalenedisulfonic acid, sodium salt	48 FR 72 (1/3/83)	July 5, 1983.
83-369	Generic name: Methyl-methyleneimidazole derivative of methyl-pyrazoloquinazolonazo-methyl-phenylbenzothiazole.	48 FR 3045 (1/24/83)	June 22, 1983.
83-428	Generic name: Bis alkoxy aluminum acetoacetic ester complex	48 FR 6396 (2/11/83)	June 20, 1983.
83-430	Generic name: Polyester of aliphatic polyols, vegetable oil, and aromatic dibasic acids	48 FR 6396 (2/11/83)	June 16, 1983.
83-478	Generic name: Carboxylic acid derivatives of alkoxylated phenol derivatives and alkoxylated polyamines.	48 FR 7301 (2/18/83)	July 6, 1983.
83-497	Generic name: Reaction product of 1,3-benzenediamine, hydroxybenzene, and an oxo alkane with sodium sulfide.	48 FR 9366 (3/4/83)	July 21, 1983.
83-507	Generic name: Monocyclic sulfur derivative	48 FR 9367 (3/4/83)	July 8, 1983.
83-511	Generic name: Polyester	48 FR 10469 (3/11/83)	July 20, 1983.
83-535	N,N'-bis(2,2,6,6-tetramethyl-4-piperidyl) hexamethylenediamine polymer with ethane-1,2-dibromo	48 FR 11500 (3/18/83)	July 13, 1983.

IV. 50 Chemical Substances for Which EPA has Received Notices of Commencement to Manufacture.—Continued

PMN No.	Chemical identification	FR Citation	Date of commencement
83-550	Generic name: Polymer of formaldehyde and substituted phenols	48 FR 12590 (3/25/83)	June 20, 1983.
83-551	Generic name: Modified polymer of formaldehyde and substituted phenols	48 FR 12590 (3/25/83)	June 21, 1983.
83-553	Ethanesulfonic acid, 2-[bis(2-cyanoethyl) phosphinol]-potassium salt	48 FR 12591 (3/25/83)	On or about July 15, 1983.
83-554	Generic name: 1,3-benzenedicarboxylic acid, 5-substituted, polymer with 1,2-ethanediol and oxo-heteropolycycle.	48 FR 12591 (3/25/83)	June 20, 1983.
83-555	Generic name: 1,3-benzenedicarboxylic acid, 5-substituted, polymer with 1,2-ethanediol and oxo-heteropoloycycle.	48 FR 12591 (3/25/83)	July 5, 1983.
83-564	Generic name: Dialkyl cycloaliphatic diester	48 FR 12591 (3/25/83)	June 23, 1983.
83-578	Generic name: Alkoxymethylpolysilazanes	48 FR 14036 (4/1/83)	July 1, 1983.
83-586	Generic name: Mixed acrylic copolymer	48 FR 14036 (4/1/83)	On or about July 6, 1983.
83-597	Generic name: Cycloaliphatic isocyanate-amine based polyol prepolymer	48 FR 15181 (4/7/83)	On or about June 28, 1983.
83-598	Generic name: Polyester resin of aliphatic polyols, mixed aromatic diacids and aliphatic diacid	48 FR 15181 (4/7/83)	July 7, 1983.
83-599	Generic name: Polyester resin of aliphatic polyol, mixed aromatic diacids, aliphatic diacid and aromatic disocyanate.	48 FR 15181 (4/7/83)	July 12, 1983.
83-612	Generic name: Polymer of alkyl and hetermonocyclic amines and an alkanedioic acid	48 FR 16331 (4/15/83)	On or about Aug. 15, 1983.
83-614	Generic name: Modified fluoroaliphatic adduct	48 FR 16331 (4/15/83)	July 11, 1983.
83-615	Generic name: Perfluoroaliphatic isocynate adduct	48 FR 16332 (4/15/83)	Do.
83-650	Generic name: Polymer of a diisocyanate, polyether, alkanol substituted cycloalkane, dipropylene glycol.	48 FR 20488 (5/6/83)	July 22, 1983.
83-651	Generic name: Polymer of a diisocyanate polyether glycol, alkanol substituted cycloalkane, dipropylene glycol, alkanol diamine, substituted bisphenol A polymer.	48 FR 20488 (5/6/83)	Do.
83-660	Generic name: Perfluorinated hydrocarbon	48 FR 20489 (5/6/83)	First week of Aug. 1983.

[1] 80-365 chemical identity and date of commencement corrected for typos in June 27, 1983 publication of monthly for May 1983.
[2] 83-277 is corrected from being published as 62-277 of 48 FR 19777, May 2, 1983.

V. 33 Premanufacture Notices for Which the Review Period has Been Suspended.

PMN No.	Identity and generic name	FR citation	Date suspended
80-146	Phosphorodithioci acid *O,O'*-di (isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters, zinc salt.	45 FR 49153 (7/23/80)	Sept. 17, 1980.
80-147	Phosphorodithioci acid *O,O'*-di (isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters.	45 FR 49153 (7/23/80)	do.
81-556	4-hydroxy-3-(5-(2-hydroxysulfonyloxy) ethylsulfonyl)-2-methoxyphenylazo)-7-succinylamino-2-naphthalenesulfonic acid disodium salt.	46 FR 55146 (11/6/81)	Jan. 27, 1982.
81-561	4-[4-[2-(hydroxysulfonyoxy)ethylsulfonyl]-5-methyl-2-methoxyphenylazo]-3-methyl-1-(3-sulfophenyl)-5-pyrazolone disodium salt.	46 FR 55146 (11/6/81)	do.
81-661	4-hydroxy-3-(2-methoxy-5-methyl-4-(2-(hydroxysulfonyloxy)ethylsulfonyl)phenylazo)-6-3-sulfophenyl)amino-2-naphtahalenesulfonic acid trisodium salt.	47 FR 1021 (1/8/82)	Mar. 28, 1982.
82-60	Generic name: Zinc, O,O-bis alkylphosphcro dithioate	47 FR 5932 (2/9/82)	Apr. 15, 1982.
82-387	Phosphorodithioic acid, O,O', secondary butyl and isooctyl mixed esters	47 FR 25401 (6/11/82)	July 30, 1982.
82-388	Phosphorodithioic acid, O,O', secondary butyl and isooctyl mixed esters, zinc salt	47 FR 25401 (6/11/82)	do.
83-1	Generic name: Polyhalogenated aromatic alkylated hydrocarbon	47 FR 46371 (10/18/82)	Oct. 22, 1982.
83-110	Generic name: Saturated acid diester	47 FR 52223 (11/19/82)	Jan. 26, 1983.
83-115	Generic name: Naphthalenedisulfonic acid, disodium salt, ([2-((sodium sulfooxyethyl) sulfonyl)aryl)azo), and momochlorotriazinyl amino, substituted, copper complex.	47 FR 52224 (11/19/82)	Apr. 1, 1983.
83-333	Generic name: Reaction product of polycyclesulfonic acid salt with phosphorus halide/halogen, subsequent reaction with an amine, subsequent reaction with an aldehyde/sodium bisulfite alkali.	48 FR 73 (1/3/83)	Mar. 14, 1983.
83-335	Generic name: ((Substituted phenyl)azo) naphthalenesulfonic acid, sodium salt	48 FR 73 (1/3/83)	Mar. 17, 1983.
83-341	Generic name: 7-[4-[4-chloro-6-[3-[2-[hydroxysulfonyloxy)ethylsulfonyl]anilino]-1,3,5-triazin-2-yl-amino]-2-ureidophenylazo]-1,3,6-naphthalenetrisulfonic acid, tetrasodium salt.	48 FR 862 (1/7/83)	Mar. 21, 1983.
83-370	8-acetyl-3-dodecyl-7,7,9,9-tetramethyl-1,3,8-triazaspiro [4,5]decane-2,4-dione	48 FR 3045 (1/24/83)	Apr. 15, 1983.
83-394	Generic name: Polyglycidyl amine	48 FR 5304 (2/4/83)	Apr. 23, 1983.
83-433	Generic name: Mono azo aromatic compound	48 FR 6397 (2/11/83)	Apr. 19, 1983.
83-434	Generic name: Unsaturated aliphatic diether	48 FR 6397 (2/11/83)	Apr. 20, 1983.
83-454	Generic name: Acrylamide copolymer	48 FR 6589 (2/14/83)	Apr. 13, 1983.
83-461	Generic name: Substituted alkoxy silane	48 FR 7300 (2/18/83)	Apr. 25, 1983.
83-479	Generic name: Monoazo substituted aromatic	48 FR 7301 (2/18/83)	May 2, 1983.
83-486	Generic name: Zirconium propancate, substituted	48 FR 8343 (2/28/83)	May 6, 1983.
83-523	1,1'[isopropylidenebis(6-hydroxy-m-phenylene)] bis(tetrahydrothiophenium hydroxide) mixed salts	48 FR 10470 (3/11/83)	May 27, 1983.
83-525	Generic name: Substituted benzindolium, salt	48 FR 10470 (3/11/83)	May 20, 1983.
83-532	Generic name: Glyceryl propoxy diacrylate	48 FR 10470 (3/11/83)	May 30, 1983.
83-543	Generic name: Polymer of diethylenetriamine and higher polyamines with dibasic esters, reacted with epichlorohydrin.	48 FR 11500 (3/18/83)	May 27, 1983.
83-603	Generic name: Substituted nitrile	48 FR 15181 (4/7/83)	June 16, 1983.
83-606	9,10-Anthracenedione, 2-methyl-l-nitro-	48 FR 15182 (4/7/83)	June 24, 1983.
83-622	1,3,6-Naphthalenetrisulfonic acid, 7-[[4-[[4-[[4-[(4,8-disulfo-2-naphthalenyl)azo]-3-methylphenyl]amino]-6-[(4-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-2-methylphenyl]azo]-,hexasoldium salt.	48 FR 16332 (4/15/83)	July 14, 1983.
83-634	Generic name: Substituted mono azo aromatic	48 FR 17365 (4/22/83)	July 5, 1983.
83-654	Lauryl sulfate salt with 2-amino-2-methyl-1-propanol	48 FR 20488 (5/6/83)	July 17, 1983.
83-663	Generic name: Alkyl-substituted aromatic amine	48 FR 20490 (5/6/83)	July 29, 1983.
83-676	1-Naphthalenesulfonic acid, 6-amino-5-hydroxy-	48 FR 20491 (5/6/83)	July 19, 1983.

[FR Doc. 83-23303 Filed 8-25-83; 8:45 am]
BILLING CODE 6560-50-M

[ER-FRL-2422-8]

Availability of Environmental Impact Statements Filed August 15 Through August 19, 1983, Pursuant to 40 CFR 1506-9

RESPONSIBLE AGENCY: Office of Federal Activities, general information, (202) 382-5075

US Army Corps of Engineers:
- EIS# 830453, Draft, COE, WV, Matheny Flood Damage Reduction and Recreation Project, Wyoming County, due: Oct. 20, 1983
- EIS# 830443, Final, COE, CT, North Haven Mall Development, Permit, New Haven County, due: Sept. 26, 1983
- EIS# 830451, Final, COE, FL, PRO South Florida Limestone Excavation and Use, Wetland Mining, due: Sept. 26, 1983
- EIS# 830459, Report, COE, CA, Report—Sacramento River Bank Stabilization, Sites 209.5R and 227.5L
- EIS# 830452, FSuppl, COE, IL, Kaskaskia River Navigation Project, O/M, St. Clair County, due: Sept. 26, 1983

Department of the Interior:
- EIS# 830445, Final, BLM, CA, Redding Livestock Grazing Management Plan, due: Sept. 26, 1983

Department of Transportation:
- EIS# 830447, Final, FAA, MN, St Paul Downtown Airport/Holman Field Improvement, Ramsey County, due: Sept. 26, 1983
- EIS# 830444, Final, FHW, sev, VT NY US 2/Rouses Point Bridge Replacement, Lake Champlain, due: Sept. 26, 1983
- EIS# 830448, Final, FHW, WA, I-5/I-90 Interchange Completion/Seattle Access Improvements, King County, due: Sept. 26, 1983
- EIS# 830454, Final, UMT, CA, Sacramento Light Rail Transit Project, NE Corridor, Sacramento County, due: Sept. 26, 1983
- EIS# 830456, Final, UMT, CA, Guadalupe Corridor Transportation Improvement, Santa Clara County, due: Sept. 26, 1983

Environmental Protection Agency:
- EIS# 830455, Final, EPA, WA, Metropolitan Seattle Sludge Management Plan, Approval, due: Sept. 26, 1983
- EIS# 830449, Final, EPA, SC, Hilton Head Wastewater Treatment Facilities, Grant, Beaufort County, due: Sept. 26, 1983

Department of Housing and Urban Development:
- EIS# 830450, Final, CDB, MI, Hannah Technology and Research Center, UDAG, Ingham County, due: Sept. 26, 1983

Nuclear Regulatory Commission:
- EIS# 830446, Final, NRC, WY, Teton Solution Mining Project, Operation License, Converse County, due: Sept. 26, 1983

Federal Energy Regulatory Commission:
- EIS# 830457, Draft, FRC, ID, Eagle Rock Hydroelectric Project, C/O/M, License, Power County, due: Oct. 10, 1983

Department of Defense, Air Force:
- EIS# 830458, Draft, UAF, sev, NV UT Gandy Range Supersonic Flight Training Area, Hill AFB, due: Oct. 14, 1983

Amended notices:
- EIS# 820349, Draft, BLM, CA, Central California Study Areas, Wilderness Recommendations, Published FR 6/4/82—Review reopened, due: Sept. 12, 1983
- EIS# 830437, Final, AFS, CA, Angeles NF, Special Use Road Permit, RT-2N06, San Gabriel Mountains, Published FR 08/19/83—Review reestablished due to noncompletion of distribution, due: Sept. 26, 1983
- EIS# 830442, Final, FHW, NH, I-393 and Approach Completion, NH-106 to NH-9/US 4, Merrimack County, Published FR 08/19/83—Officially retracted due to noncompletion of distribution
- EIS# 830359, Draft, SCS, MS, Riverside-Black Bayou Watershed Protection, Bolivar and Washington Counties, Published FR 07/15/83—Officially withdrawn

William D. Dickerson,

Acting Director, Office of Federal Activities.

August 23, 1983.

[FR Doc. 83-23539 Filed 8-25-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Cellular Application Filing Procedures; Changes in Markets Below the 90 Largest

August 19, 1983.

The Commission has received a number of inquiries about Standard Metropolitan Statistical Areas (SMSAs; New England County Metropolitan Areas for the New England States) for markets smaller than the 90 largest. Applications for markets below the top-90, and for areas not included in SMSAs, may be filed beginning December 1, 1983. The Commission has decided to expand and modify its SMSA list.

The Commission has been using the SMSAs listed in *Statistical Abstract of the United States—1980*, 101st Edition, Appendix II. On June 27, 1983, the Office of Management and Budget (OMB) announced revised definitions of SMSAs and adopted new terminology. SMSAs are now called MSAs (Metropolitan Statistical Areas); Standard Consolidated Statistical Areas are now called Consolidated Metropolitan Statistical Areas (CMSAs); and the metropolitan areas within CMSAs are called Primary Metropolitan Statistical Areas (PMSAs), rather than simply MSAs. Between the publication of the 101st Edition of the *Statistical Abstract* and OMB's revised list, which is based on the 1980 decennial census, there have been a number of additions and deletions of SMSAs (including those in Puerto Rico), additions and deletions of counties included in SMSAs, and changes of names.

The Commission has recently decided to use the updated list in connection with applications for Multipoint Distribution Systems (Public Notice, Mimeo 5754, dated August 4, 1983). The Commission will also use the list, with some modifications, for cellular markets below the top-90. There will be no changes for the top-90 markets; counties that have been added to top-90 SMSAs must be applied for as though they were non-SMSA areas.

Below the top-90, the Commission will *add* all SMSAs created since December 31, 1979 (List A, attached). Further, the Commission will alter OMB's listing (1) by *including* counties within an SMSA that have been deleted since December 31, 1979, as well as counties that have been added since that date (Lists B and C, attached); and (2) by *including* as SMSAs those that have been deleted since that date (List D, attached). SMSAs whose names have been changed are included in List E and should be referred to by their current names. Thus, Lists A through D describe the changes in SMSAs and NECMAs with which applications filed beginning December 1, 1983, must conform. There are about 125 SMSAs below the top-90 which have *not* changed since December 31, 1979; they are not included specifically in the attached Lists, so parties must still refer to the 1980 *Statistical Abstract*.

Copies of OMB's publication are available for inspection in the Cellular File Room, Room 650, 1919 M Street, NW., Washington, D.C. during its regular business hours. Information about the publication will not be given over the telephone.

For more information, contact Claudia Borthwick, 202-632-6400.

William J. Tricarico,

Secretary, Federal Communications Commission.

List A—SMSAs (now MSAs) Added Between December 31, 1979, and June 30, 1983

Aguadilla, PR—Aguada, Aguadilla, Isabela and Moca Municipios
Alton-Granite City, IL—Jersey County ONLY (Madison County included with Chicago)
Anderson, SC—Anderson County
Arecibo, PR—Arecibo, Camuy, Hatillo and Quebradillas Muncipios
Athens, GA—Clarke, Jackson, Madison and Oconee Counties
Aurora-Elgin, IL—Kendall County ONLY (Kane County included with Chicago)
Bangor, ME NECMA—Penobscot County

Bellingham, WA—Whatcom County
Benton Harbor, MI—Berrien County
Bremerton, WA—Kitsap County
Burlington, VT NECMA—Chittendon and Grand Isle Counties
Casper, WY—Natrona County
Charlottesville, VA—Albermarle, Fluvanna, Greene Counties and Charlottesville City
Chicao, CA—Butte County
Cumberland, MD-WV—Allegany and Mineral Counties
Danville, VA— Pittsylvania and Danville Counties
Dothan, AL—Dale and Houston Counties
Florence, SC—Colbert and Lauderdale Counties
Fort Pierce, FL—Martin and St. Lucie Counties
Fort Walton Beach, FL—Okaloosa County
Glens Falls, NY—Warren and Washington Counties
Hagerstown, MD—Washington County
Hickory, NC—Alexander, Burke and Catawba Counties
Houma-Thibodaux, LA—Lafourche and Terrebonne Parishes
Jacksonville, NC—Onslow County
Joliet, IL—Grundy County ONLY (Will County included with Chicago)
Joplin, MO—Jasper and Newton Counties
Mayaguez, PR—Anasco, Cabo Rojo, Hormigueros, Mayaguez and San German Municipios
Medford, OR—Jackson County
Ocala, FL—Marion County
Olympia, WA—Thurston County
Orange County, NY—Orange County
Ponce, PR—Juana Diaz, Ponce and Villalba [1]
Portsmouth-Dover-Rochester, NH NECMA—Strafford County, NH and York County,[1] ME (Rockingham included with Boston)
Redding, CA—Shasta County
Saginaw-Bay City-Midland, MI—Bay, Midland and Saginaw Counties
San Juan-Caguas, PR CMSA—Aguas Buenas, Barceloneta, Bayamon, Caguas, Canovanas, Carolina, Catana, Cayey, Cidra, Corozal, Dorado, Fajarado, Florida, Guaynabo, Gurabo, Humacao, Juncos, Las Piedras, Loiza, Luquillo, Manati, Naranjito, Rio Grande, San Juan, San Lorenzo, Toa Alta, Toa Baja, Trujillo, Vega Alta and Bega Baaja Municipios
Sharon, PA—Mercer County
Sheboygan, WI—Sheboygan County
State College, PAS—Centre County
Visalia-Tulare-Porterville, CA—Tulare County
Wausau, WI—Marathon County
Yuba City, CA—Sutter and Yuba Counties

LIST B—SMSAs (now MSAs) Changed Between December 31, 1979, and June 30, 1983

(Counties Deleted are shown in capital letters; for purposes of cellular applications, they should be *included* in applications.)

Abilene, TX—Taylor, CALLAHAN and JONES Counties
Alexandria, LA—Rapides and GRANT Parishes
Asheville, NC—Buncombe and MADISION Counties
Atlantic City, NJ—Atlantic and Cape May Counties
Augusta, GA-SC—Columbia, McDuffie, Richmond and Aiken Counties
Battle Creek, MI—Calhoun and BARRY Counties
Biloxi-Gulfport, MS—Hancock, Harrison and STONE Counties
Binghamton, NY—Broome, Tioga and SUSQUEHANNA Counties
Colorado Springs, CO—El Paso and TELLER Counties
Des Mones, IA— Dallas, Polk and Warren Counties
Evansville, IN-KY—Posey, Vanderburgh, Warrick, Henderson and GIBSON Counties
Fayetteville-Springdale, AR—Washington and BENTON Counties
Fort Smith, AR-OK—Crawford, Sebastian, Sequoyah and LE FLORE Counties
Fort Wayne, IN—Allen, De Kalb; Whitley, ADAMS and WELLS Counties
Gainesville, FL—Alachua and Bradford Counties
Grand Forks, ND—Grand Forks and POLK Counties
Huntington-Ashland, WV-KY-OH—Cabell, Wayne, Boyd, Carter, Greenup and Lawrence Counties
Huntsville, AL—Madison, LIMESTONE and MARSHALL Counties
Jackson, MS—Hinds, Madison and Rankin Counties
Kalamazoo, MI—Kalamazoo and VAN BUREN Counties
Lafayette, LA—Lafayette and St. Martin Parishes
Lima, OH—Allen, Auglaize, PUTNAM and VAN WERT Counties
Little Rock-North Little Rock, AR—Faulkner, Lonoke, Pulaski and Saline Counties
Lynchburg, VA—Amherst, Campbell and APPOMATTOX Counties and Lynchburg City
Macon-Warner-Robins, GA—Bibb, Houston, Jones, Peach and TWIGGS Counties
Muskegon, MI—Muskegon and OCEANA Counties
Parkersburg-Marietta, WV-OH—Wood, Washington and WIRT Counties
Portland, ME NECMA—Cumberland and SAGAHADOC Counties
Roanoke, VA—Botecourt, Roanoke, Salem, and CRAIG Counties and Roanoke City
St. Joseph, MO—Buchanan and ANDREW Counties
Savannah, GA—Chatham, Effingham and BRYAN Counties
Shreveport, LA—Bossier, Caddo and WEBSTER Parishes
South Bend-Mishawaka, IN—St. Joseph and MARSHALL Counties
Tallahassee, FL—Gadsden, Leon and WAKULLA Counties
Terre Haute, IN—Clay, Vigo, SULLIVAN and VERMILLION Counties
Texarkana, TX-Texarkana, AR—Bowie, Miller and LITTLE RIVER Counties
Topeka, KS—Shawnee, JEFFERSON and OSAGE Counties
Waterloo-Cedar Falls, IA—Black Hawk and Bremer Counties
Wichita FAlls, TX—Wichita and CLAY Counties
Wilmington, NC—New Hanover and BRUNSWICK Counties

LIST C—New England County Metropolitan Statistical Areas Below the Top-90

Bangor, ME—Penobscot County
Burlington, VT—Chittenden and Grand Isle Counties
Lewiston-Auburn, ME—Androscoggin County
Manchester-Nashua, NH—Hillsboro County
New London-Norwich, CT—New London Counties
Pittsfield, MA—Berkshire County
Portland, ME—Cumberland and SAGAHADOC Counties
Portsmouth-Dover-Rochester, NH—Strafford and YORK Counties (Rockingham County included with Boston NECMA)

Counties in capital letters have been deleted from NECMAs but are to be *included* in celluar applications.

LIST D—SMSAs (now MSAs) Deleted Between December 31, 1979, and June 30, 1983

SMSA Filing Rules *Do* Apply to the Areas Listed Here.

Newark, OH (merged into Columbus, OH)— Licking County
Rapid City, SD—Pennington and Meade Counties
Rock Hill, SC (merged into Charlotte-Gastonia-Rock Hill, NC-SC)—York County
Salisbury-Concord, NC (merged into Charlotte-Gastonia-Rock Hill, NC-SC)—Cabarrus and Rowan Counties

[1] Villalba Municipio (Ponce, PR) and York County (Portsmouth, NH) have been deleted but should be included in cellular proposals.

Springfield, OH (merged into Dayton-Springfield, OH)—Champaign and Clark Counties.

LIST E—SMSA (now MSA) Name Changes in Markets Below the Top-90

(Old Name in Parentheses).

Appleton-Oshkosh-Neenah, WI—(Appleton-Oshkosh, WI)
Bay City, MI—(see Saginaw)
Beaumont-Port Arthur, TX—(Beaumont-Port Arthur-Orange, TX)
Binghamton, NY—(Binghamton, NY-PA)
Brownsville-Harlingen, TX—(Brownsville-Harlingen-San Benito, TX)
Duluth, MN-WI—(Duluth-Superior, MN-WI)
Elkhart-Goshen, IN—(Elkhart, IN)
Fort Collins-Loveland, CO—(Fort Collins, CO)
Fort Myers, FL—(Fort Myers-Cape Coral, FL)
Grand Forks, ND—(Grand Forks, ND-MN)
Kalamazoo, MI—(Kalamazoo-Portage, MI)
Lafayette, IN—(Lafayette-West Lafayette, IN)
Macon-Warner Robins, GA)—(Macon, GA)
McAllen-Edinburg-Mission, TX—(McAllen-Pharr-Edinburg, TX)
Melbourne-Titusville-Palm Bay, FL—(Melbourne-Titusville-Cocoa, FL)
Muskegon, MI—(Muskegon-Norton Shores-Muskegon Heights, MI)
Newburgh-Middletown, NY—(see Orange County, NY)
Orange County, NY—(Newburgh-Middletown, NY)
Pascagoula, MS—(Pascagoula-Moss Point, MS)
Saginaw-Bay City-Midland, MI—(Saginaw, MI and Bay City, MI)
South Bend-Mishawaka, IN—(South Bend, IN)

[FR Doc. 83-23431 Filed 8-25-83; 8:45 am]
BILLING CODE 6712-01-M

Meeting of the Telecommunications Industry Adivisory Group Steering Committee

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group Steering Committee scheduled to meet on Thursday September 15, 1983. The meeting will be held at 9:30 a.m. in Conference Room A on the 10th Floor at AT&T located at 1120 20th Street, NW., Washington, D.C., and will be open to the public.

The agenda is as follows:

I. Reveiw of Minutes of Previous Meeting
II. General Administrative Matters
III. Consideration of Auditing and Regulatory Subcommittee Position Paper
IV. Consideration of Plant Accounts Subcommittee Proposed Accounts
V. Other Business
VI. Presentation of Oral Statements
VII. Adjournment

With prior approval of the Chairman, Gerald P. Vaughan, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Steering Committee objectives. Anyone not a memeber of the Steering Committee and wishing to make an oral presentation should contact Stephen T. Duffy, Group Vice-Chairman (202/634-1509), at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-23433 Filed 8-25-83; 8:45 am]
BILLING CODE 6712-01-M

Meeting of Telecommunications Industry Advisory Group (TIAG); Auditing and Regulatory Subcommittee

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-464), notice is hereby given of a two day meeting of the Telecommunications Industry Advisory Group's (TIAG) Auditing and Regulatory Subcommittee scheduled to meet on Monday, September 12, 1983 and Tuesday, September 13, 1983. The meeting will be held at 10:00 a.m. in Room 330 of the Federal Communications Commission's offices located at 1200 19th Street, NW., Washington, D.C. The meeting will be open to the public. The agenda is as follows:

I. General Administrative Matters
II. Pending and Deferred Issues
III. Results of Revenue Requirements Study
IV. Comments on Drafts of Discussion Paper
V. Other Business
VI. Presentation of Oral Statements
VII. Adjournment

With prior approval of Subcommittee Chairman Hugh A. Gower, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Gower (404/658-1776) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-23432 Filed 8-25-83; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Forms Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Managemen' Agency (FEMA) has submitted to the Office of Management and Budget the following information collections packages for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: New Information Collections
Title: Public Survey of Emergency Management
Abstract: Sample survey of the perceptions of selected members of the public relevant to emergency management planning.
Type of respondents: Individuals or Households
Number of respondents: 1,500
Burden hours: 1,875
Type: New Information Collections
Title: Industry Leaders' Survey
Abstract: Sample survey of selected leaders in US industry relevant to national security emergency management planning.
Type of respondents: Businesses of Other For-Profit, Non-Profit Institutions, Small Businesses or Organizations
Number of respondents: 1,000
Burden hours: 500
Type: New Information Collections
Title: Labor Leaders' Survey
Abstract: Sample survey of selected leaders in industrial plants and organization relevant to their perceptions of national security emergency management planning.
Type of respondents: Businesses or Other For-Profit, Small Businesses or Organizations
Number of respondents: 1,000
Burden hours: 500
OMB desk officer: Ken Allen, (202) 395-3786

Copies of the above information collection clearance packages can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley (202) 287-9906, Federal Plaza Center, 500 C. Street, S.W., Washington, DC 20472.

Written comments and recommendations for the proposed information collection packages should be sent to Linda Shiley, FEMA Reports Clearance Officer, Federal Plaza Center, 500 C Street, S.W., Washington, DC 20472, and to Ken Allen, Desk Officer, OMB, Reports Management Branch, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: August 22, 1983.

Wesley C. Moore,

Acting Assistant Associate Director, Administrative Support.

[FR Doc. 83-23454 Filed 8-25-83; 8:45 am]

BILLING CODE 6718-01-M

Agency Form Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collections package for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Extension of OMB No. 3067-0103
Title: FEMA Nuclear Power Plant Alerting and Notification System: Public Telephone Survey
Abstract: The Federal Emergency Management Agency with subcontractor, International Energy Associates Limited (contract No. 31-109-38-6934), shall randomly telephone survey the residents within the Emergency Planning Zone (EPZ) of 35 nuclear power plants as stipulated in Appendix 3 of NUREG 0654/FEMA-REP-1. From an approximate sample of 750 households, between 250 and 350 residences will be voluntarily surveyed, following the attached standardized questionnaire.
Type of respondents: Individuals or Households
Number of respondents: 300
Burden hours: 20
OMB desk officer: Ken Allen (202) 395-3786

Copies of the above information collection clearance package can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley (202) 287-9906, Federal Plaza Center, 500 C Street, SW., Washington, DC 20472.

Written comments and recommendations for the proposed information collection package should be sent to Linda Shiley, FEMA Reports Clearance Officer, Federal Plaza Center, 500 C Street, SW., Washington, DC 20472 and to Ken Allen, Desk Officers, OMB, Reports Management Branch Room 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: August 16, 1983.

Walter A. Girstantas,

Assistant Association Director, Administrative Support.

[FR Doc. 83-23455 Filed 8-25-83; 8:45 am]

BILLING CODE 6718-01-M

[FEMA-689-DR]

Texas; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Texas (FEMA-689-DR), dated August 19, 1983, and related determinations.

DATED: August 19, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0501.

Notice

Notice is hereby given that, in a letter of August 19, 1983, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288) as follows:

I have determined that the damage in certain areas of the State of Texas, resulting from Hurricane Alicia beginning on or about August 18, 1983, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I therefore declar that such a major disaster exists in the State of Texas.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93-288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, and redelegated to me, I hereby appoint Mr. Robert D. Broussard of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Texas to have been affected adversely by this declared major disaster:

For Individual Assistance: Brazoria, Chambers, Fort Bend, Galveston, Harris and Matagorda Counties.
For Public Assistance to Local Governments only: Brazoria, Chambers, Galveston and Harris Counties.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-23456 Filed 8-25-83; 8:45 am]

BILLING CODE 6718-02-M

[Docket FEMA-REP-7 IA-3]

Iowa Radiological Emergency Response Plan

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of receipt of plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and state and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the state and local government plans, the State of Iowa has submitted its radiological emergency plans to the FEMA Regional Office. These plans support nuclear power plants which impact on Iowa and include those of local governments near the Duane Arnold Energy Center located in Linn County, Iowa.

DATE PLANS RECEIVED: June 23, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Patrick J. Breheny, Regional Director, FEMA Region VII, 911 Walnut Street, Kansas City, Missouri 64106. (816) 374-5912.

Notice

In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of state and local governments' radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR 350.08), "Review and Approval of State Radiological Emergency Plans and Preparedness," the Iowa Emergency Plan, Book II Site Specific for the Duane Arnold Energy Center was received by the Federal Emergency Management Agency Region VII Office.

Included are plans for local governments which are wholly or partially within the energency planning

zones of the Duane Arnold Energy Center. Plans are included for Benton and Linn Countries.

Copies of the Plan are available for review at the FEMA Region VII Office, or they will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 767 pages in the document; reproduction fees are $.10 a page, payable with the request for copy.

Comments on the Plan may be submitted in writing to Mr. Patrick J. Breheny, Regional Director, at the above address within thirty days of this **Federal Register** notice.

Dated: August 11, 1983.

John P. Coleman,

Deputy Regional Director, FEMA, Region VII.

[FR Doc. 83-23457 Filed 8-25-83; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL HOME LOAN BANK BOARD

[No. 83-458]

Mutual to Stock Conversion Application Form

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: The public is advised that the Federal Home Loan Bank Board has submitted its revised Mutual to Stock Conversion Application Forms to the Office of Management and Budget for approval pursuant to 5 CFR 1320.12, pertaining to clearance of information collection requests. Requests for information including copies of the proposed information collection request and supporting documentation, are obtainable from the Board, and comments on the proposal should be directed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for the Federal Home Loan Bank Board. The Board would appreciate commenters also sending copies of their submission to the Board address given below.

ADDRESS: Send comments to Director, Information Service Section Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTRACT: Larry Fleck, Office of the General Counsel Federal Home Loan Bank Board, 202-377-6413.

Dated: August 23, 1983.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 83-23433 Filed 8-25-83; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Item Submitted for OMB Review

The Federal Maritime Commission hereby gives notice that the following item has been submitted to OMB for review pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.). Requests for information, including copies of the collection of information and supporting documentation, may be obtained from Ronald D. Murphy, Agency Clearance Officer, Federal Maritime Commission, 1100 L Street, NW., Room 9305, Washington, D.C., 20573, telephone number (202) 523-5900. Comments may be submitted to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Attention: Desk Officer for the Federal Maritime Commission, within 15 days after the date of the **Federal Register** in which this notice appears.

Summary of Item Submitted for OMB Review

46 CFR Part 510—Licensing of Independent Ocean Freight Forwarders (General Order 4) and Related Application Form FMC-18 (Rev.)

Pursuant to Section 44 of the Shipping Act, 1916, General Order 4 sets forths methods and procedures whereby persons wishing to engage in the business of freight forwarding must apply for and be granted a license to carry on the business of forwarding. The Order specifies the reporting, filing, and recordkeeping requirements necessary for applicants and licensees to apply for and retain a license. General Order 4 and the application form FMC-18 are used to determine whether a person is fit, willing and able to properly carry on the business of forwarding.

The Commission estimates a total respondent universe of 2600; 1600 principals and 1000 branch offices with the following annual responses and man-hours:

Agency form No.	Estimated annual responses	Estimated annual man-hours
46 CFR Part 510 (G. O. 4)	5,711	22,756
FMC-18 (Rev.)	690	6,105

Total estimated annual cost to the Government for General Order 4 and Form FMC-18 is $220,000; estimated annual cost to the public for General Order 4 and Form FMC-18 is $321,351.

Francis C. Hurney,

Secretary.

[FR Doc. 83-23441 Filed 8-25-83; 8:45 am]

BILLING CODE 7536-01-M

FEDERAL RESERVE SYSTEM

Formation of Bank Holding Companies; Franklin Financial Services Corp. et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Franklin Financial Services Corporation*, Chambersburg, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Farmers and Merchants Trust Company of Chambersburg, Chambersburg, Pennsylvania. Comments on this application must be received not later than September 19, 1983.

2. *West Bancorp, Inc.*, West Pittston, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of West Side Bank, West Pittston, Pennsylvania. Comments on this application must be received not later than September 19, 1983.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Community Bancshares, Inc.*, Princeton, West Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of Upshur

National Bank, Buckhannon, West Virginia. Comments on this application must be received not later than September 19, 1983.

C. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Florida County Banks, Inc.*, Trenton, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of The Farmers and Merchants Bank of Trenton, Trenton, Florida. Comments on this application must be received not later than September 15, 1983.

D. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *MSB Holding Company, Inc.*, Moorhead, Iowa; to to become a bank holding company by acquiring 100 percent of the voting shares of Moorhead State Bank, Moorhead, Iowa. Comments on this application must be received not later than September 15, 1983.

E. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Bank of Sikeston Holding Company*, Sikeston, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Sikeston, Sikeston, Missouri. Comments on this application must be received not later than September 19, 1983.

2. *Marionville Bancshares, Inc.*, Neosho, Missouri; to become a bank holding company by acquiring 80 percent of the voting shares of First State Bank of Marionville, Marionville, Missouri. Comments on this application must be received not later than September 19, 1983.

3. *United Danville, Incorporated*, Danville, Kentucky; to become a bank holding company by acquiring 94.7 percent of the voting shares of Bank of Danville, Danville, Kentucky. Comments on this application must be received not later than September 19, 1983.

F. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Higginsville Bancshares*, Inc., Higginsville, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of Higginsville, State Bank, Higginsville, Missouri. Comments on this application must be received not later than September 19, 1983.

2. *Montgomery County Bancshares, Inc.*, Elk City, Kansas; to become a bank holding company by acquiring at least 80 percent of the voting shares of The First National Bank of Elk City, Elk City, Kansas. Comments on this application must be received not later than September 19, 1983.

G. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Chandler Bancorp, Inc.*, Chandler, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Chandler State Bank, Chandler, Texas. Comments on this application must be received not later than September 19, 1983.

2. *Tejas Bancshares, Inc.*, Fritch, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of Fritch State Bank, Fritch, Texas. Comments on this application must be received not later than September 19, 1983.

H. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Milk River Investments, Inc.*, Hinsdale, Montana; to become a bank holding company by acquiring 80 percent of the voting shares of The First National Bank of Hinsdale, Hinsdale, Montana. This applicaion 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 19, 1983.

Board of Governors of the Federal Reserve System, August 19, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-23416 Filed 8-25-83; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Holding Company; Sun Bank, Inc.

Sun Banks, Inc., Orlando, Florida, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Flagship Banks, Inc., Miami, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Flagship Banks, Inc., Miami, Florida, is also engaged in the following nonbank activities: sale of credit life, accident and health insurance directly related to extensions of credit by the bank holding company or its subsidiaries and providing data processing services for the internal operations of the bank holding company and storing and processing other banking, financial or related economic data. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's non banking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 19, 1983.

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.

Board of Governors of the Federal Reserve System, August 19, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-23417 Filed 8-25-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Advisory Council on Social Security; Meeting

AGENCY: Department of Health and Human Services.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given of a meeting of the Advisory Council on Social Security, as established by the Secretary of Health and Human Services in accordance with Section 706 of the Social Security Act, 42 U.S.C. Sec. 907.

DATE/ADDRESS: The meeting will be held September 28-29, 1983, from 9:00 a.m. to 4:00 p.m. each day in Room 503-A of the Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Thomas R. Burke, Executive Director, Advisory Council on Social Security, 200 Independence Avenue, SW., Washington, D.C. 20201; telephone (202) 755-8670/71.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Attendance will be limited to the space available.

Sign language interpreting services will be provided if requested in advance.

The proposed meeting agenda includes further briefings and discussion on the Medicare program; and such other business as the Chairperson, the Executive Director, or the membership may put before the Council.

A previous meeting of the Advisory Council on Social Security was announced in 48 FR 32086, July 13, 1983.

Records are kept of all Council proceedings and are available for public inspection at the Office of the Administrative Officer, Advisory Council on Social Security, Room 317–H, HHH Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

Thomas R. Burke,

Executive Director.

[FR Doc. 83-23521 Filed 8-25-83; 8:45 am]

BILLING CODE 4120-03-M

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on August 19.

Public Health Service

Alcohol, Drug Abuse, and Mental Health Administration

Subject: Inventory of General Hospital Mental Health Services (0930–0066)—Reinstatement
Respondents: Non-Federal general hospitals which provide services in separate psychiatric settings
OMB Desk Officer: Fay S. Iudicello

Centers for Disease Control

Subject: Division of Tuberculosis Control Effectiveness Survey—new
Respondents: State and local public health workers
Subject: Preventive Health Services and Health Services Block Grant Reporting Requirements (0920–0106)—extension/no change
Respondents: State governments
OMB Desk Officer: Fay S. Iudicello

National Institutes of Health

Subject: Collection and Evaluation of Human Tissues and Cells (0925–0152)—extension/no change
Respondents: Individuals
OMB Desk Officer: Fay S. Iudicello

Food and Drug Administration

Subject: Good Laboratory Practice Regulations for Nonclinical Laboratory Studies (0910–0119)—extension
Respondents: Manufacturers of drugs, food additives, medical devices, colors, and radiation emitting products; toxicology testing laboratories of product sponsors, universities, contractors and the federal government
OMB Desk Officer: Richard Eisinger

Health Care Financing Administration

Subject: Negative Case Action (NCA) Review Schedule and Negative Case Action Statistical Summary Tables (HCFA 6401)—revision
Respondents: State Medicaid agencies
Subject: Laboratory Personnel Qualifications Appraisal (0938–0049)—extension/no change
Respondents: Clinical laboratories participating in the Medicare and Medicaid programs
Subject: Provider Cost Report Reimbursement Questionnaire (HCFA 339)—new
Respondents: Health care providers participating in the Medicare program
OMB Desk Officer: Fay S. Iudicello

Office of the Secretary

Subject: Vulnerability Survey—new
Respondents: State or local governments, businessess, and non-profit institutions
OMB Desk Officer: Milo Sunderhauf

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503; Attn: (name of OMB Desk Officer).

Dated: August 22, 1983.

Robert F. Semier,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 83-23303 Filed 8-25-83; 8:45 am]

BILLING CODE 4150-04-M

Alcohol, Drug Abuse, and Mental Health Administration

Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory bodies scheduled to assemble during the month of September 1983.

Mental Health Small Grant Review Committee
September 14–16; 1:30 p.m.
The Henley Park Hotel, Eton Room, Massachusetts Avenue and 10th Street, N.W., Washington, D.C. 20001
Open—September 14; 1:30–2:30 p.m.
Closed—Otherwise
Contact: Ms. Virginia Harter, Room 9–95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4843

Purpose: The Committee is charged with the initial review of applications for reserach in all disciplines pertaining to alcohol, drug abuse, and mental health for support of research in the areas of psychology, psychiatry, and the behavioral and biological sciences, with recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism, the National Advisory Council on Drug Abuse, and the National Advisory Mental Health Council.

Agenda: From 1:30–2:30 p.m., September 14, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be perfermining initial review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

National Advisory Mental Health Council
September 19–20; 9:00 a.m.
September 19; National Insitutes of Health, Building 31C, Conference Room 10, 9000 Rockville Pike, Bethesda, Maryland 20205
September 20; Parklawn Building, Conference Room E, 5600 Fishers Lane, Rockville, Maryland 20857
Open—September 19; 9:00 a.m.–5:00 p.m.
Closed—Otherwise
Contact: Ms. Helen W. Garrett, Committee Management Officer, Parklawn Building, Room 17C–26, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4333

Purpose: The National Advisory Mental Health Council advises the Secretary of Health and Human Services, the administrator, Alcohol, Drug Abuse, and Mental Health

Administration, and the Director, National Insititute of Mental Health, regarding policies and programs of the Department in the field of mental health. The Council reviews applications for grants-in-aid relating to research and training in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and amount of, these grants.

Agenda: On September 19, the meeting will be open for discussion of MIMH policy issues and will include current administrative, legislative, and program developments. Attendance by the public for the open session will be limited to space available. Otherwise, the Council will conduct a final review of applications for Federal asssitance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 5562b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

National Advisory Council on Drug Abuse
September 20–21; 9:00 a.m.
National Institutes of Health, Building 31C, Conference Room 8, 9000 Rockville, Pike, Bethesda, Maryland 20205
Open—September 20; 9:00 a.m.–12 noon; September 21; 9:00 a.m.–5:00 p.m.
Closed—Otherwise
Contact: Ms. Sheila Gardner, Room 10A–53, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–6720

Purpose: The National Advisory Council on Drug Abuse advises and makes recommendations to the Secretary, Department of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute on Drug Abuse, on the development of new initiatives and priorities and the efficient administration of drug abuse reserach, including prevention and treatment research, and research training. The Council also gives advice on policies and priorities for drug abuse grants and contracts, and reviews and makes final recommenations on grant applications.

Agenda: From 9:00 a.m.–12 noon, September 20, and from 9:00 a.m.–5:00 p.m., September 21, the meeting will be open for discussion of administrative announcements, program development and policy issues. Otherwise, the Council will be performing final review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (U.S.C. Appendix I).

Rape Prevention and Control Advisory Committee
September 20–21; 9:00 a.m.
Parklawn Building, Conference Room 17–09A, 5600 Fishers Lane, Rockville, Maryland 20857
Open
Contact: Mary Lystad, Ph. D., Executive Secretary, Parklawn Building, 5600 Fishers Lane, Room 6C–12, Rockville, Maryland 20857, (301) 443–1910

Purpose: The Committee advises the Secretary, Department of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, through the National Center for the Prevention and Control of Rape, on matters regarding the needs and concerns associated with rape in the United States and makes recommendations pertaining to activities to be undertaken by the Department to address the problems of rape.

Agenda: The entire meeting will be open to the public. It will include a report from the National Center for the Prevention and Control of Rape on final report research findings, a discussion on future research development plans, a presentation by the Director, Victims of Crime Program Management Team, and preparation of the Committee's Annual Report.

National Advisory Council on Alcohol Abuse and Alcoholism
September 22–23; 9:00 a.m.
Wilson Hall, Building 1, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205
Open—9:00 a.m.–2:00 p.m., September 22 9:00 a.m.—adjournment, September 23
Closed—Otherwise
Contact: Mr. James Vaughan, Room 16C–20, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4375

Purpose: The Council advises the Secretary, Department of Health and Human Services regarding policy direction and program issues of national significance in the area of alcohol abuse and alcoholism. Reviews all grant applications submitted, evaluates these applications in terms of scientific merit and adherence to Department policies, and makes recommendations to the Secretary with respect to approval and amount of award.

Agenda: September 22 and September 23 (open session) will be devoted to general business of the Council and a discussion of current budget, legislative and program activities.

September 22 (closed session) the Council will conduct a final review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions set forth in Section 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact persons listed above. Summaries of the meetings and rosters of Committee members may be obtained as follows: NIAAA: Mrs. Diana Widner, Committee Management Officer, Room 16C–20, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4375. NIDA: Ms. Claudette Wright, Committee Management Officer, Room 10–22, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–1644. NIMH: Ms. Helen W. Garrett, Committee Management Officer, Room 17C–26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4333.

Dated: August 23, 1983.

Sue Simons,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 83-23481 Filed 8-25-83; 8:45 am]

BILLING CODE 4160-20-M

Social Security Administration

Office of Refugee Resettlement

Correction Notice: Volume 48, No. 162, Friday, August 19, 1983;

Announcement of Proposed Availability of Funding for Mainstream English Language Training Projects for Refugees, p. 37722.

Section under *Closing Date* should read:

An application must be mailed or hand delivered by the closing date, September 16, 1983.

Section under *Applications Submission and Approval Procedures* should read:

Prospective grantees must submit an original application and two copies to the Grants Management Branch by 5:00 p.m. Eastern Daylight Time on September 16, 1983.

Section under *Applications Delivered by Hand* should read:

Hand delivered applications will not be accepted after 5:00 p.m. on the closing date, September 16, 1983.

James J. Gigante,

Deputy Director, Office of Refugee Resettlement, Social Security Administration, Department of Health and Human Services.

[FR Doc. 83-23520 Filed 8-25-83; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Availability of Final Environmental Impact Statement for the Redding Livestock Grazing Program, Ukiah District, California

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of Availability.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Action of 1969, the Bureau of Land Management has prepared an abbreviated final environmental impact statement for the grazing program in the Redding Resource Area of the Ukiah District, California. Alternatives analyzed are (1) continuation of the present program, (2) no grazing, (3) balanced use and (4) emphasis on commodity production.

DATES: Comments on the final environmental impact statement are being solicited from public agencies and interested individuals and organizations. Written comments should be submitted by September 26, 1983, to the Redding Area Manager, 355 Hemsted Drive, Redding, California 96002 in order to be considered in the record of decision.

ADDRESSES: Copies of the statement are available for review at local libraries, and copies can be obtained by contacting the Redding Area Office or the Ukiah District Office, P.O. Box 940, Ukiah, California 95482, telephone (707) 462-3873.

FOR FURTHER INFORMATION CONTACT: Phil Stanbro, Environmental Coordinator, Bureau of Land Management, Redding Area Office, 355 Hemsted Drive, Redding, California 96002, telephone (916) 246-5341.

Dated: August 17, 1983.

Van W. Manning,

District Manager.

[FR Doc. 83-23415 Filed 8-25-83; 8:45 am]

BILLING CODE 4310-84-M

[CA 13253]

California: Modification of Realty Action; Competitive Sale of Public Land in Calaveras County

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value ($24,000).

Mount Diablo Meridian, California

T. 5N., R. 12E.,
Sec. 8, S½NE¼SW¼ and NW¼SE¼SW¼.

Containing 30 acres.

The land, which was being offered through direct sale is now being sold by modified competitive bidding, to the following adjacent landowners:

Edward Cavalli, Marc Barenfeld, Milton Craig, David Green, and Charles Luce.

The individuals named above who own land adjoining the sale parcels will be designated bidders; i.e., they will be offered the right to purchase the land indicated below by meeting the highest bid. Refusal or failure to meet the highest bid shall constitute a waiver of such bidding provisions.

The sale is consistent with the land use plan and disposal criteria of 43 CFR 2710.0-3(a).

The terms and conditions applicable to the sale are:

1. A right-of-way for ditches and canals will be reserved to the United States (43 U.S.C. 945).

2. All minerals in the land will be reserved to the United States (43 U.S.C. 1719).

3. Charles C. Luce must file with the Bureau of Land Management a relinquishment of the claims filed with BLM under serial numbers CAMC 123376 and CAMC 123533, prior to the date of the sale.

4. Mr. David Green must sign a relinquishment of grazing preference for grazing lease 4202 with the Bureau of Land Management.

5. A right-of-way for overhead utility and communication purposes to Pacific Gas and Electric Company and Pacific Telephone Company granted under CA 3664 and CA 6399 respectively, California BLM.

6. A right-of-way for existing road (Jesus Maria Road) to Calaveras County under RS 2477.

Federal law requires that bilders be U.S. citizens or, in the case of a corporation, subject to the laws of any State of the U.S. Proof of citizenship shall accompany the bid. The sale will be conducted by oral bidding. Bids must be made by the principal or his agent at the time of the sale. The highest oral bid will establish the sale price. No bids will be acceptable for less than Fair Market Value and bids for the parcel must include all the lands in the parcel. The apparent high bidder will be required to submit a nonrefundable deposit of one-fifth of the full bid price immediately after the sale. The remainder of the full bid price shall be paid within 30 days of the sale. Failure to pay the full price within 30 days shall disqualify the apparent high bidder and deposit shall be forfeited. The sale will be held at 10:00 a.m., November 15, 1983, at the Folsom Resource Area Office, Bureau of Land Management, 63 Natoma Street, Folsom, California 95630.

Comments on the proposed direct sale were considered by the State Director, California State Office, Bureau of Land Management, and resulted in cancellation of the direct sale in favor of modified competitive bidding procedures to allow all adjacent owners to bid on the sale parcel. This constitutes a final decision.

Rory E. Raschen,

Associate District Manager.

[FR Doc. 83-23404 Filed 8-25-83; 8:45 am]

BILLING CODE 4310-84-M

[AA-48034; AA-48048]

Alaska; Proposed Reinstatement of a Terminated Oil and Gas Lease

August 17, 1983.

1. Pursuant to the provisions of Pub. L. 91-245 and Pub. L. 97-451, a petition for reinstatement of oil and gas lease, AA-48043 and AA-48048, has been received covering the following lands:

Kateel Meridian

T. 20 S., R. 22 E.,
Sec. 2, all;
Sec. 11, all.
T. 21 S., R. 22 E.,
Sec. 3, all;
Sec. 10, all;
Sec. 15, all;
Sec. 22, all.

Comprising 3,840 acres.

2. The proposed reinstatement of the lease would be under the same terms and conditions of the original lease, except the rental will be increased to $5 per acre per year, and royalty increased to 16⅔ percent beginning on the reinstatement date.

3. Lessee will reimburse the Department $500 for administrative

costs and for the cost of the notice published in the **Federal Register.**

Robert E. Sorenson,

Chief, Branch of Mineral Adjudication.

[FR Doc. 83-23406 Filed 8-25-83; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

National Park Service

Joint Environmental Impact Statement for Jackson Lake Safety of Dams Program, Wyoming

AGENCY: Bureau of Reclamation and National Park Service, Interior.

ACTION: Notice of intent to prepare a joint environmental impact statement.

SUMMARY: Jackson Lake Dam is located near Jackson, Wyoming, and within the bounaries of Grand Teton National Park. Studies conducted in recent years by the USBR (Bureau of Reclamation) have determined that the structure has a high probability of failure should a major earthquake occur in the vicinity. On April 16, 1980 (45 FR 25953), the USBR published a Notice of Intent to Prepare an EIS (Environmental Impact Statement) on actions proposed to achieve the safety of Jackson Lake Dam in the event of such a major earthquake. Following initial scoping meetings held by USBR in May 1980, the alternatives first considered were reviewed and expanded. In 1983, a series of public involvement meetings were held to aid in evaluating technical alternatives.

It has become apparent that the significant involvement in and responsibilities for actions taken in the area by both the USBR and the NPS (National Park Service) require that any analysis of the environmental impacts of alternative solutions to the safety of Jackson Lake Dam be done jointly. To accomplish that objective, the EIS will now be prepared as a joint effort of the USBR and the NPS.

Scoping and technical studies conducted to date have resulted in the definition of several construction and nonconstruction alternatives to be considered in the joint EIS.

Construction alternatives:

1. Modify the existing Jackson Lake Dam to strengthen it against earthquake damage.

2. Construction of a new, earthquake-resistant dam at Pacific Creek, about 4 miles downstream from the present dam. The new dam could be designed to be either a primary replacement dam to store Jackson Lake water or as an emergency structure to be used only to detain floodwaters in the event the existing Jackson Lake Dam should fail.

Nonconstruction alternatives:

1. Return the lake to its original, natural (pre-dam construction) level at elevation 6730 feet;

2. Reduce the reservoir elevation to approximately 6745 feet to afford protection beyond the present restricted lake level;

2. Maintain the current restriction at lake elevation 6760. Lowering the lake level would be combined with measures to replace the storage elsewhere or otherwise compensate for the lost storage.

4. Take no action; that is, have the lake at its unrestricted level at elevation 6769 and make no effort to strengthen the dam against possible earthquake damage.

Other alternatives have been proposed which would combine aspects of the ones cited above, but these have not been specifically defined.

Previous scoping activities, recent public involvement sessions, and agency evaluations to date have identified a number of issues where there may be a significant impact resulting from one or more of the alternatives. Such issues within the park include:

—The experience of park visitors, encompassing among other things visual aspects, noise levels, and park values such as solitude and naturalness;

—Effects on wildlife such as eagle, heron, beaver, otter, moose, and elk;

—Recreational activities including stream fishing, river rafting, lake boating and fishing, and unique photographic opportunities.

Other impact issues include:

—Safety of humans both inside and outside the park;

—Water supply;

—Economic aspects including downstream farm and ranch income, commercial business in the city of Jackson and other communities, park concesssionaire operations and income, and downstream property damage from flooding;

Traffic and transportation aspects such as park traffic and visitor reaction to construction vehicles and wear and tear on roads and bridges;

Social effects from the influx of the temporary work force on availability of housing and schools;

Impacts on both upland and wetland vegetation;

Effects on flood plains and wetland vegetation;

Endangered species of plants and animals;

Erosional rates and patterns;

Borrow site excavation; and

Archeological resources.

The public is invited to offer additional alternatives and/or issues which it believes should be considered in the EIS or which it believes should be deleted.

Scoping meetings will be held in the following locations on the dates noted at 7:30 p.m. to receive public input on alternatives and issues:

September 12, 1983, Jackson, Wyoming, Wort Hotel

September 13, 1983, Burley, Idaho, Burley Inn

September 14, 1983, Idaho Falls, Idaho, Westbank Motel

Both written and oral suggestions will be received at the meetings. In the interest of allowing everyone who wishes to speak that opportunity, comments will be limited to 10 minutes or less. Individuals may indicate their desire to speak by contacting the Office of Environment, Pacific Northwest Regional Office, Bureau of Reclamation, Box 043,550 West Fort Street, Boise, Idaho 83724, by Friday, September 9, 1983 (phone (208) 334-1207). Requests to speak will also be taken at each of the meetings.

Written comments on the alternatives and environmental issues may also be sent directly to the Bureau of Reclamation at the above address prior to October 14, 1983. All scoping information received will be considered thoroughly by both the NPS and the USBR in reaching a decision on those alternatives and environmental issues to be included in the joint EIS.

FOR FURTHER INFORMATION CONTACT: Mr. Douglas James at the above address, or Mr. Robert Kasparek, Regional Environmental Coordinator, Rocky Mountain Regional Office, National Park Service, 455 Parfet Street, Box 25287, Denver, Colorado 80225.

Dated: August 23, 1983.

Robert N. Broadbent,

Commissioner of Reclamation.

Dated: August 23, 1983.

Mary Lou Grier,

Acting Director, National Park Service.

[FR Doc. 83-23500 Filed 8-25-83; 8:45 am]

BILLING CODE 4310-70-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; ARCO Oil and Gas Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice annouces that ARCO Oil and Gas Company, Unit Operator of the Mississippi Canyon Block 148 Federal Unit Agreement No. 14-08-0001-16934, submitted on August 10, 1983, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the Mississippi Canyon Block 148 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838-0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 18, 1983.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-23414 Filed 8-25-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Kerr-McGee Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Kerr-McGee Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 1528, Block 233, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 838-0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 19, 1983.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-23430 Filed 8-25-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Pea Ridge National Military Park, Arkansas; Availability of Finding of No Significant Impact for the Visitor Use/Development Plan and Environmental Assessment

Pursuant to the National Environmental Policy Act of 1969, Title 40 of the Code of Federal Regulations, and Part 516 of the Departmental Manual, the National Park Service has prepared a Finding of No Significant Impact for the Visitor Use/Development Plan and Environmental Assessment for Pea Ridge National Military Park, Benton County, Arkansas.

The Visitor Use/Development Plan and Environmental Assessment inventories existing conditions at Pea Ridge National Military Park, identifies problems, presents a proposal and two alternatives for addressing those problems and discusses their environmental consequences.

Based on public review input received and on management decisions, the proposal has been selected as the plan of development. The proposal best provides for the repair and maintenance of existing facilities to upgrade operational and safety standards and for the development of new facilities and utilities for recreational use and interpretation of the park's resources, while assuring the preservation and management of the park's aesthetic values.

It is the conclusion of the National Park Service that the proposal is not a major Federal action that will significantly affect the human environment.

Therefore, an environmental impact statement will not be prepared. The National Park Service will proceed with development of comprehensive design plans and specifications, and implement the proposal as funds are available.

Copies of the Finding of No Significant Impact are available, upon request, from the Superintendent, Pea Ridge National Military Park, Pea Ridge, Arkansas 72751; and the Southwest Regional Office, National Park Service, Post Office Box 728, Santa Fe, New Mexico 87504.

Dated: August 12, 1983.

Robert Kerr,

Regional Director, Southwest Region.

[FR Doc. 83-23501 Filed 8-25-83; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-160]

Certain Composite Diamond Coated Textile Machinery Components; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337 and 19 U.S.C. 1337a.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 19, 1983, under section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and under 19 U.S.C. 1337a, on behalf of Surface Technology, Inc., Box 2027, Princeton, New Jersey 08540. A supplement to the complaint was filed on August 4, 1983. The complaint alleges unfair methods of competition and unfair acts in the importation of certain composite diamond coated textile machinery components into the United States, or in their sale, by reason of alleged (1) infringement of the claims of U.S. Patent Re. 29,285; (2) infringement of the claim of U.S. Letters Patent No. 3,940,512; and (3) tying arrangements constituting unreasonable restraint of trade. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy

or substantially injure an industry, efficiently and economically operated, in the United States or to restrain or monopolize trade and commerce in the United States.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue both a permanent exclusion order and a permanent cease and desist order.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of investigation: Having considered the complaint, the U.S. International Trade Commission, on August 17, 1983, ordered that:

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930 an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unauthorized importation of certain composite diamond coated textile machinery components into the United States, or in their sale, by reason of alleged: (1) Infringement of the claims of U.S. Patent Re. 29,285; (2) infringement of the claim of U.S. Letters Patent No. 3,940,512; and (3) tying arrangements constituting unreasonable restraint of trade, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States or to restrain or monopolize trade and commerce in the United States.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—

Surface Technology, Inc.,
Box 2027,
Princeton, New Jersey 08540

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Barmer Maschinenfabrik A.G.,
Leverkuser Strasse 65, 5630
Remscheid 11, Federal Republic of
Germany

Elektroschmelzwerk Kempten GmbH,
Herzon-Wilhelm-Strasse 16,
8000 Munich 33, Federal Republic of
Germany

FAG Kugelficher Georg Schaefer & Co.,
Postfach 1260, 8720 Schweinfurt 2,
Federal Republic of Germany

Schubert & Salzer Maschinenfabrik
A.G., Friedrich-Ebert-Strasse 84,8070
Ingolstadt, Federal Republic of
Germany

Schubert & Salzer Machine Works Co.,
P.O. Box 589, Pendleton, South
Carolina 29670

W. Schlafhorst & Co.,
Blumenbergstrasse 143/43,
4050 Monchengladbach 1, Federal
Republic of Germany

American Schlafhorst Co., Inc., 8801
South Boulevard, Charlotte, North
Carolina 28224

American Barmag Corporation, P.O. Box
7046, Charlotte, North Carolina 28217

(c) Jeffrey L. Gertler, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 122, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202-523-0471.

FOR FURTHER INFORMATION CONTACT: Jeffrey L. Gertler, Esq., Unfair Import Investigations Division, Room 122, U.S. International Trade Commission, telephone 202-523-4693.

By order of the Commission.

Issued: August 22, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-23519 Filed 8-25-83; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applicaitons 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 operaitons, 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 applicaiton 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.

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 inquiris about the following to Team Three (3) at (202) 275–5223

Volume No. OP3–387

Decided: August 16, 1983.

By the Commission, Review Board Members Dowell, Joyce, and Fortier.

MC 15735 (Sub-89), filed August 1, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Ave., 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., under continuing contract(s) with Marmon Holdings, Inc., and its subsidiaries, of Chicago, IL.

MC 110325 (Sub-191), filed July 27, 1983. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Jerome Biniasz, (same address as applicant), (213) 640–1800. 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 125845 (Sub-1), filed July 26, 1983. Applicant: B. B. NASH TRUCKING, INC., Rt. 2, Box 12, Gladys, VA 24554. Representative: Paul D. collins, 7761 Lakeforest Dr., Richmond, VA 23235, (804) 745–0446. Transporting *lumber and wood products, forest products,* and *building materials*, between points in the U.S. (except AK and HI), under continuing contract(s) with (1) H.S. Nash Timber Corp., of Gladys, VA, (2) Holly Hill Forest Industries, Inc., of Holly Hill, SC, and (3) 84 Lumber Company, of Eighty Four, PA.

MC 138415 (Sub-30), filed July 28, 1983. Applicant: TRAILER EXPRESS, INC., P.O. Box 327, Topeka, IN 46571. Representative: Paul D. Borghesani, Suite 300, Communicana Bldg., 421 South Second St., Elkhart, IN 46516, (219) 293–3597. Transportaion *transporting equipment* and *prefabricated buildings*, between points in the U.S. (except AK and HI), under continuing contract(s) with persons who are engaged in business as manufacturers, distributors, and dealers of transportation equipment and prefabricated buildings.

MC 167834, filed July 28, 1983. Applicant: CUMBERLAND FARMS DAIRY INC., 777 Dedham St., Canton, MA 02021. Representative: Francis E. Barrett, Jr., 9 Riverview Rd., Hingham, MA 02043, (617) 749–6500. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AL, CT, DE, FL, GA, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA, WV, and DC.

MC 169554, filed July 27, 1983. Applicant: JAMES MASON ENTERPRISES, INC., 3810 Bridgeport Circle, Wichita, KS 67219. Representative: Brad T. Murphree, 814 Century Plaza Bldg., Wichita, KS 67202, (316) 265–2634. Transporting *metal products* and *machinery*, between points in AR, CO, IA, IL, IN, KS, MN, MO, NE, NM, OK, SD, TX, and WY.

MC 169575, filed August 1, 1983. Applicant: EASTERN WASHINGTON DISTRIBUTORS TRUCKING DIVISION, INC., 214 South Fourth Ave., Yakima, WA 98902. Representative: Robert A. Donaldson (same address as applicant), (509) 575–8939. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AZ, CA, ID, MT, NV, OR, and WA.

Volume No. OP3–403

Decided: August 3, 1983.

By the Commission, Review Board Members Joyce, Williams, and Dowell.

MC 169275, filed July 15, 1983. Applicant: JOHN A. FRANK AND TWILA J. FRANK d.b.a. JEAN'S TRANSFER, 16 So. 72nd, Kansas City, KS 66111. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105, (816) 221–1464. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between those points in the U.S. in and east of ND, SD, NE, KS, OK and TX (except CT, RI, MA, NH, VT and ME).

Please direct status inquires about the following to Team Three (3) at (202) 275–5223.

Volume No. OP3–400

Decided: August 19, 1983.

By the Commission, Review Board Members Fortier, Dowell, and Carleton.

MC 15735 (Sub-95), filed August 5, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680, (312) 681–8378. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with NUS Corporation, of Gaithersburg, MD, and its subsidiaries.

MC 65665 (Sub-21), filed August 3, 1983. Applicant: IMPERIAL VAN LINES,

INC., 2805 Columbia St., Torrance, CA 90503. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, D.C. 20006, (202) 833–8884. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Imperial Van Lines International, Inc., of Torrance, CA and its subsidiaries and its affiliate, Thru Container International, Inc.

MC 124964 (Sub-76), filed August 3, 1983. Applicant: BOOTH TRANSPORT, INC., P.O. Box 265, Tavares, FL 32778. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., NW., Suite 500, Washington, DC 20006, (202) 828–5015. Transporting *food and related products* and *such commodities* as are dealt in or used by discount stores, between points in the U.S. (except AK and HI), under continuing contract(s) with the class of persons who are manufacturers, distributors and dealers of food and related products and such commodities as are dealt in or used by discount stores.

MC 133085 (Sub-22), filed August 4, 1983. Applicant: TRENCO, INCORPORATED, P.O. Box 697, Wiliamsport, PA 17701. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., NW., Suite 500, Washington, DC 20006, (202) 828–5015. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Newgate, Inc., of Williamsport, PA.

MC 162984 (Sub-1), filed July 28, 1983. Applicant: GO 98 CO., 820 East "D" St., Wilimington, CA 90744. Representative: David Zimmerman, P.O. Box 1564, York, PA 17405, (717) 854–3138. Transporting *general commodities* (except classes A and B explosives and household goods), between Creston, Belmont, Hickerson, McMinnville, Smartt, and Sparta, TN, Hamburg, Green Isle, Arlington, Gaylord, Gibbon, Winthrop, Morton, Franklin, Fairfax, Belview, Delhi, Redwood, Hazen Run, Wood Lake, Clarkfield, Echo, Madison, Dawson, Battle Lake, Underwood, Sawbill Landing, Cyrus, and Boyd, MN, Lundgren, Palm Grove, Harcourt, Dayton, Lanyon, Hope, Boxholm, Wolf, Frazer, Logansport, Boone, Napier, Huxley, Alleman, Voohies and Buckingham, IA, Oak Ridge, Brodenax, Dehlco, Archibald, Mangham, Wisher, Gilbert, Basking, Winnsboro, Chase, Peck, Sicily Island, Foules, Lee Bayou and Youngsville, LA, Rosinclare, Shelterville, Golconda, Homberg, Brownsville, Carpentersville, Dundee, North Henderson, and Woodhull, IL, Galina, AZ, Scalley and Grinnell, WA, Rich and Jonestown, MS, Brimfield, Duncan and Moon, IL, Manhattan Beach, Hermosa Beach, Redondo Beach, and Monson, CA, Alto, Wells and Pollok, TX, Rutherfordton, NC, McKinley, Brace, Fair Valley, Freedom, Edith, Lovedale, Selman and Buffalo, OK, Delisle, Abbottsville, and Edon, OH, Summerland, Gitano and Soso, MS, Dr. Phillips, FL, Dousman, Wales, Sullivan, London, Lake Mills, Helenville and Deerfield, WI, Rex, CO, Jonesboro, NC, Caseville, MI, Prince, Pioche and Panaca, NV, Maxine, Praco and Colta, AL, Mountain View and Winona, MO, Foraker, Benton, Topeka, Eddy, South Milford, Helmer, Hudson and Hamilton, IN, Olympia, Bayboro, Grantsboro, Alliance, NC, Lowrys, Dephia and McConnells, SC, Somerton, AZ, Oakfield and Warwick, GA, Hammonton, Egg Harbor, Woodbine, and Cape May, NJ, Palmerton, CT, and Brockway, MT, on the one hand, and, on the other, points in the U.S. (except AK and HI). Note: The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 169685, filed August 5, 1983. Applicant: DIANA TRUCK LINES, INC., 755 East 82nd Ave., Merrillville, IN 46410. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603, (312) 782–8880. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Chicago, IL, on the one hand, and, on the other, points in IN, KY, MI, IL, WI and OH.

MC 169694, filed August 5, 1983. Applicant: J. LEON WOLFE, P.O. Box 243, Phoenix, OR 97535. Representative: (Same as applicant), (503) 535–1898). Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S., under a continuing contract(s) with R & R Truck Brokers, Inc., of Medford, OR.

MC 169695, filed August 5, 1983. Applicant: NATIONAL TRUCKING & DISTRIBUTION, INC., 19 Pine Ave., Suite 508, Long Beach, CA 90802. Representative: Richard Stanton (same address as applicant), (213) 436–7880. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. under continuing contract(s) with Tech Trans Services Co., of Westminster, CA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-23474 Filed 8-25-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-354]

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Proposed Exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343,* 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Joyce D. Lannon (202) 275–7992.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: August 22, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[No. MC-F-15278]

Gorski Bulk Transport Inc.—Purchase (Portion) Exemption—Olin Wooten Transport Co., Inc.

Gorski Bulk Transport, Inc. (MC-142268) and Olin Wooten Transport Co., Inc. (MC-150700) seek an exemption from the requirement under section 11343 of prior regulatory approval for acquisition by Gorski of a portion of the motor carrier operating rights of Olin Wooten, i.e. Certificate No. MC-150700 (Sub-No. 6X, paragraph D) authorizing the transportation of chemicals and related products between points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, as well as the underlying authority in Sub-No. 1, paragraph 6 which authorizes the transportation of materials and supplies used in the manufacture of paint (except commodities in bulk).

Send comments to:

(1) Office of the Secretary, Case Control Branch, interstate Commerce Commission, Washington, DC 20423; and

(2) Petitioners' representative: William H. Shawn, Esquire, 1730 M Street, Northwest, Washington, DC 20036
Sol H. Proctor, Esquire, 1107 Blackstone Building, Jacksonville, FL 32202

Pleadings should refer to No. MC-F15278.

[No. MC-F-15380].

Taylor-Maid Tansportation, Inc.—Purchase Exemption—A & G Express, Inc.

Taylor-Maid Transportation, Inc. ("Buyer") MC-152180 (formerly Container Express, Inc.) files this petition pursuant to 49 U.S.C. 11343(e) seeking an exemption from the requirement under 49 U.S.C. 11343 of prior regulatory approval for its proposed purchase of the operating authority of A & G Express, Inc. ("Seller"), No. MC-146891. Buyer seeks to purchase from Seller, Sub-Nos. 3F, 4X, 5, and 6 certificates, which authorize common carrier irregular route transportation of (1) general commodities (except classes A and B explosives, household goods, and commodities in bulk, between points in the United States (except Oregon, Washington, Idaho, Montana, Wyoming, South Dakota, North Dakota, Alaska, and Hawaii), (2) general commodities (except classes A and B explosives) between points in the southern half of Georgia, on the one hand, and, on the other, points in the United States, and (3) nationwide contract carrier service authorizing the transportation of agricultural chemicals under continuing contract(s) with Helena Chemical Company, of Memphis, TN, and pulp, paper and related products and cellulose products, under continuing contract(s) with The Proctor & Gamble Paper Products Company of Cincinnati, OH. Both Buyer and Seller are controlled by the Fred Taylor Company, Inc., and upon consummation of the purchase of said operating authority, the common control of Buyer and Seller by the Fred Taylor Company, Inc. will continue.

Send comments to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423; and

(2) Petitioner's representative: Robert C. Boozer, Troutman, Sanders, Locherman, & Ashmore, 1400 Chandler Building, Atlanta, GA 30034.

Comments should refer to No. MC-F-15380.

[FR Doc. 83-23479 Filed 8-25-83; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 417 and Ex Parte No. 417 (Sub-1)]

Rail Carriers; Costing Methodologies for the Northeast Corridor; Commuter Service and Conrail Freight Service

AGENCY: Interstate Commerce Commission.

ACTION: Denial of Petition to Reopen Proceeding.

SUMMARY: The Interstate Commerce Commission is denying a National Railroad Passenger Corporation (Amtrak) petition to reopen Ex Parte No. 417 *Costing Methodologies for the Northeast Corridor: Commuter Service.* (48 FR 9383, March 4, 1983) We do not perceive any need for modifying the methodology at this time and urge that Amtrak and other users of the Northeast Corridor negotiate the resolution of any disputes. However, if such negotiations fail we will consider changes to the final methodology.

FOR FURTHER INFORMATION CONTACT: Stephen Grimm, (202) 275-0839; or James Wells, (202) 275-0840.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision denying the Amtrak petition. For a copy of the denial, write to T. S. Infosystem, Inc. Room 2227, Interstate Commerce Commission, Washington, D.C. 20423 or call (202) 289-4357 or toll-free (800) 424-5403.

Decided: August 19, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-23478 Filed 8-25-83; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 28640 (Sub-No. 9)]

Rail Carriers; Chicago, Milwaukee, St. Paul and Pacific Railroad Co.; Reorganization; Acquisition by Grand Trunk Corp.

AGENCY: Interstate Commerce Commission.

ACTION: Acceptance of Inconsistent Plans of Reorganization and scheduling of proceedings. Acceptance of responsive trackage rights applications. Notice of other responsive proposals.

SUMMARY: The Commission accepts the Inconsistent Plan of Reorganization of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) filed under section 77 of the Bankruptcy Act and 49 U.S.C. 11343-4 by the Chicago and North Western Transportation Company (C&NW) and sets a procedural schedule. The Commission also accepts responsive trackage rights applications filed by C&NW and Green Bay and Western Railroad Company (GB&W). Also filed and accepted were responsive proposals by the Chicago Milwaukee Corporation (CMC), in the form of an inconsistent plan or reorganization, U.S. Department of Transportation (DOT), La Salle National Bank (LSNB), and Railway Labor Executives' Association (RLEA).

DATES: Verified statements in support or opposition of C&NW's Inconsistent Plan of Reorganization are due November 7, 1983. The complete procedural schedule is contained in the Commission's decision.

ADDRESSES: An original and 20 copies of all pleadings referring to Finance Docket No. 28640 (Sub-No. 9) should be sent to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

Copies should also be served on parties of record in Finance Docket No. 28640 (Sub-No. 9). A list of parties of record is available from the Secretary's Office at (202) 275-7999 for those persons who are not now parties of record. Current parties of record should use the existing service list as amended by pleadings received by new parties.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245; or Joseph C. Levin, (202) 275-7936.

SUPPLEMENTARY INFORMATION: A complete procedural schedule for consideration of C&NW's Inconsistent Plan of Reorganization and additional information are contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

C&NW's Inconsistent Plan of Reorganization, identified as Finance Docket No. 28640 (Sub-No. 9C), contemplates that the Reorganized MILW would be acquired by C&NW's wholly-owned subsidiary, Mid America Rail Properties, Inc. (MARP). C&NW also filed 4 related proposals. In Finance Docket No. 28640 (Sub-No. 9D), C&NW seeks an exemption under 49 U.S.C. 10505 from 49 U.S.C. 11343 for stock control and lease and operation of lines acquired by MARP. In MC-F-15231 (Sub-No. 1) C&NW seeks an exemption under 49 U.S.C. 10505 from 49 U.S.C. 11343 to acquire control of Milwaukee Motor Transportation Company. In Finance Docket No. 28640 (Sub-No. 9E),

C&NW and MARP seek an exemption under 49 U.S.C. 10505 from 49 U.S.C. 10901 to construct a rail line between Seymour and Allerton, IA. In Finance Docket No. 28640 (Sub-No. 9F), C&NW seeks an exemption under 49 U.S.C. 10505 from 49 U.S.C. 10903-4 to abandon approximately 1.100 miles of C&NW and MILW rail lines in Illinois, Iowa, Minnesota, Missouri and Wisconsin. The lines sought to be abandoned are identified in the Commission's decision.

CMC filed an Alternate Plan of Reorganiztion in Finance Docket No. 28640 (Sub.No. 9K) proposing that MILW be reorganized as an independent carrier. DOT, RLEA and LSNB propose modifications to the Trustee's Amended Plan of Reorganization relating to the satisfaction of certain claims.

C&NW and GB&W filed trackage rights applications in response to the Trustee's Amended Plan. In Finance Docket 28640 (Sub-No. 9G) C&NW seeks trackage rights over MILW lines from Shermer, IL to Milwaukee, WI to St. Paul, MN; New Lisbon to Necedah, WI; and Milwaukee to Canco, WI. In Finance Docket No. 28640 (Sub-No. 9H), C&NW seeks trackage rights over MILW's line between Madison and Portage, WI. In Finance Docket No. 28640 (Sub-No. 9I), C&NW seeks trackage rights over MILW's line between Wisconsin Rapids and Wausau, WI. In Finance Docket No. 28640 (Sub. No. 9J), C&NW seeks trackage rights over MILW lines from Clinton to Davenport to Fruitland to Seymour, IA. In Finance Docket No. 28640 (Sub-No. 9L), GB&W seeks trackage rights over MILW lines betwen Menominee, WI and Chicago, IL; and Tomahawk and Nekoosa/Port Edwards, WI.

CMC's Alternate Plan of Reorganization and the C&NW and GB&W trackage rights applications will be dealt with as part of the ongoing proceeding concerning the Grand Trunk Corporation's proposed acquisition of MILW, as to which a procedural order is being issued this day by the Administrative Law Judge.

Decided: August 22, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary

[FR Doc. 83-23475 Filed 8-25-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30244]

Rail Carriers; Baltimore and Ohio Railroad Co.; Abandonment Exemption in Cuyahoga County, OH

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10903 *et seq.* the abandonment by the Baltimore and Ohio Railroad Company of 0.98 miles of railroad in Cuyahoga County, OH, subject to conditions for the protection of employees.

DATES: This exemption is effective on September 26, 1983. Petitions to stay must be filed by September 5, 1983; and petitions for reconsideration must be filed by September 15, 1983.

ADDRESS: Send pleadings referring to Finance Docket No. 30244 to:

(1) Office of Secretary, Interstate Commerce Commission, Washington, D.C. 20423

(2) Petitioner's representative: Peter J. Shudtz, Baltimore and Ohio Railroad Company, P.O. Box 6419, Cleveland, OH 44101

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423 or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Decided: August 17, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Vice Chairman Sterrett and Commissioner Andre would not impose a deadline on consummation of the exempted transaction.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-23477 Filed 8-25-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 1028-83]

Single Audit Concept for Grant Recipients

AGENCY: Justice.

ACTION: Notice.

Grant recipients that are State and local governments and Indian tribal governments are under an obligation to comply with the requirements concerning non-Federal audits of such governments, as set forth in Office of Management and Budget (OMB) Circular A-102, Attachment P, including any applicable amendments to those requirements published in the **Federal Register** by OMB.

Grant recipients that are institutions of higher education and other non-profit organizations are under an obligation to comply with the requirements concerning non-Federal audits of such organizations, as set forth in OMB Circular A-110, including any applicable amendments to those regulations published in the **Federal Register** by OMB.

FOR FURTHER INFORMATION CONTACT: Guy K. Zimmerman, Director, Audit Staff, Justice Management Division, Department of Justice, Washington, D.C. 20530. (703-756-6121).

Dated: August 18, 1983.

Edward C. Schmults,

Acting Attorney General.

[FR Doc. 83-23480 Filed 8-25-83; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Office of the Secretary

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.

Extension (burden change)

Bureau of Labor Statistics

Current Monthly Report on Employment, Payroll and Hours—BLS 790

Monthly

Nonagricultural establishments

Small business affected

SIC: 074, 075, 078, 10–17, 20–86, 89, 91–97, and 99

2,328,000 responses; 383,000 hours; 13 forms

The BLS 790 program provides Current Monthly Employment, Hours, and Earnings by Industry. Data provided are fundamental inputs in the economic decision process at all levels of government, private enterprises, and organized labor. The estimates are vital to the calculation of the Gross National Product and to the Federal Reserve Board's index of industrial production.

Signed at Washington, D.C. this 23rd day of August, 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83-23510 Filed 8-25-83; 8:45 am]

BILLING CODE 4510-24-M

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Park-Ohio Industries, Inc., et al.

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period August 15, 1983–August 19, 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 subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–13,998; Park-Ohio Industries, Inc., Tocco Div., Cleveland, OH

TA–W–14,595; Recticel Foam Corp., Buffalo, NY

TA–W–14,455; American Tool White-BSA, Cincinnati, OH

TA–W–14,411; Lehigh Structural Steel Co., Allentown, PA

TA–W–13,890; Hordis Brothers, Inc., St. Louis, MO

TA–W–13,849; Calef and Shenkman, Inc., New York, NY

TA–W–14,395; Mount Vernon Mills, Inc., Tallassee Div., Tallassee, AL

TA–W–14,416; Cuddle Teen Frocks, Inc., Jersey City, NJ

TA–W–14,220; U.S. Steel Corp., Christy Park Plant, McKeesport, PA

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA–W–14,499; Ameron, Inc., Protective Coatings Div., Buffalo, NY

TA–W–14,491; GTE Products Corp., Montoursville, PA

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA–W–14,543; Haught, Inc., Parkersburg, WV

Aggregate U.S. imports of petroleum did not increase as required for certification.

TA–W–14,369; Hoover Universal, Inc., Ball & Roller Div., Erwin, TN

Aggregate U.S. imports of metal balls and rollers did not increase as required for certification.

Affirmative Determinations

TA–W–13,984; The Timken Co., Canton Steel Mill, Canton Bearing Plant, Canton, OH

A certification was issued covering all workers separated on or after November 9, 1981 and before January 1, 1983.

TA–W–14,456; Asarco, Inc., Hayden Plant, Hayden, AZ

A certification was issued covering all workers separated on or after January 1, 1983.

TA–W–14,457; Asarco, Inc., Mission Unit, Sahuarita, AZ

A certification was issued covering all workers separated on or after August 1, 1982.

TA–W–13,904; Putnam Manufacturing Co., North Grosvenordale, CT

A certification was issued covering all workers separated on or after October 1, 1982.

TA–W–14,387; Brunswick Manufacturing Co., Brunswick, GA

A certification was issued covering all workers separated on or after October 1, 1982.

TA–W–14,482; Playland Industries, New York, NY

A certification was issued covering all workers separated on or after October 1, 1982.

TA–W–13,995; Jones & Laughlin Steel Corp., Indiana Harbor Works, East Chicago, IN

A certification was issued covering all workers engaged in employment related to the production of hot rolled sheet and strip, cold rolled sheet and strip, seamless pipe and basic steel and semi-finished steel (blooms, billets, slabs and tube rounds) separated on or after November 16, 1981.

I hereby certify that the aforementioned determinations were issued during the period August 15, 1983–August 19, 1983. Copies of these determinations are available for inspection in Room 9120, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: August 23, 1983.

Glenn M. Zech,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-23515 Filed 8-25-83; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Alaric Textile International, Inc., et al.

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 5, 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 5, 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 22nd day of August 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Alaric Textile International Corp. (workers)	New York, NY	8/12/83	8/8/83	TA-W-14,913	Polyester fabrics.
Amity Lamp Corp. (OCAW)	Perth Amboy, NJ	8/16/83	8/12/83	TA-W-14,914	Various electric lamps.
Anchor Die Supply (workers)	Fraser, Michigan	8/16/83	8/12/83	TA-W-14,915	Die shoes, plate burning, grinding and machining.
Atari, Inc. (workers)	Somerset, NJ	8/12/83	7/27/83	TA-W-14,916	Video games and home computers.
Birdsboro Corp., Reading plant (USWA)	Reading, PA	8/12/83	8/11/83	TA-W-14,917	Machining and assemble machinery for steel industry.
Burton Shipyard (workers)	Pt. Arthur, Texas	8/16/83	8/11/83	TA-W-14,918	Tuna boats.
Calgon Carbon Corp., Big Sandy plant (USWA)	Catlettsbury, KY	8/16/83	8/15/83	TA-W-14,919	Carbon products.
Camp Branch Coal Co. (workers)	Lyburn, WV	7/29/83	7/22/83	TA-W-14,920	Metallurgical coal mining.
Carolina Pacific Knitwear, Inc.	Statesville, NC	8/9/83	7/27/83	TA-W-14,921	Men's, boys and ladies' sportswear-knit shirts.
Cascade Corp. (Cascade Independent Union)	Springfield, Ohio	8/15/83	8/10/83	TA-W-14,922	Hydraulic cylinders.
Cerro Cooper Tube Co. (IAMAW)	Cleveland, Ohio	8/17/83	8/15/83	TA-W-14,923	Industrial copper tubbing.
Clark Equipment Co. (UAW)	Buchanan, Michigan	8/16/83	8/10/83	TA-W-14,924	Axles.
Cooper Industries, Petroleum Equipment Div. (USWA)	Sunnyvale, Texas	8/4/83	8/2/83	TA-W-14,925	Mud pumps, rotary tables, and boom type cranes.
C.P. & M Corp. (workers)	Akron, Ohio	8/16/83	8/9/83	TA-W-14,926	Tote bags, back packs, roll bags, soft luggage and headwear.
Dresser Industry Corp., Industrial Tool Div. (wkrs)	Springfield, Ohio	8/1/83	7/27/83	TA-W-14,927	Tube expanelers and cleaners.
Lesco Trucking Co., Inc. (workers)	Lone Star, Texas	8/15/83	8/5/83	TA-W-14,928	Transportation and warehousing facility for Lone Star Steel.
Metcoa, Inc. (workers)	Solon, Ohio	8/5/83	7/27/83	TA-W-14,929	Custom alloys and metals (specialty metals).
Oak Communications Systems—Div. of Oak Industry (Company).	Carlsbad, CA	8/15/83	7/27/83	TA-W-14,930	Cable TV converters.
Rich Creek Mining Co. (workers)	Man, WV	8/11/83	8/8/83	TA-W-14,931	Mine and metallurgical coal.
Robbins & Myers, Inc. (workers)	Foley, AL	8/11/83	8/9/83	TA-W-14,932	Hunters' ceiling fans.
Robbins & Myers, Inc., Comfort Conditioning Div. (company).	Memphis, Tenn	8/16/83	8/4/83	TA-W-14,933	Residential and commercial ceiling fans.
Sandusky Foundry & Machine Co., Inc. (IAMAW)	Sandusky Ohio	8/11/83	8/1/83	TA-W-14,934	Centrifugal casting cylinders.
Excalibur Coal Co. (workers)	Madison, WV	8/9/83	7/21/83	TA-W-14,935	Coal mining.
Isaacson Steel Co. (Iron Worker's Shopmen Union) (workers)	Seattle, WA	8/11/83	8/9/83	TA-W-14,936	Fabricate and erect fabricated structural steel.
Ravenware Company (workers)	Brooklyn, NY	8/16/83	8/1/83	TA-W-14,937	Displays centers—for advertisement—metal and wire products.
T & N Fabricators, Inc. (workers)	Lone Star, Texas	8/15/83	8/5/83	TA-W-14,938	Fabrication and machine shop.
Texas & Northern Railway Co. (company)	Lone Star, Texas	8/15/83	8/5/83	TA-W-14,939	Transportation of products and production materials for Lone Star Steel.
Twin Manufacturing Company (workers)	Bayshore, New York	8/15/83	8/10/83	TA-W-14,940	Men's jackets and vests.
W. R. Case & Sons Cutlery Company (IAMAW)	Bradford, PA	8/15/83	8/10/83	TA-W-14,941	Knives—pocket, lock hunting, throwing, steak, shears and scissors.

[FR Doc. 83-23514 Filed 8-25-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-14,857]

General Motors Corp., Fisher Body Division, Trenton, N.J.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on July 25, 1983, in response to a petition received on July 18, 1983, which was filed by the United Automobile, Aerospace and Argicultural Workers of America (U.A.W.) on behalf of workers and former workers at 26 Fisher Body Division plants and facilities, including the Trenton, New Jersey plant (TA-W-14,857). Workers at the Trenton, NJ plant produce fabricated automotive hardware items for GM cars.

On September 14, 1982, a petition was filed by the local union of U.A.W. on behalf of the same group of workers (TA-W-13,823).

Since the identical group of workers is the subject of an ongoing investigation

(TA-W-13,823), a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 18th day of August 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-23513 Filed 8-25-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-14,590]

Kennecott Minerals Co., Nevada Mines Division, Ruth, Nevada; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on April 18, 1983 in response to a petition received on February 14, 1983 which was filed by the United Steelworkers of America on behalf of workers at Kennecott Minerals Company, Nevada Mines Division, Ruth, Nevada. No public hearing was requested and none was held.

All workers were separated from the subject firm more than one year prior to the date of the petition. Section 223 of the Act specifies that no certification may apply to any worker whoselast separation occured more than one year before the date of the petition. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, D.C. this 18th day of August 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-23512 Filed 8-25-83; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

Construction Safety and Health Advisory Committee; Meeting

Notice is hereby given that the Advisory Committee on Construction Safety and Health, established under Section 107(e) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and Section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) will meet on September 13, 1983 in Room S4215 and on September 14, in Room N3437 of the Department of Labor Building, 300 Constitution Avenue, NW., Washington, D.C. 20210. The meeting is open to the public and will begin at 9:30 a.m.

The agenda for the meeting will include a discussion of fatality/catastrophe investigations, a discussion of targeting inspections in the construction industry, and a general discussion of construction safety and health matters.

Written data, views or comments may be submitted, preferably with 20 copies to the Division of Consumer Affairs. Any such submission received prior to the meeting will be provided to the members of the Committee and will be included in the record of the meeting.

Anyone wishing to make an oral presentation should notify the Division of Consumer Affairs before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline the content of the presentation.

Oral presentations will be scheduled at the discretion of the Chairman depending on the extent to which time permits. Communications may be mailed to Ken Hunt, Committee Management Officer, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N-3635, Washington, D.C. 20210; Telephone: 202-523-8024.

Material provided to members of the Committee are available for inspection and copying at the above address.

Signed at Washington, D.C., the 18th day of August 1983.

Thorne G. Auchter,

Assistant Secretary.

[FR Doc. 83-23511 Filed 8-25-83; 8:45 am]

BILLING CODE 4510-26-M

Office of Pension and Welfare Benefit Programs

John Hancock Mutual Life Insurance Co.; Proposed Exemptions

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. stated in the Notice of Pendency. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemption will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register.** Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing.

SUPPLEMENTARY INFORMATION: The proposed exemption was requested in an application filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

The application contains representations with regard to the proposed exemption which is summarized below. Interested persons are referred to the application on file with the Department for a complete statement of the facts and representations.

John Hancock Mutual Life Insurance Company Pension Plan Located in Boston, Massachusetts (Application No. D–3998)

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975 (c) (2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406 (a), (b) (1) and (b) (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975 (c)(1) (A) through (E) of the Code shall not apply effective September 9, 1983 to the acquisition, holding or redemption of a limited partnership interest in the John Hancock Venture Capital Fund Limited Partnership (the Fund) by the John Hancock Mutual Life Insurance Company Pension Plan (the Plan).

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective on September 9, 1983.

Summary of Facts and Representations

1. John Hancock is a mutual life insurance company organized under the laws of the Commonwealth of Massachusetts. It is one of the largest life insurance companies in the United States and is authorized to transact the business of insurance in all fifty states, the District of Columbia and Puerto Rico.

2. John Hancock has established the Plan to provide retirement benefits for its home office and district agency employees. As of December 31, 1981, the Plan covered 22,548 participants, including active employees and retired or terminated employees with vested benefits. Investment decisions are made by the Employee Benefit Plan Committee (the Committee) which is comprised of officers and directors of John Hancock. The Plan is primarily funded by an Immediate Participation Guarantee type of annuity contract (IPG Contract) issued by John Hancock in its capacity as an insurer to John Hancock as the sponsoring employer of the Plan. The terms and conditions of this contract are generally the same as those contained in similar contracts issued by John Hancock to pension plans of unrelated employers. The IPG Contract permits John Hancock, as employer, to allocate contributions to and among the investment accounts (including the general account and the several classes of its pooled separate account) which John Hancock as insurer, has established or may in the future establish.

3. It was originally contemplated that any venture capital investment to be made by the Plan would be through the creation of a new class of pooled separate account under the IPG Contract. However, as a result of certain limitations on separate account investments under state law, the alternative of a limited partnership has been adopted as the most workable vehicle. The Fund, a Massachusetts limited partnership, has been formed to provide a pooled investment vehicle for certain sophisticated investors (such as pension plans or endowment funds) desiring to make venture capital investments. The offering of limited partnership interests (Interests) in the Fund will not be registered under the Securities Act of 1933 (the Securities Act) or any other securities law. Interests will be offered for investment only to selected recipients of a private placement memorandum (the Memorandum) pursuant to the exception for the registration requirements of the Securities Act provided by section 4(2) thereof. The Memorandum has been placed in circulation with an initial offering of $100,000,000 (subject to increase not to exceed $150,000,000). The Fund has received subscriptions from third party investors exceeding the $100,000,000 initial offering.

The Fund will be operated pursuant to an Amended and Restated Limited Partnership Agreement (the Agreement). The Fund has become operational based on the receipt of the initial capital contributions of third party investors. The Agreement provides that the Plan must elect to participate in the Fund by a date not later than 270 days from the execution date of the Agreement. Based on this provision, the applicant represents that a decision regarding the Plan's participation in the Fund must be made no later than September 9, 1983. Accordingly, the applicant has requested that the effective date of this exemption be September 9, 1983. The Agreement provides that the primary objective of the Fund will be to provide a superior investment return through a carefully selected portfolio of investments in other venture capital limited partnerships (⅔ of the Fund) and directly in emerging privately held operating companies (⅓ of the Fund). The sole general partner of the Fund will be the Manager, a Delaware Corporation and an indirect wholly-owned subsidiary of John Hancock. The staff of the Manager will include the officers of John Hancock who have been primarily responsible for its investments in the venture capital area. Manager is registered as an investment advisor under the Investment Advisors Act of 1940, as amended. The Manager will have full discretionary authority over the management of the Fund. The Agreement provides that limited partners in the Fund will make capital contributions (a minimum of $1,000,000) in three installments. An initial payment of 35 percent of capital contribution upon subscription, 35 percent on December 15, 1983 and the remaining 30 percent on December 14, 1984. The Fund would be in existence for a 10 year period from the date of the final capital contribution, subject to extension by the general partner for not more than three years. The Manager will invest in the Fund an amount equal to at least one percent of the Fund's total capitalization.

For its services to the Fund, the Manager will receive an annual management fee paid in quarterly installments which, on an annual basis, aggregates to one percent of the capital commitment of the respective limited partners to the Fund. The Manager will not receive an override or performance fee on the capital gains to the Fund. However, to the extent that the Fund invests in other venture capital partnerships, it will bear whatever override or performance fee is charged by the managers of such partnerships.

Based on its nature as a private placement investment not subject to the Securities Act, the transferability of the Interests will be restricted and limited partners should not anticipate liquidating their investment prior to termination of the Fund. Upon a termination of the limited partnership, the investments in the Fund will be reduced to cash and cash equivalent items subject to the obtaining of fair market value for such assets. After the payment of dissolution expenses and satisfaction of liabilities, the limited partners will receive distribution based on the values assigned to their respective Interests.

4. The Fund expressly acknowledges the possible investment by the Plan and provides that payment of the management fee may be waived for the Plan. It is the intention of John Hancock to pay this fee on behalf of the Plan should this proposed exemption be granted. The Committee has determined that a Plan investment in the Fund would serve to increase the flexibility and diversity of the Plan's investments. Accordingly, this exemption is being sought to permit an investment not to exceed five percent of the Plan's assets in the Fund.

5. To accommodate the Fund investment and other possible investments not permitted under the IPG Contract, the Plan would be amended to authorize the Plan to appoint a trustee to hold such investments. A bank not affiliated with John Hancock would be appointed as trustee. Under the trust agreement between John Hancock and such bank, the trustee would be expected to invest such amounts as would be allocated to the trust in accordance with instructions provided by the Committee. The trustee would, as required under the Act, determine that a particular investment is prudent, in accordance with the plan instruments, and in the best interests of the Plan participants before complying with such instructions.

6. The applicant argues that but for certain technical problems under state law which prevents the use of a separate account for a venture capital fund, the investment would be exempted from the prohibited transaction provisions by section 408(b)(5) and (8) of the Act. The applicant suggests that the Congressional policy underlying these exemptions argues in favor of using a company's own products (or the products of an affiliated company) for its own employee benefit plans. The applicant also suggests that it would be contrary to normal business practices for an in-house insurance plan to have investments approved by someone they compete with in the investment marketplace. The applicant points out that the Department granted comparable relief to the mutual fund industry in Prohibited Transaction Exemption (PTE) 77-3 (42 FR 18732, April 8, 1977) for the acquisition and sale of shares of a registered open-end investment company by a plan covering the employees of the investment company or its investment advisor or principal underwriter. The applicant also argues that if not permitted to invest in the Fund, investments in venture capital must either be with a competitor or, if the investment is made directly, at a potential conflict with the Fund because of similar investment goals between the Plan and the Fund. The applicant agrees to abide by the conditions of PTE 77-3 which require in the instant case that the investment be made at no cost to the Plan and that all dealings between a Plan and John Hancock or the Manager be on terms no less favorable to the Plan than such dealings are with other limited partners in the Fund.

7. In summary, the applicant has represented that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because: (a) The Plan does not pay any sales commission, investment management, investment advisory or similar fee to the Manager or any other related person for participation in the Fund, (b) all dealings between the Plan and the Manager will be on a basis no less favorable to the Plan than such dealings are with other limited partners in the Fund, (c) the investment by the Plan will not exceed five percent of Plan assets, (d) it permits the Plan to diversify its investments without dealing with a competitor or investing at a potential conflict with the Manager based on its responsibilities to the Fund, and (e) the Committee has determined that the investment in the Fund is in the best interest of the participants and beneficiaries of the Plan.

FOR FURTHER INFORMATION CONTACT: Paul R. Antsen of the Department, telephone (202) 523-6915. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 23rd day of August 1983.

Jeffrey N. Clayton,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 83-23518 Filed 8-25-83; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506:

Date: September 14-15, 1983
Time: 9:00 a.m. to 5:00 p.m.
Room: 315
Program: This meeting will review applications submitted for the Exemplary Projects and Teaching Materials Programs, Division of Education Programs, for projects beginning after January 1, 1984.

Date: September 26-27, 1983
Time: 9:00 a.m. to 5:00 p.m.
Room: 315
Program: This meeting will review applications submitted to Basic Research: Archaeology and Material Studies Panel, Division of Research Programs, for projects beginning after January 1, 1984.

Date: September 30, 1983
Time: 8:30 a.m. to 5:00 p.m.
Room: M07
Program: This meeting will review applications submitted to Basic Research Humanities, Science & Technology and Philosophy Panels, Division of Research Programs, for projects beginning after January 1, 1984.

The proposed meetings are for the purpose of panel review, discussion evaluation and recommendation on

applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and priviledged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meeting will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506:

Date: September 9, 1983
Time: 8:30 a.m. to 5:00 p.m.
Room: M07
Program: This meeting will be convened to advise the Endowment on new guidelines for its Programs in Museum's and Historical Organizations, and will be open to the public.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 786–0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 83-23439 Filed 8-25-83; 8:45 am]

BILLING CODE 7536-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13450; 812-5539]

American Leaders Fund, Inc.; Filing of Application

August 22, 1983.

Notice is hereby given that American Leaders Fund, Inc. ("Leaders Fund"), Federated High Income Securities, Inc. ("High Income Fund"), Federated Tax-Free Income Fund ("Tax-Free Fund"), Fund for U.S. Government Securities ("Government Fund"), Government Money Market Instruments Trust ("Trust"), Money Market Instruments Trust ("Money Market Trust"), Money Market Management ("Management Fund"), Tax-Free Instruments Trust ("Tax-Free Trust"), other funds advised by subsidiaries of Federated Investors, Inc. ("Federated Funds") and other funds advised by investment advisers which are not subsidiaries of Federated Investors, Inc. ("Non-Federated Funds"), all of which are sold through broker-dealers which are or may become a party to dealer agreement with Federated Securities Corp. ("Federated") (collectively, "Applicants"), 421 Seventh Avenue, Pittsburgh, PA 15219, filed an application on May 4, 1983, and amendments thereto on June 13 and July 20, 1983, requesting an order of the Commission, pursuant to Section 11(a) of the Investment Company Act of 1940 ("Act") approving certain proposed offers of exchange on a basis other than relative net asset value, and pursuant to Section 6(c) of the Act exempting Applicants from the provisions of Section 22(d) of the Act and Rule 22d–1 thereunder in connection with those proposed exchanges. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below, and to the Act and the rules thereunder for the text of the applicable sections and rules.

Applicants state that each of the Applicants other than Federated is registered under the Act as an open-end investment company and that Federated, which is registered as a broker-dealer under the Securities Act of 1934, serves as the principal distributor for the Federated Funds, and maintains a continuous public offering of their shares at their current public offering price. According to the application, shares of the Trust, Money Market Trust, Tax-Free Trust and Management are sold without a sales charge ("No-Load Funds"). It is further stated that shares of the Government Fund and Tax-Free Fund are sold with a maximum sales load of 4.5% ("Low Load Funds") and that shares of the Leaders Fund and High Income Fund are sold with a maximum sales load of 6.5% ("High Load Funds").

According to the application, since April 28, 1983, Applicants have permitted certain exchanges of shares among the Federated and Non-Federated Funds on the basis of net asset value and subject to a $10,000 per exchange minimum. Applicants now propose to permit: (1) The High Load Funds and Federated to offer shares of the High Load Funds in exchange for shares of the Low Load Funds, including reinvested shares, on the basis of relative net asset value, plus the difference between the sales charge applicable to purchases of the High Load Funds and the sales charge already paid for shares of the Low Load Fund; (2) the High Load Funds and Federated to offer shares of the High Load Funds in exchange for shares of the No-Load Funds, including reinvested shares (where such shares were acquired in a prior exchange, at net asset value, for shares of Low Load Fund) on the basis of relative net asset value, plus the difference between the sales charge applicable to purchases of the High Load Funds and the sales charge already paid on the original shares; (3) shareholders of other Federated and Non-Federated Funds having no sales load to exchange their shares, including reinvested shares, for shares of each High Load or Low Load Fund at relative net asset value plus the sales load applicable to the Fund into which the shares are to be exchanged; (4) any Federated Fund having a sales load, to offer, together with Federated, to exchange its shares for shares of a Federated Fund having a lower sales load, including reinvested shares, at relative net asset value plus the differences between the sales load of the Fund into which the shares are to be exchanged and the lower sales load already paid on the shares to be exchanged; (5) and Federated Fund having a sales load, to offer, together with Federated, to exchange its shares for shares of certain Federated, and Non-Federated Funds which have executed a dealer agreement with Federated, and which have no sales load, including reinvested shares (where such shares were acquired in a prior exchange, at net asset value, of shares of a Federated Fund having a lower sales load than the Federated Fund into which the shares are to be exchanged) at net asset value plus the difference between the sales load of the Fund into which the shares are to be exchanged and the lower sales load paid initially; and (6) shareholders of each No-Load Fund to exchange their shares, including reinvested shares, for shares of certain Federated Funds which charge a sales load, at net asset value plus the sales load applicable to the Fund into which the shares are to be exchanged.

Applicants state that the proposed exchanges described above at relative net asset value plus a sales charge would violate Section 11(a) of the Act unless an order is issued approving such

exchanges. Moreover, Applicants submit that imposition of a reduced sales charge in certain proposed exchanges involving the Low Load and High Load Funds might be deemed to violate Section 22(d) of the Act absent an exemptive order under Section 6(c) of the Act.

Applicants state that they do not believe Section 22(d) of the Act and the rules thereunder or Section 11(a) of the Act would prohibit the proposed exchanges described in sub-paragraphs (3) and (6) above. Nevertheless, Applicants determined it would be prudent to seek the requested relief should those sections be interpreted to prohibit the proposed exchanges without an appropriate order of the Commission.

In support of the relief requested, Applicants state that a shareholder acquiring shares of any Load Fund through any combination of exchanges or purchase of shares of No-Load Funds or funds having different loads, would pay the same overall sales charge as a proportion of the public offering price that he would have paid had he directly purchased shares of one of the Load Funds. Applicants assert that in the case of the High Load, Low Load and the No-Load Funds, the maximum sales charge payable on such an exchange would be 2.0% of the amount exchanged because that percentage is the maximum difference between the sales charge payable on shares of the High Load Funds and that payable on shares of the Low Load Funds. Applicants propose further that in the event a shareholder desires to make any of the exchanges covered by this application, the shareholder will be obligated to inform Federated that his shares may be exchanged at relative net asset value without sales charge or that they qualify for a reduction in the sales charge.

Finally, Applicants assert that the financial incentives to sales representatives to recommend exchanges are minimal since shareholders will receive credit for all sales loads paid prior to an exchange. To demonstrate, Applicants state that an investor exchanging from a Low Load Fund into a High Load Fund will receive credit for the 4.5% sales load already paid and will pay only the difference in sales loads (2%) on the shares received in the exchange. It is further stated that on any additional exchanges, the shareholder will receive credit for the total 6.5% sales load he has already paid. Since 6.5% is the maximum sales load, Applicants submit the shareholder will pay no further sales load in future exchanges. Applicants further represent that Federated, the principal distributor of the Federated Funds, will monitor its sales representatives to insure that exchanges are not initiated for any sales representative's personal gain.

Notice is further given that any interested person wishng to request a hearing on the application may, not later than September 16, 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 or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-23526 Filed 8-25-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23039; 70-6893]

Appalachian Power Co.; Proposed Issuance and Sale of First Mortgage Bonds and Preferred Stock

August 22, 1983.

Appalachian Power Company ("Appalachian"), 40 Franklin Road, S.W., Roanoke, Virginia 24011, an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed an application-declaration with this Commission pursuant to Sections 6(b) and 12(c) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42 and 50 promulgated thereunder.

Appalachian proposes to issue and sell, in one or more transactions from time to time through December 31, 1983, up to $90 million aggregate principal amount of its first mortgage bonds, in one or more new series, each with a maturity of not less than 5 years and not more than 30 years. The terms will be determined by competitive bidding. Appalachian may employ alternative competitive bidding procedures in accordance with the Commission's statement of policy set forth in HCAR No. 22623 (September 2, 1982). The bonds will be issued under Appalachian's Mortgage and Deed of Trust dated as of December 1, 1940, as supplemented and amended and as to be further suplemented and amended.

Appalachian also proposes to issue and sell up to 1,200,000 shares of a new series of its no par value cumulative preferred stock with an involuntary liquidation price of $25 per share. The maximum principal amount of bonds to be issued will be reduced by the aggregate involuntary liquidation price of any cumulative preferred stock issued. The price to be paid to the company will be $25 per share, and the terms will be determined by competitive bidding. A cumulative sinking fund may be provided for. Appalachian may employ alternative competitive bidding procedures in accordance with the Commission's statement of policy set forth in HCAR No. 22623 (September 2, 1982).

Applachian states that if market conditions should not be propitious for the sale of the bonds and/or the cumulative preferred stock on a competitive bidding basis, the company intends either to place them privately with institutional investors or to negotiate with underwriters for their sale. If Appalachian determines to issue the bonds in more than one series, it may sell one or more series on a competitive bidding basis and one or more series on a negotiated basis.

It is stated that the proceeds of the bonds and cumulative preferred stock will be used to repay unsecured short-term indebetedness of the company consisting of short-term notes and commercial paper, to repay maturing lone-term debt, to reimburse the company's treasure for expenditures incurred in connection with its construction program, and for other corporate purposes.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 15, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued. After said date, the application-declaration, as filed or as it may be

amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegted authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-23525 Filed 8-25-83; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-12398]

NL Industries, Inc.; Application and Opportunity for Hearing

August 22, 1983.

Notice is hereby given that NL Industries, Inc. ("NL") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the trusteeship of Bankers Trust Company under an indenture dated as of August 15, 1982 (the "Qualified Indenture") between NL and Bankers Trust Company which was heretofore qualified under the Act, and the trusteeship by Bankers Trust under an indenture dated as of December 1, 1982 between Lake Charles Harbor and Terminal District, and Bankers Trust Company as Trustee (the "New Indenture"), are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bankers Trust Company from continuing to act as Trustee under the Qualified Indenture were it to act as Trustee under the New Indenture.

Section 310(b) of the Act, which is included in Section 608 of the Qualified Indenture, provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in this section), it shall within ninety days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities of NL are outstanding.

The present application, filed pursuant to clause (ii) of Section 310(b)(1) of the Act (as set forth in Section 608 of the Qualified Indenture), seeks to exclude the New Indenture from the operation of Section 310(b)(1) of the Act.

The effect of the provisions contained in clause (ii) of Section 310(b)(1) of the Act on the matter of the present application is such that the New Indenture may be excluded from the operation of Section 310(b)(1) of the Act (as set forth in Section 608 of the Qualified Indenture) if NL shall have sustained the burden of proving by this application to the Commission that the trusteeships of Bankers Trust Company under the Qualified Indenture and under the New Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bankers Trust Company under the Qualified Indenture and under the New Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bankers Trust Company from continuing to act as trustee under the Qualified Indenture were it to act as trustee under the New Indenture.

NL alleges that:

(1) At January 1, 1983, NL Industries Inc., a New Jersey corporation, as issuer, had outstanding $100,000,000 aggregate principal amount of One-Year Extendable Notes, under the Qualified Indenture (the "Notes"). The notes issued pursuant to the Qualified Indenture were registered under the Securities Act of 1933 and the Qualified Indenture was qualified under the Act.

(2) Bankers Trust Company is Trustee under the New Indenture under which there are outstanding $7,000,000 aggregate principal amount of the Lake Charles Harbor and Terminal District Port Facilities Revenue Bonds (NL Industries, Inc. Project) due 1997 (the "District Bonds").

(3) The obligations of NL in respect to the Notes are wholly unsecured and all such obligations will rank equally without seniority or subordination of any such obligations to any of the others. The payment of the principal of, interest and premium on the District Bonds is secured to the extent of a security interest granted by NL pursuant to a mortgage and Chattel mortgage, assigned to Bankers Trust Company as Trustee.

(4) No default has at any time existed under the Qualified Indenture, or the New Indenture.

(5) Such differences as will exist between the Qualified Indenture and the New Indenture are not likely to involve a material conflict of interest so as to make it necessary in the public interest or for the protection of investors to disqualify Bankers Trust Company from acting as trustee under the Qualified Indenture were it to act as trustee under the New Indenture.

NL has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after September 19, 1983, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939. Any interested person may, not later than Sept. 16, 1983 at 5:30 p.m., Eastern Standard Time, in writing, submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-23529 Filed 8-25-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13452; 811-3559]

Territorial Government Fund; Filing of Application

August 22, 1983.

Notice is hereby given that The Territorial Government Fund ("Applicant"), 421 Seventh Avenue, Pittsburgh, PA 15219, registered as an open-end, diversified, management investment company under the Investment Company Act of 1940 ("Act"), filed an application on June 2, 1983, for an order of the Commission pursuant to Section 8(f) of the Act, declaring that it has ceased to be an investment company as defined in 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 Act for a statement of its relevant provisions.

Applicant states that its registration under the Act on form N-8A was filed on August 31, 1982. Its registration

statement on Form N–1 pursuant to the Securities Act of 1933 was filed on the same day, but was never declared effective, and no public offering of its securities has taken place. Applicant states that it was dissolved on May 12, 1983, pursuant to its Declaration of Trust and applicable State law.

The application also states that Applicant has no assets and no shareholders, is not a party to any litigation or administrative proceedings, and is not engaged in any business activities other than those necessary for the winding-up of its affairs.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than September 16, 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 or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-23530 Filed 8-25-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13451; 811-2205]

United of Omaha Variable Fund B; Filing of Application

August 22, 1983.

Notice is hereby given that Mutual of Omaha Variable Fund B ("Applicant"), Mutual of Omaha Plaza, Omaha, NE 68175, registered as an open-end, diversified, management investment company under the Investment Company Act of 1940 ("Act"), filed an application on May 12, 1983, for an order of the Commission pursuant to Section 8(f) of the Act declaring that it has ceased to be an investment company as defined in 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 Act for a statement of its relevant provisions.

Applicant states that it is a separate investment account of United of Omaha Life Insurance Company, which acts as investment adviser to and custodian of the assets of the Applicant. At a special meeting of Contract Owners held on December 20, 1982, a Plan of Liquidation ("Plan") of the Applicant was approved by a vote of the owners of more than 50% of all voting units outstanding.

Pursuant to the Plan, Applicant's assets were reduced to cash, and on January 10, 1983, the liquidation date, the net asset value of each participant's variable annuity contract was distributed. The application also states that Applicant has no remaining assets or securityholders, is not a party to any litigation or administrative proceedings, and is not engaged in any business activities other than those necessary for the winding-up of its affairs.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than September 16, 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 or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-23527 Filed 8-25-83; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Aydin Corp.
  Common Stock, $1 Par Value (File No. 7–7003)
E-Systems, Inc.
  Common Stock, $1 Par Value (File No. 7–7004)
First Boston, Inc.
  Common Stock, No Par Value (File No. 7–7005)
Health-Chem Corp.
  Common Stock, $.01 Par Value (File No. 7–7006)
Heizer Corp.
  Common Stock, $.01 Par Value (File No. 7–7007)
Imperial Industries, Inc.
  Common Stock, $.10 Par Value (File No. 7–7008)
Intertec Data Systems Corp.
  Common Stock, $.02 Par Value (File No. 7–7009)
Kirby Explorations Co.
  Common Stock, $.10 Par Value (File No. 7–7010)
Lloyd's Electronics, Inc.
  Common Stock, $.75 Par Value (File No. 7–7011)
Lundy's Electronics & Systems, Inc.
  Common Stock, $.10 Par Value (File No. 7–7012)
Luria (L.) & Sons, Inc.
  Common Stock, $.01 Par Value (File No. 7–7013)
Mony Mortgage Investors
  Common Stock, $.50 Par Value (File No. 7–7014)
National Fuel Gas Co.
  Common Stock, $10 Par Value (File No. 7–7015)
North American Coal Corp.
  Common Stock, $1 Par Value (File No. 7–7016)
Oneida, Ltd.
  Common Stock, $6.25 Par Value (File No. 7–7017)
Orange-Co, Inc.
  Common Stock, $.10 Par Value (File No. 7–7018)
Ultimate Corp.
  Common Stock, No Par Value (File No. 7–7019)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before September 12, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the

maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-23528 Filed 8-25-83; 8:45 am]

BILLING CODE 8010-01-M

TENNESSEE VALLEY AUTHORITY

Privacy Act of 1974: Systems of Records; Proposed Routine Uses

AGENCY: Tennessee Valley Authority.

ACTION: Notice of systems of records; notice of proposed routine uses for two systems of records.

SUMMARY: TVA is publishing its systems of records in compliance with 5 U.S.C. 552a(e)(4). In addition, TVA is giving notice, as required by the Privacy Act, of proposed new routine uses for two systems of records. Details of the proposed routine uses are described below under the heading, **"SUPPLEMENTARY INFORMATION."**

DATES: Written comments on the proposed routine uses must be received on or before September 26, 1983. If no comments are received which cause TVA to modify the proposed routine uses, they will be implemented without further notice in the **Federal Register.**

ADDRESS: Send comments to Privacy Act Coordinator, Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

FOR FURTHER INFORMATION CONTACT: Thomas E. Cressler II, Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902, (615) 632-2170.

SUPPLEMENTARY INFORMATION: As required by 5 U.S.C 552a(e)(4), this document publishes TVA's systems of records notices, combining the previous notice at 46 FR 62993 (1981) with a new routine use for system TVA-26, Retirement System Records—TVA, which was proposed at 48 FR 565 (1983); no comments were received on this proposed routine use. Pursuant to the Debt Collection Act of 1982, TVA is adding to the notices for systems TVA-7, Employee Accounts Receivable—TVA; TVA-11, Payroll Records—TVA; TVA-12, Employee Travel Advance Records—TVA that disclosures from those systems may be made to consumer reporting agencies. Additionally, several system notices include housekeeping changes, including organization names, retention periods, and citations to statutes, Executive orders, and CFR sections. System TVA-20, Prospective Condemnation Witness File—TVA, is discontinued because the information is no longer maintained in a system of records by TVA. The text of TVA's notice of systems of records is set out below.

This document also gives notice of proposed new routine uses for two TVA systems. TVA proposes to establish a new routine use for TVA-9, Medical Record System-TVA, permitting disclosure, "To provide information to private physicians and other health care professionals or facilities designated by an employee." This would include disclosures to assist in treatment or consultation, and would permit verbal designations by employees when furnishing written authorizations would be inconvenient.

TVA proposes to establish two new routine uses for TVA-15, Land Between The Lakes Register of Hunter Applications—TVA, permitting disclosure, "To provide mailing lists to organizations or contractors cooperating with Land Between The Lakes in activities or events for the purpose of publicizing those activities or events," and "To provide mailing lists to an independent Land Between The Lakes support organization for the purpose of soliciting members for the organization." Such disclosures would aid in informing Land Between The Lakes recreational users of activities or events of possible interest to them and in identifying users interested in continued improvement of recreational opportunities.

Dated: August 19, 1983.

W. F. Willis,

General Manager.

This document gives notice that the following TVA system notices are in effect:

Table of Contents

TVA-1 Apprentice Training Record System.
TVA-2 Personnel Files.
TVA-3 Cooperative Training Program for Construction Craftsmen.
TVA-4 Demonstration Farm Records.
TVA-5 Discrimination Complaint File.
TVA-6 Employee Accident Information System.
TVA-7 Employee Accounts Receivable.
TVA-8 Employee Alleged Misconduct Investigatory Files.
TVA-9 Medical Record System.
TVA-10 Employee Statements of Employment and Financial Interests.
TVA-11 Payroll Records.
TVA-12 Employee Travel Advance Records.
TVA-13 Employment Applicant Files.
TVA-14 Grievance Records.
TVA-15 Land Between The Lakes Register of Hunter Applications.
TVA-16 Land Between The Lakes Register of Law Violations.
TVA-17 Management Appraisal Records
TVA-18 Employee Supplementary Vacancy Announcement Records.
TVA-19 Consultant and Personal Service Contractor Records.
TVA-21 OEDC Quality Assurance Personnel Records.
TVA-22 Questionnaire-Farms in Vicinity of Proposed Nuclear Power Plant.
TVA-23 Radiation Dosimetry Personnel Monitoring Records.
TVA-24 Reforestation, Erosion Control, and Plantation Case History Record.
TVA-25 Rehabilitation and Career Planning Records.
TVA-26 Retirement System Records.
TVA-27 Test Demonstration Farm Records.
TVA-28 Wildland Owner Survey Records.
TVA-29 Electricity Use, Rate and Service Study Records.

TVA-1

SYSTEM NAME:

Apprentice Training Record System—TVA.

SYSTEM LOCATION:

Labor Relations Staff, Tennessee Valley Authority, Knoxville, Tenn. 37902; Division of Personnel, Information Management Systems Branch, Tennessee Valley Authority, Knoxville, Tenn. 37902

Computing Operations Branch, Tennessee Valley Authority, Chattanooga, Tenn. 37401.

All TVA locations where apprentices are employed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former TVA apprentices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employment, qualifications, and evaluation information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Apprenticeship Act of 1937, 50 Stat. 664

TVA Act of 1933, 16 U.S.C. 831-831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Bureau of Apprenticeship and Training, the Veterans Administration, Tennessee Valley Trades and Labor Council, and the State and local government agencies for reporting and evaluation purposes.

To respond to a request from a Member of Congress regarding the status of an apprentice.

To provide information to a Federal agancy, in response to its request, in

connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To provide the following information to a prospective employer of a TVA or former TVA employee: Job description, dates of employment, reason for separation.

To the parties, their representatives, and Board or Office representatives in Merit Systems Protection Board or Office of Personnel Management proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

For use in litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on automated data storage devices, microfiche, and in file folders.

RETRIEVABILITY:

Records are indexed by name, craft, job code, union code, and social security number.

SAFEGUARDS:

Access to and use of these records are limited to persons whose official duties require such access. Files are kept in secured facilities.

RETENTION AND DISPOSAL:

Records are maintained from two to five years in accordance with established TVA record retention schedules and are then transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Labor Relations, Tennessee Valley Authority, Knoxville, Tenn. 37902.

NOTIFICATION PROCEDURE:

Individuals seeking to learn if information on them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individual's full name, craft, and location of employment.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about them in this system of records should contact the system manager named above. Access will not be granted to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information, to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. Access will not be granted to testing or examination material used solely to determine individual qualification for appointment or promotion in the Federal service, the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains.

General Aptitude Test Battery scores from state employment security office.

References from employers, military and educational institutions.

Evaluations from joint committee on apprenticeship.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from subsections (d), (e)(4)(H), (f)(2), (3), and (4) to the extent that disclosure of material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence, and to the extent that disclosure of testimony and examination material would compromise the objectivity of the testing or examination process. This exemption is pursuant to section 3(k) (5) and (6) of the Privacy Act of 1974 (5 USC 552a(k) (5) and (6)) and TVA regulations at 18 CFR 1301.24.

TVA-2

SYSTEM NAME:

Personnel Files—TVA.

SYSTEM LOCATION:

Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902; Division of Personnel, Information Management Systems Branch, Tennessee Valley Authority, Knoxville Tennessee 37902; area employment offices in Knoxville, Chattanooga, Muscle Shoals, and Nashville; construction project employment offices; Computing Operations Branch, Tennessee Valley Authority, Chattanooga, Tennessee 37401; National Personnel Records Center, St. Louis, Missouri 63118. Security—suitability investigatory files are located separately from other records in this system. Information on education may be maintained in the automated files in the TVA organization that provides the training or that employs the individual and in Equal Opportunity Compliance Staff.

Duplicate copies of certain documents may also be located in the files of division personnel officers, supervisors, and administrative officers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former TVA employees and applicants for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information related to education; qualifications; work history; interests and skills; test results; performance evaluation; personnel actions; job description; salary and benefit information; service dates, including other Federal and military service; replies to congressional inquiries; medical data, and security investigation data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd; Executive

Order 10577; Executive Order 10450; Exercutive Order 11478; Executive order 11222; Veterans Prefernece Act of 1944, 58 Stat. 387, as amended; Equal Employment Opportunity Act of 1972, Pub. L. 92–261, 86 Stat. 103; various sections of Title 5, USC, related to employment by TVA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To disclose test results to state employment services.

To a state employment security office in response to a request relating to a former employee's claim for unemployment compensation.

To respond to a request from a Member of Congress regarding the status of an employee, former employee, or applicant.

To refer, where there is an indication of a violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To provide the following information, as requested, to a prospective employer of a TVA or former TVA employee: job descriptions, dates of employment, and reasons for separation.

To provide information as requested to the Office of Personnel Management pursuant to Executive Order 10450, 10577, and other laws.

To any agency of the Federal Government having oversight or review authority with regard to TVA activities.

In litigation including presentation of evidence and disclosure to opposing counsel in course of discovery.

To transfer information necessary to support a claim for life insurance benefits under Federal Employees Group Life Insurance to Office of Federal Employees Group Life Insurance.

To transfer information necessary to support a claim for health insurance benefits to health insurance carrier.

To union representatives in exercising their responsibilities under TVA collective bargaining agreements.

To the parties, their representatives and Board or Office representatives in Merit Systems Protection Board or Office of Personnel Management proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

To TVA contractors and subcontractors engaged in studies and evaluation of TVA personnel management.

To provide pertinent information to local school districts and other government agencies in order to study TVA project impacts and to aid school districts in qualifying for assistance under Pub. L. 81–874 and other laws.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and on automated data storage devices and microfiche.

RETRIEVABILITY:

Records are indexed by name and social security number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. All filing systems are locked when unattended. Remote access facilities are secured through physical and system-based safeguards.

RETENTION AND DISPOSAL:

Personal History Records: Nonmicrofilmed records stored at National Personnel Record Center and microfilmed records stored at TVA are destroyed 75 years after birthdate of employee or 60 years after date of earliest document in the record if the date of birth cannot be ascertained. Reference copies are destroyed when no longer needed.

Congressional inquiries are retained indefinitely; test records are retained 10 years; occupational register cards are retained 1 year, with the exception of apprentices which are retained for 5 years; some information maintained on magnetic tape is erased after 1 year, records are disposed of in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individuals wishing to learn if information on them is maintained in this system of records should address inquiries to the Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902. Requests should include the individual's full name, employing division, job title, and date of birth. A social security number is not required but may expedite TVA's response.

RECORD ACCESS PROCEDURE:

Individuals seeking to gain access to information about them in this system of records should contact Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902. In addition, current employees may present requests for access to the personel officer of the employing division. Requests should include the individual's full name, employing division, job title, and date of birth. A social security number is not required but may expedite TVA's response. Access will not be granted to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or access to classified information to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source

would be held in confidence. Access will not be granted to testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains; educational institutions, former employers, and other reference sources; state employment services; supervisors and other TVA personnel or personnel records; medical officers; other Federal agencies.

In addition to the above sources, security suitability investigatory files contain information from law enforcement agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from subsections (d), (e)(4)(H), (f) (2) and (3) and (4) to the extent that disclosure of material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence, and to the extent that disclosure of testing or examination material would compromise the objectivity of fairness of the testing or examination process. This exemption is pursuant to section 3(k) (5) and (6) of the Privacy Act of 1975 (5 USC 552a(k) (5) and (6) and TVA regulations at 18 CFR.

TVA-3

SYSTEM NAME:

Cooperative Training Program for Construction Craftsmen—TVA.

SYSTEM LOCATION:

Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902; constuction project offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants in the Cooperative Training Program for Construction Craftsmen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal identifying information; testing information; evaluations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To state employment services and prospective employers for use in placement of the student.

To request informaiton from a Federal, state, or local agency or from private individuals if necessary to obtain information relevant to a TVA decision within the purposes of this system of records.

In litigation including presentation of evidence and disclosures to opposing counsel in the course of discovery.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatroy in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To the appropirate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintanied in file folders.

RETRIEVABILITY:

Records are indexed by name nad social security number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Filing systems are locked when unattended.

RETENTION AND DISPOSAL:

Records will be retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel
Tennessee Valley Authority
Knoxville, Tennessee 37902

NOTIFICATION PROCEDURE:

Individuals wishing to determine if information on them is maintained in this system of records should address inquiries to the Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

RECORD ACCESS PROCEDURE:

Requests for access should be addressed to the, Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Access will not be granted to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information, to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. Access will not be granted to testing or examination material used solely to determine individual qualification for appointment or promotion in the Federal Service, the disclosure of which would Compromise the objectivity or fairness of the testing or examination process.

CONTESTING RECORD PROCEDURES:

Individuals seeking to contest or amend information about them in this system of records should direct their request to the, Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

RECORD SOURCE CATEGORIES:

Individuals to whom the record pertains; instructors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from subsections (d); (e)(4)(H); (f)(2), (3), and (4) to the extent that disclosure of material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence, and to the extent that disclosure of testing or examination material would compromise the objectivity or fairness of the leasing or examination process. This exemption is pursuant to section 3(k) (5) and (6) of the Privacy Act of 1974 (5 USC 552a(k) (5) and (6)) and TVA regulations at 18 CFR 1301.24.

TVA-4

SYSTEM NAME:

Demonstration Farm Records—TVA.

SYSTEM LOCATION:

Field Programs Branch and Economics and Marketing Research Branch, Division of Agricultural Development, Tennessee Valley Authority, Muscle Shoals, Alabama 35660.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Tennessee Valley farmers participating in: Rapid adjustment farm program: resource management farm program: Resource Management Conservation farm program; fertilizer technology

CATEGORIES OF RECORDS IN THE SYSTEM:

Agricultural, investment, income, and labor information. The information in this system is not used in any determination about the rights, benefits, or privileges of an individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system of records may be disclosed to state extension services and the U.S. Department of Agriculture for use in program evaluation and in assistance to program participants.

To request information from a government agency or private individual where such information may be relevant to providing additional assistance under this program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and on automated data storage devices, punched cards, microfilm and microfiche.

RETRIEVABILITY:

Records are indexed by an assigned code.

SAFEGUARDS:

Access to and use of these records are limited to persons whose official duties require such access. All records are kept in secured facilities and locked when unattended.

RETENTION AND DISPOSAL

Records are retained for an indefinite period.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Agricultural Development, Tennessee Valley Authority, Muscle Shoals, Alabama 35660.

NOTIFICATION PROCEDURE:

Individuals upon whom information is maintained in this system of records are aware of that fact through participation in the program. However, inquiries may be addressed to the system manager named above. Requests should include the individual's full name and state and county of the farm.

RECORD ACCESS PROCEDURES:

All information maintained in this system of records has been supplied by the subject individual. However, requests for access may be directed to the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

The information in this system is solicited from the individual to whom the record pertains by state extention services and universities.

TVA–5

SYSTEM NAME:

Discrimination Complaint File—TVA.

SYSTEM LOCATION:

The following locations of the TVA Equal Opportunity Compliance Staff:

Tennessee Valley Authority, Knoxville, Tennessee 37902.

Chattanooga, Tennessee 37401.

Muscle Shoals, Alabama 35660.

Duplicate copies may be maintained in the files of the TVA division where the complaint originated.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees or applicants who have received counseling or filed complaints of discrimination based on race, color, religion, sex, national origin, age, or handicap.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents relating to a decision or determination made by TVA or the Equal Employment Opportunity Commission affecting an individual. The records consist of the initial appeal or complaint, letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimonies of witnesses, investigative reports, and related correspondence, opinions, and recommendations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831dd.

Executive Order 11478.

42 U.S.C. 2000–16.

29 U.S.C. 633a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A report of each complaint is made to the Equal Employment Opportunity Commission. If an administrative appeal is filed, the entire file is disclosed to the Equal Employment Opportunity Commission.

To the employee's representative.

To respond to a request from a Member of Congress regarding the status of a complaint.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulations, or order issued pursuant thereto.

In litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedure.

To TVA consultants, contractors, and subcontractors who are engaged in studies and evaluation of TVA's administration of its equal employment opportunity program or who are providing support services to the program.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are kept in file folders.

RETRIEVABILITY:

Records in this system are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to those personnel whose official duties require such access.

RETENTION AND DISPOSAL:

These records are retained in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Equal Opportunity Compliance.
Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individuals who have filed discrimination complaints are aware of that fact. However, inquiries may be addressed to the system manager named above. Individuals should provide their full name, the approximate date of their complaint, and their employing organization, if employed.

RECORD ACCESS PROCEDURES:

Individuals who have filed a discrimination complaint have been provided a copy of the record. However, an individual may gain access to the official copy of the complaint record by Writing the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals who have filed a discrimination complaint have had an opportunity during the complaint procedure to amend their record. However, requests for amendment or correction of items not involving the complaint procedure may be addressed to the system manager named above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains.
TVA personnel and other records.
Witnesses.

TVA-6

SYSTEM NAME:

Employee Accident Information System—TVA.

SYSTEM LOCATION:

Division of Occupational Health and Safety, Muscle Shoals, Alabama 35660.
Accident reports may also be maintained in the file of the employing organization.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who have sustained a work-related injury or illiness or have been involved, as the operator of a TVA vehicle, in a vehicular accident.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal identifying information and information related to the accident, injury, or illness.

AUTHORITY FOR MANTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831dd; Occupational Safety and Health Act of 1970, Pub. L. 93–237, 87 Stat. 1024; Executive Order 12196

ROUTINE USES OF RECORDS MAINTANED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Department of Labor as required by the Occupational Safety and Health Act.

To the Office of Workers Compensation Programs in relation to an individual's claim for compensation.

To respond to a request from a Member of Congress regarding the status of an employee.

To provide information to a Federal agency, in response to its request in connection with the hiring or retention of an employee, the letting of a contract, or inssuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the inssuance of a security clearance, or other decision within the purposes of this system of records.

For use in litigation, including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in this system is maintained on automated data storage devices and in file folders.

RETRIEVABILITY:

Records are indexed by name, date of birth, and social security number.

SAFEGUARDS:

Access to and use of these records are limited in those persons whose official duties require such access. All filing systems are locked when unattended. Remote access facilities are secured through physical and system-based safeguards.

RETENTION AND DISPOSAL:

Records are retained for 5 years, and after that period are retained in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Tennessee Valley Authority, Director of Occupational Health and Safety, Muscle Shoals, Alabama 35660.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individual's full name, date of birth, and approximate date of injury.

RECORD ACCESS PROCEDURES:

Individuals who desire access to information about them in this system of records should contact the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains: TVA medical records; witnesses of accidents and injuries, including appraisers of property damage.

TVA-7

SYSTEM NAME:

Employee Accounts Receivable—TVA.

SYSTEM LOCATION:

Division of the Comptroller, Tennessee Valley Authority, Knoxville,

Tennessee 37902; Office of the General Counsel, Tennessee Valley Authority, Knoxville Tennessee 37902.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees or former employees who:

Authorize a payment for specified purposes in their behalf; receive overpayment of earnings; receive duplicate payments; are otherwise indebted to TVA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal identifying information and information concerning indebtedness and repayment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. chapter 55; Tennessee Valley Authority Act of 1933, 16 U.S.C. 831 831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

Litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery. The appropriate agency, whether Federal, State or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b) (12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 168a(f)) or the Debt Collection act of 1982 (31 U.S.C. 3711(d) (4)).''

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on punch cards, printouts, invoices, and posting documents.

RETRIEVABILITY:

Records are indexed by payroll number, social security number, badge number, name, or invoice number.

SAFEGUARDS:

Access to and use of these records are limited to persons whose official duties require such access. Files are kept in secured facilities.

RETENTION AND DISPOSAL:

Punch cards disposed on in three months, printouts in three years, invoices in seven years and posting documents in 50 years.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individual's full name and employing organization. Provision of the social security numbr is not required, but may expedite TVA's response:

RECORD ACCESS PROCEDURES:

Individuals who seek access to information about them in this system of records should contact the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains: TVA payroll records; TVA disbursement voucher records.

TVA–8

SYSTEM NAME:

Employee Alleged Misconduct Investigatory Files—TVA.

SYSTEM LOCATION:

Office of the General Counsel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees or former employees about whom a complaint of misconduct during employment has been made.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information regarding conduct during employment with TVA which may be in violation of law or regulations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

TVA Act, 16 U.C.S. 831b; Executive Order 10450; Executive Order 11222; Hatch Political Activities Act, 5 USC 7324–7327; 28 USC 535.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a licence, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To the parties, their representatives, and Board or Office representatives in Merit Systems Protection Board or Office of Personnel Management proceedings to support administrative action by TVA.

To the parties, their representatives and impartial referees in proceedings under the TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA Equal Employment Opportunity procedures.

In litigation including presentation of evidence and disclosures to opposing counsel in the course of discovery.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

To provide information as requested to the Office of Personnel Mangement pursuant to Executive Orders 10450 and 10577 and other laws.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed and retrieved by individual name or investigation number.

SAFEGUARDS:

These records are stored in a locked GSA-approved security container. Access to the records is limited to TVA attorneys and their administrative assistants who have a need for them in the course of TVA business and to other TVA employees whose need is approved by Office of the General Counsel management.

RETENTION AND DISPOSAL:

Records are disposed of in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel
Tennessee Valley Authority
Knoxville, Tennessee 37902

NOTIFICATION PROCEDURE:

This system of records is exempt from the requirement pursuant to section 3(k)(2) of the Privacy Act of 1974 (5 USC 552a(k)(2)) and TVA regulations at 18 CFR 1301.24.

RECORD ACCESS PROCEDURE:

This system of records is exempt from this requirement pursuant to section 3(k)(2) of the Privacy Act of 1974 (5 U.S.C. 552a(k)(2)) and TVA regulations at 18 CFR 1301.24.

CONTESTING RECORD PROCEDURES:

This system of records is exempt from this requirement pursuant to section 3(k)(2) of the Privacy Act of 1974 (5 USC 552a(k)(2)) and TVA regulations at 18 CFR 1301.24.

RECORD SOURCE CATEGORIES:

This system of records is exempt from this requirement pursuant to section 3(k)(2) of the Privacy Act of 1974 (5 USC 552a(k)(2)) and TVA regulations at 18 CFR 1301.24

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempted from subsections (c)(3); (d); (e)(1); (e)(4) (G), (H), and (I); and (f) of section 3 of the Privacy Act of 1974 pursuant to section 3(k)(2) of the Privacy Act (5 USC 552a(k)(2)) and TVA regulations at 18 CFR 1301.24.

TVA-9

SYSTEM NAME:

Medical Record System—TVA

SYSTEM LOCATION:

Division of Medical Services, Tennessee Valley Authority, Chattanooga, Tennessee 37401; all TVA medical facilities; Computing Operations Branch, Chattanooga, Tennessee 37401; National Records Center, St. Louis, Missouri 63118; District Offices, Office of Workers Compensation Programs.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for TVA employment, employees, former employees, official visitors, contractual assignees to TVA, interns, externs, employees of TVA contractors and other Federal agencies who are examined under contract.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical information pertinent to an individual's employment, official visit, or contractual work with TVA or other Federal agencies, including medical and psychological history, examination, testing, counseling, treatment, and related information; workers compensation claim records; rehabilitation records; and information related to employee participation in the alcohol-drug abuse program.

Medical and psychological information relative to nuclear plant security.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd; 5 USC 7902; Federal Employees Compensation Act, 5 USC Chapter 81; 5 USC Chapter 87 (Medical information relating to life insurance program); 5 USC 3301; Occupational Safety and Health Act of 1970, Pub. L. 93–237, 87 Stat. 1024 Pub. L. 91–616, Federal Civilian Employee Alcoholism Program and Pub. L. 92–255, Drug Abuse Among Federal Civilian Employees, which are amended in regard to confidentiality of records by Pub. L. 93–282; Public health laws (state and Federal) related to the reporting of health hazards, communicable diseases or other epidemiological information; Energy Reorganization Act of 1974, Pub. L. 93–438, 88 Stat. 1233.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Compensation claim records are used for adjudicating claims and providing therapy. Appropriate information is exchanged with physicians, hospitals, and rehabilitation agencies approved by the Office of Workers' Compensation Programs for service to injured employees.

Medical records are used for employee population health monitoring, which includes includes routine clinical and epidemiological investigations. Such studies may require the transfer of selected items of medical data to health-related agencies, organizations, or professionals for the purpose of obtaining specialized clinical consultation, compiling vital and health statistics, or conducting biomedical investigations.

Alcohol-drug program records may be exchanged with a physician or treatment center working with an employee, or in accordance with the provisions of Pub. L. 93–282.

Information in the Medical Record System provided to officials of other Federal agencies responsible for other Federal benefit programs administered by Office of Workers' Compensation Programs, Retired Military Pay Centers, Veterans Administration, Social Security Administration, and private contractors engaged in providing benefits under Federal contracts.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, the issuance of a security clearance, the reporting of an investigation of an employee, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

To respond to a request from a Member of Congress regarding an employee.

In litigation including the presentation of evidence and disclosures to opposing counsel in the course of discovery.

To transfer information necessary to support a claim for health insurance or disability benefits to the health insurance carrier or plan participant.

To request information from a Government agency or private individual if necessary to obtain information relevant to a TVA decision

within the purposes of this system of records.

To the parties, their representatives, and Board or Office representatives in Merit System Protection Board or Office of Personnel Management proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under. TVA equal employment opportunity procedures.

To TVA consultants, contrators, and subcontractors who are engaged in studies and evaluation of TVA's administration of its medical program or who are providing support sources to the program.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

POLICIES AND PRACTICES FOR STORING RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on automated data storage devices, microfilm, and in file folders.

RETRIEVABILITY:

Records are indexed by name, social security number, date of birth, and employee compensation case number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. All filing systems are locked when unattended. Remote access facilities are secured through physical and system-based safeguards. Special instructions issued to medical staff employees assure the confidentiality of medical records.

RETENTION AND DISPOSAL:

Records are maintained in accordance with TVA rules and regulations approved by the National Archivist. Retention schedules specify the length of time various records are kept. Active medical records are kept indefinitely. Inactive files are kept in the Division of Medical Services, TVA, for six years following the date of last medical record entry. They are then purged and essential record material is microfilmed. The paper records are destroyed by recycling. Microfilm records are destroyed 34 years from date of filming.

X-rays of employees are microfilmed 20 years after termination of employee and the original destroyed. The microfilm records are destroyed in TVA 20 years from date of filming. X-rays of nonemployees and all dependents are destroyed in TVA six years from date of film.

SYSTEM MANAGER(S) AND ADDRESS:

Medical Director, Tennessee Valley Authority, Chattanooga, Tennessee 37-401.

NOTIFICATION PROCEDURE:

Individuals should address inquiries to the system manager named above or to the medical office at the TVA facility where employed, if a current employee.

Individuals should provide their full name, date of birth, employing organization, and date of last employment, and employee compensation case number, if any. Provision of social security number is not required but may expedite TVA's response.

RECORD ACCESS PROCEDURES:

Individuals who desire access to information about them in this system of records should contact or address their inquiries to the system manager *named* above or the medical office at the TVA facility where currently employed.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains, TVA medical staff; private physicians and medical institutions; Office of Workers' Compensation Programs; TVA personnel records, other health agencies and departments.

TVA-10

SYSTEM NAME:

Employee Statement of Employment and Financial Interests—TVA.

SYSTEM LOCATION:

Office of the General Counsel, Tennessee Valley Authority, Knoxville, Tennessee 37902

Original copies may be kept in division directors' offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All TVA employees at TVA grade M-8 and above who submitted a report prior to the enactment of the Ethics in Government Act of 1978; employees at TVA grades M-5, M-6, and M-7 in positions designated by the General Manager or a division director as requiring submission of a statement; every TVA consultant who is a "special Government employee;" every TVA pernonal service contractor who is a "special Govenment employee" and who is determined to be an "expert" or who is otherwise required to submit a statement.

CATEGORIES OF RECORDS IN THE SYSTEM:

Statement of employment and financial interests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11222; 18 U.S.C. 208; Tennessee Valley Authority Act of 1933, 16 U.S.C. 831-831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To report as requested to the Office of Personnel Management pursuant to Executive Order 10577 and other laws.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in the file folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to those persons designated by the General Manager or the Board of Directors to review statements of financial interest.

RETENTION AND DISPOSAL:

Records are retained in accordance with established records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

General Manager, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individuals upon whom records are maintained in this system of records are aware of that fact by having filed a statement. However, inquiries may be addressed to the Office of the General Counsel, Tennessee Valley Authority, Knoxville, Tennessee 37902. Requests should include the individual's full name and employing division.

RECORD ACCESS PROCEDURES:

Individuals wishing to gain access to information about them in this system of records should contact the Office of the General Counsel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this sytem should direct their request to the Office of the General Counsel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains.

TVA-11

SYSTEM NAME:

Payroll Records—TVA.

SYSTEM LOCATION:

TVA Division of the Comptroller Knoxville, Tennessee 37902. Garnishment files are located at the Office of General Counsel, Knoxville, Tennessee 37902. Duplicate copies of some records may also be maintained in the files of the employing division: National Personnel Records Center, St. Louis, Missouri 63118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees and personal service contractors selected for certain training programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal identifying information, pay, leave and debt claim information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831dd: Internal Revenue Code: Fair Labor Standards Act, 29 U.S.C. chapter 8; 5 U.S.C. chapter 83.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To report earnings and other required information to Federal, state, and local taxing authorities as required by law.

To report earnings to the Civil Service Retirement System for members of that system.

To transmit payroll deduction information to financial institutions and employee organizations.

To report earnings to courts when garnishments are served or in bankruptcy or wage earner proceedings.

To report earnings to unions for those crafts on which TVA contributions to union welfare or pension funds are based on earnings. Reports of hours worked are made to unions for those crafts on which such TVA contributions are based on hours worked.

To report earnings to the Department of Housing and Urban Development, state welfare agencies, and state employment security offices where an individual has made a claim for benefit with such agency.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedure.

To provide information as requested to the Office of Personnel Management pursuant to Executive Order 10577 and other laws.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statue, rule, regulation, or order issued pursuant thereto.

To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To disclose any agency of the Federal Government having oversight or review authority with regard to TVA activities.

For use in litigation, including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To transfer information necessary to support a claim for life insurance benefits under Federal Employees Group Life Insurance to Office of Federal Employees Group Life Insurance.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision concering the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

To transfer information necessary to support a claim for healt insurance benefits to health insurance carriers.

To TVA contractors and subcontractors engaged in studies and evaluations to TVA payroll and personnel management.

To union representatives exercising their responsibilities under TVA collective bargaining agreements.

To report earnings to the Department of Housing and Urban Development, and state welfare agencies where an individual makes a claim for benefits and to report earnings to state employment security offices in both manual and automated form for use by these offices in determining unemployment benefits.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures Pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Debt Collection Act of 1982 (31 U.S.C. 3711(d)(4)).''

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on automated data storage devices, hard-copy printouts, and in file folders.

RETRIEVABILITY:

Records are primarily indexed by name. They may also be retrieved by reference to employing organization, date of end of pay period, social security or badge number, date of birth, sex, job title.

SAFEGUARDS:

Access to and use of these records are limited to persons whose official duties require such access. Filing systems are

locked when unattended. Remote access facilities are secured through physical and system based safeguards.

RETENTION AND DISPOSAL:

File folders are retained for three years after termination. Time sheets are retained for seven years. Payroll registers are retained in active status for one year, transferred to TVA record storage for five years, and to National Records Center for an additional 50 years. Magnetic tapes are retained for one year after termination.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individuals wishing to learn if information on them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individual's full name, employing organization, and date of last employment. The social security number is not required but may expedite TVA's response.

RECORD ACCESS PROCEDURE:

Individuals seeking access to information on them in this system of records should contact the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals seeking to amend or correct information on them in this system of records should contact the system manager named above.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains; TVA personnel records; employee's supervisor, for report of hours worked.

TVA-12

SYSTEM NAME:

Employee Travel Advance Records-TVA

SYSTEM LOCATION:

Division of the Comptroller, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Duplicate copies of these records may also be maintained in the files of the employee's division.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

TVA employees requesting travel advances.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, employing organization, date and amount of travel advance, and repayment information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 5701–5709, and related Federal travel regualtions: Tennessee Valley Authority Act of 1933, 16 USC 831–831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system or records may be used:

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency whether Federal, State, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

In an administrative or regulatory proceeding or in litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures Pursuant to 5 U.S.C. 552a(b) (12): Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Debt Collection Act of 1982 (31 U.S.C. 3711(d) (4)).''

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on computer printouts and microfiche.

RETRIEVABILITY:

Records are indexed by name and social security number.

SAFEGUARDS:

Access to and use of these records are limited to persons whose official duties require such access. Files are kept in secured facilities.

RETENTION AND DISPOSAL:

These records are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURES:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individual's full name and employing organization.

RECORD ACCESS PROCEDURES:

Individuals who seek access to information about them in this system of records should contact the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains: TVA disbursement voucher records and TVA application for travel advance.

TVA-13

SYSTEM NAME:

Employment Applicant File–TVA

SYSTEM LOCATION:

Division of Personnel Employment Branch and Information Management Systems Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902; are and project employment offices: Computing Operations Branch, TVA, Chattanooga, Tennessee 37401.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for employment including former employees seeking reemployment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application forms and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C 831–831dd; 5 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to a request from a Member of Congress regarding the status of an individual's application.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or

regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To request information from a Federal, State, or local agency, or private individual if necessary to obtain information relevant to a TVA decision within the purposes of this system of records.

To disclose test results to State employment services.

To provide information as requested to Office of Personnel Management pursuant to Executive Order 10450 and 10577, and other law.

To provide information to a Federal agency, in response to its request in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

For use in litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To the parties, their representatives, and Board or Office representatives in Merit Systems Protection Board or Office of Personnel Management proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

To the appropriate agency whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

POLICIES AND PRACTICES FOR STORING, RETRIVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and on automated data storage devices and printout.

RETRIEVABILITY:

Records are indexed by name and social security number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. All filing systems are locked when unattended. Remote access facilities are secured through physical and system-based safeguards.

RETENTION AND DISPOSAL:

Applications are kept for one year from last indication of interest, with the exception of apprenticeship applications, which are kept for five years.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individual wishing to learn if information on them is maintained in this system of records should address inquiries to Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902, or to the area or project employment office to which application was sent. Requests should include the individual's full name social security number, date of birth, and approximate date of application.

RECORD ACCESS PROCEDURES:

Individuals wishing to gain access to information on them in this system of records should contact the Chief, Employment Branch, Tennessee Valley Authority Knoxville, Tennessee 37902, or the area or project employment office to which the application was sent. Access will not be granted to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment. Federal contracts, or access to classified information, to the extent that the disclosure of such material would reveal the identity of a source who furnished informaiton to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

Access will not be granted to testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained; educational institutions, employers, and other references; state employment services.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from subsections (d), (e)(4)(H), (f)(2) and (3) and (4) to the extent that disclosure of material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence and to the extent that disclosure of testing or examination material would compromise the objectivity or fairness of the testing or examination process. This exemption is pursuant to section 3(k)(5) and (6) of the Privacy Act of 1974 (5 USC 552a(k)(5) and (6)) and TVA regulations at 18 CFR 1301.24.

TVA-14

SYSTEM NAME:

Grievance Records—TVA.

SYSTEM LOCATIONS:

Labor Relations Staff, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Duplicate copies are also maintained in the files of the division concerned with the grievance.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

TVA emplyees and former employees who have formally appealed for ajustment of their grievances.

CATEGORIES OF RECORDS IN THE SYSTEM:

Evidence and arguments relevant to the matter giving rise to the grievance and related correspondence.

AUTHORITY FOR MAINTAINED OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to a request from a Member of Congress regarding the status of an employee's grievance.

For use in litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To the parties, their representatives, and Board or Office representatives in Merit Systems Protection Board or Office of Personnel Management proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

To request information from a Federal, state, or local agency or private individual if necessary to obtain information relevant to a TVA decision within the purposes of this system of records.

To prefer, where there is an indication of a violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulations, or order issued pursuant thereto.

To the appropriated agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGERS(S) AND ADDRESS:

Director, Labor Relations Staff, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individuals who have filed grievances are aware of that fact. Inquiries may however be addressed to the system manager named above. Requests should include the individual's full name and employing division.

RECORD ACCESS PROCEDURES:

Individuals who have filed a grievance may gain access to the official copy of the grievance record by contacting the system manager named above.

CONTESTING RECORD PROCEDURES:

The contest, amendment, or correction of a grievance record is permitted during the prosecution of that grievance. However, an individual may address requests for amendment or correction of items not involved in prosecution of the grievance to the system manager named above.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains; TVA personnel records; statements and testimony of witnesses and related corresondence.

TVA-15

SYSTEM NAME:

Land Between The Lakes Register of Hunter Applications—TVA

SYSTEM LOCATION:

Land Between The Lakes, Tennessee Valley Authority, Golden Pond, Kentucky 42231; Computing Operations Branch, Tennessee, Valley Authority, Chattanooga, Tennessee 37401.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for participation in managed hunts at Land Between The Lakes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel identifying information and information related to the hunt.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd; Executive Order 6161.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to a request from a Member of Congress regarding the status of an applicant.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as licenses, or to request information from a private individual to the extent necessary to obtain information relevant to a TVA decision concerning the issuance of a permit to hunt or any other privilege.

To provide hunt information to state agencies concerned with wildlife management practices.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant theret.

For use in litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

POLICIES AND PRACTICES FOR STORING, RETREVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE

Records are maintained on automated data storage devices, card files, and computer printouts.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Files are kept in secured facilities.

RETENTION AND DISPOSAL:

Applications are maintained for one year before disposal. Other information may be retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Land Betwwen The Lakes, Tennessee Valley Authority, Golden Pond, Kentucky 42231.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should address their inquiries to the Manager, Land Between The Lakes, Tennessee Valley Authority, Golden Pond, Kentucky 42231. Requests should include the application.

RECORD ACCESS PROCEDURES:

All information maintained in this system of records has normally been supplied by the subject individual. However, requests for access may be directed to the Manager, Land Between The Lakes, Tennessee Valley Authority, Golden Pond, Kentucky 42231.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the Manager, Land Between The Lakes, Tennessee Valley Authority, Golden Pond, Kentucky 42231.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

TVA-16

SYSTEM NAME:

Land Between The Lakes Register of Law Violations—TVA.

SYSTEM LOCATION:

Land Between The Lakes, Tennessee Valley Authority, Patrol Office, Golden Pond, Kentucky 42231.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons cited or arrested for violation of state or Federal law at Land Between The Lakes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal identifying information and information related to the investigation and disposition of the violation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd; 18 USC 7, 13; Kentucky Revised Statutes 150, Chapter 43, Kentucky Act, 1974; Tennessee Public Acts 1972, Chapter 552.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

In litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery, information to criminal justice agencies and to Federal agencies conducting authorized security investigations.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on cards.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. All filing systems are locked when unattended.

RETENTION AND DISPOSAL:

Records are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Land Between The Lakes, Tennessee Valley Authority, Golden Pond, Kentucky 42231.

NOTIFICATION PROCEDURE:

This system of records had been exempted from this provision pursuant to section 3(j)(2) of the Privacy Act of 1974 (5 USC 552a(j)(2)) and TVA regulations at 18 CFR 1301.23.

RECORD ACCESS PROCEDURES:

This system of records had been exempted from this provision pursuant to section 3(j)(2) of the Privacy Act of 1974 (5 USC 552a(j)(2)) and TVA regulations at 18 CFR 1301.23.

CONTESTING RECORD PROCEDURES:

This system of records has been exempted from this provision pursuant to section 3(j)(2) of the Privacy Act of 1974 (5 USC 552a(j)(2)) and TVA regulations at 18 CFR 1301.23.

RECORD SOURCE CATEGORIES:

This system of records has been exempted from this provision pursuant to section 3(j)(2) of the Privacy Act of 1974 (5 USC 552a(j)(2)) and TVA regulations at 18 CFR 1301.23.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from subsections (c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4) (G) and (H) and (J), (e)(5), (f), (g), and (h) of section 3 of the Privacy Act of 1974 pursuant to section 3(j)(2) of the Privacy Act (5 USC 552a(j)(2)) and TVA regulations at 18 CFR 1301.23.

TVA-17

SYSTEM NAME:

Management Appraisal Records—TVA.

SYSTEM LOCATION:

Records in this system are located in the files of the division where the individual is employed: Division of Personnel, Knoxville, Tennessee 37902.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

TVA Management Schedule employees and those showing potential managerial talent.

CATEGORIES OF RECORDS IN THE SYSTEM:

Performance evaluations and other job-related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURESES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING RETRIEVING, ACCESSING, RETAINNING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to persons whose official duties require such access.

RETENTION AND DISPOSAL:

Records are disposed of in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individuals wishing to determine if information on them is maintained in this system of records should address inquiries to the director of the division where employed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information on them in this system of records should contract their division director.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to their division director.

RECORD SOURCE CATEGORIES:

Individual on whom the records is maintained; the individuals's supervisor, TVA personnel records.

TVA-18

SYSTEM NAME:

Employee Supplementary Vacancy Announcement Records—TWA

SYSTEM LOCATION:

Employment Branch, Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902; area employment offices in Knoxville, Chattanooga, and Nashville, Tennessee, and Muscle Shoals, Alabama; division personnel offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees applying for placement in positions covered by the supplementary vacancy announcement procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications and supporting material submitted by employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11478; Equal Employment Opportunity Act of 1972, Pub. L. 92–261, 86 Stat. 103; 5 U.S.C. 3101; Tennessee Valley Authority Act of 1933, 6 U.S.C. 831–831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the parties, their representatives, and Board or Office representatives in Merit Systems Protection Board or Office of Personnel Management proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

In litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

POLICIES AND PRACTICES FOR STORING, RETRIVEING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to persons whose official duties require such access. Records are maintained in secured facilities.

RETENTION AND DISPOSAL:

Records are disposed of in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individuals upon whom records are maintained in this system are aware of that fact through filing an application. However, inquiries may be addressed to the Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902. Requests should include the individual's full name position applied for, and location of job.

RECORD ACCESS PROCEDURES:

Individuals upon whom records are maintained in this system have supplied all information in this system. However, requests for access may be addressed to the Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902.

RECORD SOURCE CATEGORIES:

The individual upon whom the record is maintained.

TVA–19

SYSTEM NAME:

Consultant and Personal Service Contractor Records—TVA.

SYSTEM LOCATION:

Employment Branch and Information Management Systems Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Payment records are located at these TVA Division of Finance offices: Knoxville, Tennessee 37902; Chattanooga, Tennessee 37401; Muscle Shoals, Alabama 35660.

Records related to personal service contractors employed under the Comprehensive Employment and Training Act of 1973, Pub. L. 93–203, are located at TVA, Office of Natural Resources, Knoxville, Tennessee, and Land Between The Lakes, Golden Pond, Kentucky 42231.

Duplicate copies of some records may be kept in the files of the employing division.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who provide services to TVA; participants in TVA-state employment programs; and participants in other special employment programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Division of Personnel maintains contracts, records of the qualifications of the contractor, and related correspondence. For public service employment program participants the Division of Personnel maintains information related to job placement such as test scores, interest inventories, and supervisor's evaluations. Payment information is maintained by the Division of Finance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831dd; Comprehensive Employment and Training Act, Pub. L. 93–203, 87 Stat. 839; Executive Order 11222; Executive Order 10450; Executive Order 10577; provisions of 5 U.S.C. applicable to employment with TVA; Internal Revenue Code.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To transmit reports as requested to the Office of Personnel Management, pursuant to 5 U.S.C. 3323, Executive Orders 10577 and 10450, and other laws.

To report earnings information to the Internal Revenue Service and the Social Security Administration.

To respond to a request from a Member of Congress regarding the status of a contractor or consultant.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulations, or order issued pursuant thereto.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

To transmit to the appropriate state contracting agency reports of hours worked by participants in the public service employment program, and to request reimbursement.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contrct, or issuance of a license grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To provide the following information to a prospective employer of a TVA or former TVA consultant or personal service contractor job descriptions, dates of employment, and reason for separation.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

For use in litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and on automated data storage devices.

RETRIEVABILITY:

Records are indexed by name, social security number, or voucher number.

SAFEGUARDS:

Access to and use of these records are limited to persons whose official duties require such access. All filing systems are locked when unattended.

RETENTION AND DISPOSAL:

Records are disposed of periodically as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individuals wishing to know if records on them are maintained in the system should address inquiries to the system manager named above. Requests shall include the individual's full name, employing or contracting division, and whether the individual was a participant in the public service employment program. Social security numbers are not required but may expedite TVA's response.

RECORD ACCESS PROCEDURES:

Individuals wishing to gain access to information on them in this system of records should contact the system manager named above. Access will not be granted to investigatory material complied solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment. Federal contracts, or access to classified information, to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. Access will not be granted to testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains; educational institutions, former employers, and other reference sources; state employment services; supervisors and other TVA personnel or personnel records; medical officers; other Federal agencies.

In addition to the above sources, security suitability investigatory files contain information from law enforcement agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from subsections (d), (e)(4)(H), (f)(2) and (3) and (4) to the extent that disclosure of material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence, and to the extent that disclosure of testing or examination material would compromise the objectivity or fairness of the testing or examination process. This exemption is pursuant to section 3(k) (5) and (6) of the Privacy Act of 1974 (5 U.S.C. 552a(k) (5) and (6)) and TVA regulations at 18 CFR 1301.24.

TVA-21

SYSTEM NAME:

Office of Quality Assurance Personnel Records—TVA.

SYSTEM LOCATION:

Office of Quality Assurance, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Copies of records for Quality Assurance Evaluators (construction) are maintained in the office of Supervisor, Quality Assurance Unit at that TVA nuclear power plant. Copies of records for Quality Assurance Evaluators (operation) are maintained in the office of the Supervisor, Quality Assurance, in Chattanooga.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees or former employees involved in quality assurance work.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information related to the qualifications of employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Energy Reorganization Act of 1974, Pub. L. 93–438, 88 Stat. 1233 as implemented at Nuclear Regulatory Commission Regulatory Guide 1.58.

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Nuclear Regulatory Commission or its authorized representatives for inspection or evaluation of TVA Quality Assurance procedures.

To respond to a request from a Member of Congress regarding the status of an employee.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigation and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

In litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To the parties, their representatives, and Board or Office representatives in Merit Systems Protection Board or Office of Personnel Management proceedings to support administrative action by TVA.

To the parties, their representatives, and Merit Systems Protection Board or Office of Personnel Management representatives in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. All filing systems are locked when unattended.

RETENTION AND DISPOSAL:

Manager, Office of Quality Assurance, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the Manager, Office of Quality Assurance, Tennessee Valley Authority, Knoxville, Tennessee 37902. Inquires should include the individual's full name and employing organization.

RECORD ACCESS PROCEDURES:

Individuals who desire access to information about them in this system of records should contact the Manager, Office of Quality Assurance, Tennessee Valley Authority, Knoxville, Tennessee 37902.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the Manager, Office of Quality Assurance, Tennessee Valley Authority, Knoxville, Tennessee 37902.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained.

TVA personnel records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system of records is exempt from subsection (d); (e)(4)(H; (f) (2), (3), and (4), to the extent that disclosure of material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. The exemption is pursuant to section 3(k)(5) of the Privacy Act of 1974 (5 U.S.C. 552a(k)(5)) and TVA regulations at 18 CFR 1301.24.

TVA-22

SYSTEM NAME:

Questionnaire—Farms in Vicinity of Proposed Nuclear Power Plant—TVA.

SYSTEM LOCATION:

Economics and Marketing Research Branch, Division of Agricultural Development, Tennessee Valley Authority, Muscle Shoals, Alabama 35660.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals from whom TVA purchases land for proposed nuclear plant, individuals having vegetable gardens, irrigated land, dairy cows, and milk goats within 2-mile radious of proposed plant site.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal identifying information and information related to agriculture, milk consumption, water resources, and farm product value.

This information is not used for making determinations about the rights, benefits, or privileges of any individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831dd; National Environmental Policy Act, Pub. L. 91–190, 83 Stat. 852; Energy Reorganization Act of 1974, Pub. L. 93–438, 88 Stat. 1233.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system of records is used in developing environmental evaluations and impact statements. Certain relevant but nonsensitive information may be disclosed in these statements. Information may also be used:

In administrative and licensing proceedings including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To disclose to any agency of the Federal Government having oversight or review authority with regard to TVA activities.

For use in litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by assigned number and aerial photo number.

SAFEGUARDS:

Access to and use of these records are limited to persons whose official duties require such access. Files are kept in secured facilities.

RETENTION AND DISPOSAL:

Records are maintained indefinitely or for the life of the plant.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Tennessee Valley Authority, Muscle Shoals, Alabama 35660.

NOTIFICATION PROCEDURE:

Individuals on whom information is maintained in this system are aware of that fact through response to the questionnaire. However, inquiries may

be addressed to the system manager named above. Requests should include the individual's full name, farm address, and approximate date of survey.

RECORD ACCESS PROCEDURES:

Individuals on whom information is maintained in this system have supplied all such information. However, requests for access may be directed to the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

Individual about whom the record is maintained.

TVA-23

SYSTEM NAME:

Radiation Dosimetry Personnel Monitoring Records—TVA.

SYSTEM LOCATION:

Radiological health Staff, Tennessee Valley Authority, Muscle Shoals, Alabama 35660.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, former employees, and visitors who might be exposed or are exposed to radiation while in TVA installations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on the magnitude of exposure at TVA installations, exposure prior to employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Energy Reorganization Act of 1974, Pub. L. 93-438, 88 Stat. 1233.

10 CFR 19, 20.

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831-831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Nuclear Regulatory Commission for its use in evaluating TVA hazard control measures.

In litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To the parties, their representatives, and Board or Office representatives in Merit Systems Projection Board or Office of Personnel Management proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To conplianants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to persons whose official duties require such access. Files are kept in secured facilities.

RETENTION AND DISPOSAL:

These records are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Radiological Health Staff, Tennessee Valley Authority, Muscle Shoals, Alabama 35660.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individuals full name and whether or not a TVA employee.

RECORD ACCESS PROCEDURES:

Individuals who desire access to information about them in this system of records should contact the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

Individuals to whom the record pertains: TVA personnel conducting radiation monitoring programs.

TVA-24

SYSTEM NAME:

Reforestation, Erosion Control, and Plantation Case History Record—TVA.

SYSTEM LOCATION:

Record Staging Area, Tennessee Valley Authority, Muscle Shoals, Alabama 35660, pending official transfer to Federal Archives, East Point, Georgia.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Private landowners involved in early TVA-Civilian Conservation Corps tree planting programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Forest acreage, performance, and yield information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831-831dd; Executive Order 6161.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on file cards.

RETRIEVABILITY:

Records are indexed by state, county, and name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Building is locked when unattended.

RETENTION AND DISPOSAL:

This information is kept permanently for archival purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Manager of the Office of Natural Resources, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individuals on whom records are maintained are aware of that fact through participation in the program. However, inquiries may be addressed to the system manager. Individuals should provide their full name, state, and county of residence.

RECORD ACCESS PROCEDURES:

Individuals who desire access to information about them in this system of records should address their inquiries to the system manager.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains; state forestry personnel; TVA surveys.

TVA-25

SYSTEM NAME:

Handicap Services and Planning Records—TVA.

SYSTEM LOCATION:

Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902, area employment offices, and division personnel offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, former employees, applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical, counseling, and employment-related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831dd; Rehabilitation Act of 1973, Pub. L. 93–112; Vietnam Era Veterans; Readjustment Assistance Act of 1974, Pub. L. 93–508.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To vocational rehabilitation agencies and private physicians to aid in treatment, rehabilitation, and placement assistance.

To respond to a request from a Member of Congress regarding the status of an employee, former employee, or applicant.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance or other decision within the purposes of this sytem of records.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To the parties, their representatives, and Board or Office representatives in Merit Systems Protection Board or Office of Personnel Management proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

In litigation including presentation of evidence and disclosure to opposing counsel in course of discovery.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to persons whose official duties require such access. Filing systems are locked when unattended.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individuals wishing to determine if information on them is maintained in this system of records should address inquiries to the system manager named above.

RECORD ACCESS PROCEDURES:

Individuals who seek access to information about them in this system of records should contact the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains; vocational rehabilitation agencies; educational institutions, former employers, and other reference sources; physicians; veterans. Veterans Administration; Office of Workers' Compensation Program.

TVA-26

SYSTEM NAME:

Retirement System Records—TVA

SYSTEM LOCATION:

TVA Retirement System, Tennessee Valley Authority, Knoxville, Tennessee 37902.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active, retired, and former Retirement System; TVA employees and former employees who are members of the Civil Service Retirement System; designated beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal identifying information; retirement, benefit, and investment information; related correspondence; and legal documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd; Internal Revenue Code.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To report earnings to the Internal Revenue Service.

To supply information on coverage to Blue Cross-Blue Shield of Tennessee, Provident Life Insurance Company, and other insurance carriers.

To disclose information to actuarial firms for valuation and projecting benefits.

To disclose information to the Medical Board of the TVA Retirement System for determinations related to disability retirement.

To certify insurance status to the Office of Personnel Management, the Office of Federal Employees Group Life Insurance.

To respond to a request from a Member of Congress regarding the status of a system member.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or

other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision within the purpose of this system of records.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute rule, regulation, or order issued pursuant thereto.

To provide information to a Federal agency, in response to its request, in connection with the issuance of any benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

For use in litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To provide the TVA Retirees Association, retired members of the TVA Retirement System, and retired former TVA employees who are covered by the Civil Service Retirement System, with names and mailing addresses of other retired members and retired employees.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on automated data storage devices, ledgers, and in file folders.

RETRIEVABILITY:

Records are indexed by name, sex, date of birth, address, social security number, active member number, retirement number, or salary.

SAFEGUARDS:

Records in this system are maintained in locked files or safes, in secure facilities. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retention periods vary from two years to permanent depending on the nature of the information and the medium in which they are stored.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Secretary of TVA Retirement System Division of Finance Tennessee Valley Authority Knoxville, Tennessee 37902

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager named above. Inquiries should include the individual's full name and date of birth. The social security number is not required but will expedite TVA's response.

RECORD ACCESS PROCEDURES:

Individuals who desire access to information about them in this system of records should contact the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals wishing to correct or amend information maintained on them in this system should address inquiries to the system manager named above.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained; TVA personnel and payroll records.

TVA-27

SYSTEM NAME:

Test Demonstration Farm Records—TVA.

SYSTEM LOCATION:

Division of Agricultural Development, Tennessee Valley Authority, Field Programs Branch and Economics and Marketing Research Branch, Muscle Shoals, Alabama 35660.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Farmers located outside the Tennessee Valley participating in:

Rapid adjustment demonstration farm program.

Unit test-demonstration farm program.

Fertilizer technology farm program.

Enterprise farm program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Agricultural, income, investment, labor, and food data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To request information from a government agency or private individual where such information may be relevant to providing additional assistance under this program.

To disclose to state extension services and the U.S. Department of Agriculture for use in program evaluation and in assistance to program participants.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and on automated date storage devices, cards, and printouts.

RETRIEVABILITY:

Records are indexed by an assigned number.

SAFEGUARDS:

Access to and use of these records are limited to persons whose official duties require such access. Files are kept in secured facilities and locked when unattended.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Agricultural Development, Tennessee Valley Authority, Muscle Shoals, Alabama 35660.

NOTIFICATION PROCEDURE:

Individuals seeking access to information about them in this system of records should contact the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

Information in this system is solicited from the individual to whom the record pertains by state extension services and universities.

TVA-28

SYSTEM NAME:

Woodland Resource Analysis Program Input Data—TVA.

SYSTEM LOCATION:

Office of Natural Resources, Tennessee Valley Authority, Norris, Tennessee 37828.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Private landowners, agencies, and corporations owning woodlands in Valley region and participating in TVA woodland resource management demonstration program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal, financial, and land resource information pertinent to woodland resource planning. The information in this system is not used by TVA in the determination about the rights, benefits, or privileges of the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831dd: Executive Order 6161.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Evaluated information is supplied to state forestry personnel for use in assisting the landowner.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records and maintained on automated data storage devices, hard copy printouts, and in file folders.

RETRIEVABILITY:

Records are indexed by computer run number by State.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Files are kept in secured facilities.

RETENTION AND DISPOSAL

Records are retained for 25 years.

SYSTEM MANAGER(S) AND ADDRESS:

Manager of the Office of Natural Resources, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individuals on whom information is maintained are aware of that fact through participation in the program. However, inquiries may be addressed to the system manager. Individuals should provide their full name, state of residence and the calendar year(s) of participation in the program.

RECORD ACCESS PROCEDURES:

Individuals on whom records are maintained have been provided copies of all information in that record. However, requests for access may be directed to the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains provides the information to state forestry personnel. The information is evaluated by TVA and returned to the state forestry personnel who utilize the information in evaluated form to assist the landowner.

TVA–29

SYSTEM NAME:

Electricity Use, Rate, and Service Study Records—TVA.

SYSTEM LOCATION:

Division of Energy Use and Distributor Relations and the Division of Energy Conservation and Rates, Tennessee Valley Authority, Chattanooga, Tenn. 37401.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals residing in households which are participating in electricity use, rate and service studies including those receiving electricity conservation assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information about an individual's income, employment, family size, characteristics of his dwelling including type of heating and cooling systems and number and kind of appliances, and other characteristics of study participants relevant to patterns of residential electrical use.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To distributors and contractors assisting TVA in the study:

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and on automated data storage devices.

RETRIEVABILITY:

Records are indexed by an identification number assigned to each household.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. All filing systems are locked when unattended.

RETENTION AND DISPOSAL:

Survey information will be retained until completion of the program and for two years thereafter.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Energy Use and Distributor Relations, Tennessee Valley Authority, Chattanooga, Tenn. 37401.

NOTIFICATION PROCEDURE:

Individuals about whom information is maintained in this system of records are aware of that fact through participation in the program. However, inquiries may be addressed to the system manager named above. Request should include the individuals full name and address.

RECORD ACCESS PROCEDURES:

Requests for access may be directed to the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

The information in this system is solicited from the individual to whom the record pertains.

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DEPARTMENT OF THE TREASURY

Office of the Secretary

Public Information Collection Requirements Submitted to OMB for Review

On August 19, 1983, the Department of the Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and

clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634–2179. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 309, 1625 I Street, N.W., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: N/A
Form Number: None
Type of Review: Existing Regulation
Title: Lists of Solicitation of Tax Return Business
OMB Number: N/A
Form Number: None
Type of Review: Existing Regulation
Title: Limitation on Reduction in Income Tax Liability Incurred to the Virgin Islands
OMB Number: 1545–0160
Form Number: 3520A
Type of Review: Existing Regulation
Title: Annual Return of Foreign Trust with U.S. Beneficiaries
OMB Number: 1545–0216
Form Number: 5713 Schedules A, B & C
Type of Review: Existing Regulation
Title: Boycott International Report
OMB Number: 1545–0049
Form Number: None
Type of Review: Existing Regulation
Title: Information and Initial Excise Tax Return for Black Lung Benefit Trusts and Certain Related Persons/Return of Excise Tax on Excess Contribution to Black Lung Benefit Trust Under Section 4953 and Computation of Section 192 Deduction
OMB Number: 1545–0159
Form Number: None
Type of Review: Existing Regulation
Title: United States Information Return Creation of or Transfers to Certain Foreign Trusts
OMB Number: 1545–0010
Form Number: None
Type of Review: Existing Regulation
Title: Employee's Withholding Allowance Certificate
OMB Reviewer: Norman Frumkin (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Rita A. DeNagy,
Departmental Reports Management Office.

[FR Doc. 83-23459 Filed 8-25-83; 8:45 am]
BILLING CODE 4810-25-M

[Order No. 113-1]

Redesignation of the Public Liaison and Consumer Affairs Function as the Business and Consumer Affairs Function

August 17, 1983.

By virtue of the authority vested in the Secretary of the Treasury, including the authority under 31 U.S.C. 321(b), and the authority delegated to me by Treasury Department Order No. 101–5, dated 12–21–82, it is ordered that the Assistant Secretary (Public Liaison and Consumer Affairs) be redesignated as the Assistant Secretary (Business and Consumer Affairs). The responsibilities of the Assistant Secretary and of the Office of the Assistant Secretary (Business and Consumer Affairs) remain the same, i.e.:

1. *The Assistant Secretary (Business and Consumer Affairs)* will report to the Secretary through the Deputy Secretary, and will be responsible for:

a. Establishing general operating policies and guidelines, and providing leadership, direction and management strategy for administering business and consumer affairs programs and activities in all Treasury offices and bureaus.

b. Formulating and executing business and consumer affairs policies and programs which will increase the knowledge and understanding of businesses, trade and professional organizations, and consumer groups regarding Treasury's activities and services.

c. Providing business and consumer affairs logistic support, program development, and policy development to the Office of the Secretary.

d. Serving as the principal advisor to the Secretary, the Deputy Secretary, and senior officials throughout the Treasury Department on matters affecting the understanding by businesses, trade and professional organizations, and consumer groups of Treasury policies and programs.

e. Providing executive direction to the Small and Disadvantaged Business Utilization program. In the performance of these functions, the Assistant Secretary shall be known as the "Director, Office of Small and Disadvantaged Business Utilization."

2. *The Office of the Assistant Secretary (Business and Consumer Affairs)* is under the supervision of the Assistant Secretary (Business and Consumer Affairs). This office performs the following functions:

a. Developing materials to inform businesses, trade and professional organizations, and consumer groups regarding the Department's policies, programs, activities, and services.

b. Serving the specialized needs of specific Treasury officials for communications with businesses, trade and professional organizations, and consumer groups.

c. Providing editorial services for publications of the Office of the Assistant Secretary (Business and Consumer Affairs), e.g., brochures, pamphlets, and other communications materials.

d. Coordination business and consumer affairs activities throughout the Department.

e. The functions provided for by Pub. L. 95–507. In performing these functions, the office shall be known as the Office of Small and Disadvantaged Business Utilization.

f. Processing mail from the general public addressed to the Secretary of the Treasury and mail addressed to the President regarding Treasury issues.

3. The Director, Office of Consumer Affairs, will have direct access to the Secretary on consumer affairs matters.

4. The Assistant Secretary (Business and Consumer Affairs) is authorized to define the organizational structure and the specific responsibilities of the positions and personnel assigned to the Office of the Assistant Secretary (Business and Consumer Affairs).

5. This Order amends and supersedes Treasury Department Order No. 113–1, dated June 1, 1981, by changing the functional title of the Assistant Secretary and of the office. The actual functions, authorities and organization are not affected.

Cora P. Beebe,
Assistant Secretary (Administration).

[FR Doc. 83-23532 Filed 8-25-83; 8:45 am]
BILLING CODE 4810-25-M

Customs Service

[T.D. 83-152]

Revocation of Customhouse Cartman's License No. A-966 Issued by the District Director of Customs, Honolulu, to Takaski Brian Uyeno on February 12, 1980; Correction

AGENCY: Customs Service, Treasury.

ACTION: Customhouse cartman's license—revocation; correction.

SUMMARY: This document corrects errors in a document published in the **Federal Register** on Wednesday, July 20, 1983 (48 FR 33399), relating to the revocation of Customhouse Cartman's License No. A–966 issued on February 12, 1980 to

Takashi Brian Uyeno by the District Director of Customs, Honolulu.

FOR FURTHER INFORMATION CONTACT: Ronald W. Gerdes, Assistant Chief Counsel (Administration and Legislation), U.S. Customs Service (202)–566–2482).

Background

In FR Doc. 83–19759, appearing at page 33399, the identification card number should be A–966 in lieu of 3146 which was a temporary identification card number, and the effective date should be February 12, 1980, in lieu of December 5, 1979. Accordingly, the following corrections are made to the document:

On page 33399 substitute the number 3146 with A–966 and replace the date of December 5, 1979 with February 12, 1980, in the summary and heading.

Dated: August 23, 1983.

Alfred R. De Angelus,

Acting Commissioner of Customs.

[FR Doc. 83–23467 Filed 8–25–83; 8:45 am]

BILLING CODE 4820–02–M

[T.D. 83–172]

Revocation of Individual License No. 3837 Issued on June 21, 1973, for District 49–09, San Juan, Puerto Rico; Correction

AGENCY: Customs Service, Treasury.

ACTION: Customhouse broker license—revocation; correction.

SUMMARY: This document corrects errors in a document published in the **Federal Register** on Friday, August 5, 1983 (48 FR 36052) relating to the revocation of Customhouse Broker's License No. 3837 of Norma E. Sanchez issued on June 21, 1973, in San Juan, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Ronald W. Gerdes, Assistant Chief Counsel (Administration & Legislation), U.S. Customs Service (202–566–2482).

Background

In FR Doc. 83–21502, appearing at page 36052, the decision to revoke Customhouse Broker's License No. 3837 was made by the Assistant Secretary of the Treasury and not the Commissioner of Customs. Also, the date of the decision was omitted in the first sentence of the summary. Accordingly, the following corrections are made to the document:

In the summary, the words "Commissioner of Customs" should be substituted with the words "Assistant Secretary of the Treasury." In addition where the word "Commissioner" appears, it should be replaced with the words "Assistant Secretary." Finally, after the word "on" and before the word "pursuant" the date of August 1, 1983, should be inserted.

Dated: August 23, 1983.

Alfred R. De Angelus,

Acting Commissioner of Customs.

[FR Doc. 83–23468 Filed 8–25–83; 8:45 am]

BILLING CODE 4820–02–M

Internal Revenue Service

Art Print Advisory Panel; Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of closed meeting of Art Print Advisory Panel.

SUMMARY: A closed meeting of the Art Print Advisory Panel will be held in Washington, D.C.

DATE: The meeting will be held September 21, 1983.

FOR FURTHER INFORMATION CONTACT: Wiley Grant, CC:C:E:V, 1111 Constitution Avenue, N.W., Room 5545, Washington D.C. 20224, Telephone No. (202) 566–4196 (not a toll free number).

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1976), that a closed meeting of the Art Print Advisory Panel will be held on September 21, 1983 beginning at 9:30 a.m. in Room 3411, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals and allocations of value of the assets in art print publishing ventures involved in federal income tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of Title 26 of the United States Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that these meetings are concerned with matters listed in section 552b(c) (3), (4), (6), and (7) of Title 5 of the United States Code, and that the meetings will not be open to the public.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978. (43 FR 52122.)

Roscoe L. Egger, Jr.,

Commissioner.

[FR Doc. 83–23535 Filed 8–25–83; 8:45 am]

BILLING CODE 4830–01–M

[Delegation Order No. 112 (Rev. 9)]

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: This is a revision of Delegation Order No. 112 (Rev. 8) which authorizes the District Director of each EP/EO key district to issue determination and revocation letters, to allow amendment of employee plans after the expiration of the remedial amendment period and to issue examination reports relating to employee plans. Section 1(b) of the delegation order is revised to incorporate the provision that the District Director of each Employee Plans and Exempt Organizations key district is authorized to determine that a trust or organization described in section 401(a), which is referred to in section 4975(g) (2) or (3), has engaged in a prohibited transaction and to notify such entity in writing of the revocation of exemption and of the requalification for exemption after such entity establishes that it will not knowlingly again engage in a prohibited transaction. This provision was formerly contained in Delegation Order No. 88 (Rev. 6). Section 1(c) of the delegation order is revised to authorize the District Director of each EP/EO key district to issue determination and revocation letters with respect to exemption from federal income tax of a group trust. Former paragraph (c) of section 1, as reflected in Rev. 8 (relating to the issuance of determination letters with respect to certain nonqualified employee stock ownership plans) has been deleted because of the changes in the applicable tax law made by the Revenue Act of 1978 which require employee stock ownership plans to qualify under section 401(a) of the Internal Revenue Code. Former paragraphs (b), (d), and (e) of section 1, have been recategorized as paragraphs (d), (e), and (f), respectively Section 1(f)(2), as recategorized, is also revised to provide that the authority to issue final revocation letters may be redelegated to the Chief, EP/EO Division, and, in the Western Region only, to the Chief, Quality Review Division. Former section 1(e)(3) has been deleted. Section 4(b) is revised to provide that the authority to allow amendment of employee plans after the expiration of the remedial amendment period may be redelegated, in the Western Region only, to the Chief, Quality Review Division. The text of the delegation order appears below.

EFFECTIVE DATE: August 25, 1983.

FOR FURTHER INFORMATION CONTACT: Sheila M. Connor, OP:E:EP:T:8, 1111 Constitution Ave., NW., Washington, D.C. 20224, (202) 566-3149 (not toll free).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Donald L. Dietz,

Acting Chief, Employee Plans Determination Branch.

Order No. 112 (Rev. 9)

Effective date: 8-25-83.

Authority To Issue Determination and Revocation Letters, To Allow Amendment of Employee Plans After the Expiration of the Remedial Amendment Period and To Issue Examination Reports Relating to Employee Plans

Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150-37, authority with respect to issuance of determination and revocation letters, to allow amendment of plans after the expiration of the remedial amendment period and to issuance of examination reports pertaining to employee plans and related matters is delegated as follows:

1. The District Director of each Employee Plans and Exempt Organizations key district is authorized, subject to section 3, to:

(a) issue determination and revocation letters involving the provisions of sections 401, 403(a), 405, 409A, 501(a) and 4975(e)(7) of the Internal Revenue Code of 1954 with respect to:

(1) qualification of stock bonus, pension, profit sharing, employee stock ownership, annuity, and bond purchase plans, and cash or deferred arrangements;

(2) exemption from federal income tax under section 501(a) of trusts forming a part of such plans, provided that the determination does not involve application of section 502 (feeder organizations) or section 511 (unrelated business income), or the question of whether a proposed transaction will be a prohibited transaction under section 4975(c)(1) or section 503 with respect to plans described in section 4975(g)(2) or (3);

(3) conpliance with the applicable requirements of foreign situs trusts as to taxability of beneficiaries (section 402(c)) and deductions for employer contributions (section 404(a)(4)); and

(4) amendments (including those relating to section 414(1) of the Code), partial terminations or terminations of such plans and trusts.

(b) determine that any organization or trust described in section 401(a), the plan of which is referred to in section 4975(g) (2) or (3), has engaged in a prohibited transaction under section 503 and to notify such entity in writing of the revocation of exemption and of the requalification for exemption after such entity establishes that it will not knowlingly again engage in a prohibited transaction and that it also satisfies all applicable requirements of section 401(a).

(c) issue determination and revocation letters with respect to exemption from federal income tax of a group trust:

(1) under section 501(a), with respect to its funds which equitably belong to participating trusts described in section 401(a), and, for taxable years beginning after December 31, 1981, plans and governmental units described in section 805(d)(6); and/or

(2) under section 408(e), with respect to its funds which equitably belong to individual retirement accounts which satisfy the requirements of section 408(a).

(d) issue examination reports with respect to:

(1) Continued qualification under sections 401, 403(a), 405, 409A, and 4975(e)(7) of plans and continued exemption under section 501(a) of the related trust;

(2) imposition of tax under sections 1, 511 through 514, 641 and Chapter 43; and

(3) imposition of penalties under Chapter 68 of the Internal Revenue Code of 1954.

(e) issue modification or revocation of determination letters described above in accordance with currently applicable appeal procedures. If the revocation involves collectively-bargained plans, or plans for which the Internal Revenue Service is proposing to issue a revocation letter because certain fiduciary actions subject to Part 4, Subtitle B of Title I of the Employee Retirement Income Security Act (ERISA) have violated the exclusive benefit rule of section 401(a), the plan must have been submitted for technical advice and the Assistant Commissioner (OP:E) must have concurred with the revocation.

(f) redelegate this authority as follows:

(1) with respect to issuance and modification of favorable determination letters or examination reports, other than a report issued with a proposed revocation letter, not below Internal Revenue Agent and Tax Law Specialist, GS-12, and then only if such individual is a person other than the initiator,

(2) with respect to issuance of proposed and final adverse determination letters or proposed and final revocation letters and related examination reports, not below Chief, EP/EO Division (in the Western Region, not below Chief, Quality Review Division).

2. In each region, the Regional Counsel, the Regional Director of Appeals, Chiefs and Associate Chiefs, Appeals Office, are authorized to:

(a) issue final determination or final revocation letters on appeals from proposed adverse determination and proposed revocation letters issued by key district offices under this delegation.

(b) issue letters as to the decision on appealed examination reports or of deficiency notices as provided in Delegation Order No. 77.

(c) This authority may not be redelegated.

3. The Assistant Commissioner (Employee Plans and Exempt Organizations), with concurrence of the Chief Counsel, is authorized to require preissuance review of final adverse determination and final revocation letters covered by section 7476(a) of the Internal Revenue Code of 1954.

4. The District Director of each Employee Plans and Exempt Organizations key district is authorized to:

(a) allow a plan to be amended after the expiration of its remedial amendment period described in section 401(b) of the Code for any plan year in which a request for a determination letter is made or is pending with the Service, and for the plan year prior to the plan year in which the plan is submitted for a determination letter if the plan is submitted by the end of the time for filing the tax return of the employer (including extensions) for the taxable year of the employer beginning with or within that prior plan year, provided that two conditions are met:

(1) the plan is retroactively amended to comply with the qualification requirements as of the time the defect in the plan arose, and

(2) employee benefit rights are retroactively restored to the levels they would have been had the plan been in compliance with the qualification requirements from the date the defect in the plan arose.

(b) redelegate this authority but not below Assistant Chief, EP/EO Division (in the Western Region, not below Chief, Quality Review Division).

Delegation Order No. 112 (Rev. 8) effective June 16, 1982, is hereby superseded

Dated: August 1, 1983.

Approved:
James I. Owens,
Deputy Commissioner.
[FR Doc. 83-23536 Filed 8-25-83; 8:45 am]
BILLING CODE 4830-01-M

[Delegation Order No. 113 (Rev. 8)]

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: This revision adds the provision that the District Director of each Employee Plans and Exempt Organizations key district is authorized to determine that any trust described in section 501(c)(17) or 501(c)(18) has engaged in a prohibited transaction and to notify such in writing of the revocation of exemption and the requalification for exemption after the trust establishes that it will not knowingly again engage in a prohibited transaction. This provision was formerly contained in Delegation Order No. 88 (Rev. 6). This revision also gives the key District Director authority to issue determination letters on withholding of information from public inspection under section 6104(a)(1)(D). The text of the delegation order appears below.

EFFECTIVE DATE: August 25, 1983.

FOR FURTHER INFORMATION CONTACT: David F. Flavin OP:E:EO:T:TR, 1111 Constitution Ave., NW., Room 6033, Washington, D.C. 20224, Telephone No. (202) 566-4332 (not a toll-free telephone number).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Edward D. Coleman,
Chief, Exempt Organizations Technical Branch.

Order No. 113 (Rev. 8)

Effective date: 8-25-83.

Authority To Issue Exempt Organization Determination Letters

Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Oder No. 150-37 and the provisions of 26 CFR 1.503(a)-1, authority with respect to issuance of determination letters pertaining to the exempt status of organizations under section 501(a) and related matters is delegated as follows:

1. The District Director of each Employee Plans and the Exempt Organizations key district listed in 4. below is authorized to:

(a) Issue determination letters, except as noted in section 2, below, with respect to exemption from Federal income tax under sections 501 and 521; status under IRC 120, 170(c)(2), 507, 508, 509, 4942(j)(3), 4947, 4948, and 6033, withholding of information from public inspection under IRC 6104(a)(1)(D); imposition of tax under IRC 11, 511 through 514, 527(f), 641, 1381, and Chapters 41 and 42; provided the requests present questions the answers to which are clear from an application of the provisions of the statue, Treasury decisions or regulations, or by a ruling, opinion, or court decision published in the Internal Revenue Bulletin, and

(b) Issue modifications or revocations of rulings or determination letters described above in accordance with currently applicable appeal procedures, and

(c) Determine that any trust described in section 501(c)(17) or 501(c)(18) has engaged in a prohibited transaction and to notify such entity in writing of the revocation of exemption and of the requalification for exemption after the trust establishes that it will not knowingly again engage in a prohibited transaction and that it also satisfies all other requirements under section 501(c)(17) or 501(c)(18), and

(d) Redelegate this authority but not below Exempt Organizations Specialist, Grade GS-12 (other than the originator) and not below Chief, Employee Plans and Exempt Organizations Division with respect to adverse modifications or revocations of such letters.

2. In each region, the Regional Counsel, the Regional Director of Appeals, Chief and Associate Chief, Appeals Office are authorized to issue final determination letters on appeals from proposed adverse determinations and proposed revocations issued by key district offices under this delegation. This authority may not be redelegated.

3. The Assistant Commissioner (Employee Plans and Exempt Organizations), with the concurrence of the Chief Counsel, is authorized to require preissuance review of specific types of final adverse determinations of issues described in IRC 7428(a)(1).

4. In each region, the following Employee Plans and Exempt Organizations key districts are responsible for exempt organizations matters:

Key Districts—IRS District Covered

Central Region

Cincinnati—Cincinnati, Cleveland, Detroit, Indianapolis, Louisville, and Parkersburg

Mid-Atlantic Region

Baltimore—Baltimore (which includes the District of Columbia and Office of International Operations), Pittsburgh, and Richmond
Newark—Newark, Philadelphia, and Wilmington

Midwest Region

Chicago—Aberdeen, Chicago, Des Moines, Fargo, Milwaukee, Omaha, St. Louis, St. Paul, and Springfield

North-Atlantic Region

Brooklyn—Albany, Augusta, Boston, Brooklyn, Buffalo, Burlington, Hartford, Manhattan, Portsmouth, and Providence

Southeast Region

Atlanta—Atlanta, Birmingham, Columbia, Greensboro, Jackson, Jacksonville, and Nashville

Southwest Region

Dallas—Albuquerque, Austin, Cheyenne, Dallas, Denver, Houston, Little Rock, New Orleans, Oklahoma City, and Wichita

Western Region

Los Angeles—Honolulu, Laguna Niguel, Los Angeles, and Phoenix
San Francisco—Reno, Salt Lake City, Sacramento, San Jose, and San Francisco
Seattle—Anchorage, Boise, Helena, Portland, and Seattle

Delegation Order No. 113 (Rev. 7) effective March 21, 1982, is hereby superseded.

Dated: August 1, 1983.

Approved: August 1, 1983.

James I. Owens,
Deputy Commissioner.
[FR Doc. 83-23537 Filed 8-25-83; 8:45 am]
BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document consists of a proposed extension and the listing contains the following information: (1) The department or staff office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to

report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(h) of Public Law 96–511 applies.

ADDRESSES: Copies of the proposed form and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (004A2), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389–2146. Comments and questions about the items on this list should be directed to the VA's OMB Desk Officer, Rich Shepard, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–6880.

DATES: Comments on the form should be directed to the OMB Desk Officer by October 25, 1983.

Dated: August 22, 1983.

By direction of the Administrator.

Robert Frongello,

Assistant to the Associate Deputy Administrator for Information Resources Management.

Extension

1. Department of Medicine and Surgery.

2. Authority and Invoice for Travel by Ambulance or Other Hired Vehicle.

3. VA Form 10–2511.

4. On occasion.

5. Individuals or households; businesses or other for-profit; small businesses or organizations.

6. 122,500 responses.

7. 4,900 hours.

8. Not applicable.

[FR Doc. 83-23470 Filed 8-25-83; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 167
Friday, August 26, 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

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., August 31, 1983.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Protest of International Association of NVOCC's to Container Rates of North Atlantic Conferences.
2. Sea-Land Service, Inc., Special Permission Application for blanket authority to meet rates of competitors not subject to regulation by the Commission.
3. Docket No. 82-36: Requirements for Filing Currency Adjustment Factors Reflecting Changes in the Exchange Rate of Tariff Currencies—Consideration of comments received in response to notice of proposed rulemaking.
4. Notice of Inquiry and Intent to Review Regulation of Ports and Marine Terminal Operators.
5. Docket No. 82-57: Clark International Marketing S.A., a Division of Clark Equipment v. Venezuela Line—Consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523-5725.

[S-1216-83 Filed 8-24-83; 9:14 am]

BILLING CODE 6730-01-M

2

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

STATUS: Open.

DATE AND TIME: September 6, 1983, 10 a.m.; September 7, 1983, 9 a.m.

PLACE: Federal Building, South Auditorium, Seattle, Washington.

MATTERS TO BE CONSIDERED:

Discussion of Cost Analysis on WPPSS plants
Discussion of Natural Gas Industry Request to Suspend Power Plan
Discussion of "Implementation Programs for the Northwest Power Planning Council's Two-Year Action Plan"
Council Business
Public Comment will be taken after each item on the agenda.

FOR FURTHER INFORMATION CONTACT: Ms. Bess Wong (503) 222-5161.

Edward Ghasts,

Executive Director.

[S-1220-83 Filed 8-24-83; 11:46 am]

BILLING CODE 0000-00-M

3

PAROLE COMMISSION

National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland Headquarters)

TIME AND DATE: Thursday, August 25, 1983 10 a.m.

PLACE: Room 420-F, One North Park Building, 5550 Friendship Blvd., Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 5 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492-5987.

[S-1222-83 Filed 8-24-83; 8:45 am]

BILLING CODE 4410-01-M

4

POSTAL RATE COMMISSION

TIME AND DATE: 12 noon, Wednesday, August 24, 1983.

PLACE: Conference Room, Room 500, 2000 L Street NW., Washington, D.C. 20268.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Closed pursuant to 5 U.S.C. 552b(c)(10):

Opinion and Recommended Decision upon Further Reconsideration of Bulk Third-Class Nonprofit Rates—Docket No. R80-1.

CONTACT PERSON FOR MORE INFORMATION: Cyril J. Pittack, Acting Secretary, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20268, telephone (202) 254-3880.

[S-1221-83 Filed 8-24-83; 1:07 pm]

BILLING CODE 7715-01-M

5

POSTAL SERVICE

Board of Governors

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act [5 U.S.C. 552b], hereby gives notice that it intends to hold meetings at 3 p.m. on Wednesday, September 7, 1983, in Boston, Massachusetts, and at 8 a.m. on Thursday, September 8, in Room 4007 of the Boston Post Office, 25 Dorchester Avenue, Boston, Massachusetts. As indicated in the following paragraph, the September 7 meeting is closed to public observation. The September 8 meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meetings should be addressed to the Secretary of the Board, David F. Harris, at (202) 245-3734.

The Board voted in accordance with the provisions of the Government in the Sunshine Act to close to public observation its meeting scheduled for September 7. (See 48 FR 37335, August 17, 1983 and 48 FR 38371, August 23, 1983.) The agenda items of the meeting to be closed concern strategic planning in regard to possible: (1) Future rate adjustments and (2) changes in E-COM mail classification.

Agenda

Wednesday Session, September 7 (Closed):

3:00 p.m.:

1. Strategic Planning:
   a. Discussion of future rate adjustments.
   b. Discussion of possible changes in the Domestic Mail Classification Schedule with regard to E-COM (Electronic Computer Originated Mail.)

Thursday Session, September 8 (Open):

8:00 a.m.:

1. Minutes of the Previous Meeting, August 1-2, 1983.
2. Remarks of the Postmaster General. (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the

Members of miscellaneous current developments concerning the Postal Service. Nothing that requires a decision by the Board is brought up under this item.)

3. USPS Tentative Budget Program.
(Mr. Coughlin, Senior Assistant Postmaster General, Finance Group, will discuss the Postal Service's tentative budget program for fiscal year 1985 with the Board.)

4. Postal Rate Commission Budget.
(Under the Postal Reorganization Act, the Postal Rate Commission periodically prepares and submits to the Postal Service a budget of the Commission's expenses. The budget is to be considered approved as submitted if the Governors of the Postal Service do not act to adjust it by unanimous written decision. This matter is included on the agenda to give the Governors an opportunity to act on the Commission's budget.)

5. Report by the Chairman of the Committee on Electronic Communications.
(Mr. Sullivan will report on E-COM.)

6. Update on Real Estate Disposal and Development Program.
(Mr. Craig, Assistant Postmaster General, Real Estate and Buildings Department, will present a report on the results of the program.)

7. Proposed Capital Investment:
Tampa (Florida) General Mail Facility

8. Consideration of a Tentative Agenda for the October 3-4, 1983, meeting of the Board in Washington, D.C.

David F. Harris,

Secretary.

[S-1219-83 Filed 8-24-83; 9:40 am]

BILLING CODE 7710-12-M

federal register

Friday
August 26, 1983

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Arizona: AZ83-5103; AZ83-5105	Mar. 4, 1983.
California: CA83-5112	July 1, 1983.
Florida:	
FL83-1016	Apr. 1, 1983.
FL83-1024	Apr. 15, 1983.
FL83-1029	Apr. 22, 1983.
FL83-1032	Apr. 29, 1983.
Illinois: IL83-2014	Mar. 4, 1983.
Iowa:	
IA83-4049	Oct. 8, 1982.
IA82-4035	May 13, 1983.
IA83-4050	July 15, 1983.
IA83-4056	July 29, 1983.
Louisiana:	
LA83-4001	Jan. 7, 1983.
LA83-4019	Feb. 4, 1983.
LA83-4059	Aug. 5, 1983.
Pennsylvania:	
PA79-3020	July 20, 1979.
PA81-3076	Oct. 9, 1981.
PA81-3081; PA81-3081	Oct. 25, 1981.
PA82-3016	May 14, 1982.
Puerto Rico: PR83-3034	Aug. 5, 1983.
Texas:	
TX82-4042	Aug. 20, 1982.
TX83-4002, TX83-4003;	
TX83-4004; TX83-4006	Jan. 7, 1983.
TX83-4022	Apr. 8, 1983.
TX83-4045	June 3, 1983.
Utah: UT83-5108	Mar. 25, 1983.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Florida: FL82-1083 (FL83-1060)	Nov. 19, 1982.
Massachusetts: MA83-3004 (MA83-3045).	Apr. 1, 1983.
New York: NY81-3038 (NY83-3044)	June 5, 1981.
Texas: TX81-4064 (TX83-4061)	Aug. 7, 1981.

Signed at Washington, D.C., this 19th day of August 1983.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

MODIFICATION F. 1

	Basic Hourly Rates	Fringe Benefits
DECISION NO. AZ83-5102 - Mod. #5 (48 FR 9424 - March 4, 1983) Maricopa County, Arizona		
ADD:		
Landscape Sprinkler Fitter/Installer	$6.65	
Landscape Laborer	4.59	
DECISION NO. AZ83-5105 - Mod. #4 (48 FR 9426 - March 4, 1983) Pima County, Arizona		
ADD:		
Landscape Sprinkler Fitter/Installer	$8.27	$0.24
Landscape Laborers	4.91	0.24
DECISION NO. PR83-3034 - Mod. #1 (48 FR 35849 - August 5 1983) Puerto Rico, Island Wide		
CHANGE:		
Supersedeas Decision No. to read PR80-3070, dated October 24, 1980 in 45 FR 70668.		

Basic Hourly Rates	Fringe Benefits

MODIFICATION F. 2

DECISION NO. CA83-5112 - Mod. #2
(48 FR 30557 - July 1, 1983)
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn; Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties, California

	Basic Hourly Rates	Fringe Benefits
Change:		
Roofers:		
Area 1:		
Roofers	$16.75	$6.37
Mastic Workers: Kettlemen (2 kettles without pumps)	17.00	6.37
Bitumastic; Enamelers; Pipewrappers: Coal Tar Built-up	18.25	6.37
Area 5		
Roofers	16.00	6.64
Mastic Workers: Kettlemen (2 kettles without pumps)	16.25	6.64
Bitumastic: Enamelers; Pipewrappers: Coal Tar Pitch	18.00	6.64
Area 8:		
Roofers	16.80	6.09
Mastic Workers: Kettlemen (2 kettles without pumps)	17.05	6.09
Bitumastic: Enamelers; Pipewrappers: Coal Tar	18.80	6.09

Basic Hourly Rates	Fringe Benefits

MODIFICATION F. 3

DECISION NO. FL83-1016 -	Basic Hourly Rates	Fringe Benefits
Mod. #5 (48 FR 14307 - April 1, 1983) Dade County, Florida Building Construction		
Change:		
Millwrights	$15.12	$2.40
Refrigeration and Air Conditioning Mechanics:		
Air conditioning units 10 tons and over	18.49	2.58
Air conditioning units over 7.5 tons but under 10 tons	13.81	2.58
Sprinkler Fitters	15.00	2.88
Add:		
Marble Finisher	12.70	1.45

DECISION NO. FL83-1029 -	Basic Hourly Rates	Fringe Benefits
Mod. #2 (48 FR 17500 - April 22, 1983) Volusia County (except Cape Kennedy Space Center and Cape Canaveral Air Force Station), Florida Building Construction		
Change:		
Bricklayers	$ 9.10	$0.93
Painters:		
Brush and Roller	11.00	1.73
Paperhangers, Sandblasters and Spray	11.50	1.73

DECISION NO. FL83-1024 -	Basic Hourly Rates	Fringe Benefits
Mod. #1 (48 FR 16405 - April 15, 1983) Alachua County, Florida - Building Construction		
Change:		
Asbestos Workers	$15.65	$1.88
Carpenters, Pile-drivermen, and Soft Floor Layers	12.63	1.68
Millwrights	14.04	1.67

DECISION NO. FL83-1032 -	Basic Hourly Rates	Fringe Benefits
Mod. #3 (48 FR 19562 - April 29, 1983) Broward County, Florida - Building Constructon		
Change:		
Asbestos Workers	$17.73	$1.60
Plumbers and Pipefitters:		
Commercial	15.30	2.10
Industrial	16.30	2.10

MODIFICATION F. 4

DECISION NO. IA82-4049 -	Basic Hourly Rates	Fringe Benefits
MOD. #8 (47 FR 44667 - 10/8/82) Scott County, Iowa		
CHANGE:		
Carpenters - Millwright	$16.00	3.70
Sprinkler fitters	16.47	3.23

DECISION NO. IA83-4035 -	Basic Hourly Rates	Fringe Benefits
MOD. #2 (48 FR 21783 - 5/13/83) Pottawattamie Co., Iowa		
CHANGE:		
Boilermakers	17.345	3.00
Bricklayers & stonemason	13.63	2.30
Sprinkler fitters	16.47	3.23

DECISION NO. IA83-4050 -	Basic Hourly Rates	Fringe Benefits
MOD. #1 (48 FR 32455 - 7/15/83) Woodbury County, Iowa		
CHANGE:		
Asbestos workers	15.70	2.30
Sprinkler fitters	16.47	3.23

DECISION NO. IA83-4056 -	Basic Hourly Rates	Fringe Benefits
MOD. #1 (48 FR 34611 - 7/29/83) Black Hawk, Cerro Gordo, Clinton, Des Moines, Dubuque, Johnson, Linn & Polk Cos., Iowa		
CHANGE:		
Bricklayer & stonemason:		
Zone 1	11.83	2.62
Zone 5	13.00	.57
Elevator constructors:		
Zone 8:		
Mechanics	15.10	2.69+a
Helpers	70%JR	2.69+a
Helpers (Prob.)	50%JR	

DECISION NO. IA83-4056 -	Basic Hourly Rates	Fringe Benefits
MOD. #1 (CONT'D)		
Ironworkers:		
Zone 4:		
Maintenance projects of $200,000 & under; metal buildings of 20,000 sq.ft. & under & a maxium of 20' eaves in height	$13.65	2.40
All other work	16.00	2.40
Sprinkler fitters	16.47	3.23

DECISION NO. LA83-4001 - MOD. #7 (48 FR 928 - 1/7/83) Jefferson,Orleans,Bossier, Caddo,Calcasieu,Beauregard,Cameron,Jefferson Davis,Allen,Plaquemines, St.Bernard & St.Charles Pars., Louisiana	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters & piledrivermen - Zone 2	$13.02	1.78
Painters:		
Zones 3,4 & 5 (Allen Par. except northeast corner):		
GROUP 1 - New work	16.01	.55
GROUP 2 - Repaint	14.50	.55
GROUP 3-Bridge work	18.30	.55

DECISION NO. LA83-4019 - MOD. #6 (48 FR 5448 - 2/4/83) Calcasieu Par.,Louisiana	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Sprinkler fitters	15.07	3.23
OMIT ALL WAGE RATES & CLASSIFICATION DEFINITIONS FOR PAINTERS		
ADD:		
Painters	13.75	.55

DECISION NO. LA83-4059 - MOD. #1 (48 FR 35836 - 8/5/83) Statewide Louisiana	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Boilermakers	16.40	2.645
Laborers classification definitions to read as follows:		
ZONES 4 & 5 changed to read ZONES 5 & 6		
ZONE 6 changed to read ZONE 7		
ZONE 7 changed to read ZONE 8		
ZONE 8 changed to read ZONE 9		
ZONE 9 changed to read ZONE 10		
ZONE 10 changed to to read ZONE 11		

DECISION NO. LA83-4059- MOD. #1 (CONT'D)	Basic Hourly Rates	Fringe Benefits
OMIT ALLWAGE RATES & CLASSIFICATION DEFINITIONS FOR PAINTERS ZONE 1 & POWER EQUIPMENT OPERATOPS ZONE 1		
ADD:		
Painters:		
ZONE 1:		
New work	$16.01	.55
Repaint	14.50	.55
Power equipment ops.:		
ZONE 1 - Group 1	13.25	2.20
Group 2	11.42	2.20
Group 3	10.07	2.20
Group 4	9.57	2.20
Group 5	10.81	2.20
Group 6	12.00	2.20
Sprinkler fitters	15.07	3.23

POWER EQUIPMENT OPS. - ZONE 1 CLASSIFICATION DEFINITIONS

GROUP 1 - Asphalt spreader;backhoes, track mounted, over 1 CY;backhoe, rubber tired;crawler tractors,bulldozers & front end loaders(over D-5 & equivalent);Cableways;Concrete mixers,over 16-S;Cranes w/lattice boom;cranes w/hydraulic boom;clamshells;derricks;draglines;fotklifts, over 10,000 lbs. capacity;grease serviceman;hoist,material,2 drums & over;hoist,1 drum 4 stories or more or 40 ft.;heavy duty mechanic and/or welder;hydraulifts & boom trucks; motor patrols;piledrivers;pump,concrete(6" & over);road pavers;rollers on asphalt or brick;scoopmobiles; scrapers;sideboom cats;shovels; trenching & ditching machines, over 66" digging depth;tractorvators; winch cats(hoisting)

GROUP 2 - Air compressors,over 500CFM; Asphalt plant op.;Bull floats;crane, hydraulic, 7½ tons & less;crawler tractors,bulldozers & front end loaders (D-4 & equivalent & under); concrete spreader; finish machines; forklifts to 10,000 lbs.;distributor (bitum surface);dowel bar machine; elevator op. riding inside cab; rubber tire tractor with all attachments(excluding backhoe);fireman; hoist,1 drum,less than 4 stories or 40 ft;Kolum buff machine;pull cats; pump,concrete(under 6");rollers,except on asphalt orbrick;straddle

DECISION NO. LA83-4059 - MOD. #1 (CONT'D)	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPS. - ZONE 1 CLASSIFICATIONS DEFINITIONS (CONT'D)		
GROUP 2 (CONT'D) - boggies;motorized sweepers on streets & roads;winch trucks,A-frame; water pumps,gasoline or diesel (over 6")		
GROUP 3 - Unit operator		
GROUP 4 - Oiler		
GROUP 5 - Oiler/Driver		
GROUP 6 - Well point operator		

DECISION NO. UT83-5108- Mod. #2 (48 FR 12651 - March 25, 1983) Statewide, Utah	Basic Hourly Rates	Basic Hourly Rates
Change:	Area 1	Area 2
Laborers:		
Heavy and Highway Construction:		
Group 1	$11.67	$14.67
Group 2	11.80	14.80
Group 3	11.92	14.92
Group 4	12.17	15.17
Group 5	12.67	15.67
Tunnel and Shaft Work:		
Group 1	11.82	14.92
Group 2	11.92	14.92
Group 3	12.12	15.12
Group 4	12.57	15.57
FRINGE BENEFITS: $2.19		

DECISION NO. IL83-2014 Mod # 4 (48 FR 9432 - March 4, 1983) Boone, DeKalb, DuPage, Kane, Kendall, Lake, McHenry & Will Cos., Illinois	Basic Hourly Rates	Fringe Benefits
ADD:		

FOOTNOTES:

a. 4 Paid Holidays: Memorial Day: July 4th: Labor Day: & Thanksgiving Day
b. Per Week, Per Employee
c. Six Paid Holidays: New Years' Day; Memorial Day; July 4th: Labor Day: Thanksgiving Day: & Christmas Day
d. 1 year service - 1 week paid vacation: 2 or more years service - 2 weeks paid vacation

MODIFICATION P. 7

DECISION NO. PA79-3020 - MOD. #12 (44 FR 42880 - July 20, 1979) Carbon, Monroe County, including Tobyhanna Army Depot, and Pike County, Pennsylvania	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CARPENTERS		
ZONE 1	14.40	2.25
LATHERS		
ZONE 2	14.40	2.25
LABORERS		
ZONE 1		
CLASS 1	12.80	2.67
CLASS 2	12.95	2.67
CLASS 3	13.20	2.67
ZONE 2		
CLASS 1	10.09	2.16
CLASS 2	10.34	2.16
CLASS 3	10.59	2.16
CLASS 4	11.11	2.16
CLASS 5	10.84	2.16
PILEDRIVERMEN	14.82	6.16+g
POWER EQUIPMENT OPERATORS:		
ZONE 1		
GROUP 1	14.76	25.6% +a
GROUP 2	14.48	25.6% +a
GROUP 3	13.63	"
GROUP 4	12.89	"
GROUP 5	12.42	"
GROUP 6	11.53	"
GROUP 7	15.01	"
GROUP 7-A	15.25	"
GROUP 7-B	15.49	"
ZONE 2		
GROUP 1	15.25	"
GROUP 2	14.96	"
GROUP 3	14.09	"
GROUP 4	13.44	"
GROUP 5	12.97	"
GROUP 6	12.06	"
SOFT FLOOR LAYERS		
ZONE 1	11.94	2.25
SPRINKLER FITTERS	16.92	3.23
OMIT:		
POWER EQUIPMENT OPERATORS		
GROUP 7	15.10	25.6% +a
GROUP 7-A	15.35	25.6% +a
GROUP 7-B	15.59	25.6% +a

DECISION NO. PA81-3076 - MOD. #7 (46 FR 50263 - October 9, 1981) SCHUYLKILL COUNTY, PA.	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CARPENTERS	14.40	2.25
LATHERS	14.40	2.25
LABORERS:		
Unskilled laborers & window cleaners	8.95	1.00
Operator of jackhammer, paving breaking & other pneumatic, electric & mechanical tools, laying of all clay, terra cotta, ironstone, virtified concrete or non-metallic pipe & the making of joints for same, wagon drill operators, cofferdams (below 10'), tunnel free air handling & using cutting or burning torches in the wrecking of buildings, blasters, plasterer-tenders, mason tenders, scaffolf builders and removal & power buggier	9.15	1.00

MODIFICATION P. 8

DECISION NO. PA81-3076 - (CONT'D)	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION:		
Linemen, dynamite man, heavy equipment operators	15.64	.65+ 3 3/8%
Winch truck operators	10.94	.65+ 3 3/8%
Groundman	10.46	.65+ 3 3/8%
MILLWRIGHTS	16.57	2.25
PAINTERS:		
Townships of North Union, East Union, Union, Mahonoy, West Mohonoy, Butler, Kline, Delano, Ryan, Rahn, West Penn., and City of Tamaqua:		
Brush	12.55	2.35
Tapers	13.21	2.35
Hazardous	14.21	2.35
ROOFERS:		
Berry, Branch, Butler, Delano, East Brunswick, East Union, Eldred, Foster, Fraily, Hegins, Hubley, Kline, New Castle, North Union, Porter, Rahn, Reilly, Rush, Fremont, Union, Upper Mahantango, West Penn.:		
Composition	14.55	2.10
SHEET METAL WORKERS	15.92	2.00
SOFT FLOOR LAYERS	11.94	2.25
SPRINKLER FITTERS	16.92	3.23
POWER EQUIPMENT OPERATORS		
GROUP 1	15.25	25.6% +a
GROUP 2	14.96	"
GROUP 3	14.09	"
GROUP 4	13.44	"
GROUP 5	12.97	"
GROUP 6	12.06	"
PILEDRIVERMEN	14.82	6.16+ d
OMIT:		
POWER EQUIPMENT OPERATORS		
GROUP 7	15.10	25.6% +a
GROUP 7-A	15.35	"
GROUP 7-B	15.59	"

DECISION NO. PA81-3080 - MOD. #5 (46 FR 52078 - October 23, 1981) Lehigh County, Pennsylvania	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ELECTRICIANS	15.35	1.84+3%
LABORERS:		
Laborers & window cleaner	10.09	2.16
Operator of jackhammer, paving breaking and other pneumatic and mechanical tools coming under the jurisdiction of laborers, laying of all clay terra cotta, ironstone, vitrified concrete or non-metallic pipe and the making of joints for same and cofferdams (below 10')	10.34	2.16
Wagon drills and men handling burning torches in the wrecking of buildings	10.84	2.16
Plasterer and mason tenders, scaffold builders and handling of all material to be used by plasterers and masons, brick and block loaded on pallets, cement finisher tenders, gunniting and moldeo-D and sandblaster helper, power buggies, all		

DECISION NO. PA81-3080 - (CONT'D)	Basic Hourly Rates	Fringe Benefits
LABORERS: (CONT'D)		
floor hardner and "cure" application shall be work of the mason tender, all pumps such as the concrete, plasterer mortar and water, installing plastic or other non-solid rafractory materials in connection with the boiler work	10.59	2.16
Barko tamper operator	11.11	2.16
PILEDRIVERMEN	14.82	6.16+d
POWER EQUIPMENT OPERATORS		
GROUP 1	15.25	25.6% +a
GROUP 2	14.96	"
GROUP 3	14.09	"
GROUP 4	13.44	"
GROUP 5	12.97	"
GROUP 6	12.06	"
SOFT FLOOR LAYERS	13.55	3.11
SPRINKLER FITTERS	16.92	3.23
OMIT:		
POWER EQUIPMENT OPERATORS		
GROUP 7	15.10	25+6% +a
GROUP 7-A	15.35	"
GROUP 7-B	15.59	"

DECISION NO. PA81-3081 - MOD. #4 (46 FR 52080 - October 23, 1981) SULLIVAN COUNTY, PA.	Basic Hourly Rates	Fringe Benefits
CHANGE:		
BOILERMAKERS	17.88	2.415
CARPENTERS:		
Benton Air Force Base	14.95	2.25
Remainder of County	13.22	2.25
CEMENT MASONS	11.90	
LABORERS:		
Unskilled & window washers	12.87	2.60
Semi-skilled: Pneumatic, electrical & mechanical tools ops., under the jurisdiction of the laborers - 2" pumps-non-metallic pipelaying & making of joints clay, terra cotta, ironstone, vitrified concrete, handling of buring torches, asphalt or other hot materials, cement finishers & blaster helers, power buggies, walk along hoists	13.07	2.60
Plasters tenders, blasters & wagon drill operators	13.19	2.60
Mason tenders incl. scaffold builders	13.27	2.60
LINE CONSTRUCTION:		
Linemen, dynamite man, heavy equipment operators	15.64	.65+ 3 3/8%
Winch truck operators	10.94	"
Groundman	10.46	"
MILLWRIGHTS	16.57	2.25
PILEDRIVERMEN	14.82	6.16+b
SPRINKLER FITTERS	16.92	3.23

DECISION NO. PA81-3081 - (MOD. #4) CONT'D	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS		
GROUP 1	15.25	25.6% +a
GROUP 2	14.96	"
GROUP 3	14.09	"
GROUP 4	13.44	"
GROUP 5	12.97	"
GROUP 6	12.06	"
OMIT:		
POWER EQUIPMENT OPERATORS		
GROUP 7	15.10	25.6% +a
GROUP 7-A	15.35	"
GROUP 7-B	15.59	"

DECISION NO. PA82-3016 - MOD. #4 (47 FR 20990 - May 14, 1982) NORTHAMPTON COUNTY, PA.	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ELECTRICIANS:		
Remainder of County	16.00	3%+ 2.69
LABORERS:		
Laborers & window clearners	10.09	2.16
Operator of jackhammer, paing breaking and other pneumatic and mechanical tools coming under the jurisdiction of laborers, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe and the making of joints of the same and cofferdams (below 10')	10.34	2.16
Wagon drills and men handling burning torches in the wrecking of buildings	10.84	2.16
Plaster and mason tenders scaffold builders and handling of all materials to be used by plasterers and masons, brick and block loaded on pallets, cement finishers tenders, gunniting and molded-D and sand-blaster helpers, power buggies, all floor hardner and "cure" application shall be the work of the mason tender. All pump such as the concrete, plasterer, mortar and water, installing plastic or other non-solid refactory materials in connection with the boiler work	10.59	2.16
Barko Tamper Operator	11.11	2.16
PILEDRIVERMEN	14.82	6.16+a
POWER EQUIPMENT OPERATORS		
GROUP 1	15.25	25.6% +a
GROUP 2	14.96	"
GROUP 3	14.09	"
GROUP 4	13.44	"
GROUP 5	12.97	"
GROUP 6	12.06	"
OMIT:		
GROUP 7	15.10	25.6% +a
GROUP 7-A	15.35	"
GROUP 7-B	15.59	25.6% +a

MODIFICATION P. 11

	Basic Hourly Rates	Fringe Benefits
DECISION NO. TX82-4042 - MOD. #5 (47 FR 36522 - 8/20/82) Bowie County, Texas		
CHANGE: Sprinkler fitters	$16.17	3.23
DECISION NO. TX83-4002 - MOD. #6 (48 FR 931 - 1/7/83) Armstrong,Carson,Castro, Childress,Collingsworth, Dallam,Deaf Smith,Donley,Gray,Hansford,Hartley,Hemphill,Hutchinson, Lipscomb,Moore,Ochiltree,Oldham,Potter, Randall,Roberts,Sherman, Swisher & Wheeler Cos., Texas		
CHANGE: Sprinkler fitters	16.17	3.23
DECISION NO. TX83-4003 - MOD. #5 (48 FR 935 - 1/7/83) Bexar County, Texas		
CHANGE: Sprinkler fitters	16.17	3.23
DECISION NO. TX83-4004 - MOD. #9 (48 FR 936 - 1/7/83) Galveston & Harris Cos., Texas		
CHANGE: Sprinkler fitters	16.17	3.23
DECISION NO. TX83-4006 - MOD. #8 (48 FR 933 - 1/7/83) Travis County, Texas		
CHANGE: Sprinkler fitters	16.17	3.23

	Basic Hourly Rates	Fringe Benefits
DECISION NO. TX83-4026 - MOD. #5 (48 FR 15425 - 4/8/83) Jefferson & Orange Cos., Texas		
CHANGE: Sprinkler fitters	$16.17	3.23
DECISION NO. TX83-4042 - MOD. #5 (48 FR 25106 - 6/3/83) Collin,Dallas,Denton, Ellis,Grayson,Hood, Hunt,Johnson,Kaufman, Palo Pinto,Rockwall, Tarrant & Wise Cos., Texas		
CHANGE: Bricklayer & stonemason: Zone 1-Collin,Dallas, Ellis,Hunt,Kaufman & Rockwall Cos.	15.18	2.14
Zone 3 -Grayson Co.	12.77	2.14
Boilermakers	16.40	2.645
Sprinkler fitters	16.17	3.23
OMIT ALL WAGE RATES & CLASSIFICATION DEFINITIONS FOR LABORERS		
ADD: All laborers	10.04	1.10

SUPERSEDEAS DECISION

STATE: FLORIDA
DECISION NUMBER: FL83-1060
COUNTIES: *SEE BELOW
DATE: Date of Publication
Supersedes Decision No.: FL82-1083 dated November 19, 1982 in 47 FR 52317
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes or apartments of 4 stories or less); HEAVY CONSTRUCTION & HIGHWAY CONSTRUCTION PROJECTS.
*Cape Canaveral Air Force Station, Patrick Air Force Base, Kennedy Space Flight Center, & Melabar Radar Site in Brevard & Volusia Counties, Florida.

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$15.75	$ 2.16
BOILERMAKERS	16.20	3.315
BRICKLAYERS, BLOCKLAYERS, PLASTERERS, TERRAZZO WORKERS, TILE SETTERS, & CEMENT MASONS	11.61	1.00
CARPENTERS:		
Carpenters	11.62	1.55
Piledrivermen	12.12	1.55
ELECTRICIANS:		
Wiremen	14.30	3%+1.55
Cable Splicers	14.55	3%+1.55
ELEVATOR CONSTRUCTORS:		
Mechanic	13.11	2.69+a
Helper	9.18	2.69+a
IRONWORKERS	13.68	3.10
LABORERS:		
1. Air Tool Oper., Concrete Laborers, Hod Carriers, Mason Tenders, Mortar Mixers, Kettlemen (excluding roofing & waterproofing), Pipelayers, Powdermen, Form Setters (paving curbing & gutter), Well Point	8.25	1.01
2. Gunnite Laborer	8.52	1.01
3. Gunnite Nozzlemen	8.92	1.01
4. Unskilled Laborer	8.10	1.01
LINE CONSTRUCTION:		
1. Lineman & Class A Opers. (hole boring machines, cranes, tracked equipment, fifth wheel tractors, tension, & wire pulling machines, mobile cranes & backhoes)	14.57	4%+.65
2. Cable Splicers	14.72	4%+.65
3. Class B Opers. (flatbed material trucks, line trucks when either is mounted with winch and/or 'A' frame, trucks mounted with digging units, power wagons, driving of mobile cranes, & bucket trucks)	9.94	4%+.65
4. Groundmen	$ 7.33	4%+.65
MILLWRIGHTS	14.55	2.72
PAINTERS:		
Brush	11.00	1.73
Spray, Paperhanging, & Sandblasting	11.50	1.73
PLUMBERS, PIPEFITTERS, & STEAMFITTERS:		
1.Industrial-Bulk Plants, Powerhouses, Chemical Plants, Missile Sites, Oil Refineries, etc., and such other work which is related to & considered a part of the above type projects.	16.75	2.17
2. Commercial-Commercial, Schools, Hospitals, Shopping Centers, & work not listed as Industrial.	13.22	1.60
ROOFERS:		
Roofers	11.50	1.00
Kettlemen	10.05	1.00
SHEET METAL WORKERS	13.95	1.68+3%
SPRINKLER FITTERS	15.00	2.88
TRUCK DRIVERS	12.20	.80
WELDERS - Receive rate for craft to which the welding is incidental.		
POWER EQUIPMENT OPERATORS:		
GROUP I	12.30	1.11
GROUP II	11.70	1.11
GROUP III	11.20	1.11
GROUP IV	10.80	1.11
GROUP V	10.00	1.11

POWER EQUIPMENT OPERATORS, DEFINITIONS:

GROUP I- Cranes, Hydraulic or Derrick on Structural or Reinforcing Iron, Cranes or Derrick, Clam Shell, Dragline, Piledriver Operator (including Auger & Boring Machine Operator for Drilling in Piling), Backhoe (including Hydraulic), Hydraulic Crane, Gradall, Shovel, Motor Patrol, Mechanic (heavy equipment), Side Boom Cat & Multi-Drum Hoist.

GROUP II - Bulldozer & Trenching Machine, Bridge Crane, Highlift, Straddle Buggy, Hoist, Earth Hauling Scraper (regardless how powered), Pump Crete & Front End Loader.

GROUP III - Winch Truck, Concrete/Asphalt Paver, Forklift Engineer, Boring Machine, Well Drilling Machine & Mobile Cleaning Plant.

GROUP IV - Tractor, Well Point Pump & Installation Man, Lubrication Engineer, Equipment Greaser, Air Compressor, & Fireman.

GROUP V - Motor Boat, Oiler, Mechanic Helper, Pumpman (other than Wellpoint), Roller (Steel & Rubber Tires), Self-Propelled, Conveyor, Welding Machine, 3 or more Combustion Engines & Pulver Mixer.

FOOTNOTES:
a. Six Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.
Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years; 6% for employee who has worked in business less than 5 years.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: MASSACHUSETTS COUNTIES: BERKSHIRE, FRANKLIN, HAMPDEN AND HAMPSHIRE

DECISION NO.: MA83-3045 DATE: DATE OF PUBLICATION

Supersedes Decision No. MA83-3004, dated April 1, 1983 in 48 FR 14308

DESCRIPTION OF WORK: Building, Heavy, Highway and Residential Construction

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	16.45	3.31
BOILERMAKERS	18.16	3.381
BRICKLAYERS; CEMENT MASONS; PLASTERERS; STONE MASONS; MARBLE, TILE & TERRAZZO WORKERS; POINTERS; CLEANERS; CAULKERS:		
HAMPDEN; HAMPSHIRE; FRANKLIN; BERKSHIRE (Becket, Otis, Sandisfield)	13.80	4.24
BERKSHIRE (Adams, North Adams, Cheshire, Florida, Savoy, Clarksbury, Williamstown)	11.85	
BERKSHIRE (Remainder of County)	14.58	1.65
CARPENTERS; SOFT FLOOR LAYERS; DRYWALL CARPENTERS		
BERKSHIRE; FRANKLIN (Monroe, Monroe Bridge)	13.09	2.54
FRANKLIN (Erving, Warwick, Orange, North Orange)	15.81	3.52
HAMPDEN; HAMPSHIRE (South Hadley, Granby, Belchertown, Amherst, Pelham) FRANKLIN (Leverett, Shutesbuby, Sunderland	15.15	2.72
HAMPSHIRE (Remainder of County); FRANKLIN (Remainder of County)	15.40	2.22
ELECTRICIANS		
BERKSHIRE; FRANKLIN (Hawley, Monroe, Rowe); HAMPSHIRE (Middlefield, Cummington, Plainfield)	15.54	1.96+ 3%
FRANKLIN (Remainder of County); HAMPSHIRE (Remainder of County); HAMPDEN (Chester, Holyoke and North portion of Chicopee)		
Electrical Contracts $115,000 and over	14.86	3.47+3%
Electrical Contracts under $115,000	12.86	3.47+3%
HAMPDEN (Remainder of County); HAMPSHIRE (Belchertown, Ware)	15.80	3.56+3%
ELEVATOR CONSTRUCTORS	15.16	2.69+a+ b
ELEVATOR CONSTRUCTORS' HELPERS	10.61	2.69+a+ b
ELEVATOR CONSTRUCTORS' PROBATIONARY HELPERS	7.58	
GLAZIERS	13.52	3.02
IRONWORKERS:		
HAMPSHIRE; HAMPDEN; FRANKLIN; BERKSHIRE Becket, Washington, Lee, Sandisfield, New Marlboro, Hinsdale, Peru, Savoy, Monterey, Sheffield, Windsor, Otis, N. & E. Otis)	15.50	5.07
BERKSHIRE (Remainder of County):		
Building, Heavy and Highway	13.90	3.79
Residential (4 stories or less)	10.42	2.79
LATHERS	10.85	.26
LATHERS, DRYWALL	9.00	.26
LABORERS (BUILDING):		
GROUP 1	12.70	2.40
GROUP 2	12.95	2.40
GROUP 3	13.20	2.40
GROUP 4	13.45	2.40
GROUP 5	13.70	2.40
LABORERS (HEAVY & HIGHWAY)		
Except Twps. of Warwick and Orange in FRANKLIN		
CLASS I	12.70	2.40
CLASS II	12.95	2.40
CLASS III	13.45	2.40
CLASS IV	13.70	2.40

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	Basic Hourly Rates	Fringe Benefits
LABORERS: (CONT'D)		
FRANKLIN (Orange, Warwick):		
CLASS I	13.20	2.40
CLASS II	13.45	2.40
CLASS III	13.95	2.40
CLASS IV	14.20	2.40
LINE CONSTRUCTION:		
Linemen, Cable splicers & Dynamite man	16.67	1.70+3%
Heavy equipment operators	15.17	1.70+3%
Equipment operator, tractor trailer driver & field mechanic	14.31	1.70+3%
Material man	14.07	1.70+3%
Groundman truck driver	12.86	1.70+3%
Groundman	11.37	1.70+3%
MARBLE, TILE & TERRAZZO FINISHERS:		
BERKSHIRE AND HAMPDEN COUNTIES	11.45	
MILLWRIGHTS	16.90	3.95
PAINTERS:		
Brush and Taper	13.56	2.59
Spray and Sandblating	17.43	2.59
Swing stage and steel riding under 40'	13.75	2.59
Swing stage and steel riding over 40'	14.06	2.59
Sign Painters	12.55	1.84
PILEDRIVERMEN	16.65	2.90
PLUMBERS & STEAMFITTERS:		
FRANKLIN (Orange)	16.28	1.85+4%
BERKSHIRE (Except Otis, Becket, Sandisfield); FRANKLIN (Monroe, Towe, and Western part of Charlemont)	18.10	3.50
HAMPDEN; HAMPSHIRE; BERKSHIRE (Otis, Becket, Sandisfield; FRANKLIN (Remainder of County)	16.82	3.61+c
POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION:		
CLASS I	15.38	2.30+d
CLASS II	15.18	2.30+d
CLASS III	14.98	2.30+d
CLASS IIIA	14.61	2.30+d
CLASS IV	13.08	2.30+d
CLASS V	12.38	2.30+d
CLASS VI	11.23	2.30+d
CLASS VII	16.13	2.30+d
CLASS VIII	12.405	2.30+d
CLASS IX	15.96	2.30+d
CLASS X	15.88	2.30+d
CLASS XI	16.38	2.30+d
POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION:		
CLASS I	15.28	2.30+e
CLASS II	15.08	2.30+e
CLASS III	14.88	2.30+e
CLASS IIIA	14.51	2.30+e
CLASS IV	12.98	2.30+e
CLASS V	12.28	2.30+e
CLASS VI	11.13	2.30+e
CLASS VII	16.03	2.30+e
CLASS VIII	12.305	2.30+e
CLASS IX	15.86	2.30+e
CLASS X	15.78	2.30+e
CLASS XI	16.28	2.30+e
ROOFERS:		
Composition, Damp Waterproof	10.565	3.13
Slate, Tile, Precast Concrete	11.065	3.13
SHEET METAL WORKERS	15.66	4.06
SPRINKLER FITTERS	18.95	4.23
TRUCK DRIVERS		
CLASS I	12.86	3.00+f + g
CLASS II	13.03	3.00+f + g
CLASS III	13.10	3.00+f + g
CLASS IV	13.22	3.00+f + g
CLASS V	13.32	3.00+f + g
CLASS VI	13.61	3.00+f + g
CLASS VII	13.90	3.00+f + g

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Welders - Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

FOOTNOTES:

Paid Holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

a. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. 6 paid holidays: A through F providing employee has worked 5 consecutive days before and the working day after the holiday.

c. 2 paid holidays: C & D, provided the employee has been employed seven days prior to the holiday by the same employer.

d. 8 paid holidays: A through F, Washington's BirthDay and Veterans Day.

e. 9 paid holidays: A through F, Washington's Birthday, Columbus Day and Veterans Day.

f. 10 paid holidays: A through F, Washington's Birthday, Patriot's Day, Columbus Day, and Veterans Day.

g. Paid Vacation: 4 months to 1 year - ½ day's pay per month; 1-5 years - 1 week; 5-10 years - 2 weeks; 10 years or more - 3 weeks. Employee must have received pay for 120 days during last year of employment.

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CLASSIFICATIONS

LABORERS * BUILDING

GROUP 1 - Laborers, carpenter tenders and wrecking laborers

GROUP 2 - Asphalt Rakers, Carbide Core Driller Operators, Chain Saw Operators, Pipelayers, Jackhammer and Paving Breaker Operators, Barco-type Jumping Tampers, Laser Beam Operators, Concrete Pump Operators, Mason-Tenders, Mortar Mixers, Ride-on Motorized Buggy Operators and Wagon Drill Operators

GROUP 3 - Pre-cast Floor and Roof Plank Erectors and Asbestos Removers

GROUP 4 - Air Track Operators, Block Pavers, Rammers and Curb Setters

GROUP 5 - Powdermen and Blasters

LABORERS HEAVY & HIGHWAY

CLASS I - Carpenter Tenders, Cement Finisher Tenders, Laborers, Wrecking Laborers

CLASS II - Asphalt Rakers, Fence and Guard Rail Erectors, Laser Beam Op., Mason Tender, Pipelayer, Pneumatic Drill Op., Pneumatic Tool Op., Wagon Drill Op.

CLASS III - Air Track Op., Block Pavers, Rammers, Curb Setters

CLASS IV - Blasterers, Powdermen

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POWER EQUIPMENT OPERATORS: BUILDING

CLASS I - Shovels, Cranes (including all tower, climbing and bridge cranes, as used in Building Construction as defined in Scope of Employment), Hydraulic Cranes--10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, all three Drum Hoisting and Trenching Machines, Belt-type Loaders, Foreman Mechanics, Front End Loaders--5½ yards or over, Dual Drum Paver, Automatic Grader (i e C M I), Combination Backhoe-Loader--3/4 yard or over, Jet Engine Dryer, Tree Shredder, Post Hole Digger, Post Hole Hammer, Post Extractor, Truck Mounted Concrete Pump with boom, Roto-Mill.

CLASS II - Rotary Drill (with mounted compressor), Compressor House (3 to 6 compressors), rock and earth boring machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 ft and over, Scrapers 21 yards and over (struck load), Sonic Hammer Consoe, Road Planer, Cal Tracks, Ballast Regulators, Rail Anchor Machines Switch Tampers

CLASS III - Combination Backhoe-Loader--up to 3/4 yard hoe, Bulldozers, Push Cats, Scrapers up to 21 yards (struck load) selfpropelled or tractor drawn, Fireman, Front End Loaders--up to 4 yards, Asphalt Paver, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point Operators (including installing), Electric pumps used in Well Point System, Pumps- 12 inches and over (total discharge), Compressor (one or two) 600 cu. ft. and over, Engineers in charge of Powered Grease Truck, all automatic elevators (permanent or temporary) operated manually or remote control (not to be confused with elevators operating from conventional hoist--1, 2 or 3 Drum), Grout pumps, Boom Truck Hydraulic Cranes--under 10 ton.

CLASS IIIA - Asphalt Rollers, Self-powered Rollers and Compactors, Tractor without blade drawing sheepsfoot roller, rubber tire roller, vibratory roller, or other type of compactors including machines for pulverizing and aerating soil.

CLASS IV - Single Drum Hoist, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading), Bulk Cement Plants Self propelled material spreaders, A-Frame Trucks, Fork Lifts--up to 15 ft., 3 or more 10KW Light Plants, 30 KW or more Generators.

CLASS V - Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps--4 inches to 12 inches (total discharge).

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POWER EQUIPMENT OPERATORS: BUILDING CONT'D

CLASS VI - Compressors (up to 315 cu. ft.), small mixers, pumps (up to 4 inches), power heaters, welding mahines, (when 3 or more heaters or welding machines are used on one job, classification 4 rate will be paid), Conveyors, Oiler, helpers on grease trucks with hand greasing equipment.

CLASS VII - Truck Crane Crews

CLASS VIII - Oiler

CLASS IX - Master Mechanic

CLASS X - Boom lengths over 184 feet (including jib)

CLASS XI - Boom lengths over 225 feet (including jib)

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY

CLASS I - Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader--5½ yards and over Tower Cranes, Self-propelled Hydraulic Cranes--10 tons and over, Dual Pavers, Automatic Grader--Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi-automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine, Combination Back Hoe-Loader--3/4 yard hoe or over, Jet Engine Dryer, Tree Shredder, Post Hole Digger, Post Hole Hammer, Post Extractor, Truck Mounted Concrete Pumps with boom, Roto-Mill.

CLASS II - Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-- 4 yards to 5½ yards, Scraper--21 yards and over (struck load), Forklifts--7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Concole, Road Planer, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers.

CLASS III - Bulldozer, Push Cats, Scrapers--up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders--up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well point system, Tireman, Pumps--16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Tunnel Locomotives and Dinkeys, Grout pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck, self-propelled Hydraulic Cranes--up to 10 ton, Combination Back Hoe-Loader--up to 3/4 yard hoe.

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POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONT'D

CLASS IIIA - Asphalt Rollers, Self-Powered Rollers and Compactors, Tractor without blade drawing sheeps foot roller, Rubber tire roller, Vibratory roller, or other type of compactors including machines for pulverizing and aerating soil.

CLASS IV - Hoists, Conveyors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant, 3 or more 10KW Light Plants, 30 KW or more Generators.

CLASS V - Compressor (315 cu. ft. to 900 cu. dt., 1 or 2), Pumps-4" to 16" total discharge.

CLASS VI - Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Trucks, Power Heaters, Welding Machines (when 3 or more welding machines are used, Classification 4 rate shall be paid), A-Frame Trucks, Forklifts--up to 7 ft. lift and up to 3 ton capacity, Hydro Boom, Power Safety Boat.

CLASS VII - Truck Crane Crews

CLASS VIII - Oiler

CLASS IX - Master Mechanic

CLASS X - Boom lengths over 184 feet (including jib)

CLASS XI - Boom lengths over 225 feet (including jib)

TRUCK DRIVERS

CLASS I - Station Wagons, Panel Trucks and Pickup Trucks

CLASS II - Two axle Equipment; Helpers on Low Bed When Assigned at the Discretion of the Employer, Warehousemen, Forklift Operators

CLASS III _ Three Axle Equipment and Tiremen

CLASS IV - Four and Five Axle Equipment

CLASS V - Specialized Earth Moving Equipment under 35 tons other than Convential type trucks, Low Bed, Vachual, Mechanics, Paving Restoration Equipment, Mechanic

CLASS VI - Specialized Earth Moving Equipment over 35 Tons

CLASS II - Trailers for Earth Moving Equipment (Double Hookup)

SUPERSEDEAS DECISION

STATE: New York COUNTY: Steuben
DECISION NUMBER: NY83-3044 DATE: Date of Publication
Supersedes Decision No. NY81-3038 dated June 5, 1981, in 46 FR 30265
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories); Heavy and Highway Projects

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$17.93	$3.19
BOILERMAKERS	17.85	3.77
BRICKLAYERS; CEMENT MASONS; MARBLE MASONS; PLASTERERS; TILE and TERRAZZO WORKERS	12.75	1.30
CARPENTERS:		
Area 1:		
Carpenters	13.26	2.655
Millwrights and Piledrivers	13.36	2.655
Carpenters and Piledrivers (Heavy and Highway)	12.885	3.09
Area 2:		
Carpenters and Soft Floor Layers	12.51	2.78
Millwrights and Piledrivers	12.76	2.78
Carpenters (Heavy and Highway)	13.21	2.785 +a
Diver Tender	11.70	2.17
Area 3:		
Carpenters and Soft Floor Layers	11.75	2.43
Millwrights and Piledrivers	12.00	2.43
Carpenters and Piledrivers (Heavy and Highway)	13.46	2.535 +a
Cement Masons (Heavy and Highway)	13.51	2.05
ELECTRICIANS	16.60	3.15+ 3%+b
GLAZIERS	10.92	1.68
IRONWORKERS:		
Area 1:		
Structural, Ornamental, Reinforcing, Machinery Movers, Riggers, Rodmen, Fence Erectors and Stone Derrickmen	16.32	3.37
Sheeters	16.57	3.37
Sheeters, Bucker-up	16.45	3.37
IRONWORKERS: (Cont'd)		
Area 2:		
Structural, Ornamental, Reinforcing, Riggers, Rodmen, Machinery Movers, Fence Erectors and Stone Derrickmen	13.55	$2.20
Sheeters	13.80	2.20
Sheeters, Bucker-up	13.67	2.20
PAINTERS:		
Area 1:		
Brush	10.05	1.45
Toothpick Staging over 25'; Structural Scaffold over 39'	10.30	1.45
Paperhangers; Vinyl Hangers	10.40	1.45
Swing Chair, Swing Scaffold; Power Grinder with Respirator	10.55	1.45
Epoxy - Brush and Roll	10.60	1.45
Stilts	10.80	1.45
Spray	10.90	1.45
Structural Steel; Steeplejack (over 100'); Sandblasting; Steamcleaning (acid or hi-pressure water)	11.05	1.45
Spray - epoxy	11.55	1.45
Area 2:		
Basic	11.00	2.70
Steel above 20'; Ladder or Scaffold over 30' high; Spray; All toxic coating; Taping; Wall covering hanging	11.60	2.70
Bridges	12.25	2.70
PLUMBERS; STEAMFITTERS:		
Area 1	17.74	5.205
Area 2	15.80	2.55
ROOFERS	11.00	2.18
SHEET METAL WORKERS	14.95	2.16+ 3%
SPRINKLER FITTERS	16.92	2.83

LABORERS:	Basic Hourly Rates	Fringe Benefits
Building Construction:		
Laborers	$ 9.97	$1.05
Heavy and Highway Construction:		
Group 1	12.39	1.35+ c
Group 2	12.59	1.35+ c
Group 3	12.79	1.35+ c
Group 4	12.99	1.35+ c
POWER EQUIPMENT OPERATORS:		
Building Construction:		
Group 1:		
A	12.09	1.40+ d
B	12.37	1.40+ d
C	12.92	1.40+ d
E	13.47	1.40+ d
F	14.03	1.40+ d
G	14.57	1.40+ d
H	15.13	1.40+ d
Group 2	12.09	1.40+ d
Group 3	11.90	1.40+ d
Group 4	10.76	1.40+ d
Heavy and Highway Construction:		
Group 1	15.24	3.55+ e
Group 2	14.74	3.55+ e
Group 3	13.31	3.55+ e
POWER EQUIPMENT OPERATORS: (Cont'd)		
Heavy and Highway Construction: (Cont'd)		
Group 4	$12.05	$3.55+ e
Group 5	16.15	3.55+ e
TRUCK DRIVERS:		
Heavy and Highway Construction:		
Township of Wayland:		
Group 1	12.24	2.55+ f
Group 2	12.29	2.55+ f
Group 3	12.34	2.55+ f
Group 4	12.49	2.55+ f
Group 5	12.64	2.55+ f
Remainder of County:		
Group 1	12.39	2.40+ f
Group 2	12.44	2.40+ f
Group 3	12.49	2.40+ f
Group 4	12.64	2.40+ f
Group 5	12.79	2.40+ f

WELDERS: Receive rate prescribed for craft to which welding is incidental

FOOTNOTES:
a. C and D
b. Employer shall work 4 hours and receive 8 hours pay on Christmas Eve
c. Paid Holidays: A through F, provided the employee has worked the day before and after the Holiday
d. Paid Holidays: A through F, providing employee works the working day immediately preceding the Holiday, or on the scheduled work day immediately following the Holiday
e. Paid Holidays: A through F, providing the employee works the day before and the day after the Holiday
f. Paid Holidays: A through F, provided the employee has worked the dsy before and after the Holiday

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day

AREA DESCRIPTIONS

CARPENTERS:
Area 1: Townships of Prattsburgh and Pulteney, Village of Hammondsport, Pleasant Valley to Rheims, Village of Tyrone to Watkins Glen
Area 2: Townships of Troupsburg, Hartsville, Fremont, Wayland, Jasper, Hornellsville, Avoca, Cohocton, Canisten, Howard, Dansville, Wheeler, Cameron, Greenwood, and West Union
Area 3: Remainder of County

IRONWORKERS:
Area 1: Townships of Atlantic and South Dansville
Area 2: Remainder of County

PAINTERS:
Area 1: Townships of Cameron, Bath, Thurston, Bradford, Campbell, Erwin, Lindley, Hornby, City of Corning, Caton, Addison and Rathbone
Area 2: Remainder of County

PLUMBERS; STEAMFITTERS:
Area 1: Townships of Avoca, Canisteo, Cohocton, Dansville, Fremont, West Union, Greenville, Hartsville, Hornellsville, Howard, Wheeler, Jasper, Prattsburg, Pulteney, Troupsburg, Wayland, Woodhull, Cameron, Rathbone and Tuscarora
Area 2: Remainder of County

LABORERS
HEAVY and HIGHWAY CONSTRUCTION

Group 1: Laborers; Drill Tenders; Outboard and Hand Boats

Group 2: Bull Float; Chain Saw; Concrete Aggregate; Bin Concrete Bootman; Gin Buggy; Hand or Machine Vibrator; Jackhammer; Mason Tender; Mortor Mixer; Pavement Breaker; Handlers or all Steel Mesh; Small Generators for Laborers' Tools; Installation of bridge drainage pipe; Pipelayers; Vibrator type Rollers; Tamper; Drill Doctor; Tail or Crew Operator on Asphalt Paver; Water Pump Operator (1½" and single diaphram); Nozzle (Asphalt, Gunnite, Seeding and Sandblasting); Laborers on Chain Link Fence Erection; Rock Splitter and Power Unit; Pusher type Concrete Saw and all other gas, electric, oil and air tool Operators; Wrecking Laborer

Group 3: All Rock or Drill Machine Operators (except Quarry Master and similar type); Acetylene Torch Operator; Asphalt Raker; Powderman

Group 4: Blasters; Form Setter; Stone or Granite Curb Setters

POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION

Group 1: Cranes:
A - 121 feet and under
B - Between 121 - 151 feet
C - Between 151 - 201 feet
D - Between 201 - 251 feet
E - Between 251 - 301 feet
F - Between 301 - 351 feet
G - Between 351 - 401 feet
H - Between 401 - 451 feet

Group 2: Air Tugger; Backhoe; Clamshell; Dragline; Shovel and similar Machines over 3/8 cu. yd. capacity (factory rating); Big Generator Plant; Bridge Crane (all types); Cableway; Caisson Auger and similar type Machine; Climbing and/or Tower Crane (all kinds and all types); Derrick; Dredge; Forklift (with factory rating of 15 feet or more of lift); Hoist (on steel erection); Mucking Machine; Ross Carrier (and similar types); Three drum Hoist (when all drums are in use)

Group 3: "A" Frame Truck; Back Filling Machine; Barber Green and similar type Loader; Belt Crete and similar type Machine; Bituminous Spreading Machine; Bulldozer; Carry-all type Scraper; Compressors, 4 not to exceed 1200 C.F.M. combined capacity, 3 or less with more than 1200 C.F.M., but not to exceed 200 C.F.M.; Concrete Mixer; Concrete Pump; Core Drill; Crane-Boe-Shovel (3/8 yd. capacity or less)(factory rating); Dinky Locomotive (all types); Elevating type Grader; Elevator; Fine Grade Machine (all kinds); Front End Loader; Forklift (with factory rating of less than 15 ft. of lift); High Pressure Boiler (over 15 lbs. pressure); Hoist (1 or 2 drums); Motor Grader; Maintenance Engineer; Post Hole Digger; Sheepsfoot Roller; Side Boom; Stone Crusher; Submersible Electric Pump, when used in lieu of Well Point System; Tandem Roller; Tournedozer and similar types; Tournapull; Tower Mobile and similar kinds Trenching Machine; Vibratory type Roller and similar equipment of all kinds; Welder; Well Drill; Well Point System

POWER EQUIPMENT OPERATORS (Cont'd)
BUILDING CONSTRUCTION (Cont'd)

Group 4: Any combination (not to exceed 3 pieces of equipment); Pumps; Welding Machines or Mechanical Conveyors (over 12 ft. in length); Belt Crete Generator; Compressors - 3 or less not to exceed 1200 C.F.M. combined capacity; Fireman; Longitudinal Float; Mechanical Heater; Roller (Fill and Grade); Rubber-tired Tractor; Oilers

HEAVY and HIGHWAY CONSTRUCTION

Group 1: Automated Concrete Spreader (CMI); Automatic Fine Grader; Backhoe (except tractor mounted, rubber tired); Belt Placer (CMI type); Backtop Plant (automated); Cableway; Caisson Auger; Central Mix Concrete Plant (automated); Cherry Picker (over 5 tons capacity); Concrete Pump (8" or over); Crane; Cranes and Dorricks (steel erection); Dragline; Dredge; Dual Drum Paver; Excavator (all purpose-hydraulically operated) (Gradall or similar); Fork Lift (factory rated 15 ft. and over); Front End Loader 4 cu. yds. and over); Head Tower (Sauerman or equal) Hoist (2 or 3 drums); Mine Hoist; Mucking Machine or Mole; Over Head Crane (Gantry or Straddle type); Piledriver; Power Grader; Quarry Master (or equivalent); Scraper; Shovel; Sideboom; Skip Form Paver; Tractor drawn Belt type Loader; Truck Crane; Tunnel Shovel

Group 2: Backhoe (tractor mounted, rubber tired); Bituminous Spreader and Mixer; Blacktop Plant (non-automated); Blast or Rotary Drill Truck or Tractor mounted); Boring Machine; Cage-hoist; Central Mix Plant (non-automated and all Concrete Batching Plants); Cherry Picker (5 tons capacity and under); Compressors (4 or less, exceeding 2000 C.F.M. combined capacity); Concrete Paver (over 16S); Concrete Pump (under 8"); Crusher; Diesel power unit; Drill Rigs (tractor mounted); Front End Loader (under 4 cu. yd.); Hi-pressure Boiler (15 lbs. and over); Hoist (one drum); Kolman Plant Loader and similar type Loaders; Locomotive Maintenance/Engineer/Greaseman/Welder; Mixer for stabilized base Self-monorail Machine; Plant Engineer; Pump Crete; Ready Mix Concrete Plant; Refrigeration equipment (for Soil Stabilization); Road Widener; Roller (all above Subgrade); Tractor with Dozer and/or Pusher; Trencher; Tugger-hoist; Winch; Winch Cat

Group 3: A-Frame Truck; Compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.FN. but not to exceed 2000 C.F.M.); Compressors (any size but subject to other provisions for Compressors); Dust Collectors; Generators; Pumps; Welding Machines (4 of any type of combination); Concrete Pavement Spreaders and Finishers; Conveyor; Drill-core; Drill-well; Electric Pumps used in conjunction with Well Point Systems; Farm Tractor with accessories; Fine Grade Machine; Fork Lift (under 15 ft.); Gunite Machine; Hammers (Hydraulic-self-propelled); Post Hole Digger and Post Driver; Power Sweeper; Roller (Grade and Fill); Submersible Electric Pump (when used in lieu of Well Point System); Tractor with tower accessories; Vibratory Compactor; Vibro Tamp; Well Point

POWER EQUIPMENT OPERATORS (Cont'd)
HEAVY and HIGHWAY CONSTRUCTION (Cont'd)

Group 4: Aggregate Plant; Boiler (used in conjunction with production); Cement and Bin Operator; Compressors (3 or less not to exceed 1200 C.F.M. combined capacity); Compressor (any size, but subject to other provisions for Compressors); Dust Collectors; Generator Pumps; Welding Machines (3 or less of any type or combination); Concrete Paver or Mixer (16S and under); Concrete Saw (self-propelled); Fireman; Form Tamper; Hydraulic Pump (jacking system); Lighting Plants; Mulching Machine; Oiler Parapet (Concrete or Pavement Grinder); Power Broom (towed); Power Beaterman; Revinius Widener; Shell Winder; Steam Cleaner; Tractor

Group 5: Master Mechanic

TRUCK DRIVERS - Township of Wayland
HEAVY and HIGHWAY CONSTRUCTION

Group 1: Pickups; Panel Trucks; Flatboy Material Trucks (straight jobs); Single Axle Dump Trucks; Dumpster; Greasers; Truck Tireman

Group 2: Tandems; Batch Trucks and Mechanics

Group 3: Semi-trailers; Low-boy Trucks; Asphalt Distributors Trucks; Agitator; Mixer Trucks and Dumpcrete type vehicles; Truck Mechanic

Group 4: Specialized Earth Moving Equipment, Euclid type or similar off-highway equipment, where not self-loaded, and Straddle (Ross) Carrier

Group 5: Off-highway Tandem Back-dump; Twin engine equipment double hitched equipment where not self loaded

Remainder of County

Group 1: Pickups; Panel Trucks; Flatboy Material Trucks (straight jobs); Single Axle Dump Trucks; Dumpsters; Material Checker and Receivers; Greasers; Truck Tiremen; Mechanic Helpers and Part Chaser

Group 2: Tandems; Batch Trucks; Mechanics and Dispatcher

Group 3: Semi-trailers; Low-boy Trucks; Asphalt Distributors Trucks; Agitator; Mixer trucks and Dumpcrete type vehicles; Truck Mechanic

Group 4: Specialized Earth Moving Equipment, Euclid type or similar off-highway equipment, where not self loaded, and Straddle (Ross) Carrier

Group 5: Off-highway Tandem Back-dump; Twin engine equipment and double hitched equipment where not self loaded

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii))

SUPERSEDEAS DECISION

STATE: Texas
COUNTY: El Paso
DECISION NO.: TX83-4061
DATE: Date of Publication
Supersedes Decision No. TX81-4064, dated August 7, 1981, in 46 FR 40487.
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories). (Use current highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$10.76	
BRICKLAYERS	10.25	1.47
CARPENTERS	7.33	
CEMENT MASONS	6.13	
ELECTRICIANS:		
Electricians	13.60	.80+ 3-1/2%
Cable Splicers	13.85	.80+ 3-1/2%
GLAZIERS	6.24	
IRONWORKERS	12.45	2.95
LABORERS:		
Unskilled	4.49	
Mason Tenders	6.61	1.03
Lather & Plaster Tenders	5.25	
LATHERS	9.50	
PAINTERS, BRUSH	7.70	.70
PLASTERERS	8.48	1.03
PLUMBERS & PIPEFITTERS	13.57	1.77
ROOFERS	6.51	
SHEET METAL WORKERS	13.80	1.55 +3%
SOFT FLOOR LAYERS	7.73	
SPRINKLER FITTERS	16.17	3.23
TAPERS	6.26	
TERRAZZO, MARBLE & TILE WORKERS	7.75	
TERRAZZO, MARBLE & TILE FINISHERS	4.90	
POWER EQUIPMENT OPERATORS:		
Backhoes	$ 8.74	1.45
Forklifts	8.17	1.03
Foundation Drills	9.71	
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		
Unlisted classificaitons needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5)a()1)(ii)).		

[FR Doc. 83-23289 Filed 8-25-83 8:45 am]
BILLING CODE 4510-27-C

federal register

Friday
August 26, 1983

Part III

Department of Education

Higher Education Programs in Modern Foreign Language Training and Area Studies; and Fulbright-Hays Training Grant Programs

DEPARTMENT OF EDUCATION

34 CFR Parts 662, 663, 664, and 665

Higher Education Programs in Modern Foreign Language Training and Area Studies

AGENCY: Department of Education.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Secretary of Education proposes to amend the regulations for the Higher Education Programs in Modern Foreign Language Training and Area Studies (Doctoral Dissertation Research Abroad, Faculty Research Abroad, Group Projects Abroad, and the Foreign Curriculum Consultants Programs). These proposed regulations would simplify and clarify provisions contained in previous regulations. The proposed changes would also reduce administrative burdens on grantees and eliminate unnecessary provisions.

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

ADDRESSES: Comments should be addressed to Mr. Kenneth D. Whitehead, Director, Office of International Education Programs, 400 Maryland Avenue, S.W., (Room 3919, ROB 3), Washington, D.C. 20202. Telephone (202) 245-9691.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph Hines, Education Program Specialist, International Education Programs, 400 Maryland Avenue, S.W., (Room 3916, ROB 3), Washington, D.C. 20202. Telephone (202) 245-2794.

SUPPLEMENTARY INFORMATION: These proposed regulations govern four different programs of assistance authorized under Section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961, Pub. L. 87-256 (Fulbright-Hays Act). The main provisions of the regulations are the procedures governing grants designed to assist eligible institutions at various levels in improving and developing their programs in modern foreign languages and area studies.

These regulations would simplify and clarify provisions currently contained in 34 CFR Part 662—especially those provisions pertaining to eligibility. They would also reduce certain administrative requirements and eliminate unnecessary and outdated provisions.

These proposed regulations are essentially the same as the current regulations, except that they have been adapted to the Education Department General Administrative Regulations (EDGAR) format. In addition, many of the general administrative requirements contained in the current regulations have been subsumed by EDGAR, and thus deleted from these proposed regulations.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291.

They are classified as non-major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act

The Secretary certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities. These proposed regulations would merely simplify and clarify provisions contained in previous regulations.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations. Written comments and recommendations may be sent to the address given at the beginning of this document. All comments submitted on or before the 45th day after publication of this document will be considered before the Secretary issues final regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 3919, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects

34 CFR Parts 662 and 663

Colleges and universities, Education, Educational research, Educational study programs, Fellowships.

34 CFR Parts 664 and 665

Colleges and universities, Education, Educational study programs, Teachers.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these proposed regulations.

Dated: August 19, 1983.

T. H. Bell,

Secretary of Education.

(Catalog of Federal Domestic Assistance Numbers—Faculty Research Abroad Program, 84.019; Foreign Curriculum Consultants Program, 84.020; Group Project Abroad Program, 84.021; Doctoral Dissertation Research Abroad Fellowship Program, 84.022)

The Secretary proposes to revise Part 662 and add new Parts 663, 664, and 665 of Title 34 of the Code of Federal Regulations to read as follows:

PART 662—HIGHER EDUCATION PROGRAMS IN MODERN FOREIGN LANGUAGE TRAINING AND AREA STUDIES—DOCTORAL DISSERTATION RESEARCH ABROAD FELLOWSHIP PROGRAM.

Subpart A—General

Sec.

662.1 What is the Doctoral Dissertation Research Abroad Program?
662.2 Who is eligible to apply for grants under this program?
662.3 Who is eligible to receive a fellowship under this program?
662.4 What regulations apply to the Doctoral Dissertation Research Abroad Program?
662.5 What definitions apply to the Doctoral Dissertation Research Abroad Program?

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program? [Reserved]

Subpart C—How Does an Institution and an Individual Apply for a Grant or Fellowship?

662.20 What is the role of the institution in the application process?
662.21 How does an individual apply for a fellowship?

Subpart D—How Does the Secretary Select Fellows?

662.30 How does the Secretary select individual applicants for recommendation to the Board of Foreign Scholarships for selection for Doctoral Dissertation Research Abroad Fellowships?
662.31 How does the Secretary evaluate an individual student application under the Doctoral Dissertation Research Abroad Program?
662.32 What criteria does the Secretary use in recommending individuals for Doctoral Dissertation Research Abroad Fellowships?
662.33 How does the Board of Foreign Scholarships select fellows?

Subpart E—What Conditions Must Be Met by an Institution?

Sec.

662.40 Administration of the grant.
662.41 Amount of a fellowship.
662.42 Disbursement procedures.

Subpart F—What Conditions Must be Met by an Individual?

662.50 Duration of fellowship.
662.51 Fellowship conditions.
662.52 Conduct abroad.
662.53 Revocation or termination of a fellowship.

Authority: Section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (Fulbright-Hays Act), 22 U.S.C. 2452(b)(6), unless otherwise noted.

Subpart A—General

§ 662.1 What is the Doctoral Dissertation Research Abroad Program?

(a) The Doctoral Dissertation Research Abroad Program is designed to contribute to the development and improvement of the study of modern foreign language and area studies in the United States by providing opportunities for scholars to conduct research abroad.

(b) Under the program, the Secretary awards fellowships, through institutions of higher education, to Ph.D candidates who are proposing to conduct dissertation research abroad in modern foreign languages and area studies.

(22 U.S.C. 2452(b)(6))

§ 662.2 Who is eligible to apply for grants under this program?

Institutions of higher education are eligible to apply for a grant under this program.

(22 U.S.C. 2452(b)(6)), 2454(e)(1))

§ 662.3 Who is eligible to receive a fellowship under this program?

An individual is eligible to receive a fellowship if the individual—

(a) (1) Is a citizen or national of the United States;

(2) Is a permanent resident of the United States;

(3) Provides evidence from the Immigration and Naturalization Service that he or she is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident; or

(4) Is a resident of the Trust Territory of the Pacific Islands;

(b) Is a graduate student in good standing at an institution of higher education who, when the fellowship period begins, is admitted to candidacy in a doctoral degree program in modern foreign languages and area studies at that institution;

(c) Is planning a teaching career in the United States upon graduation; and

(d) Possesses adequate skills in the language(s) necessary to carry out the dissertation research project.

(22 U.S.C. 2452(b)(6), 2454(e)(1))

§ 662.4 What regulations apply to the Doctoral Dissertation Research Abroad Program?

The following regulations apply to this program:

(a) The regulations in this Part 662; and

(b) The Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

(22 U.S.C. 2452(b)(6))

§ 662.5 What definitions apply to the Doctoral Dissertation Research Abroad Program?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR Part 77:

Applicant
Application
Award
EDGAR
Fiscal Year
Grant
Grant period
Nonprofit
Project
Project period
Private
Public
Secretary
State

(22 U.S.C. 2452(b)(6))

(b) *Definitions that apply to this program:* The following definitions apply to the Doctoral Dissertation Research Abroad Program:

Area studies means a program of comprehensive study of the aspects of a society or societies, including the study of their history, cultural, economy, politics, international relations, and languages.

Binational commission means an educational and cultural commission established, through an agreement between the United States and either a foreign government or an international organization, to carry out functions in connection with the program covered by this part.

Board of Foreign Scholarships means the Presidentially appointed board which is responsible for supervision of the program covered by this part.

Dependent means any of the following individuals who accompany the program participant to his or her research or training site if the individual will receive more than 50 percent of his or her support from the participant during the fellowship period:

(1) The participant's spouse;

(2) The participant's or spouse's children who are unmarried and under 21;

(3) The participant's or spouse's mother or father if the mother or father is incapable of self-support.

Foreign currencies means those currencies of foreign countries that are owned by the United States.

Institution of higher education means an educational institution in any State which—

(1) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;

(2) Is legally authorized within such State to provide a program of education beyond secondary education;

(3) Provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree;

(4) Is a public or other nonprofit institution; and

(5) Is accredited by a recognized accrediting agency or association.

(22 U.S.C. 2452(b)(6), 2456)

Subpart B—(What Kinds of Projects Does the Secretary Assist Under this Program? [Reserved]

Subpart C—How Does an Institution and an Individual Apply for a Grant or Fellowship?

§ 662.20 What is the role of the institution in the application process?

An eligible institution is responsible for—

(a) Distributing individual application packets to students;

(b) Accepting and screening individual applications in accordance with its own technical and academic criteria; and

(c) Forwarding individual applications to the Secretary through a request for an institutional grant.

(22 U.S.C. 2452(b)(6), 2454(e)(1))

§ 662.21 How does an individual apply for a fellowship?

(a) An applicant for a fellowship obtains an application from the institution of higher education at which the individual is enrolled in a doctoral program and submits the completed application through that institution to the Secretary.

(b) The applicant shall provide sufficient information concerning his personal and academic background, and proposed research project, to enable the

Secretary to determine whether the individual—

(1) Is eligible to receive a fellowship under § 662.3; and

(2) Should be selected for a fellowship under Subpart D of this part.

(c) If an applicant plans to conduct research in the U.S.S.R., Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, Romania, or Yugoslavia, he or she must simultaneously submit an application to the International Research and Exchanges Board (IREX) in accordance with the procedures of that Board.

(22 U.S.C. 2452(b)(6))

Subpart D— How Does the Secretary Select Fellows?

§ 662.30 How does the Secretary select individual applicants for recommendation to the Board of Foreign Scholarships for selection for Doctoral Dissertation Research Abroad Fellowships?

(a) The Secretary makes a preliminary selection of individuals for Doctoral Dissertation Research Abroad Fellows with the advice of—

(1) Panels of U.S. academic specialists in modern foreign languages and area studies; and

(2) Binational commissions and/or U.S. diplomatic missions in the proposed country(ies) of research.

(b) All selections by the Secretary are subject to a review and final approval by the Board of Foreign Scholarships.

(c) The Secretary does not recommend an individual to the Board of Foreign Scholarships if the individual proposes to carry out research in a country with which the United States has no diplomatic relations.

(22 U.S.C. 2452(b)(6), 2456)

§ 662.31 How does the Secretary evaluate an individual student application under the Doctoral Dissertation Research Abroad Program?

(a) The Secretary evaluates an application for a Doctoral Dissertation Research Abroad Fellowship based on the criteria in § 662.32 and any pertinent information provided by binational commissions and/or U.S. diplomatic missions abroad.

(b) In general, the Secretary awards up to 90 possible points. However, if priority criteria are used, the Secretary awards up to 100 possible points. The maximum possible points for each criterion are shown in parentheses.

(22 U.S.C. 2452(b)(6))

§ 662.32 What criteria does the Secretary use in recommending individuals for Doctoral Dissertation Research Abroad Fellowships.

The Secretary uses the criteria in this section and pertinent information provided by U.S. diplomatic missions abroad and binational commissions to evaluate an application of a graduate student for the purpose of recommending to the Board of Foreign Scholarships candidates for fellowships under this part. The Secretary gives preference to American citizens who have served in the armed services of the United States. The criteria are weighted and may total 100 points.

(a) *Quality of proposed project.* (Maximum 45 points) (1) The Secretary reviews each application for information that shows the quality of the research project proposed by the student.

(2) The Secretary looks for information that shows the extent to which—

(i) The project is original; the problems, questions, hypotheses are well formulated;

(ii) The project is well formulated and demonstrates adequate knowledge of related research;

(iii)) The methodology is specifically described, sound, and appropriate to the project;

(iv) The applicant demonstrates knowledge and utilization of resources pertinent to the project in the United States;

(v) The project's location in the proposed foreign country(ies) is necessary for the successful completion of the project;

(vi) The applicant has made preparations to establish research contacts and affiliations abroad, and the overseas facilities indicated will afford sufficient and appropriate locations for the proposed research;

(vii) The application reflects the intent to share with scholars and officials of the host country the results of the research in progress and a copy of the dissertation;

(viii) The application reflects guidance and supervision on the part of the dissertation advisor or committee throughout all stages, including the development of the project, understanding of research conditions abroad, and acutal research in the field; and

(ix) The project can be completed within the proposed fellowship period.

(b) *Qualifications of the applicant* (Maximum 45 points) (1) The Secretary reviews each application for information that shows the qualifications of the applicant.

(2) The Secretary looks for information that shows the extent to which—

(i) The applicant's academic record is excellent and relevant to the proposed project;

(ii) The applicant possesses adequate foreign language skills to carry out the proposed project; and

(iii) The applicant has the ability to conduct research in a foreign cultural context, as evidenced by the applicant's references or previous overseas experience.

(c) *Priorities.* (Maximum 10 points) (1) The Secretary may establish priorities each year for the selection of fellows. These priorities relate to: certain world areas, countries, academic disciplines, languages, or combinations of any of these categories. For example, the Secretary may establish a priority for: A specific world area or country such as the Caribbean or Poland, an academic discipline such as economics or political science, or certain languages such as Tajik or Serbo-Croatian.

(2) The Secretary announces any priorities in the application notice published in the **Federal Register**.

(22 U.S.C. 2452(b)(6), 2456(a)(2))

§ 662.33 How does the Board of Foreign Scholarships select fellows?

(a) (1) The Board of Foreign Scholarships selects Doctoral Dissertation Research Abroad Fellows on the basis of the preliminary selections by the Secretary and pertinent information supplied by U.S. diplomatic missions and binational commissions.

(2) The Board of Foreign scholarships does not select fellows to carry out research in the U.S.S.R. unless the applicant has been approved for that purpose by the International Research and Exchanges Board (IREX).

(b) Pertinent information used by the Board of Foreign Scholarships and the Secretary in the selection process, which is provided by U.S. diplomatic missions and/or binational commissions may include, but is not necessarily limited to, information concerning the feasibility of the project, and the political sensitivity of the host country.

(22 U.S.C. 2452(b)(6) 2456(a)(1))

Subpart E—What Conditions Must Be Met by an Institution?

§ 662.40 Administration of the grant.

(a) An institution to which the Secretary awards a grant under this part is responsible for administering the grant subject to the provisions of § 662.4.

(b) The institution is responsible for processing individual applications in accordance with procedures described in § 662.20.

(c) The institution is responsible for disbursing funds in accordance with procedures described in § 662.42.

(d) The Secretary awards the institution and administrative allowance of $100 for each fellowship listed in the grant agreement.

(22 U.S.C. 2452(b)(6), 2454(e)(1))

§ 662.41 Amount of a fellowship.

(a) In accordance with sections 104(b)(1) and (e)(2) of the Mutual Educational and Cultural Exchange Act of 1961, the Secretary pays—

(1) Travel expenses, including excess baggage to and from the residence of the fellow to the host country of research;

(2) A maintenance allowance for the fellow and his or her dependents;

(3) An allowance for research-related expenses overseas such as books, copying, tuition and affiliation fees, local travel, and other incidental expenses; and

(4) Health and accident insurance premiums.

(b) The Secretary may pay for—

(1) Emergency medical expenses not covered by health and accident insurance; and

(2) The costs of preparing and transporting to his or her former home, participants or dependents who die during the term of the fellowship.

(c) In the application notice published annually in the **Federal Register**, the Secretary announces the amount of benefits expected to be available.

(22 U.S.C. 2452(b)(6), and 2454(e)(1) and (2))

§ 662.42 Disbursement procedures.

The grantee institution is responsible for disbursing funds for allowances authorized by the grant except that the appropriate U.S. diplomatic mission disburses directly to the fellow allowances paid in foreign currencies.

(22 U.S.C. 2452(b)(6))

Subpart F—What Conditions Must Be Met by an Individual?

§ 662.50 Duration of fellowship.

(a) A fellowship is for a period of not fewer than six nor more than twelve months.

(b) The fellowship may not be renewed.

(22 U.S.C. 245(b)(6))

§ 662.51 Fellowship conditions.

A Fellow shall—

(a) Maintain satisfactory progress in the conduct of his or her research;

(b) Devote full time to research on the approved topic;

(c) Not engage in gainful employment during the period of the fellowship; and

(d) Remain a student in good standing with the grantee institution during the entire period of the fellowship.

(22 U.S.C. 2452(b)(6))

§ 662.52 Conduct abroad.

The Secretary furnishes to each fellow a copy of the Board of Foreign Scholarships statement of the rights and obligations of American grantees and participants abroad. Fellows must adhere to the standards in the statement, and comply with the legal and moral standards of the host country(ies). Failure to do so may result in the revocation or termination of the fellowship by the Board of Foreign Scholarships.

(22 U.S.C. 2452(b)(6)), 2456, Policy Statements of the Board of Foreign Scholarships, 1972)

§ 662.53 Revocation or termination of a fellowship

(a) The Board of Foreign Scholarships, upon the recommendation of the Secretary, may revoke or terminate a fellowship because of—

(1) A fellow's failure to maintain eligibility; or

(2) Misconduct by the fellow.

(b) As used in this section misconduct includes, but is not limited to—

(1) A violation of the laws of the United States or the host country; or

(2) An act that gives offense to the host country.

(22 U.S.C. 2452(b)(6)), 2456, Policy Statements of the Board of Foreign Scholarships, 1972)

The Secretary proposes to add a new Part 663 to Title 34 of the Code of Federal Regulations to read as follows:

PART 663—HIGHER EDUCATION PROGRAMS IN MODERN FOREIGN LANGUAGE TRAINING AND AREA STUDIES—FACULTY RESEARCH ABROAD FELLOWSHIP PROGRAM

Subpart A—General

Sec.

663.1 What is the faculty Research Abroad Program?
663.2 Who is eligible to apply for grants under this program?
663.3 Who is eligible to receive a fellowship under this program?
663.4 What regulations apply to this program?
663.5 What definitions apply to the Faculty Research Abroad Program?

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program? [Reserved]

Subpart C—How Does an Institution and an Individual Apply for a Grant or Fellowship?

Sec.

663.20 What is the role of the institution in the application process?
663.21 How does an individual apply for a fellowship?

Subpart D—How Does the Secretary Select Fellows?

663.30 How does the Secretary select individual applicants for recommendation to the Board of Foreign Scholarships for selection for Faculty Research Abroad Fellowships?
663.31 How does the Secretary evaluate an individual application under the Faculty Research Abroad Program?
663.32 What criteria does the Secretary use in recommending individuals for Faculty Research Abroad Fellowships?
663.33 How does the Board of Foreign Scholarships select fellows?

Subpart E—What Conditions Must be Met by an Institution?

663.40 Administration of the grant.
663.41 Amount of a fellowship.
663.42 Disbursement procedures.

Subpart F—What Conditions Must be met by an Individual?

663.50 Duration of the fellowship.
663.51 Fellowship conditions.
663.52 Conduct abroad.
663.53 Revocation or termination of a fellowship.

Authority: Section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (Fulbright-Hays Act), 22 U.S.C. 2452(b)(6), unless otherwise noted.

Subpart A—General

§ 663.1 What is the Faculty Research Abroad Program?

(a) The Faculty Research Abroad Program is designed to contribute to the development and improvement of modern foreign language training and area studies in the United States by providing opportunities for scholars to conduct research abroad.

(b) Under the program, the Secretary awards fellowships, through institutions of higher education, to faculty of the institutions who are proposing to conduct research abroad in modern foreign languages and area studies to improve their skill in languages and their knowledge of the culture of the people of these countries.

(22 U.S.C. 2452(b)(6)

§ 663.2 Who is eligible to apply for grants under this program?

Institutions of higher education are eligible to apply for grants under this program.

(22 U.S.C. 2452(b)(6), 2454(e)(1))

§ 663.3 Who is eligible to receive a fellowship under this program?

An individual is eligible to receive a fellowship if the individual—

(a)(1) Is a citizen or national of the United States;

(2) Is a permanent resident of the United States;

(3) Provides evidence from the Immigration and Naturalization Service that he or she is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident; or

(4) Is a resident of the Trust Territory of the Pacific Islands;

(b) Is employed by an institution of higher education;

(c) Has been engaged in teaching relevant to his or her foreign language or area studies specialization for the two years immediately preceding the date of the award;

(d) Proposes research relevant to his or her modern foreign language or area studies specialization which—

(1) Cannot be conducted in the United States, or for which a foreign country or region provides significantly superior research facilities;

(2) Will contribute to the development or improvement of the study of modern foreign languages or area studies in those fields needed for full understanding of the area, regions, or countries in which the modern foreign languages are commonly used; and

(3) Is not dissertation research for a Ph.D; and

(e) Possesses adequate skills in the language or languages necessary to successfully carry out the project.

(22 U.S.C. 2452(b)(6), 2454(e)(1))

§ 663.4 What regulations apply to this program?

The following regulations apply to this program:

(a) The regulations in this Part 663; and

(b) The Education Department General Administrative Regulations (EDGAR).

(34 CFR Parts 74, 75, 77, and 78).
(22 U.S.C. 2452(b)(6))

§ 663.5 What definitions apply to the Faculty Research Abroad Program?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR Part 77:

Applicant
Application
Award
EDGAR
Fiscal Year
Grant
Grant period
Project
Project period
Private
Public
Secretary
State

(22 U.S.C. 2452(b)(6))

(b) *Definitions that apply to this program:* The following definitions apply to the Faculty Research Abroad Program:

Area studies means a program of comprehensive study of the aspects of a society or societies, including the study of their history, culture, economy, politics, international relations, and languages.

Binational commission means an educational and cultural commission established, through an agreement between United States and either a foreign government or an international organization, to carry out functions in connection with the program covered by this part.

Board of Foreign Scholarships means the Presidentially appointed board which is responsible for supervision of the program covered by this part.

Dependent means any of the following individuals who accompany the program participant to his or her training site if the individual will receive more than 50 percent of his or her support from the participant during the fellowship period:

(1) The participant's spouse;

(2) The participant's or spouse's children who are unmarried and under 21;

(3) The participant's or spouse's mother or father if the mother or father is incapable of self-support.

Foreign currencies means those currencies of foreign countries that are owned by the United States.

Institution of higher education means an educational institution in any State which—

(1) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate;

(2) Is legally authorized within such State to provide a program of education beyond secondary education;

(3) Provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree;

(4) Is a public or other nonprofit institution; and

(5) Is accredited by a nationally recognized accrediting agency or association.

(22 U.S.C. 2452(b)(6), 2456)

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program? [Reserved]

Subpart C—How Does an Institution and an Individual Apply for a Grant or Fellowship?

§ 663.20 What is the rule of the institution in the application process?

An eligible institution is responsible for—

(a) Distributing individual application packets to faculty interested in applying for fellowships;

(b) Accepting and screening individual applications in accordance with its own technical and academic criteria; and

(c) Forwarding individual applications to the Secretary through a request for an institutional grant.

(22 U.S.C. 2452(b)(6), 2454(e)(1))

§ 663.21 How does an individual apply for a fellowship?

(a) An applicant for a fellowship obtains an application from the institution of higher education at which he or she is employed and submits his or her application to the Secretary through that institution.

(b) The applicant shall provide sufficient information concerning his or her personal and academic background and proposed research project to enable the Secretary to determine whether the individual—

(1) Is eligible to receive a fellowship; and

(2) Should be selected for a fellowship under subpart D of this part.

(c) If an applicant plans to conduct research in the U.S.S.R., Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, Romania, or Yugoslavia, he or she must simultaneously submit an application to the International Research and Exchanges Board (IREX) in accordance with the procedures of that Board.

(22 U.S.C. 2452(b)(6))

Subpart D—How does the Secretary Select Fellows?

§ 663.30 How does the Secretary select individual applicants for recommendation to the Board of Foreign Scholarships for selection for Faculty Research Abroad Fellowships?

(a) The Secretary makes a preliminary selection of individuals for Faculty Research Abroad Fellows with the advice of—

(1) Panels of U.S. academic specialists in modern foreign languages and area studies; and

(2) Binational commissions or U.S. diplomatic missions in the proposed country(ies) of research.

(b) All selections by the Secretary are subject to a review and final approval by the Board of Foreign Scholarships.

(c) The Secretary does not recommend an individual to the Board of Foreign Scholarships if the individual proposes to carry out research in a country with which the United States has no diplomatic relations.

(22 U.S.C. 2452(b)(6), 2456)

§ 633.31 How does the Secretary evaluate an individual application under the Faculty Research Abroad Program?

(a) The Secretary evaluates an application for a Faculty Research Abroad Fellowship based on the criteria in § 663.32 and any pertinent information provided by binational commissions and/or U.S. diplomatic missions.

(b) In general, the Secretary awards up to 90 possible points. However, if priority criteria are used, the Secretary awards up to 100 possible points. The maximum possible points for each criterion are shown in parentheses.

(22 U.S.C. 2452(b)(6))

§ 663.32 What criteria does the Secretary use in recommending individuals for Faculty Research Abroad Fellowships?

The Secretary uses the criteria in this section to evaluate applications of faculty for the purpose of recommending to the Board of Foreign Scholarships candidates for fellowships under this part. The Secretary gives preference to American citizens who have served in the armed services of the United States. The criteria are weighted and may total 100 points.

(a) *Quality of proposed project.* (Maximum 45 points) (1) The Secretary reviews each application for information that shows the quality of the research project proposed by the faculty member.

(2) The Secretary looks for information that shows the extent to which—

(i) The project is well formulated and demonstrates adequate knowledge of related research;

(ii) The methodology is specifically described, sound, and appropriate to the project;

(iii) The objectives of the project are relevant to the sponsoring institution's plans for developing and/or strengthening programs in modern foreign languages and area studies;

(iv) The applicant demonstrates knowledge and utilization of resources pertinent to the project in the United States;

(v) The project's location in the proposed foreign country(ies) is necessary for the successful completion of the projects;

(vi) The applicant has made preparations to establish research contacts and affiliations abroad;

(vii) The application reflects the intent to share the results of the research with host country scholars and officials and the American scholarly community;

(viii) The overseas facilities indicated will afford sufficient and appropriate locations for the proposed research; and

(ix) The project can be completed with the proposed fellowship period.

(b) *Qualifications of the applicant.* (Maximum 45 points) (1) The Secretary reviews each application for information that shows the qualifications of the applicant.

(2) The Secretary looks for information that shows the extent to which—

(i) The applicant's academic record is excellent and relevant to the proposed project;

(ii) The applicant possesses adequate foreign language skills to adequately carry out the proposed project; and

(iii) The applicant's ability to conduct research in a foreign cultural context, as evidenced by the applicant's references or previous overseas experience.

(c) *Priorities.* (Maximum 10 points) (1) The Secretary may establish priorities each year for the selection of fellows. These priorities relate to: certain world areas, countries, academic disciplines, languages, or combinations of any of these categories. For example, the Secretary may establish a priority for a specific world area or country such as East Asia or the U.S.S.R., for an academic discipline such as history or political science, or for languages such as Hausa or Telegu.

(2) The secretary announces any priorities in the application notice published in the **Federal Register**.

(22 U.S.C. 2452(b)(6), 2456(a)(2)

§ 663.33 How does the Board of Foreign Scholarships select fellows?

(a) (1) The Board of Foreign Scholarships selects Faculty Research Abroad Fellows on the basis of the preliminary selections of the Secretary and pertinent information supplied by U.S. diplomatic missions and binational commissions.

(2) The Board of Foreign Scholarships does not select fellows to carry out research in the U.S.S.R. unless the applicant has been approved for the purpose by the International Research and Exchanges Board (IREX).

(b) Pertinent information used by the Board of Foreign Scholarships and the Secretary in the selection process, which is provided by U.S. diplomatic missions and binational commissions, may include, but is not necessarily limited to, information concerning the feasibility of the project and the political sensitivity of the host country.

(22 U.S.C. 2452(b)(6), 2456(a)(1))

Subpart E—What Conditions Must Be Met by an Institution?

§ 663.40 Administration of the grant.

(a) An institution to which the Secretary awards a grant under this part is responsible for administering the grant subject to the provisions of § 663.4.

(b) The institution is responsible for processing individual applications in accordance with procedures described in § 663.20.

(c) The institution is responsible for disbursing funds in accordance with procedures described in § 663.42.

(d) The Secretary awards the institution and administrative allowance of $100 for each fellowship listed in the grant agreement.

(22 U.S.C. 2452(b)(6), 2454(e)(1))

§ 663.41 Amount of a fellowship.

(a) In accordance with sections 104 (b) (1) and (e) (2) of the Mutual Educational and Cultural Exchange Act of 1961, the Secretary pays—

(1) Travel expenses, including excess baggage to and from the residence of the fellow to the host country of research,

(2) A maintenance allowance for the fellow; and

(3) An allowance for research related expenses overseas such as books, copying, tuition and affiliation fees, local travel, and other incidental expenses.

(b) The Secretary may pay for—

(1) Emergency medical expenses not covered by the faculty member's health and accident insurance; and

(2) The costs of preparing and transporting to his or her former home, participants or dependents who die during the term of the fellowship.

(c) In the application notice published annually in the **Federal Register**, the Secretary announces the amount of benefits expected to be available.

(22 U.S.C. 2452(b)(6), and 2454(e) (1) and (2))

§ 663.42 Disbursement procedures.

A grantee institution is responsible for disbursing funds for allowances authorized by the grant except that the appropriate U.S. diplomatic mission disburses directly to the fellow allowances paid in foreign currencies.

(22 U.S.C. 2452(b)(6))

Subpart F—What Conditions Must Be Met by an Individual?

§ 663.50 Duration of the fellowship.

(a) A fellowship is for a period of not fewer than three nor more than twelve months.

(b) The fellowship may not be renewed.

(22 U.S.C. 2452(b)(6))

§ 663.51 Fellowship conditions.

A fellow shall—

(a) Maintain satisfactory progress in the conduct of his or her research;

(b) Devote full time to research on the approved topic;

(c) Not engage in gainful employment overseas during the period of the fellowship; and

(d) Remain employed by the grantee institution during the entire period of the fellowship.

(22 U.S.C. 2452(b)(6))

§ 663.52 Conduct abroad.

The Secretary furnishes to all fellows a copy of the Board of Foreign Scholarships Statement on the rights and obligations of American grantees and participants abroad. Fellows must adhere to the standards in the statement, and comply with the legal and moral standards of the host country(ies). Failure to do so may result in the revocation or termination of the fellowship by the Board of Foreign Scholarships.

(22 U.S.C. 2452(b)(6), 2456, Policy Statements of the Board of Foreign Scholarships, 1972)

§ 663.53 Revocation or termination of a fellowship.

(a) The Board of Foreign Scholarships, upon the recommendation of the Secretary, may revoke or terminate a fellowship because of—

(1) A fellow's failure to maintain eligibility; or

(2) Misconduct by the fellow.

(b) As used in this section misconduct includes, but is not limited to—

(1) A violation of the laws of the United States or the host country; or

(2) An act that gives offense to the host country.

(22 U.S.C. 2452(b)(6), 2456, Policy Statements of the Board of Foreign Scholarships, 1972)

PART 664—HIGHER EDUCATION PROGRAMS IN MODERN FOREIGN LANGUAGE TRAINING AND AREA STUDIES—GROUP PROJECTS ABROAD PROGRAM

Subpart A—General

Sec.

664.1 What is the Group Projects Abroad Program?
664.2 Who is eligible to apply for assistance under the Group Projects Abroad Program?
664.3 Who is eligible to participate in projects funded under the Group Projects Abroad Program?
664.4 What regulations apply to the Group Project Abroad Program?
664.5 What definitions apply to the Group Projects Abroad Program?

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

664.10 What kinds of projects does the Secretary assist?
664.11 Short-term seminar projects.
664.12 Curriculum development projects.
664.13 Groups research and study projects.
664.14 Advanced overseas intensive language training projects.

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

664.30 How does the Secretary evaluate an application?
664.31 What selection criteria does the Secretary use?
664.32 What priorities may the Secretary establish?
664.33 What cost does the Secretary pay?

Subpart E—What Conditions Must Be Met by a Grantee?

664.40 Conduct abroad of individual participants.

Authority: Section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (Fulbright-Hays Act), (22 U.S.C. 2452(b)(6), unless otherwise noted.

Subpart A—General

§ 664.1 What Is the Group Projects Abroad Program?

(a) The Group Projects Abroad Program is designed to contribute to the development and improvement of the study of modern foreign languages and area studies in the United States by providing opportunities for teachers, students, and faculty to study in foreign countries.

(b) Under the program, the Secretary awards grants to eligible institutions, departments, and organizations to conduct overseas group projects in research, training, and curriculum development.

(22 U.S.C. 2452(b)(6))

§ 664.2 Who is eligible to apply for assistance under the Group Projects Abroad Program?

The following are eligible to apply for assistance under this part:

(a) Institutions of higher education;

(b) State departments of education;

(c) Private non-profit educational organizations; and

(d) A consortium of institutions, departments, and organizations described in paragraphs (a), (b), or (c) of this section.

(22 U.S.C. 2452(b)(6))

§ 664.3 Who is eligible to participate in projects funded under the Group Projects Abroad Program?

An individual is eligible to participate in a Group Project Abroad, if the individual—

(a) (1) Is a citizen or national of the United States,

(2) Is a permanent resident of the United States,

(3) Provides evidence from the Immigration and Naturalization Service that he or she is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident; or

(4) Is a resident of the Trust Territory of the Pacific Islands; and

(b) (1) Is a faculty member who teaches modern foreign languages or area studies in an institution of higher education;

(2) Is a teacher in an elementary or secondary school,

(3) Is an experienced education administrator responsible for planning, conducting, or supervising programs in modern foreign languages or area studies at the elementary, secondary, or postsecondary level; or

(4) Is a graduate student, or a junior or senior in an institution of higher education, who plans a teaching career in modern foreign languages or area studies.

(22 U.S.C. 2452(b)(6))

§ 664.4 What regulations apply to the Group Projects Abroad Program?

The following regulations apply to this program:

(a) The regulations is this Part 664; and

(b) The Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

§ 664.5 What definitions apply to the Group Projects Abroad Program?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR Part 77:

Applicant
Application
Award
EDGAR
Equipment
Facilities
Fiscal Year
Grant
Grantee
Grant Period
Nonprofit
Project

Project Period
Private
Public
Secretary
State
State educational agency
Supplies

(22 U.S.C. 2452(b)(6))

(b) *Definitions that apply to this program:* The following definitions apply to the Group Projects Abroad Program:

Area studies means a program of comprehensive study of the aspects of a society or societies, including the study of their history, culture, economy, politics, international relations, and languages.

Binational commission means an educational and cultural commission established, through an agreement between the United States and either a foreign government or an international organization, to carry out functions in connection with the program covered by this part.

Board of Foreign Scholarship means the Presidentially appointed board which is responsible for supervision of the program covered by this part.

Institution of higher education means an educational institution in any State which—

(1) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;

(2) Is legally authorized within such State to provide a program of education beyond secondary education;

(3) Provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree;

(4) Is a public or other nonprofit institution; and

(5) Is accredited by a nationally recognized accrediting agency or association.

(22 U.S.C. 2452(b)(6), 2456)

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 664.10 What kinds of projects does the Secretary assist?

The Secretary assists projects which are designed to develop or improve programs in modern foreign language or area studies at the elementary, secondary, or postsecondary level by supporting overseas projects in research, training, and curriculum development by groups of individuals engaged in a common endeavor. Projects may include, as described in § 664.11 through § 664.14, short-term seminars, curriculum development teams, group research or study, and advanced intensive language programs.

(22 U.S.C. 2452(b)(6))

§ 664.11 Short-term seminar projects.

A short-term seminar project is—

(a) Designed to help integrate international studies into an institution's or school system's general curriculum.

(b) Normally six weeks in length and focuses on a particular aspect of area study, such as, for example, the culture of the area or a portion of the culture.

(22 U.S.C. 2452(b)(6))

§ 664.12 Curriculum development projects.

(a) A curriculum development project—

(1) Is designed to permit faculty and administrators in institutions of higher education and elementary and secondary schools, and administrators in State Departments of Education the opportunity to spend generally from six to eight weeks in a foreign country acquiring resource materials for curriculum development in modern foreign language and area studies.

(2) Shall provide for the systematic use and dissemination in the United States of the acquired materials.

(b) For the purpose of this section, resource materials include artifacts, books, documents, educational films, museum reproductions, recordings and other instructional material.

(22 U.S.C. 2452(b)(6))

§ 664.13 Group research or study projects.

(a) (1) A group research or study project is designed to permit a group of faculty of an institution of higher education and graduate and undergraduate students to undertake research or study in a foreign country.

(2) The period of research or study in a foreign country is generally from two to twelve months.

(b) As a prerequisite to participating in a research or training project, participants—

(1) Shall possess the requisite language proficiency to conduct the research or study, and disciplinary competence in their area of research; and

(2) In a project of a semester or longer, shall have completed, at a minimum, one semester of intensive language training and one course in area studies relevant to the project.

(22 U.S.C. 2452(b)(6))

§ 664.14 Advanced overseas intensive language training projects.

(a) (1) An advanced overseas intensive language project is designed to take advantage of the opportunities present in the foreign country that are not present in the United States when providing intensive advanced foreign language training.

(2) Projects may range from two to twelve months and include year projects, academic year projects, semester, trimester, or quarter projects, or summer projects.

(3) Language training shall be given at the advanced level, i.e., at the level equivalent to that provided to students who have successfully completed two academic years of language training.

(4) The language to be studied shall be indigenous to the host country and maximum use shall be made of local institutions and personnel.

(b) Participants in projects under this program shall have successfully completed at least two academic years of language study.

(22 U.S.C. 2452(b)(6))

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 664.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application for a Group Project Abroad under the criteria in § 664.31.

(b) In general, the Secretary awards up to 90 possible points for these criteria. However, if priority criteria are used, the Secretary awards up to 105 possible points. The maximum possible points for each criterion are shown in parentheses.

(c) All selections by the Secretary are subject to review and final approval by the Board of Foreign Scholarships.

(22 U.S.C. 2452(b)(6), 2456)

§ 664.31 What selection criteria does the Secretary use?

The Secretary uses the criteria in this section to evaluate applications for the purpose of recommending to the Board of Foreign Scholarships projects for funding under this part. The criteria are weighted and may total 105 points:

(a) *Plan of operation.* (Maximum 25 points) (1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of Key Personnel.* (Maximum 20 points) (1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its non-discriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training in fields related to the objectives of the project as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (Maximum 10 points) (1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (Maximum 10 points) (1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(2) The Secretary looks for information that shows that the methods of evaluation are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (Maximum 5 points) (1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows that the facilities, equipment, and/or supplies that the applicant plans to use are adequate.

(f) *Specific program criteria.* (Maximum 20 points) (1) In addition to the general selection criteria contained in this section, the Secretary reviews each application for information that shows that the project meets the specific program criteria.

(2) The Secretary looks for information that shows—

(i) The potential impact of the project on the development of the study of modern foreign languages and area studies in American education. (Maximum 5 points).

(ii) The project's relevance to the applicant's educational goals and its relationship to its program development in modern foreign languages and area studies. (Maximum 5 points).

(iii) The extent to which direct experience abroad is necessary to achieve the project's objectives and the effectiveness with which relevant host country resources will be utilized. (Maximum 10 points).

(g) *Priorities.* (Maximum 15 points). The Secretary looks for information that shows the extent to which the project addresses program priorities in the field of modern foreign lanaguages and area studies for that year.

(22 U.S.C. 2452(b)(6), 2454(a)(2))

§ 664.32 What priorities may the Secretary establish?

(a) The Secretary may establish for each funding competition one or more of the following priorities:

(1) Categories of projects described in § 664.10.

(2) Specific languages, countries or geograhic regions of the world; for example, Chinese and Arabic, Brazil and Nigeria, Middle East and South Asia.

(3) Levels of education; for example, elementary and secondary, postsecondary or postgraduate.

(b) The Secretary announces any priorities in the application notice published in the **Federal Register.**

(22 U.S.C. 2452(b)(6), 2456(a)(2))

§ 664.33 What cost does the Secretary pay?

(a) The Secretary pays only part of the cost of a project funded under this part. Other than travel costs, the Secretary does not pay any of the costs for project related expenses within the United States.

(b) The Secretary pays the cost of the following—

(1) A maintenance stipend based on 50 percent of the amount established in the U.S. Department of State publication "Maximum Travel Per Diem Allowances For Foreign Areas;"

(2) Round-trip international travel;

(3) A local travel allowance for necessary project-related transportation within the country of study, exclusive of the purchase of transportation equipment;

(4) Purchase of project-related artifacts, books, and other teaching materials in the country of study;

(5) Rent for instructional facilities in the country of study;

(6) Clerical and professional services performed by resident instructional personnel in the country of study; and

(7) Other expenses in the country of study, if necessary for the project's success and approved in advance by the Secretary.

(22 U.S.C. 2452(b)(6), 2454(e)(1))

Subpart E—What Conditions Must Be Met by a Grantee?

§ 664.40 Conduct abroad of individual participants.

The Secretary furnishes all U.S. participants going abroad under a grant authorized under this part a statement prepared by the Board of Foreign Scholarships which sets forth the rights and obligations of participants. Each participant must adhere to the standards in the statement and comply with the legal and moral standards of the host country. Failure to do so may result in the revocation or termination of the fellowship by the Board of Foreign Scholarships.

(22 U.S.C. 2452(b)(6), 2456, Policy Statements of the Board of Foreign Scholarships, 1972)

PART 665—HIGHER EDUCATION PROGRAMS IN MODERN FOREIGN LANGUAGE TRAINING AND AREA STUDIES—FOREIGN CURRICULUM CONSULTANTS PROGRAM

Supart A—General

Sec.

665.1 What is the Foreign Curriculum Consultants Program?
665.2 Who is eligible to apply for assistance under the Foreign Curriculum Consultants Program?
665.3 Who is eligible to become a Foreign Curriculum Consultant?
665.4 What regulations apply to the Foreign Curriculum Consultants Program?
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Subpart B—What Kinds of Project Does the Secretary Assist Under This Program?

665.10 What activities does the Secretary assist?

Subpart C—How Does an Applicant Apply for a Grant?

665.20 How does an applicant apply for a grant?

Subpart D—How Does the Secretary Make a Grant?

665.30 How does the Secretary evaluate an application submitted under the Foreign Curriculum Consultants Program?
665.31 What selection criteria does the Secretary use?
665.32 What priorities may the Secretary establish?
665.33 How does the Secretary select foreign curriculum consultants?
665.34 What cost does the Secretary pay?

Subpart E—What Conditions Must be Met by a Grantee?

665.40 What cost does the Grantee pay?

Authority: Section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (Fulbright-Hays Act), 22 U.S.C. 2452(b)(6), unless otherwise noted.

Subpart A—General

§ 665.1 What is the Foreign Curriculum Consultants Program?

(a) The Foreign Curriculum Consultants Program is designed to contribute to the development and improvement of curricula for teaching modern foreign languages and area studies in the United States.

(b) Under the program, the Secretary assists institutions of higher education, State and local educational agencies, and nonprofit private educational organizations that are improving or developing curricula to teach modern foreign languages and area studies by recruiting and paying for part of the costs for a foreign curriculum consultant.

(22 U.S.C. 2452(b)(6))

§ 665.2 Who is eligible to apply for assistance under the Foreign Curriculum Consultants Program?

The following are eligible to apply for assistance under this part:

(a) Institutions of higher education;

(b) A State educational agency;

(c) A local educational agency;

(d) A private nonprofit educational organization; and

(e) A consortium of institutions described in paragraphs (a), (b), (c), or (d) of this section.

(22 U.S.C. 2452(b)(6))

§ 665.3 Who is eligible to become a Foreign Curriculum Consultant?

A foreign educator is eligible to be a candidate in the Foreign Curriculum Constultants Program if the individual—

(a) Has at least five years of experience as an educator in modern foreign languages or area studies and appropriate experience in curruculum planning and development, preparation of teaching materials, or training of teachers;

(b) Speaks English fluently;

(c) Is willing to apply for and receive an exchange visitor visa; and

(d) Possesses the special qualifications set forth in the applicant's request.

(22 U.S.C. 2452(b)(6))

§ 665.4 What regulations apply to the Foreign Curriculum Consultants Program?

The following regulations apply to this program:

(a) The regulations in this Part 665; and,

(b) The Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

(22 U.S.C. 2452(b)(6) 2452(e)(1), 2456(a)(2))

§ 665.5 What definitions apply to the Foreign Curriculum Consultants Program?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR Part 77:

Applicant
Application
Award
EDGAR
Fiscal Year
Grant
Grantee
Grant Period
Local educational agency
Nonprofit
Project
Project Period
Private
Public
Secretary
State educational agency

(22 U.S.C. 2452(b)(6))

(b) *Definitions that apply to this program.* The following definitions apply to the Foreign Curriculum Consultants Program:

Area Studies means a program of comprehensive study of the aspects of a society or societies, including the study of their history, culture, economy, politics, international relations, and languages.

Binational commission means an educational and cultural commission established, through an agreement between the United States and either a foreign government or an international orgnaization, to carry out functions in connection with the program covered by this part.

Board of Foreign Scholarships means the Presidentially appointed board which is responsible for supervision of the program covered by this part.

Institution of higher education means an educational institution in any State which—

(1) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;

(2) Is legally authorized within such State to provide a program of education beyond secondary education;

(3) Provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree;

(4) Is a public or other nonprofit institution; and

(5) Is accredited by a nationally recognized accrediting agency or association.

(22 U.S.C. 2452(b)(6), 2456)

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 665.10 What activities does the Secretary assist?

(a) The Secretary awards grants to eligible applicants to enable them to bring foreign consultants to the United States for a year so that the consultants may assist the applicant in planning and developing curricula in modern foreign languages or area studies.

(b) A foreign consultant May—

(1) Review and evaluate textbooks and other educational materials;

(2) Develop new units of study;

(3) Prepare new instructional materials for use in the classroom;

(4) Conduct demonstration classes, workshops, and other inservice training for teachers;

(5) Evaluate library holdings and recommend new acquisitions;

(6) Speak at community functions; and,

(7) Teach (normally not to exceed one regular classroom course per semester).

(22 U.S.C. 2452(b)(6))

Subpart C—How Does an Applicant Apply for a Grant?

§ 665.20 How does an applicant apply for a grant?

An applicant applies for a grant to receive the services of a foreign curriculum consultant by submitting an application which describes—

(a) The applicant's plan to improve or develop curriculum to teach modern foreign languages and area studies; and

(b) The manner in which the applicant will use a foreign curriculum consultant in that effort.

(22 U.S.C. 2452(b)(6))

Subpart D—How Does the Secretary Make a Grant?

§ 665.30 How does the Secretary evaluate an application submitted under the Foreign Curriculum Consultants program?

(a) The Secretary evaluates an application submitted under this part based upon the criteria in § 665.31.

(b) In general, the Secretary awards up to 100 possible points. However, if priority criteria are used, the Secretary awards up to 110 possible points. The maximum possible points for each criterion are indicated in parentheses.

(c) All selections by the Secretary are subject to review and final approval by the Board of Foreign Scholarships.

(22 U.S.C. 2452(b)(6))

§ 665.31 What selection criteria does the Secretary use?

The Secretary uses the criteria in this section to evaluate applications for the purpose of recommending to the Board of Foreign Scholarships projects for funding under this part. The criteria are weighted and may total 110 points:

(a) *Plan of operation* (Maximum 25 points) (1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program; and

(iv) The way the applicant plans to use its resources and personnel to achieve each objective.

(b) *Quality of key personnel.* (Maximum 20 points) (1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training in fields related to the objectives of the project as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (Maximum 10 points) (1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (Maximum 5 points) (1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(2) The Secretary looks for information that shows that the methods of evaluation are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (Maximum 5 points) (1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows that the facilities, equipment, and/or supplies that the applicant plans to use are adequate.

(f) *Specific program criteria.* (Maximum 35 points) (1) In addition to the general selection criteria contained in this section, the Secretary reviews each application for information that shows that the project meets the specific program criteria.

(2) The Secretary looks for information that shows—

(i) Potential impact of the applicant's plans for developing or improving its program in modern foreign languages or area studies; (Maximum 5 points)

(ii) The applicant's need for a foreign curriculum consultant; (Maximum 5 points)

(iii) Potential effective use of the results of the consultant's work following the completion of the project; (Maximum 5 points)

(iv) Appropriateness of the consultant's duties and the allocation of time among the duties; (Maximum 5 points)

(v) Approximate number of faculty, students, and members of the relevant community who are expected to be affected by the consultant's activities; (Maximum 5 points)

(vi) Concrete evidence that other educationala institutions, agencies and organizations, other than the applicant, will share in the consultant's services and that they have participated in helping define the nature of these services; (Maximum 5 points) and,

(vii) Adequacy of the arrangements made for coordinating the consultant's work under the supervision of a project director. (Maximum 5 points)

(g) *Priorities.* (Maximum 10 points) The Secretary looks for information that shows the extent to which the project addresses program priorities in the field of modern foreign languages and area studies for that year.

(22 U.S.C. 2452(b)(6); 2456(a)(2))

§ 665.32 What priorities may the Secretary establish?

(a) The Secretary may establish, for each funding competition, one or more of the following priorities:

(1) Specific countries or regions of study: for example, India or Kenya, the Middle East, North Africa, East Asia, or the languages of those areas.

(2) Levels of education: For example, elementary and secondary, postsecondary or postgraduate.

(3) Types of activities: for example, developing or revising language text books, developing or improving new courses, or methodology of foreign language instruction.

(b) The Secretary announces any priorities in the application notice published in the **Federal Register.**

(22 U.S.C. 2452(b)(6), 2456(a)(2))

§ 665.33 How does the Secretary select foreign curriculum consultants?

(a)(1) The Secretary forwards an approved application through the United States Information Agency to the appropriate American diplomatic mission abroad, and if appropriate, to the relevant binational commission, to enable the mission or commission to recruit qualified consultant candidates.

(2) The mission or commission forwards the names of the qualified candidates to the Secretary.

(b)(1) Upon receipt of the list of candidates, the Secretary forwards the names of approved candidates to each applicant for review and selection of the best qualified candidate.

(2) The Secretary forwards the names of the candidates selected by the applicants to the Board of Foreign Scholarships for approval.

(22 U.S.C. 2452(b)(6), 2456(a)(2))

§ 665.34 What cost does the Secretary pay?

The Secretary makes awards under this part for use only on or after the effective date of the grant and only to pay for the following costs and allowances—

(a) Roundtrip international travel, for the consultant only, to and from the consultant's home country to the location of his or her assignment;

(b) An unaccompanied baggage allowance not to exceed a total of 300 pounds roundtrip from the consultant's home country to the location of his or her assignment;

(c) Eighty percent of the consultant's monthly maintenance; the monthly allowance for the 1984–1985 academic year shall be $2,000. This amount will be increased each year to correspond to the increase in the cost of living as represented by the increase in the Consumer Price Index; and

(d) Health and accident insurance, for the consultant only, under a U.S. Government contracted group insurance policy, to be arranged by the grantee institution.

Subpart E—What Conditions Must Be Met by a Grantee?

§ 665.40 What cost does the grantee pay?

The grantee pays—

(a) Twenty percent of the consultant's monthly maintenance allowance; and

(b) Travel costs within the United States incurred by the consultant in connection with his or her assignment.

(22 U.S.C. 2452(b)(2), 2454(e)(1))

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DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Fulbright-Hays Training Grant Programs: Faculty Research Abroad, Foreign Curriculum Consultants, Group Projects Abroad, and Doctoral Dissertation Research Abroad Programs—Application Notice for New Awards for Fiscal Year 1984

Applications are invited for new awards under the Fulbright-Hays Training Grants Programs for Fiscal Year 1984. The Fulbright-Hays Training Grants Programs include the Faculty Research Abroad Program, Foreign Curriculum Consultants Program, Group Projects Abroad Program, and Doctoral Dissertation Research Abroad Program.

The Faculty Research Abroad Program offers opportunities to faculty members of institutions of higher education for research and study abroad in modern foreign languages and area studies.

The Foreign Curriculum Consultants Program brings specialists from other countries to the United States as resource persons for an academic year to assist selected institutions in planning and developing curricula in modern foreign languages and area studies.

The Group Projects Abroad Program provides grants to educational institutions or nonprofit educational organizations for training, research, and study abroad in modern foreign languages and area studies by groups of individuals engaged in a common endeavor.

The Doctoral Dissertation Research Abroad Program provides opportunities for graduate students to engage in full-time dissertation research abroad in modern languages and area studies.

Closing Date for Transmittal of Applications

An application for a grant must be mailed or hand-delivered by October 28, 1983.

Applications Delivered by Mail

An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.019, Faculty Research Abroad Program; 84.020, Foreign Curriculum Consultants Program; 84.021, Group Projects Abroad Program; 84.022, Doctoral Dissertation Research Abroad Program; Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand

An application that is hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted by the Application Control Center after 4:30 p.m. on the closing date.

Eligible Applicants

For the Faculty Research Abroad and Doctoral Dessertation Research Abroad Programs, eligible applicants include institutions of higher education.

For the Foreign Curriculum Consultants and Group Projects Abroad Programs, eligible applicants include institutions of higher education, State and local educational agencies, private nonprofit educational agencies, and consortia of such institutions and agencies.

Program Information

Applications will be evaluated in accordance with the selection criteria set forth in the notice of proposed regulations for these programs published in this issue of the **Federal Register.** These criteria are found in the Notice of Proposed Rulemaking (NPRM) in 34 CFR 662.32, 665.31, 664.31, and 664.32, respectively for the Faculty Research Abroad, Foreign Curriculum Consultants, Group Projects Abroad, and Doctoral Dissertation Research Abroad Programs.

Applications are being accepted based on proposed rules. If any substantive changes are made in the proposed rules for these programs, applicants will be given the opportunity to revise their applications.

Funding Priorities

The proposed regulations for these programs permit the establishment of funding priorities. Under § 662.32, 663.32, 664.31, and 665.31 of the NPRM, projects which address the priorities may receive additional points in the evaluation process. The following priorities have been established for the Fulbright-Hays Training Grant programs for Fiscal Year 1984:

(1) Priority will be accorded to projects which focus upon the Caribbean Basin including Mexico, Belize, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Colombia, Venezuela, and the island nations of the Caribbean Sea, and which emphasize the following disciplines or types of activity:

(i) For the Faculty Research Abroad Program, research projects in the fields of economics, geography, history (except for Mexico), political science, sociology, and languages not commonly taught in institutions of higher education in the United States.

(ii) For the Foreign Curriculum Consultants Program, projects which demonstrate the need for and promise development of area studies curricula for the Caribbean Basin geographic area in educational institutions in the United States;

(iii) For the Group Projects Abroad Program, projects designed to increase awareness and understanding of the Caribbean Basin geographic area in educational institutions and systems in the United States. The Secretary encourages projects involving group research, curriculum development, and teacher education on the culture, economics, and politics of the area and of the individual nations comprising the area.

(iv) For the Doctoral Dissertation Research Abroad Program, research projects in the fields of economics, geography, history (except for Mexico), political science, sociology, and languages not commonly taught in institutions of higher education in the United States.

(2) For the Doctoral Dissertation Research Abroad, Faculty Research Abroad, and Group Projects Abroad Programs, projects focusing on Western Europe will not be funded.

Available Funds

The President's budget for FY 1984 requests $1,714,500 in special foreign currencies, of which $1,160,000 will be available for the Faculty Research Abroad, Group Projects Abroad, and Doctoral Dissertation Research Abroad programs. The President's budget for FY '84 does not request an appropriation of U.S. dollars for any of the Fulbright-Hays Training Grants programs. In FY '83, the President's budget requested $1,547,000 in U.S. dollars for all Fulbright-Hays programs administered by the Department of Education. The Congress appropriated and the President approved $5,000,000, of which $4,215,432 was allocated to the Fulbright-Hays Training Grants programs.

Since the level of appropriations for these programs has not been established by the Congress and the President, it is not possible to provide precise data on the amount of funds available. Pending resolution of the final level of appropriations, applications are invited for all programs to allow sufficient time for evaluation of the applications and complete the grants process prior to the end of the fiscal year. The unusually lengthy time required to review applications for these programs in the United States and abroad and to recruit qualified foreign educators for the Foreign Curriculum Consultants program makes this announcement necessary at this time

Application Forms

Application forms and program information packages are available for mailing. They may be obtained by writing to International Education Programs, Office of Postsecondary Education, U.S. Department of Education, (Room 3923, ROB–3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary urges that applicants not submit information that is not requested. These forms are approved under the Paperwork Reduction Act of 1981 (OMB No. 1840–0005; OMB No. 1840–0068).

The program information package is intended to aid applicants in applying for assistance under this competition. Nothing in the program information package is intended to impose any paperwork, application content reporting, or grantee performance requirements beyond those specifically imposed under statute and regulations governing the competition.

Applicable Regulations

Regulations applicable to these programs include the following:

(a) Regulations governing the Higher Education Programs in Modern Foreign Language Training and Area Studies as proposed in 34 CFR Parts 662–665. Applications are being accepted based on the notice of proposed rulemaking for these programs which is published in this issue of the **Federal Register.** If any substantive changes are made in the proposed rules for these programs, applicants will be given an opportunity to revise their applications.

(b) Education Department General Administrative Regulations (34 CFR Parts 74, 75, 77, and 78).

Further Information: For further information, contact Mr. Robert Dennis (Faculty Research Abroad program), Telephone (202) 245–2761; Ms. Gwendolyn Lark (Foreign Curriculum Consultants program), (202) 245–2794; Mr. Ralph Hines (Group Projects Abroad program), (202) 245–2794; Mr. John Paul, (Doctoral Dissertation Research Abroad program), (202) 245–2761; Department of Education, (Room 3923, ROB–3), 400 Maryland Avenue S.W., Washington, D.C. 20202.

(22 U.S.C. 2452(b)(6))

(Catalog of Federal Domestic Assistance No 84.019, Faculty Research Abroad Program, No. 84.020, Group Projects Abroad Program, No. 84.021, Foreign Curriculum Consultants Program; No. 84.022, Doctoral Dissertation Research Abroad Program)

Dated: August 19, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83-23344 Filed 8-24-83; 8:45 am]

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federal register

Friday
August 26, 1983

Part IV

Department of Health and Human Services

Public Health Service

Health Education Assistance Loan (HEAL) Program; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 60

Health Education Assistance Loan (HEAL) Program

AGENCY: Public Health Service (PHS), HHS.

ACTION: Final regulations.

SUMMARY: These regulations set forth the requirements for participating in the Health Education Assistance Loan (HEAL) program, a Federal program of insured loans to students in schools of medicine, osteopathic medicine, dentistry, podiatric medicine, public health, pharmacy, veterinary medicine, optometry, and chiropractic, and graduate students in health administration and clinical psychology.

EFFECTIVE DATE: These regulations are effective August 26, 1983.

FOR FURTHER INFORMATION CONTACT: Ms. Alice M. Swift, Acting Chief, Program Development Branch, Division of Student Assistance, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 9A-33, Rockville, Maryland 20857, telephone number 301 443-4540.

SUPPLEMENTARY INFORMATION: Sections 727-739 of the Public Health Service Act (the Act) (42 U.S.C. 294-294l) authorize the Secretary to provide a Federal program of student loan insurance for students in schools of medicine, osteopathic medicine, dentistry, veterinary medicine, optometry, podiatric medicine, public health, pharmacy, and chiropractic, and graduate students in health administration and clinical psychology.

The Department is publishing these final regulations in response to public comments received on the interim-final regulations described below and is incorporating in these final regulations technical amendments to sections 727-739 of the Act made by Pub. L. 97-35. In response to concerns expressed by the General Accounting Office and the Senate Committee on Governmental Affairs, the Department has developed an Action Plan to improve debt management practices and debt collection procedures for other student aid programs administered by the Department. The Department is also considering ways to improve debt management practices and due diligence procedures for making, servicing, and collecting HEAL loans in order to prevent HEAL borrowers from defaulting on their loans and is developing a notice of proposed rulemaking for publication in the near future that will concentrate on effective debt management practices and due diligence procedures.

The U.S. Commissioner of Education, Department of Health, Education, and Welfare, with the approval of the Secretary, published in the **Federal Register** on August 3, 1978 (43 FR 34320), interim-final regulations implementing that authority by adding a new Part 126, entitled "Health Education Assistance Loan Program," to Title 45 of the Code of Federal Regulations (CFR).

On January 27, 1981, the Assistant Secretary for Health, Department of Health and Human Services, with the approval of the Secretary, published in the **Federal Register** final regulations amending the interim-final regulations to implement amendments made to sections 727-739 of the Act by Pub. L. 96-76 and Pub. L. 96-538, and to make certain other technical changes. That final rule also transferred those regulations from Part 126 of Title 45, CFR (Public Welfare), to a new Part 60 in Title 42, CFR (Public Health). The redesignation reflected the transfer of Federal responsibility for the administration of the HEAL program from the Department of Education to the Public Health Service. Due to the technical and nondiscretionary nature of the changes, the amendments were issued as final regulations.

On October 12, 1982, the Assistant Secretary for Health, Department of Health and Human Services, with the approval of the Secretary, published in the **Federal Register** final regulations amending the interim-final regulations to increase the rate of the insurance premium from one-quarter of 1 percent per year of the loan principal to 1 percent per year of the loan principal effective on November 12, 1982.

In addition, these regulations incorporate amendments made to sections 727-739 of the Act by "The Omnibus Budget Reconciliation Act of 1981." Pub. L. 97-35, enacted on August 13, 1981. These amendments raised the student loan limits, added three new eligible disciplines, repealed the requirement that schools be eligible for capitation, repealed the prohibition against schools of medicine, osteopathy, or dentistry making HEAL loans to more than 50 percent of each class, and made other technical changes. Due to the nondiscretionary nature of the regulatory changes necessary to implement those amendments, the Secretary has determined, according to 5 U.S.C. 553 and departmental policy, that it would be unnecessary and contrary to the public interest to follow proposed rulemaking procedures in their issuance or to delay their effective date.

Notwithstanding the omission of rulemaking procedures in the issuance of the original regulations on August 3, 1978, interested parties were invited to submit comments on the interim-final regulations. Additionally, comments were solicited at public hearings held at seven health professions schools across the country.

The Department received comments from 64 respondents either by testimony at the hearings or by letter. The comments came from students, school officials, professional and student organizations, and commercial lenders. The comments and the Department's responses to the comments are discussed below. For clarity, the comments and responses are arranged according to the section numbers and titles of the interim-final regulations to which they pertain.

Section 60.1 What is the HEAL Program?

Six respondents objected to the provision that a loan may be repaid by practicing in a health manpower shortage area. The respondents noted that this provision made the HEAL program a program to redistribute health manpower rather than a program of student assistance and it is intended to force students into practicing in health manpower shortage areas as members of the National Health Service Corps. The Department cannot change this provision since it is provided for in section 735(c)(1) of the Act.

One respondent suggested that individuals who might wish to discharge their indebtedness by contracting with the Secretary for service in a health manpower shortage area would be discouraged by the knowledge that such a contract would add $10,000 a year to their taxable income.

Section 2117 of the Tax Reform Act of 1976, specifies that only those student loans which originated in direct, appropriated funds from Federal, State or District of Columbia Governments are nontaxable income for purposes of the cancellation and loan repayment provisions. However, due to the lack of an appropriation for funding the HEAL loan repayment provision, the Department has not issued rules implementing the loan repayment provision.

One respondent noted that bankruptcy is not a viable option due to the 5-year limitation on it. The Department cannot change the regulations in response to this comment since section 733(g) of the Act, as

amendend by Pub. L. 97–35, does not permit the discharge of a HEAL loan in bankruptcy prior to the expiration of 5 years of the repayment period. However, the Department has amended §§ 60.8 and 60.40 to reflect the amendment to section 733(g) which permits a borrower to discharge a HEAL loan in bankruptcy after 5 years of the repayment period has passed if the nondischarge of the loan would be unconscionable and on the condition that the Secretary may reduce Federal payments for health services under any Federal law in amounts up to the balance of the loan.

Section 60.5 Who is an eligible student borrower?

Many respondents objected to the prohibition against the receipt of a HEAL loan and a Guaranteed Student Loan during the same academic year. Pub. L. 96–538, enacted December 17, 1980, repealed section 731(a)(1)(v) of the Act, which contained this prohibition. Final regulations, published in the **Federal Register** on January 27, 1981, implemented this statutory change by deleting this limitation.

Another respondent noted that the regulations do not make clear when students enrolled in a 6-year program leading to the Doctor of Pharmacy degree would be eligible to participate in the HEAL program. This respondent recommended that this section be expanded to include requirements similar to those prescribed for medical, dental or osteopathic students. One other respondent suggested that the description of borrower eligibility for HEAL loans be amended to include Doctor of Pharmacy.

Section 731(a)(1)(vi) of the Act specifically requires that in the case of a pharmacy student, the student must have successfully completed 3 years of training for HEAL eligibility. The Doctor of Pharmacy is considered to be an eligible degree program under section 731 of the Act only if it is offered as a first professional degree by a school that does not require the Bachelor or Master of Science in Pharmacy as a prerequisite for the Doctor of Pharmacy degree. The regulations have been revised to clarify this point.

One respondent suggested that the word "fully" be deleted from paragraph (e) of this section, since it is doubtful that there are many pharmacy schools that totally accept every single credit when a student transfers. The Department accepts this suggestion and has amended the regulations to delete this word.

Section 60.7 The loan application process.

Several respondents objected to the restriction allowing no more than 50 percent of the students in each class in any school of medicine, osteopathy, or dentistry to receive HEAL loans in a 12-month academic year. Two repondents suggested that the responsibility for determining and assuring that no more than 50 percent of each class receive a HEAL loan imposes an undue administrative burden on the schools. This reguirement was repealed by Pub. L. 97–35 and the regulations have been amended to reflect this change.

The Department has also expanded this section to include application procedures for nonstudent HEAL applicants.

Section 60.10 How much can be borrowed?

One respondent objected to the $10,000 per academic year limit on HEAL loans. Pub. L 97–35, enacted August 13,1981, raised the loan limit to $20,000 per academic year for students of medicine, osteopathy, dentistry, veterinary medicine, optometry and podiatry and to $12,500 per academic year for students of pharmacy, public health, chiropractic, health administration and clinical psychology. The regulations have been changed to reflect this change.

Section 60.11 Terms of repayment.

Three respondents objected to the rules governing the repayment schedule agreement. One respondent suggested that lenders be required to establish graduated repayment schedules. Two others suggested that the repayment schedule be graduated in keeping with the borrower's income.

The Department has amended the regulations to implement the provision of Pub. L. 97–35 which requires the lender to allow bowerw to repay their HEAL loans through graduated repayment schedules. Also, paragraph (f) of this section provides that a lender and a borrower may enter into an agreement supplementing the regular repayment schedule agreement. The purpose of this supplemental repayment schedule is to permit the borrower to enter a repayment agreement based on income. The Department prefers to allow some flexibility in determining a repayment schedule, rather than mandating terms.

Four respondents preferred a 12-month grace period rather than the 9-month period specified in the regulations. Two respondents noted that the 12-month grace period would allow borrowers to begin repayment when they had advanced to a higher salary level at the start of their second year of residency when their financial position would be strengthened and therefore strengthening their repayment ability. Another respondent noted that the 12-month grace period would allow borrowers with multiple loans to "phase-in" their payments over a 3-month period of time.

If the grace period in the HEAL program were to be lengthened from 9 to 12 months, it would increase the period of time when interest is accruing and compounding which would result in increased indebtedness for the borrower. Further, the Education Amendments of 1980, Pub. L. 96–374, enacted October 3, 1980, shortened the grace period in the Guaranteed Student Loan and National Direct Student Loan programs from 9 to 6 months. The Health Professions Student Loan program provides for a 12-month grace period. If the grace period in the HEAL program is 9 months, borrowers with multiple loans can phase-in their payments for the various types of loans for over a 6-month period of time. Therefore, the Department has retained the 9-month grace period in these regulations.

Five respondents recommended that during internship and residency deferment of payment of principal be extended beyond the 3-year period because some specialties require more than 3 years. Pub. L. 97–35 amended section 731(a)(2)(C) of the Act to provide for the deferment of the payment of principal and interest for up to 4 years during periods of internship and residency. The Department has revised the regulations accordingly.

Another respondent objected to minimum repayment terms of $600 a year, or a sum equal to the interest that accrues during the year on all of the loans, whichever is greater.

The Department has deleted the minimum repayment amount of $600 per year. However, the latter requirement of minimum repayment of a sum equal to the interest that accrues during the year on all the loans cannot be deleted since it is mandated by section 731(c) of the Act.

The Department has also expanded this section to specify the accrediting agencies whose approval is accepted for purposes of "accredited internship or residency programs."

Section 60.12 Deferment.

Two respondents recommended a deferment period to complete a post-graduate fellowship program.

Since § 60.12 of the regulations currently provides that certain post-graduate fellowship programs qualify a borrower who is a full-time student at an eligible school for a deferment period, no change is necessary in response to these comments.

Section 60.13 Interest.

Nineteen respondents objected to the maximum interest rate of 12 percent and the compounding of interest. Most of these respondents found the interest far too high to provide a viable option for Federal support of health professions students. They stated that the compounding of interest as provided for in the regulations simply makes the problem worse.

The Department is bound by the provisions of Pub. L. 96–538, enacted December 17, 1980, which sets the maximum per annum interest rate charged on a HEAL loan at the average of the bond equivalent rates reported for the 91-day U.S. Treasury bills auctioned for the preceding calendar quarter, plus 3½ percentage points rounded to the next higher one-eighth of 1 percent. Final regulations published in the **Federal Register** on January 27, 1981, implemented this statutory change. Since section 731(a)(2)(D) of the Act requires the compounding of interest, the Department cannot revise the regulations in this respect.

Four respondents proposed that the regulations require the lender to permit a borrower to postpone payments of interest before the beginning of the repayment period. Prior to the enactment of Pub. L. 97–35 lenders were permitted to require borrowers to pay interest that accrued before the beginning of the repayment period. However, in almost all instances, lenders allowed borrowers to postpone payment of interest before the beginning of the repayment period. Pub. L. 97–35 amended section 731(a)(2)(C), effective August 31, 1981, to provide that, for loans made after August 31, 1981, interest shall accrue but need not be paid prior to the beginning of the repayment period and during other periods when repayment of principal is not required. The Department has revised the regulations to reflect this change.

Three respondents objected to the provision that the HEAL interest rate overrides any existing State and Federal usury laws. The Department cannot revise this paragraph since section 731(d) of the Act contains this provision.

Section 60.15 Other charges to the borrower.

One respondent objected to the requirement that late charges be assessed if the borrower failed to provide satisfactory evidence of entitlement to deferment or make an installment payment within 10 days after the due date. According to the respondent, 10 days is unduly restrictive based upon current repayment practices of borrowers under other loan programs, and is likely to be ignored if the penalty charge is only $5.00.

The Department believes that the 10-day period provided before late charges are assessed is in keeping with present banking practices. However, the Department agrees that the late charge is too low to be effective. Therefore, the regulations have been amended to provide that the late charges may not exceed 5 percent of the payment due.

Section 60.18 Consolidation of HEAL loans.

Pub. L. 97–35, enacted on August 13, 1981, amended section 732 of the Act to permit HEAL loans to be consolidated with other loans under certain conditions. The Department has revised the regulations to reflect this change.

Section 60.21 Refunds.

One respondent questioned the legality of the provision which states that a student authorizes a participating school to make payment of a refund that is allocable to a HEAL loan directly to the original lender. This respondent believes that this action by the school is improper unless the borrower has given the school specific written authorization to issue such a refund. Another respondent objected to this provision and noted that the normal practice is to make the refund to the student.

The Department considers this provision to be valid since, under section 731(a)(1)(iv) of the Act, the proceeds of a HEAL loan may only be spent on tuition and other reasonable expenses. Therefore, any refund due to the student warrants a reduction in the loan principal, and the student could not legitimately spend these funds. Consequently, the regulations provide that the refund be sent directly by the school to the lender. It should be noted that the student portion of the HEAL Loan Application contains a section which the student must sign authorizing the school to send refunds due to the student to the holder of the note.

Section 60.33 Making a HEAL loan.

Two respondents suggested that the borrower be required to authorize that the check for the HEAL loan be made jointly payable to the borrower and the school. The Department has not adopted this suggestion because programmatic experience suggests that many schools would be reluctant to accept either the responsibility or the additional administrative burden required by joint payee checks.

Three respondents suggested that the regulations require multiple disbursements of loan checks when tuition is payable in more than one installment on the ground that this would encourage proper budgeting on the part of the borrower, hold down interest cost, and protect the Federal Government in the event that a student leaves school in between disbursements. The Department has not adopted this suggestion because it would add to the administrative burden of the lender and could discourage lenders from participating.

Another respondent suggested that the regulations be amended to state that while an interview with the borrower is desirable, it is not required in those cases which would pose an unusual hardship on the borrower. The Department has removed this section from the regulations since notifying the borrower of the borrower's duties and responsibilities is standard lender procedure. Also, duties and responsibilities of the borrower are listed on the back of the promissory note signed by the borrower.

Section 60.35 HEAL loan collection.

One respondent proposed that the regulations be amended to provide that the interval over which the claim can be submitted be described such as not to make a 4-month period mandatory, provided proper intensity of pursuit has been carried out. The Department has not adopted this suggestion since section 733(e)(3) of the Act defines "defaults" as those having existed not less than 120 days for loans payable in monthly installments and not less than 180 days for loans repayable in less frequent installments. Further, paragraph (b) of § 60.35 does not require the 4-month period if the borrower's address is unknown.

Another commenter suggested that the Department provide that skip-tracing be made available through the Internal Revenue Service (IRS) rather than requiring a lender to pay for such services through commercial collection agencies. The Department has not adopted this suggestion since the Public Health Service's preclaim assistance service is available to the lender. The

Department does not require a lender to use outside commercial collection firms.

Section 60.39 Death and disability claims.

One respondent requested clarification of this section. The Department has revised this section to reflect the standard definition of proof of death or disability contained in other student assistance programs authorized under the Act. In the case of a death, the holder must secure a certification of death or whatever official proof is conclusive under State law. In the case of disability, the Secretary will discharge a borrower's liability on the loan if the borrower is found to be totally and permanently disabled based on the recommendation of the holder of the loan supported by whatever medical certification the Secretary may require. A borrower is totally and permanently disabled if he or she is unable to engage in any substantial gainful activity because of a medically determinable impairment which the Secretary expects to continue for a long and indefinite period of time or to result in death.

Section 60.40 Procedures for filing claims.

One respondent objected to the 60-day period for the submission of claims for death, disability and bankruptcy by the lender to the Department. The respondent noted that there are circumstances which frequently occur which could go beyond this deadline.

The Department recognizes this respondent's concern. However, the 60-day period does not refer to the time needed to establish death or disability *before* filing the claim. Section 60.40 requires that the lender file a death, disability, or bankruptcy claim within 60 days only *after* the lender has received the documentation necessary to file the claim. The Secretary, therefore, has determined that the 60-day period is sufficient to complete a claim form, attach the documentation, and mail it to the Department.

Further, the Secretary is changing the period for filing default claims from 90 days to 60 days so that all types of claims must be filed within 60 days after the lender has received the documentation necessary to file the claim. Interest continues to accrue on all outstanding loans through the 60-day period for filing the claims. Therefore, it is important that all claims be filed with the Secretary at the earliest possible time so as to reduce the cost of paying claims. The Secretary does not pay interest on claims filed after the 60-day period

Section 60.50 Which schools are eligible to be HEAL schools?

One respondent noted that the requirement that a school be eligible for capitation funds in order to be eligible to participate in the HEAL loan program seems to discriminate against those schools that are ineligible for capitation funds. The Department has revised the regulations to reflect the repeal of this provision by Pub. L. 97-35.

The Department has also revised paragraph (2) of this section to include the agencies that are approved by the Secretary of Education for the purpose of accrediting schools that are eligible to participate in the HEAL program.

Section 60.51 The student loan application.

Another respondent noted that the provision in the regulations limiting HEAL loans to no more than 50 percent of the students enrolled in each class is unduly restrictive for those schools with the highest tuition rates where the vast majority of students may have no recourse for financing their education other than the HEAL program. The Department has revised the regulations to reflect the repeal of this provision by Pub. L. 97-35 enacted August 13, 1981.

Section 60.52 The student's loan check.

One respondent recommended that the regulations be amended to specify that all checks and drafts for proceeds from HEAL loans be clearly labeled as such. Additionally, in those cases where the HEAL loan check is not made jointly payable to both the student and the school, the check should be given by the lender directly to the student, not forwarded to the school. The school should have no responsibility for the check if it is not co-payee.

The Department has not adopted either of these suggestions. Labeling the check as a HEAL loan is encouraged, but not required, since the Department does not wish to impose an additional administrative burden on the lender. With respect to requiring the lender to forward the check directly to the student when the school is not co-payee, the Department believes that the school is better able to determine the student's status and, therefore, would be able to return the check if the student is not at the institution. This provides a greater measure of control over the use of the loan funds. Thus, lenders are required to mail the check to the school.

Section 60.53 Notification to lender of change in enrollment status.

One respondent objected to the requirement that schools be responsible for reporting a student's status to lenders. He recommended that a reporting system similar to the Guaranteed Student Loan Program's Student Confirmation Report be used on a quarterly or semiannual basis to handle this reporting requirement. Another respondent suggested that the school be required simply to certify the enrollment status of the borrower on a report submitted by the Federal Government.

The Department is giving serious consideration to these valuable suggestions and may develop a new system for schools to report a student's status to the Federal Government. However, the Department has not changed the requirements of § 60.53 in these regulations.

Section 60.56 Records.

The Department has amended this section to extend the required period of retention of HEAL records by schools from 3 to 5 years to conform with other student assistance programs authorized under Title VII of the Act.

Section 60.60 School audits.

Three respondents objected to the biennial audit requirements on the basis that audits conducted by outside auditors are costly and no administrative expenses are provided. The interim-final regulations provide that a school may choose to conduct its own audits and, therefore, would not be required to assume the additional cost for outside auditors.

At the time the interim-final regulations were published by the Department of Education, the audit requirements of this section were established in compliance with Department of Education statutory and regulatory requirements. Inasmuch as the HEAL program is now administered by the Public Health Service, the program no longer must be in compliance with Department of Education requirements. Section 739 of the PHS Act authorizes the Secretary to prescribe regulations as may be necessary to provide for a fiscal audit of schools with regard to funds obtained by a HEAL borrower and further requires that schools retain certain records and make them available to the Secretary. The Secretary has determined that it is unnecessary to require schools to conduct audits, but has retained in § 60.56 the requirements that schools must maintain certain records for certain periods and also retained in § 60.58 the requirement that schools must provide Federal access to school records for the purposes of audit and

examination. The requirements of § 60.60 in the interim-final regulations, therefore, have not been retained in these final regulations.

Section 60.60 limitation, suspension, or termination of the eligibility of a HEAL school.

As indicated above, § 60.60 *Audits* in the interim-final regulations has not been retained in these final regulations and the section is being replaced by § 60.60 *Limitation, suspension, or termination of the eligibility of a HEAL school.*

When the Office of Education in the Department of Health, Education, and Welfare published the interim-final regulations, it did not include in the interim-final regulations provisions governing limitation, suspension, or termination of the eligibility of HEAL schools because they were included in the Student Assistance General Provisions governing all student financial aid programs administered by the Office of Education. The Department has added this section because the HEAL Program is now administered by the Department of Health and Human Services. The Department, however, has not changed the provisions and any actions to limit, suspend, or terminate a HEAL school will be taken in accordance with provisions for the limitation, suspension, or termination of the eligibility of schools under the Student Assistance General Provisions of the Department of Education, which are set forth in 34 CFR Part 668.

This regulation primarily consolidates existing regulations, incorporates technical amendments made by statute, and makes a few clarifying and other minor changes in response to public comment. Therefore, the Secretary has determined that the regulation will not significantly impact on small businesses and a regulatory flexibility analysis under the Regulatory Flexibility Act, Pub. L. 96-354, is not required. The Secretary has also determined that the costs associated with the regulation are negligible, and a regulatory impact analysis is not required under E.O. 12291.

These final regulations contain the following recordkeeping and reporting requirements which have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (Pub. L. 96-511):

Section	Approval No.	Title	Expiration date
60.7; 60.21; 60.32; 60.33; 60.42; 60.51; 60.53	0915-0038	Student Application	Jan. 1984.
60.12; 60.42	0915-0033	Borrower Status	Do.
60.14; 60.35; 60.37; 60.39; 60.40; 60.42	0915-0036	Lenders Claim	Do.
60.14; 60.33; 60.34; 60.42	0915-0043	Repayment Schedule Truth in Lending, and Promissory Notes.	Do.
60.31	0915-0037	Lenders Application	Do.
60.33	0915-0034	Lenders Manifest	Do.
60.38	0915-0035	Loan Transfer	Do.
60.56	0915-0054	School Recordkeeping Requirements	May 1986.

Additionally, although the Department currently does not require lenders and schools to submit specific reports, §§ 60.42 and 60.57 contain nonspecific requirements for reports and the Department will request OMB approval of any specific reports that would be required in the future.

The Secretary has determined, according to 5 U.S.C. 553 and Department policy, that it would be unnecessary and contrary to the public interest to follow proposed rulemaking procedures or to delay the effective date of these regulations.

List of Subjects in 42 CFR Part 60

Educational study programs, Health professions, Loan programs—education, Loan programs—health, Medical and dental schools, Reporting requirements, Student aid.

The Department has made several minor changes of an editorial or technical nature in order to clarify the regulations, as published in the interim-final regulations. Accordingly, 42 CFR Part 60 is amended as follows:

Dated: March 17, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Approved: July 29, 1983.

Margaret M. Heckler,

Secretary.

Authority: Section 215 of the Public Health Service Act, 58 Stat. 690, as amended, 63 Stat. 35 (42 U.S.C. 216); Secs. 727-729 of the Public Health Service Act, 93 Stat. 582 (42 U.S.C. 294-294l).

(Catalog of Federal Domestic Assistance Number 13.108; Health Education Assistance Loan Program)

1. Title 42 of the Code of Federal Regulations, Part 60 is revised to read as follows:

PART 60—HEALTH EDUCATION ASSISTANCE LOAN PROGRAM

Subpart A—General Program Description

Sec.
60.1 What is the HEAL Program?

Subpart B—The Borrower

60.5 Who is an eligible student borrower?
60.6 Who is an eligible nonstudent borrower?
60.7 The loan application process.
60.8 What are the borrower's major rights and responsibilities?

Subpart C—The Loan

60.10 How much can be borrowed?
60.11 Terms of repayment.
60.12 Deferment.
60.13 Interest.
60.14 The insurance premium.
60.15 Other charges to the borrower.
60.16 Power of attorney.
60.17 Security and endorsement.
60.18 Consolidation of HEAL loans.
60.19 Forms.
60.20 The Secretary's collection efforts after payment of a default claim.
60.21 Refunds.

Subpart D—The Lender

60.30 Which organizations are eligible to apply to be HEAL lenders?
60.31 The application to be a HEAL lender.
60.32 The HEAL lender insurance contract.
60.33 Making a HEAL loan.
60.34 HEAL loan servicing.
60.35 HEAL loan collection.
60.36 Consequence of using an agent.
60.37 Forbearance.
60.38 Assignment of a HEAL loan.
60.39 Death and disability claims.
60.40 Procedures for filing claims.
60.41 Determination of amount of loss on claims.
60.42 Records, reports and inspection requirements for HEAL lenders.
60.43 Limitation, suspension, or termination of the eligibility of a HEAL lender.

Subpart E—The School

60.50 Which schools are eligible to be HEAL schools?
60.51 The student loan application.
60.52 The student's loan check.
60.53 Notification to lender of change in enrollment status.
60.54 Payment of refunds by schools.
60.55 Administrative and fiscal procedures.
60.56 Records.
60.57 Reports.
60.58 Federal access to school records.
60.59 Records and federal access after a school is no longer a HEAL school.
60.60 Limitation, suspension, or termination of the eligibility of a HEAL school.

Authority: Sec. 215 of the Public Health Service Act, 58 Stat. 690, as amended, 63 Stat. 35 (42 U.S.C. 216); Secs. 727-739 of the Public Health Service Act, 90 Stat. 2243 (42 U.S.C. 294-294l).

Subpart A—General Program Description

§ 60.1 What is the HEAL program?

(a) The Health Education Assistance Loan (HEAL) program is a program of Federal insurance of educational loans to graduate students in the fields of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, pharmacy, public health, chiropractic, health administration and clinical psychology. The basic purpose of the program is to encourage lenders to make loans to students in these fields who desire to borrow money to pay for their educational costs. In addition, certain nonstudents (such as doctors serving as interns or residents) can borrow in order to pay the current interest charges accruing on earlier HEAL loans. By taking a HEAL loan, the borrower is obligated to repay the lender the full amount of the money borrowed, plus all interest which accrues on the loan.

(b) HEAL loans may be made by schools, banks, credit unions, State agencies, and other institutions eligible as lenders under § 60.30. HEAL school eligibility is described in § 60.50.

(c) The Secretary insures each lender for the losses it may incur in the event that a borrower dies, becomes disabled, files bankruptcy, or defaults on his or her loan. If a borrower defaults on a loan and the Secretary pays the amount of loss to the lender, the borrower's loan is then assigned to the Secretary. At that time, the U.S. Government becomes the borrower's direct creditor and will actively pursue the borrower for repayment of the debt.

Subpart B—The Borrower

§ 60.5 Who is an eligible student borrower?

To receive a HEAL loan, a student must satisfy the following requirements:

(a) He or she must be:

(1) A resident of the United States and either a citizen, national, or an alien lawfully admitted for permanent residence;

(2) A resident of the Commonwealth of the Northern Mariana Islands and either a citizen or a lawful permanent resident;

(3) A resident of the Trust Territory of the Pacific Islands and either a citizen or a lawful permanent resident;

(b) He or she must be enrolled or accepted for enrollment at a HEAL school in a course of study that leads to one of the following degrees:

Doctor of Medicine
Doctor of Osteopathic Medicine
Doctor of Dentistry or equivalent degree
Doctor of Veterinary Medicine or equivalent degree
Doctor of Optometry or equivalent degree
Doctor of Podiatric Medicine or equivalent degree
Bachelor or Master of Science in Pharmacy or equivalent degree
Graduate or equivalent degree in Public Health
Doctor of Chiropractic or equivalent degree
Doctoral degree in Clinical Psychology
Masters or doctoral degree in Health Administration

(c) He or she must be carrying or plan to carry, during the period for which the loan is intended, the normal work load of a full-time student, as determined by the school. The student's work load may include any combination of courses, work experience, research or special studies that the school considers sufficient to classify the student as full time.

(d) If currently enrolled in school, he or she must be in good standing, as determined by the school.

(e)(1) In the case of a pharmacy student, he or she must have satisfactorily completed 3 years of training toward the pharmacy degree. These 3 years of training may have been taken at the pharmacy school or at a different school whose credits are accepted on transfer by the pharmacy school.

(2) The Doctor of Pharmacy degree is considered to be an equivalent degree if it is taken in a school that does not require the Bachelor or Master of Science in pharmacy as a prerequisite for the Doctor of Pharmacy degree.

(f) In the case of a medical, dental or osteopathic student enrolled in a 6-year program that the student may enter directly from secondary school, the student must be enrolled in the last 4 years of the program.

(g) He or she must agree that all funds received under the proposed loan will be used solely for tuition and other reasonable educational expenses, including room and board, fees, books, supplies and equipment, laboratory expenses, transportation and commuting costs, personal expenses, the HEAL insurance premium, and interest on HEAL loans.

§ 60.6 Who is an eligible nonstudent borrower?

To receive a HEAL loan, a person who is not a student must satisfy all of the following requirements:

(a) He or she must have received a HEAL loan prior to August 13, 1981, for which he or she is required to make payments of interest, but not principal, during the period for which the new loan is intended. This may be the grace period or a period of internship, residency or deferment.

(b) He or she must continue to meet the citizenship, nationality, or residency qualifications required of student borrowers.

(c) He or she must agree that all funds received under the proposed loan will be used solely for payment of currently accruing interest on HEAL loans and the HEAL insurance premium.

§ 60.7 The loan application process.

(a)(1)(i) A student seeking a HEAL loan applies to a participating lender for a HEAL loan by submitting an application form supplied by the school.

(ii) The applicant must fill out the applicant sections of the form completely and accurately.

(2) A student applicant must have his or her school complete a portion of the application providing information relating to:

(i) The applicant's eligibility for the loan.

(ii) The cost of his or her education; and

(iii) Other student aid, exclusive of family contribution, of which the school is aware that the applicant will receive for the academic period covered by the proposed HEAL loan.

(b) The applicant pursuing a full-time course of study at an institution of higher education that is a "participating school" in the Guaranteed Student Loan Program but is not pursuing a course of study listed in § 60.5(b), applies for a HEAL loan as a nonstudent under paragraph (c) of this section.

(c)(1)(i) A nonstudent seeking a HEAL loan applies to a participating lender for a HEAL loan by submitting an application form supplied by the lender.

(ii) The applicant must fill out the applicant sections of the form completely and accurately.

(2) A nonstudent applicant must have his or her employer or institution, whichever is relevant, certify on the application that the applicant is:

(i) Enrolled as a full-time student in an eligible school, as described in § 60.12;

(ii) A participant in an accredited internship or residency program, as described in § 60.11(a);

(iii) A member of the Armed Forces of the United States;

(iv) A Peace Corps volunteer;

(v) A member of the National Health Service Corps; or

(vi) A full-time VISTA volunteer under Title I of the Domestic Volunteer Service Act of 1973.

(3) The nonstudent applicant seeking a HEAL loan during the grace period applies to the lender directly.

(Approved by the Office of Management and Budget under control number 0915–0038)

§ 60.8 What are the borrower's major rights and responsibilities?

(a) *The borrower's rights.* (1) Once the terms of the HEAL loan have been established, the lender may not change them without the borrower's consent.

(2) The lender must provide the borrower with a copy of the completed promissory note when the loan is made. The lender must return the original note to the borrower when the loan is paid in full.

(3) A lender must disburse HEAL loan proceeds as described in § 60.33(e).

(4) The lender must provide the borrower with a copy of the repayment schedule before repayment begins.

(5) If the loan is sold from one lender to another lender, or if the loan is serviced by a party other than the lender, the holder must notify the borrower if the borrower is required to send installment payments or direct other matters connected with the loan to a new address.

(6) The borrower does not have to begin repayment until 9 full months after leaving school or an accredited internship or residency program as described in § 60.11.

(7) The borrower is entitled to deferment from repayment of the principal and interest installments during periods described in § 60.12.

(8) The borrower may prepay the whole or any portion of the loan at any time without penalty.

(9) The lender must allow the borrower to repay a HEAL loan according to a graduated repayment schedule.

(10) The borrower's total loan obligation is cancelled in the event of death or total and permanent disability.

(11) In order to assist the borrower in avoiding default, the lender may grant the borrower forbearance. However, whether or not to grant forbearance is within the lender's discretion. Forbearance is more fully described in § 60.37.

(b) *The borrower's responsibilities.* (1) The borrower must pay any insurance premium that the lender may require as more fully described in § 60.14.

(2) The borrower must pay all interest charges on the loan as required by the lender.

(3) The borrower must immediately notify the lender in the event of:

(i) Change of address;

(ii) Change of name;

(iii) Failure to enroll in a HEAL school for the period for which the loan is intended;

(iv) Transfer to another school;

(v) Withdrawal from a HEAL school or change in status to less than full-time attendance at a HEAL school;

(vi) Graduation;

(vii) Failure to enter into or interruption in an internship or residency program; or

(viii) Change of status that authorizes deferment.

(4) The borrower must repay the loan in accordance with the repayment schedule.

(5) A borrower may not have a HEAL loan discharged in bankruptcy during the first 5 years of the repayment period. A borrower may have a HEAL loan discharged in bankruptcy after the first 5 years of the repayment period only upon a finding by the Bankruptcy Court that the nondischarge of such debt would be unconscionable and upon the condition that the Secretary shall not have waived his or her rights to reduce Federal payments for health services under any Federal law in amounts up to the balance of the loan.

(6) If the borrower fails to make payments on the loan on time, the total amount to be repaid by the borrower may be increased by additional interest, late charges, attorney's fees, court costs, and other collection charges. In addition, the Secretary may offset amounts attributable to an unpaid loan from reimbursements or payment for health services provided under any Federal law to a defaulted borrower practicing his or her profession.

Subpart C—The Loan

§ 60.10 How much can be borrowed?

(a) *Student borrower.* An eligible student borrower may borrow an amount for an academic year equal to the difference between the student's cost of education for that period as defined in § 60.5(g) and the amount of other student aid, exclusive of family contribution, he or she will receive for that period within the following limitations:

(1) A student enrolled in a school of medicine, osteopathy, dentistry, veterinary medicine, optometry or podiatry may borrow up to $80,000 under this part. The amount received may not exceed $20,000 in any academic year.

(2) A student enrolled in a school of public health, pharmacy, chiropractic, or a graduate program in health administration or clinical psychology may borrow up to $50,000 under this part. The amount received may not exceed $12,500 per academic year.

(3) For purposes of this paragraph, an academic year means the traditional approximately 9-month September-to-June annual session. For the purpose of computing academic year equivalents for students who, during a 12-month period, attend for a longer period than the traditional academic year, the academic year will be considered to be 9 months in length.

(4) The student's estimated cost of attendance shall not exceed the estimated cost of attendance of all students in like circumstances pursuing a similar curriculum at that school.

(b) *Nonstudent borrower.* An eligible nonstudent may borrow amounts under this authority with the following restrictions:

(1) In no case may an eligible nonstudent borrower receive a loan that is greater than the sum of the HEAL insurance premium plus the interest that is expected to accrue and must be paid on the borrower's HEAL loans during the period for which the new loan is intended.

(2) An eligible nonstudent in the field of medicine, ostepathy, dentistry, veterinary medicine, optometry, or podiatry may borrow up to $80,000 under this part including loans obtained while the borrower was a student. The loan amount may not exceed $20,000 in any 12-month period.

(3) An eligible nonstudent in the field of pharmacy, public health, chiropractic, health administration, or clinical psychology may borrow up to $50,000 under this part including loans obtained while the borrower was a student. The loan amount received under this part may not exceed $12,500 in any 12-month period.

§ 60.11 Terms of repayment.

(a) *Commencement of repayment.* (1) The borrower's repayment period must begin the first day of the 10th month after the month he or she ceases to be a full-time student at a HEAL school. The 9-month period before the repayment period begins is popularly called the "grace period." However, if the borrower becomes an intern or resident in an accredited program within 9 full months after leaving school, then the borrower's repayment period must begin the first day of the 10th month after the month he or she ceases to be an intern or resident. If a nonstudent borrower obtains another HEAL loan during the grace period or a period of internship, residency, or deferment as defined in § 60.12, the borrower must begin to repay this loan when repayment on the borrower's other HEAL loans begins or resumes.

(2) An accredited internship or residency program must be approved by

one of the following accrediting agencies:

(i) Accreditation Council for Graduate Medical Education.

(ii) Council on Optometric Education.

(iii) Commission on Accreditation of Dental and Dental Auxiliary Programs.

(iv) American Osteopathic Association.

(v) Council on Podiatry Education.

(vi) American Council on Pharmaceutical Education.

(vii) Council on Education for Public Health.

(viii) American College of Veterinary Surgeons.

(ix) Council on Chiropractic Education.

(b) *Length of the repayment period.* In general, a lender must allow a borrower at least 10 years, but not more than 25 years, to repay a loan calculated from the beginning of the repayment period. A borrower must fully repay a loan within 33 years after it is made. However, periods of deferment (see § 60.12) are not included when calculating the 10 to 25 or 33 years limitations.

(c) *Prepayment.* The borrower may prepay the whole or any part of the loan at any time without penalty.

(d) *Minimum annual payment.* During each year of repayment, a borrower's payments to all holders of his or her HEAL loans must total the interest that accrues during the year on all of the loans.

(e) *Repayment schedule agreement.* During the grace period, a borrower must contact the holder of the loan to establish the precise terms of repayment. The borrower may select a repayment schedule with substantially equal installment payments or a graduated repayment schedule with installment payments that increase in amount over the repayment period. If a graduated repayment schedule is established, it may not provide for any single installment that is more than five times greater than any other installment.

(f) *Supplemental repayment agreement.* (1) A lender and a borrower may enter into an agreement supplementing the regular repayment schedule agreement. Under a supplemental repayment agreement, the lender agrees to consider that the borrower has met the terms of the regular repayment schedule as long as the borrower makes payments in accordance with the supplemental schedule.

(2) The purpose of a supplemental repayment agreement is to permit a lender, at its option, to offer a borrower a repayment schedule based on other than equal or graduated payments. (For example, a supplemental repayment agreement may base the amount of the borrower's payments on his or her income.)

(3) The supplemental schedule must contain terms which, according to the Secretary, do not unduly burden the borrower and do not extend the Secretary's insurance liability beyond the number of years specified in paragraph (b) of this section. The supplemental schedule must be approved by the Secretary prior to the start of repayment.

(4) The lender may establish a supplemental repayment agreement over the borrower's objection only if the borrower's written consent to enter into a supplemental agreement was obtained by the lender at the time the loan was made.

(5) A lender may assign a loan subject to a supplemental repayment agreement only if it specifically notifies the buyer of the terms of the supplemental agreement. In such cases, the loan and the supplemental agreement must be assigned together.

§ 60.12 Deferment.

(a) After the repayment period has commenced, installments of principal and interest need not be paid during any period:

(1) During which the borrower is pursuing a full-time course of study at a HEAL school or at an institution of higher education that is a "participating school" in the Guaranteed Student Loan Program;

(2) Up to 4 years during which the borrower is a participant in an accredited internship or residency program as described in § 60.11(a)(2);

(3) Up to 3 years during which the borrower is a member of the Armed Forces of the United States;

(4) Up to 3 years during which the borrower is in service as a volunteer under the Peace Corps Act;

(5) Up to 3 years during which the borrower is a member of the National Health Service Corps; or

(6) Up to 3 years during which the borrower is a full-time volunteer under Title I of the Domestic Volunteer Service Act of 1973.

(b) In order to receive a deferment, a borrower must notify the holder of the loan. If the borrower submits written evidence that verifies eligibility for the deferment, the holder of the loan must approve the deferment.

(Approved by the Office of Management and Budget under control number 0915-0033)

§ 60.13 Interest.

(a) *Rate.* At the lender's option, the interest rate on the HEAL loan may be calculated on a fixed rate or on a variable rate basis. However, whichever method is selected must continue over the life of the loan, except where the loan is consolidated with another HEAL loan.

(1) For each calendar quarter the Secretary determines the maximum annual HEAL interest rate by determining the average of the bond equivalent rates reported for the 91-day U.S. Treasury bills auctioned for the preceding calendar quarter, adding 3½ percentage points, and rounding that figure to the next higher one-eighth of 1 percent.

(2) Interest that is calculated on a fixed rate basis is determined for the life of the loan during the calendar quarter in which the loan is executed. It may not exceed the rate determined for that quarter by the Secretary under paragraph (a)(1) of this section.

(3) Interest that is calculated on variable rate basis varies every calendar quarter throughout the life of the loan as the market price of U.S. Treasury bills changes. For any quarter it may not exceed the rate determined by the Secretary under paragraph (a)(1) of this section.

(4) The Secretary announces the rate determined under paragraph (a)(1) of this section on a quarterly basis through a notice published in the **Federal Register.**

(b) *Compounding of interest.* Interest accrues from the date the loan is disbursed until the loan is paid in full. Unpaid accrued interest must be compounded semiannually and added to principal. However, a lender may postpone the compounding of interest before the beginning of the repayment period or during periods of deferment or forbearance and add interest to principal at the time repayment of principal begins or resumes.

(c) *Payment.* Repayment of principal and interest is due when the repayment period begins. A lender must permit a borrower to postpone paying interest before the beginning of the repayment period or during a period of deferment or forbearance. In these cases, payment of interest begins or resumes on the date repayment of principal begins or resumes.

(d) *Usury laws.* No provision of any Federal or State law that limits the rate or amount of interest payable on loans shall apply to a HEAL loan.

§ 60.14 The insurance premium.

(a) *General.* (1) The Secretary insures each lender of a HEAL loan against losses it may suffer if the borrower defaults in his or her loan, dies, becomes

totally and permanently disabled, or is adjudicated a bankrupt. For this insurance, the Secretary charges each lender an insurance premium.

(2) The lender may pass along the cost of the insurance premium to the borrower in the form of a one-time special charge with no subsequent adjustments required. The lender may bill the borrower separately for the insurance premium or may deduct an amount attributable to it from the loan proceeds. However, the lender must clearly identify to the borrower the amount of insurance premium and the method of calculation. The payment of the insurance premium is due immediately after the lender collects the fee from the borrower.

(3) HEAL insurance coverage ceases to be effective if the insurance premium is not paid within 60 days of the disbursement of the loan.

(4) Except in cases of error, premiums are not refundable by the Secretary, and need not be refunded by the lender to the borrower, even if the borrower graduates or withdraws from the school, defaults, dies or becomes totally and permanently disabled.

(b) *Rate.* The rate of the insurance premium is 1 percent per year of the loan principal.

(c) *Method of calculation*—(1) *Student borrowers.* The lender must calculate the insurance premium on the basis of the number of months beginning with the month following the month in which the loan proceeds are disbursed to the student borrower and ending 9 full months after the month of the students anticipated date of graduation.

(2) *Nonstudent borrowers.* The lender must calculate the insurance premium for nonstudent borrowers on the basis of the number of months beginning with the month following the month the loan proceeds are disbursed to the borrower and ending at the conclusion of the month preceding the month in which repayment of principal is expected to begin or resume on the borrower's previous HEAL loans.

(3) *Multiple installments.* In cases where the lender disburses the loan in multiple installments, the insurance premium is calculated for each disbursement.

(Approved by the Office of Management and Budget under control number 0915–0036 and 0915–0043)

§ 60.15 Other charges to the borrower.

(a) *Late charges.* The lender may, to the extent permitted by State law, require that the borrower pay a late charge if the borrower fails to pay all of a required installment payment within 10 days after its due date or fails to provide written evidence that verifies eligibility for the deferment of the payment. A late charge may not exceed 5 percent of the payment due.

(b) *Collection charges.* The lender may also require that the borrower pay the holder of the note for certain reasonable costs incurred by the holder or its agent in collecting any installment not paid when due. These costs may include attorney's fees, court costs, telegrams, and long-distance phone calls. The holder may not charge the borrower for the normal costs associated with preparing letters and making personal and local telephone contacts with the borrower. A service agency's fee for normal servicing of a loan may not be passed on to the borrower, either directly or indirectly. No charges, other than those authorized by this section, may be passed on to the borrower, either directly or indirectly, without prior approval of the Secretary.

(c) *Other loan making costs.* A lender may not pass on to the borrower any cost of making a HEAL loan other than the costs of the insurance premium.

§ 60.16 Power of attorney.

Neither a lender nor a school may obtain a borrower's power of attorney or other authorization to endorse a disbursement check on behalf of a borrower. The borrower must personally endorse the check and may not authorize anyone else to endorse it on his or her behalf.

§ 60.17 Security and endorsement.

(a) A HEAL loan must be made without security.

(b) With one exception, it must also be made without endorsement. If a borrower is a minor and cannot under State law create a legally binding obligation by his or her own signature, a lender may require an endorsement by another person on the borrower's HEAL note. For purposes of this paragraph, an "endorsement" means a signature of anyone other than the borrower who is to assume either primary or secondary liability on the note.

§ 60.18 Consolidation of HEAL loans.

HEAL loans may be consolidated as follows provided that the lender must first inform the borrower of the effect of the consolidation on the interest rate and explain to the borrower that he or she is not required to agree to the consolidation:

(a) If a lender holds two or more HEAL loans made to the same borrower, the lender and the borrower may agree to consolidate the loans into a single HEAL loan obligation evidenced by one promissory note.

(b) A HEAL loan may be consolidated with any other loan only if:

(1) The consolidation will not result in terms less favorable to the borrower than if no consolidation had occurred, and

(2) The Federal Government does not, as a result of the consolidation, become liable for any payment of principal or interest for a Guaranteed Student Loan under the provisions of section 439(o) of the Higher Education Act of 1965.

§ 60.19 Forms.

All HEAL forms are provided by the Secretary and may not be changed without prior approval by the Secretary. HEAL forms shall not be signed in blank by a borrower, a school, a lender, or an agent of either. The Secretary may prescribe who must complete the forms, and when and to whom the forms must be sent.

§ 60.20 The Secretary's collection efforts after payment of a default claim.

After paying a default claim on a HEAL loan, the Secretary attempts to collect from the borrower and any valid endorser in accordance with the Federal Claims Collection Standards (4 CFR Parts 101–105). The Secretary attempts collection of all unpaid principal and accrued interest, except in the following situations:

(a) *The borrower has a valid defense on the loan.* The secretary refrains from collection against the borrower or endorser to the extent of any defense that the Secretary concludes is valid. Examples of a valid defense include expiration of the statute of limitations and infancy.

(b) *A school owes the borrower a refund for the period covered by the loan.* In this situation, the Secretary refrains from collection to the extent of the unpaid refund if the borrower assigns to the Secretary the right to receive the refund.

(c) *The school or lender is the subject of a lawsuit or Federal administrative proceeding.* In this situation, if the Secretary determines that the proceeding involves allegations that, if proven, would provide the borrower with a full or partial defense on the loan, then the Secretary may suspend collection activity on all or part of a loan until the proceeding ends. The Secretary suspends collection activity only for so long as the proceeding is being energetically prosecuted in good faith and the allegations that relate to the borrower's defense are reasonably likely to be proven.

(d) *The borrower dies or becomes totally and permanently disabled.* In

this situation, the Secretary terminates all collection activity against the borrower. If the borrower dies or becomes totally and permanently disabled, the Secretary also terminates all collection activity against any endorser.

§ 60.21 Refunds.

(a) *Student authorization.* By applying for a HEAL loan, a student authorizes a participating school to make payment of a refund that is allocable to a HEAL loan directly to the original lender (or to a subsequent holder of the loan note, if the school has knowledge of the holder's identity).

(b) *Treatment by lenders.* (1) A holder of a HEAL loan must treat a refund payment received from a HEAL school as a downward adjustment in the principal amount of the loan.

(2) When a lender receives a school refund check for a loan it no longer holds, the lender must transfer that payment to the holder of the loan and either inform the borrower about the refund check and where it was sent or, if the borrower's address is unknown, notify the current holder that the borrower was not informed. The current holder must provide the borrower with a written notice of the refund payment.

(Approved by the Office of Management and Budget under control number 0915–0038)

Subpart D—The Lender

§ 60.30 Which organizations are eligible to apply to be HEAL lenders?

(a) A HEAL lender may make and hold loans under the HEAL program. In these regulations, the term "lender" includes a subsequent holder of a note.

(b) The following types of organizations are eligible to apply to the Secretary to be HEAL lenders:

(1) A financial or credit institution (including a bank, savings and loan association, credit union, or insurance company) which is subject to examination and supervision in its capacity as a lender by an agency of the United States or of the State in which it has its principal place of business;

(2) A pension fund approved by the Secretary;

(3) An agency or instrumentality of a State; and

(4) A HEAL school.

(c) The Student Loan Marketing Association (popularly known as "Sallie Mae") is, by law, eligible to hold HEAL notes.

§ 60.31 The application to be a HEAL lender.

(a) In order to be a HEAL lender, an eligible organization must submit an application to the Secretary.

(b) In determining whether to enter into an insurance contract with an applicant and what the terms of that contract should be, the Secretary may consider the following criteria:

(1) Whether the applicant is capable of complying with the requirements in the HEAL regulations applicable to lenders;

(2) The amount and rate of loans which are currently delinquent or in default, if the applicant has had prior experience with similar Federal or State student loan programs; and

(3) The financial resources of the applicant.

(c) The applicant must submit sufficient materials with his or her application to enable the Secretary to fairly evaluate the application in accordance with these criteria.

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§ 60.32 The HEAL lender insurance contract.

(a)(1) If the Secretary approves a lender's application to be a HEAL lender, the Secretary and the lender sign an insurance contract. Under this contract, the lender agrees to comply with all the laws, regulations, and other requirements applicable to its participation as a lender in the HEAL program and the Secretary agrees to insure each eligible HEAL loan held by the lender against the borrower's default, death, total and permanent disability, or bankruptcy. The Secretary's insurance covers 100 percent of the lender's losses on both unpaid principal and interest, except to the extent that a borrower may have a defense on the loan other than infancy.

(2) HEAL insurance, however, is not unconditional. The Secretary issues HEAL insurance on the implied representations of the lender that all the requirements for the initial insurability of the loan have been met. HEAL insurance is further conditioned upon compliance by all holders of the loan with the HEAL regulations applicable to lenders. The contract may contain a limit on the duration of the contract and the number or amount of HEAL loans a lender may make or hold. Each HEAL lender has either a standard insurance contract or a comprehensive insurance contract with the Secretary as described below.

(b) *Standard insurance contract.* A lender with a standard insurance contract must submit to the Secretary a borrower's loan application for HEAL insurance on each loan that the lender determines to be eligible. The Secretary notifies the lender whether the loan is or is not insurable, the amount of the insurance, and the expiration date of the insurance commitment. A loan which has been disbursed under a standard contract of insurance prior to the Secretary's approval of the application is considered not to have been insured.

(c) *Comprehensive insurance contract.* A lender with a comprehensive insurance contract may disburse a loan without submitting an individual borrower's loan application to the Secretary for approval. All eligible loans made by a lender with this type of contract are insured immediately upon disbursement.

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§ 60.33 Making a HEAL loan.

The loan-making process includes the processing of necessary forms, the approval of a borrower for a loan, the determination of the loan amount, the explanation to a borrower of his or her responsibilities under the loan, the execution of the promissory note, and the disbursement of the loan proceeds. A lender may rely in good faith upon statements of a borrower and the HEAL school contained in the application papers. A lender making nonstudent borrower loans may also rely in good faith upon statements by authorizing officials of internship, residency, or other programs for which a borrower may receive a deferment.

(a) *Processing of forms.* Before making a HEAL loan, a lender must determine that all required forms have been completed by the borrower, the HEAL school, the lender, and the authorized official for an internship, a residency, or other deferment activity.

(b) *Approval of borrower.* A lender may make a HEAL loan only to an eligible student or nonstudent borrower.

(c) *Determination of loan amount.* A lender may not make a HEAL loan in an amount that exceeds the permissible annual and aggregate maximums described in § 60.10.

(d) *Promissory note.* (1) Each loan must be evidenced by a promissory note provided by the Secretary. A lender must obtain the Secretary's prior approval of the note form before it makes a HEAL loan evidenced by a promissory note containing any deviation from the provisions of the Secretary's most current form. The lender must give the borrower a copy of each executed note.

(2) The lender must explain to the borrower that the loan must be repaid and that the loan proceeds may be applied toward educational expenses only.

(e) *Disbursement of HEAL loan.* (1) A lender must disburse HEAL loan proceeds:

(i) To a student borrower, by means of a check or draft payable to a student borrower or, if authorized in writing by the student, jointly to the student and the HEAL school. Except where a lender is also a school, a lender must mail the check or draft to the school (to the attention of the school official named on the loan application) for delivery to the student borrower. A lender may not mail the check or draft to a school earlier than is reasonably necessary to meet the cost of education for the period for which the loan is made.

(ii) To a nonstudent borrower, by means of a check or draft payable to the borrower. However, when a previous loan is held by a different lender, the current lender must make the HEAL loan disbursement check or draft payable jointly to the borrower and the holder of the previous HEAL loans for which interest is payable, if authorized in writing by the borrower.

(2) A school lender must disburse the HEAL loan proceeds in one or more installments that correspond to a borrower's educational expenses over the period for which the loan is intended. However, in no case may the school lender disburse the proceeds earlier than is reasonably necessary to meet the costs of education for the period for which the loan is made.

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§ 60.34 HEAL loan servicing.

(a) *Borrower inquiries.* A lender must respond on a timely basis to written inquiries and other communications from a borrower and any endorser of a HEAL loan.

(b) *Conversion of loan to repayment status.* (1) When a lender determines that a borrower's loan is about to enter the repayment period, the lender must promptly contact the borrower in order to establish the terms of repayment.

(2) Terms of repayment are established in a written schedule that is made a part of, and subject to the terms of, the borrower's original HEAL note.

(3) The lender may not surrender the original promissory note to the borrower until the loan is paid in full. At that time, the lender must give the borrower the original promissory note.

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§ 60.35 HEAL loan collection.

A lender must exercise due diligence in the collection of a HEAL loan with respect to both a borrower and any endorser. In order to exercise due diligence, a lender must implement the following procedures when a borrower fails to honor his or her payment obligations:

(a) When a borrower is delinquent in making a payment, the lender must remind the borrower within 15 working days of the date the payment was due by means of a letter, telephone call, or personal contact. If payments do not resume, the lender must attempt to contact both the borrower and any endorser at least three more times at regular intervals during the following 4-month period. These contacts must become progressively more firm in tone.

(b) When a borrower is 60 days delinquent in making a payment, the lender must request preclaim assistance from the Public Health Service. This preclaim assistance consists of a series of letters to the borrower urging the borrower to contact the lender and resume payments. The Secretary does not pay a default claim if the lender fails to request preclaim assistance in this situation.

(c) If a lender does not sue the borrower, it must send a final demand letter to the borrower and any endorser at least 30 days before a default claim is filed.

(d) A lender may omit any or all overdue notices, including the final demand letter, when the borrower's correct address is unknown. However, the lender must attempt to locate the borrower through normal commercial collection techniques, including contacting any endorser or other individual named on the borrower's application. If these efforts are unsuccessful, the lender must request assistance through use of the Public Health Service preclaim assistance. If the Public Health Service preclaim assistance locates the borrower, the lender must implement the due diligence procedures described under § 60.35(a)–(c). When the Public Health Service preclaim assistance is unable to locate the borrower, a default claim may be filed by the lender. The Secretary does not pay a default claim if the lender fails to request preclaim assistance where the borrower's address is unknown.

(e) If a lender sues a defaulted borrower or endorser, it may first apply the proceeds of any judgment against its reasonable attorney's fees and court costs, whether or not the judgment provides for these fees and costs.

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§ 60.36 Consequence of using an agent.

The delegation of functions to a servicing agency or other party does not relieve a lender of its responsibilities under the HEAL program.

§ 60.37 Forbearance.

(a) A HEAL lender may grant forbearance in order to prevent a borrower from defaulting on his or her payment obligations. "Forbearance" means an extension of time for making loan payments or the acceptance of smaller payments than were previously scheduled. A lender may grant forbearance whenever unemployment, health, other personal problems, or study that is ineligible for deferment temporarily affects the borrower's ability to make scheduled payments on a HEAL loan.

(b) A lender may exercise forbearance in accordance with terms that are consistent with the minimum annual payment requirement and the 25- and 33-year limitations on length of repayment (described in § 60.11) if the lender and borrower agree in writing to the new terms.

(c) A lender may also exercise forbearance for periods of up to 6 months in accordance with terms that are inconsistent with the minimum annual payment requirement if the lender complies with the requirements listed below. Subsequent renewals of the forbearance must also be documented in accordance with the following requirements:

(1) The lender must reasonably believe that the borrower intends to repay the loan but is currently unable to make payments in accordance with the terms of the loan note. The lender must state the basis for its belief in writing and maintain that statement in its loan file on that borrower.

(2) Both the borrower and an authorized official of the lender must sign a written agreement of forbearance.

(3) If the agreement between the borrower and lender provides for deferment of all payments, the lender must contact the borrower at least every 3 months during the period of forbearance in order to remind the borrower of the outstanding obligation to repay.

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§ 60.38 Assignment of a HEAL loan.

A HEAL note may not be assigned except to another HEAL lender or the Student Loan Marketing Association (popularly known as "Sallie Mae") and except as provided in § 60.40. In this section "seller" means any kind of assignor and "buyer" means any kind of assignee.

(a) *Procedure.* A HEAL note assigned from one lender to another must be subject to a blanket endorsement together with other HEAL notes being assigned or must individually bear effective words of assignment. Either the blanket endorsement or the HEAL note must be signed and dated by an authorized official of the seller. The buyer must notify the Secretary of the assignment within 30 days of the transaction. The buyer must assure that the borrower is notified if the assignment results in the borrower being required to make installment payments or direct other matters connected with the loan to a party other than the seller. The notice to the borrower must contain a clear statement of all the borrower's rights and responsibilities which arise from the assignment of the loan, including a statement regarding the consequences of making payments to the seller subsequent to receipt of the notice.

(b) *Risks assumed by the buyer.* Upon acquiring a HEAL loan, a new holder assumes responsibility for the consequences of any previous violations of applicable statutes, regulations, or the terms of the note except for defects under § 60.41(d). A HEAL note is not a negotiable instrument, and a subsequent holder is not a holder in due course. If the borrower has a valid legal defense that could be asserted against the previous holder, the borrower can also assert the defense against the new holder. In this situation, if the new holder files a default claim on a loan, the Secretary denies the default claim to the extent of the borrower's defense. Furthermore, when a new holder files a claim on a HEAL loan, it must provide the Secretary with the same documentation that would have been required of the original lender.

(c) *Warranty.* Nothing in this section precludes the buyer of a HEAL loan from obtaining a warranty from the seller covering certain future reductions by the Secretary in computing the amount of insurable loss, if any, on a claim filed on the loan. The warranty may only cover reductions which are attributable to an act or failure to act of the seller or other previous holder. The warranty may not cover matters for which the buyer is charged with responsibility under the HEAL regulations.

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§ 60.39 Death and disability claims.

(a) *Death.* The Secretary will discharge a borrower's liability on the loan in accordance with section 738 of the Act upon the death of the borrower. The holder of the loan may not attempt to collect on the loan from the borrower's estate or any endorser. The holder must secure a certification of death or whatever official proof is conclusive under State law. The holder must return to the sender any payments, except for refunds under § 60.21, received from the estate of the borrower or paid on behalf of the borrower after the date of death.

(b) *Disability.* (1) The Secretary will discharge a borrower's liability on the loan in accordance with section 738 of the Act if the borrower is found to be permanently and totally disabled on recommendation of the holder of the loan and as supported by whatever medical certification the Secretary may require. A borrower is totally and permanently disabled if he or she is unable to engage in any substantial gainful activity because of a medically determinable impairment, which the Secretary expects to continue for a long and indefinite period of time or to result in death.

(2) After being notified by the borrower or the borrower's representative that the borrower claims to be totally and permanently disabled, the holder of the loan may not attempt to collect on the loan from the borrower or any endorser. The holder must promptly request that the Secretary determine whether a borrower has become totally and permanently disabled. With its request, the holder must submit medical evidence no more than 4 months old that it has obtained from the borrower or the borrower's representative.

(3) If the Secretary determines that the borrower is totally and permanently disabled, the lender must return to the borrower any payments, except for refunds under § 60.21, that it receives after being notified that the borrower claims to be totally and permanently disabled.

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§ 60.40 Procedures for filing claims.

(a) A lender must file an insurance claim on a form provided by the Secretary. The lender must attach to the claim all documentation which the Secretary may require. Failure to submit the required documentation may result in a claim not being honored. The Secretary may also deny a claim that is not filed promptly. The Secretary requires for all claims the following documentation:

(1) The original promissory note;

(2) The loan application; and

(3) History of any payments.

(b) The Secretary's payment of a claim is contingent upon receipt of all required documentation and an assignment to the United States of America of all right, title, and interest of the lender in the note underlying the claim. The lender must warrant that the loan is eligible for HEAL insurance.

(c) In addition, the lender must comply with the following requirements for the filing of default, death, disability, and bankruptcy claims:

(1) *Default claims.* (i) Unless a lender has notified the Secretary that it has filed suit against a defaulted borrower, it must file a default claim with the Secretary within 60 days after a loan has been determined to be in default. Default means the persistent failure of the borrower to make a payment when due or to comply with other terms of the note or other written agreement evidencing a loan, under circumstances where the Secretary finds it reasonable to conclude that the borrower no longer intends to honor the obligation to repay. In the case of a loan repayable (or on which interest is payable) in monthly installments, this failure must have persisted for 120 days. In the case of a loan repayable (or on which interest is payable) in less frequent installments, this failure must have persisted for 180 days.

(ii) In addition to the documentation required for all claims, the lender must submit with its default claim the following:

(A) The repayment schedule;

(B) A collection history;

(C) A final demand letter, if required; and

(D) The original or a copy of all correspondence relevant to the amount owed by the borrower (whether or not received by the original lender, a subsequent holder, or an independent servicing agent).

(iii) If the lender files a default claim on a loan and subsequently receives a notice of the first meeting of creditors in the borrower's bankruptcy, the lender must promptly forward that notice to the Public Health Service. The lender may not file a proof of claim with the bankruptcy court in this situation.

(2) *Death Claims.* A lender must file a death claim with the Secretary within 60 days after the lender obtains documentation that a borrower is dead. In addition to the documentation required for all claims, the lender must submit with its death claim those documents which verify the death.

(3) *Disability claims.* A lender must file a disability claim with the Secretary within 60 days after it has been notified

that the Secretary has determined a borrower to be totally and permanently disabled. In addition to the documentation required for all claims, the lender must submit with its claim evidence of the Secretary's determination.

(4) *Bankruptcy claims.* A lender must file a bankruptcy claim with the Secretary within 60 days after the lender receives a notice of the first meeting of creditors in a borrower's bankruptcy proceeding. The lender must file proof of claim with the bankruptcy court. In addition to the documentation required for all claims, the lender must submit with its claim to the Secretary the following:

(i) The repayment schedule;

(ii) A collection history, if any;

(iii) An assignment to the United States of America of its proof of claim;

(iv) All pertinent documents sent to or received from the bankruptcy court; and

(v) A statement of any facts of which the lender is aware that may form the basis for an objection to the bankrupt's discharge or an exeption to the discharge. A borrower may not have a HEAL loan discharged in bankuptcy during the first 5 years of the repayment period. A borrower may have a HEAL loan discharged in bankruptcy after the first 5 years of the repayment period only upon a finding by the Bankruptcy Court that the nondischarge of such debt would be unconscionable and upon the condition that the Secretary may reduce Federal payments for health services under any Federal law in amounts up to the balance of the loan.

(Approved by the Office of Management and Budget under control number 0915–0036)

§ 60.41 Determination of amount of loss on claims.

(a) *General rule.* HEAL insurance covers the unpaid balance of principal and interest on an eligible HEAL loan. In determining whether to approve an insurance claim for payment, the Secretary considers legal defects affecting the initial validity or insurability of the loan. The Secretary also deducts from a claim any amount that is not a legally enforceable obligation of the borrower except to the extent that the defense of infancy applies. The Secretary further considers whether all holders of the loan have complied with the requirements of the HEAL regulations, including those concerned with the making, servicing, and collecting of the loan, the timely filing of claims, and the submission of documents with a claim.

(b) *Special rules for loans acquired by assignment.* If a claim is filed by a lender that obtained a loan by assignment, that lender is not entitled to any payment under this section greater than that to which a previous holder would have been entitled. In particular, the Secretary deducts from the claim any amounts that are attributable to payments made by the borrower to a prior holder of the loan before the borrower received proper notice of the assignment of the loan.

(c) *Special rules for loans made by school lenders.* (1) If the loan for which a claim is filed was originally made by a school and the claim is filed by that school, the Secretary deducts from the claim an amount equal to any unpaid refund that the school owes the borrower.

(2) If the loan for which a claim is filed was originally made by a school but the claim is filed by another lender that obtained the note by assignment, the Secretary deducts from the claim an amount equal to any unpaid refund that the school owed the borrower prior to the assignment.

(d) *Circumstances under which defects in claims may be cured or excused.* The Secretary may permit a lender to cure certain defects in a specified manner as a condition for payment of a default claim. The Secretary may excuse certain defects if the holder submitting the default claim satisfies the Secretary that the defect did not contribute to the default or prejudice the Secretary's attempt to collect the loan from the borrower. The Secretary may also excuse certain defects if the defect arose while the loan was held by another lender and the holder submitting the default claim satisfies the Secretary that the assignment of the loan was an arm's length transaction, that the present holder did not know of the defect at the time of the sale and that the present holder could not have become aware of the defect through an examination of the loan documents.

(e) *Payment of insured interest.* The payment on an approved claim covers the unpaid principal balance and interest that accrues through the date the claim is paid, except:

(1) If the lender failed to submit a claim within the required period after the borrower's default, death, disability, or bankruptcy, the Secretary does not pay interest that accrued between the end of that period and the date the Secretary received the claim.

(2) If the Secretary returned the claim to the lender for additional documentation necessary for the approval of the claim, the Secretary pays interest only for the first 30 days following the return of the claim to the lender.

§ 60.42 Records, reports, and inspection requirements for HEAL lenders.

(a) *Records.* (1) A lender must keep complete and accurate records of each HEAL loan which it holds. The records must be organized in a way that permits ready identification of the current status of each loan. The required records include:

(i) The loan application;

(ii) The original promissory note;

(iii) The repayment schedule agreement;

(iv) Evidence of each disbursement of loan proceeds;

(v) Notices of changes in a borrower's address and status as a full-time student;

(vi) Evidence of the borrower's eligibility for a deferment;

(vii) The borrower's signed statement describing his or her rights and responsibilities in connection with a HEAL loan;

(viii) The documents required for the exercise of forbearance; and

(ix) Documentation of the assignment of the loan.

(2) The lender must maintain for each borrower a payment history showing the date and amount of each payment received on the borrower's behalf, and the amounts of each payment attributable to principal and interest. A lender must also maintain for each loan a collection history showing the date and subject of each communication with a borrower or endorser for collection of a delinquent loan. Furthermore, a lender must keep any additional records which are necessary to make any reports required by the Secretary.

(3) A lender must retain the records required for each loan for not less than 5 years following the date the loan is repaid in full by the borrower. However, in particular cases the Secretary may require the retention of records beyond this minimum period. A lender must keep the original copy of an unpaid promissory note, but may store all other records in microform or computer format.

(b) *Reports.* A lender must submit reports to the Secretary at the time and in the manner required by the Secretary.

(c) *Inspections.* Upon request, a lender must afford the Secretary, the Comptroller General of the United States, and any of their authorized representatives access to its records in order to assure the correctness of its reports.

(Approved by the Office of Management and Budget under control numbers 0915–0033, 0915–0036, 0915–0038, and 0915–0043)

§ 60.43 Limitation, suspension, or termination of the eligibility of a HEAL lender.

(a) The Secretary may limit, suspend, or terminate the eligibility under the HEAL program of an otherwise eligible lender that violates any provision of Title VII, part C, Subpart I of the Act, as amended (42 U.S.C. 294–294), these regulations, or agreements with the Secretary concerning the HEAL program. The Secretary will take this action in accordance with procedures for the limitation, suspension, or termination of the eligibility of lenders under the Federal Insured Student Loan Program which are set forth in 34 CFR Part 682.

(b) This section does not apply to a determination that a HEAL lender fails to meet the statutory definition of an "eligible lender."

(c) This section also does not apply to administrative action by the Department of Health and Human Services based on any alleged violation of:

(1) Title VI of the Civil Rights Act of 1964, which is governed by 45 CFR Part 80;

(2) Title IX of the Education Amendments of 1972, which is governed by 45 CFR Part 86;

(3) The Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended), which is governed by 34 CFR Part 99; or

(4) Title XI of the Right to Financial Privacy Act of 1978, Pub. L. 95–630 (42 U.S.C. 3401–3422).

Subpart E—The School

§ 60.50 Which schools are eligible to be HEAL schools?

(a) In order to participate in the HEAL program, a school must enter into a written agreement with the Secretary. In the agreement, the school promises to comply with provisions of the HEAL law and the HEAL regulations. For initial entry into this agreement and for the agreement to remain in effect, a school must satisfy the following requirements:

(1) The school must be legally authorized within a State to conduct a course of study leading to one of the following degrees:

Doctor of Medicine
Doctor of Osteopathic Medicine
Doctor of Dentistry or equivalent degree
Bachelor or Master of Science in Pharmacy or equivalent degree
Doctor of Optometry or equivalent degree
Doctor of Veterinary Medicine or equivalent degree
Doctor of Podiatric Medicine or equivalent degree
Graduate or equivalent degree in Public Health
Doctor of Chiropractic or equivalent degree
Doctoral degree of Clinical Psychology
Masters or doctoral degree in Health Administration

For the purposes of this section, the term "State" includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(2)(i) The school must be accredited by a recognized agency approved for that course of study by the Secretary of Education, as described in paragraph (a)(2)(ii) of this section, except where a school is not eligible for accreditation solely because it is too new. A new school is eligible if the Secretary of Education determines that it can reasonably expect to be accredited before the beginning of the academic year following the normal graduation date of its first entering class. The Secretary of Education makes this determination after consulting with the appropriate accrediting agency and receiving reasonable assurance to that effect.

(ii) The approved accrediting agencies are:

(A) Liaison Committee on Medical Education.

(B) American Osteopathic Association.

(C) Commission on Dental Accreditation.

(D) Council on Education of American Veterinary Medical Association.

(E) Council on Optometric Education.

(F) Council on Podiatry Education.

(G) American Council on Pharmaceutical Education.

(H) Council on Education for Public Health.

(I) Council on Chiropractic Education.

(J) Accrediting Commission on Education for Health Services Administration.

(K) Committee on Accreditation of American Psychological Association.

(b) If a HEAL school undergoes a change of controlling ownership or form of control, its agreement automatically expires at the time of that change. The school must enter into a new agreement with the Secretary in order to continue its participation in the HEAL program.

§ 60.51 The student loan application.

(a) A school must accurately and completely fill out its portion of the student's loan application.

(b) The school must verify, to the best of its ability, the information provided by the student on the student's loan application.

(c) The school must certify that the student is eligible to receive a HEAL loan according to the requirements of § 60.5.

(Approved by the Office of Management and Budget under control number 0915–0038)

§ 60.52 The student's loan check.

(a) When a school receives from a HEAL lender a loan disbursement check or draft payable to one of its students, it must:

(1) If the school receives the instrument after the student is enrolled, promptly deliver the instrument to the student.

(2) If the school receives the instrument before the student is enrolled, hold the instrument and deliver it to the student at the time of enrollment. However, if the student is unable to meet educational expenses due before the time of enrollment, the school may send the instrument to the student in time to meet those expenses.

(b) When a school receives from a HEAL lender a loan disbursement check or draft payable jointly to the school and to one of its students, it must:

(1) If the school receives the instrument after the student is enrolled, either:

(i) Endorse the instrument and transmit it to the student; or

(ii) Obtain the student's endorsement, retain that portion of funds due the school, and disburse the remaining funds to the student.

(2) If the school receives the instrument before the student is enrolled, it must, prior to endorsing the instrument, send the instrument to the student to endorse and return to the school. The school may then retain that portion of funds then due the school but must hold the remaining funds for disbursement to the student at the time of enrollment. However, if the student is unable to meet other educational expenses due before the time of enrollment, the school may obtain the student's endorsement and disburse to the student that portion of funds required to meet these other educational expenses.

(c) If a school determines that a student does not plan to enroll, the school must return a loan disbursement check or draft to the lender within 30 days of this determination.

§ 60.53 Notification to lender of change in enrollment status.

Each school must notify the holder of a HEAL loan of any change in the student's enrollment status within 60 days following the change in status. Each notice must contain the date of the

student's graduation, formal withdrawal, or failure to enroll as scheduled for any academic period as a full-time student and the student's latest know permanent and temporary addresses. If the school does not know the identity of the current holder of the HEAL loan, it must notify the HEAL Program Office of a change in the student's enrollment status.

(Approved by the Office of Management and Budget under control number 0915-0038)

§ 60.54 Payment of refunds by schools.

A participating school must pay that portion of a refund that is allocable to a HEAL loan directly to the original lender (or to a subsequent holder of the loan note, if the school has knowledge of the holder's identity). At the same time, the school must povide to the borrower written notice that it is doing so.

§ 60.55 Administrative and fiscal procedures.

Each school must establish and maintain administrative and fiscal procedures necessary to achieve the following objectives:

(a) Proper and efficient administration of the funds received from students who have HEAL loans;

(b) Protection of the rights of students under the HEAL program;

(c) Protection of the United States from unreasonable risk of loss due to defaults; and

(d) Compliance with applicable requirements for HEAL schools.

§ 60.56 Records.

(a) In addition to complying with the requirements of section 739(b) of the Act, each school must maintain an easily retrievable record with respect to each student who has a HEAL loan containing all of the following information:

(1) Student's name, address, academic standing and period of attendance;

(2) Name of the HEAL lender, amount of the loan, and the period for which the HEAL loan was intended;

(3) If a noncitizen, documentation of the student's alien registration status.

(4) Amount and source of other financial assistance (exclusive of family contribution) received by the student for the period for which the HEAL loan was made;

(5) Date the school receives the HEAL check or draft and the date it either gives it to the student or returns it to the lender (if the school is not the lender);

(6) Date the school disburses the loan to a student (if the school is the lender);

(7) Date the school signs the loan check or draft (if the school is a copayee);

(8) Amount of tuition, fees and other charges paid by the student to the school for the academic period covered by the loan and the dates of payment;

(9) Copy of each form used by the school in connection with the loan; and

(10) Student's postgraduate destination.

(b) The school must maintain the record for not less than 5 years following the date the student graduates, withdraws or fails to enroll as a full-time student. The school may store the records in microform or computer format.

(Approved by the Office of Management and Budget under control number 0915-0054)

§ 60.57 Reports.

A school must submit reports to the Secretary at the times and in the manner the Secretary may reasonably prescribe. The school must retain a copy of each report for not less than 5 years following the report's completion, unless otherwise directed by the Secretary. A school must also make available to a HEAL lender, upon the lender's request, the name, address, postgraduate destination and other reasonable identifying information for each of the school's students who has a HEAL loan.

§ 60.58 Federal access to school records.

For the purposes of audit and examination, a HEAL school must provide the Secretary of Health and Human Services, the Comptroller General of the United States, and any of their authorized representatives access to the records that the school is required to keep and to any documents and records pertinent to the administration of the HEAL Program.

§ 60.59 Records and Federal access after a school is no longer a HEAL school.

In the event a school ceases to participate in the HEAL program, the school (or its successor, in the case of a school which undergoes a change in ownership) must retain all required HEAL records and provide the Secretary of Health and Human Services, the Comptroller General of the United States, and any of their authorized representatives access to them.

§ 60.60 Limitation, suspension, or termination of the eligibility of a HEAL school.

(a) The Secretary may limit, suspend, or terminate the eligibility under the HEAL program of an otherwise eligible school that violates any provision of Title VII, Part C, Subpart I of the Act, as amended (42 U.S.C. 294–294l), these regulations or agreements with the Secretary concerning the HEAL program. The Secretary will take this action in accordance with procedures for the limitation, suspension, or termination of the eligibility of schools under the Student Assistance General Provisions of the Department of Education, which are set forth in 34 CFR Part 668.

(b) This section does not apply to a determination that a HEAL school fails to meet the statutory definition of an "eligible school."

(c) This section also does not apply to administrative action by the Department of Health and Human Services based on any alleged violation of:

(1) The laws and regulations described in § 60.61;

(2) The Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended) which is governed by 34 CFR Part 99.

[FR Doc. 83-23384 Filed 8-25-83; 8:45 am]

BILLING CODE 4160-16-M

federal register

Friday
August 26, 1983

Part V

Environmental Protection Agency

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

Hazardous Waste Management System: Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Proposed amendment to rule with request for comments.

SUMMARY: The Environmental Protection Agency (EPA) is today proposing to amend its regulations under the Resource Conservation and Recovery Act to delete commercial chemical products containing strontium sulfide from regulation under § 261.33. In addition, it is proposed that strontium sulfide be removed from appendix VIII—Hazardous Constituents. These changes are being proposed because the Agency has determined that the data on which the decision to list was based is incorrect and no data currently exists on which to base a retention of the current listing.

DATES: EPA will accept public comments on this proposed rule until October 24, 1983. Any person may request a hearing on this amendment by filing a request with Eileen Claussen, whose address appears below, by September 26, 1983.

ADDRESSES: Comments should be sent to the Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C., 20460. Comments should identify the regulatory docket number "Section 3001, 40 CFR 261.33". Requests for a hearing should be addressed to Eileen Claussen, Director, Office of Management Information and Analysis, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

The public docket for this amendment is located in Room S-269C, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C., 20460, and is available for viewing from 9:00 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: The RCRA Hotline at (800) 424-9346 or at (202) 382-3000. For technical information contact Wanda LeBleu-Biswas, Office of Solid Waste (WH-565B), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 382-4798.

SUPPLEMENTARY INFORMATION:

I. Background

Under the authority of section 3001 of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), the Agency promulgated as 40 CFR 261.33 of the regulations a list of commercial chemical products or manufacturing chemical intermediates which are hazardous wastes if they are discarded or intended to be discarded. The phrase "commercial chemical product or manufacturing chemical intermediate" refers to a chemical substance which is manufactured or formulated for commercial or manufacturing use, and which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. Section 261.33 also lists as hazardous wastes, off-specification variants and the residues and debris from the clean-up of spills of these chemicals, if discarded or intended to be discarded (§ 261.33 (b) and (d)). Finally, § 261.33 lists as hazardous wastes the containers that have held those chemicals listed in § 261.33(e), if they are discarded or intended to be discarded, unless the containers have been triple-rinsed with an appropriate solvent or have been decontaminated in an equivalent manner.

A chemical substance is listed in 40 CFR 261.33(e) if it meets the criteria of § 261.11(a)(2); that is, it is acutely hazardous because it has been shown to be fatal to humans in low doses or has been shown in animal studies to have an oral (rat) LD50 of less than 50 milligrams per kilogram, a dermal (rabbit) LD50 of less than 200 milligrams per kilogram, an inhalation (rat) LC50 of less than 2 mg/l, or is otherwise capable of causing or significantly contributing to serious illness in low doses.

Appendix VIII—Hazardous Constituents is a list of chemical substances which have been shown in reputable scientific studies to have toxic, carcinogenic, mutagenic or teratogenic effects on humans or other life forms and includes such substances as those identified by the Agency's Carcinogen Assessment Group. Appendix VIII serves to both identify those chemicals whose presence in a waste may be grounds for listing such a waste as a hazardous waste and as a list of those chemicals for which waste management facility operators must monitor groundwater. Section 261.33 was intended to designate chemicals themselves as hazardous wastes, if discarded. The reasons for discarding these materials might be that the materials did not meet required specifications, that inventories were being changed, or that the product line had changed.

The Chemical Products Corporation, Cartersville, GA has petitioned the Agency, pursuant to the provisions in 40 CFR 260.20, to exclude strontium sulfide from 40 CFR 261.33(e) and Appendix VIII, the list of hazardous constituents.

II. Basis for Listing Strontium Sulfide

The Agency listed strontium sulfide in 40 CFR 261.33(e) based on its oral (human) LDLo of 50 mg/kg as listed in the NIOSH *Registry of Toxic Effects of Chemical Substances*.

III. Reason and Basis for Today's Amendment

Since finalization of this listing Chemical Products Corporation, Cartersville, GA petitioned the Agency, pursuant to the provisions in § 260.20, to exclude strontium sulfide from the list of acute hazardous wastes and from Appendix VIII. Chemical Products Corp. recognized in its petition that the oral (human) LDLo value of 50 mg/kg was taken from the National Institute for Occupational Safety and Health (NIOSH) *Registry of Toxic Effects of Chemical Substances* (1977 edition), which cites as its source *The Clinical Toxicology of Commercial Products* (Gosselin, R.E., *et al.*, The Williams and Wilkins Co., Baltimore, MD, 1976). Chemical Products Corp. pointed out that Gosselin assigned a toxicity rating of "4(?)" to strontium sulfide, which is interpreted by a table (*ibid.*, p.4) as a range of 50 to 500 mg/kg for "Probable Oral Lethal Dose (Human)". The petitioner states that the NIOSH *Registry* took the lowest value of this range and reported it as the oral (human) LDLo for strontium sulfide, in spite of a footnote to the table in *Clinical Toxicology* which states "Toxicity ratings followed by interrogation points are based on obviously inadequate data; some represent no more than guesses".

The current edition of the NIOSH *Registry of Toxic Effects of Chemical Substances* no longer cites the previously reported oral (human) LDLo toxicity value, nor does it give any other toxicity data for strontium sulfide. NIOSH reported to EPA that the toxicity data for strontium sulfide was deleted because Gosselin, one of the authors of *Clinical Toxicology of Commercial Products*, informed NIOSH that the listing for strontium sulfide was not based on reliable data.

The Agency has examined a number of other toxicology sources including

Daangerous Properties of Industrial Materials (Sax, N. Irving, Van Nostrand Reinhold Co., New York, 5th ed., 1979), *Casarett and Doull's Toxicology* (Doull, J., C.D. Klaasen and M.O. Amdur, eds., Macmillan Publishing Co., Inc., New York, 2nd ed., 1980), and *Industrial Toxicology* (Hamilton, A. and H.L. Hardy, Publishing Sciences Group, Inc., Acton, MA, 3rd ed., 1974) in an effort to locate any additional data on the toxicity of strontium sulfide. In addition, EPA, through the Office of Research and Development, has conducted an extensive search of the literature to obtain information about possible chronic (specifically, teratongenic) effects of strontium sulfide. These searches have revealed no further data on strontium sulfide.

In view of this information, the Agency feels that there is insufficient evidence to support the listing of strontium sulfide as either an acute hazardous waste or as a toxic waste and so is proposing to delete it from regulation under § 261.33, as well as proposing to remove it from Appendix VIII. It is important to note that the action being proposed today does not totally release strontium sulfide from regulatory control under RCRA. The Agency believes that waste strontium sulfide may meet the definition of a reactive waste (40 CFR 261.23 (a)(5)) [i.e., is a sulfide bearing waste which when exposed to pH conditions below 2 can generate the toxic gas hydrogen sulfide in a quantity sufficient to present a danger to human health]. Thus, if such conditions exist, the waste strontium sulfide would be a hazardous waste subject to the hazardous waste regulation under RCRA.

IV. Request for Comments

The Agency invites comments on all aspects of this proposed rule and on the issues. In particular, we request information concerning both the acute and the chronic toxicity of strontium sulfide, as well as of formulations where this compound is the sole active ingredient. Comments will be accepted until October 24, 1983.

V. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposed regulation is not major because it would not result in an effect on the economy of $100 million or more, nor would it result in an increase in costs or prices to industry. In fact, this regulation would reduce the overall costs and economic impact of EPA's hazardous waste managment regulations. There would be no adverse impact on the ability of U.S.-based enterprises to compete with the foreign-based enterprises in domestic or export markets. Because this amendment is not a major regulation no Regulatory Impact Analysis is being conducted.

This amendment was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA responses to those comments are available for public inspection in Room S-269C at EPA.

VI. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must the impact of the rule on small entities (*i.e.*, small business, small organizations, and small governmental jurisdictions). The Adminstrator may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment would generally have no significant economic impact on small entities. Rather, since producers would not have to dispose of small quantities of waste strontium sulfide as hazardous wastes, today's proposed action would result in a savings to small business, although probably not a very large one. Accordingly, I hereby certify that this final regulation will not have a significant economic impact on a substantial number of small entities. This regulation therefore does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 261

Hazardous materials, Waste treatment and disposal, Recycling.

Dated: August 18, 1983.

William D. Ruckelshaus,

Administrator.

For the reasons set out in the preamble, it is proposed to amend Title 40 of the Code of Federal Regulations as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 reads as follows:

Authority: Secs. 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended [42 U.S.C. 6905, 6912(a), 6921 and 6922].

§261.33 [Amended]

2. It is proposed to amend §261.33(e) by removing the listing for strontium sulfide (EPA Hazardous Waste No. P107).

3. It is proposed to amend Appendix VIII—Hazardous Constituents by removing the listing for strontium sulfide.

[FR Doc. 83-23461 Filed 8-25-83; 8:45 am]

BILLING CODE 6560-50-M

federal register

Friday
August 26, 1983

Part VI

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 955]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 22, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Sec.
- 102–1 New OCS lease
- 102–2 New well (2.5 Mile rule)
- 102–3 New well (1000 Ft rule)
- 102–4 New onshore reservoir
- 102–5 New reservoir on old OCS lease
- 107–DP 15,000 feet or deeper
- 107–GB Geopressured brine
- 107–CS Coal Seams
- 107–DV Devonian Shale
- 107–PE Production enhancement
- 107–TF New tight formation
- 107–RE Recompletion tight formation
- 108 Stripper well
- 108–SA Seasonally affected
- 108–ER Enhanced recovery
- 108–PB Pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS — VOLUME 955

ISSUE August 22, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-ADA OIL EXPLORATION CORP				RECEIVED: 08/08/83		JA: TX			
8348574	F-03-069083	4205100000		102-2		JOHN NEWMAN #11	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-ADAMS BRANCH EXPLORATION				RECEIVED: 08/08/83		JA: TX			
8348566	F-7B-068901	4208333445		102-4		SEALY-SMITH 55 #1	MENA GAIL (GARDNER LO	60.0	UNION TEXAS PETRO
-ADAMS EXPLORATION CO				RECEIVED: 08/08/83		JA: TX			
8348588	F-05-069475	4216130739		102-2		WINSTON G DAVIS #1	BEAR GRASS (TRAVIS PE	304.0	TEXAS UTILITIES F
-AM QUEST CORP				RECEIVED: 08/08/83		JA: TX			
8348639	F-05-070294	4216130716		102-4		B P YORK #1	MIMM'S CREEK (BOSSIER	730.0	SEAGULL ENERGY CO
-AMERADA HESS CORPORATION				RECEIVED: 08/08/83		JA: TX			
8348700	F-08-070786	4232900000		108		TEX-HARVEY SPRABERRY UNIT #562	SPRABERRY TREND	0.4	
-ANDERSON PETROLEUM INC				RECEIVED: 08/08/83		JA: TX			
8348508	F-7C-66191	4210534278		103	107-TF	JOE FRIEND ESTATE "B" 1-32	ALDWELL RANCH (CANYON	150.0	OZONA PIPELINE CO
8348504	F-7C-66022	4241331282		103	107-TF	WILTON "A" 1-28	ELDORADO N (CANYON B)	100.0	PRODUCERS GAS CO
-APEX PETROLEUM INC				RECEIVED: 08/08/83		JA: TX			
8348548	F-7B-067930	4208300000		102-4		JOHN E WOLF #20	WOLF (SERRATT LOWER)	0.0	EL PASO HYDROCARB
-ARCO OIL AND GAS COMPANY				RECEIVED: 08/08/83		JA: TX			
8348686	F-04-070750	4213100172		108		J R FOSTER #52	HAGIST RANCH (750)	24.0	NATURAL GAS PIPEL
8348685	F-04-070749	4213133986		108		J R FOSTER #60	HAGIST RANCH (750)	20.0	NATURAL GAS PIPEL
8348649	F-7C-070423	4213510246		108		W M NOELKE ESTATE #53	SIXTY - SEVEN (CANYON	10.5	NORTHERN NATURAL
-AUSANKA OIL OPERATIONS				RECEIVED: 08/08/83		JA: TX			
8348675	F-09-070715	4207731866		108		IVA MAE HOFF #2	SHANNON (CADDO)	1.9	TEXAS UTILITIES F
-BASS ENTERPRISES PRODUCTION CO				RECEIVED: 08/08/83		JA: TX			
8348726	F-08-070835	4249531577		103		M J HILL A/C 3 #39	HALLEY (CLEARFORK)	43.0	TRANSWESTERN PIPE
-BETTIS BOYLE & STOVALL				RECEIVED: 08/08/83		JA: TX			
8348676	F-04-070716	4224900000		108		GOLDAPP HEIRS #3 (014791)	TSESMELIS (3400)	3.0	VALLEY GAS TRANSM
-BURNETT OIL CO INC				RECEIVED: 08/08/83		JA: TX			
8348624	F-01-070205	4231131769		102-4	103	N WHEELER #1	A W P (OLMOS)	34.0	HPI TRANSMISSION
-C F LAWRENCE & ASSOC INC				RECEIVED: 08/08/83		JA: TX			
8348562	F-08-068547	4237134222		103		MCMURTRY #4	LEHN - APCO	0.0	
8348561	F-08-068546	4237134235		103		MCMURTRY #5	LEHN-APCO	0.0	
8348560	F-08-068543	4237134234		103		MCMURTRY #9	LEHN-APCO	0.0	
8348526	F-7C-67293	4210500000		103		SHANNON G-3	TODD (SAN ANDRES)	0.0	APACHE GAS CORP
8348527	F-7C-67294	4210500000		103		SHANNON H-1	TODD (SAN ANDRES)	0.0	APACHE GAS CORP
-C O G CO				RECEIVED: 08/08/83		JA: TX			
8348507	F-7B-66144	4204933378		102-4		MITCHAM CATE #1	COG (MARBLE FALLS)	25.0	EL PASO HYDROCARB
-C. J. WOFFORD				RECEIVED: 08/08/83		JA: TX			
8348576	F-02-069222	4202531845		102-4		G PAGE UNIT 2 #1	COSDEN (Z-12)	144.0	TEXAS EASTERN TRA
-CARTER EXPLORATION CO				RECEIVED: 08/08/83		JA: TX			
8348583	F-02-069409	4223931706		102-4	103	L R DRUSHEL #1 ID #N/A	WILDCAT - CARMICHAEL	55.0	DELHI GAS PIPELIN
-CHANCE RESEARCH CORP				RECEIVED: 08/08/83		JA: TX			
8348570	F-7B-069010	4236732468		102-4		GRIFFIN #1	MARMAC (MARBLE FALLS)	0.0	TEXAS UTILITIES F
-CHENOWETH GROVER L				RECEIVED: 08/08/83		JA: TX			
8348499	F-7B-65638	4213334382		103		J WILLIAMSON #1 (104449)	EASTLAND COUNTY REGUL	109.0	LONE STAR GAS CO
-COASTAL OIL & GAS CORP				RECEIVED: 08/08/83		JA: TX			
8348720	F-8A-070826	4216532570		103		SO HARRIS UNIT 6-16	HARRIS (GLORIETA)	18.0	PHILLIPS PETROLEU
8348701	F-8A-070787	4216532515		103		SO HARRIS UNIT 7-6	HARRIS (GLORIETA)	8.0	PHILLIPS PETROLEU

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-COLA PETROLEUM INC				RECEIVED:	08/08/83	JA: TX			
8348719	F-10-070823	4217930725		108		ALMA #1	EAST PANHANDLE	20.0	PHILLIPS PETROLEU
-CONOCO INC				RECEIVED:	08/08/83	JA: TX			
8348684	F-10-62676	4206500000		108		BURNETT 22A	WEST PANHANDLE	21.0	NORTHWEST CENTRAL
8348668	F-8A-070693	4207900000		108		CONOCO DEAN UNIT #111 I D 60106	SLAUGHTER	8.9	AMOCO PRODUCTION
8348670	F-8A-070695	4207930804		108		CONOCO DEAN UNIT #122 I D 60106	SLAUGHTER	6.0	AMOCO PRODUCTION
8348667	F-8A-070692	4207900000		108		CONOCO DEAN UNIT #68 I D 60106	SLAUGHTER	3.3	AMOCO PRODUCTION
8348669	F-08-070694	4238900000		108		FORD GERALDINE UNIT #139 I D 21021	GERALDINE FORD	8.8	EL PASO NATURAL G
8348671	F-08-070696	4238930398		108		G E RAMSEY JR -7- #4 I D 21019	GERALDINE FORD	6.2	EL PASO NATURAL G
8348741	F-01-070852	4232331421		103		N J CHITTIM #7035	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8348733	F-01-070844	4232331375		103		N J CHITTIM #7123	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8348728	F-01-070838	4232331365		103		N J CHITTIM #7125	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8348735	F-01-070846	4232331377		103		N J CHITTIM #7126	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8348739	F-01-070850	4232331328		103		N J CHITTIM #7127	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8348734	F-01-070845	4232331379		103		N J CHITTIM #7128	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8348740	F-01-070851	4232331380		103		N J CHITTIM #7129	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8348729	F-01-070840	4232331381		103		N J CHITTIM #7130	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8348730	F-01-070841	4232331382		103		N J CHITTIM #7131	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8348737	F-01-070848	4232331383		103		N J CHITTIM #7132	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8348736	F-01-070847	4232331384		103		N J CHITTIM #7133	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8348738	F-01-070849	4232331385		103		N J CHITTIM #7134	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8348732	F-01-070843	4232331507		103		N J CHITTIM #7212	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8348731	F-01-070842	4232331498		103		N J CHITTIM #7213	SACATOSA (SAN MIGUEL	0.7	VALERO TRANSMISSI
8348672	F-8A-070697	4203330583		108		T J GOOD -35- #1 I D 63206	JO-MILL (SPRABERRY)	1.4	GETTY OIL CO
8348673	F-2C-070698	4210500000		108		TODD CRINOIDAL UNIT #13 I D 02014	TODD	8.1	PERMIAN CORP
-DALLAS ENERGY DEVELOPMENT CORP				RECEIVED:	08/08/83	JA: TX			
8348503	F-7B-65903	4213334487		102-4		ST JOHNS #3		0.0	EL PASO HYDROCARB
-DELRAY OIL INC				RECEIVED:	08/08/83	JA: TX			
8348515	F-7B-67861	4208300000		103		BERTIE E STONE #19	COLEMAN COUNTY REGULA	7.4	LONE STAR GAS CO
8348513	F-7B-66929	4208300000		103		BERTIE E STONE #24	COLEMAN COUNTY REGULA	7.3	LONE STAR GAS CO
-DELTA OIL & GAS CO				RECEIVED:	08/08/83	JA: TX			
8348697	F-7B-070773	4242900000		103		R J KELLY ESTATE "D" RRC # 18583	STEPHENS COUNTY REGUL	0.0	LONE STAR GAS CO
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	08/08/83	JA: TX			
8348475	F-10-057943	4242100000		108-ER		BIVINS ESTATE #1-35	TEXAS	0.0	
8348505	F-10-66842	4235700000		108		EDNA J HERNDON "B" #1-L	ELLIS RANCH	0.0	NATURAL GAS PIPE
-DRENNAN & PETERSON				RECEIVED:	08/08/83	JA: TX			
8348635	F-09-070257	4223733055		102-4		PEAVY #1 (N/A)	PEAVY (CONGL 4500) FI	182.0	TEXAS UTILITIES F
-EADS OPERATING CO				RECEIVED:	08/08/83	JA: TX			
8348652	F-04-070520	4235532060		102-4		STATE TRACT 683 #4	NUECES BAY W (9200)	222.0	HOUSTON PIPE LINE
-ENSERCH EXPLORATION INC				RECEIVED:	08/08/83	JA: TX			
8348472	F-08-53193	4222732633		103		S E LUTHER #21-3	S E LUTHER (SIL-DEV)	54.0	GETTY OIL CO
-ENSERCH OIL CO INC				RECEIVED:	08/08/83	JA: TX			
8348471	F-08-52807	4222732634		103		S E LUTHER UNIT #22-3	S E LUTHER (FUSSELMAN	0.0	GETTY OIL CO
-ENTERPRISE ENERGY CORP				RECEIVED:	08/08/83	JA: TX			
8348641	F-7B-070331	4236700000		103		GOFORTH #1 (102665)	WHISKEY FLAT (LOWER A	45.6	SOUTHWESTERN GAS
-EXXON CORPORATION				RECEIVED:	08/08/83	JA: TX			
8348579	F-06-069287	4234730727		103		CATHERINE SPRADLEY DEVAULT #1	DOUGLASS W (TRAVIS PE	300.0	ARMCO STEEL CO
8348612	F-04-069829	4226731505		103		EDUARDO HINOJOSA #2 (ID PENDING)	LA FE (FRIO 4850)	42.0	TRUNKLINE GAS CO
8348687	F-04-070756	4226130738		102-4		GARCIA RANCH 2 (105499)	GARCIA RANCH (L-40 WE	1100.0	ARMCO STEEL CORP
8348519	F-7C-67163	4208131161		103		I A B UNIT #736	I A B (MENIELLE PENN)	9.0	SUN GAS CO
8348623	F-08-070185	4210333119		103		J B TUBB A/C 1 #276	SAND HILLS (TUBB)	15.0	EL PASO NATURAL G
8348518	F-04-67102	4226131239		102-4		JOHN G KENEDY JR "E" 22-F	EL PAISTLE (I-66 N)	100.0	NATURAL GAS PIPEL
8348692	F-04-070761	4227331357		103		K R ALAZAN 337 (105507)	HINOJOSA (E-91)	237.0	ARMCO STEEL CORP
8348691	F-04-070760	4227331339		103		K R ALAZAN 393 (105515)	MADERO (J-24)	609.0	ARMCO STEEL CORP
8348690	F-04-070759	4227331742		102-4		K R ALAZAN 396 (105516)	MADERO (J-36 E)	500.0	ARMCO STEEL CORP
8348689	F-04-070758	4227331478		102-4		K R CHILTIPIN 57 (105518)	HINOJOSA N (E-95)	330.0	ARMCO STEEL CORP
8348694	F-04-070763	4227331480		102-4		K R CHILTIPIN 83 (092353)	HINOJOSA N (E-95)	1600.0	ARMCO STEEL CORP
8348527	F-7C-069236	4208131175		103		LOU E JOHNSON ESTATE A/C 2 #43	JAMESON (STRAWN)	18.0	
8348688	F-04-070757	4226130754		102-4		MRS S K EAST 144-D (105283)	TAJOS (J-68)	730.0	ARMCO STEEL CORP
8348693	F-04-070762	4204730803		103		R J KLEBERG JR TR VIBORAS PAST 87-F	VIBORAS (G-23 34 N)	438.0	ARMCO STEEL CORP
8348565	F-8A-068826	4216532589		103		ROBERTSON CLEARFORK UNIT #9303	ROBERTSON N (CLEAR FO	15.0	PHILLIPS PETROLEU
8348578	F-04-069254	4226130562		103		SARITA GAS UNIT #7 WELL Z-F	SARITA (1-F(W))	100.0	NATURAL GAS PIPEL
8348640	F-7C-070306	4210534081		103		STATE UNIVERSITY EY 31	INGHAM (DEVONIAN)	96.0	
-FORUM ENERGY INC				RECEIVED:	08/08/83	JA: TX			
8348572	F-7B-069051	4208300000		102-4		CRENSHAW #1	HEMPHILL (JENNINGS)	0.0	EL PASO HYDROCARB
-GENERAL PRODUCTION CO INC				RECEIVED:	08/08/83	JA: TX			
8348721	F-03-070827	4247730469		102-2		BEN R PIETSCH #1 #15491	GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
-GEORGE L ROUSSEAU				RECEIVED:	08/08/83	JA: TX			
8348588	F-03-069327	4205100000		102-4		CREEN #1	HOOKER CREEK (NAVARRO	10.0	FERGUSON CROSSING
-GETTY OIL COMPANY				RECEIVED:	08/08/83	JA: TX			
8348488	F-05-52393	4216100000		102-4		FRANKLIN SCURLOCK "C" #1	INGRAM TRINITY (RODES	0.0	LONE STAR GAS CO
8348544	F-05-067779	4216100000		102-4		FRANKLIN SCURLOCK "G" #1	INGRAM TRINITY (RODES	0.0	LONE STAR GAS CO
8348539	F-05-067460	4216100000		102-4		FRANKLIN SCURLOCK "H" #1	INGRAM TRINITY (RODES	0.0	LONE STAR GAS CO
8348525	F-05-67258	4216100000		102-4		FRANKLIN SCURLOCK "K" #1	INGRAM TRINITY (RODES	0.0	LONE STAR GAS CO
-GHR ENERGY CORP				RECEIVED:	08/08/83	JA: TX			
8348645	F-04-070363	4250531631		102-2	107-TF	LUNDELL B-3	MCASKILL (LOBO)	350.0	NATURAL GAS PIPEL
-GRACE PETROLEUM CORPORATION				RECEIVED:	08/08/83	JA: TX			
8348473	F-06-56413	4234730692		102-4		IRWIN A-1	GARRISON SOUTH (PETTI	0.0	UNITED GAS PIPELI
-GRAND BANKS ENERGY CO				RECEIVED:	08/08/83	JA: TX			
8348514	F-08-66958	4213534038		103		PARKER "A" #2	HARPER	0.0	PHILLIPS PETROLEU
-GULF OIL CORPORATION				RECEIVED:	08/08/83	JA: TX			
8348567	F-03-068932	4204130511		102-2		BRITTEN-BURLEY UNIT III #1	KURTEN (WOODBINE)	12.3	PRODUCERS GAS CO
8348610	F-09-069789	4225734769		103		FAYETTE YATES #11-L	BOONSVILLE (BEND CONG	192.3	NATURAL GAS PIPEL
8348501	F-08-65722	4237133910		107-DP		LITTLE MEXICO GAS UNIT #1-R	GOMEZ (FUSSELMAN)	1000.0	VALERO TRANSMISSI
8348618	F-08-069829	4238931329		102-4		TXL "BH" (NCT-B) #1	JESS BURNER (DELAWARE	39.0	CONOCO INC
8348617	F-08-069828	4238931323		102-4		TXL "BH" (NCT-B) #2	JESS BURNER (DELAWARE	57.0	CONOCO INC
8348616	F-08-069827	4238931334		102-4		TXL "BH" (NCT-B) #5	JESS BURNER (DELAWARE	20.0	CONOCO INC
8348615	F-08-069826	4238931335		102-4		TXL "BH" (NCT-B) #6	JESS BURNER (DELAWARE	64.0	CONOCO INC
8348614	F-08-069825	4238931354		102-4		TXL "BH" (NCT-B) #8	JESS BURNER (DELAWARE	38.0	CONOCO INC
8348632	F-08-069824	4238931378		102-4		TXL "BH" (NCT-B) #9	JESS BURNER (DELAWARE	84.0	CONOCO INC
8348613	F-08-069823	4238931333		102-4		TXL "BH" (NCT-C) #3	JESS BURNER (DELAWARE	129.0	
8348674	F-08-070712	4238931337		102-4	103	TXL "BH" (NCT-C) #7	JESS BURNER (DELAWARE	21.0	
8348715	F-08-070816	4210330034		108		W N WADDELL #1502	DUNE	0.5	
8348714	F-08-070815	4210330380		108		W N WADDELL #1695	DUNE	0.4	
8348712	F-08-070813	4210301072		108		W N WADDELL #215	WADDELL	1.9	
8348713	F-08-070814	4210301090		108		W N WADDELL #233	EDWARDS	0.4	
8348708	F-08-070809	4210301102		108		W N WADDELL #245	DUNE	0.4	
8348707	F-08-070808	4210301230		108		W N WADDELL #386	DUNE	2.2	
8348706	F-08-070807	4210301322		108		W N WADDELL #478	DUNE	1.3	
8348705	F-08-070806	4210301561		108		W N WADDELL #710	UNIVERSITY WADDELL (D	2.6	
8348709	F-08-070810	4210310373		108		W N WADDELL #856	WADDELL	0.3	
8348710	F-08-070811	4210310598		108		W N WADDELL #912	DUNE	0.9	
8348711	F-08-070812	4210311129		108		W N WADDELL #930	DUNE	1.0	
8348717	F-08-070818	4210311171		108		W N WADDELL #938	DUNE	0.3	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8348716	F-08-070817	4210330014		108		W H WADDELL #995	EDWARDS "04" (SOUTH 7	1.6	
-H & S OPERATING INC				RECEIVED:	08/08/83	JA: TX			
8348489	F-09-64159	4223700000		102-4		L-100 #1	HOLLIS (CONGL)	40.0	TEXAS UTILITIES P
-HANSON MINERALS CO				RECEIVED:	08/08/83	JA: TX			
8348555	F-04-068274	4227933580		102-4		AVIATORS GAS UNIT #3	GEORGE BUCK (4TH MINN	912.5	VALERO TRANSMISSI
8348633	F-04-070250	4247933551		102-4		AVIATORS GAS UNIT #4	GEORGE BUCK (4TH MINN	730.0	HOUSTON PIPE LINE
-HENDERSON CLAY PRODUCTS INC				RECEIVED:	08/08/83	JA: TX			
8348542	F-06-067629	4240131610		102-2	107-TF	BARKSDALE ESTATE GAS UNIT	CYRIL (COTTON VALLEY)	700.0	B & A PIPE LINE C
8348521	F-06-67173	4240131596		102-3	107-TF	J W HOLT ESTATE	HENDERSON N (COTTON V	900.0	B & A PIPE LINE C
-HENRY PETROLEUM CORP				RECEIVED:	08/08/83	JA: TX			
8348517	F-08-67100	4231700000		103		STRIPLING 82-1	SPRABERRY (TREND AREA	0.0	PHILLIPS PETROLEU
8348516	F-7C-67099	4238300000		103		UNIVERSITY 33 #1-Y	SPRABERRY (TREND AREA	0.0	J L DAVIS
-HIGHLAND RESOURCES INC				RECEIVED:	08/08/83	JA: TX			
8348530	F-04-67369	4235531780		102-4	103	STATE TRACT 20 WELL #2	CORPUS CHANNEL EAST (	365.0	HOUSTON PIPELINE
-HILLIARD OIL & GAS INC				RECEIVED:	08/08/83	JA: TX			
8348727	F-08-070836	4249531479		103		MITCHELL "C" #1	MONAHANS NE (PENN DET	25.0	PHILLIPS PETROLEU
-HNG OIL COMPANY				RECEIVED:	08/08/83	JA: TX			
8348528	F-7C-67306	4243500000		103	107-TF	KELLY "125" #5	SAWYER (CANYON)	125.0	INTRATEX GAS CO
8348511	F-7C-66734	4243500000		103	107-TF	VANDERSTUCKEN "47" #4	SAWYER (CANYON)	125.0	INTRATEX GAS CO
-HOLT OIL & GAS CORP				RECEIVED:	08/08/83	JA: TX			
8348481	F-03-62134	4208931209		107-TF		KLEIMANN UNIT #1	GINTHER (MIDCOX)	54.0	VALERO TRANSMISSI
-HUGHES & HUGHES OIL AND GAS				RECEIVED:	08/08/83	JA: TX			
8348587	F-04-069467	4250531068		102-4		L A HINNANT -G- #1	AVIATORS SOUTH (11,80	730.0	HOUSTON PIPE LINE
-HUNT OIL COMPANY				RECEIVED:	08/08/83	JA: TX			
8348644	F-7C-070358	4246132005		102-4		V T AMACKER 79 #4	AMACKER-TIPPETT S W (	115.0	EL PASO NATURAL G
-INTERNATIONAL OIL & GAS CORP				RECEIVED:	08/08/83	JA: TX			
8348491	F-7C-64638	4210534190		102-4		VERNON B COX "B" #6	DUDLEY EAST (DEVONIAN	0.0	INTRASTATE GATHER
-J M HUBER CORPORATION				RECEIVED:	08/08/83	JA: TX			
8348582	F-03-069382	4232131258		103		LOUIS WOLF & "D-1A"	LUCKY WEST (HARDY HOR	274.0	DOW CHEMICAL USA
-J ROSE & ASSOCIATES INC				RECEIVED:	08/08/83	JA: TX			
8348609	F-7B-069775	4220700000		102-4		CORNELSON #1	BETTY C (CADDO)	0.0	RUST OIL CORP
-JOHN L COX				RECEIVED:	08/08/83	JA: TX			
8348531	F-7C-67376	4246132002		103		AMERADA - NEAL "D" #1	BENEDUM (FUSSELMAN)	10.0	PHILLIPS PETR CO
8348532	F-7C-67377	4246132003		103		AMERADA - NEAL "E" #1	BENEDUM (FUSSELMAN)	10.0	PHILLIPS PETR CO
8348533	F-7C-67378	4246131989		103		AMERADA - NEAL "35" #1	BENEDUM (FUSSELMAN)	10.0	PHILLIPS PETR CO
8348487	F-7C-63628	4246131963		103		AMERADA - NEAL C #1	BENEDUM (FUSSELMAN)	10.0	PHILLIPS PETR CO
8348535	F-08-67381	4231700000		103		J C EPLEY #2 RRC #26187	SPRABERRY (TA)	10.0	NORTHERN GAS PROD
8348536	F-08-67382	4231700000		103		LUIS MADISON "B" #4 RRC #21969	SPRABERRY (TA)	10.0	NORTHERN GAS PROD
8348486	F-7C-63627	4246131950		103		MOBIL-NEAL "B" #1	BENEDUM (FUSSELMAN)	10.0	PHILLIPS PETR CO
8348534	F-7C-67379	4246132010		103		MOBIL-TXL #1 RRC #10151	PEGASUS (SOUTH BEND)	10.0	MOBIL PRODUCING T
8348559	F-7C-068425	4238332499		103		ROCKER B "H" #9 RRC #04586	SPRABERRY (TREND AREA	10.0	EL PASO NATURAL G
8348537	F-7C-67384	4238332478		103		ROCKER B "O" #17 RRC #01269	SPRABERRY (TA)	10.0	EL PASO NATURAL G
8348557	F-7C-068423	4238332497		103		ROCKER B "R" #16 RRC #05377	SPRABERRY (TREND AREA	10.0	EL PASO NATURAL G
8348558	F-7C-068424	4238332496		103		ROCKER B "T" #13 RRC #05416	SPRABERRY (TA)	10.0	EL PASO NATURAL G
8348603	F-7C-069667	4238332503		103		ROCKER B Q #18 RRC#05259	SPRABERRY (TA)	10.0	EL PASO NATURAL G
8348538	F-08-67418	4231700000		103		STEWART #2 RRC #26041	SPRABERRY (TREND AREA	10.0	NORTHERN GAS PROD
-JOHNNY G JONES				RECEIVED:	08/08/83	JA: TX			
8348650	F-7C-070427	4238300000		103		S R LEESON ETAL (02514) #1	SPRABERRY (TREND AREA	0.0	EL PASO NATURAL G
-KILROY CO OF TEXAS				RECEIVED:	08/08/83	JA: TX			
8348551	F-03-068105	4236130450		102-4		ARCO-SHANNON #2-T	SHANNON (HACKBERRY)	29.0	UNITED TEXAS TRAN
-LEWIS & ATKINS OIL & GAS INC				RECEIVED:	08/08/83	JA: TX			
8348556	F-7B-068403	4236333094		102-4		TALBERT #2	KESSLER (3980)	46.0	LIQUID ENERGY COR
-LOBO OIL CORP				RECEIVED:	08/08/83	JA: TX			
8348585	F-7B-069451	4215130563		103		JONI SUE STIFF #2 (RRC #15428)	CLAYTONVILLE SE (5000	40.0	TIPPERARY CORP
8348586	F-7B-069452	4215130942		103		JONI SUE STIFF #3 (RRC # 15429)	CLAYTONVILLE SE (5000	30.0	TIPPERARY CORP
-MARATHON OIL COMPANY				RECEIVED:	08/08/83	JA: TX			
8348628	F-7C-70219	4238300000		108		J L WATKINS #1	SPRABERRY TREND AREA	4.5	PHILLIPS PETROLEU
8348627	F-7C-070218	4238300000		108		J L WATKINS #2	SPRABERRY TREND AREA	5.0	PHILLIPS PETROLEU
8348626	F-7C-070217	4238300000		108		J L WATKINS #3	SPRABERRY TREND AREA	7.0	PHILLIPS PETROLEU
8348625	F-7C-070216	4238300000		108		J L WATKINS #4	SPRABERRY TREND AREA	8.0	PHILLIPS PETROLEU
-MARSHALL EXPLORATION INC				RECEIVED:	08/08/83	JA: TX			
8348465	F-06-66791	4241930354		102-4	103	WATERS #1	CARLILE & HOWELL (640	100.0	UNITED GAS PIPELI
-MITCHELL ENERGY CORPORATION				RECEIVED:	08/08/83	JA: TX			
8348483	F-09-062639	4249700000		108-ER		ARIZONA BURNS #2	BOONSVILLE	0.0	NATURAL GAS PIPEL
8348464	F-09-035908	4249700000		108-ER		HAZEL COBB #1	BOONSVILLE	0.0	NATURAL GAS PIPEL
8348490	F-09-064344	4249700000		108-ER		INEZ BLEVINS #1	BOONSVILLE	0.0	NATURAL GAS PIPEL
8348469	F-09-050693	4249700000		108-ER		LEWIS F HOLT #1	BOONSVILLE	0.0	NATURAL GAS PIPEL
8348666	F-09-070662	4249732539		103		MONROE CARAWAY UNIT #2	BOONSVILLE/BEND CONGL	426.8	NATURAL GAS PIPEL
8348463	F-09-030536	4249700000		108-ER		R J ALEXANDER #1	BOONSVILLE	0.0	NATURAL GAS PIPEL
8348462	F-09-004216	4249700000		108-ER		T L DICKENSON #3	BOONSFIELD	0.0	NATURAL GAS PIPEL
8348653	F-09-070524	4249732291		103		MAGGONER (MAYNARD) "A" #2	BOONSVILLE/BEND CONGL	405.2	LONE STAR GAS CO
-MONTERREY PETROLEUM CORP				RECEIVED:	08/08/83	JA: TX			
8348480	F-04-61484	4247932935		102-2	107-TF	APACHE #1	GOLD RIVER NORTH (OLM	0.0	SEAGULL PIPELINE
-MORGAS				RECEIVED:	08/08/83	JA: TX			
8348647	F-10-070384	4248300000		103		BETTY #1 104906	PANHANDLE EAST	48.0	TRANSWESTERN PIPE
-MORRISON ENERGY CO				RECEIVED:	08/08/83	JA: TX			
8348699	F-7B-070781	4213334475		102-4		MARTIN #1	MORENCO (MARBLE FALLS	64.0	LONE STAR GAS CO
-MORROW RESOURCES INC				RECEIVED:	08/08/83	JA: TX			
8348496	F-7C-65223	4245131142		102-2	103	BROWN "B" #4	K H B (STRAWN)	0.0	LONE STAR GAS CO
8348642	F-7C-070347	4245131228		102-2	103	BROWN "C" #12	K H B (STRAWN)	0.0	LONE STAR GAS CO
8348575	F-7C-069152	4232730523		102-2	103	MAULDIN #1	CELERY (STRAWN B)	0.0	SUN GAS CO
-MOSBACHER PRODUCTION CO				RECEIVED:	08/08/83	JA: TX			
8348630	F-03-070245	4216730371		102-4		STATE TRACT 163 #1	STEPHENSON POINT (SEA	169.0	TRANSCONTINENTAL
-MYERS PHILIP				RECEIVED:	08/08/83	JA: TX			
8348611	F-7B-069805	4244733331		102-4		T G HENDRICK TRACT 5 #6 (103796)	SHINNERY BEND (WOLFCA	70.0	HST GATHERING CO
-NIELSON ENTERPRISES INC				RECEIVED:	08/08/83	JA: TX			
8348596	F-8A-069576	4207900000		103		COX #1	LEVELLAND	20.0	CABOT CORP
8348595	F-8A-069575	4207900000		103		COX #2	LEVELLAND	12.0	CABOT CORP
8348592	F-8A-069572	4207900000		103		COX #3	LEVELLAND	22.0	CABOT CORP
8348594	F-8A-069574	4207900000		103		COX #4	LEVELLAND	22.0	CABOT CORP
8348593	F-8A-069573	4207900000		103		COX #5	LEVELLAND	12.0	CABOT CORP
8348598	F-8A-069578	4207900000		103		FRENCH #1	LEVELLAND	10.0	CABOT CORP
8348597	F-8A-069577	4207900000		103		FRENCH #2	LEVELLAND	10.0	CABOT CORP
8348591	F-8A-069571	4207900000		103		FRENCH #3	LEVELLAND	15.0	CABOT CORP
8348599	F-8A-069579	4207900000		103		MARSHALL #1	LEVELLAND	48.0	CABOT CORP
8348600	F-8A-069580	4207931595		103		PHILLIPS #1	LEVELLAND	20.0	CABOT CORP
8348602	F-8A-069582	4207931579		103		SLAUGHTER #1-13	LEVELLAND	78.0	CABOT CORP
8348599	F-8A-069570	4207900000		103		SLAUGHTER #2	LEVELLAND	22.0	CABOT CORP
8348601	F-8A-069581	4207900000		103		SLAUGHTER #3	LEVELLAND	30.0	CABOT CORP
-NUGGET OIL CORP				RECEIVED:	08/08/83	JA: TX			
8348506	F-02-66076	4217531680		102-4		PEREIRA #1-C	DIAL (2000')	50.0	UNITED GAS PIPE L
-PATTERSON PETROLEUM INC				RECEIVED:	08/08/83	JA: TX			
8348581	F-03-069372	4214931517		102-2		V H WEIMAN #1	GIDDINGS (AUSTIN CHAL	438.0	PHILLIPS PETROLEU
-PENNZOIL PRODUCING COMPANY				RECEIVED:	08/08/83	JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8345608	F-04-069771	4247931970		102		BUNI-KILLAM MINERAL FEE #51-1	AVIATORS S (WILCOX 9,	15.0	VALERO INTERSTATE
-FEIRO-LEWIS CORPORATION				RECEIVED:	05/05/83	JA: TX			
8348620	F-7C-069383	4218500000		103		J R BAILEY ESTATE #2	OZONA N E	11.0	NORTHERN NATURAL
-PETROLEUM EQUITIES CORP				RECEIVED:	05/05/83	JA: TX			
8348546	F-7B-070321	4242933563		102-4		B ERFINGER "A" #1-A	L C CLEVINGER (RANGER	10.0	LONE STAR GAS CO
-PETROLEUM INTERNATIONAL INC				RECEIVED:	05/05/83	JA: TX			
8348589	F-10-069565	4209313040		103		VANDIVER #7	PANHANDLE GRAY	73.0	KERR-MCGEE CORP
-PEYTON MCKNIGHT JR				RECEIVED:	05/05/83	JA: TX			
8348681	F-06-070726	4242300000		102-4		H L GUTTENBERG #1	ANN MCKNIGHT (PALUXY)	10.0	LONE STAR GAS CO
8348680	F-06-070725	4242300000		102-4		J H LLOYD ESTATE #1	ANN MCKNIGHT	11.0	LONE STAR GAS CO
8348679	F-06-070724	4242300000		102-4		J M LLOYD ESTATE #2-A	ANN MCKNIGHT	14.0	LONE STAR GAS CO
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	05/05/83	JA: TX			
8348492	F-10-65042	4242100000		103		COY #2	TEXAS - HUDSON	8.0	MICHIGAN WISCONSI
8348485	F-10-64105	4219530572		103		PEARSON #7	TEXAS HUDSON	0.0	PANHANDLE EASTERN
8348512	F-10-66906	4234100000		103		T J HURLEY #2	PANHANDLE NOODLE	0.0	EL PASO NATURAL G
8348654	F-05-070572	4210333095		103		TXEB D WELL #7 25121	SAND HILLS (TUBB)	39.0	
-R A W ENERGY CORP				RECEIVED:	05/05/83	JA: TX			
8348554	F-7B-068199	4208333447		102-4		SEALY-SMITH #5	LAKE COLEMAN (MORRIS	300.0	UNION TEXAS PETRO
-RAMPY TY				RECEIVED:	05/05/83	JA: TX			
8348563	F-05-068778	4239500000		102-4		TY RAMPY #1	CALVERT EAST (TRAVIS	547.0	LONE STAR GAS CO
-RICHEY & CO INC				RECEIVED:	05/05/83	JA: TX			
8348634	F-7B-070255	4213334906		102-4		M WALKER #1	REB (MARBLE FALLS)	52.0	ENSERCH EXPLORATI
-RICKS EXPLORATION CO				RECEIVED:	05/05/83	JA: TX			
8348476	F-10-59170	4205731222		103		SANTA FE 1037-B	WILDCAT	344.0	PRODUCERS GAS CO
-RIDGE OIL CO				RECEIVED:	05/05/83	JA: TX			
8348696	F-7B-070769	4213334846		102-4	103	EARNEST #2	RANGER (BLACK LIME WE	26.0	COMPRESSOR RENTAL
8348540	F-7B-067581	4213334768		102-4	103	ERWIN #1	RANGER NW (MARBLE FAL	39.6	COMPRESSOR RENTAL
8348619	F-7B-069399	4213334878		102-4	103	HODGES #1	RANGER NW (MARBLE FAL	36.0	COMPRESSOR RENTAL
8348631	F-7B-070246	4213334879		102-4	103	HODGES #2	RANGER NW (MARBLE FAL	39.6	COMPRESSOR RENTAL
8348695	F-7B-070767	4213334882		102-4	103	NICKS #2	RANGER NW (MARBLE FAL	30.6	COMPRESSOR RENTAL
8348621	F-7B-069910	4213334880		102-4	103	R T S #1	RANGER NW (MARBLE FAL	64.8	COMPRESSOR RENTAL
-ROPAR OPERATING CO				RECEIVED:	05/05/83	JA: TX			
8348651	F-09-070492	4249732551		103		L A SCHULLEN #2	PARK SPRINGS CONGLOME	90.0	LONE STAR GAS CO
-RYDER SCOTT OIL CO				RECEIVED:	05/05/83	JA: TX			
8348678	F-09-070723	4249732548		102-4		FLETCHER UNIT #2 RRC 23250	FLETCHER (CONGLOMERAT	65.0	DELHI GAS PIPELIN
8348677	F-09-070722	4249732563		102-4		FLETCHER UNIT #3 RRC 23250	FLETCHER (CONGLOMERAT	160.0	DELHI GAS PIPELIN
-S & J OPERATING CO				RECEIVED:	05/05/83	JA: TX			
8348684	F-09-070748	4200935329		103		ABERCROMBIE #1	ARCHER CITY S E (MISS	18.3	PRONTO COMPRESSIO
8348683	F-09-070746	4200935352		103		T B WILSON #2	ARCHER CITY SE (MISS)	18.3	PRONTO COMPRESSIO
-SAXON OIL COMPANY				RECEIVED:	05/05/83	JA: TX			
8348498	F-7C-65487	4238331930		103		UNIVERSITY "14-2" #2	SPRADERRY (TREND AREA	0.0	PHILLIPS PETROLEU
-SEELY OIL CO				RECEIVED:	05/05/83	JA: TX			
8348553	F-7B-068170	4215131454		103		SOLOMON	PAUL HUNTER (NOODLE C	18.0	TEXAS UTILITIES F
8348655	F-7B-070584	4242933601		102-4		T P ROBERTSON-METCALF #2	ANN T (MISS)	496.0	GREAT WESTERN GAS
-SEQUOIA OIL & GAS INC				RECEIVED:	05/05/83	JA: TX			
8348636	F-09-070289	4223723274		103		MULLINAX #2 WELL	JACK COUNTY REGULAR	0.0	TEXAS UTILITIES F
8348637	F-09-070290	4223700000		102-4		MULLINAX #4	MULLINAX (3600 STRAWN	0.0	TEXAS UTILITIES F
-SHELL OIL CO				RECEIVED:	05/05/83	JA: TX			
8348605	F-01-069741	4231131836		102-4		BRACKEN #9	A W P (OLMOS)	100.0	HPI TRANSMISSION
-SKLAR & PHILLIPS OIL CO				RECEIVED:	05/05/83	JA: TX			
8348643	F-06-070348	4242330624		103	107-TF	CORLEY #1	OVERTON (COTTON VALLE	500.0	UNITED GAS PIPE L
8348550	F-03-068011	4204130892		102-2		PARKWAY UNIT #1	BRYAN (WOODBINE)	90.0	FERGUSON BRAZOS C
-SPILLER J A				RECEIVED:	05/05/83	JA: TX			
8348493	F-01-65167	4250731709		102-4		O L GRELLE #1 (102825)	WILDCAT	219.0	NORTHERN NATURAL
8348494	F-01-65168	4250731842		102-4		O L GRELLE #2 (103643)	PRYOR EAST	219.0	NORTHERN NATURAL
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	05/05/83	JA: TX			
8348702	F-04-070790	4242731736		102-4		LAUREL C #9	SUN NORTH (H-4-4)	538.0	FLORIDA GAS TRANS
8348703	F-7C-070791	4210533920		103		NAN D GRIMMER #5	OZONA (CANYON SAND)	43.0	NORTHERN NATURAL
8348704	F-04-070804	4242700000		103		V L DE PENA #1	KELSEY SOUTH	9.0	FLORIDA GAS TRANS
-TED TRUE INC				RECEIVED:	05/05/83	JA: TX			
8348478	F-10-60682	4206500000		103		MARE 83-6	PANHANDLE	0.0	CABOT PIPELINE CO
8348477	F-10-60680	4206500000		103		MARE 83-7	PANHANDLE	0.0	CABOT PIPELINE CO
8348474	F-10-57854	4206500000		103		MARE 84-3	PANHANDLE (CARSON COU	0.0	CABOT PIPELINE CO
8348479	F-10-60840	4206500000		103		MARE 84-7	PANHANDLE	0.0	CABOT PIPELINE CO
-TEE OPERATING CO				RECEIVED:	05/05/83	JA: TX			
8348482	F-03-62602	4216730912		102-4		MALLS BAYOU RANCH #2			
8348569	F-03-068982	4236130457		102-4		MCKEE #1	GREENS LAKE EAST (MIO	0.0	AMOCO GAS CO
-TENNECO OIL COMPANY				RECEIVED:	05/05/83	JA: TX	PEVETO (9600)	0.0	DOW PIPELINE CO
8348604	F-8A-069781	4216532444		103		WESCOTT 21-1			
-TEPCO ENGINEERING INC				RECEIVED:	05/05/83	JA: TX	WESCOTT (STRAWN)	0.0	
8348485	F-02-62722	4223900000		103		W T WESTHOFF #1-C			
-TEX-WELL OIL & GAS CORP				RECEIVED:	05/05/83	JA: TX	TEXANA N (6170)	240.0	HOUSTON PIPE LINE
8348718	F-10-070820	4206531434		103		WILLIAMS #4 (ID# 05221)			
TEXACO INC				RECEIVED:	05/05/83	JA: TX	PANHANDLE CARSON	80.0	GETTY OIL CO
8348547	F-08-067869	4210931674		102-4		CULBERSON "X" FEE #10			
8348524	F-8A-67222	4216532427		103		J B ROBERTSON #60	GERALDINE	0.4	EL PASO NATURAL G
8348478	F-06-52561	4218330536		102-4	107-TF	MARTHA BARTON #1	ROBERTSON N (CLEARFOR	0.0	PHILLIPS PETROLEU
8348520	F-8A-67169	4221933668		103		MONTGOMERY ESTATE DAVIES NCT-2 #92	DANVILLE PROSPECT	235.0	
8348522	F-03-67206	4213500000		103		O B HOLT NCT-1 #38	LEVELLAND	0.0	AMOCO PRODUCTION
8348622	F-8A-070030	4221900000		103		O O BAKER #11	NORTH COWDEN	1.1	AMOCO PRODUCTION
8348549	F-8A-067968	4250132268		103		ROBERTS UNIT #3310	SLAUGHTER	0.3	AMOCO PRODUCTION
8348509	F-8A-66634	4250132271		103		ROBERTS UNIT #4345	MASSON	0.0	SHELL OIL CO
8348510	F-8A-66655	4216532409		103		TOBE FOSTER NCT-2 #5A	MASSON	0.0	SHELL OIL CO
8348523	F-8A-67220	4216532406		103		WHARTON UNIT #110	D E B (WOLFCAMP)	0.0	PHILLIPS PETROLEU
8348546	F-8A-067867	4216532526		103		WHARTON UNIT #116	HARRIS	0.0	PHILLIPS PETROLEU
-TONNER PETROLEUM CO				RECEIVED:	05/05/83	JA: TX	HARRIS	16.1	PHILLIPS PETROLEU
8348564	F-03-068795	4203931875		102-4		G C CANNAN #1			
-TRIGG DRILLING COMPANY INC				RECEIVED:	05/05/83	JA: TX	DAMBURY DOME-WEST	19.4	HOUSTON PIPE LINE
8348466	F-10-50658	4221131424		103		NOAH 1-8			
8348467	F-10-50659	4221131350		103		SADIE TEAS #1-42	BUFFALOW WALLOW	365.0	
-TRINITY RESOURCES INC				RECEIVED:	05/05/83	JA: TX	BUFFALO WALLOW	292.0	
8348638	F-02-070292	4223931859		102-4		FINLEY #2			
-TXO PRODUCTION CORP				RECEIVED:	05/05/83	JA: TX	PALMETTO BEND	108.0	LONE STAR GAS CO
8348502	F-06-65810	4234730903		102-4		CHANDLER #1			
8348607	F-06-069748	4234730947		102-4		CHANDLER #2	TOOLAN (PETTIT LO)	171.5	LIBERTY NATURAL G
8348648	F-7C-070389	4223932077		103		LINDLEY "40" #11	TOOLAN (PETTIT LO)	47.5	LIBERTY NATURAL G
8348495	F-02-65219	4220531635		103		MITCHELL E-3	ROCK PEN (CANYON)	100.0	NORTHERN NATURAL
8348529	F-10-67321	4229531274		102-4		STABEL #2	SPEAKS SW (WILCOX A)	0.0	HOUSTON PIPE LINE
8348552	F-10-065134	4229500000		102-4		STABEL #4	DUKE - MAY	200.0	DELHI GAS PIPELIN
8348606	F-7B-069744	4236732470		103		MOODY "B" #1	DUKE-MAY (TONKAWA)	200.0	DELHI GAS PIPELIN
-U S OPERATING INC				RECEIVED:	05/05/83	JA: TX	DICEY (CONGLOMERATE)	250.0	TEXAS UTILITIES F
8348682	F-03-070739	4220731217		103		LYNN CLEMENTS #2 RRC ID# 11994			
-UNION OIL COMPANY OF CALIF				RECEIVED:	05/05/83	JA: TX			
8348497	F-08-65466	4200333360		103		DOLLARHIDE UNIT #3-15-C	DOLLARHIDE (CLEARFORK	20.0	DOLLARHIDE GASOLI

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8348725	F-8A-070834	4230330844		102-2		G H GRISSOM #1	EDMISSON (CLEARFORK)	5.0	
8348541	F-08-067505	4238931035		108		H F ANTHONY #7	MORSHAM (CHERRY CANYO	10.0	EL PASO NATURAL G
8348722	F-8A-070831	4230330645		102-2		MCCAULEY #1	EDMISSON (CLEARFORK)	5.0	
8348723	F-8A-070832	4230330807		102-2		MCCAULEY #2	EDMISSON (CLEARFORK)	5.0	
8348724	F-8A-070833	4230330808		102-2		MCCAULEY #3	EDMISSON (CLEARFORK)	10.0	
-UNION TEXAS PETROLEUM				RECEIVED:	08/08/83	JA: TX			
8348698	F-7C-070779	4223532074		102-2		SUGG "15" #2	ANDREW A (CANYON)	256.0	FARMLAND INDUSTRI
-VAN OIL CORP				RECEIVED:	08/08/83	JA: TX			
8348543	F-7B-067737	4213334778		102-4		J S BROWN #107	FAIR (MARBLE FALLS LO	354.0	NORTHERN GAS PROD
-VAUGHN PETROLEUM INC				RECEIVED:	08/08/83	JA: TX			
8348665	F-7B-070642	4235331422		102-4		SIMMONS EST K	J&J (CADDO)	0.0	PALO DURO PIPELIN
-W C PAYNE				RECEIVED:	08/08/83	JA: TX			
8348629	F-10-07022	4221131542		103		MAHLER #1-138	PARSELL - UPPER MORRO	300.0	PHILLIPS PETROLEU
-WCS PETROLEUM CO				RECEIVED:	08/08/83	JA: TX			
8348571	F-03-069013	4214931522		102-2		ROHDE #1	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-WILLIAMS EXPLORATION COMPANY				RECEIVED:	08/08/83	JA: TX			
8348584	F-02-069414	4205731136		102-4		P H WELDER "D" #6		184.0	SEAGULL PIPELINE
8348545	F-02-06783	4205731236		102-4		P H WELDER D-9	KATIE WELDER (F-4)	183.0	SEAGULL PIPELINE
-WILLIAMS PETROLEUM CO				RECEIVED:	08/08/83	JA: TX			
8348664	F-7B-070618	4236300000		103		B R A #1	PK DAM (CONGLOMERATE	60.0	TEXAS UTILITIES F
8348663	F-7B-070617	4236300000		103		B R A #2	PK DAM (CONGLOMERATE	500.0	TEXAS UTILITIES F
-WINN EXPLORATION/DULCE CO				RECEIVED:	08/08/83	JA: TX			
8348573	F-01-069055	4250731809		102-4		PRYOR RANCH #118	WINN-DULCE	0.0	VALERO TRANSMISSI
-WISENBAKER PRODUCTION CO				RECEIVED:	08/08/83	JA: TX			
8348568	F-06-068956	4236531535		102-4	103	MITCHELL HEIRS #1 RRC ID NO 174344	ITEX (PETTET)	15.0	EASTEX GAS TRANSM
-WOODHAM OIL CORP				RECEIVED:	08/08/83	JA: TX			
8348656	F-01-070590	4250731942		102-4		JESSEE #1-C	DARSEY (SAN MIGUEL-A)	219.0	HOUSTON PIPELINE
8348657	F-01-070591	4250731942		102-4		JESSEE #1-T	DARSEY (SAN MIGUEL-B)	312.0	HOUSTON PIPELINE
8348659	F-01-070593	4250731805		102-4		PRYOR #1-C	WOODHAM (ESCONDIDO)	146.0	HOUSTON PIPELINE
8348658	F-01-070592	4250731805		102-4		PRYOR #1-T	WOODHAM (SAN MIGUEL-1)	278.0	HOUSTON PIPELINE
8348660	F-01-070594	4250731867		102-4		PRYOR #2	WOODHAM (OLMOS-3)	146.0	HOUSTON PIPELINE
8348662	F-01-070596	4250731918		102-4		PRYOR #3-C	WOODHAM (OLMOS)	234.0	HOUSTON PIPELINE
8348661	F-01-070595	4250731918		102-4		PRYOR NO 3-T	WOODHAM (OLMOS-4)	164.0	HOUSTON PIPELINE
-WTG EXPLORATION INC				RECEIVED:	08/08/83	JA: TX			
8348500	F-7C-65647	4210534310		103	107-TF	MILLER #2	OZONA	73.0	NORTHERN NATURAL

[FR Doc. 83-23498 Filed 8-25-83; 8:45 am]

BILLING CODE 6717-01-C

federal register

Friday
August 26, 1983

Part VII

Environmental Protection Agency

Standards of Performance for New Stationary Sources; Appendix A; Calibration Revisions and Amendment to Methods 5 and 6

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL 2379-3]

Standards of Performance for New Stationary Sources; Appendix A; Calibration Revisions and Amendment to Methods 5 and 6

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Revisions to Appendix A of 40 CFR Part 60 to allow the use of a standardized dry gas meter in place of the wet test meter as a calibration standard in Methods 5 and 6 and an amendment to correct the calibration procedure in Method 6 were proposed in the **Federal Register** on October 7, 1982 (47 FR 44350). This action promulgates the revisions and the amendment. The intended effect of this final rule is to allow those sources, subject to the standards of performance specifying the use of Method 5 or Method 6 equipment, to use a standardized dry gas meter as an alternative calibration standard and to require them to use the amended calibration procedure in Method 6.

EFFECTIVE DATE: August 26, 1983. Under Section 307(b)(1) of the Clean Air Act, judicial review of the revisions and amendment is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under Section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESSES: *Docket.* A docket, number A-82-06, containing information considered by EPA in the development of the promulgated revisions and amendment is available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section (LE-131), West Tower Lobby, Gallery 1, 401 M Street SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Roger T. Shigehara, Emission Measurement Branch, Emission Standards and Engineering Division (MD-19), U.S. Environmental Protection Agency, Reseach Triangle Park, North Carolina 27711, telephone (919) 541-2237.

SUPPLEMENTARY INFORMATION:

Revisions and Amendment

The revisions are being made because studies have shown that the dry gas meter can be used as a calibration standard in place of a wet test meter, provided that the dry gas meter is calibrated initially and recalibrated periodically. The amended Method 6 dry gas meter calibration procedure requires the drying tube to be disconnected during calibration. This step eliminates the error caused by moisture from the wet test meter.

This rulemaking does not impose any additional emission measurement requirements on any facilities. Rather, the rulemaking simply allows an alternative calibration procedure and amends a calibration procedure in test methods associated with emission measurement requirements that would apply irrespective of this rulemaking.

Public Participation

The revisions and amendment were proposed and published in the **Federal Register** on October 7, 1982 (47 FR 44350). Public comments were solicited at the time of proposal. A public hearing was offered to provide interested persons the opportunity for oral presentation of data, views, or arguments concerning the proposal, but no person requested to speak. Three comment letters were received.

Significant Comments and Changes to the Proposed Revisions and Amendment

The promulgated revisions differ only slightly from the proposed revisions. Most of the changes were for clarity and editorial in nature.

Two of the commenters stated that although the capital cost is considerably less for the proposed technique, the requirement for the annual or 200-hour recalibration will require periodical calibration costs. The first commenter felt that the overall reduction in cost may not warrant the relaxation of the primary standard requirement. The second commenter felt that it would be more economical to buy the wet test meter initially, rather than to buy both or to buy a dry test meter and the calibration service.

EPA agrees that the overall reduction in cost may not be appreciable over a long term or helpful to a firm that does a high volume of testing. However, the use of a dry test meter may be advantageous to some. Since the relaxation of the primary standard requirement is less than 1 percent, EPA feels there is no reason not to allow this alternative. In addition, if records of dry gas meter stability and accuracy with use demonstrate that the 200-hour limitation can be extended, EPA will amend the limitation.

The third commenter favored the proposed revision.

Docket

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and industries involved to identify readily and locate documents so that they can intelligently and effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated rule and EPA responses to significant comments, the contents of the docket will serve as the record in case of judicial review [Section 307(d)(7)(A)].

Miscellaneous

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This regulation is not major because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices; and there will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This action was exempt from review under Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant economic impact on small entities, because the revisions include alternative equipment and procedure, and the amendment does not impose any substantial additional cost.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic Minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste Treatment and disposal, Zinc, Tires, Incorporation by Reference, Can surface coating.

Dated: August 18, 1983.

William D. Ruckelshaus,

Administrator.

PART 60—[AMENDED]

Appendix A—[Amended]

Method 5 and Method 6 of Appendix A of 40 CFR Part 60 are amended as follows:

1. The authority citation for these revisions and amendment is as follows:

Authority: Sections 111, 114, and 301(a) of the Clean Air Act, as amended [42 U.S.C. 7411, 7414, and 7601(a)].

2. In Method 5, the words "Section 7" are changed to "Bibliography" in the following three places:

a. Method 5, Section 2.1, first paragraph.

b. Method 5, Section 2.1, second paragraph.

c. Method 5, Section 4.1.5, third paragraph.

3. In Method 5, the heading "7. *Bibliography*" is redesignated as "8. *Bibliography*."

4. In Method 5, a new Section 7 and Citation 10 are added as follows:

Appendix A—Reference Methods

* * * * *

Method 5. Determination of Particulate Matter From Stationary Sources

* * * * *

7. *Alternative Procedures*

7.1 Dry Gas Meter as a Calibration Standard. A dry gas meter may be used as a calibration standard for volume measurements in place of the wet test meter specified in Section 5.3, provided that it is calibrated initially and recalibrated periodically as follows:

7.1.1 Standard Dry Gas Meter Calibration.

7.1.1.1 The dry gas meter to be calibrated and used as a secondary reference meter should be of high quality and have an appropriately sized capacity, e.g., 3 liters/rev (0.1 ft ^{3}/rev). A spirometer (400 liters or more capacity), or equivalent, may be used for this calibration, although a wet test meter is usually more practical. The wet test meter should have a capacity of 30 liters/rev (1 ft ^{3}/rev) and capable of measuring volume to within ±1.0 percent; wet test meters should be checked against a spirometer or a liquid displacement meter to ensure the accuracy of the wet test meter. Spirometers or wet test meters of other sizes may be used, provided that the specified accuracies of the procedure are maintained.

7.1.1.2 Set up the components as shown in Figure 5.7. A spirometer, or equivalent, may be used in place of the wet test meter in the system. Run the pump for at least 5 minutes at a flow rate of about 10 liters/min (0.35 cfm) to condition the interior surface of the wet test meter. The pressure drop indicated by the manometer at the inlet side of the dry gas meter should be minimized [no greater than 100 mm H_2O (4 in. H_2O) at a flow rate of 30 liters/min (1 cfm)]. This can be accomplished by using large diameter tubing connections and straight pipe fittings.

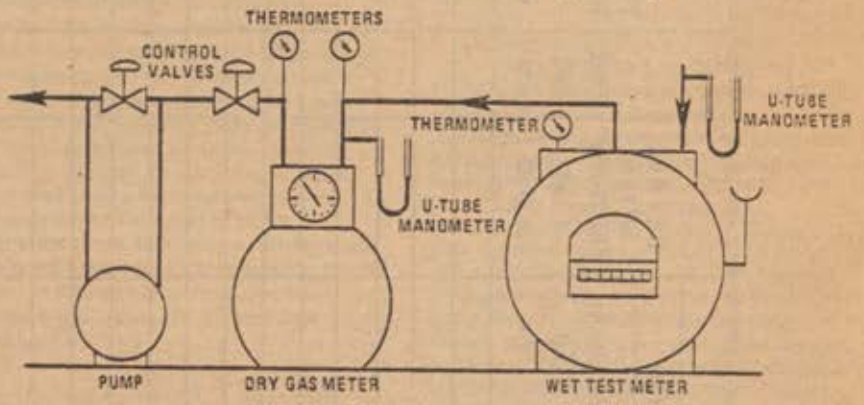


Figure 5.7 . Equipment arrangement for dry-gas meter calibration.

7.1.1.3 Collect the data as shown in the example data sheet (see Figure 5–8). Make triplicate runs at each of the flow rates and at no less than five different flow rates. The range of flow rates should be between 10 and 34 liters/min (0.35 and 1.2 cfm) or over the expected operating range.

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DATE:_____

DRY GAS METER IDENTIFICATION:_____

BAROMETRIC PRESSURE (P_b):_____ in. Hg

APPROXIMATE FLOW RATE ($\tilde{Q}$) cfm	SPIROMETER (WET METER) GAS VOLUME (V_s) ft^3	DRY GAS METER VOLUME (V_{dg}) ft^3	TEMPERATURES				DRY GAS METER PRESSURE (Δp) in. H_2O	TIME (Θ) min.	FLOW RATE (Q) cfm	METER METER COEFFICIENT (Y_{ds})	AVERAGE METER COEFFICIENT ($\bar{Y}_{ds}$)
			SPIROMETER (WET METER) (t_s) °F	DRY GAS METER							
				INLET (t_i) °F	OUTLET (t_o) °F	AVERAGE ($\bar{t}_d$) °F					
0.40											
0.60											
0.80											
1.00											
1.20											

$$Q = 17.65 \cdot \frac{V_s}{\Theta} \cdot \frac{P_b}{(t_s + 460)}$$

$$Y_{ds} = \frac{V_s}{V_{dg}} \cdot \frac{(\bar{t}_d + 460)}{(t_s + 460)} \cdot \frac{P_b}{\left(P_b + \frac{\Delta p}{13.6}\right)}$$

Figure 5.8. Example data sheet for calibration of a standard dry gas meter for method 5 sampling equipment (English units).

BILLING CODE 6560-50-C

7.1.1.4 Calculate flow rate, Q, for each run using the wet test meter gas volume, V_w, and the run time, θ. Calculate the dry gas meter coefficient, Y_{ds}, for each run. These calculations are as follows:

$$Q = K_1 \frac{P_{bar}}{t_w + t_{std}} \frac{V_w}{\theta}$$

$$Y_{ds} = \frac{V_w}{V_{ds}} \frac{(t_{ds} + t_{std})}{(t_w + t_{std})} \frac{P_{bar}}{\left(P_{bar} + \frac{\Delta p}{13.6}\right)}$$

Where:

K_1 = 0.3858 for international system of units (SI); 17.64 for English units.

V_w = Wet test meter volume, liters (ft^3).

V_{ds} = Dry gas meter volume, liters (ft^3).

t_{ds} = Average dry gas meter temperature, °C (°F).

t_{std} = 273° C for SI units; 460° F for English units.

t_w = Average wet test meter temperature, °C (°F).

P_{bar} = Barometric pressure, mm Hg (in. Hg).

Δp = Dry gas meter inlet differential pressure, mm H_2O (in. H_2O).

θ = Run time, min.

7.1.1.5 Compare the three Y_{ds} values at each of the flow rates and determine the maximum and minimum values. The difference between the maximum and minimum values at each flow rate should be no greater than 0.030. Extra sets of triplicate runs may be made in order to complete this requirement. In addition, the meter coefficients should be between 0.95 and 1.05. If these specifications cannot be met in three sets of successive triplicate runs, the meter is not suitable as a calibration standard and should not be used as such. If these specifications are met, average the three Y_{ds} values at each flow rate resulting in five average meter coefficients, $\bar{Y}_{ds}$.

7.1.1.6 Prepare a curve of meter coefficient, $\bar{Y}_{ds}$, versus flow rate, Q, for the dry gas meter. This curve shall be used as a reference when the meter is used to calibrate other dry gas meters and to determine whether recalibration is required.

7.1.2 Standard Dry Gas Meter Recalibration.

7.1.2.1 Recalibrate the standard dry gas meter against a wet test meter or spirometer annually or after every 200 hours of operation, whichever comes first. This requirement is valid provided the standard dry gas meter is kept in a laboratory and, if transported, cared for as any other laboratory instrument. Abuse to the standard meter may cause a change in the calibration and will require more frequent recalibrations.

7.1.2.2 As an alternative to full recalibration, a two-point calibration check may be made. Follow the same procedure and equipment arrangement as for a full recalibration, but run the meter at only two flow rates [suggested rates are 14 and 28 liters/min (0.5 and 1.0 cfm)]. Calculate the meter coefficients for these two points, and compare the values with the meter calibration curve. If the two coefficients are within ±1.5 percent of the calibration curve values at the same flow rates, the meter need not be recalibrated until the next date for a recalibration check.

8. * * *

11. Westlin, P. R. and R. T. Shigehara. Procedure for Calibrating and Using Dry Gas Volume Meters as Calibration Standards. Source Evaluation Society Newsletter. *3*(1):17–30. February 1978.

* * * * *

5. In Method 6, second paragraph of Section 5.1.1. the phrase "remove the drying tube and" is added at the beginning of the sentence and the words "of the dry tube" are deleted at the end of the sentence as follows:

* * * * *

Method 6—Determination of Sulfur Dioxide Emissions from Stationary Sources

* * * * *

5.1.1 * * *

Next, remove the drying tube and calibrate * * * to the inlet.

* * *

* * * * *

6. In Method 6, the heading "7. *Bibliography*" is redesignated as "8. *Bibliography*."

7. In Method 6, a new Section 7 and Citations 9 and 10 are added as follows:

* * * * *

Method 6—Determination of Sulfur Dioxide Emissions from Stationary Sources

* * * * *

7. *Alternative Procedures*

7.1 Dry Gas Meter as a Calibration Standard. A dry gas meter may be used as a calibration standard for volume measurements in place of the wet test meter specified in Section 5.1, provided that it is calibrated initially and recalibrated periodically according to the same procedures outlined in Method 5, Section 7.1, with the following exception: (1) the dry gas meter is calibrated against a wet test meter having a capacity of 1 liter/rev or 3 liters/rev and having the capability of measuring volume to within ±1 percent; (2) the dry gas meter is calibrated at 1 liter/min (2 cfh); and (3) the meter box of the Method 6 sampling train is calibrated at the same flow rate.

8. * * *

9. Westlin, P. R. and R. T. Shigehara. Procedure for Calibrating and Using Dry Gas Meter Volume Meters as Calibration Standards. Source Evaluation Society Newsletter. *3*(1):17–30. February 1978.

10. Yu, K. K. Evaluation of Moisture Effect on Dry Gas Meter Calibration. Source Evaluation Society Newsletter. *5*(1):24–28. February 1980.

* * * * *

[FR Doc. 83-23308 Filed 8-25-83; 8:45 am]

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federal register

Friday
August 26, 1983

Part VIII

Department of Commerce

Patent and Trademark Office

Proposed Revision of Patent Practice

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No. 30725-143]

Proposed Revision of Patent Practice

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Patent and Trademark Office proposes to amend the rules of practice in patent cases, Part 1 of 37 CFR, to clarify the practice under certain sections of Pub. L. 97-247 of 1982 and to make certain other changes and clarifications in practice which have been found desirable after some experience. The changes proposed would change the practice under §§ 1.27 and 1.28 with regard to subsequently establishing small entity status and qualifying for a refund of fees paid in full. The proposed changes in other rules are intended to clarify and improve the practice in certain areas.

DATES: Comments must be submitted on or before October 18, 1983; a public hearing will be held on October 18, 1983, 9:30 a.m.; requests to present oral testimony should be received on or before October 11, 1983.

ADDRESS: Address written comments and requests to present oral testimony to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, Attention: R. Franklin Burnett, Room 3-11A13. The hearing will be held in Room 6-1215, on the 12th floor of Building 6, Crystal Plaza, located at 2221 Jefferson Davis Highway, Arlington, Virginia. Written comments and a transcript of the public hearing will be available for public inspection in Room 11A13 of Building 3, Crystal Plaza at 2021 Jefferson Davis Highway, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: R. Franklin Burnett by telephone at (703) 557-3054 or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION: This proposed rule change is designed primarily to (1) clarify the small entity status of independent inventors, small business concerns and nonprofit organizations having funding agreements with a federal governmental agency as defined in 35 U.S.C. 202(c)(4); (2) rewrite § 1.28 to provide a system for obtaining a refund of a portion of a fee paid in full when small entity status is established within two months of the date of such payments; (3) provide that a separate statement establishing small entity status is not required in an application filed under § 1.62 when such status has been established in the parent application; and (4) modify certain other rules to clarify practice.

Proposed new § 1.21(1) would establish a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to § 1.53(d). This proposed new paragraph, as well as the proposed changes to §§ 1.53 and 1.78, would indicate that in order to obtain benefit of a prior U.S. application, either the basic filing fee or the processing and retention fee of § 1.21(1) must be paid. Proposed § 1.53(d) would further establish that the application will be disposed of if the required fee is not paid within a set period. Proposed § 1.56(b) would require submission of copies of foreign patent documents, non-patent publications, or other non-patent items of information diclosed pursuant to the duty to disclose. Proposed new § 1.191(d) would clarify that §§ 1.136 or 1.550(c) apply to all time periods set forth in §§ 1.191-1.194, 1.196 and 1.197.

Discussion of Specific Rules

Section 1.5, paragraph (a), if amended as proposed, would remove a reference to § 1.55, which is no longer appropriate.

Section 1.6, if amended as proposed, would clarify the manner in which letters and papers which are filed in accordance with § 1.10 by "Express Mail" are date stamped when received in the Patent and Trademark Office. Such letters and papers, which comply with § 1.10, will be stamped with the date of deposit as "Express Mail" with the United States Postal Service unless the date of deposit is a Saturday, Sunday or federal holiday within the District of Columbia, in which case the date stamped will be the next succeeding day which is not a Saturday, Sunday, or a federal holiday within the District of Columbia. No papers are received in the Patent and Trademark Office on Saturdays, Sundays, or federal holidays within the District of Columbia.

Section 1.14, if amended as proposed, would revise paragraph (b) to clarify that only complete patent applications as defined in § 1.51(a) which become abandoned will be retained for a period of twenty years from the filing date. Incomplete applications will be retained as provided in proposed §§ 1.21 and 1.53.

Section 1.19, paragraph (b)(3), if amended as proposed, would clarify that only copies made from Office records, but not prepared by the Office, will be compared with the original prior to certification of the copies. The Office will not compare copies made from some other copy or record with Office records for purposes of certification. The stated charge of ten cents per page would not be sufficient to make a word-by-word comparison. The requirements of the public appear to still be served by limiting the use of the comparison fee to Office records.

Section 1.21, if amended as proposed, would revise paragraph (b)(2) and establish a new paragraph (1). The change in paragraph (b)(2) is in accord with the proposed change in § 1.25(a). Proposed new paragarph (1) provides a fee for processing and retaining any application which is abandoned pursuant to § 1.53(d). Such applications have received a filing date pursuant to 35 U.S.C. 111 but have been abandoned for failure to complete the application by filing the oath or declaration, filing fee or surcharge (§ 1.16(e)). The proposed fee would cover the handling, filming, processing, data input and storage required to retain an application. The proposed fee would not be due in any application in which the basic filing fee was paid.

Section 1.25, if amended as proposed, would revise paragraph (a) to set the minimum deposit for a deposit account at $1000 and to clarify that an amount sufficient to cover all fees as well as services, copies, etc., requested must always be on deposit. This minimum amount is considered necessary and proper in view of the substantial increase in the amounts of fees being charged to deposit accounts and the processing costs of handling these accounts. Proposed paragraph (b) would clarify that fees may be charged against a deposit account only where sufficient funds are on depoist to cover the entire amount of the fees. Proposed paragraph (b) would also clarify that an authorization to charge a fee to a deposit account will not be considered payment on the date the authorization to charge is effective as to that fee unless sufficient funds are present in the account to cover the fee.

Section 1.27, if amended as proposed, would revise paragraphs (b), (c) and (d) to provide clearly that an independent inventor, small business concern, or nonprofit organization, which is otherwise qualified as a small entity for purposes of paying reduced patent fees under 37 CFR 1.9 and 1.27, is not disqualified therefrom because of a license to a federal agency pursuant to 35 U.S.C. 202(c)(4). Section 1.27 is proposed to be amended to state that such a license does not constitute a license or a conveyance of rights which

would preclude qualifying for small entity status. The amendment is necessary for clarification and to avoid frustrating the intent of Pub. L. 97-247 and Pub. L. 96.517 when taken together.

The text of title 35, United States Code, section 202(c)(4) reads as follows:

§ 202. Disposition of rights.

(c) Each funding agreement with a small business firm or nonprofit organization shall contain appropriate provisions to effectuate the following:

* * * * *

(4) With respect to any invention in which the contractor elects rights, the Federal agency shall have a nonexclusive, nontransferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States any subject invention throughout the world, and may, if provided in the funding agreement, have additional rights to sublicense any foreign government or international organization pursuant to any existing or future treaty or agreement.

Section 1.28, if amended as proposed, would revise paragraph (a) to clarify that a separate verified statement is not required to be filed in a file wrapper continuing application filed pursuant to § 1.62, if status as a small entity has been established in the parent application and is still proper. Proposed § 1.28(a) would also permit a refund of a fee timely paid in the full amount if within two months of the date of the full timely payment: (1) Small entity status is properly established, and (2) a refund is requested. Under proposed § 1.28(a), no request for a refund filed later than two months after the date on which a full fee has been paid will be entertained. Proposed § 1.28(a) would provide for, in somewhat modified form, the practice presently in effect pursuant to a waiver of § 1.28 published at 1023 O.G. 77 on October 26, 1982 and extended at 1027 O.G. 115 on February 15, 1983.

The revised refund procedures in proposed § 1.28(a) would apply to any fees timely paid in full on or after the effective date of the final rule. The refund procedures set forth in the Patent and Trademark Office *Official Gazette* Notice entitled "Filing of Verified Statements Claiming Small Entity Status" published at 1023 O.G. 77 on October 26, 1982, and the *Official Gazette* Notice entitled "Requirement for Filing Verified Statements Claiming Small Entity Status" published at 1027 O.G. 115 on February 15, 1983, continue in effect until the effective date of the final rule or until other action is taken.

Section 1.52(d), if amended as proposed, would clarify that the verified English translation of a non-English language application and the fee set forth in § 1.17(k) can be filed with the application or within such time as may be set by the Office.

Section 1.53, paragraphs (b) and (d), if amended as proposed, would clarify in paragraph (b) that the application for patent must be filed in the name of the actual inventor or inventors by giving all their names as required by § 1.41. Proposed paragraph 1.53(d) would state that if a correspondence address is provided, notice would be provided where the appropriate filing fee or oath or declaration do not accompany the application. Proposed paragraph 1.53(d) would also provide that if the required filing fee is not paid, or the processing and retention fee is not paid, within one year of the date of mailing of notification pursuant to proposed paragraph 1.53(d), the application will be disposed of. The proposed paragraph wording would further indicate that no copies will be provided or certified by the Office of an application which has been disposed of or in which neither the basic filing fee nor the processing fee has been paid. Finally, proposed paragraph 1.53(d) would specify that if no correspondence address is included in the application, applicant will have two months from the filing date to file the fee, oath or declaration and to pay the surcharge set forth in § 1.16(e) in order to prevent abandonment of the application.

Section 1.55, paragraph (b), if amended as proposed, would correct an error in referring to paragraph (a) of this section.

Section 1.56, if amended as proposed, would revise paragraph (b) and add a new paragraph (j). Proposed paragraph 1.56(b) would require that a copy of each foreign patent document, non-patent publication, or other non-patent item of information in written form being disclosed pursuant to § 1.56 accompany such disclosure. Proposed paragraph 1.56(b) would also add "or her" to refer to both genders. Proposed new paragraph 1.56(j) would state that applicant would be notified if a copy of each foreign patent document, non-patent publication, or other non-patent item of information in written form is not submitted and given a time period within which to file the copy or state that the copy is not in the possession of the person making the disclosure. Such a time period would be extendable under § 1.136. Failure to respond in a proper and timely manner would result in abandonment of the application.

Section 1.59, if amended as proposed, would clarify that the Office will furnish copies of papers received in the Office at the usual cost only if the basic filing fee or the processing and retention fee has been paid.

Section 1.60, if amended as proposed, would break the section into paragraph (a) and new paragraph (b). Paragraph (a) would add a reference to proposed amended § 1.78(a) to clarify the conditions under which continuation or divisional applications may be filed. Proposed new paragraph 1.60(b) would provide that the signing of the oath or declaration could be omitted if the prior application was complete as set forth in § 1.51(a). Proposed new paragraph 1.60(b) also requires that a true copy of the prior complete application be filed. Proposed paragraph 1.60(b) would also provide that only amendments reducing the number of claims or adding a reference to the prior application will be entered before calculating the filing fee and granting the filing date.

Section 1.62, if amended as proposed, would revise paragraphs (a) and (d). Proposed paragraph 1.62(a) would provide that the file wrapper continuing procedure is applicable only to prior complete applications under § 1.51(a). Proposed paragraph 1.62(d) would clarify that the filing fee referred to is the basic filing fee.

Section 1.78, if amended as proposed, would change the title to more explicitly define the contents of the section and proposed paragraph (a). Proposed paragraph 1.78(a) would specify that in order for an application to claim the benefit of a prior filed copending national application, the prior application must be complete as set forth in § 1.51(a) or be entitled to a filing date as set forth in § 1.53(b) and include the basic filing fee set forth in § 1.16, or be entitled to a filing date as set forth in § 1.53(b) and have paid the processing and retention fee set forth in § 1.21(l) within the time period set forth in § 1.53(d).

Section 1.121, if amended as proposed, would revise paragraph (e) to specify how amendments to the description and claims are to be made in reissue applications.

Section 1.123, if amended as proposed, would clarify that the paper requesting amendments to the drawing should be a separate paper.

Section 1.135 is proposed to be amended by removing paragraph (d) since it is not necessary in view of the ability to obtain extensions of time under § 1.136(a) by petition and payment of fee.

Section 1.136, if amended as proposed, would clarify in paragraphs (a) and (b) that the extension of time practice under this section does not apply in interference proceedings or in

reexamination proceedings. Extension of time practice in interference proceedings, including extension of time for appeal or civil action (§ 1.304), is subject to § 1.245. Extension of time practice in reexamination proceedings, including extension of time for appeal or civil action (§ 1.304), is subject to § 1.550(c).

Section 1.191, if amended as proposed, would add a new paragraph (d) to provide that the time periods for appeal and review set forth in §§ 1.191–1.194, 1.196 and 1.197 are subject to the provisions of § 1.136 for patent applications or § 1.550(c) for reexamination proceedings.

Section 1.192, if amended as proposed, would revise paragraph (a) to delete the reference to § 1.136 since it is provided for in proposed new § 1.191(d).

Section 1.197, if amended as proposed, would revise paragraph (b) to delete the reference to § 1.136 since it is provided for in proposed new § 1.191(d).

Section 1.304, if amended as proposed, would clarify that extensions of time periods set forth therein are subject to the provisions of § 1.245 for interferences or § 1.550(c) where reexamination proceedings are involved rather than to § 1.136 which applies in all other cases.

Section 1.550, if amended as proposed, would revise paragraph (c) to clarify that the time for taking any action, including appeal, by a patent owner in a reexamination proceeding is governed solely by this section.

Section 1.555, if amended as proposed, would revise paragraphs (a) and (b). Proposed paragraph 1.555(a) would change "prior art" statement to—information disclosure—statement to conform to the language of § 1.98. Proposed paragraph 1.555(b) would require that disclosures pursuant to this paragraph be accompanied by a copy of each foreign patent document or non-patent printed publication which is being disclosed and which is in the possession of the person making the disclosure.

Environmental, energy, and other considerations: The proposed rule change will not have a significant impact on the quality of the human environment or the conservation of energy resources.

The proposed rule change is in conformity with the requirements of the Regulatory Flexibility Act (Pub. L. 96–354), Executive Order 12291, and the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

The rule change will not have a significant adverse economic impact on a substantial number of small entities (Regulatory Flexibility Act, Pub. L. 96–354). Public Laws 96–517 and 97–247 have both taken into consideration the impact they may have on small entities.

The Patent and Trademark Office has determined that this rule change is not a major rule under Executive Order 12291. The annual effect on the economy will be less than $100 million.

There will be no major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions. There will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule change will not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, since no significant additional record keeping or reporting requirements are placed upon the public. In fact, some paperwork, especially that related to filing of small entity statements in applications filed under § 1.62 will be reduced.

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Authority delegations (government agencies), Conflict of interests, Courts, Inventions and patents, Lawyers.

Notice is hereby given that, pursuant to the authority granted to the Commissioner of Patents and Trademarks by 35 U.S.C. 6 and Pub. L. 97–247, the Patent and Trademark Office proposes to amend Title 37 of the Code of Federal Regulations as set forth below.

PART 1—[AMENDED]

It is proposed to amend 37 CFR, Part 1, as follows with deletions indicated by brackets and additions by arrows.

1. Section 1.5 is proposed to be amended by revising paragraph (a) to read as follows:

§ 1.5 Identification of application, patent or registration.

(a) When a letter concerns an application for patent, it should state the name of the applicant, the title of the invention, the serial number or international application number of the application, the date of filing the same, and, if known, the group art unit and name of the examiner to which it has been assigned [(see § 1.55)].

* * * * *

2. Section 1.6 is proposed to be amended by revising paragraph (a) to read as follows:

§ 1.6 Receipt of letters and papers.

(a) Letters and other papers received in the Patent and Trademark Office are stamped with the date of receipt ► Except where such letters and papers are filed in accordance with § 1.10. Any such letters and papers filed in accordance with § 1.10 will be stamped with the date of deposit as "Express Mail" with the United States Postal Service unless the date of deposit is a Saturday, Sunday, or federal holiday within the District of Columbia in which case the date stamped will be the next succeeding day which is not a Saturday, Sunday, or a federal holiday within the District of Columbia ◄. No papers are received in the Patent and Trademark Office on Saturdays, Sundays or federal holidays within the District of Columbia.

* * * * *

3. Section 1.14 is proposed to be amended by revising paragraph (b) to read as follows:

§ 1.14 Patent applications preserved in secrecy.

* * * * *

(b) Except as provided in § 1.11(b) abandoned applications are likewise not open to public inspection, except that if an application referred to in a U.S. patent, or in an application which is open to inspection pursuant to § 1.139, is abandoned and is available, it may be inspected or copies obtained by any person on written request, without notice to the applicant. [Abandoned] ► Complete ◄ applications ► (§ 1.51(a)) which are abandoned ◄ may be destroyed after 20 years from their filing date, except those to which particular attention has been called and which have been marked for preservation. Abandoned applications will not be returned.

* * * * *

4. Section 1.19 is proposed to be amended by revising paragraph (b)(3) to read as follows:

§ 1.19 Document supply fees.

* * * * *

(b) * * *

(3) for comparing copies ► , made from Patent and Trademark Office records but ◄ not prepared by the ►Patent and Trademark ◄ Office ► , ◄ with the original, prior to certification of the copies, per page, $0.10.

* * * * *

5. Section 1.21 is proposed to be amended by revising paragraph (b)(2) and by adding a new paragraph (1) to read as follows:

§ 1.21 Miscellaneous fees and charges.

* * * * *

(b) * * *

(2) Service charge for each month when the balance at the end of the month is below [$40] ►$1000◄, $2.00

* * * * *

►(l) For processing and retaining any application abandoned pursuant to § 1.53(d) unless the required basic filing fee has been paid, $100.00.◄

6. Section 1.25 is proposed to be revised to read as follows:

§ 1.25 Deposit accounts.

(a) For the convenience of attorneys, agents, and the general public in paying any fees due, in ordering services offered by the Office, copies of records, etc., deposit accounts may be established in the Patent and Trademark Office upon payment of the fee for establishing a deposit account (§ 1.21(b)(1)). A minimum deposit of [$50] ►$1000◄ or more, depending on the activity of the individual account, is required. At the close of each month's business, a statement will be rendered. A remittance must be made promptly upon receipt of the statement to cover the value of items or services charged to the account and thus restore the account to its established normal deposit value. An amount sufficient to cover all ►fees,◄ services, copies, etc., requested must always be on deposit. A service charge (§ 1.21(b)(2)) will be assessed for each month that the balance at the end of the month is below [$40] ►1000◄.

(b) Filing, issue, appeal, international-type search report, international application processing, petition, and post-issuance fees may be charged against these accounts ►if sufficient funds are on deposit to cover such fees◄. A general authorization to charge all fees, or only certain fees, set forth in §§ 1.16 to 1.18 to a deposit account ►containing sufficient funds◄ may be filed in an individual application, either for the entire pendency of the application or with respect to a particular paper filed. An authorization to charge to a deposit account the fee for a request for reexamination pursuant to § 1.510 and any other fees required in a reexamination proceeding in a patent may also be filed with the request for reexamination. ►An authorization to charge a fee to a deposit account will not be considered payment of the fee on the date the authorization to charge the fee is effective as to the particular fee to be charged unless sufficient funds are present in the account to cover the fee.◄

7. Section 1.27 is proposed to be amended by revising paragraphs (b), (c) and (d) to read as follows:

§ 1.27 Statement of status as small entity.

* * * * *

(b) Any verified statement filed pursuant to paragraph (a) of this section on behalf of an independent inventor must be signed by the independent inventor except as provided in §§ 1.42, 1.43, or 1.47 of this part, and must aver that the inventor qualifies as an independent inventor in accordance with § 1.9(c) of this part. Where there are joint inventors in an application, each inventor must file a verified statement establishing status as an independent inventor in order to qualify as a small entity. Where any rights have been assigned, granted, conveyed, or licensed, or there is an obligation to assign, grant, convey, or license, any rights to a small business concern, a nonprofit organization, or any other individual, a verified statement must be filed by the individual, the owner of the small business concern, or an official of the small business concern or nonprofit organization empowered to act on behalf of the small business concern or nonprofit organization averring to their status. ►For purposes of a verified statement under this paragraph, a license to a federal agency resulting from a funding agreement with that agency pursuant to 35 U.S.C. 202(c)(4) does not constitute a license as set forth in § 1.9 of this part.◄

(c) Any verified statement filed pursuant to paragraph (a) of this section on behalf of a small business concern must (1) be signed by the owner or an official of the small business concern empowered to act on behalf of the concern; (2) aver that the concern qualifies as a small business concern as defined in § 1.9(d); and (3) aver that exclusive rights to the invention have been conveyed to and remain with the small business concern, or if the rights are not exclusive, that all other rights belong to small entities as defined in § 1.9. Where the rights of the small business concern as a small entity are not exclusive, a verified statement must also be filed by the other small entities having rights averring to their status as such. ►For purposes of a verified statement under this paragraph, a license to a federal agency resulting from a funding agreement with that agency pursuant to 35 U.S.C. 202(c)(4) does not constitute a license as set forth in § 1.9 of this part.◄

(d) Any verified statement filed pursuant to paragraph (a) of this section on behalf of a nonprofit organization must (1) be signed by an official of the nonprofit organization empowered to act on behalf of the organization; (2) aver that the organization qualifies as a nonprofit organization as defined in § 1.9(e) of this part specifying under which one of § 1.9(e)(1), (e)(2), (e)(3), or (e)(4) of this part the organization qualifies; and (3) aver that exclusive rights to the invention have been conveyed to and remain with the organization or if the rights are not exclusive, that all other rights belong to small entities as defined in § 1.9 of this part. Where the rights of the nonprofit organization as a small entity are not exclusive, a verified statement must also be filed by the other small entities having rights averring to their status as such. ►For purposes of a verified statement under this paragraph, a license to a federal agency resulting from a funding agreement with that agency pursuant to 35 U.S.C. 202(c)(4) does not constitute a conveyance of rights as set forth in this paragraph.◄

8. Section 1.28 is proposed to be amended by revising paragraph (a) to read as follows:

§ 1.28 Effect on fees of failure to establish status, or change status, as a small entity.

(a) The failure to establish status as a small entity (§§ 1.9(f) and 1.27 of this part) in any application or patent prior to paying, or at the time of paying, any fee [(1)] precludes payment of the fee in the amount established for small entities [; and (2) precludes a refund pursuant to § 1.26 of this part of any portions of fees paid prior to establishing status as a small entity]. ►A refund pursuant to § 1.26 of this part, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if a verified statement under § 1.27 and a request for a refund of the excess amount are filed within two months of the date of the timely payment of the full fee.◄ Status as a small entity is waived for any fee by the failure to establish the status prior to paying, [or] at the time of paying ►, or within two months of the date of payment of,◄ the fee. Status as a small entity must be specifically established by a verified statement filed in each application or patent in which the status is available and desired, except those applications filed under § 1.60 ►or § 1.62◄ of this part where the status as a small entity has been established in a parent application and is still proper. Once status as a small entity has been established in an application or patent, the status remains in that application or patent without the filing of a further verified statement

pursuant to § 1.27 of this part unless the Office is notified of a change in status. Status as a small entity in one application or patent does not affect any other application or patent, including applications or patents which are directly or indirectly dependent upon the application or patent in which the status has been established, except those filed under § 1.60 ►or § 1.62◄ of this part. Applications filed under § 1.60 ►or § 1.62◄ of this part must include a reference to a verified statement in a parent application if status as a small entity is still proper and desired.

* * * * *

9. Section 1.52 is proposed to be amended by revising paragraph (d) to read as follows:

§ 1.52 Language, paper, writing, margins.

* * * * *

(d) An application [including a signed oath or declaration] may be filed in a language other than English [if it is accompanied by the fee set forth in § 1.17(k)]. A verified English translation of the non-English language application [is] ►and the fee set forth in § 1.17(k) are◄ required to be filed with the application or within such time as may be set by the Office.

10. Section 1.53 is proposed to be amended by revising paragraphs (b) and (d) to read as follows:

§ 1.53 Serial number, filing date, and completion of application.

* * * * *

(b) The filing date of an application for patent is the date on which (1) a specification containing a description pursuant to § 1.71 and at least one claim pursuant to §1.75, and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office ►in the name of the actual inventor or inventors as required by § 1.41◄. No new matter may be introduced into an application after its filing date (§ 1.118).

* * * * *

(d) If an application which has been accorded a filing date pursuant to paragraph (b) of this section does not include the appropriate filing fee or an oath or declaration by the applicant, applicant will be so notified ►, if a correspondence address has been provided,◄ and given a period of time within which to file the fee, oath, or declaration and to pay the surcharge as set forth in § 1.16(e) in order to prevent abandonment of the application. ►If the required filing fee is not timely paid, or if the processing and retention fee set forth in § 1.21(1) is not paid within one year of the date of mailing of the notification required by this paragraph, the application will be disposed of. No copies will be provided or certified by the Office of an application which has been disposed of or in which neither the required basic filing fee nor the processing and retention fee has been paid.◄ The notification pursuant to this paragraph may be made simultaneously with any notification pursuant to paragraph (c) of this section. ►If no correspondence address is included in the application, applicant has two months from the filing date to file the fee, oath or declaration and to pay the surcharge as set forth in § 1.16(e) in order to prevent abandonment of the application.◄

* * * * *

11. Section 1.55 is proposed to be amended by revising paragraph (b) to read as follows:

§ 1.55 Claim for foreign priority.

* * * * *

(b) An applicant may under certain circumstances claim priority on the basis of an application for an inventor's certificate in a country granting both inventor's certificates and patents. When an applicant wishes to claim the right of priority as to a claim or claims of the application on the basis of an application for an inventor's certificate in such a country under 35 U.S.C. 119, last paragraph (as amended july 28, 1972), the applicant or his ►or her◄ attorney or agent, when submitting a claim for such right as specified in paragraph ►(a)◄ [(b)] of this section, shall include an affidavit or declaration including a specific statement that, upon an investigation, he or she has satisfied himself or herself that to the best of his or her knowledge the applicant, when filing his or her application for the inventor's certificate, had the option to file an application either for a patent or an inventor's certificate as to the subject matter of the identified claim or claims forming the basis for the claim of priority.

12. Section 1.56 is proposed to be amended by revising paragraph (b) and by adding a new paragraph (j) to read as follows:

§ 1.56 Duty of disclosure; fraud; striking or rejection of applications.

* * * * *

(b) Disclosures pursuant to this section ►must be accompanied by a copy of each foreign patent document, non-patent publication, or other non-patent item of information in written form which is being disclosed and◄ may be made to the Office through an attorney or agent having responsibility for the preparation or prosecution of the application or through an inventor who is acting in his ►or her◄ own behalf. Disclosure to such an attorney, agent or inventor shall satisfy the duty, with respect to the information disclosed, of any other individual. Such an attorney, agent or inventor has no duty to transmit information which is not material to the examination of the application.

* * * * *

►(j) If any disclosure pursuant to this section does not include a copy of each foreign patent document, non-patent publication, or other non-patent item of information in written form which is being disclosed, applicant will be so notified and given a period of time within which to file the copy or state that the copy is not in the possession of the person making the disclosure. The time period set may be extended under § 1.136.◄

13. Section 1.59 is proposed to be revised to read as follows:

§ 1.59 Papers of application with filing date not to be returned.

Papers in an application which has received a filing date pursuant to § 1.53 will not be returned for any purpose whatever. If applicants have not preserved copies of the papers, the Office will furnish copies at the usual cost ►of any application in which either the required basic filing fee (§ 1.16) or the processing and retention fee [§ 1.21(1)] has been paid◄.

14. Section 1.60 is proposed to be revised to read as follows:

§ 1.60 Continuation or divisional application for invention disclosed in a prior application.

►(a)◄ A continuation or divisional application (filed under the conditions specified in 35 U.S.C. 120 or 121 ►and § 1.78(a)◄), which discloses and claims only subject matter disclosed in a prior application may be filed as a separate application before the patenting or abandonment of or termination of proceedings on the prior application. [Signing and execution of the application papers by the applicant may be omitted provided the copy is supplied by and accompanied by a statement by, the applicant or his or her attorney or agent that the application papers comprise a true copy of the prior application as filed. Such statement must be a verified statement if made by a person not registered to practice before the Patent and Trademark Office. Only amendments reducing the number of claims or adding a reference to the prior application (§ 1.78(a)) will be

entered before calculating the filing fee and granting the filing date.]

►(b) An applicant may omit signing of the oath or declaration in a continuation or divisional application if (1) the prior application was a complete application as set forth in § 1.51(a) and (2) applicant files a true copy of the prior complete application as filed including the specification (including claims), drawings, oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application. The copy of the prior application must be accompanied by a statement that the application papers filed are a true copy of the prior application and that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein. Such statement must be by the applicant or applicant's attorney or agent and must be a verified statement if made by a person not registered to practice before the Patent and Trademark Office. Only amendments reducing the number of claims or adding a reference to the prior application (§ 1.78(a)) will be entered before calculating the filing fee and granting the filing date.◄

15. Section 1.62 is proposed to be amended by revising paragraphs (a) and (d) to read as follows:

§ 1.62 File wrapper continuing procedure.

(a) A continuation, continuation-in-part, or divisional application, which uses the specification ►,◄ [and] drawings ►and oath or declaration◄ from a prior ►complete◄ application ►(§ 1.51(a))◄ to be abandoned, may be filed before the payment of the issue fee, abandonment of, or termination of proceedings on [a] ►the◄ prior application. The filing date of an application filed under this section is the date on which a request is filed for an application under this section including identification of the Serial Number, filing date, and applicant's name of the prior ►complete◄ application.

* * * * *

(d) If an application which has been accorded a filing date pursuant to paragraph (a) of this section does not include the appropriate ►basic◄ filing fee pursuant to paragraph (b) of this section, or an oath or declaration by the applicant in the case of a continuation-in-part application pursuant to paragraph (c) of this section, applicant will be so notified and given a period of time within which to file the fee, oath, or declaration and to pay the surcharge as set forth in § 1.16(e) in order to prevent abandonment of the application. The notification pursuant to this paragraph may be made simultaneously with any notification of a defect pursuant to paragraph (a) of this section.

* * * * *

16. Section 1.78 is proposed to be amended by revising the title and paragraph (a) to read as follows:

§ 1.78 ► Claiming benefit of earlier filing date and cross-references◄ [Cross-references] to other applications.

(a) [When an applicant files an] ►An◄ application ►may claim◄ [claiming] an invention disclosed in ►the same applicant's◄ [a] prior filed copending national application or international application designating the United States of America [of the same applicant,] ►. In order for an application to claim the benefit of a prior filed copending national application, the prior application must be (1) complete as set forth in § 1.51, or (2) entitled to a filing date as set forth in § 1.53(b) and include the basic filing fee set forth in § 1.16; or (3) entitled to a filing date as set forth in § 1.53(b) and have paid therein the processing and retention fee set forth in § 1.21(1) within the time period set forth in § 1.53 (d). Any application claiming the benefit of a prior filed copending national or international application◄ [the second application] must contain or be amended to contain in the first sentence of the specification following the title a reference to such prior application, identifying it by serial number and filing date or international application number and international filing date and indicating the relationship of the applications [, if the benefit of the filing date of such prior application is to be claimed]. Cross-references to other related applications may be made when appropriate. (See § 1.14(b)).

* * * * *

17. Section § 1.121 is proposed to be amended by revising paragraph (e) to read as follows:

§ 1.121 Manner of making amendments.

* * * * *

(e) In reissue applications, both the descriptive portion and the claims are to be amended [as specified in paragraph (a) of this section.] ►by either (1) submitting a copy of a portion of the description or an entire claim with all matter to be deleted from the patent being placed between brackets and all matter to be added to the patent being underlined, or (2) indicating the exact word or words to be stricken out or inserted and the precise point where the deletion or insertion is to be made. Any word or words to be inserted must be underlined. See § 1.173.◄

* * * * *

18. Section 1.123 is proposed to be revised to read as follows:

§ 1.123 Amendments to the drawing.

No change in the drawing may be made except by permission of the Office. Permissible changes in the construction shown in any drawing may be made only by bonded draftsmen, at applicant's expense, or by the submission of substitute drawings by applicant. A sketch in permanent ink showing proposed changes, to become part of the record, must be filed for approval by the examiner [. The paper requesting amendments to the drawing] ►and◄ should be ►a◄ separate ►paper◄ [from other papers].

19. Section 1.135 is proposed to be amended by removing paragraph (d).

§ 1.135 Abandonment for failure to respond within time period.

* * * * *

[(d) Prompt ratification or filing of a correctly signed copy may be accepted in case of an unsigned or improperly signed paper. (See § 1.7.)]

20. Section 1.136 is proposed to be revised to read as follows:

§1.136 Filing of timely responses with petition and fee for extension of time and extensions of time for cause.

(a) If an applicant is required to respond within a non-statutory or shortened statutory time period, applicant may respond up to four months after the time period set if a petition for an extension of time and the fee set in § 1.17 are filed prior to or with the response, unless (1) the applicant is notified othwise in an Office action or (2) the application is involved in an interference declared pursuant to § 1.207. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for purposes of determining the period of extension and the corresponding amount of the fee. The expiration of the time period is determined by the amount of the fee paid. In no case may an applicant respond later than the maximum time period set by statute, or be granted an extension of time under paragraph (b) of this section when the provisions of this paragraph are available.►See § .245 for extension of time in interference proceedings and § 1.550(c) for extension of time in reexamination proceedings.◄

(b) When a response with petition and fee for extension of time cannot be filed pursuant to paragraph (a) of this section, the time for response will be extended only for sufficient cause, and for a reasonable time specified. Any request

for such extension must be filed on or before the day on which action by the applicant is due, but in no case will the mere filing of the request effect any extension. In no case can any extension carry the date on which response to an Office action is due beyond the maximum time period set by statue or be granted when the provisions of paragraph (a) of this section are available. See § 1.245 for extension of time in interference proceedings ►and § 1.550(c) for extension of time in reexamination proceedings.◄

21. Section 1.191 is proposed to be amended by adding a new paragraph (d) to read as follows:

§ 1.191 Appeal to Board of Appeals.

* * * * *

►(d) The time periods set forth in § 1.191 through 1.194, 1.196 and 1.197 are subject to the provisions of § 1.136 for patent applications or § 1.550(c) for reexamination proceedings.◄

22. Section 1.192 is proposed to be amended by revising paragraph (a) to read as follows:

§ 1.192 Appellant's brief.

(a) The appellant shall, within 2 months from the date of the notice of appeal under § 1.191 in an application, reissue application, or patent under reexamination, or within the time allowed for response to the action appealed from, if such time is later, file a brief in triplicate. The brief must be accompanied by the requisite fee set forth in § 1.17(f) and must set forth the authorities and arguments on which the appellant will rely to maintain the appeal. The brief must include a concise explanation of the invention which should refer to the drawing by reference characters, and a copy of the claims involved. [The time periods set forth herein are subject to the provisions of § 1.136.]

* * * * *

23. Section 1.197 is proposed to be amended by revising paragraph (b) to read as follows:

§ 1.197 Action following decision.

* * * * *

(b) A single request for rehearing or reconsideration, or modification of the decision, may be made if filed within thirty days from the date of the original decision, unless that decision is so modified as to become, in effect, a new decision, and the Board of Appeals so states. [Such time may be extended under the provisions of § 1.136.]

* * * * *

24. Section 1.304 is proposed to be amended by revising paragraph (a) to read as follows:

§ 1.304 Time for appeal or civil action.

(a) The time for filing the notice and reasons of appeal to the U.S. Court of Appeals for the Federal Circuit (§ 1.302) or for commencing a civil action (§ 1.303) is sixty days from the date of the decision of the Board of Appeals or the Board of Patent Interferences. If a request for rehearing or reconsideration, or modification of the decision, is filed within the time provided pursuant to § 1.197(b) or § 1.256(b), the time for filing an appeal or commencing a civil action shall expire at the end of the sixty-day period or thirty days after action on the request, whichever is later. The time periods set forth herein are subject to the provisions of § 1.136 ►or § 1.550(c) as to decisions of the Board of Appeals, or § 1.245 as to decisions of the Board of Patent Interferences.◄.

* * * * *

25. Section 1.550 is proposed to be amended by revising paragraph (c) to read as follows:

§ 1.550 Conduct of reexamination proceedings.

* * * * *

(c) The time for ►taking any action by a patent owner in a reexamination proceeding◄ [reply set in paragraph (b) of this section] will be extended only for sufficient cause, and for a reasonable time specified. Any request for such extension must be filed on or before the day on which action by the patent owner is due, but in no case will the mere filing of the request effect any extension.

* * * * *

26. Section 1.555 is proposed to be amended by revising paragraphs (a) and (b) to read as follows:

§ 1.555 Duty of disclosure in reexamination proceedings.

(a) A duty of candor and good faith toward the Patent and Trademark Office rests on the patent owner, on each attorney or agent who represents the patent owner, and on every other individual who is substantively involved on behalf of the patent owner in a reexamination proceeding. All such individuals who are aware, or become aware, of patents or printed publications material to the reexamination which have not been previously made of record in the patent file must bring such patents or printed publications to the attention of the Office. ►An information disclosure◄ [A prior art] statement, preferably in accordance with § 1.98, should be filed within two months of the date of the order for reexamination, or as soon thereafter as possible in order to bring such patents or printed publications to the attention of the Office.

(b) Disclosures pursuant to this section ►must be accompanied by a copy of each foreign patent document or non-patent printed publication which is being disclosed and◄ may be made to the Office through an attorney or agent having responsibility on behalf of the patent owner for the reexamination proceeding or through a patent owner acting in his or her own behalf. Disclosure to such an attorney, agent or patent owner shall satisfy the duty of any other individual. Such an attorney, agent or patent owner has no duty to transmit information which is not material to the reexamination.

* * * * *

Dated: July 22, 1983.

Gerald J. Mossinghoff,

Commissioner of Patents and Trademarks.

[FR Doc. 83-23538 Filed 8-25-83; 8:45 am]

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Friday
August 26, 1983

Part IX

Department of the Interior

Fish and Wildlife Service

Migratory Bird Hunting; Early Seasons, Bag Limits, and Possession of Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Early Seasons, Bag Limits, and Possession of Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes the hunting seasons, hours, areas, and daily bag and possession limits of mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, common snipe, gallinules; teal in September, in the contiguous United States; sea ducks in certain defined areas of the Atlantic Flyway; ducks in September in Florida, Iowa, Kentucky, and Tennessee; sandhill cranes in the Central Flyway and Arizona; sandhill cranes and Canada geese in southwestern Wyoming; migratory game birds in Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and special falconry seasons during 1983–84. The taking of these migratory birds is prohibited unless hunting seasons are specifically provided. The rules will permit the hunting of these species within specified periods of time beginning as early as September 1, as has been the case in past years, and benefit the public by relieving existing restrictions.

DATE: Effective on August 26, 1983.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Room 536, Matomic Building, 1717 H Street, NW., Washington, D.C., telephone 202–254–3207.

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported, or transported.

On April 5, 1983, the U.S. Fish and Wildlife Service (hereinafter the Service) published for public comment in the **Federal Register** (48 FR 14700) a proposal to amend 50 CFR Part 20, with comment periods ending June 22, July 15, and August 19, 1983, respectively, for the 1983–84 hunting season frameworks proposed for Alaska, Puerto Rico, and the Virgin Islands; other early seasons; and the late seasons. That document dealt with the establishment of hunting seasons, hours, areas, and limits for migratory game birds under §§ 20.101 through 20.107 and 20.109 of Subpart K. On June 17, 1983, the Service published in the **Federal Register** (48 FR 27799) a second document consisting of a supplemental proposed rulemaking dealing with both the early and late season frameworks. On July 7, 1983, the Service published for public comment in the **Federal Register** (48 FR 31266) a third document consisting of a proposed rulemaking dealing specifically with frameworks for early season migratory bird hunting regulations. On July 22, 1983, the Service published in the **Federal Register** (48 FR 33488) a fourth document consisting of final frameworks for Alaska, Puerto Rico, and the Virgin Islands. On August 3, 1983, the Service published a fifth document (48 FR 35100) consisting of a final rulemaking for the early season frameworks for migratory game bird hunting regulations from which State wildlife conservation agency officials selected early season hunting dates, hours, areas, and limits for the 1983–84 season. On August 3, 1983, the Service published a sixth document consisting of a supplemental proposed rulemaking dealing with black ducks. On August 15, 1983, the Service published a seventh document in the **Federal Register** (48 FR 36853) consisting of a proposed rulemaking dealing specifically with frameworks for late season migratory bird hunting regulations. The final rule described here is the eighth in a series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations and deals specifically with amending Subpart K of 50 CFR 20 to set hunting seasons, hours, areas, and limits for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; September teal seasons; sea ducks in certain defined areas of the Atlantic Flyway; ducks in September in Florida, Iowa, Kentucky, and Tennessee; sandhill cranes in the Central Flyway and Arizona; sandhill cranes and Canada geese in southwestern Wyoming; migratory game birds in Alaska, Hawaii, Puerto Rico, and Virgin Islands; and special falconry seasons.

These regulations contain no information collections subject of Office of Management and Budget review under the Paperwork Reduction Act of 1980.

Nontoxic Shot Regulations

On August 13, 1981, the Service published in the **Federal Register** (46 FR 40879) final rules describing nontoxic shot zones for waterfowl hunting. When eaten by waterfowl, spent lead pellets can have a toxic effect. Nontoxic shot zones reduce availability of lead pellets in selected waterfowl feeding areas.

Amendments to these regulations were published in the **Federal Register** (47 FR 32546; July 28, 1982 and 48 FR 26457; June 8, 1983). These amendments relate to changes in Maine, Massachusetts, Indiana, Nebraska, Michigan, Illinois, and Florida. Some States have State regulations requiring steel shot for waterfowl hunting in areas not included in the Federal regulations published in the **Federal Register** on August 13, 1981 (46 FR 40879). Zones in other States will remain as they were described on August 13, 1981 (46 FR 40879).

Some national wildlife refuges require use of steel shot on hunting areas within their boundaries, and these rules are publisned with other regulations regarding public use of the refuges (Title 50 CFR Part 32—Hunting).

Waterfowl hunters are advised to become familiar with State and local regulations regarding the use of nontoxic shot for waterfowl hunting.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975 (40 FR 24241). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement. Copies of these documents are available from the Service.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act" [and]" * * * by taking such action necessary to insure that any action authorized, funded, or carried out * * * is not likely to jeopardize the continued existence of such endangered or threatened species or result ir the destruction or modification of habit of

such species * * * which is determined to be critical."

Subsequently, the Service initiated Section 7 consultation under the Endangered Species Act for the proposed hunting season frameworks.

On June 28, 1983, the Chief, Office of Endangered Species, gave a biological opinion that the proposed action is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of their critical habitats.

As in the past, hunting regulations this year are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species.

The Service's biological opinion resulting from its consultation under Section 7 is considered a public document and is available for inspection in the Office of Endangered Species and the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Regulatory Flexibility Act and Executive Order 12291

In the **Federal Register** dated April 5, 1983 (at 48 FR 14706), the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and the Executive Order. These included preparing a Determination of Effects and an updated Final Regulatory Impact Analysis, and publication of a summary of the latter. These regulations have been determined to be major under Executive Order 12291 and they have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act. This determination is detailed in the aforementioned documents which are available upon request from the Office of Migratory Bird Management, U.S. Fish and Wildife Service, Department of the Interior, Washington, D.C. 20240.

Authorship

The primary author of this final rule is Mary C. Hill, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief.

Memorandum of Law

The Service published its Memorandum of Law, required by Section 4 of Executive Order 12291, in the **Federal Register** dated July 22, 1983 (at 48 FR 33489).

Regulations Promulgation

After analysis of migratory game bird survey data obtained through investigations conducted by the Service, State conservation agencies, and other sources, and consideration of all comments received on the early proposals (48 FR 14700, April 5, 1983; 48 FR 27799, June 17, 1983; and 48 FR 31266, July 17, 1983), the Service published in the **Federal Register** on July 22, 1983 (48 FR 33488) final early season frameworks for Alaska, Puerto Rico, the Virgin Islands; and on August 3, 1983 (48 FR 35100), those for the contiguous United States and Hawaii. Copies of the final frameworks were also sent to the officials of the State conservation agencies and to conservation agency officials in Puerto Rico and the Virgin Islands who were invited to submit recommendations for hunting seasons which complied with the season times and lengths, hours, areas, and limits specified in the frameworks.

The taking of the designated species of migratory birds is prohibited unless open hunting seasons are specifically provided. The following amendments will permit taking of the designated species within specified time periods beginning as early as September 1, as has been the case in past years, and benefit the public by relieving existing restrictions.

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, the Service intends that the public be given the greatest possible opportunity to comment on the regulations. Thus, when proposed rulemakings were published on April 5, June 17, and July 7, 1983, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that when the comment period closed time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the States would have insufficient time to select their season dates, shooting hours, hunting areas, and limits; to communicate those selections to the Service; and to establish and publicize the necessary regulations and procedures to implement their decisions. The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) (Administrative Procedure Act), and these regulations will, therefore, take effect immediately upon publication.

Accordingly, each State conservation agency having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, certain sections of Title 50, Chapter I, Subchapter B, Part 20, Subpart K, are amended as follows.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Transportation, Wildlife.

PART 20—[AMENDED]

Section 20.101 is revised to read as follows:

§ 20.101 Seasons, limits and shooting hours for Puerto Rico and the Virgin Islands.

Subject to the applicable provisions of the preceding sections of this part, the open seasons (dates inclusive), the shooting and hawking hours, and the daily bag and possession limits, and areas for hunting the species designated in this section are prescribed as follows:

(a) *Puerto Rico.*

	Doves	Pigeons
Daily bag limit	10 singly or in the aggregate of all permitted species.	5
Possession limit	10 singly or in the aggregate of all permitted species.	5
Season dates	(1)	(1)
Shooting hours	(2)	(2)

[1] September 3 to November 1, 1983.
[2] One-half hour before sunrise to sunset daily.

Restrictions: Only the following species of doves and pigeons may be hunted during the open season: Zenaida dove (*Tortola cardosantera*); white-winged dove (*Tortola aliblanca o cubanita*); mourning dove (*Tortola rabilarga o rabiche*); and scaly-naped pigeon (*Paloma turca o torcaz*).

Closed Areas

No season is prescribed for doves and pigeons on Mona Island in order to protect the reduced population of white-crowned pigeon (*Columba leucocephala*), known locally as "Paloma cabeciblanca."

No season is prescribed for doves and pigeons in the Municipality of Culebra and on Desecheo Island.

No season is prescribed in the El Verde Closure Area consisting of those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) All lands between Routes 956 on the west and 186 on the east, from Route 3 on the north to the juncture of Routes 956 and 186 (Km 13.2) in the south; (2) all lands between Routes 186 and 966 from

the juncture of 186 and 966 on the north, to the Caribbean National Forest Boundary on the south; (3) all lands lying west of Route 186 for one (1) kilometer from the juncture of Routes 186 and 956 south to Km 6 on Route 186; (4) all lands within Km 14 and Km 6 on the west and the Caribbean National Forest Boundary on the east; and (5) all lands within the Caribbean National Forest Boundary whether private or public.

No season is prescribed for doves and pigeons of any species in all of Cidra Municipality and in portions of Aguas Buenas, Caguas, and Cayey, and Comerio Municipalities as encompassed within the following boundary: beginning on Highway 172 as it leaves the Municipality of Cidra on the west edge, north to Highway 156, east on Highway 156 to Highway 1, south on Highway 1 to Highway 765, south on Highway 765 to Highway 763, south on Highway 763 to the Rio Guavata, west along the Rio Guavata to Highway 1, southwest on Highway 1 to Highway 14, west on Highway 14 to Highway 729, north on Highway 729 to Cidra Municipality, and westerly, northerly, and easterly along the Cidra Municipality boundary to the point of beginning.

Check Commonwealth Regulations for Additional Restrictions.

(b) *Puerto Rico.*

	Ducks	Coots	Common gallinules	Common snipe
Daily bag limits	4	6	6	6
Possession limits	8	12	12	12
Season dates	(1)	(1)	(1)	(1)
Shooting hours	(2)	(2)	(2)	(2)

[1] November 5 to December 5, 1983 and February 4 to February 27,1984.
[2] One-half hour before sunrise until sunset daily.

Restrictions: No season is prescribed for waterfowl in the Municipality of Culebra and on Desecheo Island. The season is closed on the ruddy duck (*Oxyura jamaicensis*); Bahama pintail (*Anas bahamensis*); West Indian whistling (tree) duck (*Dendrocygna arborea*); fulvous whistling (tree) duck (*Dendrocygna bicolor*); masked duck (*Oxyura dominica*); and purple gallinule (*Porphyrula martinica*).

Check Commonwealth Regulations for Additional Restrictions.

Note.—Local names for game birds: Ruddy duck (*Oxyura jamaicensis*)—Pato rojo (protected); purple gallinule (*Porphyrula martinica*)—Gallareta azul (protected); and Puerto Rican plain pigeon (*Columba inornata wetmorei*)—Paloma sabanera (protected).

(c) *Virgin Islands.*

	Zenaida dove	Scaly-naped pigeon	Ducks
Daily bag limits	10	5	4
Possession limits	10	5	8
Season dates:			
Zenaida dove and scaly-naped pigeon	(1)	(1)	(1)
Ducks only	(2)	(2)	(2)
Shooting hours	(3)	(3)	(3)

[1] September 1 through October 30, 1983.
[2] December 1, 1983, through January 24, 1984.
[3] One half-hour before sunrise until sunset daily.

Restrictions: No open season is prescribed for ground or quail doves, or other pigeons in the Virgin Islands. The season is closed on the ruddy duck (*Oxyura jamaicensis*); Bahama pintail (*Anas bahamensis*); West Indian whistling (tree) duck (*Dendrocygna arborea*); fulvous whistling (tree) duck (*Dendrocygna bicolor*); masked duck (*Oxyura dominica*), and purple gallinule (*Porphyrula martinica*).

Check Commonwealth Regulations for Additional Restrictions.

Note.—Local names for game birds: Zenaida dove (*Zenaida aurita*)—mountain dove; bridled quail dove (*Geotrygon mystacea*)—Barbary dove, partridge (protected); ground dove (*Columbina passerina*)—stone dove, tobacco dove, rola, tortolita (protected); and scaly-naped pigeon (*Columba squamosa*)—red-necked pigeon, scaled pigeon.

Section 20.102 is revised to read as follows:

§ 20.102 Seasons, limits and shooting hours for Alaska.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting and hawking hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

Shooting hours: One-half hour before sunrise to sunset daily.

Check State Regulations for Additional Restrictions, Including Area Descriptions.

OPEN SEASONS—DUCKS, GEESE, CRANES AND COMMON SNIPE

Area:		
Northern	State Game Mgmt. Units 11-13 and 17-26.	Sept. 1 to Dec. 16.
Gulf Coast	State Game Mgmt. Units 5-7, 9, 14-16, and Unimak Island.	Sept. 1 to Dec.16.
Southeast	State Game Mgmt. Units 1-4.	Sept. 1 to Dec. 16.
Pribilof and Aleutian Islands	State Game Mgmt. Unit 10 except Unimak Island.	Oct. 8 to Jan. 22.
Kodiak	State Game Mgmt. Unit 8	Oct. 8 to Jan. 22.

DAILY BAG AND POSSESSION LIMITS

Area	Ducks [1]	Geese [2]	Emperor geese	Brant	Common snipe	Sandhill cranes
Northern	10-30	6-12	6-12	4-8	8-16	2-4
Gulf Coast	8-24	6-12	6-12	4-8	8-16	2-4
Southeast	7-21	6-12	6-12	4-8	8-16	2-4
Pribilof and Aleutian Islands	7-21	6-12	6-12	4-8	8-16	2-4
Kodiak	7-21	6-12	6-12	4-8	8-16	2-4

[1] In addition to the basic daily bag and possession limits, a daily bag limit of 15 and a possession limit of 30 is permitted singly or in the aggregate of the following species: scoter, eider, oldsquaw, harlequin, and American and red-breasted mergansers.
[2] No more than 4 daily, or 8 in possession may be any combination of Canada or white-fronted geese, provided that: in Units 1-9, 14-16 and 18, no more than 2 daily, or 4 in possession, may be white-fronted geese. In Units 9(E) and 18, no more than 2 daily or 4 in possession, may be Canada geese. In Unit 10, except on Unimak Island, the taking of Canada geese is prohibited. In Unit 1(C), the taking of snow geese is prohibited.

Section 20.103 is revised to read as follows:

§ 20.103 Seasons, limits, and shooting hours for mourning and white-winged doves and wild pigeons.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting and hawking hours and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Mourning Doves—Eastern Management Unit.*

In all States except Alabama, Illinois and Tennessee:
Daily bag limit 12
Possession limit 24
In Alabama:
Daily bag limit 15
Possession limit 15
In Illinois and Tennessee:
Daily bag limit 15
Possession limit 30

Shooting hours: One-half hour before sunrise until sunset daily except as noted otherwise.

Check State Regulations for Additional Restrictions, Including Area Descriptions.

Seasons in:	
Alabama:	
North Zone (1): All of Autauga, Barbour, Bullock, Butler, Chilton, Choctow, Clarke, Conecuh, Cranshaw, Dallas, Elmore, Lee, Lowndes, Macon, Marengo, Monroe, Montgomery, Pike, Russell, Washington and Wilcox Counties; One-half hour before sunrise to sunset.	Sept. 17 to Oct. 29 and Dec. 17 to Jan. 2.
Remaining counties in North Zone:	
12 noon to sunset	Sept. 17 to Sept. 25.
One-half hour before sunrise to sunset.	Sept. 26 to Oct. 29 and Dec. 17 to Jan. 2.
South Zone (1):	
Baldwin and Mobile Counties.	
12 noon to sunset	Oct. 7 to Nov. 22 and Dec. 22 to Jan. 3.
Remaining Counites in South Zone:	
12 noon to sunset	Dec. 22 to Jan. 3.
One-half hour before sunrise to sunset.	Oct. 7 to Nov. 22.
Connecticut	Closed.
Delaware (12 noon to sunset)	Sept. 3 to Oct. 1 and Oct. 17 to Oct. 31 and Dec. 17 to Jan. 11.
Florida (2):	
12 noon to sunset	Oct. 1 to Oct. 30.
One-half hour before sunrise to sunset.	Nov. 12 to Nov. 27 and Dec. 10 to Jan. 2.
Georgia:	
North Zone (3)	
12 noon to sunset	Sept. 3
One-half hour before sunrise to sunset.	Sept. 4 to Oct. 8 and Dec. 10 to Jan. 12.
South Zone (3)	
12 noon to sunset	Oct. 1.
One-half hour before sunrise to sunset.	Oct. 2 to Nov. 5 and Dec. 10 to Jan. 12.
Illinois (12 noon to sunset)	Sept. 1 to Oct. 30.
Indiana	Closed.
Kentucky (11 a.m. to sunset)	Sept. 1 to Oct. 31 and Dec. 3 to Dec. 11.
Louisiana:	
North Zone (4)	
12 noon to sunset	Sept. 3 to Sept. 4 and Oct. 15 to Oct. 16 and Dec. 10 to Dec. 11.
One-half hour before sunrise to sunset.	Sept. 5 to Sept. 18 and Oct. 17 to Nov. 6 and Dec. 12 to Jan. 9.
South Zone (4)	
12 noon to sunset	Oct. 15 to Oct. 16 and Dec. 10 to Dec. 11.
One-half hour before sunrise to sunset.	Oct. 17 to Nov. 27 and Dec. 12 to Jan. 4.
Maine	Closed.
Maryland:	
12 noon to sunset	Sept. 1 to Oct. 18
One-half hour before sunrise to sunset.	Nov. 15 to Nov. 25 and Dec. 21 to Dec. 31.
Massachusetts	Closed.
Michigan	Do.
Mississippi	Sept. 3 to Oct. 2 and Oct. 15 to Nov. 6 and Dec. 24 to Jan. 9.
New Hampshire	Closed.
New Jersey	Closed.
New York	Do.
North Carolina:	
12 noon to sunset	Sept. 3 to Oct. 8.
One-half hour before sunrise to sunset.	Dec. 12 to Jan. 14.
Ohio	Closed.
Pennsylvania:	
12 noon to sunset	Sept. 1 to Oct. 11.
One-half hour before sunrise to sunset (5).	Oct. 29 to Nov. 26.
Rhode Island:	
12 noon to sunset	Sept. 12 to Oct. 2.
One-half hour before sunrise to sunset.	Oct. 15 to Dec. 2.
South Carolina	Sept. 3 to Oct. 8 and Nov. 19 to Nov. 26 and Dec. 20 to Jan. 14.
Tennessee (6)	Sept. 1 to Sept. 27 and Oct. 8 to Oct. 16 and Dec. 17 to Jan. 9.
Vermont	Closed.
Virginia:	
12 noon to sunset	Sept. 10 to Nov. 5.
One-half hour before sunrise to sunset.	Dec. 19 to Dec. 31.
West Virginia:	
12 noon to sunset	Sept. 1 to Oct. 31.
One-half hour before sunrise to sunset.	Dec. 23 to Dec. 31.
Wisconsin	Closed.
Wyoming	Sept. 1 to Oct. 15.

(1) In Alabama the South Zone is defined as: Mobile, Baldwin, Escombia, Covington, Coffee, Geneva, Dale, Houston and Henry Counties. North Zone: Remainder of the State.

(2) In Florida, the daily bag limit is 12 mourning and white-winged doves in the aggregate, of which not more than 4 may be white-winged doves. The possession limit is 24 mourning and white-winged doves in the aggregate, of which not more than 8 may be white-winged doves.

(3) In Georgia, the North Zone is defined as that area lying north of a division line as follows: U.S. Highway 280 from Columbus to the Little Ocmulgee River down the Little Ocmulgee to the Ocmulgee River, southwesterly along the Ocmulgee River to the western border of Jeff Davis County, south along the western border of Jeff Davis County, east along the southern border of Jeff Davis and Appling Counties, north along the eastern border of Appling County to the Altamaha River, east along the Altamaha River to the eastern border of Tattnall County, north along the eastern boundery of Tattnall and Evans Counties to Candler County, north along the eastern border of Candler County, then east along the northern border of Bulloch County and the southern border of Screven County to the South Carolina line. The South Zone consists of the remainder of Georgia.

(4) In Louisiana, the North Zone is defined as that area lying north of Interstate Highway 10 from the Texas State line to Baton Rouge, Interstate Highway 12 from Baton Rouge to Slidell, and Interstate Highway 10 from Slidell to the Mississippi State line. The South Zone consists of the remainder of Louisiana.

(5) In Pennsylvania, shooting hours on opening day (Oct. 29) are 9 a.m. to sunset.

(6) In Tennessee, shooting hours on opening day (Sept. 1) are 12 noon to sunset.

(b) *Mourning Doves—Central Management Unit.*

In Missouri:	
Daily bag limit	10
Possession limit	20
In Nebraska, Oklahoma, and Texas:	
Daily bag limit	12
Possession limit	24
In Arkansas, Colorado, Kansas, New Mexico, North Dakota, South Dakota, Wyoming, and Montana:	
Daily bag limit	15
Possession limit	30

Shooting hours: One-half hour before sunrise until sunset daily except as noted otherwise.

Check State Regulations for Additional Restrictions, Including Area Descriptions.

Seasons in:	
Arkansas	Sept. 3 to Oct. 2 and Dec. 17 to Jan. 15.
Colorado	Sept. 1 to Oct. 15.
Iowa	Closed.
Kansas	Sept. 1 to Oct. 30.
Minnesota	Closed.
Missouri	Sept. 1 to Nov. 9.
Montana	Oct. 1 to Nov. 27.
Nebraska	Sept. 1 to Oct. 15.
New Mexico (1)	Sept. 1 to Sept. 30 and Nov. 19 to Dec. 18.
North Dakota	Sept. 3 to Nov. 1.
Oklahoma	Sept. 1 to Nov. 9.
South Dakota	Sept. 1 to Sept. 30.
Texas (2):	
Panhandle Zone	Sept. 1 to Nov. 9.
Central Zone	Sept. 1 to Oct. 30 and Jan. 7 to Jan.16.
Rio Grande	Sept. 17 to Nov. 5 and Jan. 7 to Jan. 22.

(1) In New Mexico, the daily bag limit is 15 and the possession limit is 30 white-winged and mourning doves, singly or in the aggregate of these species.

(2) In Texas the three zones are Panhandle, Rio Grande and Central as follows:

Panhandle Zone—That portion of the State north of a line beginning at the International Bridge south of Fort Hancock; north along FM 1088 to State Highway 20; west along State Highway 20 to State Highway 148; north along State Highway 148 to Interstate Highway 10 at Fort Hancock; east along Interstate Highway 10 to Interstate Highway 20; northeast along Interstate Highway 20 to Interstate Highway 30 at Fort Worth; northeast along Interstate Highway 30 to the Texas-Arkansas State line.

El Paso Portion of Panhandle Zone—That portion of the State south and west of a line beginning at the International Bridge south to Fort Hancock; north along FM 1088 to State Highway 20; west along State Highway 20 to State Highway 148; north along State Highway 148 to Interstate Highway 10 at Fort Hancock; west along Interstate Highway 10 to the Texas-New Mexico State line.

Rio Grande Zone—That portion of the State south and west of a line beginning at the International Bridge south of Fort Hancock; north along FM 1088 to State Highway 20; west along State Highway 20 to State Highway 148; north along State Highway 148 to Interstate Highway 10 at Fort Hancock; east along Interstate Highway 10 to Interstate Highway 37 in San Antonio; south along Interstate Highway 37 to U.S. Highway 181 in San Antonio; southeast along U.S. Highway 181 to State Highway 361 at Gregory; east along State Highway 361 to the Corpus Christi Channel; east along the Corpus Christi Channel to the Gulf of Mexico.

Central Zone—That portion of the State lying between the Panhandle and Rio Grande Zones.

(3) In Texas, the daily bag limit is 12 mourning and white-winged doves in the aggregate, of which no more than 2 can be white-winged doves; and the possession limit is 24, of which no more than 4 may be whitewings.

(c) *Mourning Doves—Western Management Unit.*

In Washington:	
Daily bag limit	10
Possession limit	20
In Arizona:	
Daily bag limit	12
Possession limit	24
In California, Idaho, Nevada, Oregon, and Utah:	
Daily bag limit	15
Possession limit	30

Shooting hours: One-half hour before sunrise until sunset.

Check State Regulations for Additional Restrictions, Including Area Descriptions.

Seasons in:	
Arizona (1)	Sept. 1 to Sept. 25 and Nov. 25 to Jan. 8.
California (2)	Sept. 1 to Oct. 15 and Nov. 19 to Dec. 3.
Idaho	Sept. 1 to Oct. 30.
Nevada (2)	Do.
Oregon	Sept. 1 to Sept. 30.
Utah	Do.
Washington	Sept. 1 to Sept. 15.

(1) In Arizona during September 1 through 25 the daily bag limit is 12 mourning and white-winged doves in the aggregate of which no more than 6 may be white-winged doves. The possession limit after opening day is 24 mourning and white-winged doves in the aggregate of which no more than 12 may be white-winged doves. During November 25 through January 8, the bag and possession limits are 12 and 24 mourning doves, respectively.

(2) In those counties of California (Imperial, Riverside, and San Bernardino) and Nevada (Clark and Nye) having a season on white-winged doves, the daily bag limit is 15 and the possession limit is 30 mourning and white-winged doves, singly or in the aggregate of these species; however, the bag and possession limits of white-winged doves may not exceed 10 and 20, respectively.

Notice.—Hawaii—Subject to the applicable provisions of the preceding sections of this part, mourning doves may be taken in accordance with the State regulations.

(d) *White-winged Doves.*

Shooting hours: One-half hour before sunrise until sunset except as noted otherwise.

Check State Regulations for Additional Restrictions, Including Area Descriptions.

Seasons in—	Season dates	Limits	
		Bag	Possession
Arizona (Statewide)	Sept. 1 to Sept. 25	[1] 6	[1] 12
California:			
Counties of Imperial, Riverside, and San Bernardino.	Sept. 1 to Oct. 15 and Nov. 19 to Dec. 3	[2] 10	[2] 20
Remainder of State.	Closed		
Nevada:			
Counties of Clark and Nye.	Sept. 1 to Oct. 30	[2] 10	[2] 20
Remainder of State.	Closed		
New Mexico	Sept. 1 to Sept. 30 and Nov. 19 to Dec. 18.	[2] 15	[2] 30
Texas [4]:			
Area in Rio Grande Zone.	Sept. 3, 4, 10, and 11.	10	20
Remainder of State.	Closed		

[1] In Arizona during September 1 through 25 the daily bag limit is 12 mourning and white-winged doves in the aggregate of which no more than 6 may be white-winged doves. The possession limit after opening day is 24 mourning and white-winged doves in the aggregate of which no more than 12 may be white-winged doves.

[2] In designated counties of California and Nevada, the daily bag limit is 15 and the possession limit is 30 white-winged and mourning doves, singly or in the aggregate of both species; however, the bag and possession limits of white-winged doves may not exceed 10 and 20, respectively.

[3] In New Mexico the daily bag limit is 15 and the possession limit is 30 white-winged and mourning doves, singly or in the aggregate of both species.

[4] Special White-Winged Dove Area in Rio Grande Zone—That portion of the State south and west of a line beginning at the International Bridge south of Fort Hancock; north along FM 1088 to State Highway 20; west along State Highway 20 to State Highway 148; north along State Highway 148 to Interstate Highway 10 at Fort Hancock; east along Interstate Highway 10 to U.S. Highway 277 at Sonora; south along U.S. Highway 277 to State Highway 55; southeast along State Highway 55 to U.S. Highway 83 at Uvalde; south along U.S. Highway 83 to State Highway 44; east along State Highway 44 to State Highway 16 at Freer; south along State Highway 16 to State Highway 285 at Hebbronville; east along State Highway 285 to FM 1017; southeast along FM 1017 to State Highway 186 at Linn; east along State Highway 186 to the Mansfield Channel at Port Mansfield; east along the Mansfield Channel to the Gulf of Mexico.

(e) *Band-tailed Pigeons.*

Shooting hours: One-half hour before sunrise until sunset.

Check State Regulations for Additional Restrictions, Including Area Descriptions.

Seasons in—	Season dates	Limits	
		Bag	Possession
Arizona [1]	Oct. 7 to Nov. 5	5	[2] 10
California:			
Counties of Alpine, Butte, Del Norte, Glen, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity.	Sept. 24 to Oct. 23	5	5
Remainder of State.	Dec. 10 to Jan. 8	5	5
Colorado:			
In all lands west of U.S. Interstate 25 and small game Management Units 80, 81, 82, and 83.	Sept. 1 to Sept. 30	5	10
Nevada [1]:			
Carson City, Douglas, and Lyon Counties only.	Sept. 24 to Oct. 23	5	5
New Mexico:			
North Zone [3]	Sept. 1 to Sept. 20	5	10
South Zone [3]	Oct. 1 to Oct. 20	5	10
Oregon	Sept. 1 to Sept. 30	5	5
Utah	do	5	10
Washington	do	5	5

[1] Each hunter must have for Arizona a special bird permit stamp issued by the State and for Nevada a special permit issued by the State.

[2] After opening day only.

[3] In New Mexico the *North Zone* is defined as that area lying north and east of a line following U.S. Highway 60 from the Arizona State line east to Interstate Highway 25 at Socorro and then south along Interstate Highway 25 to the Texas State line. The *South Zone* is defined as that area lying south and west of the North Zone.

Section 20.104 is revised to read as follows:

§ 20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting and hawking hours, and the daily bag and possession limits on the species designated in this section are as follows:

	Rails (Sora and Virginia)	Rails (Clapper and King)	Woodcock	Common Snipe
Daily bag limit	[1] 25	See footnote 2	[2] 5	8.
Possession limit	[1] 25	do	10	16.

Shooting Hours: One-half hour begore sunrise until sunset daily on all species, except as noted otherwise.
Check State regulations for additional restrictions, including area descriptions.

Seasons in the Atlantic Flyway

Connecticut	Sept. 1 to Nov. 5	Sept. 1 to Nov. 5	Oct. 15 to Dec. 3	Oct. 15 to Dec. 3.
Delaware	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Oct. 17 to Oct. 29 and Nov. 21 to Jan. 11.	Oct. 17 to Oct. 29 and Nov. 21 to Jan. 31.
Florida	do	do	Dec. 3 to Feb. 5	Nov. 5 to Feb. 19.
Georgia	Sept. 7 to Nov. 15	Sept. 7 to Nov. 15	Nov. 20 to Jan. 23	Nov. 20 to Feb. 29.
Maine	Sept. 1 to Nov. 9	Closed	Oct. 1 to Nov. 30	Sept. 1 to Dec. 16.
Maryland	do	Sept. 1 to Nov. 9	Oct. 10 to Nov. 25 and Dec. 5 to Dec. 22.	Sept. 12 to Dec. 27.
Massachusetts	do	Closed	Deferred	Sept. 1 to Dec. 16.
New Hampshire	Closed	do	Oct. 1 to Dec. 4	Oct. 1 to Dec. 4.
New Jersey [4]:				
North Zone	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Oct. 5 to Nov. 26	Oct. 8 to Jan. 21.
South Zone	do	do	Oct. 22 to Dec. 3	Oct. 8 to Jan. 21 and Dec. 12 to Dec. 23.
New York [4]:				
Northern Zone [5] including Lake Champlain	Sept. 1 to Nov. 9	Closed	Oct. 1 to Nov. 23	Sept. 1 to Nov. 23.
Long Island	Closed	do	do	Closed.
Remainder of State	Sept. 1 to Nov. 9	do	do	Sept. 1 to Nov. 23.
North Carolina	Sept. 19 to Nov. 26	Sept. 19 to Nov. 26	Nov. 11 to Jan. 14	Nov. 11 to Feb. 25.
Pennsylvania	Sept. 1 to Nov 9	Closed	Oct. 15 to Nov. 26	Oct. 15 to Dec. 13.
Rhode Island	Sept. 14 to Nov. 22	Sept. 14 to Nov. 22	Oct. 15 to Dec. 2 and Dec. 12 to Dec. 27.	Sept. 14 to Dec. 2 and Dec. 12 to Jan. 1.
South Carolina	Sept. 3 to Oct. 10 and Nov. 3 to Dec. 4.	Sept. 3 to Oct. 10 and Nov. 3 to Dec. 4.	Nov. 24 to Jan 27	Nov. 14 to Feb. 28.
Vermont	Sept. 24 to Dec. 2	Closed	Oct. 1 to Dec. 4	Sept. 24 to Dec. 4.
Virginia	Sept. 3 to Nov. 11	Sept. 3 to Nov. 11	Nov. 7 to Jan. 10	Oct. 17 to Jan. 31.
West Virginia	Sept. 5 to Nov. 12	Closed	Oct. 15 to Dec. 17	Sept. 5 to Dec. 20.

	Rails (Sora and Virginia)	Rails (Clapper and King)	Woodcock	Common Snipe
Seasons in the Mississippi Flyway				
Alabama	Nov. 12 to Jan. 20	Nov. 12 to Jan. 20	Nov. 28 to Jan. 31	Nov. 14 to Feb. 28.
Arkansas	Sept. 1 to Nov. 9	Closed	Nov. 1 to Jan. 4	Nov. 19 to Feb. 26.
Illinois	do	do	Oct. 1 to Dec. 4	Sept. 10 to Dec. 25.
Indiana	Sept. 3 to Nov. 11	do	Sept. 17 to Nov. 20	Sept. 3 to Dec. 18.
Iowa [5]	do	do	Sept. 17 to Nov. 20	Do.
Kentucky	Deferred	do	Oct. 1 to Dec. 4	Oct. 1 to Dec. 4.
Louisiana	Sept. 17 to Sept. 25 and Nov. 12 to Jan. 11.	Sept. 17 to Sept. 25 and Nov. 12 to Jan. 11.	Dec. 10 to Feb. 12	Nov. 12 to Feb. 26.
Michigan [6]	Sept. 15 to Nov. 14	Closed	Sept. 15 to Nov. 14	Sept. 15 to Nov. 14.
Minnesota	Sept. 1 to Nov. 4	do	Sept. 1 to Nov. 4	Sept. 1 to Nov. 4.
Mississippi	Oct. 22 to Dec. 30	Oct. 22 to Dec. 30	Dec. 24 to Feb. 26	Nov. 12 to Feb. 26.
Missouri	Sept. 1 to Nov. 9	Closed	Oct. 1 to Dec. 4	Oct. 1 to Dec. 4.
Ohio	do	do	Sept. 16 to Nov. 19	Sept. 1 to Nov. 26 and Dec. 8 to Dec. 27.
Tennessee	Deferred	do	Oct. 15 to Nov. 20 and Feb. 2 to Feb. 29.	Nov. 20 to Feb. 29.
Wisconsin	do	do	Sept. 17 to Nov. 20	Deferred.
Seasons in the Central Flyway				
Colorado [7]	Sept. 1 to Nov. 9	Closed	Closed	Sept. 1 to Nov. 9 and Dec. 10 to Jan. 1.
Kansas	Sept. 10 to Nov. 18	do	Oct. 1 to Dec. 4	Sept. 10 to Dec. 25.
Montana [7]	Closed	do	Closed	Deferred.
Nebraska [8]	Sept. 1 to Nov. 9	do	Sept. 15 to Nov. 18	Sept. 1 to Dec. 15.
New Mexico [7]	Sept. 10 to Nov. 18	do	Closed	Sept. 10 to Dec. 11.
North Dakota	Closed	do	do	Sept. 10 to Nov. 27.
Oklahoma	Sept. 1 to Nov. 9	do	Nov. 20 to Jan. 23	Oct. 20 to Feb. 3.
South Dakota [9]	Closed	do	Closed	Sept. 1 to Oct. 31.
Texas	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Deferred	Deffered.
Wyoming [7]	Sept. 24 to Dec. 2	Closed	Closed	Sept. 24 to Jan. 8.
Seasons in the Pacific Flyway				
Colorado [7]	Sept. 1 to Nov. 9	Closed	do	Sept. 1 to Nov. 9 and Dec. 10 to Jan. 1.
Montana [7]	Closed	do	do	Deferred.
New Mexico [7]	Sept. 10 to Nov. 18	do	do	Sept. 10 to Dec. 11.
Wyoming [7]	Sept. 24 to Dec. 2	do	do	Sept. 24 to Dec. 25.

[1] The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these two species.

[2] In addition to the limits on sora and Virginia rails, in Connecticut, Delaware, Maryland, New Jersey, and Rhode Island, there is a daily bag limit of 10 and possession limit of 20 clapper and king rails, singly or in the aggregate of these two species, except that the season is closed on king rails in New Jersey by State regulation. In Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, there is a daily bag limit of 15 and possession limit of 30 clapper and king rails, singly or in the aggregate of these two species.

[3] In Pennsylvania the woodcock daily bag limit is 3 daily and 6 in possession.

[4] For description of zones or management units within a State, see State regulations.

[5] In Iowa, shooting hours are sunrise to sunset. Rail limits are 15 daily and 25 in possession.

[6] In Michigan, in all or portions of the counties of Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola and Wayne, and adjacent Great Lakes and connecting waters, the rail and snipe seasons shall open concurrently with the duck season and run continuously in all areas through November 14. See State regulations.

[7] The Central Flyway portion consists of: *Colorado* and *Wyoming*—the area lying east of the Continental Divide; *Montana*—the area lying east of Hill, Chouteau, Cascade, Meagher, and Park Counties; *New Mexico*—the area lying east of the Continental Divide but outside the Jicarilla Apache Indian Reservation. The remaining portions of these States are in the Pacific Flyway.

[8] In Nebraska the rail limits are 10 daily and 20 in possession.

[9] In South Dakota, the snipe limits are 5 daily and 15 in possession.

NOTE.—Some States may select rail, woodcock, and snipe seasons at the time they select their duck seasons in August. Consult waterfowl regulations to be published later for information concerning these seasons.

NOTE.—No seasons are prescribed for woodcock. Snipe seasons have been deferred by all other States in the Pacific Flyway. Consult waterfowl regulations to be published later for information concerning the snipe season in Montana.

Section 20.105 is revised to read as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting and hawking hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Sea Ducks. (1)* An open season for taking scoter, eider, and oldsquaw ducks is prescribed according to the following table during the period between September 15, 1983, and January 20, 1984, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the Town of Riverhead to Red Cedar Point in the Town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and, in addition, in any tidal waters of any bay which are separated by at least one mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are sparated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virgina; and provided that any such areas have been described, delineated, and designated as special duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

(2) The daily bag limit is 7 and the posession limit 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set, in addition to the regular limits, a daily bag limit of 7 and a possesion limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

(3) Shooting hours are one-half hour before sunrise until sunset daily.

Check State Regulations for Additional Restrictions.

Seasons in:	
Connecticut	Sept. 24 to Jan. 7.
Delaware	Do.
Georgia	Deferred.
Maine	Oct. 1 to Jan. 15.
Maryland	Deferred.
Massachusetts	Do.

New Hampshire	Sept. 15 to Dec. 30.
New Jersey	Oct. 6 to Jan. 20.
New York (Long Island only)	Sept. 23 to Jan. 7.
North Carolina	Deferred.
Rhode Island	Do.
South Carolina	Do.
Virginia	Do.

(4) Notwithstanding the provisions of this Part 20, the shooting of *crippled* waterfowl from a motorboat under power will be permitted in Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia, and Maryland in those areas described, delineated, and designated in their respective hunting regulations as being open to sea duck hunting.

Note.—States with deferred seasons may select sea duck seasons at the time they select their waterfowl seasons in August. Consult waterfowl regulations to be published later for information concerning these later seasons.

(b) *Teal.* September season: An open season for teal ducks (blue-winged, green-winged, and cinnamon) is prescribed according to the following table in those areas which are described, delineated, and designated in the hunting regulations of the following States:

Daily bag limit	4
Possession limit	8

Shooting hours: Sunrise until sunset daily.

Check State Regulations for Additional Restrictions.

Seasons in the Mississippi Flyway:	
Alabama (1)	Sept. 10 to Sept. 18.
Arkansas	Do.
Illinois (2)	Do.
Indiana (3)	Sept. 3 to Sept. 11.
Louisiana	Sept. 17 to Sept. 25.
Mississippi	Sept. 10 to Sept. 18.
Missouri	Do.
Ohio	Sept. 9 to Sept. 17.
Seasons in the Central Flyway:	
Colorado (4), (5)	Sept. 3 to Sept. 11.
Kansas	Sept. 10 to Sept. 18.
New Mexico (5)	Do.
Oklahoma	Do.
Texas	Do.

(1) In Alabama, shooting hours in Mobile Bay north of the causeway and south of the L&N Railroad are sunrise to 12 noon.

(2) In Illinois the shooting hours are from 7 a.m. to 4 p.m. local time by State regulation.

(3) The Kankakee and LaSalle Fish and Wildlife Areas, and portions of Atterbury, Hovey Lake, Jasper-Pulaski, and Pigeon River Fish and Wildlife Areas are closed to teal hunting by State regulations.

(4) Only in Lake and Chaffee Counties, and that portion of Colorado east of U.S. Highway-Colorado State Highway 85 from Wyoming State line to its intersection with U.S. Interstate Highway 25 to the New Mexico State line.

(5) Central Flyway portion only.

(c) *Gallinules.*

Daily bag limit	15
Possession limit	30

Shooting hours: One-half hour before sunrise to sunset.

Check State Regulations for Additional Restrictions.

Seasons in the Atlantic Flyway:	
Connecticut	Sept. 1 to Nov. 5.
Delaware	Sept. 1 to Nov. 9.
Florida [1]	Do.
Georgia	Oct. 8 to Oct. 11 and Nov. 24 to Nov. 27 and Dec. 10, to Jan. 20.
Maine	Sept. 1 to Nov. 9.
Maryland	Do.
Massachusetts	Do.
New Hampshire	Closed
New Jersey	Sept. 1 to Nov. 9.
New York:	
Long Island	Closed.
Remainder of State	Sept. 1 to Nov. 9.
North Carolina	Sept. 19 to Nov. 26.
Pennsylvania	Sept. 1 to Nov. 9.
Rhode Island	Sept. 14, to Nov. 22.
South Carolina	Sept. 3 to Oct. 10 and Nov. 3 to Dec. 4.
Vermont	Sept. 24 to Dec. 2.
Virginia	Deferred.
West Virginia	Do.
Seasons in the Mississippi Flyway:	
Alabama	Nov. 12 to Jan. 20.
Arkansas	Nov. 7 to Jan. 15.
Illinois	Closed.
Indiana	Sept. 3 to Nov. 11.
Iowa	Closed.
Kentucky	Deferred.
Louisiana	Sept. 17 to Sept. 25 and Nov. 12 to Jan. 11.
Michigan	Deferred.
Minnesota	Do.
Mississippi	Oct. 22 to Dec. 25.
Missouri	Closed.
Ohio	Sept. 1 to Nov. 9.
Tennessee	Deferred.
Wisconsin	Do.
Seasons in the Central Flyway:	
Colorado (2)	Closed.
Kansas	Do.
Montana (2)	Deferred.
Nebraska	Closed.
New Mexico (2)	Deferred.
North Dakota	Closed.
Oklahoma	Sept. 1 to Nov. 9.
South Dakota	Closed.
Texas	Sept. 1 to Nov. 9.
Wyoming (2)	Closed.
Seasons in the Pacific Flyway:	
All States and portions thereof.	Deferred.

[1] The gallinule season in Florida applies to the common gallinule only. There is no open season on the purple gallinule in Florida.

[2] Seasons apply to Central Flyway portion of State only.

Note.—States with deferred seasons may select gallinule seasons at the time they select their waterfowl seasons in August. Consult waterfowl regulations to be published later for information concerning these later seasons.

(d) *Waterfowl and coots in Atlantic, Mississippi, Central and Pacific Flyways.*

Atlantic Flyway

Flyway Restrictions

Shooting (including hawking) hours: One-half hour before sunrise to sunset daily except as otherwise restricted.

* * * * *

	Season dates	Limits: Bag	Limits: Possession
* * * * *			
Florida:			
Ducks, no more than 1 of which may be a species other than teal or wood ducks, and the possession limit will be double the daily bag limit.	Sept. 24 to Sept. 28	4	8
* * * * *			

Mississippi Flyway:

Shooting (including hawking) hours: One-half hour before sunrise to sunset daily except as otherwise restricted.

* * * * *

	Season dates	Limits: Bag	Limits: Possession
* * * * *			
Iowa:			
Ducks	Sept. 17 to Sept. 21	(1)	(1)
* * * * *			
Kentucky:			
Ducks, no more than 1 of which may be a species other than teal or wood ducks, and the possession limit will be double the daily bag limit.	Sept. 7 to Sept. 11	4	8
* * * * *			
Tennessee			
Ducks, no more than 1 of which may be a species other than teal or wood ducks, and the possession limit will be double the daily bag limit.	Sept. 17 to Sept. 21	4	8
* * * * *			

[1] Limits to conform to those set for the regular seasons.

* * * * *

Section 20.106 is revised and amended as follows:

§ 20.106 Seasons, limits, and shooting hours for sandhill cranes.

Central Flyway: Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking sandhill cranes with a daily bag limit of 3 and a possession limit of 6 cranes, and with shooting hours from one-half hour before sunrise until sunset in the following areas for the dates indicated:

(a) In Colorado (the Central Flyway portion except the San Luis Valley) the season has been deferred.

(b) In the New Mexico counties of Chaves, Curry, DeBaca, Eddy, Lea, Quay, and Roosevelt, the inclusive dates for the regular season are October 29, 1983, through January 28, 1984

In the New Mexico experimental sandhill crane season hunt areas, each permittee may take no more than 3 cranes, each of which must be tagged upon taking. In Area 1 (those portions of Dona Ana, Luna, and Sierra Counties west of Interstate Highway 25, north of Interstate Highway 10, east of New Mexico Highways 26 and 27 between Deming and Hillsboro, and south of New Mexico Highway 90), and Area 2 (that portion of Luna County south of Interstate Highway 10), the inclusive season dates are October 28 through October 30, 1983; December 16 through December 18, 1983; and January 13 through January 15, 1984. Each person participating in the experimental season must obtain and have in his possession while hunting, a valid special permit issued by New Mexico.

(c) In Oklahoma (that portion west of I–35) the inclusive dates are October 22, 1983 through January 22, 1984.

(d) In Texas (that portion west of a line from Brownsville along U.S. 77 to Victoria; U.S. 87 to Placedo; Farm Road 616 to Blessing; State 35 to Alvin; State 6 to U.S. 290; U.S. 290 to Sonora; U.S. 277 to Abilene; Texas 351 to Albany; U.S. 283 to Vernon; and U.S. 183 to the Texas-Oklahoma boundary) the season has been deferred.

(e) In North Dakota (west of U.S. 281) the inclusive dates are September 10 through November 6, 1983.

(f) In Montana (the Central Flyway portion except that area south of I-90 and west of the Bighorn River), the season has been deferred.

(g) In South Dakota, the inclusive season dates are October 1 through November 6, 1983.

(h) In Wyoming (in Campbell, Converse, Crook, Goshen, Laramie, Niobrara, Platte, and Weston Counties) the inclusive season dates are September 24 through November 20, 1983.

Each hunter participating in the regular sandhill crane hunting season must obtain and carry in his possession while hunting, a valid Federal sandhill crane hunting permit available without cost from conservation agencies in the States where crane hunting seasons are allowed. The permit must be displayed to an authorized law enforcement official upon request.

Pacific Flyway: In Arizona (within Game Management Units 30A, 30B, 31, and 32), the inclusive season dates are November 18 through November 20, 1983. Hunting will be by special permit to be issued by the State. Each permitee may take 2 sandhill cranes per season.

In the Wyoming experimental sandhill crane-Canada goose hunt areas (Bear River drainage and Star Valley of Lincoln County), hunting is by State permit only with limits of 2 sandhill cranes and 3 Canada geese per season. The inclusive season dates are September 1 through September 14, 1983.

* * * * *

Section 20.109 is revised as follows:

§ 20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

Subject to the applicable provisions of this part, the areas open to hunting, the respective open seasons (dates inclusive), the hawking hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

Daily bag limit	3 singly or in the aggregate.
Possession limit	6 singly or in the aggregate.

These limits apply during both regular hunting seasons and extended falconry seasons.

Hawking hours: One-half hour before sunrise until sunset daily.

Check State Regulations for Additional Restrictions.

Atlantic Flyway	
Florida:	
Mourning doves and white-winged doves	Oct. 1 to Jan. 15.
Woodcock	Oct. 29 to Feb. 12.
Snipe	Nov. 5 to Feb. 19.
Ducks, mergansers, and coots	Oct. 15 to Dec. 4 and Dec. 10 to Jan. 15.
Maryland:	
Mourning doves	Sept. 1 to Oct. 16 and Nov. 15 to Jan. 12.
Woodcock	Oct. 10 to Nov. 25 and Dec. 5 to Jan. 31.
Snipe	Sept. 12 to Dec. 27.
Pennsylvania:	
Mourning doves	Sept. 1 to Dec. 15.
Woodcock and snipe	Oct. 1 to Jan. 7.
Ducks, mergansers, and coots	Do.
Virginia:	
Woodcock	Oct. 1 to Jan. 15.
Mourning doves and rails	Sept. 20 to Dec. 5 and Dec. 21 to Dec. 31.
Snipe	Oct. 17, to Jan. 31.
Mississippi Flyway	
Illinois:	
Mourning doves, woodcock, and rails.	Sept. 1 to Dec. 16.
Snipe	Sept. 10 to Dec. 25.
Teal	Sept. 10 to Sept. 18.
Ducks, mergansers, and coots	Oct. 1 to Jan. 6.
Iowa:	
Ducks and Mergansers	Sept. 17 to Jan. 1
Geese	Oct. 1 to Jan. 1.
Michigan:	
Woodcock, snipe, and rails	Sept. 1 to Dec. 16.
Ducks, mergansers, and coots	Oct. 1 to Jan. 15
Minnesota:	
Woodcock, snipe, and rails	Sept. 1 to Dec. 16.
Ducks, mergansers, coots, gallinules, and geese.	Oct. 1 to Jan. 15.
Missouri:	
Mourning doves	Sept. 1 to Dec. 16.
Wisconsin:	
Rails, woodcock, snipe, and gallinules.	Do.
Ducks, mergansers, and coots	Oct. 1 to Jan. 15.
Central Flyway	
New Mexico: [1]	
Mourning doves, white-winged doves, and band-tailed pigeons.	Sept. 1 to Nov. 6 and Nov. 19 to Dec. 28.
Sandhill cranes only in Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt Counties.	Oct. 15 to Jan. 29.
Ducks, mergansers, coots, and gallinules.	Oct. 17 to Jan. 22.
Canada and white-fronted geese.	Do.
Snow, blue, and Ross' geese	Oct. 29 to Feb. 12.
Texas:	
Mourning doves (statewide)	Sept. 1 to Nov. 30 and Jan. 7 to Jan. 22.
White-winged doves, rails, and gallinules.	Sept. 1 to Dec. 16.
Wyoming:	
Mourning doves	Sept. 1 to Oct. 15.
Snipe and rails	Sept. 24 to Dec. 2.
Pacific Flyway	
Idaho:	
Mourning doves only	Sept. 1 to Oct. 15.
Ducks, mergansers, coots, and snipe.	Oct. 1 to Jan. 15.
New Mexico:[1]	
Mourning doves, white-winged doves, and band-tailed pigeons.	Sept. 1 to Nov. 6 and Nov. 19 to Dec. 28.
Ducks, mergansers, coots, and gallinules.	Oct. 1 to Nov. 13 and Nov. 21 to Jan. 22.
Geese	Oct. 8 to Jan. 22.
Oregon:	
Mourning doves	Sept. 1 to Dec. 16.
Ducks, mergansers, coots, and snipe.	Oct. 1 to Jan. 15.
Utah:	
Mourning doves	Sept. 1 to Sept. 30.
Ducks, mergansers, and coots	Oct. 1 to Jan. 15.
Wyoming:	
Mourning doves	Sept. 1 to Oct. 15.
Snipe and rails	Sept. 24 to Dec. 2.

[1] In New Mexico, the aggregate bag and possession limits of all species are 3 and 6, respectively.

Note.—See waterfowl season footnotes for descriptions of zones. For some States, the extended falconry season dates also include general season dates.

Dated: August 11, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

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