OK 429.072

8-29-83
Vol. 48 No. 168
Pages 39033-39204

federal register

Monday
August 29, 1983

Selected Subjects

CONTINUED INSIDE

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

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1004

[Milk Order No. 4; Docket No. AO-160-A61]

Milk in the Middle Atlantic Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

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

Cooperative associations representing more than two-thirds of the dairy farmers who supply milk for the market have approved issuance of the order, as amended.

EFFECTIVE DATE: September 1, 1983.

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

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

Prior documents in this proceeding:

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

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

Final Decision: Issued August 3, 1983; published August 9, 1983 (48 FR 36113).

Findings and Determinations

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

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

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

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

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

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

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1983. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Marketing Program Operations, was issued July 6, 1983, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued August 3, 1983. The change effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1983, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the **Federal Register.** (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559).

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

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

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

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

List of Subjects in 7 CFR Part 1004

Milk marketing orders, Milk, Dairy products.

Order Relative to Handling

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

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

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

§ 1004.7 Pool plant.

* * * * *

(d) * * *

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

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

* * * * *

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

Effective date: September 1, 1983.

Signed at Washington, D.C., on August 23, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-23300 Filed 8-26-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 243

Deportation of Aliens in the United States

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule includes residents of Cuba (other than immediate relatives or returning residents) as subject to the sanctions of section 243(g) of the Immigration and Nationality Act, as amended. These sanctions apply to any country that denies or unduly delays acceptance of the return of nationals and Cuba has refused to accept aliens excludable under law.

EFFECTIVE DATE: August 29, 1983.

FOR FURTHER INFORMATION CONTACT:

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

For specific Information: John A. Simon, Deportation Officer, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone: (202) 633–4049

Joseph D. Cuddihy, Immigration Examiner, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone: (202) 633–5014

SUPPLEMENTARY INFORMATION: During the Mariel boatlift in 1980, some 125,000 Cubans entered the United States without authorization. The vast majority were law abiding, were allowed to join relatives and friends, and soon found homes and employment. A few thousand, however, had criminal records in Cuba or were otherwise excludable under our laws. Over 1,000 of these remain in detention pending arrangements for their return to Cuba.

The Cuban government has refused to take back these excludables. A new effort is now being made. The Chief of the Cuban Interest Section in Washington was asked by Assistant Secretary for Inter-American Affairs, Thomas O. Enders, to request his government to accept the return of the excludables.

Coincident with the Mariel boatlift, the U.S. Interests Section in Havana was obliged to discontinue the issuance of visas because over 400 Cuban applicants, seeking escape from Cuban police action outside the building, took refuge in its premises. The Section later resumed the issuance of non-immigrant visas and of immigrant visas to immediate relatives (spouses, minor children and parents) of U.S. citizens, but has not resumed issuing immigrant visas to most other applicants.

Under Section 243(g) of the Immigration and Nationality Act, the Department is required to discontinue the issuance of immigrant visas in any country upon notification by the Attorney General that said country, upon request, denies or unduly delays acceptance of the return of its nationals deemed excludable from the United States. The Attorney General has so notified the Secretary of State.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because this final rule relates to foreign affairs functions of the United States and is exempt under 553(a)(1).

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration & Naturalization certifies this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

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

List of Subjects in 8 CFR Part 243

Aliens.

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

PART 243—DEPORTATION OF ALIENS

1. Section 243.8 is revised as follows:

§ 243.8 Imposition of sanctions.

The provisions of section 243(g) of the Act have been applied to residents of the Union of Soviet Socialist Republics, Czechoslovakia, Hungary, and Cuba. These provisions do not apply to an alien who is residing in Estonia, Latvia, or Lithuania who is not a national, citizen, or subject of the Union of Soviet Socialist Republics. These provisons also do not apply to an alien who is residing in Cuba and can be classified as an immediate relative as defined in section 201(b) or a returning resident as defined in section 101(a)(27)(A). The sanctions imposed on residents of the Union of Soviet Socialist Republics, Czechoslovakia, and Hungary pursuant to section 243(g) may be waived in an individual case for the beneficiary of a petition accorded a status under section 201(b) or section 203(a) of the Act. The sanctions upon the USSR, Czechoslovakia and Hungary may be waived upon an individual request by the Department of State in behalf of a visa applicant. Upon approval of a visa petition or upon an individual request by the Department of State in behalf of a visa applicant, the district director shall determine whether sanctions shall be waived. However, the regional commissioner or the Deputy Commissioner, may direct that any case or class of cases be referred to him for any such determination. The consular officer shall be notified of any determination made with respect to the waiver of sanctions if a visa petition is approved. If the sanctions are not waived, the notice informing the petitoner that the petition has been approved shall also notfiy him that the sanctions imposed by section 243(g) of the Act have not been waived.

(Secs. 242 and 243 of the I & N Act, as amended; 8 U.S.C. 1103 and 1253)

Dated: August 22, 1983.

Alan C. Nelson,

Commissioner of Immigration and Naturalization.

[FR Doc. 83-23676 Filed 8-26-83; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 3

[Docket No. 83-098]

Animal Welfare, Marine Mammals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations concerning the humane handling, care, treatment, and transportation of marine mammals in order to extend certain outstanding variances granted under these regulations until further action is taken by the Department. This action is needed to avoid the unwarranted imposition of restrictions on certain facilities which house marine mammals.

EFFECTIVE DATE: August 29, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. R. L. Crawford, Animal Care Staff, VS, APHIS, USDA, Room 763, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-7883.

SUPPLEMENTARY INFORMATION:

Background

On July 29, 1983, a document was published in the **Federal Register** (48 FR 34710-34721) which proposed to amend the "Specifications for the Humane Handling, Care, Treatment, and Transportation of Marine Mammals" regulations (contained in 9 CFR 3.100 *et seq.* and referred to below as the regulations). The amendments were proposed to update the regulations and to provide more appropriate requirements for the humane handling, care, treatment, and transportation of marine mammals.

Section 3.100 of the regulations, among other things, contains provisions for the granting of variances. Currently all variances granted under the regulations concern space requirements for marine mammals. A variance is written permission from the Deputy Administrator to operate as a licensee or registrant under the Act without being in full compliance with one or more specified provisions of the regulations. The current provisions relating to variances are set forth in § 3.100 and provide that:

(a) All persons subject to the Animal Welfare Act who maintain or otherwise handle marine mammals in captivity must comply with the provisions of this Subpart, unless they are granted a variance, [footnote omitted] by the Deputy Administrator, from one or more specified provisions. The provisions of this Subpart shall not apply, however, in emergency circumstances where compliance with one or more requirements would not serve the best interest of the marine mammals concerned.

(b) From the effective date of the requirements of this Subpart, all facilities housing marine mammals which are not in full compliance with the standards shall have 60 days during which they may apply to the Deputy Administrator for a variance: *Provided, however,* That such variance may only be granted if application is made to the Deputy Administrator, in writing, listing in detail each requirement of this Subpart which cannot be met, the time period requested for the variance, and the justification for such variance.

(c) The Deputy Administrator shall deny any such application for variance if he determines that it is not justified under the circumstances or that allowing it will be detrimental to the health and well-being of the marine mammals concerned.

(d) Such variance shall not be granted for a period exceeding 3 years from the effective date of these provisions: *Provided, however,* That under circumstances deemed justified by the Deputy Administrator, a maximum extension of 1 year may be granted to attain full compliance. A written request for the extension must be received by the Deputy Administrator at least 60 days prior to the termination of the initial 3-year period. [footnote omitted]

(e) A research facility may be granted variance from specified requirements of this Subpart when such variance is necessary for research purposes and is fully explained in the experimental design. The 3-year time limitation stated in paragraph (b) of this section shall not be applicable in such case.

Previously, any outstanding variances issued under these provisions, other than variances for research facilities, were scheduled to expire on September 20, 1983. The document of July 29, 1983, among other things, proposed to amend these provisions concerning variances. In essence, it was proposed to establish a mechanism that could allow facilities, other than research facilities, operating under variances to continue operating under such variances. When the proposal was published, it was anticipated that the rulemaking proceeding would be completed prior to September 20, 1983, and that a final rule would be in effect by that time. However, as explained in a companion document titled "Animal Welfare, Marine Mammals" and published in the proposed rule section of this issue of the **Federal Register**, the comment period for the proposal of July 29, 1983, is extended to September 30, 1983. Therefore, a final rule based on that proposal cannot be published until after that date, and without a change in the regulations such variances would expire on September 20, 1983.

Accordingly, without an amendment to extend variances, certain facilities currently operating under a variance could not operate after September 20, 1983, without being in violation of the regulations. This could create an unfair situation since a final rule might allow for extension of these same variances.

It is therefore necessary to amend the regulations to allow facilities, other than research facilities, which are operating under variances that would have expired on September 20, 1983, to continue operating under such variances until action can be taken on the proposed rulemaking of July 29, 1983.

Executive Order 12291 and Regulatory Flexibility Act

This action has been reviewed in accordance with Executive Order 12291 and Secretary's Memorandum 1512-1, and has been determined to be not a major rule. The Department has determined that this action will not have any effect on the economy and will not result in any increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or have any adverse effects in 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.

It is not anticipated that the action taken by this document will have a significant impact. This is merely an interim action and it is expected that a final rule, including action concerning variances, will be published in October or November of 1983. Further, this document only allows the extension of certain variances that are already in effect.

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

Emergency Action and Comments

Dr. E. C. Sharman, Assistant Deputy Administrator for VS, APHIS, USDA, has determined that the nature of this final rule warrants publication without opportunity for public comment. This

amendment must be made effective immediately on an emergency basis to avoid the unwarranted imposition of restrictions on certain facilities which house marine mammals and which are operating under variances which would otherwise expire September 20, 1983. Further, this action will extend certain variances until a final rule is established based on the proposal referred to above. It is expected that the final rule will be published in October or November of 1983.

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 3

Animal welfare, Humane animal handling, Marine mammals.

PART 3—STANDARDS

Subpart E—Specifications for the Humane Handling, Care, Treatment, and Transportation of Marine Mammals

Accordingly, Subpart E of 9 CFR Part 3 is amended by revising § 3.100(d) to read as follows:

§ 3.100 Special consideration regarding compliance and/or variance.

* * * * *

(d) Variances, other than for research facilities which would have expired on September 20, 1983, are extended until further action is taken by the Department.

* * * * *

(Secs. 3, 5, 8, 10, 11, 12, 16, 17, 21, 80 Stat. 351, 352, 353, 84 Stat. 1561, 1562, 1563, 1564, 90 Stat. 418, 419, 420, 423, 7 U.S.C. 2133, 2135, 2136, 2140, 2141, 2142, 2143, 2144, 2146, 2147, 2151; 7 CFR 2.17, 2.51, 371.2(d))

Done at Washington, D.C., this 24th day of August 1983.

K. R. Hook,

Acting Deputy Administrator Veterinary Services.

[FR Doc. 83-23657 Filed 8-26-83; 8:45 am]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30, 70 and 150

Irretrievable Well-Logging Sources

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to establish requirements to be accomplished in the event of an irretrievable well-logging source (any sealed source containing licensed material that is pulled off or not connected to the wireline that suspends the source in the well for which all reasonable effort at recovery has been expended). The final rule establishes requirements for sealing and protecting the well-logging source, identifying the well site, and reporting the occurrence. The Commission believes that uniform and adequate safety requirements contained in this rule are necessary to ensure that no subsequent damage to the source occurs that might result in the dispersal of radioactive material.

EFFECTIVE DATE: September 28, 1983.

ADDRESSES: Copies of the Regulatory Analysis and analysis of comments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Dr. Anthony N. Tse, Office of Nuclear Regulatory Research, Washington, DC 20555, telephone (301) 443-7902.

SUPPLEMENTARY INFORMATION: A well-logging operation consists of lowering into and raising from wells on a wireline a well-logging tool, a measuring device, which may contain sealed radioactive sources. The purpose of the well-logging operation is to obtain information about the underground strata. Currently, the Commission has approximately 160–170 licensees authorized to conduct well-logging activities and over 50,000 wells are logged each year. Sealed radioactive sources used in well-logging operations typically contain americium–241 or cesium–137 sources.

Occasionally a well-logging tool containing a radioactive source becomes disconnected from the wireline. In some instances, the well-logging tool is unrecoverable and is left in the well. An irretrievable well-logging source is any sealed source containing licensed material that is pulled off or not connected to the wireline that suspends the source in the well and for which all reasonable effort at recovery has been expended. A review of records indicates that an average of five irretrievable well-logging sources has occurred yearly.

A well containing an irretrievable well-logging source could continue in production. Operation such as redrilling could be performed in that well. If an irretrievable well-logging source was damaged by subsequent operation and radioactive material was brought to the surface, contamination of the well-site, drilling equipment, vehicles, and personnel could occur.

Currently, the Commission treats the abandonment of an irretrievable well-logging source as a condition of the well-logger's license. The licensee is required to specify the procedures that will be used in the abandonment and identification of an irretrievable well-logging source. Because some logging companies operate on an interstate basis and because these activities are licensed by the Commission and the Agreement States, uniformity in the content and application of abandonment procedures is important. In addition, legally binding requirements are required to assure that the well owner or operator performs the required actions when neither the owner or operator is the licensee. This regulation is intended to provide the uniformity and assurance necessary to assure radiological safety in the event of an irretrievable well-logging source.

On September 28, 1978 the NRC published in the **Federal Register** (43 FR 44547) a notice of proposed rulemaking setting out amendments to 10 CFR Parts 30 and 70 that would require certain procedures be followed if a well-logging tool containing radioactive material was abandoned in a well. These procedures include sealing the source in place with a cement plug, mounting a permanent identification plaque at the surface of the well and reporting the circumstances concerning the irretrievable source to the Commission and to pertinent State agencies within 30 days after the source had been abandoned. The notice provided for a 60-day public comment period.

Ten letters of comment were received in response to the notice. All 10 commenters expressed general agreement with the purpose of the proposed regulations. However, most commenters did express concern about some aspect of the proposed amendments.

Six commenters observed that the definition of an irretrievable well-logging source required the Commission to determine when all reasonable effort at recovery had been expended. These commenters complained that the Commission had neither the expertise nor the resources to make this determination. Although it was never intended that the Commission unilaterally decide whether a source was irretrievable, the definition has been amended to delete the reference to unilateral Commission determination of the status of the source. Accordingly, the

phrase "as determind by the Commission" has been deleted from the definition. However, under §§ 30.56(b) and 70.60(b) as revised, the Commission retains the authority to determine if "all reasonable effort at recovery has been expended" and may deny approval of the abandonment procedures if it feels that this condition has not been met.

Six commenters noted a discrepancy between the language of the proposed amendment and the intent of the amendment regarding a written agreement between the licensee and the well owner or operator. This agreement would require execution of the abandonment procedures when required and within a specific time period. These commenters correctly noted that the language did not reflect the intent of the regulations. Accordingly, the regulations in 10 CFR 30.56(a) and 70.60(a) have been revised to clarify that a written agreement between the licensee and the well owner or operator is required prior to commencement of well-logging activities and that agreement must assure implementation of proper abandonment procedures within thirty days after a well-logging source is declared irretrievable.

One commenter further stated that an executed agreement may be difficult to enforce since neither the well owner nor the well operator is a Commission licensee. The Commission considers the well-logger, as a licensee, responsible for ensuring compliance with the regulations or for pursuing every legal avenue to achieve that compliance. In view of this licensee responsibility, the changes in the regulations proposed by this commenter are not adopted.

Five commenters noted that too much wording was required on the identification plaque. In particular, these commenters stated that much of the information would be available in the report filed with the State and Commission or that some information, such as the name and address of the well owner or operator may be incorrect by the time a well is reentered. These comments were accepted in part. The amendment as revised requires that the plaque contain only information that the Commission considers essential to warn persons of the potential hazard that may be encountered when the well is reentered.

Three commenters suggested that the licensee have the option of reporting the incident to either the Commission or to the appropriate State regulatory authority. The Commission disagrees. All Commission licensees are required to notify the Commission of incidents involving radioactive materials. The Commission also believes that notification of the appropriate State regulatory agency is an important safety requirement since a warning notation is needed in the well records. In addition, the amendments in 10 CFR 30.56 and 70.60 specifically state the information that the report must contain. In view of these considerations, notifications are required for both the Commission and the State regulatory agency.

After careful consideration of the comments on the notice of proposed rulemaking, the Commission has adopted the amendments in final form. The requirements of §§ 30.56(a) and 70.60(a) relating to agreements between the well-logger (licensee) and the well owner or operator will not apply to job sites where operations have begun prior to the effective date of these amendments. The requirements of §§ 30.56(b), 30.56(c), 30.56(d), 70.60(b), 70.60(c), and 70.60(d) will apply to all well-logging sources abandoned after the effective date of these amendments.

In addition to the amendments to 10 CFR Parts 30 and 70, the Commission is also amending 10 CFR Part 150 without public comment. Section 150.20 currently references § 30.56, but not § 70.60. The amendment will correct this difference. Because the amendment to § 150.20 is nonsubstantive and conforming in nature, the Commission has found that good cause exists for omitting notice of proposed rulemaking, and public procedure thereon, as unnecessary and for making the effective date of this amendment coincide with the effective date of the amendments to §§ 30.56 and 70.60.

Paperwork Reduction Act Statement

This final rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3510, et seq.). These requirements were approved by the Office of Management and Budget under approval numbers: Part 30—3150–0017; and Part 70—3150–0009.

Regulatory Analysis

The Commission has prepared a regulatory analysis for this regulation. The regulatory analysis examines the costs and benefits of the alternatives considered by the Commission. Interested persons may examine a copy of the regulatory analysis at the Public Document Room, 1717 H Street NW., Washington, DC. Single copies of the analysis may be obtained from Dr. Anthony N. Tse, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (301)443–7902.

List of Subjects

10 CFR Part 30

Byproduct material, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Penalty, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 70

Hazardous materials-transportation, Nuclear materials, Packaging and containers, Penalty, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

10 CFR Part 150

Hazardous materials-transportation, Intergovernmental relations, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Security measures, Source material, Special nuclear material.

Under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the following amendments to 10 CFR Parts 30 and 70, and 150 are published as a document subject to codification.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. The authority citation for Part 30 is revised to read as follows

Authority: Sections 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 30.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 30.61 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 30.3, 30.34(b) and (c), 30.41 (a) and (c) and 30.53 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 30.36, 30.51, 30.52, 30.55 and 30.56(b) and (c) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. A new paragraph (x) is added to § 30.4 to read as follows:

§ 30.4 Definitions.

* * * * *

(x) "Irretrievable well-logging source" means any sealed source containing licensed material that is pulled off or not connected to the wireline that suspends

the source in the well and for which all reasonable effort at recovery has been expended.

3. A new § 30.56 is added to read as follows:

§ 30. 56 Well-logging operations using sealed sources.

(a) A licensee may perform well-logging operations with a sealed source only after the licensee executes a written agreement with the well owner or operator that, within thirty (30) days after a well-logging source has been classified as irretrievable, the following requirements will be implemented:

(1) Each irretrievable well-logging source must be immobilized and sealed in place with a cement plug.

(2) A whipstock or other deflection device must be set at some point in the well above the cement plug, unless the cement plug and source are not accessible to any subsequent drilling operations.

(3) A permanent identification plaque, constructed of long lasting material such as stainless steel, brass, bronze, or monel, must be mounted at the surface of the well, unless the mounting of the plaque is not practical. The plaque must contain:

(i) The word "CAUTION";

(ii) A radiation symbol (the color requirement need not be met);

(iii) The date the source was abandoned;

(iv) The name of the well owner or well operator;

(v) The well name and well identification number(s) or other designation;

(vi) An identification of the sealed source(s) by radionuclide and quantity of activity;

(vii) The depth of the source and depth to the top of the plug; and

(viii) An appropriate warning.

(b) When a well-logging source becomes irretrievable, the licensee shall:

(1) Notify the Regional Administrator of the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter of the circumstances of the loss by telephone; and

(2) Obtain approval to implement abandonment procedures.

(c) The licensee shall, within 30 days after a well-logging source has been classified as irretrievable, make a report in writing to the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter. The licensee shall send a copy of the report to each appropriate State agency that has authority over the particular well-drilling operation. The report must contain the following information:

(1) Date of occurrence.

(2) A description of the irretrievable well-logging source involved, including radionuclide, quantity, and chemical and physical form.

(3) Surface location and identification of well.

(4) Results of efforts to immobilize and seal the source in place.

(5) Depth of source.

(6) Depth of the top of the cement plug.

(7) Depth of the well.

(8) Any other information (e.g., warning statement) contained on the permanent identification plaque.

(9) Notifications made to State agencies.

(10) A brief description of the attempted recovery efforts.

(d) Any licensee or applicant for a license may apply to the Commission for approval of proposed procedures to abandon an irretrievable well-logging source in a manner not otherwise authorized in paragraph (a) of this section.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

4. The authority citation for Part 70 is revised to read as follows:

Authority: Sections 51, 53, 161,182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended (42 U.S.C. 2071, 2073, 2201, 2232, 2233); secs. 201, as amended, 202, 204, 206, 68 Stat, 1242, as amended, 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846).

Section 70.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under sec. 57d, Pub. L. 93-377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 70.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.62 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

For the purposes of sec. 233, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 70.3, 70.19(c), 70.24 (a) and (b), 70.32(a) (3), (5), (6), and (d), 70.36, 70.39 (b) and (c), 70.41(a), 70.42 (a) and (c), 70.56, 70.57 (b), (c), and (d), 70.58(a)-(g)(3), and (h)-(j) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 70.20a(d), 70.20b (c) and (e), 70.21(c), 70.24(b), 70.32 (e) and (g), 70.56, 70.57 (b) and (d) and 70.58(a)-(g)(3) and (h)-(j) are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 70.20b (d) and (e), 70.38, 70.51-70.55, 70.58 (g)(4), (k), and (l), 70.59, and 70.60 (b) and (c) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

5. A new paragraph (w) is added to § 70.4 to read as follows:

§ 70.4 Definitions.

* * * * *

(w) "Irretrievable well-logging source" means any sealed source containing licensed material that is pulled off or not connected to the wireline that suspends the source in the well and for which all reasonable effort at recovery has been expended.

6. A new § 70.60 is added under the center heading "Special Nuclear Material Control, Records, Reports and Inspections," to read as follows:

§ 70.60 Well-logging operations using sealed sources.

(a) A licensee may perform well-logging operations with a sealed source only after the licensee executes a written agreement with the well owner or operator that, within thirty (30) days after a well-logging source has been classified as irretrievable, the following requirements will be implemented:

(1) Each irretrievable well-logging source must be immobilized and sealed in place with a cement plug.

(2) A whipstock or other deflection device must be set at some point in the well above the cement plug, unless the cement plug and source are not accessible to any subsequent drilling operations.

(3) A permanent identification plaque, constructed of long lasting material such as stainless steel, brass, bronze, or monel, must be mounted at the surface of the well, unless the mounting of the plaque is not practical. The plaque must contain:

(i) The word "CAUTION";

(ii) A radiation symbol (the color requirement need not be met);

(iii) The date the source was abandoned;

(iv) The name of the well owner or well operator;

(v) The well name and well identification number(s) or other designation;

(vi) An identification of the sealed source(s) by radionuclide and quantity of activity;

(vii) The depth of the source and depth to the top of the plug; and

(viii) An appropriate warning.

(b) When a well-logging source becomes irretrievable, the licensee shall:

(1) Notify the Regional Administrator of the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter of the circumstances of the loss by telephone; and

(2) Obtain approval to implement abandonment procedures.

(c) The licensee shall, within 30 days after a well-logging source has been classified as irretrievable, make a report in writing to the appropriate NRC Regional Office listed in Appendix D of

Part 20 of this chapter. The licensee shall send a copy of the report to each appropriate State agency that has authority over the particular well-drilling operation. The report must contain the following information:

(1) Date of occurrence.

(2) A description of the irretrievable well-logging source involved, including radionuclide, quantity, and chemical and physical form.

(3) Surface location and identification of well.

(4) Results of efforts to immobilize and seal the source in place.

(5) Depth of source.

(6) Depth of the top of the cement plug.

(7) Depth of the well.

(8) Any other information (e.g., warning statement) contained on the permanent identification plaque.

(9) Notifications made to State agencies.

(10) A brief description of the attempted recovery efforts.

(d) Any licensee or applicant for a license may apply to the Commission for approval of proposed procedures to abandon an irretrievable well-logging source in a manner not otherwise authorized in paragraph (a) of this section.

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274

7. The authority citation for Part 150 is revised to read as follows:

Authority: Section 161, 68 Stat. 948, as amended, sec. 274, 73 Stat. 688 (42 U.S.C. 2201, 2021); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Sections 150.3, 150.15 150.15a 150.31 150.32 also issued under secs. 11e(2) 81, 68 Stat. 923, 935, as amended, secs 83, 84, 92 Stat. 3033, 3039 (42 U.S.C. 2014e(2), 2111, 2113, 2114). Section 150.14 also issued under sec. 53, 68 Stat. 930, as amended (42 U.S.C. 2073). Section 150.17a also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 150.30 also issued under sec. 234, 83 Stat. 444 (42 U.S.C. 2282).

For the purposes of sec. 223, 68 Stat 958, as amended (42 U.S.C 2273); §§ 150.20(b)(2)–(4) and 150.21 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); § 150.14 is issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 150.16–150.19 and 150.20(b)(1) are issued under sec. 161o, 68 Stat. 950, as amended (42 U..S.C. 2201(o)).

§§ 150.3, 150.14, 150.15, 150.15a, 150.30, 150.31, 1509.32 [Amended]

9. In § 150.20, the introductory text of paragraph (b) is revised to read as follows:

§ 150.20 Recognition of Agreement State licenses.

* * * * *

(b) Notwithstanding any provision to the contrary in any specific license issued by an Agreement State to a person engaging in activities in a non-Agreement State or in offshore waters under the general licenses provided in this section, the general licenses provided in this section are subject to the provisions of §§ 30.7 (a) through (e), 30.14(d) and §§ 30.34, 30.41, and 30.51 to 30.63, inclusive, of Part 30 of this chapter; § 40.7 (a) through (e) and §§ 40.41, 40.51, 40.61, 40.63, inclusive, 40.71 and 40.81 of Part 40 of this chapter; and § 70.7 (a) through (e) and §§ 70.32, 70.42, 70.51 to 70.56, inclusive, 70.60, 70.62, inclusive, and 70.71 of Part 70 of this chapter; and to the provisions of Parts 19, 20, and 71 and Subpart B of Part 34 of this chapter. In addition, any person engaging in activities in non-Agreement States or in offshore waters under the general licenses provided in this section:

* * * * *

Dated at Bethesda, Maryland, this 12th day of August, 1983.

For the Nuclear Regulatory Commission.

Jack W. Roe,

Acting Executive Director for Operations.

[FR Doc. 83-23603 Filed 8-26-83; 8:45 am]

BILLING CODE 7590-01-M

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10 CFR Part 50

Immediate Notification Requirements of Significant Events At Operating Nuclear Power Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations which require timely and accurate information from licensees following significant events at commercial nuclear power plants. Experience with existing requirements and public comments on a proposed revision of the rule indicate that the existing regulation should be amended to clarify reporting criteria and to require early reports only on those matters of value to the exercise of the Commission's responsibilities. The amended regulation will clarify the list of reportable events and provide the Commission with more useful reports regarding the safety of operating nuclear power plants.

EFFECTIVE DATE: January 1, 1984.

FOR FURTHER INFORMATION CONTACT: Eric W. Weiss, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; Telephone (301) 492–4973.

SUPPLEMENTARY INFORMATION:

I. Background

On February 29, 1980, the Commission amended its regulations without prior notice and comment to require timely and accurate licensee reporting of information following significant events at operating nuclear power reactors (45 FR 13434). The purpose of the rule was to provide the Commission with immediate reporting of twelve types of significant events where immediate Commission action to protect the public health and safety may be required or where the Commission needs accurate and timely information to respond to heightened public concern. Although the rule was made immediately effective, comments were solicited. Many commenters believed the rule was in some respects either vague and ambiguous or overly broad.

After obtaining experience with notifications required by the rule, the Commission published in the **Federal Register** a notice of proposed rulemaking on December 21, 1981 (46 FR 61894) and invited public comment. The proposal was made to meet two objectives: change 10 CFR 50.54 to implement Section 201 of the NRC's 1980 Fiscal Year Authorization Act and change 10 CFR 50.72 to more clearly specify the significant events requiring licensees to immediately notify NRC.

The problems and issues which this rulemaking addresses and the solutions that it provides can be summarized in five broad areas:

1. Authorization Act for FY80

Section 201 of the Nuclear Regulatory Commission Authorization Act for Fiscal Year 1980 (Pub. L. 96–295) provides:

(a) Section 103 of the Atomic Energy Act of 1954 is amended by adding at the end thereof the following new subsections: f. Each license issued for a utilization facility under this section or section 104b. shall require as a condition thereof that in case of any accident which could result in an unplanned release of quantities of fission products in excess of allowable limits for normal operation established by the Commission, the licensee shall immediately so notify the Commission. Violation of the condition prescribed by this subsection may, in the Commission's discretion, constitute grounds for license revocation. In accordance with section 187 of this Act, the Commission shall promptly amend each license for a utilization facility issued under this section or section 104b. which is in effect on the date of enactment of this subsection to include the provisions required under this subsection.

Accordingly, this rulemaking includes an amendment to 10 CFR 50.54 that would add an appropriate notification requirement as a condition in the operating license of each nuclear utilization facility licensed under section 103 or 104b. of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2133, 2134b. These facilities generally are the commercial nuclear power facilities which produce electricity for public consumption. Research and test reactors are not subject to the license condition as they are licensed under section 104a. or 104c. of the Act. Under the amendment to 10 CFR 50.54, licensees falling under sections 103 or 104b. would be required, as a condition of their respective operating licenses, to notify the NRC immediately of events specified in 10 CFR 50.72.

2. Unnecessary Reports

Several categories of reports required by § 50.72 are not useful to the NRC. Among these categories are reports of: worker injury, small radioactive releases, and minor security problems. For example, reports are presently required if a worker onsite experience chest pains or another illness not related to radiation and is sent to a hospital for evaluation; or if the vent stack monitor moves upward a few percent yet radiation levels remain 100,000 times below technical specification limits; or if the security computer malfunctions for a few minutes.

This rulemaking eliminates such reporting requirements from § 50.72 and in general clarifies and narrows the scope of reporting. However, revision of Part 73 of the Commission's regulations is necessary to resolve all problems with security reports.

3. Terminology, Phrasing, and Reporting Thresholds

The various sections of 10 CFR 50 have different phrasing, terminology, and thresholds in the reporting criteria. Even when no different meaning is intended a change in wording can cause confusion.

This rulemaking has been carefully written to use terminology, phrasing, and reporting thresholds that are either identical to or similar to those in § 50.73, whenever possible. Other conforming amendments to Parts 20, 21, 73, and in § 50.55 and Appendix E of Part 50 are under development.

As a parallel activity to the preparation of § 50.72, on July 26, 1983, the Commission has published a Licensee Event Report (LER) Rule (§ 50.73) which requires licensees for operating nuclear power plants to prepare detailed written reports for certain events (48 FR 33850).

4. Coordination with Licensee's Emergency Plan

The current scheme for licensees' emergency plans includes four Emergency Classes. When the licensee declares one of the four Emergency Classes, it must report this to the Commission as required by § 50.72. The lowest of the four Emergency Classes, Notification of Unusual Event, has resulted in unnecessary emergency declarations. Events that fall within the Unusual Event class have been neither emergencies in themselves nor precursors of more serious events that are emergencies.

Although changes to the definition of the Emergency Classes are not being made in this rulemaking, a new reporting scheme that would ultimately eliminate "Unusual Event" as an Emergency Class requiring notification can be adopted consistent with this rule. A proposed rulemaking which would redefine the Emergency Classes in § 50.47 is in preparation and may soon be published for public comment. This final rulemaking makes possible the elimination of "Unusual Event" as an emergency class without further amendment of § 50.72 by including in the category of non-Emergencies the subcategory of "one-hour reports."

5. Vague or Ambiguous Reporting Criteria

The reporting criteria in § 50.72 have been revised in order to clarify their scope and intent. The criteria were revised for the proposed rule and in response to public comment. The "Analysis of Comments" portion of this **Federal Register** notice describes in more detail specific examples of changes in wording intended to eliminate vagueness or ambiguity.

II. Analysis of Comments

Twenty letters of comment were received in response to the **Federal Register** notice published on December 21, 1981 (46 FR 61894).[1] Of the twenty letters of comment received, the vast majority (15 of 20) were from utilities owning or operating nuclear power plants. This **Federal Register** notice described the proposed revision of 10 CFR 50.72, "Notification of Significant Events," and 10 CFR 50.54, "Conditions of Licenses." A discussion of the more significant comments follows:

[1] Copies of these documents are available for public inspection and copying for a fee in the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555

Conditions of Licenses (§ 50.54)

A few commenters said that the "Commission already has the ability to enforce its regulations and does not need to incorporate the items as now proposed into conditions of license."

The Commission has decided to promulgate the proposed revision of § 50.54, "Conditions of Licenses," in order to satisfy the intent of Congress as expressed in Section 201 of the Nuclear Regulatory Commission Authorization Act for Fiscal Year 1980. This Act and its relationship to § 50.54 are discussed in detail in the **Federal Register** notice for the proposed rule (46 FR 61894).

Coordination With Other Reporting Requirements (Final Rule § 50.72)

Seven commenters said that the NRC should coordinate the requirements of 10 CFR 50.72 with other rules, with NUREG–0654, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Plants," and with Regulatory Guide 1.16, "Reporting of Operating Information . . ." Many of these letters identified overlap, duplication, and inconsistency among NRC's reporting requirements.

The Commission is making a concerted effort to ensure consistent and coordinated reporting requirements. The requirements contained in the revision of 10 CFR 50.72 are being coordinated with revision of § 50.73, § 50.55(e), Appendix E of Part 50, § 20.402, § 73.71, and Part 21.

Citing 10 CFR 50.72 as a Basis for Notification (Final Rule § 50.72(a)(4))

A few commenters objected to citing § 50.72 as a basis when making a telephone notification. The letters of comment questioned the purpose, legal effect, and burden on the licensee.

The Commission does not believe that it is an unnecessary burden for a licensee to know and identify the basis for a telephone notification required by § 50.72. There have been many occasions when a licensee could not tell the NRC whether the telephone notification was being made in accordance with Technical Specifications, 10 CFR 50.72, some other requirement, or was just a courtesy call. Unless the licensee can identify the nature of the report, it is difficult for the NRC to know what significance the licensee attaches to the report, and it becomes more difficult for the NRC to respond quickly and properly to the event.

Immediate Shutdown (Final Rule § 50.72(b)(1)(i))

Several commenters objected to the use of the term, "immediate shutdown," saying that Technical Specifications do not use such a term.

The term is used in some but not all Technical Specifications. Consequently, the Commission has revised the reporting criterion in question. The final rule requires a report upon the initiation of any nuclear power plant shutdown required by Technical Specifications.

Plant Operating and Emergency Procedures (Final Rule § 50.72(b)(1)(ii))

Several commenters said that the reporting criteria should not make reference to plant operating and emergency procedures because:

a. It would take operators too long to decide whether a plant condition was covered by the procedures,

b. The procedures cover events that are not of concern to the NRC, and

c. The procedures vary from plant to plant.

While the plant operating personnel should be familiar with plant procedures, it is true that procedures vary from plant to plant and cover events other than those which compromise plant safety. However, the wording of the reporting criteria has been modified [§ 50.72(b)(1)(ii) in the final rule) to narrow the reportable events to those that significantly compromise plant safety. Notwithstanding the fact that the procedures vary from plant to plant, the Commission has found that this criterion results in notifications indicative of serious events. The narrower, more specific wording will make it possible for plant operating personnel to identify reportable events under their specific operating procedures.

Building Evacuation (Final Rule § 50.72(b)(1)(iii))

Ten commenters said that the proposed § 50.72(b)(6)(iii) regarding "any accidental, unplanned or uncontrolled release resulting in evacuation of a building" was unclear and counterproductive in that it could cause reluctance to evacuate a building. Many of these commenters stated that the reporting of in-plant releases of radioactivity that require evacuation of individual rooms was inconsistent with the general thrust of the rule to require reporting of significant events. They noted that minor spills, small gaseous waste releases, or the disturbance of contaminated particulate matter (e.g., dust) may all require the temporary evacuation of individual rooms until the airborne concentrations decrease or until respiratory protection devices are utilized. They noted that these events are fairly common and should not be reportable unless the required evacuation affects the entire facility or a major part of it.

The Commission agrees. The wording of this criterion has been changed to include only those events which significantly hamper the ability of site personnel in performance of duties necessary for safe operation.

One commenter was concerned that events occurring on land owned by the utility adjacent to its plant might be reportable. This is not the intent of this reporting requirement. The NRC is concerned with the safely of plant and personnel on the utility's site and not with non-nuclear activities on land adjacent to the plant.

Explicit Threats (Final Rule § 50.72(b)(1)(vi))

A few commenters said that the intent of the term, "explicitly threatens," was unclear. Those commenting wondered what level of threat was involved. The term, "explicitly threatens, " has been deleted from the final rule. Instead, the final rule refers to "any event that poses an actual threat to the safety of the nuclear power plant" [§ 50.72(b)(1)(vi)] and gives examples so that it is clear the Commission is interested in real or actual threats as opposed to threats without credibility.

Notification Timing (Final Rule § 50.72(b)(2))

The commenters generally had two points to make regarding the timing of reports to the NRC. First, the comments supported notification of the NRC after appropriate State or local agencies have been notified. Second, two commenters requested a new four-to six-hour report category for events not warranting a report with one hour.

Allowing more time for reporting some non-Emergency events would lessen the impact of reporting on the individuals responsible for maintaining the plant in a safe condition. Limiting the extension of the deadline to four hours ensures that the report is made when the information is fresh in the minds of those involved and that it is more likely to be made by those involved rather than by others on a later shift.

Other, more significant non-Emergency events and all declarations of an Emergency must continue to be reported within one hour. The one-hour deadline is necessary if the Commission is to fulfill its responsibilities during and following the most serious events occurring at operating nuclear power plants. A deadline shorter than one hour was not adopted because the Commission does not want to interfere with the operator's ability to deal with an accident or transient in the first few critical minutes.

Therefore, based on these comments and its experience, the NRC has established a "four-hour report," as was suggested.

Reactor Scrams (Final Rule § 50.72(b)(2)(ii))

Several commenters said that reactor scrams, particularly those scrams below power operation, should not require notification of the NRC within one hour.

In response to these comments, the Commission had changed the reporting deadline to four hours. However, the Commission does not regard reactor scrams as "non-events," as stated in some letters of comment. Information related to reactor scrams has been useful in identifying safety-related problems. The Commission agrees that four hours is an appropriate deadline for this reporting requirement because these events are not as important to immediate safety as are some other events.

Radioactive Release Threshold (Final Rule § 50.72(b)(2)(iv))

Several commenters said that the threshold of 25% of allowable limits for radioactive releases was too low for one-hour reporting.

Based upon these comments and its experience, the Commission has changed the threshold of reporting to those releases exceeding two times Part 20 concentrations when averaged over a period of one hour. This will eliminate reports of releases that represent negligible risk to the public.

The Commission has found that low level radioactive releases below two times Part 20 concentrations do not, in themselves, warrant immediate radiological response.

This paragraph requires the reporting of those events that cause an unplanned or uncontrolled release of a significant amount of radioactive material to offsite areas. Unplanned releases should occur infrequently; however, when they occur, at least moderate defects have occurred in the safety design or operational control established to avoid their occurrence and, therefore, these events should be reported.

Personnel Radioactive Contamination (Final Rule § 50.72(b)(2)(v))

Several commenters objected to the use of vague terms such as "extensive

onsite contamination" and "readily removed" in one of the reporting criteria of the proposed rule.

Based on this comment, new criteria have been prepared that use more specific terms. For example, one new criterion requires reporting of "Any event requiring the transport of a radioactively contaminated person to an offsite medical facility for treatment." Experience with telephone notifications made to the NRC Operations Center suggests that this new criterion will be easily understood.

III. Paragraph-by-Paragraph Explanation of the Rule

Paragraph 50.72(a) reflects some consolidation of language that was repeated in various subparagraphs of the proposed rule. In general, the intent and scope of this paragraph do not reflect any change from the proposed rule.

Several titles were added to this and subsequent sections. For example, paragraph 50.72(b) is titled "Non-Emergency Events" and it has two subparagraphs: (b)(1), titled, "One-Hour Reports" and (b)(2), "Four-Hour Reports." The events which have a one-hour deadline are those having the potential to escalate to an Emergency Class. The four-hour deadline is explained in the analysis of paragraph (b)(2).

Paragraph 50.72(b)(1)(i)(A) requires reporting of "The initiation of any nuclear plant shutdown required by Technical Specifications." Although the intent and scope have not changed, the change in wording between the proposed and final rule is intended to clarify that prompt notification is required once a shutdown is initiated.

In response to public comment, the term "immediate shutdown" that was used in the proposed rule is not used in the final rule. The term was vague and unfamiliar to those licensees who did not have Technical Specifications using the term.

This reporting requirement is intended to capture those events for which Technical Specifications require the initiation of reactor shutdown. This will provide the NRC with early warning of safety significant conditions serious enough to warrant shutdown of the plant.

Paragraph 50.72(b)(1)(i)(B) was added to be consistent with existing requirements in § 50.54(x) and the existing § 50.72(c) as published in the **Federal Register** on April 1, 1983 (48 FR 13966) which require the licensee to notify the NRC Operations Center by telephone when the licensee departs from a license condition or technical specification.

Paragraph 50.72(b)(1)(ii), encompassing events previously classified as Unusual Events and some events captured by proposed § 50.72(b)(1) was added to provide for consistent, coordinated reporting requirements between this rule and 10 CFR 50.73 which has a similar provision. Public comment suggested that there should be similarity of terminology, phrasing, and reporting thresholds between § 50.72 and § 50.73. The intent of this paragraph is to capture those events where the plant, including its principal safety barriers, was seriously degraded or in an unanalyzed condition. For example, small voids in systems designed to remove heat from the reactor core which have been previously shown through analysis not to be safety significant need not be reported. However, the accumulation of voids that could inhibit the ability to adequately remove heat from the reactor core, particularly under natural circulation conditions, would constitute an unanalyzed condition and would be reportable. In addition, voiding in instrument lines that results in an erroneous indication causing the operator to misunderstand the true condition of the plant is also an unanalyzed condition and should be reported.

The Commission recognizes that the licensee may use engineering judgment and experience to determine whether an unanalyzed condition existed. It is not intended that this paragraph apply to minor variations in individual parameters, or to problems concerning single pieces of equipment. For example, at any time, one or more safety-related components may be out of service due to testing, maintenance, or a fault that has not yet been repaired. Any trivial single failure or minor error in performing surveillance tests could produce a situation in which two or more often unrelated, safety-grade components are out-of-service. Technically, this is an unanalyzed condition. However, these events should be reported only if they involve functionally related components or if they significantly compromise plant safety. When applying engineering judgement, and there is a doubt regarding whether to report or not, the Commission's policy is that licensees should make the report.

Finally, this paragraph also includes material (e.g., metallurgical or chemical) problems that cause abnormal degradation of the principal safety barriers (i.e., the fuel cladding, reactor coolant system pressure boundary, or the containment). Examples of this type of situation include:

(a) Fuel cladding failures in the reactor, or in the storage pool, that exceed expected values, or that are unique or widespread, or that are caused by unexpected factors, and would involve a release of significant quantities of fission products.

(b) Cracks and breaks in the piping or reactor vessel (steel or prestressed concrete) or major components in the primary coolant circuit that have safety relevance (steam generators, reactor coolant pumps, valves, etc.).

(c) Significant welding or material defects in the primary coolant system.

(d) Serious temperature or pressure transients.

(e) Loss of relief and/or safety valve functions during operation.

(f) Loss of containment function or integrity including:

(i) Containment leakage rates exceeding the authorized limits,

(ii) Loss of containment isolation valve function during tests or operation,

(iii) Loss of main steam isolation valve function during test or operation, or

(iv) Loss of containment cooling capability.

Paragraph 50.72(b)(1)(iii), encompassing a portion of proposed 50.72(b)(2), was reworded to correspond to a similar provision of 10 CFR 50.73(a)(2)(iii). Making the requirements of 10 CFR 50.72 and 50.73 similar in language increases the clarity of these rules and minimizes confusion.

The paragraph has also been reworded to make it clear that it applies only to acts of nature (e.g., tornadoes) and external hazards (e.g., railroad tank car explosion). References to acts of sabotage have been removed, since these are covered by § 73.71. In addition, threats to personnel from internal hazards (e.g., radioactivity releases) that hamper personnel in the performance of necessary duties are now covered by paragraph 50.72(b)(1)(vi). This paragraph covers those events involving an actual threat to the plant from an external condition or natural phenomenon, and where the threat or damage challenges the ability of the plant to continue to operate in a safe manner (including the orderly shutdown and maintenance of shutdown conditions). The licensee should decide if a phenomenon or condition actually threatens the plant. For example, a minor brush fire in a remote area of the site that is quickly controlled by fire fighting personnel and, as a result, did not present a threat to the plant should not be reported. However, a major forest fire, large-scale

flood, or major earthquake that presents a clear threat to the plant should be reported. As another example, an industrial or transportation accident which occurs near the site, creating a plant safety concern, should be reported.

Paragraph 50.72(b)(1)(iv), encompassing events previously classified as Unusual Events, requires the reporting of those events that result in either automatic or manual actuation of the ECCS or would have resulted in activation of the ECCS if some component had not failed or an operator action had not been taken.

For example, if a valid ECCS signal were generated by plant conditions, and the operator were to put all ECCS pumps in pull-to-lock, though no ECCS discharge occurred, the event would be reportable.

A "valid signal" refers to the actual plant conditions or parameters satisfying the requirements for ECCS initiation. Excluded from this reporting requirement would be those instances where instrument drift, spurious signals, human error, or other invalid signals caused actuation of the ECCS. However, such events may be reportable under other sections of the Commission's regulations based upon other details; in particular, paragraph 50.72(b)(2)(ii) requires a report within four hours if an Engineered Safety Feature (ESF) is actuated.

Experience with notifications made pursuant to § 50.72 has shown that events involving ECCS discharge to the vessel are generally more serious than ESF actuations without discharge to the vessel. Based on this experience, the Commission has made this reporting criterion a "One-Hour Report."

Paragraph 50.72(b)(1)(v), encompassing events previously classified as Unusual Events, covers those events that would impair a licensee's ability to deal with an accident or emergency. Notifying the NRC of these events may permit the NRC to take some compensating measures and to more completely assess the consequences of such a loss should it occur during an accident or emergency.

Examples of events that this criterion is intended to cover are those in which any of the following are not available:

1. Safety parameter display system (SPDS).
2. Emergency Response Facilities (ERF's).
3. Emergency communications facilities and equipment including the Emergency Notification system (ENS).
4. Public prompt Notification System including sirens.
5. Plant monitors necessary for accident assessment.

Paragraph 50.72(b)(1)(vi), encompassing some portions of the proposed §§ 50.72(b) (2) and (6), has been revised to add the phrase, "including fires, toxic gas releases, or radioactive releases." This addition covers the "evacuation" portion of paragraph 50.72(b)(6)(iii) of the proposed rule. This change in wording for the final rule was made in response to public comments discussed above.

While paragraph 50.72(b)(1)(iii) of the final rule primarily captures acts of nature, paragraph 50.72(b)(1)(vi) captures other events, particularly acts by personnel. The Commission believes this arrangement of the reporting criteria in the final rule lends itself to more precise interpretion and is consistent with those pubic comments that requested closer coordination between the reporting requirements in this rule and other portions of the Commission's regulations.

This provision requires reporting of events, particularly those caused by acts of personnel, which endanger the safety of the plant or interfere with personnel in performance of duties necessary for safe plant operations.

The licensee must exercise some judgment in reporting under this section. For example, a small fire on site that did not endanger any plant equipment and that did not and could not reasonably be expected to endanger the plant, is not reportable.

Paragraph 50.72(b)(1) of the proposed rule was split into § 50.72(b)(1)(ii) and *§ 50.72(b)(2)(i)* in the final rule in order to permit some type of reports to be made within four hours instead of one hour because these reports have less safety significance. In terms of their combined effect, the overall intent and scope of these paragraphs have not changed from those in the proposed rule. Since the types of events intended to be captured by this reporting requirement are similar to § 50.72(b)(1)(ii), except that the reactor is shut down, the reader should refer to the explanation of § 50.72(b)(1)(ii) for more details on intent.

Paragraph 50.72(b)(2) Although the reporting criteria contained in the subparagraphs of § 50.72(b)(2) were in the proposed rule, in response to public comment the Commission established this "Non-Emergency" category for those events with slightly less urgency and less safety significance that may be reported within four hours instead of one hour.

The Commission wants to obtain such reports from personnel who were on shift at the time of the event, when this is possible, because these personnel will have a better knowledge of the circumstances associated with the vent. Reports made within four hours of the event should make this possible while not imposing the more rigid one hour requirements.

The reporting requirement in paragraph 50.72(b)(2)(i) is similar to a requirement in § 50.73. Moreover, except for referring to a shutdown reactor, this reporting requirement is also similar to the "One-Hour Report" in § 50.72(b)(1)(ii). However this paragraph applies to a reactor in shutdown condition. Events within this requirement have less urgency and can be reported within four hours as a "Non-Emergency."

Paragraph 50.72(b)(2)(ii) (proposed 50.72(b)(5)) is made a "Non-Emergency" in response to public comment, because the Commission agrees that the covered events generally have slightly less urgency and safety significance than those events included in the "One-Hour Reports."

The intent and scope of this reporting requirement have not changed from the proposed rule. This paragraph is intended to capture events during which an ESF actuates, either manually or automatically, or fails to actuate. ESFs are provided to mitigate the consequences of the event; therefore, (1) they should work properly when called upon and (2) they should not be challenged unnecessarily. The Commission is interested both in events where an ESF was needed to mitigate the consequences of the event (whether or not the equipment performed properly) and events where an ESF operated unnecessarily.

"Actuation" of multichannel ESF Actuation Systems is defined as actuation of enough channels to complete the minimum actuation logic. Therefore, single channel actuations, whether caused by failures or otherwise, are not reportable if they do not complete the minimum actuation logic.

Operation of an ESF as part of a planned test or operational evolution need not be reported. However, if during the test or evolution the ESF actuates in a way that is not part of the planned procedure, that actuation should be reported. For example, if the normal reactor shutdown procedure requires that the control rods be inserted by a manual reactor trip, the reactor trip need not be reported. However, if conditions develop during the shutdown that require an automatic reactor trip, such a reactor trip should be reported. The fact that the safety

analysis assumes that an ESF will actuate automatically during an event does not eliminate the need to report that actuation. Actuations that need not be reported are those initiated for reasons other then to mitigate the consequences of an event (e.g., at the discretion of the licensee as part of a planned procedure).

Paragraph 50.72(b)(2)(iii) (proposed 50.72(b)(4)) has been revised and simplified.

The words "any instance of personal error, equipment failure, or discovery of design or procedural inadequacies" that appeared in the proposed rule have been replaced by the words "event or condition." This simplification in language is intended to clarify what was a confusing phrase to many of those who commented on the proposed rule. Also in response to public comment, this reporting requirement is a "Non-Emergency" to be reported within four hours instead of within one hour.

This paragraph is based on the assumption that safety-related systems and structures are intended to mitigate the consequences of an accident. While paragraph 50.72(b)(2)(ii) applies to actual demands for actuation of an ESF, paragraph 50.72(b)(2)(iii) covers an event where a safety system could have failed to perform its intended function because of one or more personnel errors, including procedure violations; equipment failures; or design, analysis, fabrication, construction, or procedural deficiencies. The event should be reported regardless of the situation or condition that caused the structure or system to be unavailable.

This reporting requirement is similar to one contained in § 50.73, thus reflecting public comment identifying the need for closer coordination of reporting requirements between § 50.72 and § 50.73.

This paragraph includes those safety systems designed to mitigate the consequences of an accident (e.g., containment isolation, emergency filtration). Hence, minor operational events such as valve packing leaks, which could be considered a lack of control of radioactive material, should not be reported under this paragraph. System leaks or other similar events may, however, be reportable under other paragraphs.

This paragraph does not include those cases where a system or component is removed from service as part of a planned evolution, in accordance with an approved procedure, and in accordance with the plant's Technical Specifications. For example, if the licensee removes part of a system from service to perform maintenance, and the Technical Specifications permit the resulting configuration, and the system or component is returned to service within the time limit specified in the Technical Specifications, the action need not be reported under this paragraph. However, if, while the component is out of service, the licensee identifies a condition that could have prevented the system from performing its intended function (e.g., the licensee finds a set of relays that is wired incorrectly), that condition must be reported.

It should be noted that there are a limited number of single-train systems that perform safety functions (e.g., the High Pressure Coolant Injection System in BWRs). For such systems, loss of the single train would prevent the fulfillment of the safety function of that system and, therefore, must be reported even though the plant Technical Specifications may allow such a condition to exist for a specified length of time. Also, if a potentially serious human error is made that could have prevented fulfillment of a safety function, but recovery factors resulted in the error being corrected, the error is still reportable.

The Commission recognizes that the application of this and other paragraphs of this section involves a technical judgment by licensees. In this case, a technical judgment must be made whether a failure or operator action that disabled one train of a safety system could have, but did not, affect a redundant train. If so, this would constitute an event that "could have prevented" the fulfillment of a safety function, and, accordingly, must be reported.

If a component fails by an apparently random mechanism, it may or may not be reportable if the functionally redundant component could fail by the same mechanism. To be reportable, it is necessary that the failure constitute a condition where there is reasonable doubt that the functionally redundant train or channel would remain operational until it completed its safety function or is repaired. For example, if a pump fails because of improper lubrication, there is a reasonable expectation that the functionally redundant pump, which was also improperly lubricated, would have also failed before it completed its safety function, then the failure is reportable and the potential failure of the functionally redundant pump must be reported.

Interaction between systems, particularly a safety system and a non-safety system, is also included in this criterion. For example, the Commission is increasingly concerned about the effect of a loss or degradation of what had been assumed to be nonessential inputs to safety systems. Therefore, this paragraph also includes those cases where a service (e.g., heating, ventilation, and cooling) or input (e.g., compressed air) which is necessary for reliable or long-term operation of a safety system is lost or degraded. Such loss or degradation is reportable, if the proper fulfillment of the safety function is not or can not be assured. Failures that affect inputs or services to systems that have no safety function need not be reported.

Finally, the Commission recognizes that the licensee has to decide when personnel actions *could* have prevented fulfillment of a safety function. For example, when an individual improperly operates or maintains a component, that person might conceivably have made the same error for all of the functionally redundant components (e.g., if an individual incorrectly calibrates one bistable amplifier in the Reactor Protection System, that person could conceivably incorrectly calibrate all bistable amplifiers). However, for an event to be reportable it is necessary that the actions actually affect or involve components in more than one train or channel of a safety system, and the result of the actions must be undersirable from the perspective of protecting the health and safety of the public. The components can be functionally redundant (e.g., two pumps in different trains) or not functionally redundant (e.g., the operator correctly stops a pump in Train "A" and, instead of shutting the pump discharge valve in Train "A," he mistakenly shuts the pump discharge valve in Train "B").

Paragraphs 50.72(b)(2)(iv) (proposed 50.72(b)(6)) has been changed to clarify the requirement to report releases of radioactive material. The paragraph is similar to § 20.403 but places a lower threshold for reporting events at commercial power reactors. The lower threshold is based on the significance of the breakdown of the licensee's program necessary to have a release of this size, rather than on the significance of the impact of the actual release. The existing licensee radioactive material effluent release monitoring programs and their associated assessment capabilities are sufficient to satisfy the intent of 50.72(b)(2)(iv).

Based upon public comment and a reevaluation by the Commission staff, the reporting threshold has been changed from "25%" in the proposed rule to "2 times" in the final rule and has

been reclassified as a "Non-Emergency" to be reported within four hours instead of within 1 hour.

Also this reporting requirement has been changed to make a more uniform requirement by referring to specific release criteria instead of referring only to Technical Specifications that may vary somewhat among facilities.

This reporting requirement is intended to capture those events that may lead to an accident situation where significant amounts of radioactive material could be released from the facility. Unplanned releases should occur infrequently; however, if they occur at the levels specified, at least moderate defects have occurred in the safety design or operational control established to avoid their occurrence and, therefore, such events should be reported.

Normal operating limits for radioactive effluent releases are based on the limits of 10 CFR Part 20 which establishes maximum annual average concentration in unrestricted areas. This reporting requirement addresses concentrations averaged over a one hour period and represents less than 0.1% of the annual quantities of radioactive materials permitted to be released by 10 CFR Part 20.

Paragraph 50.72(b)(2)(v) (proposed rule 50.72(b)(7)) has three changes. The first eliminates the phrase "occurring onsite" because it is implied by the scope of the rule. The second replaces "injury involving radiation" with "radioactively contaminated person." This change was made because of the difficulty in defining injury due to radiation, and more importantly, because 10 CFR Part 20 captures events involving radiation exposure.

The third change, in response to public comment, was to make this reporting requirement a four-hour notification, instead of one-hour notification. This change was made because these events have slightly less safety significance than those required to be reported within one hour.

Paragraph 50.72(b)(2)(vi) (not in proposed rule) besides covering some events such as release of radioactively contaminated tools or equipment to the public that may warrent NRC attention, also covers those events that would not otherwise warrant NRC attention except for the interest of the news media, other government agencies, or the public. In terms of its effect on licensees, this is not a new reporting requirement because the threshold for reporting injuries and radioactive release was much lower under the proposed rule. This criterion will capture those events previously reported under other criteria when such events require the NRC to respond because of media or public attention.

Paragraph 50.72(c) (proposed 50.72(c)) has remained essentially unchanged from the proposed rule, except for addition of the title "Followup Notification" and some renumbering.

This paragraph is intended to provide the NRC with timely notification when an event becomes more serious or additional information or new analyses clarify an event.

This paragraph also permits the NRC to maintain a continuous communications channel because of the need for continuing follow-up information or because of telecommunications problems.

IV. Regulatory Analysis

The Commission has prepared a regulatory analysis on this regulation. The analysis examines the costs and benefits of the Rule as considered by the Commission. A copy of the regulatory analysis is available for inspection and copying for a fee at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. Single copies of the analysis may be obtained from Eric W. Weiss, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 492-4973.

V. Paperwork Reduction Act Statement

The information collection requirements contained in this final rule have been approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act, Pub. L. 96-511 (clearance number 3150-0011).

VI. Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this regulation will not have a significant economic impact on a substantial number of small entities. This final rule affects electric utilities that are dominant in their respective service areas and that own and operate nuclear utilization facilities licensed under sections 103 and 104b. of the Atomic Energy Act of 1954, as amended. The amendments clarify and modify presently existing notification requirements. Accordingly, there is no new, significant economic impact on these licensees, nor do the affected licensees fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or within the Small Business Size Standards set forth in regulations issued by the Small Business Administration at 13 CFR Part 121.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Fire prevention, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 50 are published as a document subject to codification.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 continues to read as follows:

Authority: Secs. 103, 104, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat 1244, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846), unless otherwise noted.

Section 50.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Sections 50.58, 50.91 and 50.92 also issued under Pub. L. 97-415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80-50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100-50.102 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 50.10 (a), (b), and (c), 50.44, 50.46, 50.48, 50.54, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.10 (b) and (c) and 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.55(e), 50.59(b), 50.70, 50.71, 50.72, and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. A new paragaph (z) is added to § 50.54 to read as follows:

§ 50.54 Conditions of licenses.

* * * * *

(z) Each licensee with a utilization facility licensed pursuant to sections 103 or 104b. of the Act shall immediately notify the NRC Operations Center of the occurrence of any event specified in § 50.72 of this part.

3. Section 50.72 is revised to read as follows:

§ 50.72 Immediate notification requirements for operating nuclear power reactors.

(a) *General Requirements.*[1] (1) Each nuclear power reactor under § 50.21(b) or § 50.22 of this part shall notify the NRC Operations Center via the Emergency Notification System of:

(i) The declaration of any of the Emergency Classes specified in the licensee's approved Emergency Plan; [2] or

(ii) Of those non-Emergency events specified in paragraph (b) of ths section.

(2) If the Emergency Notification System is inoperative, the licensee shall make the required notifications via commerical telephone service, other dedicated telephone system, or any other method which will ensure that a report is made as soon as practical to the NRC Operations Center.[3]

(3) The licensee shall notify the NRC immediately after notification of the appropriate State or local agencies and not later than one hour after the time the licensee declares one of the Emergency Classes.

(4) When making a report under paragraph (a)(3) of this section, the licensee shall identify:

(i) The Emergency Class declared; or

(ii) Either paragraph (b)(1), "One-Hour Report," or paragraph (b)(2), "Four-Hour Report," as the paragraph of this section requiring notification of the Non-Emergency Event.

(b) *Non-Emergency Events.* (1) *One-Hour Reports.* If not reported as a declaration of an Emergency Class under paragraph (a) of this section, the licensee shall notify the NRC as soon as practical and in all cases within one hour of the occurrence of any of the following:

(i)(A) The initiation of any nuclear plant shutdown required by the plant's Technical Specifications.

(B) Any deviation from the plant's Technical Specifications authorized pursuant to § 50.54(x) of this part.

(ii) Any event or condition during operation that results in the condition of the nuclear powerplant, including its principal safety barriers, being seriously degraded; or results in the nuclear powerplant being:

(A) In a unanalyzed condition that significantly compromises plant safety;

(B) In a condition that is outside the design basis of the plant; or

(C) In a condition not covered by the plant's operating and emergency procedures.

(iii) Any natural phenomenon or other external condition that poses an actual threat to the safety of the nuclear power-plant or significantly hampers site personnel in the performance of duties necessary for the safe operation of the plant.

(iv) Any event that results or should have resulted in Emergency Core Cooling System (ECCS) discharge into the reactor coolant system as a result of a valid signal.

(v) Any event that results in a major loss of emergency assessment capability, offsite response capability, or communications capability (e.g., significant portion of control room indication, Emergency Notification System, or offsite notification system).

(vi) Any event that poses an actual threat to the safety of the nuclear powerplant or significantly hampers site personnel in the performance of duties necessary for the safe operation of the nulcear powerplant including fires, toxic gas releases, or radioactive releases.

(2) *Four-Hour Reports.* If not reported under paragraphs (a) or (b)(1) of this section, the licensee shall notify the NRC as soon as practical and in all cases, within four hours of the occurrence of any of the following:

(i) Any event, found while the reactor is shutdown, that, had it been found while the reactor was in operation, would have resulted in the nuclear powerplant, including its principal safety barriers, being seriously degraded or being in an unanalyzed condition that significantly compromises plant safety.

(ii) Any event or condition that results in manual or automatic actuation of an Engineered Safety Feature (ESF), including the Reactor Protection System (RPS). However, actuation of an ESF, including the RPS, that results from and is part of the preplanned sequence during testing or reactor operation need not be reported.

(iii) Any event or condition that alone could have prevented the fulfillment of the safety function of structures or systems that are needed to:

(A) Shut down the reactor and maintain it in a safe shutdown condition,

(B) Remove residual heat,

(C) Control the release of radioactive material, or

(D) Mitigate the consequences of an accident.

(iv)(A) Any airborne radioactive release that exceeds 2 times the applicable concentrations of the limits specified in Appendix B, Table II of Part 20 of this chapter in unrestricted areas, when averaged over a time period of one hour.

(B) Any liquid effluent release that exceeds 2 times the limiting combined Maximum Permissible Concentration (MPC) (see Note 1 of Appendix B to Part 20 of this chapter) at the point of entry into the receiving water (i.e., unrestricted area) for all radionuclides except tritium and dissolved noble gases, when averaged over a time period of one hour. (Immediate notifications made under this paragraph also satisfy the requirements of paragraphs (a)(2) and (b)(2) of § 20.403 of Part 20 of this chapter.)

(v) Any event requiring the transport of a radioactively contaminated person to an offsite medical facility for treatment.

(vi) Any event or situation, related to the health and safety of the public or onsite personnel, or protection of the environment, for which a news release is planned or notification to other government agencies has been or will be made. Such an event may include an onsite fatality or inadvertent release of radioactively contaminated materials.

(c) *Followup Notification.* With respect to the telephone notifications made under paragraphs (a) and (b) of this section, in addition to making the required initial notification, each licensee, shall during the course of the event:

(1) *Immediately report:* (i) any further degradation in the level of safety of the plant or other worsening plant conditions, including those that require the declaration of any of the Emergency Classes, if such a declaration has not been previously made, or (ii) any change from one Emergency Class to another, or (iii) a termination of the Emergency Class.

(2) *Immediately report:* (i) the results of ensuing evaluations or assessments of plant conditions, (ii) the effectiveness of response or protective measures taken, and (iii) information related to plant behavior that is not understood.

(3) Maintain an open, continuous communication channel with the NRC Operations Center upon request by the NRC.

Dated: at Washington, D.C. this 23d day of August, 1983.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 83-23602 Filed 8-26-83; 8:45 am]

BILLING CODE 7590-01-M

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[1] Other requirements for immediate notification of the NRC by licensed operating nuclear power reactors are contained elsewhere in this chapter, in particular, § 20.205, § 20.403, § 50.36, and § 73.71.

[2] These Emergency Classes are addressed in Appendix E of this part.

[3] Commercial telephone number of the NRC Operations Center is (202) 951-0550.

FEDERAL RESERVE SYSTEM

12 CFR Part 265

[Docket No. R-0478]

Delegation of Authority To Reserve Banks to Approve Applications To Engage in Nonbanking Activities

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: This amendment to the Rules Regarding Delegation of Authority authorizes Reserve Banks to approve additional applications under section 4 of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)). The Board is amending its Rules to allow Reserve Banks to approve an application by a bank holding company to open additional offices to engage in a nonbanking activity when the Board has previously approved an application by the bank holding company to engage in the same activity, even though the activity is not among those listed as permissible for bank holding companies generally under § 225.4(a) of Regulation Y.

EFFECTIVE DATE: August 22, 1983.

FOR FURTHER INFORMATION CONTACT: Bronwen Mason Chaiffetz, Senior Counsel (202/452-3564) or Susan Weinberg, Attorney (202/452-3707), Legal Division.

SUPPLEMENTARY INFORMATION: The Board's Rules currently provide that the Reserve Banks may approve applications by bank holding companies to engage in nonbanking activites the Board has listed as permissible for bank holding companies generally under § 225.4(a) of Regulation Y (12 CFR 225.4(a)). The Board continues to believe that, as a general rule, applications involving an activity that the Board has not determined to be generally permissible within the meaning of § 225.4(a) of Regulation Y, should receive consideration by the Board. However, when the Board has previously determined that an unlisted activity is closely related to banking and that the performance of the activity by a particular bank holding would result in net public benefits, the Board does not believe that subsequent applications by that applicant to open additional offices to engage in that activity are likely to raise significant issues.

The Board has considered and approved a number of applications by bank holding companies where the only aspect of the case that precluded delegation was the fact that the activity was not listed as permissible in § 225.4(a) of Regulation Y. Moreover, the Board has not denied any application by a bank holding company to open additional offices to engage in an unlisted nonbanking activity for which it has previously received Board approval. In light of its experience, the Board believes the Reserve Banks should be delegated the authority to approve applications by a bank holding company to open additional offices to engage in an unlisted nonbanking activity when the bank holding company previously has received the Board's approval to engage in that activity.

The amendment to the Board's Delegation Rules would expedite applications processing and would decrease the number of Board cases that do not present significant issues. Of course, all such applications would be subject to the same conditions and limitations imposed in connection with the Board's approval of the particular bank holding company application to engage in the activity or activities. Moreover, an application being processed under the delegated rule could be brought to the Board if the circumstances warrant.

Regulatory Flexibility Act Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. No. 96-354, 5 U.S.C. 601 et seq.), the Board certifies that the proposed amendment, if adopted, will not have a significant economic impact on a substantial number of small entities. The proposed amendment would ease the application of the existing regulations and does not have any particular effect on small entities.

Regulatory Impact Analysis

Pursuant to section 3(a)(1) of Executive Order 12291 of February 17, 1981, it has been determined that the proposed amendment does not constitute a major rule within the meaning of section (1)(b) of the Executive Order. The proposed amendment has no effect on the operations of the depository institutions subject to them, and thus, will not have an annual effect on the economy of $100 million or more, will not affect costs or prices for consumers, individual industries, government agencies or geographic regions, and will not have adverse effects on competition, employment, investment, productivity or on the ability of United States based enterprises in domestic or export markets.

Public comment

The provisions of section 553 of Title 5, United States Code, relating to notice, public participation, and deferred effective date have not been followed in connection with the adoption of this amendment because the change to be effected is procedural in nature and does not constitute a substantive rule subject to the requirements of that section. The Board's expanded rulemaking procedures have not been followed because the amendment is a technical one and because it relieves a burden that could obstruct necessary and prompt action that would be in the public interest.

List of Subjects in 12 CFR Part 265

Authority delegations (government agencies), Banks, banking, Federal Reserve System.

PART 265—[AMENDED]

Pursuant to its authority under sections 4(c)(8) and 5(b) of the Bank Holding Company Act, the Board of Governors is amending its Rules Regarding Delegation of Authority [12 CFR Part 265]. Specifically, the Board is adding paragraph (f)(57) as follows:

§ 265.2 Specific functions delegated to Board Employees and to Federal Reserve Banks.

* * * * *

(f) * * *

(57) Under sections 4(c)(8) and 5(b) of the Bank Holding Company Act and § 225.4(b) of the Board's Regulation Y, to approve applications by a bank holding company to open additional offices to engage in nonbanking activities for which the particular bank holding company has previously received approval pursuant to Board order, unless one of the conditions specified in § 265.2(f)(22) (i), (ii), (iii), or (iv) is present.

Effective date: The amendment is effective on all applications pending on August 22, 1983, and on all future applications.

Board of Governors of the Federal Reserve System, August 22, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-23546 Filed 8-26-83; 8:45 am]

BILLING CODE 6210-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 116

[Rev. 1, Admt. 2]

Policies of General Application; Flood Insurance Protection; Floodplain Management and Wetlands Protection

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The Small Business Administration is promulgating its amendments to Part 116 of the Code of Federal Regulations (13 CFR Part 116).

The rule will eliminate the requirement that all SBA borrowers purchase flood insurance if it is made available during the term of the loan, and amends the regulation to include insurance against mudslides and soil erosion (13 CFR 116.11(a) and (b)).

The rule requires disaster borrowers to purchase such insurance in an amount equal to the insurable value of the property or the maximum amount available. (13 CFR 116.11(c)).

The final rule also increases the loan amount under which SBA may waive the 8-step decision-making process, on a case-by-case basis, to determine adverse effects or incompatible development on wetlands or in a floodplain (13 CFR 116.32(a)(6)).

The rule also amends the "Purpose and Scope" section to conform it to current program conditions (13 CFR 116.10)). It further amends the section on "Related Regulations" to conform it to the current regulations of the Federal Emergency Management Agency.

EFFECTIVE DATE: August 29, 1983.

For assistance under Sec. 7(b) of the Small Business Act, 15 U.S.C. 636, this rule applies to disasters occurring on or after August 29, 1983.

FOR FURTHER INFORMATION CONTACT:

Bernard Kulik, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, 202–653–6879.

SUPPLEMENTARY INFORMATION: On May 10, 1983, SBA published a notice of proposed rule making (48 FR 20933) proposing the rule changes now promulgated. The comment period expired June 9, 1983. No comments were received. Accordingly, the following sections of Part 116 of 13 CFR are amended as follows:

Section 116.10 adds Certified Development Companies (Section 503 of the Small Business Investment Act, 15 U.S.C. 697) to the scope of this Part. This amendment does not create a new requirement since the Flood Disaster Protection Act of 1973 mandates such inclusion. The amendment also omits references to SBA programs which exist no longer, or have been merged into other listed programs.

Section 116.11(a) no longer requires SBA disaster borrowers who have obtained loans at a time when flood insurance is not available in their localities to purchase flood insurance if it becomes available during the term of the loan. Borrowers will continue to be required to purchase such insurance if it is available prior to loan disbursement.

Section 116.11(b) provides that SBA will not offer directly or indirectly, disaster assistance to applicants located in special hazard areas, including those which are prone to mudslides and soil erosion, unless the community is participating in the Federal insurance program, or less than a year has elapsed since the community was advised of the availability of such program in the area. This change conforms the regulation to Federal Emergency Management Agency regulations, 44 CFR 64.3.

Section 116.11(c): The amendment requires borrowers to purchase the maximum amount of insurance available under the National Flood Insurance Act of 1968 not to exceed the insurable value of the property. This requirement assures that the value of SBA's collateral is protected from floods in flood prone locations. This amendment also benefits disaster victims by reducing the amount of debt they must incur due to a subsequent disaster.

This amendment will have an economic effect on all SBA borrowers, businesses as well as home owners, where the amount of the loan is less than the insurable value of the property. The additional cost for each borrower will be the difference between the flood insurance premiums for insurance in the amount of the SBA loan and the premiums for insurance in the amount of the insurable value of the property (or maximum insurance available, whichever is lower). Because of the impossibility of forecasting the time, magnitude or location of disasters, it is not feasible to estimate the total number of borrowers who will be located in flood prone areas nor the gross additional cost to any single borrower or all borrowers as a group. However, the gross amount of additional cost could be significant.

SBA seeks to ensure its collateral for a given loan and avoid multiple loans to the same flood prone borrower by promulgating this requirement. In doing so, SBA is convinced that the benefits of the proposal outweigh its costs. The only reasonable alternative to this proposal is to continue the prior regulation, which has proven unsatisfactory. There are no additional recordkeeping or reporting requirements inherent in this proposal, and it does not contradict, overlap or duplicate any other existent regulations of statutes.

Section 116.12: This amendment conforms the section to current regulations.

Section 116.32(a)(6): The rule now provides that the full implementation of Section 2(a) of Executive Order 11988 may be waived on a case-by-case basis in instances of actions which typically do not create adverse effects or incompatible development on wetlands and floodplains. This amendment relieves applicants for loans in the $300,000 to $500,000 range of the need to supply SBA with the necessary information and studies for the implementation of the prescribed decision-making process, and consequently reduces both the cost and the time required to process such loan applications.

Except to the extent indicated above with respect to the revision of § 116.11(c), these amendments either singly or as a whole, will not have a significant economic impact on a substantial number of small entities. In addition, they do not constitute major regulations for the purpose of Executive Order 12291. To the extent that the revision of § 116.11(c) could have a significant economic impact or constitute a major rule, the statement above as to its potential effect is provided as a regulatory analysis for the purposes of the Regulatory Flexibility Act and E.O. 12291.

List of Subjects in 13 CFR Part 116

Flood insurance, Flood plains, Lead poisoning, Small businesses, Veterans.

Accordingly, pursuant to the authority of section 5(b)(6) of the Small Business Act (15 U.S.C. 631 *et seq*), Subparts B and D of Part 116, Chapter 1, Title 13 of the Code of Federal Regulations are amended as follows:

PART 116—[AMENDED]

Subpart B—[Amended]

1. Section 116.10 is revised to read as follows:

§ 116.10 Purpose and scope.

This subpart is established by the SBA to implement the Agency's responsibilities under section 102(a) of the Flood Disaster Protection Act of 1973, which prohibits Federal financial assistance for acquisition or construction purposes in special flood hazard areas (as designated by the Federal Emergency Management Administration, formerly by the Secretary of Housing and Urban Development), when persons in such areas are eligible for flood insurance which has been made available under the National Flood Insurance Act of 1968, and have not obtained such insurance. The following programs are subject to the legislation: 7(a) Business loans, 7(b) disaster loans, Sections 501,

502 and 503 development company loans, lease guarantees, small business investment companies and pollution control guarantees.

2. Section 116.11 is amended by revising paragraphs (a), (b) and (c) to read as follows:

§ 116.11 Requirements.

(a) *General.* Flood insurance is required of a recipient of SBA direct or indirect assistance for construction purposes as defined in paragraph (d) of this section on the basis of its availability at the time of approval of a loan.

(b) *Community Participation in Insurance Program.* On and after July 1, 1975, no financial assistance will be authorized by which SBA would provide direct or indirect assistance to an applicant located in an identified special hazard area, including an area of mudslides and flood-related erosion as defined in Title 44, Code of Federal Regulations, § 59.1, unless (1) the community in which said applicant is located is participating in the flood insurance program or (2) less than a year has elapsed since the community was formally noitified of the identification of a special flood hazard area within its boundaries.

(c) *Amount of coverage required.* The amount of flood insurance required is the maximum flood insurance available under the National Flood Insurance Act of 1968, as amended, but not to exceed the insurable value of the property.

* * * * *

3. Section 116.12 is revised to read as follows:

§ 116.12 Related regulations.

It is the intent of the SBA that this Subpart B be administered in a manner consistent with regulations issued by the Federal Emergency Management Agency (44 CFR Parts 59–77).

Subpart D—[Amended]

4. Section 116.32 is amended by removing from paragraph (a)(6) thereof: "$300,000" and inserting in place thereof "$500,000".

(Catalog of Federal Domestic Assistance Programs Nos. 59.008, Physical Disaster Loans; 59.011 Small Business Investment Companies; 59.012 Small Business Loans; 59.013 State and Local Development Company Loans; 59.031 Small Business Pollution Control Financing Guarantee; 59.036 Certified Development Company Loans)

Dated: August 5, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-23658 Filed 8-26-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-CE-64-AD; Amendment 39-4717]

Airworthiness Directives; Air Tractor Models AT-300, AT-301 and AT-302 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to certain Air Tractor Models AT-300, AT-301 and AT-302 airplanes. It requires inspections of the vertical fin front spar fuselage attach fittings for cracks and replacement of both fittings if either is found cracked. It also establishes a retirement life for these fittings. Reports of cracked and failed fittings have been received. This action will preclude failure of these fittings and possible inflight separation of the vertical fin.

DATES: Effective Date: September 6, 1983.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Snow Engineering Company Service Letters #26 dated February 2, 1978, and #47 dated February 12, 1983, applicable to this AD may be obtained from Air Tractor, Inc., P.O. Box 485, Olney, Texas 76374. A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: William A. Simmons, Special Programs Branch, Aircraft Certification Division, ASW-190, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; Telephone (817) 877-2556.

SUPPLEMENTARY INFORMATION: There have been several occurrences of cracking of the sheet metal vertical fin front spar fuselage attach fittings installed on Air Tractor Models AT-300, AT-301 and AT-302 airplanes. The manufacturer issued Service Bulletin No. 26, dated February 2, 1978, which recommended inspections of the sheet metal vertical fin front spar fuselage attach fittings and a torque check of the AN5-7A attaching bolts on these airplanes. In this bulletin, it requested that the factory be contacted for repair instructions and parts if cracks were found. Subsequent to this action, cracks and failure of these fittings continued to occur. These cracks, if undetected, can progress to failure of one or both of the vertical fin front spar fuselage attach fittings which may possibly result in failure of the vertical fin rear spar and inflight separation of the vertical fin. As a result, the manufacturer issued Service Bulletin No. 47, dated February 12, 1983, which contains instructions for replacement of these fittings with an improved Part Number 10398-3 fitting. This Service Bulletin also recommended replacement of the original fittings with the improved fitting when they are found cracked or at 2,000 hours time-in-service.

Since the FAA has determined that the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, an AD is being issued requiring initial and repetitive inspections of the original fittings and establishing retirement life for these parts on certain Air Tractor Models AT-300, AT-301 and AT-302 airplanes. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

Air Tractor: Applies to Model AT-300, AT-301, AT-302 (Serial Numbers 0001 through 0240) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent failure of the vertical fin front spar fuselage attach fittings, accomplish the following:

(a) On airplanes having less than 2,000 hours time-in-service, on the effective date of this AD, within the next 25 hours time-in-service or 100 hours time-in-service since the last inspection per Snow Engineering Company Service Letter No. 26, dated February 2, 1978, whichever occurs later, and

within each 100 hours time-in-service thereafter, inspect the vertical fin front spar fuselage attach fittings using dye penetrant procedures at the locations specified in Snow Engineering Company Service Letter No. 26, dated February 2, 1978.

(b) On airplanes having more than 2,000 hours time-in-service on the effective date of this AD within the next 25 hours time-in-service, or 50 hours time-in-service since compliance with paragraph (a), or the last inspection per Snow Engineering Company Service Letter No. 26 dated February 2, 1978, whichever occurs later, and each 50 hours time-in-service thereafter, inspect the vertical fin front spar fuselage attach fittings using dye penetrant procedures at the locations specified in Snow Engineering Service Letter No. 26, dated February 2, 1978.

(c) Prior to further flight, replace any cracked fittings found during the inspections required by paragraphs (a) and (b) of this AD with a new 10398–3 fitting in accordance with Snow Engineering Company Service Letter No. 47, dated February 12, 1983.

(d) On or before December 31, 1983, or upon reaching 2,000 hours time-in-service, whichever occurs later, replace existing sheet metal vertical fin front spar fuselage attach fittings with a new part number 10398–3 fitting, in accordance with Snow Engineering Company Service Letter No. 47 dated February 12, 1983.

(e) The other requirements of this AD are no longer required when the 10398–3 fittings are installed.

(f) The interval between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance of the airplane.

(g) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD can be accomplished.

(h) Any equivalent means of compliance with this AD may be used, if approved, by Manager, Aircraft Certification Division, ASW–100, FAA, P.O. Box 1689, Fort Worth, Texas 76101.

This amendment becomes effective on September 6, 1983.

(Sec. 313(a), 601 and 603, 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); § 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of 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 document 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 regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption **"ADDRESSES"** at a location identified.

Issued in Kansas City, Missouri, on August 19, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-23702 Filed 8-26-83; 8:45am]

BILLING CODE 4910-13-M

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14 CFR Part 59

[Docket No. 83-CE-65-AD; Amdt. 39-4716]

Airworthiness Directives; Cessna Models 180 Through 180H, 180J, 180K, 150D Through 150L, 185, 185A Through 185E, A185E, A185F, 182 Through 182R, R182, T182, TR182, 172, and 172A Through 172P Airplanes Modified by Robertson STC's SA1435WE, SA219WE, SA2192WE, SA1441WE, SA1382WE and SA1689WE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to certain Cessna Models 180 through 180H, 180J, and 180K airplanes, modified per Robertson Supplemental Type Certificate (STC) SA143WE; 150D through 150L airplanes, modified per Robertson STC SA2191WE; 150D through 150L airplanes modified per Robertson STC SA2191WE; 185, 185A through 185E, A185E and A185F airplanes modified per Robertson STC SA1441WE; 182 through 182R, R182, T182 and TR182 airplanes, modified per Robertson STC SA1382WE; and 172, 172A through 172P airplanes, modified per Robertson STC SA1689WE. It requires a one-time inspection of the aileron balance weights for conformity with applicable STC data and correction if required. There have been instances of incorrect aileron balance weight installation. This action will assure correct balance of the ailerons and preclude possible destructive aerodynamic flutter.

EFFECTIVE DATE: September 1, 1983.

Compliance: Within the next 50 hours time-in-service after the effective date of this AD.

ADDRESSES: Information pertaining to this AD is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Owen Schrader, Airframe Branch, ANM–120S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168, Telephone (206) 767–2516.

SUPPLEMENTARY INFORMATION: There have been three reports of incorrect balance weight installations on Cessna airplanes modified by Robertson Aircraft Corporation in accordance with one of the applicable above-mentioned STCs. In these cases, the ailerons were balanced beyond the aft limit. The Robertson modification requires in part that the aileron balance weights be removed, reoriented, and reinstalled and that the ailerons be rebalanced. The reinstallation of the balance weights and rebalancing may not have been properly accomplished on certain airplanes modified at the Robertson facility in Renton or Everett, Washington. In some cases, the balance weights were trimmed with a saw rather than reoriented.

This condition could cause a reduction in aileron flutter margins and result in destructive aerodynamic flutter and possible inflight airplane structural failure.

Since the FAA has determined that the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, and AD is being issued requiring a one-time inspection of the aileron balance weights for conformity with the applicable STC data and correction if necessary on Cessna Models 180 through 180H, 180J and 180K airplanes, modified per Robertson STC SA1435WE; 150D through 150L airplanes, modified per Robertson STC SA2191WE; 150D through 150L airplanes, modified per Robertson STC SA2192WE; 185, 185A through 185E, A185E, A185F airplanes, modified per Robertson STC SA1441WE; 182 through 182R, R182, T182 and TR182 airplanes, modified per Robertson STC SA1382WE; and 172, 172A through 172P airplanes, modified per Robertson STC SA1689WE airplanes. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

Cessna: Applies to Models 180 through 180H, 180J and 180K airplanes, modified per Robertson STC SA1435WE; 150D through 150L airplanes, modified per Robertson STC SA2191WE; 150D through 150L airplanes, modified per Robertson STC SA2192WE; 185, 185A through 185E, A185E and A185F airplanes, modified per Robertson STC SA1441WE; 182 through 182R, R182, T182 and TR182 airplanes, modified per Robertson STC SA1382WE; and 172, 172A through 172P airplanes, modified Robertson STC SA1689WE airplanes certificated in any category.

Compliance: Required within the next 50 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent possible destructive aileron flutter, accomplish the following:

(a) Check the permanent aircraft records of the airplane to determine if it has been modified per the applicable STC at Robertson Aircraft Corporation Repair Station No. 415–23. If not modifed at this facility, no further action is necessary. If modifed at this facility, inspect and if necessary, correct the aileron balance weight installation in accordance with paragraph (b) of this AD.

(b) Measure the height of all aileron balance weights. If the measured height of all weights is approximately ¾ inch, the weights are correctly installed and no further action is necessary. If the measured height of any weight is approximatetly ½ inch, prior to further flight, install new balance weights of the appropriate part number in accordance with the applicable STC data or Robertson Service Bulletin No. 20. Rebalance the ailerons within the limits specified by the Cessna Aircraft Company Service Manual for the airplane involved.

(c) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(d) An equivalent method of compliance with this AD may be used if approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98168.

This amendment becomes effective on September 1, 1983.

(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); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of 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 document involved an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involved a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption **"ADDRESSES"** at the location identified.

Issued in Kansas City, Missouri, on August 18, 1983.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83–23684 Filed 8–26–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 83–NM–78–AD; Amdt. 39–4718]

Airworthiness Directives; McDonnell Douglas Model DC–8–70 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires a revision to the limitations section of the FAA approved Airplane Flight Manual (AFM) applicable to those McDonnell Douglas DC–8–70 series airplanes using JP4 or Jet B fuel with General Electric P/N 9984M90G20 fuel injectors installed in one or more engines. One incident has been reported where a DC–8–73 fueled with JP4 experienced a three engine flame-out. It has been determined that the probability of flame-outs can be minimized by placing the ignition override switch in the ALL ENGINES position prior to and during descent. This AD mandates that procedure.

DATES: Effective September 8, 1983

Compliance schedule as prescribed in the body of the AD, unless already accomplished.

FOR FURTHER INFORMATION CONTACT: Stephen Kolb, Aerospace Engineer, Propulsion Branch, ANM–140L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548–2835.

SUPPLEMENTARY INFORMATION: One incident has been reported where a DC–8–73, fueled with JP4, experienced a three engine flame-out during descent from flight level 350. Ignition was placed in override, and all three engines relighted at flight level 280. Prior to this incident, approximately 8 incidents have been reported where single engines have flamed out during descent while using JP4 fuel. Extensive testing conducted by McDonnell Douglas and General Electric has proven that the flame-outs are caused by using JP4 fuel on engines with P/N 9984M90G20 fuel injectors installed. These injectors are located in the lower fifteen positions. Installation of the earlier type P/N 9984M90G14 injectors in one of the problem engines eliminated the problem. Testing also demonstrated that placing the ignition override switch in the ALL ENGINES position, prior to and during descent on only one ignition system, will prevent possible flame-outs regardless of fuel injector configuration.

Since this situation is likely to exist or develop on other airplanes of the same type design, this AD requires a revision to the limitations section of the FAA approved AFM applicable to those airplanes using JP4 or Jet B fuel with P/N 9984M90G20 fuel injectors installed in one or more engines. The limitation will require one ignition system to be placed in the override position prior to and during descent through landing on all airplanes using JP4 or Jet B fuel until P/N 9984M90G20 fuel injectors are replaced.

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

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

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 adding the following new airworthiness directive:

McDonnell Douglas: Applies to CFM–56 powered McDonnell Douglas Model DC–8–70 series airplanes, with P/N 9984M90G20 fuel injectors installed on one or more engines, certificated in all categories. Compliance required as indicated, unless previously accomplished:

A. To prevent possible engine flame-outs while using JP4 or Jet B fuel accomplish the following within seven calendar days after the effective date of this AD:

1. Revise the limitations section of the FAA approved Airplane Flight Manual (AFM) to read:

"Aircraft being operated with any amount of JP4 or Jet B fuel and equipped with one or more engines incorporating General Electric P/N 9984M90G20 injectors will require that the ignition override switch be placed in the ALL ENGINES position, on one of both systems, prior to and during descent through landing."

2. Install a placard in the cockpit, in clear view of the pilots, which reads:

"With any amount of JP4 or Jet B fuel—Use ignition override prior to and during descent through landing."

B. A copy of this AD inserted in the FAA approved Airplane Flight Manual is considered as an acceptable means of compliance with the required AFM revisions.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

D. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

Note.—Replacement of all P/N 9984M90G20 injectors on an aircraft with approved replacement injectors, removes that aircraft from the applicability of this AD, and permits removal at the AFM revision and placard required by paragraph A., above.

This Amendment becomes effective September 8, 1983.

(Secs. 313(a), 314(a), 601 through 610, and 1102, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of 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 document 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 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 Seattle, Washington on August 19, 1983.

Thomas J. Howard,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-23703 Filed 8-26-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-ASW-30; Amdt. No. 39-4711]

Airworthiness Directives; Sikorsky Model S-76A Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires an initial and repetitive visual inspection to detect cracking of the vertical pylon forward spar caps and adjacent structure on Sikorsky Model S-76A helicopters. The AD is needed to prevent operation with cracked vertical pylon forward spar web, web doubler, spar caps, and adjacent structure which could result in possible loss of control of the helicopter.

DATES: Effective August 31, 1983. Compliance schedule—as prescribed in the body of AD.

ADDRESSES: The applicable maintenance manuals and overhaul instructions may be obtained from Sikorsky Aircraft, Division of United Technologies, North Main Street, Stratford, Connecticut 06601.

A copy of the pertinent sections of the maintenance manuals and overhaul and repair instructions is contained in the Rules Docket at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: Donald F. Thompson, Airframe Section, ANE-152, Boston Aircraft Certification Branch, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617 273-7336.

SUPPLEMENTARY INFORMATION: During a 100-hour inspection, a crack was found in the Sikorsky Model S-76A vertical pylon forward spar cap, forward spar web, and web doubler. Additional cases of cracked web and web doublers were also reported. Since this condition is likely to exist or develop on other helicopters of the same type design and a failure of the vertical pylon forward spar cap structure could result in possible loss of control of the helicopter, the agency has determined that for Model S-76A helicopters with 2,400 hours' or more time in service, the vertical pylon forward spar cap angles, spar web, and web doubler must be visually inspected prior to the next 25 hours' time in service after the effective date of this AD, and at 50-hour intervals thereafter. If a crack is found in the forward spar web or web doubler, replacement or repair of the structure is required within the next 25 hours' time in service, providing the crack has not progressed beyond a 2½-inch length and the crack is inspected daily for propagation. If a crack is greater than 2½ inches in length, replacement or repair is required before further flight. If a crack is found in the forward spar cap angles, replacement is required prior to further flight. If the spar web or doubler or spar cap angles are repaired or replaced as applicable in accordance with this AD, further inspections will be accomplished under the maintenance manual. Refer to the S-76 Maintenance Manual, Chapter 5, 5-20-00, Table I, page 31, Item No. 27c for the inspections.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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 adding the following new AD:

Sikorsky Aircraft: Applies to Sikorsky Aircraft Model S-76A helicopters, S/N 76004 (experimental), 76005, 76006, 76007, 760001, through 760263, certified in all categories, equipped with P/N 76201-05001-103 and 76201-05001-104 forward spar cap angles, 76201-05001-101 forward spar web, and 76201-05001-107 forward spar web doubler. (Airworthiness Docket No. 83-ASW-30.)

Compliance is required as indicated unless already accomplished.

To prevent failure of the helicopter vertical pylon forward spar cap, web, and web doubler, accomplish the following:

(a) For helicopters that have attained 2,400 or more hours' time in service, compliance is required within the next 25 hours' time in service after the effective date of this AD unless already accomplished within the last 25 hours' time in service, and thereafter at intervals not to exceed 50 hours' time in service from the last inspection.

(b) For helicopters that have not attained 2400 hours' time in service on the effective date of this AD, compliance is required before attaining 2,400 hours' time in service and thereafter at intervals not to exceed 50 hours' time in service.

(c) Inspect for cracks in the forward spar cap angles, spar web, and web doubler in the area of the tail rotor shaft cutout in the pylon forward spar and areas adjacent to the fuselage shear deck as follows:

(1) Remove the tail rotor drive shaft fairings in the vicinity of the vertical pylon, exposing the shear deck and vertical pylon forward spar.

(2) Clean all accessible areas around the tail rotor drive shaft cutout area in the vertical pylon forward spar using a clean cloth dampened with solvent P-D-680, Type II, or FAA approved equivalent.

(3) Using a light, visually inspect the forward side of the spar for cracks in all areas adjacent to the shear deck attachment to the forward spar, web, and the web doubler.

(4) Using a light and mirror, visually inspect the aft side of the spar for cracks. Inspect through the tail rotor drive shaft cutout.

(5) If cracks are found in the spar web doubler or spar web, accomplish the following:

(i) For each part, if multiple cracks are found or if a single crack equal to or in excess of 2½ inches in length is found, replace cracked parts prior to further flight with new parts of the same part number; or incorporate a repair procedure contained in Sikorsky Overhaul and Repair Instructions (O&RI) 76200-014B or later FAA approved revision or an equivalent procedure approved as noted in paragraph (d) of this AD.

(ii) If a single crack is less than 2½ inches in length, visually inspect the part for crack length prior to the first flight of each day, and

(A) Within 25 hours' time in service after finding a crack, replace or repair the part in accordance with paragraph (c)(5)(i), except

(B) Replace or repair the affected part in accordance with paragraph (c)(5)(i) before further flight, whenever the crack length reaches 2½ inches.

(6) If a crack is found in the spar cap angles, replace the cracked spar cap angles prior to further flight with a new spar cap angle of the same part number in accordance with Sikorsky Maintenance Manual SA 4047-76-2, Section 5-20-00, Paragraph 9.A(1), Stabilizer Installation Repair Procedures, Revision 3, or approved equivalent procedures as noted in paragraph (d) of this AD.

(7) If no cracks are found, install tail rotor drive shaft fairings.

(d) Alternate inspections, repairs, modifications, or other means of compliance which provide an equivalent level of safety must be approved by the Manager, Boston Aircraft Certification Branch, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

(e) On request of an operator, an FAA maintenance inspector, subject to prior approval of the Manager, Boston Aircraft Certification Branch, may extend the repetitive inspection interval specified in this AD if the request contains justifying data.

This amendment becomes effective August 31, 1983.

(Secs. 313(a), 601, and 603, 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], (14 CFR 11.89))

Note.—The FAA has determined that this regulation only involves approximately 40 aircraft with an estimated cost of $100 for inspecting each aircraft each 50 hours' time in service. Replacement of affected parts is estimated to cost $1500 for each aircraft. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291, (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal, and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, Texas, on August 12, 1983.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 83-23682 Filed 8-26-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-ASW-28; Amdt. 39-4712]

Airworthiness Directive; Societe Nationale Industrielle Aerospatiale (SNIAS) Model AS355 Series Helicopters Certificated in All Categories

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of certain Societe Nationale Industrielle Aerospatiale (SNIAS) Model AS355 series helicopters certificated in all categories by individual letters. The AD requires removal of all main transmission epicyclic planet pinion cages, P/N 350A32-3147-20 and 350A32-1081-20 or -21. The AD is needed to prevent failure of the main transmission epicyclic planet pinion cages which could result in loss of drive to the main rotor.

DATES: Effective September 6, 1983, to all persons except those persons to whom it was made immediately effective by priority letter AD 83-08-04, issued April 21, 1983, revised July 21, 1983, which contained this amendment.

Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from Aerospatiale Helicopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75051, Attention: Customer Support.

A copy of the service bulletin is contained in the Rules Docket in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: Chris Christie, Manager, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium, telephone number 513.38.30, or David Gastinger, Helicopter Policy and Procedures Staff, Aircraft Certification Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 877-2579.

SUPPLEMENTARY INFORMATION: On April 21, 1983, followed by a revision on July 21, 1983, poriority letter AD 83-08-04 was issued and made effective immediately to all known U.S. owners and operators of certain Societe Nationale Industrielle Aerospatiale Model AS355 series helicopters certificated in all categories. The AD required removal of all epicyclic planet pinion cages P/N 350A32-3147-20 and 350A32-1081-20 or -21. AD action was necessary to prevent loss of drive to the main rotor.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to public interest, and good cause existed to make the AD effective immediately by individual letters issued April 21, 1983, and revised July 21, 1983, to all known U.S. owners and operators of certain Societe Nationale Industrielle Aerospatiale Model AS355 series helicopters. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective to all persons.

List of Subjects in 14 CFR 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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 adding the following new airworthiness directive:

Societe Nationale Industrielle Aerospatiale (SNIAS): Applies to Societe Nationale Industrielle Aerospatiale Model AS355 series helicopters certificated in all categories, equipped with epicyclic planet pinion cages P/N 350A32-3147-20 and 350A32-1081-20 or -21 installed.

Compliance is required as indicated (unless already accomplished).

To prevent loss of drive to the main rotor, accomplish the following:

(a) Within 10 hours' time in service after the effective date of this AD, remove from service all helicopter transmission epicyclic planet pinion cages P/N 350A32-3147-20 having 150 hours' or more total time in service and replace with a serviceable part.

(b) For epicyclic planet pinion cages P/N 350A32-3147-20 with less than 150 hours' time in service, replace with a serviceable part prior to accumulation of 160 hours' total time in service.

(c) Within 50 hours' time in service after the effective date of this AD, remove from

service all helicopter transmission epicyclic planet pinion cages P/N 350A32-1081-20 or -21 having 600 hours' or more total time in service and replace with a serviceable part.

(d) For epicyclic planet pinion cages P/N 350A32-1081-20 or -21 with less than 600 hours' time in service, replace with a serviceable part prior to accumulation of 650 hours' total time in service.

Note.—Epicyclic planet pinion cages replaced in accordance with Aerospatiale Telex No. 50069 Telex Service 01.07, as revised by Aerospatiale Telex 6936 comply with the intent of this AD.

This amendment becomes effective September 6, 1983.

(Secs. 313(a), 601, and 603, 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. 97-499, 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 act 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 Fort Worth, Texas, on August 16, 1983.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 83-23683 Filed 8-26-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket Number 83-ACE-10]

Designation of Transition Area—Aurora, Missouri

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate a 700-foot transition area at Aurora, Missouri, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Aurora, Missouri, Memorial Airport, utilizing the Springfield, Missouri VORTAC as a navigational aid. This action will change the airport status from VFR to IFR. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: November 24, 1983.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage, a new instrument approach procedure is being developed for the Aurora, Missouri, Memorial Airport, utilizing the Springfield VORTAC as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails designation of a transition area at Aurora, Missouri, at or above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. Transition areas are designed to contain IFR operations in controlled airspace during portions of the terminal operation and while transiting between the terminal and enroute environment. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from VFR to IFR.

Discussion of Comments

On pages 28667, 28668 of the **Federal Register** dated June 23, 1983, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Aurora, Missouri. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT November 24, 1983, by designating the following transition area:

Aurora, Missouri

That airspace extending upwards from 700 feet above the surface within a 5-mile radius of the Aurora Memorial Airport (Latitude 36°57'40" N.; Longitude 93°41'45" 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); and Sec. 11.69 of the Federal Aviation Regulations (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 Kansas City, Missouri, on August 17, 1983.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-23678 Filed 8-26-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 91

[Docket No. 22050; SFAR No. 44-7]

Special Federal Aviation Regulation No. 44-4 and SFAR 44-5; Air Traffic Control System; Interim Operations Plan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment rescinds and removes Special Federal Aviation Regulation (SFAR) No. 44-4 and amends SFAR 44-5 so as to permanently allocate slots formerly used by Braniff Airways and temporarily allocated to other airlines under SFAR 44-4 to the carriers currently having those slots in their base. The amendment provides that certain slots will be available for Braniff if certain conditions are met by September 15, 1983. This amendment, in part, responds to a letter dated May 19, 1983, from Braniff making a formal request for slots and to a petition for rulemaking submitted by Continental Airlines.

EFFECTIVE DATE: August 25, 1983.

FOR FURTHER INFORMATION CONTACT: J. E. Murdock III, Chief Counsel, Federal Aviation Administration, 800

Independence Avenue, S.W., Washington, D.C. 20591, Telephone: (202) 426-3773.

SUPPLEMENTARY INFORMATION:

Background

On Wednesday, May 12, 1982, Braniff Airways, Inc. (Braniff), suspended operations and filed bankruptcy papers under Chapter 11 of the Federal Bankruptcy Code. Braniff had been using a significant number of arrival slots at various airports within the contiguous United States. Those slots had been allocated to Braniff under the FAA's Interim Operations Plan, consistent with a number of Special Federal Aviation Regulations (SFAR), including SFAR 44-3 (47 FR 7816; February 22, 1982). Braniff had been allocated approximately 400 arrival slots, of which about 150 were at Dallas/Fort Worth Regional Airport (DFW). Immediately after Braniff suspended operations, approximately 25 percent of the slots used by Braniff were allocated to other carriers on an emergency basis to minimize the impact on the traveling public of Braniff's suspension of operations.

In order to allocate the remainder of the slots previously utilized by Braniff, the FAA on May 20, 1982, issued SFAR 44-4 (47 FR 22492; May 24, 1982). Under this SFAR, a random draw was held on May 27, 1982, to determine the order in which the slots used by Braniff would be allocated. The preamble to the SFAR included the following language:

> Braniff slots, either under this SFAR or on an emergency basis, are allocated on a temporary basis only. The slots are for up to a 60-day period. During that time, Braniff's Chapter 11 proceedings will be closely monitored. If Braniff does again operate, then the slots necessary for continued Braniff operations will be returned to Braniff. The carriers should be able to use these slots for 60 days, but all parties are put on notice that the award of these slots may be revoked upon 24-hour notice. Carriers should not apply for these slots unless they will be in a position to operate under these conditions. At no later than the end of that 60-day period, this temporary approval may be extended or a longer term allocation procedure for the particular slots may be promulgated.

The slots so allocated were designated "DS" on FAA records and retain that designation today.

On December 23, 1982, Braniff filed an application for approval of a proposed agreement between Braniff and Pacific Southwest Airlines (PSA). On December 30, 1982, Braniff filed with the Bankruptcy Court a "Memorandum of Understanding" as a basis for a proposed settlement and compromise of all claims, counter-claims, and potential litigations by and among Braniff, certain unsecured creditors, and certain secured creditors. The "Memorandum" contained a proposed arrangement between Braniff and PSA in which PSA would obtain a number of Braniff's aircraft, airport leases and other equipment, and Braniff's landing slots would be transferred to PSA.

On January 26, 1983, the Administrator advised Braniff that the proposed agreement between Braniff and PSA did not satisfy the conditions for the return of the slots set forth in SFAR 44-4; therefore, the slots were not returned to Braniff. The Administrator also stated that it was his intention to take action to permanently allocate these slots.

On March 2, 1983, the United States Court of Appeals for the Fifth Circuit reversed the lower court orders approving the agreement and transfer of slots (In Re Braniff Airways, Inc., 700 F.2d 935 (1983)). The Court of Appeals held that, even under the broad terms of Section 105 of the Bankruptcy Act, slots were not property and that, therefore, the District Court did not have jurisdiction to order the FAA to return landing slots to Braniff or a "successor" of Braniff. Even if the slots rose to "some limited proprietary interest," the Fifth Circuit held that the FAA still had sole authority to approve the transfer contemplated.

On December 30, 1982, Continental Air Lines, Inc., filed a petition for rulemaking requesting the agency to institute proceedings for the adoption of rules to govern the long-term allocation of airport landing slots formerly assigned to Braniff. In support of its petition, Continental stated that the allocation of the slots formerly used by Braniff was originally intended to be for a temporary 60-day period to permit the FAA to monitor Braniff's bankruptcy proceedings. Continental further stated that the agency seems to have contemplated that slots necessary for continued operations would be returned to Braniff if Braniff resumed operations in the near term; otherwise, incumbents would be allowed to continue to use the slots, or some new long-term allocation procedure would be adopted.

By letter (copy is in docket) dated May 19, 1983, Howard Putnam, President of Braniff, formally requested authority to use 188 of the slots previously utilized by Braniff. Mr. Putnam stated that the planned start-up date was October 1, 1983.

On June 16, 1983, the FAA issued Notice No. 83-7 which proposed alternative methods for the disposition of the Braniff slots and the May 19 Braniff request.

On June 23, 1983, an agreement was filed in the Bankruptcy Court between Braniff and Hyatt Air, Inc., which would allow Braniff to resume oeprations.

Discussion of Comments and the Rule

The FAA received a number of comments on Notice No. 83-7. The comments were basically split among the alternatives proposed in the notice.

One commenter questioned the amount of time given to respond to the notice. The NPRM did contain an 8-day comment period. The June 28 slot selection session was a major factor in determining the length of the comment period. It was necessary for the agency to receive comments on the notice prior to the date of the session.

Since the session was set for June 28, it was necessary to ask for comments by June 24. The FAA, in fact, provided advance notice to all air carriers. It must be noted that on May 27, 1983, the FAA issued a telex to all air carriers announcing a change in the date for the slot allocation session. In that telex, the agency stated that several alternative methods to allocate slots to Braniff were being considered, including one which "would be to allocate some or all of the necessary arrivals out of the September 1 allocation." The agency further stated that "such a procedure might diminish or eliminate the need for recall for some or all of the SFAR 44-4 slots." Therefore, the agency raised the specific alternatives discussed in the NPRM with all directly affected parties several weeks before the NPRM was issued. When that telex was sent, the agency reminded all parties that the SFAR 44-4 Docket was open for comment.

In this connection, the issue of disposition of the Braniff slots was initially raised in Continental Airlines' December 30, 1982, petition for rulemaking. Continental's petition requested that the FAA make permanent those former Braniff slots allocated to other carriers while providing some priority to allow Braniff to obtain newly available slots. The petition was published in the **Federal Register.** The majority of the comments submitted in response to Continental's request to permanently allocate the "Braniff" slots supported portions of the petitions. Therefore, the issue of alternative methods of allocating slots to Braniff was originally raised in December by Continental's petition. Thus, interested parties were given several opportunities during the past 6 months to submit their views on this issue. Numerous comments were submitted on that petition as well as in response to Notice No. 83-7.

It must be further noted that although June 24 was listed as close of the comment period, 14 CFR 11.47 provides that comments filed late will be considered.

If the agency were to extend the comment period, it would also have had to delay, for a second time, the slot allocation session. The agency agreed with those commenters who urged the agency not to delay the session because of the impact that would have on the air carriers' ability to finalize and make public their September schedules. For this reason, that alternative was not selected.

Since the comment period (and following slot session) could not be postponed and since the public had several opportunities to have input on the agency's decisionmaking process, the length of the comment period in Notice No. 83-7 was reasonable.

Some commenters stated that it was premature to give slots to Braniff. The agency recognizes that several major additional steps must be taken before Braniff will be in a position to operate. In addition, Braniff has not shown that the Braniff/Hyatt arrangement is consistent with the Administrator's previous determination that slots would be made available to Braniff or an air carrier succeeding to the rights, duties, and obligations of Braniff. That determination cannot be made until later this summer after further bankruptcy proceedings. On the other hand, the agency recognizes that if some provision is not made to provide Braniff with the opportunity to select some slots, then slot availability could be the single factor which prevents Braniff from again operating. While the agency would have preferred to make such a slot determination later in the year, if some action were not taken at this time, there would be no slots available for the remainder of the year. Therefore, the agency needs to act now if Braniff is to be given an opportunity to operate.

Since the agency needs to take some action concerning slots for Braniff, the remaining question was which alternative would be selected.

Various commenters submitting comments to Continental's petition for rulemaking and Notice No. 83-7 were opposed to the agency recalling SFAR 44-4 slots and allocating them to Braniff. A number of commenters stated that requiring carriers to return slots would result in a substantial disruption of airline service patterns to the detriment of the traveling public. One commenter stated that this alternative "would be unnecessarily disruptive to the air traffic control system and it would be difficult to implement on an equitable basis."

A number of commenters were opposed to the alternative which would provide Braniff with slots from the September allocation. Those commenters stated that this proposal unfairly rewards carriers still holding Braniff slots over carriers that have used previous selection to obtain improved positions in the June selection. Another commenter stated that this proposal would deprive it of an opportunity to select slots at certain airports.

After issuance of the NPRM, Braniff advised the FAA that November 15, 1983, not October 1, 1983, is a realistic restart date. As a result of that change in proposed startup date, the total number of slots needed by Braniff for a November 15 operation would be 53 slots (19 airport slots and 34 center slots).

As a result of the relatively small number of slots needed for Braniff's operation, setting aside those slots from new capacity is a more reasonable alternative than recalling the "Braniff" slots from carriers currently holding them. The latter alternative would involve a costly and burdensome process which would affect 30 carriers, the approximate number of carriers with "Braniff" slots at the airports and centers in question. It would take several weeks to complete any process selected. That could create scheduling problems for these carriers and could disrupt large numbers of travellers. On the other hand, the impact on the system of withholding 53 slots from allocation is minimal. For example, the number of slots involved at Chicago, Denver, and Los Angeles represents less than 1 percent of arrival slots at those airports. While the agency acknowledges that there are carriers that could have selected those slots, it is purely speculative to suggest which carriers would have been in a position to select specific slots. In addition, that impact should also be minimal since slot restrictions will, in most cases, be eliminated by the end of the year.

Although there is some impact as a result of withholding the 53 slots from allocation, that impact is minimal and is much less disruptive of the entire system than the alternative of recalling slots. For that reason, the agency will not recall the Braniff slots and will, by this amendment, make those allocations permanent.

Assuming that Braniff is able to obtain the necessary approvals to commence operation, it will need slots to begin operation. Because of the number of slots needed, Braniff would not have been able to obtain a sufficient number of slots in the June 24 slot selection session where FAA allocated new capacity for the September-December period. Even if Braniff were granted new entrant status at that session, it would not have been able to obtain the slots it is seeking.

At the June 28 sessions, the Administrator withheld 53 slots. Those slots will be withheld from allocation until September 15. On that date, those slots will be allocated to Braniff if it has obtained all necessary approvals for its proposed reorganization and the Administrator determines that the reorganization is consistent with previous agency statements (including SFAR 44-4) on this subject. It should be noted that preliminary review of material submitted to the Bankruptcy Court shows that the Braniff/Hyatt proposal is consistent with SFAR 44-4.

If those conditions are not satisfied by September 15 or if the Administrator determines at an earlier time that Braniff will not operate by November 15, 1983, then an allocation in accordance with SFAR 44-5 will be held for the 53 slots. In order to accomplish this, the agency will closely monitor the Braniff bankruptcy proceedings. In this connection, it is expected that Braniff and Hyatt officials will keep agency officials advised as to all bankruptcy developments.

In the NPRM, the agency proposed that other carriers be allowed to utilize the slots set aside for Braniff until Braniff operates or until it is determined that Braniff will not operate. The agency has determined not to allow temporary use of these slots. The administrative workload involved in tracking and perhaps recalling those slots outweighs the possible benefits which might be obtained by temporary usage of the slots by a limited number of carriers.

In order to obtain the information needed from Braniff on or before September 15, 1983, as to whether they will be able to operate by November 15, 1983, it is necessary to make this rule effective in less than 30 days. Therefore, I find that good cause exists for making this regulation effective less than 30 days after its publication in the **Federal Register.**

List of Subjects in 14 CFR Part 91

Air traffic control, Aviation safety.

PART 91—GENERAL OPERATING AND FLIGHT RULES

Accordingly, the FAA rescinds and removes Special Federal Aviation Regulation No. 44-4, in Part 91 effective August 25, 1983, and the FAA amends the Appendix to Part 91 of Special Federal Aviation Regulation No. 44-5 to

Part 91 effective August 25, 1983, as follows:

1. The following paragraph is added to paragraph 1.

* * * * *

(c) Slots allocated in accordance with SFAR 44–4 shall be considered to have been allocated under this Appendix.

2. The following paragraph is added to paragraph 2.

* * * * *

(h) If Braniff notifies the FAA, in writing, prior to September 15, 1983, that it has obtained the necessary legal approvals to begin operations by November 15, 1983, and if that operation is approved by the Administrator, then Braniff will be allocated the 53 slots withheld from the June 28 slot allocation session. If Braniff does not provide that notice by September 15 or if the Administrator determines that Braniff will not be able to operate by November 15, an allocation will be held to allocate the slots.

Note.—The FAA has determined that this rule only affects a minor number of slots and the number of carriers holding slots. There are no apparent direct or indirect (non-industry) costs associated with the rule. Therefore, the preparation of a full regulatory evaluation is unnecessary.

Based on the above, it has been determined that this is not a major regulation under Executive Order 12291 and I certify that, under the criteria of the Regulatory Flexibility Act, the proposed rule will not have a significant economic impact on a substantial number of small entities. In addition, the FAA has determined that this amendment is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

(Secs. 307(a) and (c), 313(a) and 601(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a) and (c), 1354(a), 1421(a)); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655 (c)))

Issued in Washington, D.C., on August 24, 1983.

J. Lynn Helms,

Administrator.

[FR Doc. 83-23704 Filed 8-25-83; 2:47 pm]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 83F-0049]

Indirect Food Additives; Polymers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for safe use of fluorine-treated polyethylene as a food-contact surface. This action responds to a petition filed by the Union Carbide Corp.

DATES: Effective August 29, 1983; objection by September 28, 1983.

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

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

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of March 29, 1983 (48 FR 13098), FDA announced that a petition (FAP 8B3394) had been filed by the Union Carbide Corp., Old Saw Mill River Rd., Tarrytown, NY 10591, proposing that the food additive regulations be amended to provide for safe use of fluorine-treated polyethylene as a component of food-contact surfaces.

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

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

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

List of Subjects in 21 CFR Part 177

Food additives, Polymeric food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61), Part 177 is amended in Subpart B by adding new § 177.1615, to read as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

§ 177.1615 Polyethylene, fluorinated.

Fluorinated polyethylene, identified in paragraph (a) of this section, may be safely used as food-contact articles in accordance with the following prescribed conditions:

(a) Fluorinated polyethylene food-contact articles are produced by modifying the surface of polyethylene articles through action of fluorine gas in combination with gaseous nitrogen as an inert diluent. Such modification affects only the surface of the polymer, leaving the interior unchanged. Fluorinated polyethylene articles are manufactured from basic resins containing not less than 85 weight-percent of polymer units derived from ethylene and identified in § 177.1520 (a)(2) and (3)(i).

(b) Fluorinated polyethylene articles conform to the specifications and use limitations of § 177.1520(c), items 2.1 and 3.1.

(c) The finished food-contact article, when extracted with the solvent or solvents characterizing the type of food and under conditions of time and temperature characterizing the conditions of its intended use as determined from tables 1 and 2 of § 176.170(c) of this chapter, yields fluoride ion not to exceed 5 parts per million calculated on the basis of the volume of food held by the food-contact article.

Any person who will be adversely affected by the foregoing regulation may at any time on or before September 28, 1983 submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm 4–62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such

a description and anlysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective August 29, 1983.

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

Dated: August 18, 1983.

Richard J. Ronk,

Acting Director, Bureau of Foods.

[FR Doc. 83-23554 Filed 8-26-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 178

[Docket No. 83F-0068]

Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of di-*tert*-butylphenyl phosphonite condensation product with biphenyl as an antioxidant and/or stabilizer in certain polymers in contact with food. This action responds to a petition filed by the Ciba-Geigy Corp.

DATES: Effective August 29, 1983; objections by September 28, 1983.

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

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

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of March 29, 1983 (48 FR 13095), FDA announced that a petition (FAP 3B3703) had been filed by the Ciba-Geigy Corp., Hawthorne, NY 10532, proposing that § 178.2010(b) (21 CFR 178.2010(b)) be amended to remove certain temperature limitations for the use of di-*tert*-butylphenyl phosphonite condensation product with biphenyl as an antioxidant and/or stabilizer for polymers.

FDA has evaluated data in the petition and other relevant material, and concludes that the proposed food additive use is safe and that § 178.2010 should be amended as set forth below.

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

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above), between 9:00 a.m. and 4:00 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging, Sanitizing solutions.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61), § 178.2010(b) is amended by revising the limitation currently set for "Di-*tert*-butylphenyl phosphonite condensation product with biphenyl" to read as follows:

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

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

List of substances	Limitations
* * *	* *
Di-*tert*-butylphenyl phosphonite condensation product with biphenyl produced by the condensation of 2,4-di-*tert*-butylphenol with the Friedel-Crafts addition product (phosphorus trichloride and biphenyl) so that the food additive has a minimum phosphorus content of 5.4 percent, an acid value not exceeding 10 mg KOH/gm, and a melting range of 85° C to 110° C (185° F to 230° F).	For use at levels not to exceed 0.1 percent by weight of olefin polymers complying with § 177. 1520(c) of this chapter, item 1.1, 2.1, 2.2, 3.1, or 3.2.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before September 28, 1983 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective August 29, 1983.

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

Dated: August 18, 1983.

Richard J. Ronk,

Acting Director, Bureau of Foods.

[FR Doc. 83-23555 Filed 8-26-83; 8:45 am]

BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP 3H5387/R588; FAP 2H5336/R589; PH-FRL 2415-8]

Tolerances for Pesticides in Animal Feeds and Food Administered by the Environmental Protection Agency; Hexakis (2-Methyl-2-Phenylpropyl) Distannoxane

Correction

In FR Doc. 83–22170 beginning on page 37203 in the issue of Wednesday, August 17, 1983, make the following correction: On page 37204, the third column, in § 193.236, the entry under "Foods" reading "Prunes, dired" should read "Prunes, dried".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 160

[CGD 79-026]

Ports and Waterways Safety; Control of Vessel Operations and Cargo Transfers

Correction

In FR Doc. 83-21261 beginning on page 35402 in the issue of Thursday, August 4, 1983, make the following correction:

On page 35406, first column, § 160.115, fifth and sixth lines, "46 U.S.C." should have read "46 U.S.C. 91".

BILLING CODE 1505-01-M

VETERANS ADMINISTRATION

38 CFR Part 36

Decrease in Maximum Interest Rate on New Guaranteed, Insured and Direct Loans for Homes and Condominiums

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is decreasing the maximum interest rate on fixed payment and graduated payment loans for homes and condominiums. The maximum interest rates are decreased because the mortgage money market has eased in recent weeks. The decrease in the interest rates will allow eligible veterans to obtain a loan at a lower monthly cost.

EFFECTIVE DATE: August 23, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Ave., NW., Washington, D.C. 20420 (202-389-3042).

SUPPLEMENTARY INFORMATION: The Administrator is required by law to establish a maximum interest rate for home and condominium loans guaranteed, insured or made by the Veterans Administration as he finds the loan market demands. Recent market indicators—including the rate of discount charged by lenders on VA and Federal Housing Administration loans and the general availability of mortgage funds—have shown that the mortgage market has eased.

After consultation with the Secretary of Housing and Urban Development as required by law, it has been determined that a decrease in the VA home and condominium interest rate for both graduated payment and fixed payment loans is warranted at this time.

The decrease in the VA maximum home and condominium interest rates should not have an adverse impact on the availability of funds necessary to make VA loans. The decrease in the VA interest rate, however, should allow more veterans to purchase a home because of the lower monthly payment for principal and interest required at the lower interest rate.

The Administrator's statutory authority to establish interest rates has been delegated by 38 CFR 2.6 to the Chief Benefits Director, Deputy Chief Benefits Director, or person authorized to act for them.

Regulatory Flexibility Act/Executive Order 12291

For the reasons discussed in the May 7, 1981, **Federal Register**, (46 FR 25443), it has previously been determined that final regulations of this type which change the maximum interest rates for loans guaranteed, insured, or made pursuant to chapter 37 of title 38, United States Code, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601-612.

These regulatory amendments have also been reviewed under the provisions of Executive Order 12291. The VA finds that they are not "major rules" as defined in that Order. The existing process of informal consultation among representatives within the Executive Office of the President, OMB, the VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the intent of this Executive Order for this category of regulations. This alternative consultation process permits timely rate adjustments with minimal risk of premature disclosure. In summary, this consultation process will fulfill the intent of the Executive Order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of mortgage credit at rates consistent with the market.

These final regulations come within exceptions to the general VA policy of prior publication of proposed rules as contained in 38 CFR 1.12. The publication of notice of a regulatory change in the VA maximum interest rates for VA guaranteed, insured or direct loans would deny veterans the benefit of lower interest rates pending the final rule publication date which would necessarily be more than 30 days after publication in proposed form. Accordingly, it has been determined that publication of proposed regulations prior to publication of final regulations is impracticable, unnecessary, and contrary to the public interest.

(Catalog of Federal Domestic Assistance Program numbers, 64.113 and 64.114)

These regulations are adopted under authority granted to the Administrator by sections 210(c), 1803(c)(1) and 1811(d)(1) of title 38, United States Code and delegated to the undersigned by 38 CFR 2.6(b)(3). The regulations are clearly within that statutory authority and are consistent with Congressional intent.

These decreases are accomplished by amending sections 36.4311, and 36.4503, title 38, Code of Federal Regulations.

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing, Loan programs—housing and community development, Loan programs—business, Manufactured homes, Veterans.

Approved: August 22, 1983.

By direction of the Administrator.

John W. Hagan, Jr.,

Deputy Chief Benefits Director.

PART 36—LOAN GUARANTY

The Veterans Administration is amending 38 CFR Part 36 as follows:

1. In § 36.4311, paragraphs (a) and (b) are revised as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 13 per centum per annum, effective August 23, 1983, the interest rate on any home or condominium loan, other than a graduated payment mortgage loan, guaranteed or insured wholly or in part on or after such date may not exceed 13 per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

(b) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 13¼ per centum per annum, effective August 23, 1983, the interest rate on any graduated payment mortgage loan guaranteed or insured wholly or in part on or after such date may not exceed 13¼ per centum per annum. (38 U.S.C. 1803(c)(1))

* * * * *

2. In § 36.4503, paragraph (a) is revised as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1,

1980, shall not exceed an amount which bears the same ratio to $33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $27,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by the Veterans Administration shall bear interest at the rate of 13 percent per annum. Loans solely for the purpose of energy conservation improvements or other alteratons, improvements, or repairs shall bear interest at the rate of 14 percent per annum (38 U.S.C. 1811(d)(1) and (2)(A))

* * * * *

[FR Doc. 83-23607 Filed 8-26-83; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 401

Federal Claims Collection Act; Claims Collection and Compromise

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule with comment period.

SUMMARY: These regulations implement the Federal Claims Collection Act, which provides authority to Federal agencies for collecting or compromising claims, or suspending or terminating collection action, as appropriate. This authority can be exercised only through agency regulations that conform to the regulations on claims collection (4 CFR Parts 101–105) issued jointly by the Comptroller General and the Attorney General. We intend these regulations to enable HCF to exercise full claims collection authority for all HCF programs, as delegated by the Secretary of HHS.

DATES: This rule is effective September 28, 1983. It is being isued as a final rule for reasons explained in Waiver of Proposed Rulemaking in the Supplementary Information section below. However, we will consider any comments mailed by October 28, 1983 and revise the regulations, if necessary.

ADDRESS: Address comments in writing to: Health Care Financing Administration, U.S. Department of Health and Human Services, Attention: OMB–1–FC, P.O. Box 26676, Baltimore, Maryland 21207.

In commenting, please refer to file code OMB–1–FC. If you prefer, you may deliver your comments to Room 309–G, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, D.C., or to Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

Comments will be available for public inspection, as they are received, beginning approximately three weeks from today, in Room 309–G of the Department's offices at 200 Independence Ave., SW., Washington, D.C. 20201, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (Phone 202–245–7890).

FOR FURTHER INFORMATION CONTACT: Tom Czerwinski, (301) 594–3068.

SUPPLEMENTARY INFORMATION:

I. Debt Management

A. Background

HCFA provides operational direction and policy guidance for the nationwide administration of the Medicare and Medicaid health care financing programs (titles XVIII and XIX of the Social Security Act (the Act), respectively); the Professional Standards Review Organizations (PSRO) and Peer Review Organizations programs (title XI of the Act), and related quality assurance programs designed to promote quality, safety, and appropriateness of health care services provided under Medicare and Medicaid; quality control programs designed to assure the financial integrity of Medicare and Medicaid funds; and various policy planning, research and demonstration activities.

In administering these programs, HCFA makes payments of various kinds to an assortment of individuals, agencies and organizations. For example, under Medicare, HCFA makes program benefit payments to beneficiaries, providers of health care services (hospitals, skilled nursing facilities, home health agencies), and suppliers. Under the Medicaid program, Medicaid State agencies receive Federal payments from HCFA to help finance medical assistance to certain categories of persons with low income. Each State agency in turn reimburses providers of services that furnish the assistance.

Beyond payments specifically tied to Medicare and Medicaid program benefits, HCFA pays for administrative program costs as well. Medicare payments to beneficiaries and providers are processed by fiscal intermediaries and carriers under contract to HCFA for that purpose. Medicaid State agencies receive Federal funding under Medicaid (in some cases equal to 100 percent of the State cost) for administrative responsibilities such as the operation of State Medicaid fraud control units.

Under title XI of the Act, HCFA has funded PSROs directly from Medicare trust funds through both contractual and grant arrangements. (Beginning in fiscal year 1984, HCFA will award contracts to new peer review organizations under Title I, Part III, Subtitle C of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97–248). Gradually, PSROs will be replaced by the new peer review organizations.) HCFA also makes grants to non-profit, private, or public agencies or organizations that conduct planning or research experiments and demonstrations concerning health care financing program policy or administration. In addition, in the execution of its duties, HCFA incurs normal administrative costs such as employee compensation, travel pay, and vendor payments.

As a result of these wide-ranging financial obligations, we encounter situations in which individuals and organizations become indebted to HCFA. The size of the debts vary from program overpayments of millions of dollars to a State or a provider, to an administrative overrun of a few dollars in travel pay. In addition to program or administrative overpayments, indebtedness to HCFA also occurs as a result of payments due HCFA in the form of premiums from individuals who must pay for coverage under Part A of Medicare (Hospital Insurance), as well as from all persons who enroll for coverage under Medicare Part B (Supplementary Medical Insurance). Whatever the size or source of the debt we attempt to collect the amount due in accordance with the Federal Claims Collection Act (FCCA) of 1966 (31 U.S.C. 3711).

Collection efforts under the authority of the FCCA may be undertaken only pursuant to regulations (31 U.S.C. 3711(e)). We have regulations in place, or under development, to resolve certain specific types of debts. Nevertheless, we lack regulations that would encompass all collection actions relating to HCFA's mission. Therefore, we are issuing this final rule to establish comprehensive standards and procedures for the collection (or suspension or termination of collection action) and compromise of all claims arising out of HCFA's program and administrative activities.

The FCCA and the Joint Regulations

B. The FCCA is the Federal government's basic statutory authority for debt management practices. Congress intended the FCCA to reduce

the amount of litigation previously required to collect claims and to reduce the volume of private relief legislation in the Congress. The FCCA is independent of other provisions of law, being intended by Congress to add to, rather than to supplant, other authorities. For example, section 1903(d) of the Social Security Act provides specific authority to recover the Federal share of Medicaid overpayments. In addition, it is important to note that neither the FCCA nor any regulations issued pursuant to it affect any rights that HCFA may have under common law as a creditor.

The FCCA specifically imposes primary responsibility for collecting a debt owed to the Federal government on the agency whose operations gave rise to the indebtedness. However, claims involving fraud or misrepresentation, or conduct in violation of anti-trust laws were exempted from the FCCA. As a practical matter, those claims are referred to the Department of Justice.

The FCCA authorizes (31 U.S.C. 3711(a)(1)) the head of an agency to collect claims in any amount. This section also provides that the head of an agency may, under certain conditions, compromise a claim, or suspend or terminate collection action on a claim. Uncollectible claims in excess of $20,000, exclusive of interest, must be referred to either the General Accounting Office (GAO) or the Department of Justice for resolution. Claims requiring litigation to effect resolution are referred to the Department of Justice. In addition, in order to implement FCCA authority, the agency involved must have regulations in place in the Code of Federal Regulations (CFR) that conform with the regulations issued jointly by the Comptroller General and the Attorney General (4 CFR Parts 101–105).

The joint regulations generally require agencies to—

- Issue appropriate internal regulations and adopt cost-effective collection practices.
- Take aggressive collection action.
- Collect amounts by offset, where possible, against payments or compensation due from the Federal government.
- Assess interest on delinquent claims.
- Attempt to reach settlement of claims on a compromise basis, when appropriate.
- Suspend or terminate collection action when conditions warrant.
- Refer claims that cannot be collected or compromised, and on which collection action cannot be suspended or terminated, to the GAO or to the Department of Justice for consideration of litigation.

C. HHS regulations

In accordance with the FCCA and the joint regulations, the Department of Health and Human Services (HHS) issued implementing regulations at 45 CFR Part 30. Those regulations adopt the joint regulations for HHS (including HCFA) and delegate to the Department Claims Officer the authority to perform all duties under the FCCA regarding HHS activities "except with regard to erroneous payments under . . . . (title) XVIII of the Social Security Act" (45 CFR 30.3).

The HHS regulations also state that various components of the Department are authorized to "take all administrative action required under the [FCCA] and (the) Joint Regulations, except that, with respect to claims of $800 or more, no compromise of a claim shall be effected, nor collection action suspended or terminated without the prior approval of the Department Claims Officer . . ." (45 CFR 30.3(c)).

D. HCFA regulations

The Secretary of HHS has concurrently delegated authority under the FCCA to the Department Claims Officer generally, and to the Administrator of HCFA for necessary claims collection actions under HCFA's programs (see 42 FR 57351, November 2, 1977). The authority delegated to the Administrator covers all of HCFA's activities including the Medicare program (title XVIII) and pertains to claims up to $20,000. However, even though HCFA has the authority (as a result of the delegation from the Secretary) to resolve claims arising from all of its activities, it lacks the comprehensive regulations necessary to do so that are required by the FCCA. This is because of the limitations that are contained in the HHS regulations at 45 CFR Part 30. In other words, the HHS regulations, which apply to HCFA, may not serve as a basis for collection or compromise actions on Medicare claims, or as a basis for compromise, or suspension or termination of collection action on other HCFA claims in excess of $800, except as approved by the Department Claims Officer.

Regulations dealing with specific Medicare aspects of debt management have been issued as follows:

- Compromise of, or suspension or termination of collection activities on, claims for overpayments against providers of services, physicians, or other suppliers of services (42 CFR 405.374).
- Interest on Medicare underpayments or overpayments to providers, physicians, or other suppliers of services (42 CFR 405.376, 47 FR 54811, December 6, 1982).
- Collection of unpaid Medicare premiums (42 CFR 405.962).
- Collection and compromise of claims for overpayments to beneficiaries (20 CFR 404.515) and adjustments to Railroad Retirement or Social Security benefits to recover Medicare overpayments (42 CFR 405.350–405.356).

We have also issued or are developing proposed regulations to deal with specific claims collection situations under the Medicaid program as follows:

- Interest on disputed Medicaid claims (see 47 FR 29275, July 6, 1982).
- Medicaid overpayment reporting requirements. (Regulations governing installment repayments by the States of Medicaid overpayments are located at 45 CFR 201.66.)

Lastly, we have issued a proposed rule (47 FR 6304, February 10, 1983) affecting both Medicare and Medicaid that, generally, would authorize the withholding of Medicare payments to Medicaid providers that have failed to repay a Medicaid overpayment, and the withholding of the Federal share of Medicaid payments to a provider if the provider has failed to repay a Medicare overpayment. This rule would implement sections 1885 and 1914 of the Social Security Act.

To summarize, under the HCFA regulations in titles 20 and 42 of the CFR described above, we are authorized to collect specified Medicare claims in any amount, or to compromise, or to suspend or terminate collection action on those types of Medicare claims up to $20,000, exclusive of interest. Based on the HHS regulations in title 45 of the CFR, HCFA may collect any amount arising out of non-Medicare claims, but in order to compromise, or to suspend or terminate collection action on non-Medicare claims exceeding $800, HCFA must obtain the approval of the Department Claims Officer. Therefore, in order to streamline the claims collection process, we are issuing this final rule.

II. Major Provisions

Generally, we intend these regulations to:

- Satisfy the statutory requirement (in the FCCA) for implementing regulations.
- Adapt to HCFA's operating needs the claims collection standards and procedures issued jointly by the Comptroller General and the Attorney General (4 CFR Parts 101–105).

• Describe rules under which HCFA may exercise fully the authority delegated by the Secetary with repect to collecting and resolving claims that arise in carrying out its mission. Regulations already issued to address specific claims collection problems, or which are otherwise applicable to HCFA claims collection processes, serve to supplement this new subpart.

A. Claims collection (§ 401.607)

Generally, the policy of HCFA is to collect all claims in lump sums. Where appropriate, interest is collected. When amounts owed to HCFA are not paid, when payment is late, or when arrangements other than lump sum collections are necessary, HCFA is deprived of the current use of the amounts involved. Moreover, administrative costs necessarily increase in these situations.

If we are unable to collect a debt in a lump sum and if other circumstances permit, we will offset the amount of a claim against the amount of pay, compensation, benefits or other monies to which a debtor is entitled from the Federal government. Factors that would affect the use of this procedure include the length of time during which the debtor is to receive amounts from the government that may be offset and the impact of the offset on the debtor's financial livelihood.

If lump sum collection or collection by offset is not possible, we may agree to collection through an installment agreement. For example, if enough resources are not available to repay the debt in a lump sum, or if lump sum payment would cause insolvency, the debtor can request an extended repayment agreement. In this case, the debtor is responsible for supplying any information required by HCFA to make a decision regarding the request. Failure by the debtor to supply necessary supporting documentation may result in denial of the request. In determining the amount and frequency of each installment payment, we will consider the information submitted by the debtor, the total amount of the claim, the extent of the debtor's resources, as it affects the debtor's ability to pay, and HCFA's costs of administering the agreement. Collection of interest is also provided for, where appropriate. (Special provisions (45 CFR 201.66) apply to installment repayment by the States of Medicaid funds.)

B. Compromise of claims (§ 401.613)

This section provides that, before a compromise is agreed to, HCFA requires that the amount of the compromise must reasonably approach the amount potentially collectible through enforced collection procedures. In this context, enforced collection includes resorting to collection measures outside of HCFA administrative procedures or to legal processes to compel payment. In making a decision concerning a compromise, we consider the age and health of debtors who are individuals, and a debtor's present and potential income. A favorable decision to compromise a claim will be unlikely if the debtor has concealed assets or has improperly transferred them in an attempt to avoid paying the claim.

This section further provides bases for entering a compromise agreement that include the following:

• A debtor, or the estate of a deceased debtor, does not have the present or prospective ability to pay the debt in full.

• It would be difficult for HCFA to prevail before a court of law because of the complexity or uncertainty of the legal issues involved, or because of the inability of all of the parties to stipulate to the facts. In these cases, to decide the amount of a compromise, we will take into account our assessment concerning the likelihood that we would have prevailed in court and whether a full or partial recovery was possible.

• The cost of collecting the claim does not justify the enforced collection of the full amount.

• HCFA determines that acceptance of a compromise amount (in lieu of imposition of a statutory penalty, a forfeiture of property, or establishment of a debt as an aid to collection enforcement procedures) adequately serves enforcement of HCFA's debt collection policies in terms of deterrence and securing compliance.

C. Suspension of collection action (§ 401.617)

Occasionally, we find it necessary to suspend collection action on a claim. Cases of this kind involve missing debtors or debtors who are currently unable to pay the claim or effect a compromise because of financial problems but who nevertheless have future prospects that will justify periodic review of the claim by HCFA. If we determine that there would not be a bar to recovery caused by a statute of limitations and that the debtor has future prospects that would justify the administrative action necessary to reinstitute collection action at a later date, we may temporarily suspend collection action. Furthermore, if we determine in conformity with 4 CFR 104.2 that future collection of the claim is possible by means of offset despite the applicability of a statute of limitations, we may suspend collection action.

D. Termination of collection action (§ 401.621)

In certain situations, we may decide that it would be advantageous to terminate collection action on a claim after efforts to obtain payment are unsuccessful. A decision to terminate collection action may be based on any one of the following determinations:

• HCFA is unable to collect, or to enforce collection of a substantial amount of the debt. This determination would include a consideration of the judicial remedies available to HCFA, the debtor's future financial prospects, and any exemptions from collection action available to the debtor under State or Federal law such as declarations of bankruptcy.

• In cases of missing debtors, HCFA may terminate collection action if no security remains to be liquidated; an applicable statute of limitations has run; or the prospects of collection by offset in the future are considered by HCFA to be unlikely, whether or not an applicable statute of limitations has run.

• The cost of further collection action is not cost effective.

• Factors come to light that show the claim to be legally without merit.

• Evidence or witnesses necessary to prove HCFA's claim are not available.

In making a decision to terminate collection action, we consider factors similar to those that bear on a decision to compromise a claim, such as the age and health of debtors who are individuals, the present and potential income of debtors, and whether assets have been improperly concealed or transferred.

E. Joint and several liability (§ 401.623)

Joint and several liability for debts means that a creditor may hold one or more parties to a debt separately liable for the entire amount of the debt, or all parties liable for their share of the debt. We are providing that HCFA will not allocate, amongst debtors who are jointly and severally liable, the burden of claims payment. In addition, the fact that some jointly and severally liable debtors are delinquent in their debt payment obligations will not prevent HCFA from proceeding with collection action against the other jointly and severally liable debtors. A compromise with one jointly and severally liable debtor will not release remaining debtors, nor will the amount of the compromise be a binding precedent

regarding possible compromises with the remaining debtors.

III. Provisions Not Included

There are several debt collection procedures authorized by the government-wide regulations (4 CFR Parts 101–105) that we have not addressed in these regulations. Although the provisions of the government-wide regulations are already applicable to HCFA by virtue of the HHS regulations at 45 CFR Part 30, we have not yet decided whether specific HCFA regulations relating to these procedures should be proposed and what their content should be. We are also considering the effect of the Debt Collection Act of 1982 (Pub. L. 97–365), which amended the FCCA to include within the statute provisions similar to these procedures, but which provided that the new authorities were not applicable to claims arising under the Social Security Act (see 31 U.S.C. 3701(d)). The procedures are as follows:

- Reporting delinquent debts to credit bureaus (4 CFR 102.4). This provision permits referrals of delinquent debtors to commercial credit bureaus as a means of encouraging the debtor to resolve the obligation.
- The use of collection agencies (4 CFR 102.5). Under this provision, Federal agencies are permitted to contract with private companies for collection of debts.
- Collection of interest (4 CFR 102.12). This provision authorizes Federal agencies to collect interest on delinquent debts as an inducement for prompt payment of the debt and to compensate the Federal government for the loss of the use of its funds. As indicated above, we have already issued or are in the process of developing regulations concerning the assessment of interest in certain situations involving debts under the Medicare and Medicaid programs.
- The use of pre-offset notice and hearings (4 CFR 102.3). This provision concerns the use of notice and hearing procedures applicable to debt situations involving Federal employees when evidentiary matters are at issue.

IV. Impact Analyses

A. Executive Order 12291

We have determined that these regulations do not meet the specific criteria for a major rule as defined in section 1(b) of the Executive Order 12291. That is, these regulations will not have an annual effect on the economy of $100 million or more; or cause a major increase in costs or prices for consumers, individual industries, government agencies, or geographic regions; or cause significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Our intent in issuing this rule is to provide comprehensive regulations for all of HCFA's claims collection activities under the FCCA. We expect that these regulations will result in some administrative savings. By establishing comprehensive debt collection procedures for HCFA, we anticipate a reduction in paperwork, recordkeeping, and documentation currently required to compromise claims valued between $800–$20,000. We also anticipate more timely removal of bad debts from our records, which in turn will save reporting and documentation activities. However, as this anticipated economic effect is significantly below the $100 million threshold, an impact analysis is not required.

B. Regulatory Flexibility Act.

The Secretary certifies under 5 U.S.C. 605(b), enacted by the Regulatory Flexibility Act (Pub. L. 96–354), that these regulations will not have a significant economic impact on a substantial number of small business, nonprofit entities or small local governments. As stated above, these regulations set forth policies for the collection and compromise of claims owed to HCFA. While we do not believe that the regulations will have significant effects on small business entities, the size of a claim will determine the significance of the impact of the collection action on the affected small entity. In any case, we are required by the FCCA to pursue outstanding debts and these regulations give us the uniform means to do so. Any impact on small entities will result from the requirements of the FCCA and not these regulations. Therefore, a regulatory flexibility analysis is not required.

V. Waiver of Proposed Rulemaking

These regulations adopt for all HCFA programs the general rules (4 CFR Part 101–105) that have government-wide application with respect to collecting and resolving claims, and fulfill the FCCA requirement for regulations that will enable HCFA to use fully the FCCA authority delegated to it by the Secretary. Those longstanding rules have been applied generally by the Federal government and by HCFA in the past. The regulations do not establish new standards and procedures, but rather codify existing HHS standards, already applicable to HCFA, located in 45 CFR Part 30 so that the authority delegated to HCFA may be perfected. For these reasons, we believe that publication of a proposed rule is unnecessary and contrary to the public interest. Therefore, we find good cause to waive the requirement.

Although we are publishing these regulations in final form, we are providing a period for public comment. Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, if we determine that changes in the regulations are necessary as a result of public comments, we will publish the changes in the **Federal Register** and respond to the comments in the preamble of that rule.

List of Subjects in 42 CFR Part 401

Civil rights, Freedom of information, Health care, Health facilities, Health maintenance organizations (HMO), Medicaid, Medicare, Privacy, Claims, Collection, Compromise of claims, Debtor, Fraud, Overpayments, Premiums, Suspension of collection, Termination of collection.

42 CFR Part 401 is amended as set forth below:

PART 401—GENERAL ADMINISTRATIVE REQUIREMENTS

A. Subparts C—E are reserved and a new Subpart F is added in the table of contents as follows:

Subparts C–E—[Reserved]

Subpart F—Claims Collection and Compromise

Sec.

Authority: Sections 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh) and 31 U.S.C. 3711.

B. Subparts C through E are reserved, and a new Subpart F is added as follows:

Subparts C-E—[Reserved]

Subpart F—Claims Collection and Compromise

§ 401.601 Basis and scope.

(a) *Basis.* This subpart implements for HCFA the Federal Claims Collection Act (FCCA) of 1966 (31 U.S.C. 3711), and conforms to the regulations (4 CFR Parts 101–105) issued jointly by the General Accounting Office and the Department of Justice that generally prescribe claims collection standards and procedures under the FCCA for the Federal government.

(b) *Scope.* Except as provided in paragraphs (c)-(f) of this section, the regulations in this subpart describe HCFA's procedures and standards for the collection of claims in any amount, and the compromise of, or the suspension or termination of collection action on , all claims for money or property that do not exceed $20,000 exclusive of interest, arising under any functions delegated to HCFA by the Secretary.

(c) *Amount of claim.* HCFA refers all claims that exceed $20,000, exclusive of interest, to the Department of Justice or the General Accounting Office for the compromise of claims, or the suspension or termination of collection action.

(d) *Related regulations*—(1) *Department regulations* DHHS regulations applicable to HCFA that generally implement the FCCA for the Department are located at 45 CFR Part 30.

(2) *HCFA regulations.* The following regulations govern specific debt management situations encountered by HCFA and supplement this subpart:

(i) Claims against Medicare beneficiaries for the recovery of overpayments are covered in 20 CFR 404.515.

(ii) Adjustments in Railroad Retirement or Social Security benefits to recover Medicare overpayments to individuals are covered in §§ 405.350–405.356 of this chapter.

(iii) Claims against providers, physicians, or other suppliers of services for overpayments under Medicare and for assessment of interest are covered in §§ 405.374 and 405.376 of this chapter, respectively.

(iv) Claims against beneficiaries for unpaid hospital insurance or supplementary medical insurance premiums under Medicare are covered in § 405.962 of this chapter.

(v) State repayment of Medicaid funds by installments is covered in 45 CFR 201.66.

(e) *Collection and compromise under other statutes and at common law.* The regulations in this subpart do not:

(1) Preclude disposition by HCFA of claims under statutes, other than the FCCA, that provide for the collection or compromise of a claim, or suspension or termination of collection action.

(2) Affect any rights that HCFA may have under common law as a creditor.

(f) *Fraud.* The regulations in this subpart do not apply to claims in which there is an indication of fraud, the presentation of a false claim, or misrepresentation on the part of a debtor or any other party having an interest in the claim. HCFA forwards these claims to the Department of Justice for disposition under 4 CFR 105.1.

(g) *Enforced collection.* HCFA refers claims to the Department of Justice for enforced collection through litigation in those cases which cannot be compromised or on which collection action cannot be suspended or terminated in accordance with this subpart or the regulations issued jointly by the Attorney General and the Comptroller General.

§ 401.603 Definitions.

For purposes of this subpart:

Claim means any debt owed to HCFA.

Debtor means any individual, partnership, corporation, estate, trust or other legal entity against which HCFA has a claim.

§ 401.605 Omissions not a defense.

The failure of HCFA to comply with the regulations in this subpart, or with the related regulations listed in § 401.601(d), is not available as a defense to a debtor against whom HCFA has a claim for money or property.

§ 401.607 Claims Collection.

(a) *General policy.* HCFA recovers amounts of claims due from debtors, including interest where appropriate, by:

(1) Direct collections in lump sums or in installments; or

(2) Offsets against monies owed to the debtor by the Federal government where possible.

(b) *Collection in lump sums.* Whenever possible, HCFA attempts to collect claims in full in one lump sum. However, if HCFA determines that a debtor is unable to pay the claim in one lump sum, HCFA may instead enter into an agreement to accept regular installment payments.

(c) *Collection in installments.* Generally, HCFA requires that all claims to be satisfied by installment payments must be liquidated in three years or less. If unusual circumstances exist, such as the possibility of debtor insolvency, an installment agreement that extends beyond three years may be approved.

(1) *Debtor request.* If a debtor desires to repay a claim in installments, the debtor must submit:

(i) A request to HCFA; and

(ii) Any information required by HCFA to make a decision regarding the request.

(2) *HCEA decision.* HCFA will determine the number, amount and frequency of installment payments based on the information submitted by the debtor and on other factors such as:

(i) Total amount of the claim;

(ii) Debtor's ability to pay; and

(iii) Cost to HCFA of administering an installment agreement.

(d) *Collection by offset.* (1) In conformity with 4 CFR 102.3, HCFA may offset, where possible, the amount of a claim against the amount of pay, compensation, benefits or other monies that a debtor is receiving or is due from the Federal government.

(2) Under regulations at §§ 405.350–405.356 of this chapter, HCFA may initiate adjustments in program payments to which an individual is entitled under title II of the Act (Federal Old Age, Survivors, and Disability Insurance Benefits) or under the Railroad Retirement Act of 1974 (45 U.S.C. 231) to recover Medicare overpayments.

§ 401.613 Compromise of claims.

(a) *Amount of compromise.* HFCA requires that the amount to be recovered through a compromise of a claim must:

(1) Bear a reasonable relation to the amount of the claim; and

(2) Be recoverable through enforced collection procedures.

(b) *General factors.* After considering the bases for a decision to compromise a claim under paragraph (c) of this section, HCFA may further consider factors such as:

(1) The age and health of the debtor if the debtor is an individual;

(2) Present and potential income of the debtor; and

(3) Whether assets have been concealed or improperly transferred by the debtor.

(c) *Basis for compromise.* Bases on which HCFA may compromise a claim include the following:

(1) *Inability to pay.* HCFA may compromise a claim if it determines that the debtor, or the estate of a deceased debtor, does not have the present or prospective ability to pay the full amount of the claim within a reasonable time.

(2) *Litigative probabilities.* HCFA may compromise a claim if it determines that it would be difficult to prevail in a case before a court of law as a result of the legal issues involved or inability of the parties to agree to the facts of the case. The amount that HCFA accepts in compromise under this provision will reflect:

(i) The likelihood that HCFA would have prevailed on the legal question(s) involved;

(ii) Whether and to what extent HCFA would have obtained a full or partial recovery of a judgment, depending on the availability of witnesses, or other evidentiary support for HCFA's claim; and

(iii) The amount of court costs that would be assessed to HCFA.

(3) *Cost of collecting the claim.* HCFA may compromise a claim if it determines that the cost of collecting the claim does not justify the enforced collection of the full amount. In this case, HCFA may adjust the amount it accepts as a compromise to allow an appropriate discount for the costs of collection it would have incurred but for the compromise.

(d) *Enforcement policy.* HCFA may compromise statutory penalities, forfeitures, or debts established as an aid to enforcement or to compel compliance, if it determines that its enforcement policy, in terms of deterrence and securing compliance both present and future, is adequately served by acceptance of the compromise amount.

§ 401.615 Payment of compromise amount.

(a) *Time and manner of compromise.* Payment by the debtor of the amount that HCFA has agreed to accept as a compromise in full settlement of a claim must be made within the time and in the manner prescribed by HCFA. Accordingly, HCFA will not settle a claim until the full payment of the compromise amount has been made.

(b) *Effect of failure to pay compromise amount.* Failure of the debtor to make payment, as provided by the compromise agreement, reinstates the full amount of the claim, less any amounts paid prior to the default.

(c) *Prohibition against grace periods.* HCFA will not agree to inclusion of a provision in an installment agreement that would permit grace periods for payments that are late under the terms of the agreement.

§ 401.617 Suspension of collection action.

(a) *General conditions.* HCFA may temporarily suspend collection action on a claim if the following general conditions are met:

(1) *Amount of future recovery.* HCFA determines that future collection action may result in a recovery of an amount sufficient to justify periodic review and action on the claim by HCFA during the period of suspension.

(2) *Statute of limitations.* HCFA determines that:

(i) The applicable statute of limitations has been tolled, waived or has started running anew; or

(ii) Future collections may be made by HCFA through offset despite an applicable statute of limitations.

(b) *Basis for suspension.* Bases on which HCFA may suspend collection action on a particular claim include the following:

(1) A debtor cannot be located; or

(2) A debtor:

(i) Owns no substantial equity in property;

(ii) Is unable to make payment on HCFA's claim or is unable to effect a compromise; and

(iii) Has future prospects that justify retention of the claim.

(c) *Locating debtors.* HCFA will make every reasonable effort to locate missing debtors sufficiently in advance of the bar of an applicable statute of limitations to permit timely filing of a lawsuit to recover the amount of the claim.

(d) *Effect of suspension on liquidation of security.* HCFA will liquidate security, obtained in partial recovery of a claim, despite a decision under this section to suspend collection action against the debtor for the remainder of the claim.

§ 401.621 Termination of collection action.

(a) *General factors.* After considering the bases for a decision to terminate collection action under paragraph (b) of this section, HCFA may further consider factors such as:

(1) The age and health of the debtor if the debtor is an individual;

(2) Present and potential income of the debtor; and

(3) Whether assets have been concealed or improperly transferred by the debtor.

(b) *Basis for termination of collection action.* Bases on which HCFA may terminate collection action on a claim include the following:

(1) *Inability to collect a substantial amount of the claim.* HCFA may terminate collection action if it determines that it is unable to collect, or to enforce collection, of a significant amount of the claim. In making this determination, HCFA will consider factors such as:

(i) Judicial remedies available;

(ii) The debtor's future financial prospects; and

(iii) Exemptions available to the debtor under State or Federal law.

(2) *Inability to locate debtor.* In cases involving missing debtors, HCFA may terminate collection action if:

(i) There is no security remaining to be liquidated;

(ii) The applicable statute of limitations has run; or

(iii) The prospects of collecting by offset, whether or not an applicable statute of limitations has run, are considered by HCFA to be too remote to justify retention of the claim.

(3) *Cost of collection exceeds recovery.* HCFA may terminate collection action if it determines that the cost of further collection action will exceed the amount recoverable.

(4) *Legal insufficiency.* HCFA may terminate collection action if it determines that the claim is legally without merit.

(5) *Evidence unavailable.* HCFA may terminate collection action if:

(i) Efforts to obtain voluntary payment are unsuccessful; and

(ii) Evidence or witnesses necesary to prove the claim are unavailable.

§ 401.623 Joint and several liability.

(a) *Collection action.* HCFA will liquidate claims as quickly as possible. In cases of joint and several liability among two or more debtors, HCFA will not allocate the burden of claims payment among the debtors. HCFA will proceed with collection action against one debtor even if other liable debtors have not paid their proportionate shares.

(b) *Compromise.* Compromise with one debtor does not release a claim against remaining debtors. Furthermore, HCFA will not consider the amount of a compromise with one debtor to be a binding precedent concerning the amounts due from other debtors who are jointly and severally liable on the claim.

§ 401.625 Effect of HCFA claims collection decisions on appeals.

Any action taken under this subpart regarding the compromise of a claim, or suspension or termination of collection action on a claim, is not an initial determination for purposes of HCFA appeal procedures.

(Catalog of Federal Domestic Assistance Program No. 13.766, Health Financing Research, Demonstrations and Experiments; No. 13.714, Medical Assistance Program; No. 13.773, Medicare—Hospital Insurance; No. 13.774, Medicare-Supplementary Medical Insurance)

Dated: January 28, 1983.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: June 6, 1983.

Margaret M. Heckler,

Secretary.

[FR Doc. 83-23585 Filed 8-26-83; 8:45 am]

BILLING CODE 4120-03-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6456

[AA-50218]

Alaska; Modification of Public Land Order No. 6329

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUBJECT: This order modifies Public Land Order No. 6329 of August 30, 1982, to open 10,250 acres of lands in the Slana area to settlement under the trade and manufacturing site, homesite, and headquarters site laws. The lands have been and remain closed to mining but open to mineral leasing.

EFFECTIVE DATE: September 26, 1983.

FOR FURTHER INFORMATION CONTACT:

Beaumont McClure, Washington, D.C., (202) 343-6511

Terry R. Hassett, Alaska State Office, (907) 271-3267

Wayne A. Boden, Anchorage District Office, (907) 267-1200

By virtue of the authority vested in the Secretary of the Interior by Section 17(d)(1) of the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. 1616(d)(1)), it is ordered as follows:

1. In FR Doc. 82-24594, Vol. 47, No. 174, of the issue of September 8, 1982, at page 39499, after the end of the land description and the statement that reads, "The areas described aggregate approximately 2,170,108 acres," a subparagraph 1.d. is added which will read as follows:

d. Subject to valid existing rights, the following described lands are determined to be suitable for and are opened at 8 a.m. on September 26, 1983, to the operation of the settlement laws, specifically trade and manufacturing sites, homesites, and headquarters sites, falling under the authority of Section 10 of the Act of May 14, 1898, as amended (30 Stat. 413; 43 U.S.C. 687a).

Copper River Meridian

T. 11 N., R. 8 E.,
Secs. 24 to 27, inclusive;
Secs. 33 and 34, those portions lying outside the Wrangell-Saint Elias National Park and Preserve;
Secs. 35 and 36.

T. 12 N., R. 9 E.,
Secs. 12, 13;
Secs. 24 to 27, inclusive;
Secs. 34, 35, and 36.

The area described agregates approximately 10,250 acres.

The total area affected by Public Land Order No. 6329 remains at approximately 2,696,659 acres.

2. The lands described in paragraph 1.d. have been and remain closed to location and entry under the United States mining laws, but open to applications and offers under the mineral leasing laws.

3. This order does not serve to otherwise change the provisions or limitations of Public Land Order No. 6329.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands Operations, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

James G. Watt,

Secretary of the Interior.

August 22, 1983.

[FR Doc. 83-23577 Filed 8-26-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 59 and 61

[Docket No. FEMA-FIA]

National Flood Insurance Program, Coverage, Sales and Eligibility Provisions

AGENCY: Federal Insurance Administration (FIA), Federal Emergency Management Agency, (FEMA).

ACTION: Final rule.

SUMMARY: This rule revises the National Flood Insurance Program (NFIP) regulations dealing with flood insurance coverage, the Standard Flood Insurance Policy (SFIP) terms and provisions, and the sale of flood insurance in communities participating in the NFIP. The purpose of the amendment is to revise the Program regulations to reflect changes in the Flood Insurance Manual used by private sector property insurance agents and brokers in producing flood insurance business and coverage changes in the contract of flood insurance, including exceptions from coverage made necessary by reason of statutory changes in the flood insurance eligibility criteria in respect to certain coastal communities participating in the NFIP.

DATE: This rule will be effective October 1, 1983, except for the optional deductibles (set forth at § 61.5(d) and in the Flood Insurance Manual) which will become effective April 1, 1984.

FOR FURTHER INFORMATION CONTACT: Donald L. Collins, Federal Emergency Management Agency, Federal Insurance Administration, Room 429, 500 "C" Street, S.W., Washington, D.C. 20472; Telephone Number (202) 287-0740.

SUPPLEMENTARY INFORMATION: On April 8, 1983, FEMA published for comment in the **Federal Register** (Vol. 48, Page 15278) a proposed rule containing revisions to the National Flood Insurance Program (NFIP) which were intended to support the major FEMA goals of achieving greater administrative and fiscal effectiveness in the operation of the NFIP while at the same time maintaining a business-like approach to the administration of the NFIP by emulating successful property insurance programs in the private sector. Thus, both risk management and cost containment are being achieved through the addition of coverage restrictions aimed at reducing flood losses and loss payments. In keeping with private sector insurance practices, FEMA will offer a range of deductibles geared toward giving the consumer wider deductible options and, at the same time, will initiate a recertification process to assure that the rating of the policy at time of renewal is consistent with the risk exposure.

Although the comments received (twenty-three) were generally supportive of the proposed revisions, comments were divided on some major issues and, in criticism, constructive. Overall, the comments were informative and provided rationale for many of the results reached in this final rule. Most organizations commented favorably on the proposed optional deductibles. Some comments indicated a more moderate raise in deductible levels might be desirable and, as can be seen from the optional deductibles set forth at § 61.5 of this final rule, this suggestion was heeded in that optional amounts will be available in increments of $1,000. A mortgage company expressed concern that the provision for optional deductibles could result in substantial exposure to mortgage lenders in instances where the mortgage loan amount to appraised value ratio was high. One example cited pertained to VA guaranteed loans which are often made for 100 percent of the value. Concern was expressed that where

borrowers have little or no investment in the property, they may elect to walk away from the flood-damaged property rather than bear the cost of a high deductible in effecting repairs. While this is a valid concern, FEMA believes that lenders can adequately protect themselves since bond and mortgage instruments executed by borrowers typically grant the authority to lenders to require adequate hazard insurance. As the lender specifies the amount of flood insurance which must be purchased and maintained for the building, likewise the lender will be able to specify the lowest deductible the borrower may elect for the building consistent with the degree of protection desired by the lending institution.

The proposal for recertification of the information used to rate a policy prior to its renewal did not generate any negative comments. Thus, the final rule will provide for such a recertification program and a policyholder may be asked during the term of the policy to recertify before renewal. Recertification of rating information would not involve any expense to the policyholder, would insure that accurate data is available for properly rating the policy, and is consistent with private sector practices.

The provision for surcharging risks subject to repetitive damage generated the largest number of comments, some of which were highly supportive while others were strongly opposed to the proposal. Concern was expressed that the surcharges would be imposed on those least able to afford them, such as the low income homeowner or the elderly living on fixed incomes. Some individuals questioned the propriety of imposing a surcharge for structures which were built in compliance with FEMA flood plain management regulations and which later suffered a flood loss. Still others expressed the concern that the surcharges would mainly affect structures which had not been subject to flood plain management regulations such as those buildings in existence before base flood elevation data had been provided to the community or buildings constructed in B and C Zone areas. Two organizations suggested an alternative solution such as a dollar "threshold" for applying the surcharge to preclude individuals from being penalized for a few small claims (for example, claim for temporary removal of insured contents). The belief was also expressed that the procedure outlined in the proposed regulation for calculating the surcharge based on the number of losses rather than a dollar amount would decrease the incentive for initiating loss prevention/reduction measures. FEMA believes that these substantive issues are valid and that the proposal should be studied longer and published at a later date after obtaining more input through a subsequent proposed rule. Therefore, FEMA is deferring implementation of the surcharge system at this time, even though it may mean a reduction in expected revenue of $2.7 million a year.

One organization expressed opposition to the exclusion of flood insurance coverage, effective October 1, 1983, for any building, and its contents, newly constructed or substantially improved on and after October 1, 1983, which is located on an undeveloped coastal barrier designated as such by the Congress on maps produced by the Department of the Interior and incorporated into the administration of the NFIP. This provision is statutorily required by the Coastal Barrier Resources Act (Pub. L. 97-348), approved October 18, 1982, and, thus, will be incorporated into the final rule as originally proposed.

Several comments were received concerning the provision for exclusion of coverage for fininshed basements (and contents therein) and enclosures (and contents) beneath the first floor of elevated structures. One insurance agency expressed the belief that the exception language should be amended to also provide coverage for pump equipment and air compressors which are considered as usual and incidental to the occupancy of a residence even though they are not within an enclosed building. On the other hand, one regional advisor supported the exclusion and in fact felt it should be broadened to also exclude coverage for items such as heating, electrical and air conditioning equipment, washers and dryers, etc. Some individuals questioned the propriety of providing coverage for these items in light of flood plain management regulations which require the elevation of such essential equipment. Still other individuals and regional advisors opposed the exclusion (because of their belief that such exclusion would, in effect, encourage violation of flood plain management regulations) and thought FEMA should continue providing coverage for finished basements. Careful consideration was given to these comments. However, FEMA is persuaded that the provision of coverage for certain equipment and other machinery vital to a building's intended use is proper and, in addition, the final rule is being modified to include, as covered items, food freezers and well-water tanks.

Two organizations requested clarification as to how the exclusion provision will effect coverage in communities which have been given exemptions for floodproofed basements. It is believed that the basement exclusion should not create a problem in these communities. If the basements have been floodproofed, then there should be no danger of flooding. On the other hand, if flooding is occurring in the basement as a result of openings above the floodproofed area, then coverage should not be provided for finished areas.

Concern was expressed relating to the application of the exclusions to existing buildings. Recommendations included (1) providing a grandfather clause to retain finished area coverage for existing structures, (2) offering a separate coverage for finished basements as an option, (3) instituting a surcharge for coverage of finished basements, (4) establishing a future implementation date after which the exclusion would apply to both Emergency Program and Regular Program communities, and (5) allowing pre-implementation date basements to be insured but only with a larger deductible. Careful consideration has been given to these divergent issues. However, it is felt that the action being taken in this final rule to exclude basements (and contents therein) and enclosures (and contents) beneath the first floor of elevated structures is consistent with underwriting activities and actions in the private sector where, dependent upon underwriting reviews, policies of insurance coverage are enhanced or, as in this case, decreased depending on underwriting concerns, the financial condition of the Company, and other insurance considerations. Concerning the financial condition of the NFIP, the Program's records show that January 1978 though the end of 1982, for buildings with basements, the NFIP was paying out $5.00 in losses for every $1.00 of premium taken in. FEMA is convinced that the financial exposure does not warrant continuation of coverage for finished basements (and contents therein) and enclosures (and contents) beneath the first floor of elevated structures. Thus, the final rule will, of economic necessity, provide the exclusion as originally proposed except that subsection (10) will be modified to include food freezers and well-water tanks as covered items.

The provisions for waiver of proof of loss in certain cases met with general acceptance and is incorporated in the final rule. In implementing this provision, the Office of the Inspector

General will be consulted to establish a reasonable dollar amount beyond which the proof of loss would not be waived. In setting a dollar amount below which the waiver can be granted, FEMA will reserve the option as to whether the waiver will be given for individual cases where, for example, there may be contrary evidence or questions related to the magnitude of the loss.

Regarding the provision relating to the definition of "start of construction" for insurance purposes, the six comments received were overwhelmingly in support of this change. In addition to supporting the change in definition for insurance purposes, four of the organizations expressed the belief that the definition should also be used for flood plain management purposes and/or for the flood insurance exclusion under the Coastal Barrier Resources Act of 1982. Thus, the definition of "start of construction" for insurance purposes is being incorporated in this final rule as originally proposed.

With respect to the amendment in Appendix A at Article VIII, Paragraph B. Concealment, Fraud, one association expressed the belief that it would be unfair to void flood insurance coverage due to an unintentional misstatement of a fact by an applicant for insurance. FEMA concedes that the standard should be the more commonly understood concept of "misrepresentation" and has changed the final rule, accordingly.

The remaining amendments either clarify policy terms and conditions, conform them to the NFIP Agents' Manual and Rules and Rates, or are editorial in nature and are incorporated into the final rule as originally proposed.

FEMA has determined, based upon an Environmental Assessment, that this rule does not have significant impact upon the quality of the human environment. A finding of no significant impact is included in the formal docket file and is available for public inspection and copying at the Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, 500 "C" Street, SW., Washington, D.C. 20472.

These regulations do not have a significant economic impact on a substantial number of small entities and have not undergone regulatory flexibility analysis.

This final rule is not a "major rule" as defined in Executive Order 12291 dated February 17, 1981.

List of Subjects in 44 CFR Parts 59 and 61

Flood insurance.

Accordingly, Subchapter B of Chapter I of Title 44 is amended as follows:

PART 59—GENERAL PROVISIONS

1. In § 59.1, the definition, "Start of construction", is amended (1) by removing the word "means" in the first sentence and adding the phrase "means for flood plain management purposes" in its place at the beginning of the definition and (2) by adding the following sentence at the end of the definition, as follows:

§ 59.1 Definitions.

* * * * *

"Start of construction" means for flood plain management purposes * * * "Start of construction," for insurance purposes (for other than new construction or substantial improvements under the Coastal Barrier Resources Act [Pub. L. 97-348]) includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. Also, add after the definition of "Eligible community" the following definition: "Elevated Building" for insurance purposes, means a non-basement building which was initially designed or built to have the bottom of the lowest floor beam (or equivalent floor support) above the ground level by extended wall foundations, shear walls, posts, piers, pilings or columns such that there would be air space between the lowest floor beam and the ground.

* * * * *

PART 61—INSURANCE COVERAGE AND RATES

§ 61.1 [Amended]

2. Section 61.1 is amended by the removal of the title "Administrator" and the substitution therefor of the title "Associate Director, State and Local Programs and Support."

§ 61.3 [Amended]

3. Section 61.3 is amended by the addition of the following language at the end thereof:

* * * Buildings entirely in, on or over water and buildings partially over water into which boats are floated are not eligible for coverage; other buildings partially over water may be covered upon submission of the details of the risk to the NFIP for the assignment of a rate commensurate with the risk and presentment of the correct premium to the NFIP.

§ 61.4 [Amended]

4. Section 61.4(c) is amended by the removing of the phrase "which are volcanic or tectonic in origin" and the placement of the period in the sentence after the word "movements."

§ 61.5 [Amended]

5. Section 61.5(a) is amended by the addition of the following at the end thereof:

(a) * * * No new flood insurance shall be written for any building, and its contents, if the building was newly constructed or substantially improved on or after October 1, 1983, in an area designated as an undeveloped coastal barrier within the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348).

6. Section 61.5(d) is revised, effective April 1, 1984, to read as follows:

* * * * *

(d) Each loss sustained by the insured is subject to a deductible provision under which the insured bears a portion of the loss before payment is made under the policy. The amount of the deductible for each loss occurrence is (1) For structural (i.e., insured building) losses, $500.00; and (2) for contents (i.e., insured personal property) losses, $500.00; and (3) for the reasonable expenses incurred in connection with the temporary removal of an insured mobile home or insured contents (personal property) from the described premises and away from the peril of flood, $50.00.

Optional Deductibles, All Zones, are available as follows:

CATEGORY ONE—1 TO 4 FAMILY BUILDING AND CONTENTS COVERAGE POLICIES

Options	Building/contents
	$500/$500
	$1,000/$1,000
	$2,000/$1,000
	$3,000/$1,000
	$4,000/$2,000
	$5,000/$2,000

CATEGORY TWO—1 TO 4 FAMILY BUILDING COVERAGE ONLY OR CONTENTS COVERAGE ONLY POLICIES

Options	Building	Contents*
	$500	$500
	1,000	1,000
	2,000	2,000
	3,000	3,000
	4,000	4,000
	5,000	5,000

* Also applies to residential unit contents in other residential building or in multi-unit condominium building.

CATEGORY THREE—OTHER RESIDENTIAL AND NONRESIDENTIAL POLICIES

Options	Policy combining building and contents	Single coverage only policy (either building or contents)
	$500/$500	$500
	1,000/1,000	1,000
	2,000/2,000	2,000
	3,000/3,000	3,000
	4,000/4,000	4,000
	5,000/5,000	5,000

Note.—Any other combination may be submitted for rating to the NFIP.

7. Section 61.5(f)(10) is revised to read as follows:

* * * * *

(f) * * *

(10) Enclosures, contents, machinery, building components, equipment and fixtures located at an elevation lower than the lowest elevated floor of an elevated building (except for the required utility connections and the footing, foundation, posts, pilings, piers or other foundation walls and anchorage system as required for the support of the elevated building), including a mobile home; finished basement walls, floors, ceilings and other improvements to a basement having its floor subgrade on all sides, and contents, machinery, building equipment and fixtures in such basement areas; except that coverage is provided in basement areas and in areas below the lowest elevated floor of an elevated building for sump pumps, well-water tanks, oil tanks, furnaces, hot water heaters, clothes washers and dryers, food freezers, air conditioners, heat pumps and electrical junction and circuit breaker boxes; and coverage is also provided in basement areas and in areas below the lowest elevated floor of an elevated building for stairways and staircases attached to the building which are not separated from the building by elevated walkways.

* * * * *

8. Section 61.5(f) is amended by the addition of a new paragraph (11), as follows:

* * * * *

(f) * * *

(11) Any building, and its contents, if the building was newly constructed or substantially improved on or after October 1, 1983, in an area designated as an undeveloped coastal barrier, within the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348).

* * * * *

9. Section 61.5(g)(2) is revised to read as follows:

* * * * *

(g) * * *

(2) Except for the insurability of "animals, birds and fish," at paragraph (f)(5) of this section, all of the kinds of uninsurable property and contents referenced at paragraph (f) (2) through (5) and at paragraphs (f) (7) through (10).

* * * * *

10. Section 61.5(g) is amended by the addition of a new paragraph (4), as follows:

(g) * * *

(4) Any building, and its contents, if the building was newly constructed or substantially improved on or after October 1, 1983, in an area designated as an undeveloped coastal barrier within the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348).

§ 61.9 [Amended]

11. Section 61.9 is amended by the removal of the title "Administrator" and the substitution therefor of the title "Associate Director, State and Local Programs and Support."

§ 61.11 [Amended]

12. Section 61.11 is amended by the removal of paragraph (a)(3).

§ 61.12 [Amended]

13. Section 61.12 is amended by the removal, in paragraph (c), of the language "Engineering Division, Office of Flood Insurance, Federal Insurance Administration" and the substitution therefor of the language, "Engineering Branch, Office of Natural and Technological Hazards, Office of State and Local Programs and Support."

Appendix A(1) [Amended]

14. Appendix A(1) of Part 61, referenced at § 61.13, Standard Flood Insurance Policy, is revised, in the following particulars:

a. In the Dwelling Form—Insuring Agreement and in Article II—Definitions, wherever the phrase "Direct Physical Loss by Flood" appears, it is revised to read "Direct Physical Loss by or from Flood."

b. At Article II—Definitions, (i) add, after the definition of "Application," the following definition: "Basement" means any area of the building having its floor subgrade (below ground level) on all sides; and (ii), in the definition of "Direct Physical Loss by or from Flood," delete the parenthetical phrase at the end thereof, placing the period after the word "loss."

c. At Article IV—Property Covered, in the second sentence of paragraph B, delete the word "insured," which appears before the word "building."

d. At Article V—Property Not Covered, revise paragraph F to read as follows:

F. Enclosures, contents, machinery, building components, equipment and fixtures located at an elevation lower than the lowest elevated floor of an elevated building (except for the required utility connections and the footing, foundation, posts, pilings, piers or other foundation walls and anchorage system as required for the support of the elevated building), including a mobile home; finished basement walls, floors, ceilings and other improvements to a basement having its floor subgrade on all sides, and contents, machinery, building equipment and fixtures in such basement areas; except that, as to this subparagraph (F), coverage is provided in basement areas and in areas below the lowest elevated floor of an elevated building for sump pumps, well-water tanks, oil tanks, furnaces, hot water heaters, clothes washers and dryers, food freezers, air conditioners, heat pumps and electrical junction and circuit breaker boxes; and coverage is also provided in basement areas and in areas below the lowest elevated floor of an elevated building for stairways and staircases attached to the building which are not separated from the building by elevated walkways.

e. At Article V—Property Not Covered, paragraph H, is revised to read as follows:

H. On and after October 1, 1982, a mobile home located or placed within a FEMA designated Special Flood Hazard Area that is not affixed to a permanent site (anchored) to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors or that otherwise does not meet the community's flood plain management requirements, unless it is a mobile home on a foundation continuously insured by the National Flood Insurance Program at the same site at least since September 30, 1982.

f. At Article V—Property Not Covered, add a new paragraph K, as follows:

K. A building, and its contents, newly constructed or substantially improved on or after October 1, 1983, in an area designated as an undeveloped coastal barrier within the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348).

g. Article VI—Deductibles is revised to read as follows:

Article VI—Deductibles

A. Each loss to your insured property is subject to a deductible provision under which your bear a portion of the loss before payment is made under the policy.

B. The loss deductible shall apply separately to each building loss and personal property (contents) loss including, as to each, appurtenant structure, debris removal, and

any reasonable expenses incurred after a flood under Article II or Article III in connection with the preservation and saving of insured property from flood or from the imminent danger of flood.

C. The amount of the deductible for each loss occurrence is determined as follows: We shall be liable only when such loss exceeds $500.00, or the amount of any higher deductible which you selected when you applied for this insurance or when you raised the deductible by endorsement.

D. In the case of reasonable expenses incurred pursuant to Article II in the temporary removal of an insured mobile home or insured personal property from the described premises and away from the peril of flood, the amount of the deductible shall be $50.00.

h. At Article VIII—General Conditions and Provisions, paragraph B, Concealment, Fraud is revised to read:

B. Concealment, Fraud: We will not cover you under this policy, which shall be void, nor can this policy be renewed or any new flood insurance coverage be issued to you if you have sworn falsely, or willfully concealed or misrepresented any material fact, or done any fraudulent act concerning this insurance (See "F," below). In addition we will not cover you under this policy, which shall be void, in the event you have willfully concealed or misrepresented any fact on a "Recertification Questionnaire," which causes us to issue a policy to you based on a premium amount which is less than the premium amount which would have been payable by you were it not for the misstatement of fact (see "G," below).

i. At Article VIII—General Conditions and Provisions, in paragraph G. Policy Renewal, the following is added to the end thereof:

* * * * *

Notwithstanding your responsibility to submit the appropriate renewal premium in sufficient time to permit its receipt by us prior to the expiration of the policy being renewed, we have established a business procedure for mailing renewal notices to assist insureds in meeting their responsibility. Regarding our business procedure, evidence of the placing of any such notices into the U.S. Postal Service, addressed to you at the address appearing on your most recent application or other appropriate form (received by the NFIP prior to to the mailing of the renewal notice by us), does, in all respects, for purposes of the NFIP presumptively establish delivery to you for all purposes irrespective of whether you actually received the notice. However, in the event we determine that, through any circumstances, any renewal notice was not placed into the U.S. Postal Service, or, if placed, was prepared or addressed in a manner which we determine could preclude the likelihood of it being actually and timely received by you prior to the due date for the renewal premium, the following procedures shall be followed:

In the event that you or your agent notifies us not later than one year after the date on which the payment of the renewal was due, of a nonreceipt of a renewal notice prior to the due date for the renewal premium, which we determine was attributable to the above circumstances, we shall mail a second bill providing a revised due date, which shall be thirty days after the date on which the bill is mailed. If the renewal payment is received by such revised due date, the policy shall be renewed as of the date on which the prior policy would have expired. If the renewal payment requested by reason of the second bill is not received by the revised due date, no renewal shall occur and the policy shall remain an expired policy as of the expiration date prescribed on the policy.

j. At Article VIII—General conditions and Provisions, in paragraph I. Requirements in Case of Loss, add the following at the end thereof:

* * * * *

5. We may, at our option, waive the requirement for the completion and filing of a Proof of Loss in certain cases, in which event you will be required to sign and, at our option, swear to an adjuster's report of the loss which includes information about your loss and the damages needed by us in order to adjust your claim;

6. Any false statements made in the course of presentment of a claim under this policy may be punishable by fine or imprisonment under the applicable Federal Laws.

k. At Article VIII—General Conditions and Provisions, paragraph K is revised to read as follows:

* * * * *

K. When Loss Payable: Loss is payable within 60 days after you file your proof of loss (or within 90 days after the insurance adjuster files an adjuster's report signed and sworn to by you in lieu of a proof of loss) and ascertainment of the loss is made either by agreement between us and you expressed in writing or by the filing with us of an award as provided in paragraph "M", below. If we reject your proof of loss in whole or in part, you may accept such denial of your claim, or exercise your rights under this policy, or file an amended proof of loss as long as it is filed within 60 days of the date of the loss or any extension of time allowed by the Administrator.

l. At Article VIII—General Conditions and Provisions, in paragraph "L. Abandonment," add the following to the end thereof:

* * * * *

However, we may permit you to keep damaged, insured preperty ("salvage") after a loss and reduce the amount of the loss proceeds payable to you under the policy by the value of the salvage.

m. At Article VIII—General Conditions and Provisions, in paragraph O. Mortgagee Clause, the first paragraph is revised to read as follows:

* * * * *

O. Mortgagee Clause—(Applicable to building items only and effective only when policy is made payable to a mortgagee (or trustee) named in the application and declarations form attached to this policy or of whom the Insurer has actual notice prior to the payment of loss proceeds under this policy.)

* * * * *

Appendix A(2)

14. Appendix A(2) of Part 61, referenced at § 61.13, Standard Flood Insurance Policy, is revised, in the following particulars:

a. In the General Property Form the phrase "Direct Physical Loss By Flood" is revised to read "Direct Physical Loss By or From Flood."

b. At the Definitions section, (i) add, after the definition of "Application," the following definition: "Basement" means any area of the building having its floor subgrade (below ground level) on all sides; and, (ii), in the definition of "Direct Physical Loss by Flood" wherever that phrase appears, it is revised to read "Direct Physical Loss by or from Flood" and, at the end of the definition, the paranthetical phrase is deleted and the period is placed after the word "loss."

c. At the Property Covered section, in "A. Building," the second paragraph is removed.

d. At the Property Covered section, in "B. Contents" the matter following the phrase "The Insurer shall not be liable for loss in any one occurrence for more than: * * * " is revised to read as follows:

* * * * *

The Insurer shall not be liable for loss in any one occurrence for more than $250 in the aggregate on paintings, etchings, pictures, tapestries, art glass windows and other works of art (such as but not limited to statuary, marbles, bronzes, antique furniture, rare books, antique silver, porcelains, rare glass, and bric-a-brac), jewelry, watches, necklaces, bracelets, gems, precious and semi-precious stones, articles of gold, silver, platinum and furs and any article containing fur which represents its principal value.

* * * * *

e. At the Property Not Covered section, paragraph F is revised to read as follows:

* * * * *

F. Enclosures, contents machinery, building components, equipment and fixtures located at an elevation lower than the lowest elevated floor of an elevated building (except for the required utility connections and the footing, foundation, posts, pilings, piers or other foundation walls and anchorage system as required for the support of the elevated building), including a mobile home; finished basement walls, floor, ceilings and other improvement to a basement having its floor subgrade on all sides, and contents machinery, building equipment and fixtures in such basement areas; except that, as to this subparagraph (F), coverage is provided in basement areas and in areas below the lowest elevated floor of an elevated building for sump pumps, well-water tanks, oil tanks, furnaces, heat pumps and electrical junction and circuit breaker boxes; and coverage is also provided in basement areas and in areas below the lowest elevated floor of an elevated building for stairways and

staircases attached to the building which are not separated from the building by elevated walkways.

f. At the Property Not Covered section, paragraph H is revised to read, as follows:

* * * * *

H. On and after October 1, 1982, a mobile home located or placed within a FEMA designated Special Flood Hazard Area that is not affixed to a permanent site (anchored) to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors or that otherwise does not meet the community's flood plain management requirements, unless it is a mobile home on a foundation continuously insured at the same site by the National Flood Insurance Program, at least since September 30, 1982.

g. In the Property Not Covered section, new paragraph K, is added, as follows:

* * * * *

K. A building, and its contents, newly constructed or substantially improved on or after October 1, 1983, in an area designated as an undeveloped coastal barrier within the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348).

h. The section entitled Deductibles is revised to read as follows:

Deductibles

A. With respect to loss to the building and debris removal covered hereunder, Insurer shall be liable for only that portion of the loss in any one occurrence which is in excess of $500.00.

B. With respect to loss to contents, the reasonable expenses incurred by the Insured pursuant to paragraph "F" of "PERILS EXCLUDED," and debris removal coverage hereunder, the Insurer shall be liable for only that portion of the loss in any one occurrence which is in excess of $500.00.

C. In lieu of the $500.00 deductible, the amount of the deductible in "A" and "B," above, shall be the higher amount selected, as an option, by the Insured when applying for this insurance or when raising the deductible by endorsement.

D. In the case of reasonable expenses incurred in the removal of an insured mobile home or personal property from the insured premises away from the peril of flood, the amount of the deductible shall be $50.00.

i. In the section entitled General Conditions and Provisions, paragraph B. Concealment, Fraud is revised to read:

* * * * *

B. Concealment Fraud: This entire policy shall be void and no renewal nor new flood insurance coverage can be issued to the Insured if, whether before or after the loss, the Insured has willfully concealed or misrepresented any material fact or circumstance concerning this insurance or the subject thereof, or the interest of the Insured therein, or in case of any fraud or false swearing by the Insured relating thereto (see "E," below). In addition, this entire policy shall be void if the Insured has willfully concealed or misrepresented any fact on a "Recertification Questionnaire," which causes the Insurer to issue a policy to the Insured based on a premium amount which is less than the premium amount which would have been payable by the Insured if it were not for the misrepresentation of fact (see "J," below).

j. In the section entitled General Conditions and Provisions, in paragraph J. Policy Renewal, the following new paragraphs are added to the end thereof:

* * * * *

Notwithstanding the above mentioned responsibility of the Insured to submit the appropriate renewal premium in sufficient time to permit its receipt by the NFIP prior to the expiration of the policy being renewed, the Insurer has established a business procedure for mailing renewal notices to assist Insureds in meeting their responsibility. Regarding the Insurer's business procedure, evidence of the placing of any such notices into the U.S. Postal Service, addressed to the Insured at the address appearing on the Insured's most recent application or other appropriate form (received by the NFIP prior to the mailing of the renewal notice by the Insurer), does, in all respects, for purposes of the NFIP presumptively establish delivery to the Insured for all purposes irrespective of whether the Insured actually received the notice. However, in the event that the Insurer determines that, through any circumstances, any renewal notice was not placed into the U.S. Postal Service, or, if placed, was prepared or addressed in a manner which the Insurer determines could preclude the likelihood of it being actually and timely received by the Insured prior to the due date for the renewal premium the following procedures shall be followed:

In the event that the Insured or his agent notifies the Insurer, not later than one year after the date on which the payment of the renewal was due, of a non-receipt of a renewal notice prior to the due date for the renewal premium, which the Insurer determines was attributable to the above circumstances, the Insurer shall mail a second bill providing a revised due date, which shall be thirty days after the date on which the bill is mailed. If the renewal payment is received by such revised due date, the policy shall be renewed as of the date on which the prior policy would have expired. If the renewal payment requested by reason of the second bill is not received by the revised due date, no renewal shall occur and the policy shall remain an expired policy as of the expiration date prescribed on the policy.

k. In the section entitled General Conditions and Provisions, redesignate paragraphs K through U as paragraphs L through V and add a new paragraph K to read as follows:

K. *Cancellation of Policy or Reduction in Amount of Insurance.* This policy may be cancelled at any time at the request of the Insured, in which case the Insurer shall, upon demand and surrender of this policy, refund the excess of paid premiums above the pro-rata premium earned with retention of the expense constant; provided, however, that the premium paid for the then current policy term shall be fully earned if the Insured retains an interest in the property covered at the location described in the application and declarations form.

The amount of insurance under this policy may be reduced at any time at the request of the Insured, in which case the Insurer shall, upon demand, refund the excess of paid premium above the pro-rata premium earned for the amount of the reduction; provided, however, that the premium paid for the then current policy term shall be fully earned to the extent that the Insured retains an interest in the property covered at the location described in the application and declarations form.

l. In the section entitled General Conditions and Provisions, in redesignated paragraph M. Mortgagee Clause, the first paragraph is revised to read as follows:

* * * * *

M. Mortgagee Clause (Applicable to building items only and effective only when policy is made payable to a mortgagee (or trustee) named in the application and declarations form attached to this policy or of whom the Insurer has actual notice prior to the payment of loss proceeds under this policy):

m. In the section entitled General Conditions and Provisions, in redesignated paragraph P. Requirements in Case of Loss, add the following paragraph at the end thereof:

* * * * *

The Insurer may, at its option, waive the requirement for the completion and filing of a Proof of Loss in certain cases, in which event the Insured will be required to sign and, at the Insurer's option, swear to an adjuster's report of the loss which includes information about the loss and the damages needed by the Insurer before the loss can be adjusted.

Any false statements made in the course of presentment of a claim under this policy may be punishable by fine or imprisonment under the applicable Federal laws.

* * * * *

n. In the section entitled General Conditions and Provisions, in redesignated paragraph S. Abandonment, add the following to the end thereof:

* * * * *

However, the Insurer may permit the Insured to keep damaged, insured property ("salvage") after a loss and reduce the amount of the loss proceeds payable to the Insured under the policy by the value of the salvage.

* * * * *

o. In the section entitled General Conditions and Provisions, redesignated

paragraph T. When Loss Payable, is revised to read as follows:

* * * * *

T. When Loss Payable: Loss is payable within 60 days after the Insured files the proof of loss (or within 90 days after the insurance adjuster files an adjuster's report signed and sworn to by the Insured in lieu of a proof of loss) and ascertainment of the loss is made either by agreement between the Insurer and the Insured, expressed in writing, or by the filing with the Insurer of an award as provided in paragraph "Q", above. If the Insurer rejects the Insured's proof of loss in whole or in part, the Insured may accept such denial of the claim, or exercise the Insured's rights under this policy, or file an amended proof of loss as long as it is filed within 60 days of the date of the loss or any extension of time allowed by the Administrator.

* * * * *

§ 61.14 [Amended]

15. Section 61.14(b) is amended by the removal of the following:, 1725 I Street, N.W.,

(National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1958), 42 U.S.C. 4001–4128; Reorganization Plan No. 3 of 1978 (43 FR 4194); E.O. 12127, dated March 31, 1979 (44 FR 19367); Delegation of Authority to Federal Insurance Administrator)

Issued at: Washington, D.C., August 24, 1983.

Jeffrey S. Bragg,

Federal Insurance Administrator

[FR Doc. 83-23604 Filed 8-26-83; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 2, and 95

[PR Docket No. 82-184]

General Mobile Radio Service Rules; Announcement of Effective Date and Corrections.

AGENCY: Federal Communications Commission.

ACTION: Final Rule; Announcement of effective date and corrections.

SUMMARY: This document sets September 26, 1983, as the effective date of rules amending Part 1, 2, and 95, Subpart A, to provide for a Temporary Permit for additonal users of authorized mobile relay stations in the General Mobile Radio Service (GMRS) (February 3, 1983; 48 FR 4783). The rule amendments were adopted by the Commission on January 20, 1983, but their effective date has been held in abeyance pending Office of Management and Budget approval of the Temporary Permit form. The amendments are necessary in order to eliminate the delay that occurs while a license application is being processed. With the Temporary Permit, the additional users will be able to begin immediate operation in a multiply-licensed GMRS repeater system. The Temporary Permit form number is 574–T.

EFFECTIVE DATE: September 26, 1983.

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Private Radio Bureau, Washington, D.C. 20554, (202) 632–4964.

SUPPLEMENTARY INFORMATION: The following corrections are made in FR Doc. 83–2931 on page 4783 in the issue of February 3, 1983:

§ 1.922 [Corrected]

1. On page 4785, in § 1.922, under the column heading *FCC Form,* the number of the form, 574–T, should be entered. This entry should fall between 572 and 577 in the list of forms that comprise § 1.922.

§§ 1.925, 95.15 and 95.16 [Corrected]

2. On page 4785, in §§ 1.925(h), 95.15(d) and 95.16 where there is a blank space following the word Form, insert the number 574–T.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-23634 Filed 8-26-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 81

[PR Docket No. 82-780; RM-3847; FCC 83-379]

Amendment of the Commission's Rules Affecting the Use of Marine VHF Public Correspondence Frequencies Between Certain Areas of Washington State and Canada

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends rules governing the channeling arrangements and technical parameters of marine VHF Public Correspondence frequencies in the Puget Sound area. These changes increase spectrum utilization and reduce potential interference on these channels and were undertaken in response to a petition for rule making.

EFFECTIVE DATE: September 21, 1983.

FOR FURTHER INFORMATION CONTACT: Robert P. DeYoung, Private Radio Bureau, (202) 632–7175.

List of Subjects in 47 CFR Part 81

Coast stations, Radio, Telephone.

Report and Order (Proceeding Terminated)

In the matter of amendment of Part 81 of the Commission's rules affecting the use of marine VHF Public Correspondence frequencies between certain areas of Washington State and Canada. PR Docket No. 82–780 RM–3847.

Adopted: August 8, 1983.

Released: August 15, 1983.

By the Commission.

1. This Report and Order amends Subpart S of Part 81 of the rules to increase spectrum utilization and reduce potential interference on marine VHF public correspondence frequencies in the Puget Sound area of Washington State and Canada. A Notice of Proposed Rule Making in this matter was released on November 29, 1982, PR Docket 82–780, FCC 82–509, 47 FR 54836. The comment and reply comment period have passed.

Background

2. Our current rules are based on a channeling arrangement with Canada for west coast VHF maritime mobile public correspondence.[1] The arrangement was established in order to prevent interference between coast stations in the U.S. and those in Canada. This channel assignment plan designates primary, supplementary and local channels for each public correspondence sector of the Puget Sound area. The arrangement also specifies technical standards which each station is required to meet. These technical standards are enumerated in Subpart S.

3. A petition for Rulemaking (RM–3847), requesting amendment of Subpart S, has been filed with the Commission by the North Pacific Marine Radio Council (NPMRC). According to NPMRC, this petition was the result of extensive studies utilizing the criteria of Subpart R of Part 81 of the Commission's rules.[2] The rule changes requested were the product of a coordinated effort of the Public Correspondence Committee of the NPMRC. Representatives of telephone companies serving the United States and Canada, including representatives of the Western Canada Telecommunications Council, participated. The petition requested several changes in Subpart S which NPMRC believes will improve the VHF service.

[1] "Canada/U.S.A. Channeling Arrangement for West Coast VHF Maritime Mobile Public Correspondence."

[2] Subpart R of Part 81 sets forth procedures and standards for computing VHF coverage.

4. Comments in this proceeding were filed by the Pacific Northwest Bell Telephone Company (PNB), the North Pacific Marine Radio Council (NPMRC), and the Whidbey Telephone Company (Whidbey). All three commenters generally favored the proposed rule changes which we are adopting. Whidbey, however, expressed two concerns. The first concern was the possible effect of the proposed changes on two applications which Whidbey has on file with the Commission. The second concern was that the language of § 81.904(e) might be read as precluding the reporting of harmful interference directly to the Commission. The Whidbey applications are being processed by the staff on an *ad hoc* basis and we believe the concerns expressed in its comments have been resolved.[3] It was not our intent to preclude direct reports of harmful interference and § 81.904(e) has been modified accordingly.

5. These rule changes adopt new technical parameters in the area which reduce interference and allow increased channel utilization with no degradation of service to the public. The Effective Radiated Power (ERP) of the primary and supplementary channels is reduced from the currently authorized 125 watts to 60 watts. Antenna height is limited to 500 feet for Inland waters primary and secondary channels, to 50 feet for Inland waters local channels, and to 250 feet for Coastal waters local channels. No antenna restrictions are proposed for Coastal waters primary and secondary channels.

6. Changes in channeling are also adopted. Each public correspondence sector is assigned one primary and one supplementary channel with the exception of the three sectors where a supplementary channel is not available. Any channel among those which are included in the arrangement can be used as a local channel in a particular sector except those channels which are designated as primary and secondary channels in that sector. The current arrangement assigns up to two primary and supplementary channels per sector and assigns channels 24 and 25 as local channels. The new channeling arrangement provides more flexibility to local channels without a degradation of service on other channels.

7. Coast stations may still be established by either country in accordance with the provisions of the arrangement without prior coordination. Preliminary local Canadian/U.S. coordination will be required for all applications in variance with the arrangement. Informal coordination may also take place through a committee comprised of members of the North Pacific Marine Radio Council and appropriate Canadian representatives. Applications in compliance with the plan may also be furnished to the committee for informational purposes.

8. Pursuant to Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) the Commission certifies the rules will not have a significant economic impact on a substantial number of small entities. Only seven U.S. VHF coast stations are located within the boundaries of Canadian coordination on the west coast. Six of these stations are licensed to Pacific Northwest Bell Telephone Company and one to General Telephone Company of the Northwest.

9. Regarding questions on matters covered in this document, contact Robert P. DeYoung at 202-632-7175.

10. The amendments to the Commission's rules as set forth in the attached Appendix are issued under the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r).

11. For the reasons set forth above, It is ordered, that Part 81 of the rule is amended, as set forth in the attached Appendix effective September 21, 1983.

12. It is further ordered, that a copy of this Report and Order shall be sent to the Chief Counsel for Advocacy of the Small Business Administration.

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

(Secs. 4, 303, 46 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 81 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

47 CFR Part 81 is amended by revising §§ 81.901 through 81.904 to read as follows:

§ 81.901 Canada/U.S.A. arrangement.

(a) Pursuant to arrangements between the United States and Canada, assignment of VHF frequencies to public coast stations in certain areas of Washington State, the Great Lakes, and the east coast of the United States shall be made in accordance with the provisions of this subpart.

(b) On the west coast, due to topographic constraints and confined waterways, near sea level transmitter/receiver sites have proved to be superior to high level transmitter/receiver sites in providing reliable and high quality communications. The purpose of this subpart is to:

(1) Provide reliable and widespread service to the marine subscriber.

(2) Simplify licensing and provide preliminary testing procedures for those providing service.

(3) Allow maximum reuse of available channels.

(4) Provide measurable criteria to allow determination of a licensee's compliance.

(5) Provide a means for continued cooperation and coordination with Canada.

§ 81.902 Definitions.

On the west coast, the following terms are defined as follows:

(a) *Inland Waters Public Correspondence Sector.* A distinct geographical area in which one primary and one supplementary channel is allotted. A number of local channels may also be authorized.

(b) *Coastal Waters Public Correspondence Sector.* A distinct geographical area in which one primary and one supplementary channel is allotted. A number of local channels may also be authorized.

(c) *Inland Waters.* Inland waters of western Washington and British Columbia bounded by 47° latitude on the south, the Canada/U.S.A. Coordination Zone Line B on the north, and to the west by 124° 40' longitude at the west entrance to the Strait of Juan de Fuca.

(d) *Coastal Waters.* Waters along the Pacific Coast of Washington State and Vancouver Island within the Canada/U.S.A. Coordination Zone.

(e) *Inland Waters Primary Channel.* A channel intended to cover the greater portion of an Inland Waters Public Correspondence Sector. It may provide some coverage to an adjacent sector but must not provide coverage beyond the adjacent sector. Harmful interference beyond the adjacent sector must not occur. Only one primary channel will be authorized in any sector.

(f) *Inland Waters Supplementary Channel.* A channel intended to improve coverage within a sector or to relieve traffic congestion on the primary channel. It may provide some coverage of an adjacent sector but must not provide coverage beyond the adjacent

[3] Of the two Whidbey applications pending during the comment period of this proceeding, one (Freedland) has been granted and the second has been placed on public notice (Clinton).

sector. Harmful interference beyond the adjacent sector must not occur. Only one supplementary channel will be authorized in any sector.

(g) *Inland Waters Local Channel.* A channel designed to provide local coverage of certain bays, inlets and ports where coverage by primary or supplementary channels is poor or where heavy traffic loading warrants. A local channel must not cause harmful interference to any primary or supplementary channels. Coverage shall be confined to the designated sector.

(h) *Coastal Waters Primary Channel.* Same as (e) except for technical characteristics.

(i) *Coastal Waters Supplementary Channel.* Same as (f) except for technical characteristics.

(j) *Coastal Waters Local Channel.* Same as (g) except for technical characteristics.

§ 81.903 Technical characteristics.

On the west coast, technical characteristics of public correspondence stations shall be as follows:

(a) *Inland Water Primary and Supplementary Channels.* ERP shall not exceed 60 watts. Antenna height shall not exceed 500 feet AMSL with the exceptions noted in § 81.904(e).

(b) *Inland Waters Local Channel.* ERP shall not exceed 8 watts with an antenna height of no more than 50 feet AMSL or the ERP shall not exceed 2 watts with an antenna height of no more than 100 feet AMSL.

(c) *Coastal Waters Primary and Supplementary Channels.* ERP shall not exceed 125 watts with no antenna restrictions.

(d) *Coastal Waters Local Channel.* ERP shall not exceed 10 watts with a maximum antenna height of 250 feet AMSL.

(e) Harmful Interference shall be determined and resolved using the definition and procedures of the ITU International Radio Regulations.

(f) To keep the ERP's and antenna elevations at a minimum and to limit coverage to the desired areas, an informal application may be filed for special temporary authority in accordance with Section 81.26 and 81.41 to conduct a field survey to obtain necessary data for informal application. Such data may accompany the application and be used in lieu of theoretical calculations as required in Subpart R. The Seattle FCC District Office shall be notified in advance of scheduled tests.

§ 81.904 Canada/U.S.A. channeling arrangement for west coast VHF Maritime Mobile Public Correspondence.

(a) The provisions of the Canada/U.S. channeling arrangement apply to waters of the State of Washington and of the Province of British Columbia within the coordination boundaries of "Arrangement A" of the Canada/U.S.A. Frequency Coordination Agreement above 30 MHz. In addition, all inland waters as far south as Olympia are to be included. A map of these waters is contained in Subsection (f), Figure 1 below.

(b) The channeling arrangement applies to the following VHF public correspondence channels: Channels 24, 84, 25, 85, 26, 86, 27, 87, and 28.

(c) Public correspondence stations any be established by either country in accordance with the provisions of the arrangements. There shall, however, be an exchange of information in respect of the establishment of new stations or a change in technical parameters of existing stations. Any channel except that used as primary or supplementary channel in a given sector is available for use as a local channel in that sector. Local channels shall not be protected from interference caused by primary or supplementary channels in adjacent sectors if these stations are in compliance with this subpart.

(d) Preliminary local Canadian/U.S. coordination is required for all applications in variance with this subpart. This coordination will be in accordance with the provisions of Arrangement "A" of the Canada/U.S. Frequency Coordination Agreement over 30 MHz. Such stations shall not be protected from interference or cause interference to existing or future stations which are in accordance with the agreement.

(e) Existing stations shall comply with the provisions of the arrangement within 12 months after it becomes effective with the following exceptions:

(1) Public coast local service (VHF) stations:

KOH627 Tacoma, Washington
KOH630 Seattle, Washington
WXY956 Camano, Washington
VAI2 Mount Parke, British Columbia
VAS5 Watts Point, British Columbia
XLK672 Bowen Island, British Columbia

(2) These stations employing current assigned frequencies, may be maintained with existing antenna heights in excess of 500 feet unless harmful interference to existing stations is identified and reported directly to the Federal Communications Commission or through the Public Correspondence Committee of the North Pacific Marine Radio Council.

(f) The agreed channeling arrangements for the west coast are as follows:

Public correspondence sector	Primary channel	Supplementary channel
British Columbia (Coastal Waters):		
Tofino	24	26
Barkley Sound	27	87
British Columbia (Inland Waters):		
Juan de Fuca West (Canada)	26	24
Juan de Fuca East (Canada)	86	84
Gulf Islands	27	(1)
Strait of Georgia South	26	86
Howe Sound	24	84
Strait of Georgia North	26	87
Campbell River	28	85
Washington (Inland Waters):		
Cape Johnson	26	85
Point Grenville	28	25
Washington (Coastal Waters):		
Juan de Fuca West (U.S.A.)	28	(1)
Juan de Fuca East (U.S.A.)	25	(1)
San Juan Islands	28	85
Puget Sound North	24	87
Puget Sound Hood Canal	26	25
Lower Puget Sound	28	85

[1] Supplementary channel not available.

BILLING CODE 6712-01-M

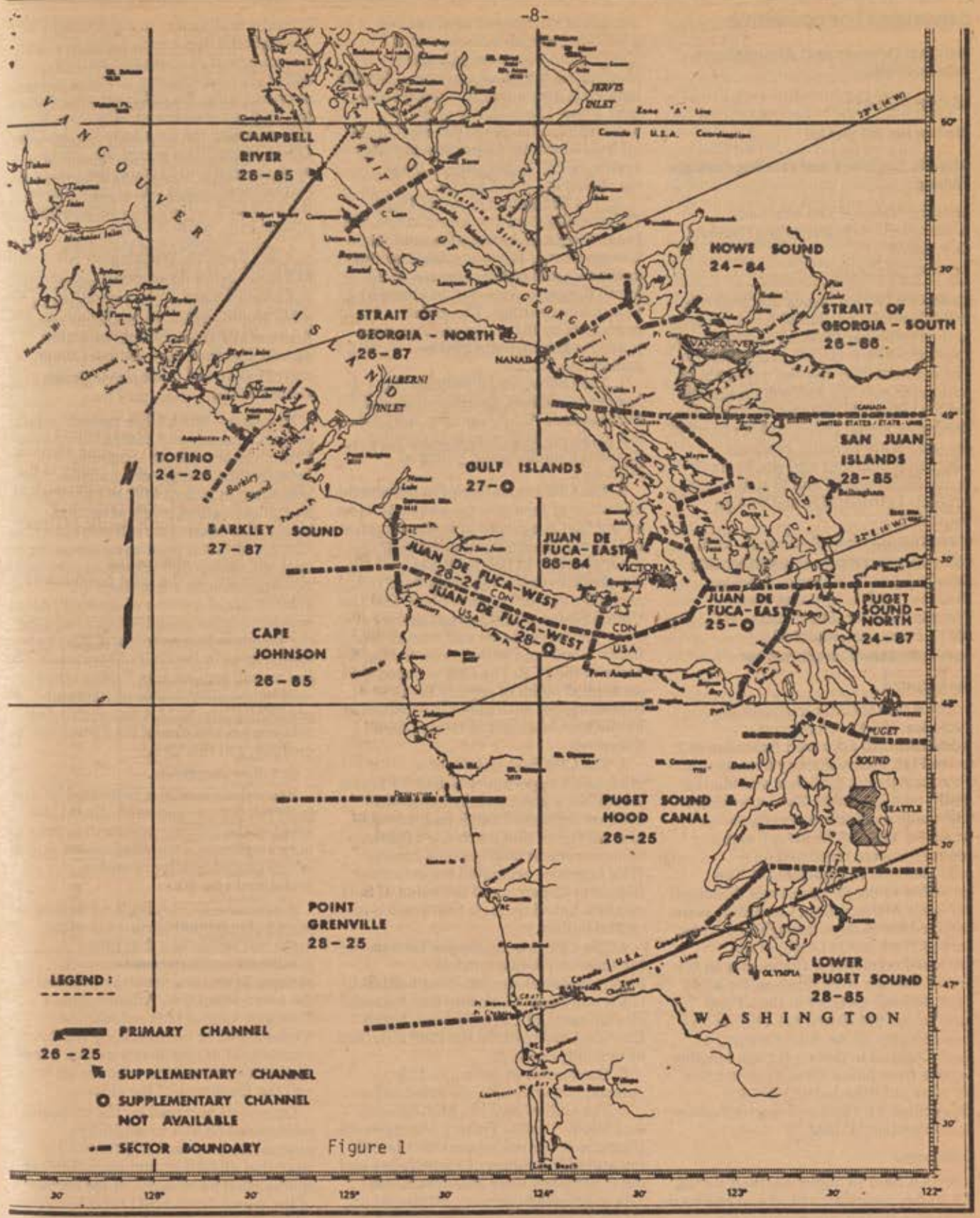

Figure 1

[FR Doc. 83-23531 Filed 8-26-83; 8:45 am]

BILLING CODE 6712-01-C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 30719-135]

Atlantic Billfishes and Sharks; Foreign Fishing

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

ACTION: Final rule.

SUMMARY: NOAA issues this final rule to implement a portion of Amendment 2 to the Preliminary Fishery Management Plan for Atlantic Billfishes and Sharks. The regulations revise the treatment of prohibited species, and require foreign fishing vessels to stay out of broadcast fixed gear areas. The intended effects of this action are to make available additional billfishes and sharks for domestic fishermen and to reduce gear conflicts between U.S. and foreign fishermen.

EFFECTIVE DATE: September 28, 1983.

FOR FURTHER INFORMATION CONTACT: Donald J. Leedy, Fisheries Process Division, F/M11, National Marine Fisheries Service, Washington, D.C. 20235, Phone 202-634-7449.

SUPPLEMENTARY INFORMATION:

Background

The Assistant Administrator for Fisheries, NOAA, (Assistant Administrator) approved Amendment 2 to the Preliminary Fishery Management Plan for Atlantic Billfishes and Sharks (PMP) on July 7, 1982. The amendment was made available to the public on August 4, 1982 (47 FR 33722), and comments were requested on a proposed rule to implement it. The preamble to the proposed rule discussed the basis of this action. Comments were received for 15 days through August 19, on §§ 611.60 and 611.61(b) of the proposed regulations. Comments on the rest of the rule were received for 60 days, through October 4, 1982. Final rules for §§ 611.60 and 611.11(b), which close an area of the Atlantic north of Cape Lookout to certain foreign longline vessels from June 1 through November 30, were published at 47 FR 40438 (September 14, 1982) and were effective on September 24, 1982.

Comments

NOAA held 15 public hearings during the 60-day comment period and received numerous written comments. Two comments addressed the technical aspects of the revised treatment of prohibited species and requested clarification. No comments were received on the requirement that foreign longliners stay out of broadcast fixed gear areas. The majority of the comments on the proposed regulations addressed the compensatory payment system (CPS). Summaries of these comments are listed below.

A. The Federation of Japan Tuna Fisheries Cooperative Associations, the Japan Fisheries Association, and the Government of Japan provided written comments and representatives of the Japan Fisheries Association attended four public hearings. The major comments by those representing the Japanese fishing industry are summarized below.

1. The CPS is illegal because the Magnuson Fishery Conservation and Management Act (Magnuson Act) does not explicitly authorize it or prohibit incidental hooking and killing of billfishes.

2. The CPS is an attempt to impede the operation of Japanese tuna vessels to an extent that is equivalent to the exercise of U.S. management authority over the Japanese right to fish for tunas. Congress, in excluding tunas from U.S. exclusive authority, determined that the United States would have to endure some incidental catch and mortality of fishes associated with foreign fishing for tunas in the FCZ. The CPS is based on an implied claim of priority for U.S. fishermen, but such claim is superseded by the absolute right of foreign tuna fishermen.

3. The CPS does not allow a reasonable opportunity to fish for tunas. It imposes a great economic burden because incidental catch and mortality of a portion of that catch is a necessary consequence of longline tuna fishing. (The Japanese estimated the economic impact at 63 percent of the value of tuna catches, based on their 1980 catch data, or $1.5 million.)

4. The CPS is unnecessary because the Japanese incidental catch is inconsequential compared with the U.S. catch and the area closure (the seasonal closure north of Cape Lookout, North Carolina) has realized the PMP objective of reducing conflicts.

B. Summaries of the major U.S. comments on the CPS are listed below.

1. The Gulf of Mexico, Mid-Atlantic, and South Atlantic Fishery Management Councils indicated support for the CPS but stated the values of swordfishes and other billfishes were underestimated. The underestimates were attributed to: (1) Using exvessel value for swordfish, rather than wholesale and retail values; (2) using willingness to sell the right to harvest billfishes as the appropriate measurement of consumer surplus, rather than willingness to buy; and (3) overestimating the catch per angler in the billfish recreational fishing study that provided the data base for the CPS. Other commenters stated the values were understated because the cost of a recreational fishing trip often exceeds the $500 CPS value for a recreational billfish (e.g., white marlin).

2. Many commenters stated the proposed CPS values were underestimated because the swordfish value was based on the 1981 exvessel price and the value for billfishes other than swordfish was based on a 1979 survey and, therefore, did not reflect current values of these fishes to the United States.

Response—NOAA has considered all these comments and concluded that the CPS could provide an economic incentive for foreign tuna longline fishermen to reduce billfish hooking mortality at effort levels at or near levels of previous years. NOAA has concluded that a legal basis exists for implementing a CPS. However, voluntary means are preferred to achieve the objectives of the PMP. After considering the voluntary agreement by the Japanese fishing industry to refrain from fishing in the Gulf of Mexico and the overall reduction in fishing effort well below effort levels of 1982 and previous years, NOAA has concluded that implementation of the CPS is not necessary at this time.

C. Other comments.

Several commenters requested NOAA to develop a mechanism to close other areas of the fishery conservation zone to tuna longliners, if the need arises, and to revise procedures for releasing prohibited species.

Response—NOAA finds no immediate need to implement closures in other areas but recognizes that future conditions could necessitate such actions. The other closures approved in the amendment (i.e., Atlantic Area I, Tortugas, Gulf of Mexico) may be implemented in the future, by regulatory amendment or emergency action, based on the evidence of the need for an action and the timeliness of the closure.

Comments received on the proposed rule caused NOAA to clarify the procedures proposed in §611.61(c) to state that all billfish and all prohibited sharks must be released at the surface of the water. Section 611.61(g) has been adopted as proposed, but redesignated as §611.61(f).

Classification

The Assistant Administrator determined that the PMP Amendment 2 and this rule are necessary for the conservation and management of the fishery and that they are consistent with the Magnuson Act and other applicable law. The NOAA Administrator determined that this rule is not a "major rule" requiring a regulatory impact analysis under E.I. 12291.

The Assistant Administrator incorporated a regulatory flexibility analysis in the Amendment. It concludes that this action will have a significant impact on a substantial number of small entities. The PMP governs foreign nations fishing in the FCZ, but the domestic recreational industry and commercial billfish, tuna, tilefish, lobster and red crab fisheries will benefit through anticipated increased recreational fishing success and a reduction in the number of international gear conflicts. Although the CPS is not implemented by this action, the analysis contained in the RIR discusses in general terms and quantifies, where possible, the impacts of the CPS. U.S. fishermen and small businesses are not expected to incur any compliance or reporting burdens.

The Assistant Administrator prepared an environmental assessment for Amendment 2 and concluded that there will be no environmental impact as a result of this rule. You may obtain a copy of the environmental assessment from Mr. Leedy at the address listed above.

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

List of Subjects in 50 CFR 611

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

Dated: August 24, 1983.

Carmen J. Blondin,

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

PART 611—FOREIGN FISHING

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

1. The authority citation for Part 611 is:

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

2. Section 611.61 is amended by revising § 611.61(c), and by adding to § 611.61 new paragraph (f) to read as follows:

§ 611.61 Atlantic billfishes and sharks fishery.

* * * * *

(c) *Prohibited species.* Unless otherwise specifically instructed by a U.S. observer or Authorized Officer, and instead of following the procedures of § 611.13(b):

(1) No species may be released below the surface of the water;

(2) All prohibited species must be released regardless of the condition of the fish; and

(3) All billfishes and all prohibited sharks must be released at the surface of the water by cutting the line without removing the fish from the water.

* * * * *

(f) *Fixed gear avoidance.* (1) No foreign fishing vessel subject to this section may conduct longline fishing in any fixed-gear area broadcast by the Coast Guard (see § 611.11 and paragraph (f)(2) of this section). Broadcasts of fixed-gear areas will include a buffer zone around the actual reported locations of the fixed gear.

(2) The locations (latitude and longitude) of fixed-gear areas north of Cape Hatteras are broadcast at 1350 G.m.t. on the first day of each month by Coast Guard Communication Station Boston (NMF) on 472 kHz radiotelegraphy. The list of areas is updated each day at 1350 G.m.t. All broadcasts are numbered sequentially by month, day, and year. A printed monthly summary of fixed-gear information is available from Commander (Aol), Coast Guard Atlantic Area, Governors Island, New York, NY 10004. Telephone 212-668-7877; Telex 126831.

[FR Doc. 83-23691 Filed 8-28-83; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 48, No. 168
Monday, August 29, 1983

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 83-096]

9 CFR Part 3

Animal Welfare; Marine Mammals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of comment period for proposed rule.

SUMMARY: This document extends the comment period for a proposal to amend the regulations concerning the humane handling, care, treatment, and transportation of marine mammals. This action is needed to allow industry representatives and other interested persons adequate time in which to prepare meaningful comments concerning the proposal.

DATE: Comments must be received on or before September 30, 1983.

ADDRESS: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. R. L. Crawford, Animal Care Staff, VS, APHIS, USDA, Room 763, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-7833.

SUPPLEMENTARY INFORMATION: On July 29, 1983, a document was published in the **Federal Register** (48 FR 34710-34721) which proposed to amend the "Specifications for the Humane Handling, Care, Treatment, and Transportation of Marine Mammals" regulations (contained in 9 CFR 3.100 *et seq.*). The amendments were proposed to update the regulations and to provide more appropriate requirements for the humane handling, care, treatment, and transportation of marine mammals.

The current regulations contain provisions for granting variances. A variance is written permission from the Deputy Administrator to operate as a license or registrant under the Act without being in full compliance with one or more specified provisions of the regulations. When the proposal was published all outstanding variances, other than for research facilities, were scheduled to expire on September 20, 1983. The proposal contained a mechanism which could allow these variances to continue under certain circumstances.

The proposal provided for a 30 day comment period which was to end on August 29, 1983. This would have allowed action to be taken prior to September 20 concerning whether to establish a mechanism to continue to allow variances.

Copies of the proposal were ordered and it was anticipated that they would be available in the first few days of August for mailing to industry representatives and persons known to be affected by the proposal. However, the copies only became available on August 16, 1983, and have now been mailed. It therefore appears that the comment period should be extended in order to allow these persons and all other interested persons adequate time to present meaningful comments concerning this proposal.

Under these circumstances, the comment period concerning the proposal is extended until September 30, 1983.

Also, a companion document titled "Animal Welfare, Marine Mammals" and published in the final rule section of this issue of the **Federal Register** extends variances granted under the regulations for other than research facilities until further action is taken by the Department.

Done at Washington, D.C., this 24th day of August, 1983.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-23659 Filed 8-26-83; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 83-AWA-24]

Proposed Alteration of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to extend VOR Federal Airway V-91 from Calverton, NY, VORTAC to Sardi, NY, Intersection. The extension would provide a by-pass route to Long Island, NY, and Connecticut Airports. This action would aid flight planning and reduce controller workload.

DATES: Comments must be received on or before October 13, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Eastern Region, Attention: Manager, Air Traffic Division, Docket No. 83-AWA-24, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430.

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:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions

presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83-AWA-24." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to extend VOR Federal Airway V-91 from Calverton, NY, to Sardi, NY, Intersection. This airway extension would provide controlled airspace along a major southbound route to airports in Long Island, NY, and Connecticut. This action would reduce controller workload by designating an airway in an area where aircraft are vectored and aid flight planning. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

VOR Federal airways, Aviation safety.

The Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

V-91 [Amended]

By deleting the words "From Calverton, NY, via" and substituting the words "From INT Calverton, NY, 180°T(193°M) and Hampton, NY, 233°T(236°M) radials; Calverton;"

(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 11.65)

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

Issued in Washington, D.C., on August 19, 1983.

John W. Baier,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-23608 Filed 8-26-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71 and 75

[Airspace Docket No. 83-AAL-4]

Proposed Alteration of VOR Federal Airways and Jet Routes—Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposed to alter several VOR Federal Airways and a Jet Route in the vicinity of Anchorage, AK. The new Sparrevohn, AK, VORTAC will be commissioned in October of 1983. This action adds Sparrevohn to the description of V-319, V-508, V-498 and Jet Route J-501.

DATES: Comments must be received on or before October 13, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Alaskan Region, Attention: Manager, Air Traffic Division, Docket No. 83-AAL-4, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, AK 99513.

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

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83-AAL-4." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with

FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposals

The FAA is considering amendments to § 71.125 and 75.100 and Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) to alter the descriptions of V-319, V-508 and V-498, located in the vicinity of Anchorage, AK. Also, realign Jet Route J-501 between Anchorage and Bethel, AK, by adding the new Sparrevohn, AK, VORTAC. The Sparrevohn VORTAC will be commissioned in October 1983 and will be utilized in the descriptions of the routes where necessary. This action will enhance enroute navigation and air traffic control service in nonradar areas. Sections 71.125 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.

List of Subjects in 14 CFR Parts 71 and 75

VOR Federal airways, Jet routes.

The Proposed Amendments

PARTS 71 AND 75—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend §§ 71.125 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as follows:

Section 71.125

V-319 [Amended]

By deleting the words "and Anchorage 130° radials." and substituting the words "and Anchorage 130° radials; Sparrevohn, AK; to Bethel, AK."

V-498 [Amended]

By deleting the words "From McGrath, AK," and substituting the words "From King Salmon, AK; via Sparrevohn, AK; McGrath, AK."

V-508 [Amended]

By deleting the words", to Kenai, AK." and substituting the words"; Kenai, AK; Sparrevohn, AK; to Aniak, AK."

Section 75.100

J-501 [Amended]

By deleting the words "Sparrevohn, AK, NDB;" and substituting the words "Sparrevohn, AK;"

(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 11.65)

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

Issued in Washington, D.C., on August 19, 1983.

John W. Baier,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-23699 Filed 8-26-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71 and 75

[Airspace Docket No. 83-AWA-23]

Proposed Alteration to VOR Federal Airways and Jet Routes State of Louisiana

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to realign segments of VOR Federal Airways V-114, V-212, V-245 and Jet Routes J-50 and J-58; and to establish new airways V-542 and V-544. This action is proposed due to the decommissioning of the Alexandria, LA, VORTAC and the upgrading of the Esler, LA, VOR.

DATES: Comments must be received on or before October 13, 1983.

ADDRESS: Send comments on the proposal in triplicate to: Director, FAA, Southwest Region, Attention: Manager, Air Traffic Division, Docket No. 83-AWA-23, P.O. Box 1689, Forth Worth, TX 76101.

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: Boyd V. Archer, Airpsace and Air Traffic Rules Branch (ATT-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:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Comments wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83-AWA-23." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public

Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering amendments to § 71.123 and § 75.100 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) to realign segments of VOR Federal Airways V–114, V–212, V–245 and Jet Routes J–50 and J–58; and to establish new V–542 and V–544. The FAA is decommissioning the Alexandria, LA, VORTAC and simultaneously the Esler, LA, VOR will be upgraded with new solid state equipment, changed to a VORTAC, and will be commissioned. 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.

List of Subjects in 14 CFR Parts 71 and 75

VOR Federal airways, Jet routes.

The Proposed Amendments

PARTS 71 AND 75—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 and § 75.100 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as follows:

1. V–114 [Amended]

By deleting the words "; Alexandria, LA, including a north alternate from Gregg County to Alexandria via Shreveport, LA, and INT Shreveport 176° and Alexandria 302° radials; INT Baton Rouge, LA, 307° and Lafayette, LA, 042° radials; 7 miles wide (3 miles north and 4 miles south of centerline) Baton Rouge; New Orleans, LA including a north alternate from Alexandria to New Orleans via INT Alexandria 109° and New Orleans 312° radials, excluding the portion within R–3801B, R–3801C and R–3801D." and substituting the words "; via INT Gregg County 120° and Esler, LA, 289° radials; Esler; Baton Rouge, LA; to New Orleans, LA."

2. V–212 [Amended]

By deleting the words "; Alexandria, LA" and substituting the words ", via INT Lufkin 088° and Esler, LA, 253° radials; Esler" and also deleting ", including a north alternate via Natchez, MS."

3. V–245 [Amended]

By deleting the words "Alexandria, LA, via"

4. V–542 [New]

From Shreveport, LA; via INT Shreveport 166° and Esler, LA, 289° radials; Esler; via INT Esler 122° and New Orleans, LA, 310° radials; New Orleans.

5. V–544 [New]

From Esler, LA; via Natchez, MS; to McComb, MS.

6. J–50 [Amended]

By deleting the words "INT of the Lufkin 086° and the Alexandria, LA, 270° radials; Alexandria;"

7. J–58 [Amended]

By deleting the words "; Alexandria, LA; INT of the Alexandria 126° and the New Orleans, LA, 295° radials; New Orleans" and substituting the words "; Esler, LA; New Orleans, LA"

(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 11.65)

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

Issued in Washington, D.C., on August 19, 1983.

John W. Baier,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-23697 Filed 8-26-83; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Parts 316 and 385

[Procedural Regulation Docket: 41660; PDR–84]

Collection of Claims Owed the United States and Delegations and Review of Action Under Delegation: Nonhearing Matters

Dated: August 24, 1983.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB is proposing procedural rules to implement the Federal Claims Collection Act and the Debt Collection Act. Those statutes require the CAB to take action to collect debts owed the United States arising from activities under the CAB's jurisdiction. The rules state how the CAB will collect those debts and how it will charge interest and other charges for unpaid debts.

DATES: *Comments by:* September 28, 1983. Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on Service List by: September 8, 1983

The Docket Section prepares the Service List and sends it to each person listed on it, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 41660, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Joseph L. Kull, Comptroller, 202–673–5225, or Joseph A. Brooks, Office of the General Counsel, 202–673–5442, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: The Federal Claims Collection Act (Pub. L. 89–308) requires Federal agencies to take aggressive action to collect debts owed the United States. It also allows administrative offset of those debts against payments owned by the United States. The Debt Collection Act (Pub. L. 97–365) gives the agencies the tools to make their collection efforts effective, including the ability to charge interest and to impose penalty charges on upaid debts. The rules proposed in new Part 316 implement those acts, setting forth the procedures the Board will follow to collect debts arising from activities under its jurisdiction.

The Department of Justice and the General Accounting Office have issued regulations to implement the Federal Claims Collection Act for guidance of Federal agencies (4 CFR Parts 101–105). The Board's rules would follow that guidance and incorporate part of them by reference into its own procedures.

The rules in this Part would apply to all claims for debts owed to the United States arising from activities under the Board's jurisdiction. These debts can result from activities such as underpayment of fees by persons for Board services or overpayment of subsidy under the Board's essential air service program. The Debt Collection

Act as passed specifically included those types of debts in the definition of "claim."

In initiating claim recovery action, the Board would follow the Justice Department and General Accounting Office guidelines. Communications between the debtor and the Board would be in writing. Payment will normally be due 30 days from the date the notice of claim is mailed to the debtor (31 U.S.C. 3717(b)). If the debtor cannot make payment in full at that time, the Board must be told why, and how full payment will be made.

Under the Debt Collection Act, the Board is authorized to charge the debtor interest on debts unpaid for more than 30 days. Also, the Board is authorized to collect penalty charges for failure to pay a part of a debt more than 90 days past due and a charge to cover the costs of handling overdue claims payments. Interest is only calculated on the principal of the debt. The proposed rules follow these provisions.

Under certain circumstances under the statutes and GAO rules, the Board may waive interest payment and other charges. It is not authorized, however, to waive the principal of the debt. Under the proposed rules, the Board may consider waiving interest and those charges in three situations: (1) When the debtor is unable to pay, (2) when collection jeopardizes payment of the principal, or (3) when otherwise in the best interests of the United States, including, under such circumstances, where an offset or installment payment agreement is in effect.

Under the statutes, the Board is authorized to settle claims by compromise if the principal is under $20,000. The proposed rules follow GAO guidelines and the statutes. Under the proposed rules, there would thus be four circumstances under which those claims could be compromised: (1) The debtor clearly demonstrates an inability to pay within a reasonable time, (2) the Board will be unable to collect the debt in a reasonable time, (3) the collection costs are not justified by the amount of the claim, or (4) the Board's enforcement policy would be best served by compromise of the debt.

The Board is further proposing procedures supplementary to those in the Federal Claims Collection Act, as amended, for reporting unpaid debts to credit bureaus. The proposed procedures state that the Board will promptly tell the credit bureau of any substantial change in the claim. They also propose to require a statement by the credit bureau that it will comply with Federal statutes on consumer information. These procedural requirements were added by the Debt Collection Act.

The Board proposes to appoint its Comptroller as its Claims Collection Agent. The Comptroller would take necessary actions to collect aggressively all claims under this part. The Comptroller would be delegated authority under Part 385 to waive interest and other charges and to compromise claims under established policy of the Board. The Comptroller will send to the Board, for adoption, any items on which there is no clearly established policy or precedent on issues involving waiver or compromise. A delegated waiver or compromise would have to be made with the concurrence of the Board's General Counsel. Any claims action by the Comptroller involving carriers receiving subsidy would be in consultation with the appropriate Bureau or Office Head. All action under delegated authority may, of course, be appealed to the Board (14 CFR Part 385).

The Board believes that the procedures in proposed Part 316 would fulfill the Board's responsibilities under both Acts and will provide fair and equitable methods for collection.

List of Subjects in 14 CFR Parts 316 and 385

Administrative practice and procedure, Authority delegations (Government agencies), Claims, and Penalties.

Initial Regulatory Flexibility Analysis

The Regulatory Flexibility Act, Pub. L. 96-354, is designed to insure that agencies consider flexible approaches to the regulation of small businesses and other small entities defined in the Act. It requires a regulatory flexibility analysis for a rule that, if adopted, will have a "significant economic impact on a substantial number of small entities."

The analysis is required to describe the need, objectives and legal rationale for, and flexible alternatives to the action proposed here. The need, objectives and the legal rationale for this proposed rule are discussed in this notice of proposed rulemaking.

This proposed rule is designed to minimize the possible burden of debt collection on small carriers. It encourages the use of offset and installment payment agreements to allow small carriers to adjust their cash-flow to meet operational needs to preserve service. The rule, if adopted, would also allow the Board to waive interest, penalty fees, and collection charges, in certain situations. Those fees and charges often have a far greater impact on small carriers. The alternative, without these rules, would be to refer all unpaid debts to the General Accounting Office for litigation, which would increase the costs for both the carriers and the government. The rule would, however, facilitate increased and more aggressive debt collection for both large and small carriers.

Proposed Rule

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Chapter II to add a new Part 316, *Collection of Claims Owed the United States*, and to amend 14 CFR Part 385, *Delegations and Review of Action Under Delegation; Nonhearing Matters*, as follows:

PART 316—COLLECTION OF CLAIMS OWED THE UNITED STATES

Sec.

§ 316.1 Purpose.

This part implements the Federal Claims Collection Act, as amended by the Debt Collection Act and interpreted by the General Accounting Office and Department of Justice. It provides procedures under which the Board will collect claims owed to the United States arising from activities under the Board's jurisdiction. The part further sets forth the procedures for the Board to determine and collect interest and other charges on those claims under the Debt Collection Act and for referral of unpaid claims for litigation.

§ 316.2 Applicability.

The part applies to all claims due the United States under the Federal Claims Collection Act as amended by the Debt Collection Act, arising from activities under the jurisdiction of the Board, including amounts due the United States from fees, overpayments, fines, civil penalties, damages, interest, and other sources.

§ 316.3 Notice of claim.

(a) The Board will send a written notice to any person who owes payment to the United States under this part, stating the basis for the claim, the possible interest and penalty charges under this part for non-payment, additional consequences of non-

payment, and the date full payment is due. That payment will normally be due 30 days from the date notice under this part is mailed. The notice of claim will be sent return receipt requested.

(b) The debtor shall respond to the notice in writing and state whether and when full payment is to be made, and if the claim is disputed, the reasons for non-payment. If full payment is not made by the date asked in the notice, the debtor shall state the reasons for the inability to make full payment and how and when payments are to be made.

(c) If no response to the notice is received within 30 days of the date sent, the Board may take further action under this part or under 4 CFR Parts 101–105, and the Federal Claims Collection Act, as amended. These actions may include reports to credit bureaus, contracts with collection agencies, revocation of licensing or offset of Federal salary or other administrative offset, as authorized in 31 U.S.C. 3701–3719.

§ 316.4 Interest, penalty fees, and collection charges.

(a) The Board will assess interest on unpaid claims. The interest rate used by the Board is set by the Secretary of the Treasury. The Board will further charge penalty fees of not more than 6 percent per year of the unpaid claim for failure to pay a part of a debt more than 90 days past due. The Board will also impose collection charges to cover the costs of processing and handling overdue claims, based on the costs incurred.

(b) Interest on debts will be charged and will run from the date the notice of claim is mailed if the amount of the debt is not paid within 30 days from that date. The Board may extend the 30-day period when in the public interest. Interest will be calculated only on the principal of the debt. The rate of interest charged is the rate in effect on the date from which interest begins to run. The rate will remain fixed for the duration of the indebtedness.

(c) The Board may waive interest, collection charges or penalty fees if it finds that:

(1) The debtor is unable to pay any significant sum within a reasonable period of time;

(2) Collection of interest or charges jeopardizes collection of the principal of the claim; or

(3) It is otherwise in the best interests of the United States, including, under such circumstances, where an offset or installment payment agreement is in effect.

§ 316.5 Collection by offset.

(a) Whenever feasible, the Board will collect claims under this Part by means of administrative offset against obligations of the United States to the debtor. Collection by Federal salary will be under the procedures in 4 CFR Part 102.

(b) The Board will notify the debtor in writing of its intent to use offset procedures to collect the debt unless the debtor agrees to repayment. The Board will ask other Federal agencies to help in the offset whenever possible. The notice to the debtor shall also include the type and amount of the claim and an explanation of the debtor's rights for records and review under 31 U.S.C. 3716(a).

§ 316.6 Settlement of claims.

(a) The Board may not waive the principal of any debt owed the United States.

(b) The Board may settle claims not exceeding $20,000 by compromise at less than the principal of the claim if—

(1) The debtor shows an inability to pay the full amount within a reasonable time;

(2) The Government would be unable to enforce collection in full through litigation or administrative means within a reasonable time;

(3) The cost of collecting the full amount is not justified by the amount of the claim; or

(4) With respect to enforcement debts, the Board's enforcement policy would be served by settlement of the claim for less than the full amount.

§ 316.7 Referral for litigation.

Claims that cannot be settled under § 316.6 or for which collection action cannot be ended or suspended under 4 CFR Parts 103 and 104 will be referred to the General Accounting Office for litigation.

§ 316.8 Disclosure to consumer reporting agency.

The Board may disclose delinquent debts to consumer reporting agencies under the Federal Claim Collection Act, as amended. If, after a report has been made under this section, the status or amount of the claim substantially changes, the Board will notify the reporting agency in writing within 15 days of the change. Any request for verification of information will be given to the reporting agency by the Board within 30 days of receipt of the request. Before disclosure to a reporting agency, the Board will obtain in writing a statement by the agency that it will comply with the Fair Credit Reporting Act and other applicable Federal statutes.

§ 316.9 Board claims agent.

(a) The Board's Comptroller is the Claims Collection Agent for all claims under this part. The Comptroller will take action as delegated under Part 385 of this chapter to carry this part and the requirements of 4 CFR Parts 101–105.

(b) All action for the collection of claims under this part will be the responsibility of the Comptroller. All Board bureaus and offices shall send documents supporting claims under this part to the Comptroller for action. Delegated waivers or compromise under this part shall be with the concurrence of the General Counsel. Any action taken by the Comptroller under this Part involving air carriers receiving subsidy will be in consultation with the appropriate Bureau or Office director(s).

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

A new paragraph (h) would be added to § 385.27 to read:

§385.27 Delegation to the Comptroller.

* * * * *

(g) Send notices of claim and other communications to a debtor under Part 316, and to impose and to waive interest and other charges and to settle claims by compromise with the concurrence of those Board officials specified in § 316.9(b) of this chapter, in accordance with Board policy and precedent.

(Sec. 102, 204, 401, 402, 403, 407, 416, Pub. L. 85–726, as amended, 72 Stat. 740, 754, 757, 758, 766, 771; 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1377, 1386. Reoganization Plan No. 3 of 1961, 26 FR 5989. Secs. 3 and 5, Pub. L. 89–306, as amended, 89 Stat. 308, 96 Stat. 1754–1758, 31 U.S.C. 3701–3719)

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-23796 Filed 8-26-83; 9:01 am]

BILLING CODE 6320-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD3-83-46]

Regatta; Chrysler Laser Classic 200, New York Harbor, NY

AGENCY: Coast Guard, DOT.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Chrysler Laser Classic 200 Power Boat Race sponsored by the New York Offshore Powerboat Association will be held within New York Harbor and adjacent coastal waters on September 24, 1983. The Coast Guard is considering the issuance of a regulation to provide for the safety of participants and spectators on navigable waters during the event.

DATES: Comments must be received on or before September 7, 1983.

ADDRESSES: Comments should be mailed to Commander (b), Third Coast Guard District, Governors Island, New York, NY 10004. The comments will be available for inspection and copying at the Boating Safety Office, Building 110, Governors Island, New York, NY. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this office.

FOR FURTHER INFORMATION CONTACT: LTJG D.R. Cilley, (212) 668–7974.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD3–83–46) and give reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed postcard or envelope is enclosed. All comments received before the expiration of the comment period will be considered before action is taken on this proposal.

Drafting Information

The drafters of this advance notice are LTJG D.R. Cilley, Project Officer, Boating Safety Office, and Ms. MaryAnn Arisman, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Proposed Regulations

The Chrysler Laser Classic 200 is sponsored by the New York Offshore Powerboat Association. This power boat race will be held within New York Harbor and adjacent coastal waters. The event is scheduled to start at 11:00 a.m. and run until 2:00 p.m. Proceeds from this American Powerboat Association sanctioned race are to go to the Statue of Liberty/Ellis Island Restoration Project. Nearly 60 power boats in 5 classes will race around a course designed to give the residents of each of the New York City boroughs a spectacular view of power boat racing. The course will take racers from the lower Hudson River out of New York Harbor under the Verrazano Narrows Bridge, keeping to the west of Ambrose Channel. The course will then run to the vicinity of Romer Shoal and then head out Swash Channel on an offshore leg to Ambrose Light. The power boats will return along the same route back into the harbor, through Buttermilk Channel up into the East River. At Hell's Gate the racers will round Mill Rock and proceed back down the East River. The power boats will pass back through Buttermilk Channel, around Governors Island and back to the finish line in the lower Hudson River. Some of the power boats will make several laps of this course, while others will make shorter loops by not taking the offshore legs. The Coast Guard plans to set up a network of safety patrol vessels using boats provided by the sponsor, local authorities and Coast Guard resources. A large spectator fleet is expected despite the late date of the event. Several areas within New York Harbor and in the vicinity of Sandy Hook may be designated spectator areas for boaters desiring to view the races. In order to provide for the safety of life and property the Coast Guard plans to restrict recreational vessel movement in the vicinity of the race course within New York Harbor and out to the vicinity of Sandy Hook. The East River and Buttermilk Channel will be closed to all recreational boat traffic for the duration of the event.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

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

Date: August 19, 1983.

W. E. Caldwell,

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

[FR Doc. 83-23005 Filed 8-26-83; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NE 1122; A-7-FRL 2423-4]

Approval and Promulgation of Implementation Plans; Nebraska Lead Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: As required by Section 110 of the Clean Air Act and the October 5, 1978 (43 FR 46246), promulgation of national ambient air quality standards (NAAQS) for lead, the State of Nebraska has submitted a State Implementation Plan (SIP) for lead. This action proposes approval of the lead SIP for all areas of the State except Omaha. This area will be addressed in a future rulemaking.

DATES: Interested persons are invited to submit comments on this proposed action on or before September 28, 1983.

ADDRESSES: Copies of the submission and technical support material which explain EPA's actions are available for review at the following address:

Environmental Protection Agency, Region VII, Air Branch, Room 1415, 324 East 11th Street, Kansas City, Missouri 64106

Department of Environmental Control, 301 Centennial Mall, Lincoln, Nebraska 68509

Written comments should be sent to: Dewayne E. Durst, Environmental Protection Agency, Region VII, Air Branch, 324 East 11th Street, Kansas City, Missouri 64106

FOR FURTHER INFORMATION CONTACT: Dewayne E. Durst at the above address or call (816) 374–3791, FTS: 758–3791.

SUPPLEMENTARY INFORMATION:

I. Background

On October 5, 1978, the NAAQS for lead was promulgated by EPA (43 FR 46246). Both the primary and secondary standards were set at a level of 1.5 micrograms per cubic meter of air (ug/m^3) averaged over a calendar quarter. As required by Section 110 of the Clean Air Act (CAA), and the October 5, 1978, promulgation of Lead SIP requirements (43 FR 46264), all States must submit a SIP which will provide attainment and maintenance of the lead NAAQS. Nebraska has developed and submitted such a SIP.

The general requirements for a SIP are cutlined in Section 110 of the Clean Air Act (CAA), and in EPA regulations at 40 CFR Part 51, Subpart B. Specific requirements for developing a lead SIP are outlined in 40 CFR Part 51, Subpart E. These provisions require the submission of air quality data, emission data, air quality modeling, control strategies for each are exceeding the NAAQS, a demonstration that the NAAQS will be attained within the time frame specified by the CAA, and provisions for maintenance of the NAAQS by reviewing new or modified lead sources. EPA has evaluated Nebraska's plan by comparing it to the requirements for an approvable SIP, as set forth in the above mentioned regulations.

II. Description of the Nebraska SIP

On January 9, 1981, the Governor of Nebraska submitted to EPA, the State's

SIP for attainment and maintenance of the NAAQS for lead. A hearing was held on this SIP submission on September 19, 1980. Additional information was submitted by the state on August 5, 1981 and January 11, 1983. Air monitoring data was available for Scottsbluff, Omaha, and Lincoln. Only the data for Omaha showed violations of the standard. The monitoring stations where violations of the standard were recorded are located near two point sources of lead in Omaha, the ASARCO lead refinery and the Gould secondary lead smelter. These violations were recorded in 1978, 1979, 1980 and, at one station, in the first quarter of 1981. Since that time, no quarterly violations of the lead standard have occurred at either of these two stations.

The SIP contained a summary of the statewide inventory of lead emissions. Only the two point sources identified above have lead emissions of greater than five tons per year. There are no other significant lead point sources identified in the state. A mobile source inventory was included for the area where violations of the standard occurred.

The SIP did not contain new source review procedures which meet the requirements of 40 CFR 51.18 for new or modified sources with the potential to emit more than five tons of lead per year. Subsequent to the SIP submittal, a regulation which was designed to meet this requirement was prepared, adopted after public hearing, and submitted to EPA.

The SIP contained dispersion modeling for the area in Omaha where violations of the standard had been measured. The modeling indicated that mobile source contributions are small. The two point sources in the area, ASARCO and Gould, were identified as the major cause of the high levels of lead. The SIP contained a compliance schedule for installation of additional controls at the ASARCO refinery which were designed primarily to reduce process fugitive emissions from the plant. These controls included improved local ventilation hooding over a number of processes with associated additions to the air handling and emission control equipment. The reduction in fugitive emissions resulting from these control measures was estimated to be 40%. The state determined that with the above controls added, the control at the plant would represent reasonably available control technology.

The final compliance date contained in the schedule has now passed and the controls have been installed at the ASARCO plant. The SIP also contained a program of interim measures which would be taken to reduce fugitive emissions at the Gould smelter. However, the control strategy prepared by the state assumed zero emissions from the Gould plant because permanent plant closure was contemplated. The plant is presently not operating, but permanent plant closure is not ensured because sale of the plant and land has not been accomplished nor has the plant been razed.

Even with the controls installed on ASARCO and the emissions from Gould reduced to zero, modeling results in the SIP predicted exceedances of the lead standard. Based upon comments from EPA, the state revised the original emission estimates from both and performed another modeling run for the area. Without assuming unrealistically high capture efficiencies for process fugitive emissions from the plant, the state's results still predicted exceedances of the standard.

Because the SIP did not predict attainment of the lead standard in Omaha by a specific date, the state requested a two year extension for that area. The basis for the request was lack of control technology to provide sufficient control to meet the standard and the fact that all available interim control measures were being applied at ASARCO.

III. Results of EPA Review

Based upon a review of the Nebraska lead SIP submission and additional information submitted by the Nebraska Department of Environmental Control, EPA proposes to approve the lead SIP, except as it pertains to Omaha. Specifically, Nebraska regulations 3 and 4 of the State Pollution Control Rules and Regulations provide for review of new or modified lead sources with greater than 5 tons of lead emissions per year. The state has the authority to prevent construction or modification of such sources if they would cause a violation of the applicable control strategy or interfere with maintenance of the National Ambient Air Quality Standard for lead. Also, Federal regulations pertaining to lead phasedown in gasoline will contribute to continued maintenance of the lead standard in areas of the state not affected by lead point sources. Thus, EPA is proposing to approve Nebraska regulations 3 and 4 as they pertain to review of lead sources.

Because there were measured violations of the lead standard in Omaha since 1974, lead monitoring is required in that area. EPA has already approved Nebraska's monitoring SIP (46 FR 49122, October 6, 1981). A lead monitoring network has been established in Omaha which is consistent with that plan. Lead monitoring is conducted in Omaha by the Omaha-Douglas County Health Department. A description of the monitoring network may be inspected at the Health Department offices located at the Omaha-Douglas Civic Center, Room 705, 1819 Farnam Street, Omaha, Nebraska 68183.

Because there were no measured violations in any portion of the state except Omaha, and because there are no point sources except in Omaha, the control strategy for all portions of the state, except Omaha, is acceptable.

In a letter dated January 11, 1983, the State of Nebraska submitted a schedule to reevaluate the control strategy for Omaha using contractual assistance. A final report is to be submitted by September 1, 1983. If the reevaluation shows that the lead standard is not expected to be exceeded, the state is committed to submit a SIP for the area by October 15, 1983. If the reevaluation shows that the standard is exceeded, a second phase of the contract will be awarded to develop a control strategy for the Omaha area. In this case, the state will submit the SIP for Omaha by March 15, 1984.[1] Because the above schedule relates to the control strategy for Omaha, and this proposal does not cover the lead SIP as it relates to Omaha, EPA is not proposing a finding concerning the approvability of the schedule.

The Nebraska lead SIP lists an attainment date of October 31, 1982. The Governor also requested a two year extension of the attainment date for the Omaha area until October 31, 1984. Since all areas of the State are presently in attainment, with the possible exception of Omaha, EPA agrees with the October 31, 1982 date since that date is as expeditious as practicable for areas of the state which are clearly in attainment. For the Omaha area, the control strategy will be reevaluated and a SIP revision developed. Until the Omaha control strategy is reassessed, EPA cannot determine whether the

[1] Since Nebraska submitted their schedule to EPA for reevaluating the lead SIP for the Omaha area, the U.S. District Court for the District of Columbia has approved an Agreement signed by EPA and the Natural Resources Defense Council, Inc., in settlement of litigation concerning promulgation of lead implementation plans under the Clean Air Act, *NRDC* v. *Ruckelshaus*, No. 82-2137 (D.D.C.). The Agreement establishes specific deadlines for completion of lead SIPs and requires EPA to promulgate Federal plans for states that do not submit them in accordance with the schedule in the Agreement. Under the Agreement, EPA would need to receive the necessary SIP revision for Omaha in time to propose approval of that portion of Nebraska's lead SIP by January 3, 1984.

extension request is justified.[2] Therefore, EPA cannot approve the extension request at this time.

EPA's action: EPA has evaluated the Nebraska lead SIP and determined that, with the exception of the control strategy for the Omaha area, it meets the requirements of Section 110(a) of the CAA and 40 CFR Part 51, Subparts B and E. EPA believes the SIP is adequate to attain and maintain the NAAQS for lead and is therefore proposing approval of the plan, except for the control strategy for Omaha. That portion of the plan will be acted on by EPA in future rulemaking.

The Regional Administrator hereby issues this notice setting forth EPA's proposed approval, with exceptions, of the Nebraska lead SIP and advises the public that interested persons may participate by submitting written comments to the Region VII Office. Comments received on or before the date listed in the DATES section will be considered. Comments received will be available for public inspection at the EPA Region VII Office and at the locations listed in the **ADDRESS** section of this notice.

The Administrator's final decision to approve or disapprove the Nebraska lead SIP will be based on the comments received and on a determination whether the SIP meets the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Subpart B and E and Part 58.

Under Executive Order 12291, today's action is not "Major." It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA and any response are available for public inspection at the EPA Region VII office.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

This notice of proposed rulemaking is issued under the authority of Section 110(a) of the Clean Air Act, 42 U.S.C. 7410(a).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen oxides, Lead, Particulate matter, Carbon monoxide, and Hydrocarbons.

Dated: June 20, 1983.

Morris Kay,

Regional Administrator.

[FR Doc. 83-23579 Filed 8-26-83; 8:45 am]

BILLING CODE 6560-50-M

[2] Under section 110(e), EPA may extend the attainment date a mixmum of two years, if among other findings, it determines that technology is not available to attain the standard within the prescribed time. EPA cannot make such a finding without further information on the adequacy of the control strategy for Omaha. This information will be submitted by the State of Nebraska when they submit the revised SIP for Omaha.

LEGAL SERVICES CORPORATION

45 CFR Part 1611

Eligibility

AGENCY: Legal Services Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule revises the Corporation's regulations governing determination of eligibility for legal services. This revision is needed to clarify the rule, strengthen enforcement procedures, and better focus resources on those in need of legal assistance. This proposed rule sets out more specific and detailed financial eligibility standards, provides for better documentation and verification of eligibility, and slightly narrows the categories of persons and organizations eligible.

DATES: Comments must be received on or before September 28, 1983.

ADDRESS: Comments may be submitted to Office of General Counsel, Legal Services Corporation, 733 Fifteenth Street, N.W., Room 620, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: John C. Meyer, Deputy General Counsel, (202) 272-4010.

SUPPLEMENTARY INFORMATION:

General

This regulation has given rise to repeated issues of interpretation, particularly in the areas of allowable group representation and whether the criteria other than income in § 1611.5 should operate to deny representation to persons within the income limits, as well as to allow representation of persons above the income limits. Furthermore, when complaints as to eligibility have been received, the Corporation has often had difficulty in obtaining the necessary information on which to make a determination. Finally, the lack of increase in Corporation appropriations has prompted a reexamination of eligibility criteria so as to focus resources on those in most need. The significant revisions prompted by these considerations are discussed below.

Income Limitations

The basic income limits remain the same. Two changes are proposed in the exceptions to these income limits in Sec. 1611.4. The first is to set an absolute ceiling of 150% of the maximum income level set by the local program. Irrespective of any of the other factors, such as debts or medical expenses, set forth in § 1611.5, no client may be served if that client's income level exceeds this limit. It is to be noted that local programs may set maximum income levels up to 125% of the Federal Poverty Income Guidelines, so the ceiling can be as high as 187.5% of the Federal Poverty Income Guidelines. Although a few people with higher incomes might reasonably be considered to have some legal need, based on unusual circumstances, none of them would be likely to have need comparable to that of an ordinary poverty income client. Consequently, this absolute ceiling will not work injustice and will serve as a safeguard against expenditure of funds for representation of persons who are not defined as poor.

A second change in the income criteria is the elimination of § 1611.4(c) which allows benefits received from a governmental income maintenance program to be disregarded in computing client income. As the purchasing power of dollars is the same whether derived from a government check or a paycheck, there is no apparent justification for this exception. All factors, such as age, which may be used by the government in granting such income maintenance are also available to the local program under § 1611.5 in deciding whether a client is eligible. Indeed, since the income considered is gross income, a person receiving governmental income maintenance payments may have more disposable income than one receiving income solely from employment and paying, at a minimum, social security taxes.

Criteria Other Than Income

These criteria are lumped together in one list in § 1611.5 of the current regulation. The proposed regulation splits them into two groups. Section 1611.5(b)(1) sets out factors which may be used in justifying serving persons over the recipient's maximum income level. Section 1611.5(b)(2) sets out factors which shall be considered in denying assistance to persons under the recipient's maximum income level. This division was implicit in the current list, as some factors, such as medical expenses, clearly could only favor eligibility, while other factors, such as

the existence of assets, could only disfavor eligibility. Some factors, such as current income prospects, could either favor or disfavor eligibility and are, consequently, found in both of the proposed sections.

The favorable factors "may" be considered, while the unfavorable factors "shall" be considered. This difference in terminology serves to allow a program whose resources are very scarce to use its maximum income level as a bar to eligibility without going through a futile process of considering additional factors when its resources are already committed to serving those who are clearly income-eligible. The use of "shall" with the unfavorable factors requires that inquiry be made as to those of the listed factors that might be relevant to the particular applicant.

There have been two substantive changes made in these factors. The first is that only unpaid taxes from prior years may be considered under the proposed regulation. This change is consistent with previous General Counsel's opinions confirming the general concept that gross income is the eligibility criterion. Prior year unpaid taxes are a special circumstance and are in addition to any current taxes. Furthermore, unpaid taxes are usually an indicator of financial distress.

The second change is that all assets above a "maximum allowable amount", and not just liquid net assets, are counted under the proposed rule.

Assets

A new § 1611.6 is added setting forth detailed rules for the computation of assets. In summary, it allows $1,500 of assets per household ($3,000 if a household member is age 60 or over) to be disregarded. The net value of any assets above this maximum allowable amount must be considered by the program in determining eligibility. Certain assets are exempted in determining the maximum allowable amount. The most important exceptions are equity up to $15,000 in a house, $4,500 in vehicles, $30,000 in farmland used to produce income, and $10,000 in work-related equipment is excluded. Household goods, personal effects, and the cash value of life insurance policies and pension funds (except Keough plans and IRA's) also are excluded. Certain governmental payments including home restoration and disaster loans and grants are excluded as are Indian lands held jointly with the tribe. Finally, trust funds and/or income are excluded if not available to the household under detailed criteria set forth in the regulation.

Group Representation

The present regulation, § 1611.5(c), allows representation of a group if it is either composed primarily of eligible clients or if it has as its primary purpose furtherance of the interests of eligible clients and provides information showing that it lacks the funds to obtain private legal counsel. The proposed regulation requires that a group be composed primarily of eligible clients and provide information showing that it lacks the funds to obtain private counsel.

There are two changes made in the porposed regulation. First, all groups must establish a lack of funds, since even a group composed primarily of eligible clients may have some rich members or may have significant sources of funds other than from its membership. Secondly, the regulation abolishes the category of groups whose primary purpose is furtherance of the interests of eligible clients. There are two interrelated reasons for this change. The first reason is that "furtherance of the interests of eligible clients" is a nebulous standard; the second is that representation of individual eligible clients is the purpose of the Corporation. This purpose can arguably be served by representing groups primarily composed of eligible clients because, presumably, these eligible clients will control the group. To extend this logic to groups not primarily composed of eligible clients is, at best, to allow someone else to use these resources for the benefit of eligible clients, rather than allowing the eligible clients to use these resources for their own benefit.

Disclosure of Financial Eligibility Information

The proposed regulation adds to § 1611.7(c) (formerly § 1611.6(c)) a provision for disclosure of financial eligibility information to the Corporation under carefully limited circumstances. The proposed regulation provides that the Corporation may obtain such information only when allegations questioning the eligibility of a previously identified client have been made. The Corporation may seek only information relating to the financial eligibility of that particular client and this information must be necessary to confirm or deny specific allegations as to the financial eligibility of that client and the recipient program's representation of that client. Information shall be denied to the Corporation if it is protected by the attorney-client privilege.

The recipient is required to notify the client before providing the information to the Corporation, thus allowing the client to seek legal redress if in the client's opinion the information is privileged. Finally, the regulation prohibits disclosure of this information outside the Corporation.

Retainer Agreement

A new § 1611.8 has been added requiring that the recipient program execute a written retainer agreement with each client in a form approved by the Corporation. This is normal practice with many recipients and nearly all private law firms. As a matter of good legal practice and to protect both clients and recipients, it should be made universal practice as is proposed herein.

"Brief advice and consultation" is exempted from this requirement. This would include most telephone contacts, unless an action is commenced or continuing services are provided. As a general guideline matters requiring not more than an hour of staff time which are concluded in a day may be included in this category.

List of Subjects in 45 CFR Part 1611

Eligibility, Legal services.

For the reasons set out above, 45 CFR Part 1611 is proposed to be amended by revising §§ 1611.1 through 1611.9 as follows:

PART 1611—ELIGIBILITY

Sec.

Authority: Section 1007(a)(2); 42 U.S.C. 2996(a)(2).

§ 1611.1. Purpose.

This part is designed to ensure that a recipient will determine eligibility according to criteria that give preference to the legal needs fo those least able to obtain legal assistance, and afford sufficient latitude for a recipient to consider local circumstances and its own resource limitations. The part also seeks to ensure that eligibility is determined in a manner conducive to development of an effective attorney-client relationship.

§ 1611.2 Definitions.

"Governmental income maintenance program" means aid for dependent children, supplemental security income, unemployment compensation and a

State or county general assistance or home relief program.

"Governmental program for the poor" means any Federal, State or local program that provides benefits of any kind to persons whose eligibility is determined on the basis of financial need.

"Income" means actual current annual total cash receipts before taxes of all persons who are resident members of, and contribute to, the support of a family unit.

"Total cash receipts" include money wages and salaries before any deduction, but do not include food or rent in lieu of wages; income from self employment after deductions for business or farm expenses; regular payments from public assistance; social security; unemployment and worker's compensation; strike benefits from union funds; veterans benefits; training stipends; alimony, child support and military family allotments or other regular support from an absent family member or someone not living in the household; public or private employee pensions, and regular insurance or annuity payments; and income from dividends, interest, rents, royalties or from estates and trusts. They do not include money withdrawn from a bank, tax refunds, gifts, compensation and/or one-time insurance payments for injuries sustained, and non-cash benefits.

§ 1611.3 Maximum income level.

(a) Every recipient shall establish a maximum annual income level for persons to be eligible to receive legal assistance under the Act.

(b) Unless specifically authorized by the Corporation, a recipient shall not establish a maximum annual income level that exceeds one hundred and twenty-five percent (125 percent) of the current official Federal Poverty Income Guidelines. The maximum annual income levels are set forth in Appendix A.

(c) Before establishing its maximum income level, a recipient shall consider relevant factors including:

(1) Cost-of-living in the locality;

(2) The number of clients who can be served by the resources of the recipient;

(3) The population who would be eligible at and below alternative income levels; and

(4) The availability and cost of legal services provided by the private bar in the area.

(d) Unless authorized by Section 1611.4, no person whose income exceeds the maximum annual income level established by a recipient shall be eligible for legal assistance under the Act.

(e) This part does not prohibit a recipient from providing legal assistance to a client whose annual income exceeds the maximum income level established here, if the assistance provided the client is supported by funds from a source other than the Corporation.

§ 1611.4 Authorized exceptions.

A person whose gross income exceeds the maximum income level established by a recipient but does not exceed 150 percent of that level may be provided legal assistance under the Act if:

(a) The person's circumstances require that eligibility should be allowed on the basis of one or more of the factors set forth in § 1611.5(b)(1); or

(b) The person is seeking legal assistance to secure benefits provided by a governmental program for the poor.

§ 1611.5. Determination of eligibility.

(a) The governing body of a recipient shall adopt guidelines, consistent with these regulations, for determining the eligibility of persons seeking legal assistance under the Act. At least once a year, guidelines shall be reviewed and appropriate adjustments made.

(b) In addition to gross income, a recipient shall consider the other relevant factors listed in paragraphs (b)(1) and (b)(2) of this section before determining whether a person is eligible to receive legal assistance.

(1) Factors which may be used to justify serving clients over the maximum income level shall include:

(A) Current income prospects, taking into account seasonal variations in income;

(B) Medical expenses;

(C) Fixed debts and obligations, including unpaid Federal, state and local taxes from prior years;

(D) Child care, transportation, and other expenses necessary for employment;

(E) Expenses associated with age or physical infirmity of resident family members; and

(F) Other significant factors related to financial inability to afford legal assistance.

(2) Factors which shall be considered in denying assistance to an otherwise eligible individual shall include:

(A) Current income prospects, taking into account seasonal variations in income;

(B) The availability of private legal representation at a low cost with respect to the particular matter in which assistance is sought;

(C) The consequences for the individual if legal assistance is denied;

(D) The existence of assets, including both liquid and nonliquid, which exceed the maximum amount allowable set forth in § 1611.6;

(E) Other factors related to financial inability to afford legal assistance, which may include evidence of a prior administrative or judicial determination that the person's present lack of income results from refusal or unwillingness, without good cause, to seek or accept suitable employment; and

(c) A recipient may provide legal assistance to a group, corporation, or association if it is primarily composed of persons eligible for legal assistance under the Act and if it provides information showing that it lacks, and has no practical means of obtaining, funds to retain private counsel.

§ 1611.6 Maximum allowable assets.

The maximum allowable assets, including both liquid and nonliquid assets, of all members of the applicant's household shall not exceed $1,500 for the household, except that, for households of two or more members including a member or members age 60 or over, such assets shall not exceed $3,000.

(a) In determining the assets of a household, the following shall be included and documented by the recipient in sufficient detail to permit verification:

(1) Liquid assets, such as cash on hand, money in checking or savings accounts, savings certificates, stocks or bonds, lump sum payments, funds held in individual retirement accounts (IRA's) and funds held in Keogh plans which do not involve the household member in a contractual relationship with individuals who are not household members. In counting assets of households with IRA's or includable Keogh plans, the recipient shall include the total cash value of the account or plan minus the amount of the penalty (if any) that would be exacted for the early withdrawal of the entire amount in the account or plan; and

(2) Nonliquid assets, personal property, licensed and unlicensed vehicles, buildings, land, recreational properties, and any other property, provided that these assets are not specifically excluded under paragraph (c) of this section. The value of nonexempt assets shall be their equity value. The equity value is the fair market value less encumbrances.

(b) Assets owned jointly by separate households shall be considered available in their entirety to each

household, unless it can be demonstrated by the applicant household that such resources are inaccessible to that household. If the household can demonstrate that it has access to only a portion of the asset, the value of that portion of the asset shall be counted toward the household's asset level. The asset shall be considered totally inaccessible to the household if the asset cannot practically be subdivided and the household's access to the value of the asset is dependent on the agreement of a joint owner who refuses to comply. For the purpose of this provision, ineligible aliens or ineligible individuals residing with the household shall be considered household members. Assets shall be considered inaccessible to persons residing in shelters for battered women and children, if

(1) The assets are jointly owned by such persons and by members of their former household; and

(2) The shelter resident's access to the value of the assets is dependent on the agreement of a joint owner who still resided in the former household.

(c) In determining the assets of a household, only the following shall be excluded:

(1) Equity not to exceed $15,000, in a home and surrounding property which is not separated from the home by intervening property owned by others. Public rights of way, such as roads which run through the surrounding property and separate it from the home, shall not affect the exemption of the property. The home and surrounding property shall remain exempt when temporarily unoccupied for reasons of employment, training for future employment, illness, or uninhabitability caused by casualty or natural disaster, if the household intends to return. Households that currently do not own a home, but are purchasing a lot on which they intend to build or are building a permanent home, shall receive an exclusion for the value of the lot and, if it is partially completed, for the home not to exceed an equity value of $15,000.

(2) Household goods, personal effects, including one burial plot per household member, and the cash value of life insurance policies. The cash value of pension plans or funds shall be excluded, except that Keogh plans which involve no contractual relationship with individuals who are not household members and individual retirement accounts (IRA's) shall not be excluded under this paragraph.

(3) One or more licensed vehicles with a total equity value not exceeding $4,500. The exclusion also includes an unlicensed vehicle on those Indian reservations that do not require vehicles driven by tribal members to be licensed.

(4) Equity value in farmland not to exceed $30,000 provided that the property is essential to the self-employment of a household member and that the owner is attempting to produce income consistent with its fair market value, even if only used on a seasonal basis.

(5) Equity value in work-related equipment not to exceed $10,000.00 which is essential to the employment or self-employment of a household member, provided that the owner is attempting to produce income consistent with its fair market value.

(6) Any governmental payments which are designated for the restoration of a home damaged in a disaster, if the household is subject to a legal sanction if the funds are not used as intended; for example, payments made by the Department of Housing and Urban Development through the individual and family grant program or disaster loans or grants made by the Small Business Administration.

(7) Assets having a cash value which is not accessible to the household, such as but not limited to, irrevocable trust funds, security deposits on rental property or utilities, property in probate, and real property which the household is making a good faith effort to sell at a reasonable price and which has not been sold. The recipient shall verify that the property is for sale and that the household has not declined a reasonable offer. Verification may be obtained through a collateral contact or documentation, such as an advertisement for public sale in a newspaper or general circulation or a listing with a real estate broker. Any funds in a trust or transferred to a trust, and the income produced by that trust to the extent it is not available to the household, shall be considered inaccessible to the household if:

(i) The trust arrangement is not likely to cease during the certification period and no household member has the power to revoke the trust arrangement or change the name of the beneficiary during the certification period;

(ii) The trustee administering the funds is either (A) a court, or an institution, corporation, or organization which is not under the direction or ownership of any household member or (B) an individual appointed by the court who has court imposed limitations placed on his/her use of the funds which meet the requirements of this paragraph;

(iii) Trust investments made on behalf of the trust do not directly involve or assist any business or corporation under the control, direction, or influence of a household member.

(8) Indian lands held jointly with the Tribe, or land that can be sold only with the approval of the Department of the Interior's Bureau of Indian Affairs; and

(10) Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (Pub. L. 91-646, section 216).

§ 1611.7 Manner of determining eligibility.

(a) A recipient shall adopt a simple form and procedure to obtain information to determine eligibility in a manner that promotes the development of trust between attorney and client. The form and procedure adopted shall be subject to approval by the Corporation, and the information obtained shall be preserved, in a manner that protects the identity of the client, for audit by the Corporation.

(b) If there is substantial reason to doubt the accuracy of the information, a recipient shall make appropriate inquiry to verify it, in a manner consistent with an attorney-client relationship.

(c) Information furnished to a recipient by a client to establish financial eligibility shall not be disclosed to any person who is not employed by the recipient in a manner that permits identification of the client, without express written consent of the client, except that the recipient shall provide such information to the Corporation when:

(1) The Corporation is investigating allegations that question the financial eligibility of a previously identified client and the recipient's representation thereof;

(2) The information sought by the Corporation relates solely to the financial eligibility of that particular client;

(3) The information sought by the Corporation is necessary to confirm or deny specific allegations relating to that particular client's financial eligibility and the recipient's representation thereof; and

(4) The specific information sought by the Corporation is not protected by the attorney client privilege.

The information provided to the Corporation by the recipient shall not be disclosed to any person who is not employed by the Corporation. Prior to providing the information to the Corporation, the recipient shall notify the client that the recipient is required to provide to the Corporation the information sought.

§ 1611.8 Retainer agreement.

(a) A recipient shall execute a written retainer agreement, in a form approved by the Corporation, with each client who receives legal services from the recipient. The retainer agreement shall be executed when representation commences, and shall clearly identify the relationship between the client and the recipient, the matter in which representation is sought, the nature of the legal services to be provided, and the rights and responsibilities of the client. The recipient shall retain the executed retainer agreement as part of the client's file, and shall make the agreement available for review by the Corporation in a manner which protects the identity of the client.

(b) A recipient is not required to execute a written retainer agreement when the only service to be provided is brief advice and consultation.

§ 1611.9 Change in circumstances.

If an eligible client becomes ineligible through a change in circumstances, a recipient shall discontinue representation if the change in circumstances is sufficently likely to continue for the client to afford private legal assistance, and discontinuation is not inconsistent with the attorney's professional responsibilities.

* * * * *

Dated: August 25, 1983.

Donald P. Bogard,

President.

[FR Doc. 83-23779 Filed 8-26-83; 8:45 am]

BILLING CODE 6820-35-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[Gen. Docket No. 83-841; FCC 83-83-373]

Integrated Services Digital Networks; Inquiry

Correction

In FR Doc. 83-22592 beginning on page 37464 in the issue of Thursday, August 18, 1983, make the following corrections.

1. On page 37464, second column, the replies comment date now reading "September 2, 1983" should read "October 18, 1983".

2. On page 37471, second column, paragraph numbered 58, "September 2, 1983" should read "October 18, 1983".

BILLING CODE 1505-01-M

47 CFR Part 90

[PR Docket No. 83-737]

Frequency Coordination in the Private Land Mobile Radio Services; Correction

AGENCY: Federal Communications Commission.

ACTION: Notice of Inquiry; Correction.

SUMMARY: This document corrects the Appendix of the Notice of Inquiry of PR Docket 83-737, 48 FR 35149 concerning frequency coordination in the private land mobile radio services by replacing an incorrect rule, § 90.175(a)(1).

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20544.

FOR FURTHER INFORMATION CONTACT: Eugene Thomson, Private Radio Bureau, (202) 634-2443.

Erratum

In the matter of frequency coordination in the private land mobile radio services, PR Docket No. 83-737.

Released: August 19, 1983.

On July 25, 1983, the Commission released a Notice of Inquiry (FCC **Federal Register** on August 3, 1983, 48 FR 35149. This erratum makes a correction in the Appendix of that item.

PART 90—[CORRECTED]

1. In Appendix A, replace § 90.175(a)(1) in its entirety with the following:

§ 90.174 Frequency coordination requirements.

* * * * *

(a) For frequencies below 470 MHz:

(1) A report based on a field study indicating the degree of probable interference to all existing co-channel stations within 120 km. (75 mi.) of the proposed stations, together with a statement that all such co-channel licensees have been notified of the applicant's intention to apply. In addition, for frequencies in the range 150-170 MHz, a report based on a field study indicating the degree of probable interference to existing stations located between 16 and 56 km. (10 and 35 mi.) (12 and 56 km. for taxicabs) from the proposed station, operating on a frequency 15 kHz removed, and a statement that the licensees of such stations have been notified of the applicant's intention to apply. In situations in which adjacent channel licensees in the 150-170 MHz band consent to spacing less than 16 km (12 km in the Taxicab Radio Service) it is unnecessary to submit with the application a report based on a field study indicating the degree of probable interference to existing stations.

* * * * *

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-23611 Filed 8-26-83; 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; Proposed Endangered Status and Critical Habitat for the Amargosa Vole

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine Endangered status and Critical Habitat for the Amargosa vole, a small mammal. This vole has been eliminated from portions of its range as a result of human encroachment and the burning and overgrazing of its habitat. It became so rare that it was once thought extinct, and is now known only from bulrush marshes near Tecopa and Tecopa Hot Springs in southeastern Inyo County, California. This proposal, if made final, would implement the protection provided by the Endangered Species Act of 1973, as amended, for the Amargosa vole. The Service seeks relevant data and comments from the public.

DATES: Comments from the public and the State of California must be received by October 28, 1983.

Public hearing requests must be received by October 13, 1983.

ADDRESSES: Interested persons or organizations are requested to submit comments to the Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 Northeast Multnomah Street, Portland, Oregon 97232. Comments and materials received will be available for public inspection, by appointment during normal business hours, in the Service's Endangered Species Office at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Sanford R. Wilbur at the above address (503/231-6131 or FTS 429-6131).

SUPPLEMENTARY INFORMATION:

Background

The Amargosa vole (*Microtus californius scirpensis*) was first

described in 1900 from specimens collected at a spring near Shoshone on the Amargosa River, southeastern Inyo County, California (Bailey 1900). Subsequently, the Amargosa vole was extirpated from the Shoshone area (Bleich 1980, Kellog 1918), and it was once thought to be extinct throughout its limited range. However, remnant populations of the subspecies were recently discovered in marshes along the Amargosa River near Tecopa and Tecopa Hot Springs (Bleich 1980, Gould and Bleich 1977). The knowledge that the Amargosa vole was not extinct was brought to the attention of resource agencies in 1979 (Bleich 1979), and the following year the U.S. Fish and Wildlife Service was petitioned to list the vole as Endangered. A notice of acceptance of petition and status review was published in the **Federal Register** of June 18, 1980 (45 FR 41172–41173). Based on the best scientific and commercial data available after the status review, the Service finds that the petitioned action is warranted and hereby publishes this proposed rule to implement the action in accordance with Section 4(b)(3)(B)(ii) of the Act.

The historic range of the Amargosa vole is probably the most restricted of any of the 17 currently recognized subspecies of *Microtus californicus* (Hall 1981). The Amargosa vole is known only from marshes located adjacent to the Amargosa River in southeastern Inyo and northeastern San Bernardino Counties, California. Marshes inhabited by the vole characteristically show a dominance of bulrush (*Scirpus olneyi*) and have some open water nearby (Bleich 1980). The occurrence of bulrush marshes is naturally restricted in this arid region to the vicinity of springs or portions of the Amargosa River with permanent flow. The Amargosa River is dry throughout most of its course.

The primary reasons for the extirpation of the Amargosa vole near Shoshone and its reduction near Tecopa and Tecopa Hot Springs are human encroachment, burning of marshes, and overgrazing. Pumping of ground water may be responsible for drying of some spring habitats. Remaining populations are highly localized and consist of small numbers of animals (Bleich 1980).

Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 amendments) set forth the procedures for adding species to the Federal lists. The Secretary of the Interior shall determine whether any species is an Endangered species or a Threatened species due to one or more of the five factors described in Section 4(a)(1) of the Act. These factors, and their application to the Amargosa vole, are as follows.

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* In the arid Amargosa Desert most development activities occur in areas near permanent water sources. Thus the marsh habitat of the Amargosa vole has been considerably modified by human encroachment. The spring at Shoshone has been diverted and channelized to allow for construction of a high school swimming pool. The development of springs in the Tecopa Hot Springs area for mineral baths and the spread of mobile home courts have greatly modified or eliminated marsh habitat. Such modification of springs and marshes in the Tecopa Hot Springs area has already caused the extinction of the Tecopa pupfish, a small fish endemic to the region (see **Federal Register** of January 15, 1982 (47 FR 2317–2319)).

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Not known to be a problem.

C. *Disease or predation.* Not known to be a problem.

D. *The inadequacy of existing regulatory mechanisms.* The California State Fish and Game Commission lists the Amargosa vole as endangered and, therefore, regulations are in effect that prohibit taking. The main problem of the vole, however, is not direct taking, but loss of habitat.

E. *Other natural or manmade factors affecting its continued existence.* Competition from introduced species may have been a contributing factor in the decline of the Amargosa vole at Shoshone. The house mouse (*Mus musculus*) was reported by Bleich (1980) as very common in marsh habitats around Shoshone.

Critical Habitat

Section 4(a)(3) of the Endangered Species Act, as amended, requires the Secretary to designate the "Critical Habitat" of a species, concurrent with listing, "to the maximum extent prudent and determinable." The Act defines Critical Habitat as (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of Section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provision of Section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

The proposed Critical Habitat for the Amargosa vole falls within an overall zone of 5,960 acres in southeastern Inyo County, California. Within this zone, the Critical Habitat consists of marshes and associated land and water along the Amargosa River, from just north of Tecopa Hot Springs to the Amargosa Canyon, just south of Tecopa.

In considering designation of Critical Habitat, 50 CFR 424.12(b) requires focus on the biological or physical constituent elements within the defined area that are essential to the conservation of the species involved. With respect to the Amargosa vole, the areas proposed as Critical Habitat satisfy all known criteria for the ecological, behavioral, and physiological requirements of the species. The marsh vegetation (primarily bulrush) provides sufficient cover for escape from predators and also serves as a food source. Small populations of the Amargosa vole are still able to survive and reproduce in the remaining suitable marsh habitat around Tecopa and Tecopa Hot Springs. These areas may not, however, include the entire habitat of the Amargosa vole, and modifications to the Critical Habitat designation may be proposed in the future.

Subsection 4(b)(8) of the Act requires that, to the maximum extent practicable, any proposal to determine Critical Habitat be accompanied by a brief description and evaluation of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or may be affected by such designation. In the case of the Amargosa vole, such activities include burning or otherwise removing marsh vegetation, overgrazing of marsh or adjacent vegetation, pumping of ground water supplies, diverting or channelizing springs or the Amargosa River, off-road vehicle use in or adjacent to marsh areas, use of herbicides or rodenticides, and introduction of exotic plant or animal species.

Subsection 4(b)(2) of the Act requires the Service to consider economic and other impacts of specifying a particular area as Critical Habitat. Therefore, an impact analysis will be prepared prior to the time of final rule and will be used as the basis of a decision on whether or not to exclude any area from Critical Habitat for the Amargosa vole. The Service is notifying Federal agencies

that may have jurisdiction over the land and water under consideration in this proposal. These agencies and other interested parties are requested to submit information on economic or other impacts of the proposed measure. No activities involving Federal agencies are presently known that may have an impact on the habitat of the Amargosa vole.

It should be emphasized that Critical Habitat designation does not necessarily affect Federal activities. If appropriate, the impacts will be addressed during consultation with the Service as required by Section 7 of the Endangered Species Act of 1973, as amended.

Available Conservation Measures

Endangered species regulations already published in Title 50 Section 17.21 of the U.S. Code of Federal Regulations set forth a series of general prohibitions and exceptions that apply to all Endangered wildlife species. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale any Amargosa vole in interstate or foreign commerce. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving Endangered wildlife under certain circumstances. Regulations governing such permits are codified at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as Endangered or Threatened. This proposed rule requires Federal agencies to satisfy their statutory obligations with respect to the Amargsoa vole. Agencies will now be required, in accordance with Section 7(a)(4), to confer with the Service on any action that is likely to jeopardize this species or result in the destruction or adverse modification of its Critical Habitat. If the Amargosa vole is actually added to the List of Endangered and Threatened Wildlife, Section 7 would require Federal agencies to insure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of this species or result in the destruction or adverse modification of its Critical Habitat.

The proposed rule would also bring Sections 5 and 6 of the Endangered Species Act into effect with respect to the Amargosa vole. Section 5 authorizes the acquisition of lands for the purpose of conserving Endangered and Threatened species. Pursuant to Section 6, the Fish and Wildlife Service would be able to grant funds (should they become available) to the State of California for management actions aiding the protection and recovery of the vole.

Listing the Amargosa vole as Endangered would allow for development of a recovery plan for this mammal. Such a plan would draw together the State and Federal agencies having responsibility for conservation of the vole. The plan would establish an administrative framework, sanctioned by the Act, for agencies to coordinate activities and cooperate with each other in conservation efforts. The plan would set recovery priorities and estimate the cost of the various tasks necessary to accomplish them. It would assign appropriate functions to each agency and a time frame within which to complete them.

The Service also will now review the Amargosa vole to determine whether it should be considered for placement upon the Annex of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, and whether it should be considered for other appropriate international agreements.

National Environmental Policy Act

A draft environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Portland Regional Office (see **ADDRESSES** section above) and may be examined by appointment during regular business hours. A determination will be made at the time of a final rule as to whether this is a major Federal action that would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 (implemented at 40 CFR Parts 1500–1508).

Public Comments Solicited

The Service intends that the rules finally adopted will be as accurate and effective as possible in the conservation of Endangered or Threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial, or other relevant data concerning any threat (or the lack thereof) to the Amargosa vole;

(2) The location of and the reasons why any habitat of this mammal should or should not be determined to be Critical Habitat as provided for by Section 4 of the Act;

(3) Additional information concerning the range and distribution of this mammal;

(4) Current or planned activities that may adversely modify the area being considered for designation as Critical Habitat; and

(5) The foreseeable economic and other impacts of the Critical Habitat designation of Federal activities, private individuals, etc.

Final promulgation of the regulations on the Amargosa vole will take into consideration the comments and any additional information received by the Service, and such communications may lead to final regulations that differ from the proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing to the Regional Director (See **ADDRESSES** section above).

Author

The primary author of this proposal is Dr. Jack E. Williams, Endangered Species Office, U.S. Fish and Wildlife Service, 1230 "N" Street, 14th Floor, Sacramento, California 95814 (916/484–4664 or FTS 448–2791).

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List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulations Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the U.S. Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. It is proposed to amend § 17.11(h) by adding the following, in alphabetical order, to the List of Endangered and Threatened Wildlife, under Mammals:

§ 17.11 Endangered and threatened wildlife.

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*	*		*
Vole, Amargosa	Microtus californicus scirpensis.	U.S.A. (CA)	Entire	E		17.95(a)	NA.
*	*	*	*	*	*		*

3. It is further proposed that § 17.95(a), Mammals, be amended by adding the Critical Habitat of the Amargosa vole after that of the Morrois Bay Kangaroo rat as follows:

§ 17.95 Critical habitat—fish and wildlife.

(a) * * *

Amargosa vole

(Microtus californicus scirpensis)

California. Marshes and associated land and water in the following areas of Inyo County (San Bernardino Meridian): T. 20 N., R 7 E., Secs. 4, 5, 9, W½ sec. 10, SW¼SW¼ sec. 15, E½ sec. 16, NW¼ sec. 22; T. 21 N., R 7 E., secs. 20, 28, 29, 32, 33.

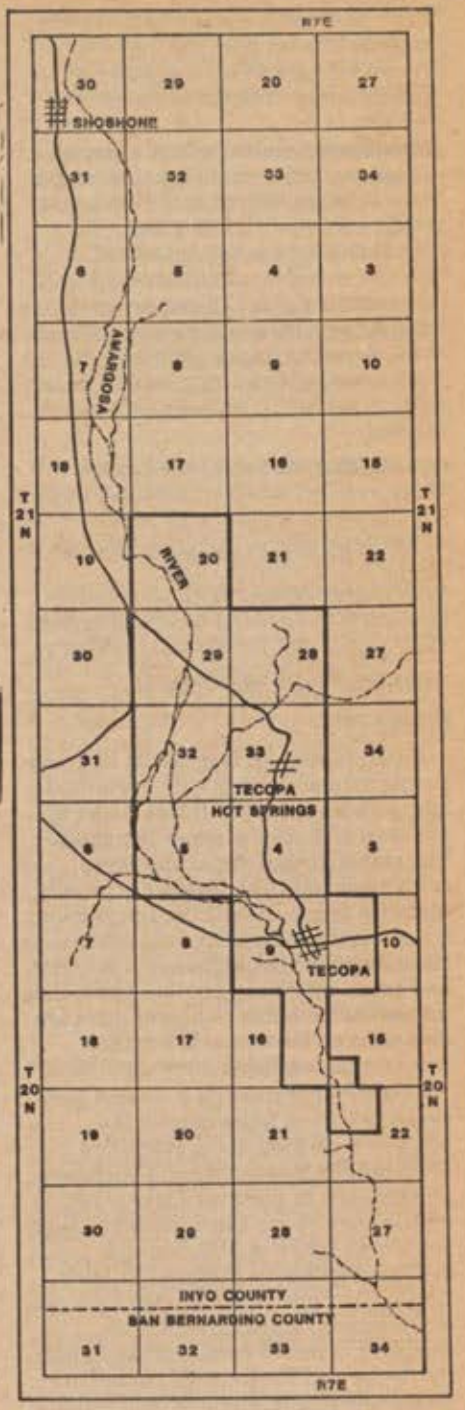
Within these areas, the major constituent elements that are known to require special managment considerations or protection are marsh vegetation (primarily bulrushes of the genus *Scirpus*), springs, and some open water along the Amargosa River, which provide escape cover and an adequate food supply.

* * * * *

Dated: July 25, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.



[FR Doc. 83-23578 Filed 8-26-83; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal To Determine Phlox pilosa var. longipilosa (Long-Haired Phlox) To Be a Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter the Service) proposes to list a plant, *Phlox pilosa* var. *longipilosa* (long-haired phlox), as a Threatened species under the authority contained in the Endangered Species Act of 1973, as amended (hereinafter the Act). This plant is endemic to southwestern Oklahoma in Greer and Kiowa Counties, and occurs on State and private lands. The populations are threatened by quarrying, grazing, development, and recreation. If finalized, this proposal will provide *Phlox pilosa* var. *longipilosa* with the official protection provided by the Act for a Threatened species. The Service seeks data and comments from the public on this proposal.

DATES: Comments from the public and the State of Oklahoma must be received by October 28, 1983. Public hearing requests must be received by October 13, 1983.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Comments and materials received will be available for public inspection during normal business hours, by appointment, at the Service's Regional Office of Endangered Species, 421 Gold Avenue, S.W., Room 407, Albuquerque, New Mexico.

FOR FURTHER INFORMATION CONTACT: Dr. Russell L. Kologiski, Botanist, Region 2 Endangered Species staff (see **ADDRESSES** above) (505/766–3972) or Mr. John L. Spinks, Jr., Chief, Washington Officer of Endangered Species, U.S. Fish and Wildlife Services, Washington, D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

Phlox pilosa var. *longipilosa* has rose-purple tubular flowers with horizontal lobes. There are many flower clusters per stem and several stems per plant. The plants are perennial and 30–45 centimeters tall. The leaves are usually opposite, linear, 2.5–6.2 centimeters long, 0.3–0.6 centimeters wide, and borne close together. The inflorescence, stems, and calyx are densely covered with long pointed hairs. Some glandular hairs are also present. Flowering is from late April through mid-June.

This variety presently is known only from the Quartz Mountains in the western extension of the Wichita Mountains in Southwestern Oklahoma, and is a part of the native mid-grass prairie ecosystem. There are herbarium specimens taken in 1937 from the Wichita Mountains National Wildlife Regfuge in Comanche County to the east of the present known distribution. However, a recent survey of the Refuge by Taylor and Taylor (1981) failed to locate any plants, and it is believed that if the species is still extant in that area, its population must be very small.

This plant may have only recently evolved as a separate variety, and thus is of interest in an evolutionary sense (Taylor and Taylor, 1981). This taxon was treated as a variety or subspecies of *Phlox pilosa* by Wherry (1955); Waterfall (1971) considered it to be a full species, *Phlox longipilosa*. After studying this plant however, Taylor and Taylor (1981) concluded that it warrants status as a variety of *Phlox pilosa*.

Ayensu and DeFilipps (1978) considered *Phlox pilosa* var. *longipilosa* (long-haired phlox) to be an Endangered species. This classification by Ayensu and DeFilipps led the Service to include the long-haired phlox (under the synonym *Phlox longipilosa)* in a notice of review for plants published in the **Federal Register** (45 FR 82480) on December 15, 1980. The Service contracted with Drs. R. J. and C. E. Taylor to conduct a survey of the long-haired phlox, and to advise on its current status in the wild. In May 1981, Taylor and Taylor submitted a final report to the Service that documented the threats to the long-haired phlox, delineated its present known range, and recommended that it be listed as a Threatened species pursuant to the Act. The recommendation for Threatened rather than Endangered status was based on the fact that the species occurs at a number of widely scattered sites, and is common on some of these. Thus, it is likely within the foreseeable future to become an Endangered species (definition of Threatened) rather than extinct (definition of Endangered) throughout all or a significant part of its range. The present document acknowledges acceptance of the findings of Taylor and Taylor by officially proposing *Phlox pilosa* var. *longipilosa* to be a Threatened species.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424) set forth the procedures for adding species to the Federal list. The Secretary of the Interior shall determine whether any species is an Endangered species or a Threatened species due to one or more of the five factors described in Section 4(a)(1) of the Act. Factor A is the most relevant to this species. All of these factors and their application to *Phlox pilosa* var. *longipilosa* (long-haired phlox) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range. Phlox pilosa* var. *longipilosa* is a geographically isolated variety which is restricted to a very small range. Extensive surveys have not located any recent populations other than those in Quartz Mountain State Park and a few to the north and west of the park. Herbarium specimens collected in 1937 indicate that the species may have occurred on the Wichita Mountains National Wildlife Refuge in Comanche County, but recent surveys have failed to disclose its current presence there. There are three presently known populations on about three parcels of private land on a granite outcrop just north of the town of Granite. They are in back yards, a Girl Scout camp, and adjacent to a large quarry. One population is on about 2 acres; the others are on less than ½ acre. The mountain west of Lake Altus has one population on the west side on private land, and two on the east side, in Quartz Mountain State Park. King Mountain, in Quartz Mountain State Park, has populations on the north and west sides. Populations consist from 5 or 6 plants to about 150 plants; the larger populations may be scattered over several acres and are generally in less-used areas in the State Park. The eastern portion of the park has been developed for recreation and has picnic tables, two youth camps, campgrounds, and a lodge. Mowing of grass in this area has damaged the *Phlox* population. This area receives high use. The two park populations on King Mountain are in areas that currently receive less recreational use, and have larger populations of the *Phlox*. Expansion of the quarry, grazing on private land, or expanded park use could easily place this plant in danger of extinction. This species needs additional protection and management as it is being impacted by recreational use in sections of the park and potentially by grazing and development on private land.

B. *Overutilization for commercial, recreational, scientific or educational purposes.* This may be a potential threat to the species. Many species of phlox are in cultivation as ornamentals, and *Phlox longipilosa* is an attractive perennial which could be of horticultural interest. At present, however, the Service is not aware of the species' ever having been used for that purpose and this factor is not applicable.

C. *Disease or predation* (including grazing). This plant appears to be harmed by overgrazing, and further study of this problem is needed.

D. *The inadequacy of existing regulatory mechanisms.* There is currently no specific State or Federal protection for *Phlox pilosa* var. *longipilosa*. An Oklahoma State law prohibits plant collection in State parks, but this prohibition is difficult to enforce and does not affect the harmful actions, other than collection, which are the major threats to this plant.

E. *Other natural or manmade factors affecting its continued existence.* Overgrazing of native mid-grass prairie could reduce some populations by interfering with maintenance or natural succession of this plant community. The

invasion of native prairie by woody species could degrade or eliminate the habitat.

Because this plant occurs at a number of widely scattered sites, and is common at some of these, it is not at present considered to be an Endangered species as defined by the Act. However, based upon the threats enumerated above, the Service believes that it is a Threatened species (viz., one that is likely to become Endangered within the foreseeable future).

Critical Habitat

The Act requires that Critical Habitat be designated at the time a species is listed, to the maximum extent prudent and determinable. Critical Habitat is not being proposed for *Phlox pilosa* var. *longipilosa* because doing so may increase the vulnerability of the species and thus Critical Habitat designation is not considered prudent. Collecting could become a threat to this species, as it has a brightly colored flower and could be cultivated. This attractiveness is substantiated by widespread ornamented cultivation of other *Phlox* species. The Endangered Species Act of 1973, as amended, requires publication of Critical Habitat maps in the **Federal Register** which could draw attention to this phlox and promote taking by collectors.

Available Conservation Measures

This proposal, if made final, could serve to enhance the survival of long-haired phlox in the wild. Listing of a species may lead to the development of a recovery plan, and can result in funds being made available for research and other activities that could benefit the species. For instance, although this phlox is now known to occur only on three isolated granite hills in southwestern Oklahoma, it has been collected in the past (1937) on the Wichita Mountains National Wildlife Refuge farther to the east in Comanche County. Although no extant populations are believed to occur there now, that area is apparently a part of the historic range of the species, and would represent a logical reintroduction site. Planning and funds for such a reintroduction could develop as a result of listing this phlox as Threatened.

Section 7(a)(4) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as Endangered or Threatened. Federal agencies are required under Section 7(a)(4) to informally confer with the Secretary on any action that is likely to jeopardize proposed species. This protection will now accrue to *Phlox pilosa* var. *longipilosa*. If published as a final rule, Federal agencies will be required to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of *Phlox pilosa* var. *longipilosa*. Provisions for Interagency Cooperation which implement Section 7 of the Act are codified at 50 CFR Part 402. The Act and implementing regulations published in the June 24, 1977, **Federal Register** set forth a series of general trade prohibitions and exceptions which apply to all Threatened plant species. The regulations pertaining to Threatened plants are found at 50 CFR Sections 17.71 and 17.72 and are summarized in the following text.

If it is listed as Threatened, all trade prohibitions of Section 9(a)(2) of the Act, implemented by 50 CFR 17.71, would apply to *Phlox pilosa* var. *longipilosa*, except for an exemption with respect to seeds from cultivation. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import, export, or transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer this species for sale in interstate or foreign commerce. Certain exceptions would apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.72 also provide for the issuance of permits to carry out otherwise prohibited activities involving Threatened species, under certain circumstances.

International and interstate commercial trade in *Phlox pilosa* var. *longipilosa* is known to exist. It is not anticipated that many trade permits involving plants of wild origin would ever be issued since this plant is not common in the wild and is not presently in cultivation.

Section 9(a)(2)(B) of the Act, as amended in 1982, states that it is unlawful to remove and reduce to possession Endangered plant species from areas under Federal jurisdiction. Section 4(d) provides for regulations to provide this protection to Threatened plant species. This new prohibition will apply to *Phlox pilosa* var. *longipilosa* once new regulations are promulgated. Permits for exceptions to this prohibition are available through Sections 10(a) and 4(d) of the Act, following the general approach of 50 CFR 17.72 until revised regulations are promulgated. Although this species is not now known to occur on Federal lands, herbarium specimens indicate that at one time, it did range eastward to the Wichita Mountains National Wildlife Refuge. If populations should be found on that Refuge, all of the above provisions would apply to those populations. Also, if populations are reintroduced onto the Refuge in the future these regulations may apply to them.

Requests for copies of the regulations on plants and inquires regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1903).

The Service will now review this species to determine whether it should be considered for the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere for placement upon its annex, and whether it should be considered for other appropriate international agreements.

National Environmental Policy Act

An Environmental Assesement has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia, and the Regional Office (see **ADDRESSES** section), and may be examined by appointment during regular business hours. This assessment will form the basis for a decision which will be made when the final rule is issued as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 (implemented at 40 CFR Parts 1500–1508).

Public Comments Solicited

The Service intends that the rules finally adopted will be as accurate and effective as possible in the conservation of any Endangered or Threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other party concerning any aspect of these proposed rules are hereby solicited.

Comments particularly are sought concerning:

(1). biological or other relevant data concerning any threat (or the lack thereof) to *Phlox pilosa* var. *longipilosa*;

(2). the location of any additional populations of *Phlox pilosa* var. *longipilosa* and the reasons why any habitat of this species should or should not be determined to be Critical Habitat as provided for by Section 4 of the Act; and

(3). additional information concerning the range and distribution of this phlox.

Final promulgation of the regulations on *Phlox pilosa* var. *longipilosa* will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing and addressed to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

Authors

The primary author of this proposed rule is Ms. Sandra Limerick, Endangered Species Staff, U.S. Fish and Wildlife Service, Department of Interior, P.O. Box 1306, Albuquerque, New Mexico 87103 (505/766–3972). Status information and a preliminary listing package were provided under contract to the Service by Dr. R. J. Taylor and Dr. C. E. Taylor, Biology Department, Southeastern Oklahoma State University, Durant, Oklahoma 74701. E. LaVerne Smith and John L. Paradiso of the Washington Office of Endangered Species served as editors.

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List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the U.S. Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 is as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531, *et seq.*).

2. It is proposed to amend § 17.12(h) by adding, in alphabetical order, the following to the list of Endangered and Threatened plants:

§ 17.11 Endangered and threatened plants.

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
*	*	*	*	*	*	*
Polemoniaceae—Phlox family:						
Phlox pilosa var. *longipilosa*	Long-haired phlox	U.S.A. (OK)	T		NA	NA
*	*	*	*	*	*	*

Dated: July 22, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-23587 Filed 8-25-83; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 17

Proposed Delisting of Bahama Swallowtail Butterfly and Reclassification of Schaus Swallowtail Butterfly from Threatened to Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule and finding on petition.

SUMMARY: The Service proposes to remove the Bahama Swallowtail Butterfly (*Heraclides* [= *Papilio*] *andraemon bonhotei*) from the U.S. list or Endangered and Threatened species, and to reclassify the Schaus swallowtail butterfly (*Heraclides* [= *Papilio*] *aristodemus ponceanus*) from Threatened to Endangered status. The proposals are made under the authority of the Endangered Species Act of 1973, as amended. Both species occur in Dade and Monroe Counties, Florida, and were listed as Threatened species in 1976. A review of the status of each species indicates that the Bahama swallowtail is only a sporadic resident of the U.S. It is not subspecifically distinct from the non-threatened Bahaman populations of this species, and does not qualify for listing under the Endangered Species Act, as amended. The Schaus swallowtail has declined in numbers and range since the time of its listing. This proposal is consistent with a petition filed with the Service on March 9, 1983, by the Florida Game and Fresh Water Fish Commission. If made final, this proposed rule would remove the protection of the Endangered Species Act of 1973 from the Bahama swallowtail butterfly, and would afford the Schaus swallowtail butterfly the protection of Endangered status. Neither species would remain eligible for a special rule at 50 CFR 17.47 that permits non-commercial take of adults, so that special rule would be deleted. Comments and information related to this proposal are solicited.

DATE: Comments from the public and the State of Florida must be received by October 28, 1983. Public hearing requests must be received by October 13, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. David Peterson, Acting Endangered Species Field Supervisor, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207, phone 904/791–2580.

ADDRESSES: Comments and materials concerning this proposal should be sent to Endangered Species Field Supervisor, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207. Comments and materials received will be available for inspection during normal business hours, by appointment, at the Service's Endangered Species Field Station, 2747 Art Museum Drive, Jacksonville, Florida 32207.

SUPPLEMENTARY INFORMATION: The Bahama (*Heraclides andraemon bonhotei)* and Schaus (*Heraclides aristodemus ponceanus*) swallowtail butterflies are representatives of tropical species that reach their limits of distribution in southern Florida. The Bahama swallowtail was described by Sharpe in 1900. It has dark brown wings with a medium yellow band and has two pairs of tails on the hindwings. The Schaus swallowtail was described by Schaus in 1911. Adults have blackish-brown wings with broad rusty patches under the hindwings. Only one pair of tails is present. The primary food of the larval Schaus swallowtail is torchwood (*Amyris elemifera*); the larval Bahama swallowtail feeds on key lime (*Citrus aurantifolia*), sour orange (*C. aurantium*)— and garden rue (*Ruta graveolens*).

The Bahama swallowtail has been recorded from Miami and Elliott Key, Dade County, and from Key Largo and Long Key, Monroe County. Most of the records are from Elliott Key. The best available evidence indicates that this species is not a permanent resident of the U.S., nor is it subspecifically distinct from the *Heraclides andraemon* population resident in the Bahamas. This species has occasionally reproduced in the U.S., but apparently soon dies out. The most recent known breeding in the U.S. was on Elliott Key in 1972 (U.S. Fish and Wildlife Service 1982).

The Schaus swallowtail originally occurred from the Miami area south through the Florida Keys as far as Lower Matecumbe Key. The last records for Miami were in 1924. Presumably, urban development eliminated the habitat of the species there. The last records for Upper and Lower Matecumbe Keys are in the mid-1940's. The disappearance of the species from these keys apparently coincided with heavy collecting pressure, although collecting is not known to have caused the decline. In the early 1970's the butterfly was relatively abundant on north Key Largo, but appears to be rare there now. The known range of the Schaus swallowtail is now Elliott and Old Rhodes Keys in Biscayne National Park, Dade County; and north Key Largo, Monroe County.

Both the Bahama and Schaus swallowtail butterflies are restricted to tropical hardwood hammocks, which constitute the climax vegetation of upland areas in the Florida Keys. Formerly, this vegetation type occurred more widely in south Florida, but has been largely eliminated on the mainland. The hammocks are closely related floristically to those of the West Indies, and constitute the only tropical upland plant community found in the continental U.S. The Florida Keys contain the largest remaining hammocks, but many of the areas are highly subject to development pressures because development is restricted in lowland (mangrove) areas. Local, State and Federal laws presently limit development of such lowland areas. The hammocks contain a large number of plant species rare in Florida, many of which are considered threatened or endangered by this State. The tropical hardwood hammock plant community is considered to be one of the most restricted and vulnerable habitat types in the U.S.

Both butterflies were proposed for Federal listing as Threatened on April 22, 1975 (40 FR 17757). The proposal was made final on April 28, 1976 (41 FR 17736–40). The final regulation included a special rule (50 CFR 17.47[a]) exempting both species from some of the protective provisions available to Threatened species under 50 CFR 17.31. Non-commercial take of adults was allowed, provided that other local, State and Federal regulations were complied with. Chapter 39–27 of the Florida Administrative Code, however, presently lists the Bahama and Schaus swallowtail butterflies as Threatened, and prohibits take, possession, sale or transport of all life stages of these species, except by permit. The Federal special rule is superseded by Florida State legislation, because the special rule allows take of adults only if all other local, State and Federal regulations are complied with. This is consistent with Section 6(f) of the Endangered Species Act, which authorizes States to be more restrictive than Federal prohibitions regarding the taking of listed species.

Section 4(c)(2) of the Endangered Species Act, as amended, requires that a 5-year review of the list of Endangered and Threatened species be carried out to determine whether any species should be removed from the list or changed in status. A 5-year review notice for the Bahama and Schaus swallowtail butterflies was published by the Service in the February 27, 1981 **Federal Register** (46 FR 14652).

The Florida Game and Fresh Water Fish Commission recently carried out research on the status of the Bahama and Schaus swallowtail butterflies and this information has been available during the review of these species. The studies were funded in part with Federal funds provided under Section 6 of the Endangered Species Act. The results of this research were incorporated into a recovery plan for the Schaus swallowtail butterfly including recommendations for the Bahama swallowtail (U.S. Fish and Wildlife Service, 1982). Section 4(f) of the Act requires the Secretary to develop and implement recovery plans for listed species. The recovery plan recommended that the Schaus swallowtail be reclassified from Threatened to Endangered, based on its decline in numbers and distribution. Since the U.S. populations of the Bahama swallowtail are not subspecifically distinct from the Bahama populations, and since the subspecies *bonhotei* is not in danger of extinction throughout all or a significant portion of its range, the Act, as amended, requires that this species be removed from the list of Endangered and Threatened species.

In a petition dated February 23, 1983, and received March 9, 1983, The Florida Game and Freshwater Fish Commission requested that the Schaus swallowtail butterfly be reclassified as an Endangered species. An administrative finding that the requested action may be warranted was made on May 9, 1983. Publication of this proposed rule signifies that the requested action is warranted, and constitutes a required finding in accordance with Section 4(b)(3)(B)(ii) of the Act as amended in 1982.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424, presently under revision to accomodate 1982 amendments) set forth the procedures for adding species to the Federal list. A species may be determined to be an Endangered species or a Threatened species due to one or more of the five factors described in Section 4(a)(1) of the Act.

These factors and their application to the Schaus and Bahama swallowtail butterflies are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The Bahama swallowtail occurs throughout the Bahama Islands. There is no information indicating threat to the species throughout its range. On private lands, development for residential and recreational purposes threatens to modify or eliminate the tropical hardwood forest hammocks on which the Schaus swallowtail depends. Uplands in the Florida Keys are limited

in area, but are the site of much development interest because major development is essentially impossible in wetland (mangrove) areas. The entire range of this butterfly is vulnerable to modification or destruction from hurricanes. As the range of the species becomes increasingly limited and fragmented, the likelihood increases of a single hurricane destroying all or most of the remaining population.

B. *Overutilization for commercial, recreational, scientific or educational purposes.* Both the Bahama and Schaus swallowtail butterflies are popular with collectors. Although a few individuals of the Bahama swallowtail may occasionally be collected when this species appears in Florida, there is no information indicating that the species is threatened by overutilization in the Bahamas.

At the time of the listing of the Schaus swallowtail as a Threatened species, some correspondents believed that collection of this species represented a threat. Since the species was listed, it has decreased in range and numbers. Collecting is now probably a greater threat than at the time of listing.

C. *Disease or predation.* Not applicable.

D. *The inadequacy of existing regulatory mechanisms.* The Bahama swallowtail will not qualify for continued listing if this proposed rule is made final. Federal listing as Threatened and similar listing under Chapter 39-27.04 of the Florida Administrative Code both provide regulatory protections for the Schaus swallowtail, but its population has generally declined, even subsequent to listing. If reclassified from Threatened to Endangered, the Schaus swallowtail may benefit from the increased priority given its recovery needs, pursuant to section 4(g)(4) of the Act, as amended.

E. *Other natural or manmade factors affecting its continued existence.* The Bahaman segment of the Bahama swallowtail populations provides it with insurance against the risk of extinction. The Schaus swallowtail could lose a significant portion of its remaining populations from hurricane or frost. The range of this species has decreased substantially in recent decades. The present restricted range could be greatly reduced or eliminated by a single hurricane. The butterfly is near the limits of its cold-tolerance in South Florida, and a single severe freeze could also greatly reduce the population.

Insecticide application may have adverse effects on the Schaus swallowtail. The Monroe County Mosquito Control District applies insecticides to control adult and larval mosquitoes. Both ground and aerial applications are made. The large amount of insecticides applied annually in Monroe County (4–5 thousand gallons of Dibrom and Baytex mixed with 50 to 60 thousand gallons of diesel fuel) could adversely affect the Schaus swallowtail as well as other insects native to the hardwood hammocks.

Critical Habitat

The Act requires that Critical Habitat be determined at the time any species is listed as Endangered or Threatened, to the maximum extent prudent and determinable. The Service believes that it would not be prudent to determine Critical Habitat for the Schaus swallowtail butterfly. Section 4(a)(3) of the Act requires publication of a Critical Habitat description in the **Federal Register**. Publication of a Critical Habitat description, with maps, could result in increased collecting pressure being placed on the few remaining sites at which the Schaus swallowtail occurs. Though taking prohibitions exist, effective enforcement is difficult, particularly outside Biscayne National Park. The recovery plan for the Schaus swallowtail butterfly recommends that no publicity be given remaining colonies of this species.

Effects of this Rule

The effects of this proposal, if published as a final rule, would include but would not necessarily be limited to those mentioned below.

Section 7(a) of the Act, as amended, requires that Federal agencies insure that activities they authorize, fund or carry out are not likely to jeopardize the continued existence of any Endangered or Threatened species. Removing the Bahama swallowtail butterfly from the list would eliminate the need for Federal agencies to consider this species in planning or carrying out their activities. Reclassifying the Schaus swallowtail from Threatened to Endangered status would not affect the protection currently available under Section 7(a).

Section 9(a)(1) of the Act prohibits take, import and export, possession or transportation of Endangered species of fish and wildlife. Exceptions are provided through permits pursuant to Section 10 of the Act. In the case of Threatened species, protective regulations under Section 4(d) of the Act guard the species well-being. A special rule (50 CFR 17.47(a)) currently applies to both the Bahama and Schaus swallowtail butterflies. This rule allows non-commercial take and noncommercial interstate movement of adults of both species. These exemptions apply, however, only if concordant with State and local regulations and ordinances. Florida State law presently prohibits collecting these species except by permit, thus overriding the special rule. The proposed delisting of the Bahama swallowtail would revove all Section 9 prohibitions for that species. The reclassification of the Schaus swallowtail butterfly from Threatened to Endangered would merely bring the existing Federal regulatory prohibitions into conformance with current State law. Therefore, The Special rule in § 1747(a) is no longer necessary. Few effects are anticipated from this change; the Bahama swallowtail is an occasional migrant to the U.S. and few specimens could be taken here. No additional effects are expected regarding the Schaus swallowtail, because take and trade are already prohibited except under permit. Recovery priority for this species would increase, however, pursuant to Section 4(g)(4) of the Act, as amended.

National Environmental Policy Act

An Environmental Assessment has been prepared in conjunction with this proposal. It is on file in the Service's Endangered Species Field Station, 2747 Art Museum Drive, Jacksonville, Florida 32207, and may be examined by appointment during regular business hours. This assessment will form the basis for a decision as to whether this is or is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 (implemented at 40 CFR Parts 1500–1508).

Public Comments Solicited

The Service intends that the rules finally adopted will be as accurate and effective as possible in the conservation of any Endangered or Threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning biological or other relevant data concerning any threat (or the lack thereof) to the Bahama and Schaus swallowtail butterflies, and additional information concerning the range and distribution of these butterflies;

Final promulgation of the regulations on Bahama and Schaus swallowtail butterflies will take into consideration the comments and any additional

information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

Author

The primary author of this proposed rule is Dr. Michael M. Bentzien, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207, phone 904/791-2580; FTS 946-2580. Dr. George Drewry of the Service's Washington Office of Endangered Species served as editor.

References

U.S. Fish and Wildlife Service. 1982.Schaus swallowtail recovery plan. U.S. Fish and Wildlife Service, Atlanta, Georgia. 57 pp.

Loftus, W. F., and J. A. Kushlan. 1982. The status of the Schaus swallowtail and the Bahama swallowtail butterflies in Biscayne National Park. National Park Service South Florida Research Center, Everglades National Park. Report M-649. 18 pp.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, and Marine mammals, Plants (agriculture).

Proposed Regulations Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter 1, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304; 96 Stat. 1411 (16 U.S.C. 1531, *et seq.*).

2. It is proposed to amend § 17.11(h) by changing the status of the Schaus swallowtail butterfly, under "INSECTS", from Threatened to Endangered; changing its scientific name, to reflect current usage; and revising the "special rules" column, as follows:

§ 17.11 Endangered and threatened wildlife.

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*	*	*	
Butterfly, Schaus swallowtail.	*Heraclides (= Papilio) anstodemus ponceanus.*	U.S.A. (Florida)	NA	E	13	NA	NA.
*	*	*	*	*	*	*	

3. It is further proposed to amend § 17.11(h) by removing the Bahama swallowtail butterfly (*Papilio andraemon bonhotei*), under "INSECTS", from the List of Endangered and Threatened Wildlife.

§ 17.47 [Amended]

4. The Service also proposes to amend § 17.47(a) by removing the special rules for the Bahama and Schaus swallowtail butterflies, and by adding the notation "[Reserved]".

Dated: July 8, 1983.

J. Craig Potter,

Acting Assistant Secretary, Fish and Wildlife and Parks.

[FR Doc. 83-23586 Filed 8-26-83; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 48, No. 168
Monday, August 29, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Members of Performance Review Boards

AGENCY: Department of Agriculture.

ACTION: Notice.

SUMMARY: This document amends the list of Performance Review Board members published October 6, 1982, 47 FR 44127, as amended November 26, 1982, 47 FR 53430 and March 1, 1983, 48 FR 8518.

EFFECTIVE DATE: August 29, 1983.

FOR FURTHER INFORMATION CONTACT: Earl C. Hadlock, Chief, Executive Resources, Performance Appraisal, and Merit Pay Staff, Office of Personnel, Department of Agriculture, 14th Street and Independence Avenue, SW., Washington, D.C. 20250 (202/447-6905).

The membership of the Department of Agriculture's Performance Review Boards is amended by adding the names of Bert Hawkins, Daniel Amstutz, Isabel Wolf, Robert E. Leard, Joseph H. Howard, Jacqueline G. Sutton, Leon Anderson, Ava Rodgers, Angelena Bracht, Larry Wilson, and James C. Handley.

John R. Block,

Secretary of Agriculture.

[FR Doc. 83-23301 Filed 8-26-83; 8:45 am]

BILLING CODE 3410-01-M

Agribusiness Promotion Council, Committee on Small-Medium Investors and Management Training; meeting

Notice is hereby given that the USDA Agribusiness Promotion Council committee on Small-Medium Investors and Management Training will meet September 13, 1983, from 9:00 p.m. in Room 201-W of the U.S. Department of Agriculture Administration Building, 14th & Independence Avenue, Washington, D.C. The agenda will consist of selection of committee chairman, and discussion and planning of committee activities. The meeting will be open to the public. Written statements may be submitted to Joan S. Wallace, Administrator, USDA/OICD, Room 3047, South Building, Washington, D.C. 20250 until September 12, 1983.

Joan S. Wallace,

Administrator.

[FR Doc. 83-23660 Filed 8-29-83; 8:45 am]

BILLING CODE 3410-DP-M

Policy Advisory Committee for the Science and Education Research Grants Program: Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the Office of Grants and Program Systems announces the following meeting:

Name: Policy Advisory Committee for the Science and Education Research Grants Program.

Date: September 19, 1983.

Time: 9:00 a.m.

Place: Conference Room 5219, South Building, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. 20250.

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person listed below.

Purpose: To advise the Secretary of Agriculture with respect to the areas of research to be supported, priorities to be adopted and emphasized, and the procedures to be followed in implementing those programs of research grants to be awarded competitively.

Contact persons for agenda and more information: Anne Holiday Schauer, Associate Chief, Competitive Research Grants Office, Office of Grants and Program Systems, U.S. Department of Agriculture, 1300 Wilson Boulevard, Suite 103, Rosslyn, Virginia 22209, telephone: 703-235-2630.

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

E. L. Kendrick,

Director, Office of Grants and Program Systems.

[FR Doc. 83-23656 Filed 8-26-83; 8:45 am]

BILLING CODE 3410-03-M

Commodity Credit Corporation

1983-Crop Peanuts; 1983 Peanut Program; Determination Regarding National Average Support Level for Additional Peanuts and the Minimum Commodity Credit Corporation Export Edible Sales Price for Additional Loan Peanuts

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of Determination.

SUMMARY: This notice affirms for the 1983 crop of peanuts determinations made by the Secretary of Agriculture regarding the following: (1) The national average level of support for additional peanuts, and (2) the minimum price at which the Commodity Credit Corporation (CCC) will sell for export edible uses 1983-crop additional peanuts pledged as collateral for price support loans. These determinations were announced by the Secretary on February 15, 1983, to satisfy the requirements of Section 108A of the Agricultural Act of 1949, as amended.

EFFECTIVE DATE: February 15, 1983.

FOR FURTHER INFORMATION CONTACT: Gypsy Banks, Agricultural Economist, Agricultural Stabilization and Conservative Service, USDA, Room 3732-South Building, P.O. 2415, Washington, D.C. 20013, (202) 447-5953. The Final Regulatory Impact Analysis is available upon request.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified "not major." It has been determined that this notice will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local governments, or geographical regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance program that this notice applies to are: Title—Commodity Loans and Purchases; Number—10.051, as

found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

A notice that the Secretary was preparing to make determinations with respect to the 1983-crop quota and additional support levels and the minimum export edible sales price for 1983-crop peanuts pledged as loan collateral was published in the Federal Register on January 25, 1983 (48 FR 3389). The written comment period ended February 11, 1983. A total of 69 comments were received through February 11: 2 from national farm groups, 9 from State farm groups, 16 from members of Congress, 2 from sheller associations, 1 from an area marketing association, 1 from a State Department of Agriculture, and 38 from individuals. The majority of the comments addressed the quota support level. These comments are discussed in the notice of determination published on March 11, 1983 (48 FR 10389).

Eighteen of the comments submitted regarding the matters considered here addressed the additional support level. Eleven respondents recommended that the additional support level be established at a level which would ensure no loss to CCC on the sale of additional peanuts, 1 respondent recommended a level of $170 per ton, 3 respondents recommended a level of $200 per ton, and 3 respondents made a general comment that the 1982 level was too low.

Twelve comments addressed the minimum CCC export edible sales price for additional loan peanuts. Three respondents recommended that the minimum export edible level be set at $475 per ton (the 1982-crop minimum), 4 respondents recommended that the level be established at 86 percent of the quota support level, one recommended the level be established at 90 percent of the quota support level, and 4 others recommended the level be established at 96 percent of the quota support level.

A. *National average level of support for additional peanuts.* The national average support price for 1983-crop additional peanuts applies to 1983-crop farmers stock peanuts in bulk or in bags, net weight basis, which are eligible for price support at the additional support level under the General Price Support Regulations set out at 7 CFR Part 1446.

Section 108A(2) of the Agricultural Act of 1949, as amended, provides that the Secretary shall make price support available to producers through loans, purchases, or other operations on 1983-crop additional peanuts at the level the Secretary determines to be appropriate, taking into consideration the demand for peanut oil and meal, expected prices for other vegetable oils and protein meals, and demand for peanuts in foreign markets. The 1949 Act provides further that the level of support for additional peanuts should be established at a level which is estimated to ensure that there will be no losses to CCC on the sale or disposal of such peanuts.

1. *Demand for peanut oil and meal.* It is expected that the demand for peanuts for edible uses will strengthen during the 1983/84 marketing year and offset production increases resulting in an estimated 235,000 tons of peanuts being available for domestic crushing from the 1983 crop. The amount available for domestic crushing would therefore be about the same as the amount available for such uses from the 1982 crop. Peanut oil and meal prices are expected to average about 29 cents per pound and $190 per ton, respectively, for peanuts from the 1983 crop.

2. *Expected prices of other vegetable oils and protein meals.* It is estimated for the 1982/83 marketing year still in progress that world aggregate production of oilseeds will total 200 million short tons (181.3 million metric tons), 7 percent higher than the level of production of oilseeds in the 1981/82 marketing year. Soybeans in the 1982/83 marketing year are expected to account for 53.4 percent of the total world aggregate oilseed production, while peanuts are expected to account for 9.8 percent of total oilseed production. Because of soybean dominance, the supply-demand situation for soybeans tends to establish the general price patterns for oilseeds. Large supplies and low prices characterize the 1982/83 U.S. soybean outlook. Although both domestic use of exports of soybeans are expected to rise during this season, the increase is expected to fall short of increased supply. Stocks will build and thus soybean prices could fall to their lowest real level in many years. Presently, soybean oil prices range from 15 to 19 cents per pound. Soybean meal prices for the 1982/83 marketing year are expected to range from $165 to $195 per ton, $2 above to $18 per ton below the prices received for the 1981/82 marketing year.

Soybean acreage will likely decrease in 1983, but supplies are expected to continue to be large relative to demand. Demand for soybean oil and meal is expected to strengthen. Compared to the expected range of 1982/83 soybean oil prices, 1983/84 soybean oil prices are expected to remain at the same level or increase modestly. Compared to the expected range of 1982/83 soybean meal prices, 1983/84 soybean meal prices are expected to increase by $5 to $25 per ton.

3. *Demand for peanuts in foreign markets.* U.S. peanuts exported from the 1983 crop during 1983/84 marketing year are projected to increase from the levels of export of peanuts of the immediately preceding crop years, but will likely remain well below the levels exported prior to the 1980 drought. The strength of the dollar overseas and general economic conditions are expected to continue to dampen demand for peanuts in Europe, the major market for exports of U.S. peanuts. Also, in recent years China has become a major supplier of edible peanuts, especially to Japan.

Based on the consideration of these factors, it is estimated that the average price which will be received for peanuts sold from 1983 loan collateral inventories for domestic crushing purposes will be about $255/ton (farmers stock basis).

In establishing the level of support for the 1982 crop, which was the first crop to which the no-loss proviso of Section 108A(1) was applicable, certain assumptions were made about the likelihood of transfers of peanuts from additional pools to quota pools and, more significantly, the likelihood of non-crushing sales of additional peanuts, which did not prove out in the actual marketing of the crop. As a result, it appears that some losses will be experienced for some additional loan pools for the 1982 crop. Under the pool concept, gains from any pool are redistributed to the producers and thus a loss in any pool is a net loss to CCC. For the 1983 crop, it is expected that all peanuts in some additional loan pools will be disposed of exclusively through sales for domestic crushing. On the basis of a worst-pool assumption, it has been estimated that $185/ton additional peanut support level will ensure no losses to CCC on 1983 crop additional peanuts based upon the difference between the estimated $255/ton domestic crushing price and estimated 1983 per ton expenses to CCC of $70 for storage and other costs which are incurred by CCC in handling loan collateral peanuts.

B. *Minimum CCC export edible sales price for additional peanuts pledged as collateral for a price support loan.* Establishing a minimum CCC export edible sales price for additional peanuts pledged as security for price support loans is discretionary with the Secretary. If the minimum export edible

sales price is too high, it discourages export contracting between handlers and growers and encourages the production of additional peanuts for the loan program on the assumption that the minimum sales price is the price growers will receive for their loan peanuts. This assumption may be incorrect, however, since a price misjudgement could result in CCC losing export edible sales and selling more loan collateral peanuts for crushing. In such case, growers, through the pooling mechanism, would only receive the additional loan rate. If the minimum export edible sales price is too low, returns will not be maximized and grower income is reduced. Export contracts between handlers and growers generally do not exceed the CCC minimum sales price. On the basis of these considerations, it is the Department's view that a minimum CCC export edible sales price of $400 per ton for additional peanuts pledged as collateral for price support loans will best serve to maintain farm income on additional peanuts and minimize the risk of CCC losses on the sales of such peanuts.

The commentators on this issue uniformly suggested that the export edible sales price for loan collateral additional peanuts should be nearly equal to or greater than the export edible sales price which was applicable for 1982 crop loan collateral additional peanuts (i.e., $475/ton). The 1982 crop price, however, was based on expected prices in the world market which were higher than those which are expected during the marketing of the 1983 crop. Since the 1982 export edible sales price would be out of line with expected world prices, the continuation of the export edible sales price at that level for the 1983 crop would produce a price that is too high and would thus likely not result in a maximization of returns on additional peanuts for the reasons given above. The overly-high nature of the price which applied for export edible uses for the inventories of additional peanuts from the 1982 crop has been reflected in an absence of sales for those uses from 1982 inventories. A price of $400/ton for export edible uses of additional peanuts is estimated to be the price which will maximize returns on those peanuts.

Since the only purpose of this notice is to affirm the determinations of the national average level of support for the 1983 crop of additional peanuts and the minimum CCC export edible sales price for 1983 crop additional loan collateral peanuts which were announced by the Secretary on February 15, 1983, it has been determined that no further public rulemaking is required.

Determination

For the foregoing reasons, it has been determined that (1) the national average support level for additional peanuts of the 1983 crop shall be $185/ton and (2) that the minimum CCC export edible sales price for 1983 crop additonal peanuts pledged as collateral for price support loans shall be $400/ton.

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

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc 83-23662 Filed 8-26-83; 8:45 am]

BILLING CODE 3410-05-M

COMMISSION ON CIVIL RIGHTS

Alabama Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Alabama Advisory Committee to the Commission will convene at 9:00 am and will end at 6:00 pm, on September 26, 1983, at the Sheraton Waterfront Hotel, Seaboard Room, 200 Coosa Street, Montgomery, Alabama. The purpose of this meeting is to receive information from public officials and citizens on the matter of police-community relations in Montgomery.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Abigail Turner, P.O. Box 2963, Mobile, Alabama 36601, (205) 433–7409; or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303, (404) 242–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. August 23, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-23630 Filed 8-26-83; 8:45 am]

BILLING CODE 6335-01-M

Colorado Advisory Committee, Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Colorado Advisory Committee to the Commission will convene at 9:00 am and will end 12 Noon, on October 8, 1983, at the Central Classroom Building, Room 306, Metropolitan State College, 1006 Eleventh Street, Box 16, Denver, Colorado. The purpose of the meeting is for program planning.

Persons desiring additional information or planning a presentation to the Committee, should contract the Chairperson, Mr. Minoru Yasui, 1150 South Williams, Denver, Colorado 80210, (303) 575–2621; or the Rocky Mountain Regional Office, Brooks Towers, 1020 Fifteenth Street, Suite 2235, Denver, Colorado, (303) 327–2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 24, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-23625 Filed 8-26-83; 8:45 am]

BILLING CODE 6335-01-M

Kentucky Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Kentucky Advisory Committee to the Commission will convene at 1:00 pm and will end at 5:00 pm, on September 22, 1983, at the Seelbach Hotel, Green Room, 500 Fourth Street, Louisville, Kentucky. The purpose of the meeting is to provide orientation for new members of the Committee, and to plan programs for fiscal year 1984.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Paul Oberst, 829 Sherwood Drive, Lexington, Kentucky 40506, (606) 257–3950; or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303 (404) 242–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 23, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-23631 Filed 8-26-83; 8:45 am]

BILLING CODE 6335-01-M

Michigan Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a consultation of the Michigan

Advisory Committee to the Commission will convene at 9:00 am and will end at 6:00 pm, on September 21, 1983, at the Lansing Community College, Old Central Lecture Hall, 419 North Capitol, Lansing, Michigan. The purpose of the consultation is to gather information on tuition tax credits and educational equality.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. M. H. Rienstra, 1225 Thomas South East, Grand Rapids, Michigan 49506 (616) 456–3859; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604 (312) 353–7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 23, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-23629 Filed 8-26-83; 8:45 am]

BILLING CODE 6335-01-M

New Hampshire Advisory Committee; Meeting Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeeting of the New Hampshire Advisory Committee of the Commission originally scheduled for September 21, 1983, at Manchester, New Hampshire (FR Doc. 83–22210 on page 36870) has been changed.

The meeting will now be held on September 22, 1983. The time and address will remain the same.

Dated at Washington, D.C., August 23, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-23624 Filed 8-26-83; 8:45 am]

BILLING CODE 6335-01-M

New Jersey Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey Advisory Committee to the Commission will convene at 6:00 pm and will end at 8:45 pm, on September 21, 1983. The purpose of the meeting is to plan programs for fiscal year 1984.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Clyde C. Allen, 620 Sheridan Avenue, Plainfield, New Jersey 07060 (212) 572–7577; or the Eastern Regional Office, Jacob K. Javits Building, Room 1639, 26 Federal Plaza, New York NY 10278 (212) 264–0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 24, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-23626 Filed 8-26-83; 8:45 am]

BILLING CODE 6335-01-M

New York Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New York Advisory Committee to the Commission will convene at 4:30 pm and will end at 6:30 pm, on September 27, 1983, at the Holiday Inn, Medallion Room, 440 West 57th Street, New York, New York. The purpose of the meeting is to plan programs for FY 1984.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Robert J. Mangum, 420 East 23rd Street, New York, New York 10010 (212) 420–3935; or the Eastern Regional Office, Jacob K. Javits Building, Room 1639, 26 Federal Plaza, New York NY 10278 (212) 264–0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 24, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-23627 Filed 8-26-83; 8:45 am]

BILLING CODE 6335-01-M

North Dakota Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the North Dakota Advisory Committee to the Commission will convene at 2:00 pm and will end at 5:00 pm, on September 30, 1983, at the Bestwestern Townehouse, 1800 North Twelfth, Bismarck, North Dakota. The purpose of the meeting is to plan programs for FY 84 and to receive information on the North Dakota Human Rights Act, 1983.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Robert A. Feder, P.O. Box 1637, Fargo, North Dakota 58102, (701) 235–5515; or the Rocky Mountain Regional Office, Brooks Towers, 1020 Fifteenth Street, Suite 2235, Denver, Colorado 80202, (303) 327–2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 23, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-23632 Filed 8-26-83; 8:45 am]

BILLING CODE 6335-01-M

South Carolina Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the South Carolina Advisory Committee to the Commission will convene at 11:00 am and will end at 2:00 pm, on September 15, 1983, at the Gressette Senate Office Building, Room 413, State Capitol Complex, Columbia, South Carolina. The purpose of the meeting is to plan programs for fiscal year 1984.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Oscar P. Butler, Jr., P.O. Box 1705, South Carolina State College, Orangeburg, South Carolina 29115 (803) 536–7040; or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, N.E, Atlanta, Georgia 30303 (404) 242–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 23, 1983.

John I. Brinkley,

Advisory Committee Management Officer.

[FR Doc. 83-23623 Filed 8-26-83; 8:45 am]

BILLING CODE 6335-01-M

South Dakota Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the South Dakota Advisory Committee to the Commission will convene at 10:30 am and will end at 3:30 pm, on September 23, 1983, at the Airport Holiday Inn, 1301 West Russell, Sioux Falls, South Dakota. The purpose of the meeting is for program planning.

Persons desiring additional information or planning a presentation to the Committee, should contact the

Chairperson, Ms. Rae Johnson, Box 276, Mission, South Dakota 57558 (605) 747–2312; or the Rocky Mountain Regional Office, Brooks Towers, 1020 Fifteenth Street, Suite 2235, Denver, Colorado 80202 (303) 327–2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 24, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-23628 Filed 8-26-83; 8:45 am]

BILLING CODE 6335-01-M

Wyoming Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Wyoming Advisory Committee to the Commission will convene at 10:00 am and will end at 12 Noon, on September 29, 1983, at the Hitching Post Inn, Presidential Room, 1700 West Lincoln Way, Cheyene, Wyoming. The purpose of the meeting is to release to the public the research report *Accessibility for the Disabled to Wyoming's Higher Education*, and consider followup activities.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Fuji Adachi, 1566 Wyoming Avenue, Laramie, Wyoming 82070 (307) 766–6182; or the Rocky Mountain Regional Office, Brooks Towers, 1020 Fifteenth Street, Suite 2235, Denver, Colorado 80202 (303) 327–2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 23, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-23603 Filed 8-26-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) AJD Forest Products, Inc., P.O. Box 629, Grayling, Michigan 49738, producer of lumber (accepted July 20, 1983); (2) Hurco Manufacturing Company, Inc., P.O. Box 68180, Indianapolis, Indiana 46268, producer of machine tools and parts (accepted July 20, 1983); (3) Gould & Eberhardt Gear Machinery Corporation, Sutton Road, Webster, Massachusetts 01576, producer of machine tools and parts (accepted July 21, 1983); (4) JMC Racing Equipment, Inc., 164 S. Irwindale, Azusa, California 91702, producer of bicycle components (accepted July 20, 1983); (5) Travers Town Manufacturing Company, Inc., P.O. Box 4777, Springfield, Missouri 65804, producer of women's coats, suits and dresses (accepted July 21, 1983); (6) Spindletop Apparel, Inc., 18 Third Street, Passaic, New Jersey 07055, producer of women's jackets (accepted July 25, 1983); (7) Dawson Knitting, Inc., P.O. Box 147, Dawson, Minnesota 56232, producer of men's, women's and children's jackets, vests, shirts, and pants (accepted July 26, 1983); (8) Micro Sensors, Inc., New Englander Industrial Park, Route 126, Holliston, Massachusetts 01746, producer of process control instruments (accepted July 27, 1983); (9) Terra Furniture, Inc., 17855 Arenth Avenue, City of Industry, California 91744, producer of household and commercial furniture (accepted July 27, 1983); (10) Twin City International, Inc., 175 Pineview Drive, Audubon Industrial Park, Amherst, New York 14150, producer of electronic measuring instruments (accepted July 28, 1983); (11) Meyers Manufacturing Company, 330 Fifth Avenue, New York, New York 10001, producer of handbags (accepted July 28, 1983); (12) Jersey Plastic Molders, Inc., 149 Shaw Avenue, Irvington, New Jersey 07111, producer of plastic housewares and automotive accessories (accepted July 28, 1983); (13) Westover Knitting Mills, Inc., P.O. Box 24, Springfield, Massachusetts 01151, producer of knit fabric (accepted July 28, 1983); (14) Globe Seed & Feed Company, Inc., Box 445, Twin Falls, Idaho 83301, producer of agricultural seeds and feeds (accepted August 1, 1983); (15) Sawyer of Napa, Inc., P.O. Box 238, Napa, California 94559, producer of men's and women's coats and vests (accepted August 1, 1983); (16) Jersey Forging, Inc., 803 Jersey Avenue, Jersey City, New Jersey 07302, producer of forged gear blanks and couplings (accepted August 2, 1983); (17) Stan Shinkawa, Inc., Room 206, Halau Building, 2330 Kalaukaua Avenue, Honolulu, Hawaii 96815, producer of jewelry (accepted August 2, 1983); (18) Rockford Chain Company, 4175 22 Mile Road, Utica, Michigan 48087, producer of steel chain and sprockets (accepted August 3, 1983); (19) The Colorado Tent Company, 2228 Blake Street, Denver, Colorado 80205, producer of fishing creels, tents, water bags, tarpaulins and other fabric articles (accepted August 3, 1983); (20) Chateau Esperanza Winery, Ltd., Route 54A, Bluff Point, New York 14417, producer of wine (accepted August 4, 1983); (21) H. Margolin and Company, Inc., 380 River Street, Fitchburg, Massachusetts 01420, producer of handbags (accepted August 5, 1983); (22) Ritchey Manufacturing Company, Inc., P.O. Box 58, Brighton, Colorado 80601, producer of animal identification tags and application accessories (accepted August 5, 1983); (23) Federal Chain Company, 141 Georgia Avenue, Providence, Rhode Island 02905, producer of jewelry chains (accepted August 5, 1983); (24) Trooper, Inc., 2804 Wilco Avenue, Augusta, Georgia 30904, producer of men's, women's and children's pants, shirts, shorts and jackets (accepted August 8, 1983); (25) J. Lash Acquisition Corporation, P.O. Box 126, Reading, Pennsylvania 19603, producer of copper and brass tubing (accepted August 9, 1983); (26) Above the Belt, Inc., 1306 Jefferson Davis Highway, Richmond, Virginia 23224, producer of men's and boys' shirts and pants (accepted August 9, 1983); (27) Ramco Chemicals, Inc., 83 E Street, Minillas Industrial Park, Bayamon, Puerto Rico 00620, producer of industrial chemicals (accepted August 9, 1983); (28) A & S Bias Binding Company, Inc., 159 Varick Street, New York, New York 10013, producer of garment bindings (accepted August 9, 1983); (29) F. L. Russell Corporation, Sterling Road, Mt. Marion, New York 12456, producer of notebooks, tablets, photo albums and other stationery items (accepted August 9, 1983); (30) Tompkins Brothers Company, Inc., 623 Oneida Street, Syracuse, New York 13202, producer of knitting machines and parts (accepted August 9, 1983); (31) Olympic Foundry, P.O. Box 80187, Seattle, Washington 98108, producer of metal castings (accepted August 9, 1983); (32) Magco Plastics, Inc., Four Mill Street, Cumberland, Rhode Island 02864, producer of jewelry and duck decoys (accepted August 10, 1983); (33) Ideal Handbag Frame Mfg. Corporation, 339 Greene Avenue, Brooklyn, New York 11238, producer of handbag frames and ornaments, belt buckles and ice bucket handles (accepted August 10, 1983); (34) Electric Apparatus Company, P.O. Box 275, Howell, Michigan 48843, producer of electric motors and parts (accepted August 10, 1983); (35) Spencer Handbag Corporation, 141, Spencer Street, Brooklyn, New York 11205, producer of handbags (accepted August 10, 1983); (36) Wilderness Group, Inc., 3891 N. Ventura Avenue, Ventura, California

93001, producer of wallets, backpacks, bicycle bags and first aid kits (accepted August 10, 1983); (37) Tobias Kotzin Company, 1300 Santee Street, Los Angeles, California 90015, producer of men's and boys' pants and tops (accepted August 10, 1983); (38) Elegant Merchandising, Inc., 227 W. 29th Street, New York, New York 10001, producer of jewelry (accepted August 10, 1983); (39) NDL Products, Inc., P.O. Box 1867, Pompano Beach, Florida 33061, producer of athletic support products and exercise equipment and accessories (accepted August 10, 1983); (40) New York Twist Drill Corporation, 25 Arrow Road, Ramsey, New Jersey 07446, producer of cutting tools (accepted August 12, 1983); and (41) Saylor-Beall Mfg. Company, Inc., 400 N. Kibbee Street, St. John, Michigan 48879, producer of air compressors (accepted August 16, 1983).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Director, Certification Division, Office of Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A-95 regarding review by clearinghouses do not apply.

Charles L. Smith,

Acting Director, Certification Division, Office of Trade Adjustment Assistance.

[FR Doc. 83-23561 Filed 8-26-83; 8:45 am]

BILLING CODE 3510-25-M

President's Export Council, Executive Committee; Open Meeting

A meeting of the President's Export Council's Executive Committee will be held September 13, 1983, 2:00 p.m., at the Herbert C. Hoover Building, Room 4830, 14th Street and Constitution Avenue, NW., Washington, D.C. The Council's purpose is to advise the President on matters relating to United States export trade.

Agenda

A presentation to the President's Export Council by a high level Japanese Trade Mission, reports of subcommittee chairmen that will include discussion of committee activities and resolutions on currency valuation, the engineering and construction industry, cargo preference requirements, agricultural marketing programs, and export control issues. Reports on trade reorganization and other timely issues will also be made.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes contact Suzanne Sakolsky (202) 377-1125, Room 3213, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: August 23, 1983.

Henry Misisco,

Acting Director, Office of Planning and Coordination.

[FR Doc. 83-23559 Filed 8-26-83; 8:45 am]

BILLING CODE 3510-25-M

President's Export Council, Liaison Subcommittee; Open Meeting

A meeting of the President's Export Council's Liaison Subcommittee will be held September 14, 1983, 10:00 a.m., at the Departmental Auditorium Building, Conference Room B, Constitution Avenue between 12th & 14th Streets, Washington, D.C. The Council's purpose is to advise the President on matters relating to United States export trade.

Agenda

The main topic of this meeting is "Labor's Stake in Exports". Presentations will be heard from economists, labor representatives, business representatives and associations on this subject.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes contact Suzanne Sakolsky (202) 377-1125, Room 3213, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: August 23, 1983.

Henry Misisco,

Acting Director, Office of Planning and Coordination.

[FR Doc. 83-23560 Filed 8-26-83; 8:45 am]

BILLING CODE 3510-25-M

Final Negative Countervailing Duty Determination; Pork Rind Pellets From Mexico

AGENCY: International Trade Administration, Commerce.

ACTION: Final negative countervailing duty determination: pork rind pellets from Mexico.

SUMMARY: We determine that no benefits which constitute a bounty or grant within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Mexico of pork rind pellets, as described in the "Scope of Investigation" section of this notice. One program confers a benefit to the pork rind pellet industry; however, the total estimated net bounty or grant is *de minimis*. Therefore, our final countervailing duty determination is negative.

EFFECTIVE DATE: August 29, 1983.

FOR FURTHER INFORMATION CONTACT: Mary J. Jenkins, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., N.W., Washington, D.C. 20230, telephone: (202) 377-1756.

SUPPLEMENTARY INFORMATION:

Final Determination

Based upon our investigation, we determine that no benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in Mexico of pork rind pellets. The Guarantee and Development Fund for Medium and Small Industries (FOGAIN) confers a benefit to the producers or exporters in Mexico of pork rind pellets, as described in the "Scope of Investigation" section of this notice. However, the estimated net bounty or grant is 0.218 percent *ad valorem* which is *de minimis*, and therefore our determination is negative.

Case History

On March 14, 1983, we received a petition from counsel for Evans Food Company, filed on behalf of the pork rind pellet industry in the United States. The petition alleged that the government of Mexico bestows bounties or grants

upon the production or exportation of pork rind pellets within the meaning of section 303 of the Act. We found the petition to contain sufficient grounds upon which to initiate a countervailing duty investigation and, on April 4, 1983, we initiated a countervailing duty investigation (48 FR 15308).

Mexico is not a "country under the Agreement" within the meaning of section 701(b) of the Act and, therefore, section 303 of the Act applies to this investigation. Under this section, since the merchandise being investigated is dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission (ITC) is not required to determine whether, imports of this product cause or threaten material injury to a U.S. industry.

In our notice of initiation we stated that we would issue a preliminary determination on or before June 7, 1983. On April 18, 1983, we presented a questionnaire concerning the allegations in the petition to the government of Mexico in Washington, D.C. On May 18, 1983 and June 3, 1983, we received the responses of our questionnaire from the government of Mexico. After reviewing the government of Mexico's responses, we submitted additional questions and requests for information is a letter dated June 9, 1983. The government of Mexico responded by providing additional information on June 30, 1983.

On June 7, 1983, we issued our preliminary determination in this investigation (48 FR 27117). We preliminarily determined that certain benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to manufacturers, producers or exporters in Mexico of pork rind pellets. However, the estimated net bounty or grant was *de minimis*, and therefore our preliminary determination was negative.

The program preliminarily determined to bestow countervailable benefits was the Guarantee and Development Fund for Medium and Small Industries (FOGAIN).

From July 11–19, 1983, we verified the government of Mexico's responses to our questionnaires concerning pork rind pellets.

Our preliminary determination gave interested parties an opportunity to submit oral and written views. Both petitioner and respondent filed briefs after our preliminary determination. We held a public hearing on July 19, 1983, at which counsel for the petitioner and the respondent participated.

Scope of Investigation

The product covered by this investigation is pork rind pellets and is currently imported under item 107.7880 of the *Tariff Schedules of the United States Annotated* (TSUSA). Pork rind pellets are produced by cooking pork skins at very high temperatures. They are used in the production of puffed pork skins, a snack food. Alimentos Selectos de Saltillo S.A. (Selectos) is the sole known producer and exporter of pork rind pellets from Mexico. The period for which we are measuring bounties or grants is January 1, 1982 to April 30, 1983.

Analysis of Programs

In its response, the government of Mexico provided data for the applicable period. Based upon our analysis of the petition, the responses to our questionnaires, our verification, and oral and written comments by interested parties, we determine the following:

I. Program Determined To Confer a Bounty or Grant

We determine that a benefit is provided to manufacturers, producers, or exporters in Mexico of pork rind pellets under the program listed below. The total estimated net bounty or grant is *de minimis* and therefore our determination is negative.

A. Guarantee and Development Fund for Medium and Small Industries (FOGAIN)

FOGAIN is a program that provides financing at interest rates below prevailing commercial rates to all small and medium size firms in Mexico. Our verification showed that interest rates will vary depending upon: whether a medium size business has a designated priority status, and the geographical location of a small or medium size business. Small businesses and medium size businesses, with or without priority designation, and located in specific zones targeted for industrial growth receive loans at preferential interest rates.

We determine this program to be countervailable to the extent it provides preferential financing on the basis of priority status for certain medium size firms and/or on the basis of the location of a small or medium size firm in a particular zone. Without these designations, FOGAIN would not be countervailable, since our verification showed that all small and medium size firms in Mexico are at least eligible to receive FOGAIN loans at the least beneficial rate of interest available under the program. Therefore, we determine the program is countervailable to the extent that the interest rate received by a small or medium size firm is below the least beneficial rate which that firm can receive under FOGAIN.

To determine the estimated bounty or grant conferred upon Selectos, we used as our benchmark the least beneficial interest rate that would have been available under FOGAIN to Selectos. Selectos obtained FOGAIN financing in June 1979, July 1980, June 1981, and July 1982. The highest FOGAIN interest rates applicable on those dates, as verified, were 14%, 21%, 22%, and 37%, respectively. Selectos obtained its loans at rates lower than these.

We computed the difference between payment streams for the FOGAIN loans received by Selectos and that which would have been incurred had the loans been made at the least beneficial rate of interest under this program.

We allocated the amount of benefit from the loans over the company's total value of sales of all products for the period for which we are measuring bounties or grants. We determine the estimated net amount of the bounty or grant to be 0.218 percent *ad valorem*.

II. Programs Determined Not To Be Countervailable

We determine that the following programs do not confer bounties or grants upon the manufacturers, producers, or exporters in Mexico of pork rind pellets.

A. Certificates of Fiscal Promotion (CEPROFI)

In 1979 the government of Mexico introduced a four-year National Industrial Development Plan (NIDP) which sets forth broad economic goals for the country. Tax credits, which are called CEPROFIs, are used to promote the NIDP goals, which include increased employment, encouragement of regional decentralization, and industrial development, particularly of small and medium size firms.

CEPROFIs are non-transferable tax certificates of fixed value which may be used for a five-year period to pay federal taxes. Certain CEPROFI certificates are granted for carrying out investments in "priority" industrial activities; others are available to all industries in any location. We verified that the CEPROFI received by Selectos was granted for investment in Mexican-made machinery and equipment which is available to all industries in any location. Therefore, we determine that CEPROFIs granted for the acquisition of new, Mexican-made capital goods are generally available to all industries on equal terms without regard to region or industrial activity. Therefore, we do not

consider this type of CEPROFI, provided for this purpose, to be countervailable.

B. Dual Level Currency Exchange Rate System

Petitioner alleges that the dual level exchange rate system existing in Mexico constitutes a counterverilable benefit to the pork rind pellet industry. At present in Mexico, all export proceeds must be converted at the controlled rate of exchange established by the Mexican government. During the period for which we are measuring bounties or grants, we verified that Selectos has not yet exchanged to pesos any earnings received for pork rind pellets exported to the United States. We also verified that the Mexican government will require Selectos, upon receipt of any export proceeds, to exchange those proceeds, to pesos at the controlled rate, thus receiving fewer pesos per dollar than if they were converted at the free exchange rate.

Foreign currency to purchase imports may be converted at the controlled rate or the free rate. A Mexican government decree published in the *Diario Oficial de la Federation (Diario Oficial)* on December 20, 1982, the tariff list of which was revised on January 18, 1983, describes the rules pursuant to which foreign currency to purchase imports may be obtained at the controlled rate. Article 1 of this decree states that foreign currency can be purchased at the controlled rate for a wide variety of imports listed in the decree (various items ranging from plants, animals, and chemicals, to medical equipment, heavy machinery, etc.). Pork skins, the principal imput used in the production of pork rind pellets, are contained on the January 18, 1983 revision to the tariff list. Article 2 of the decree provides that imports used in exportation may be paid for using foreign currency obtained at the controlled rate. Therefore, the pork rind pellet industry is eligible to purchase pork skins with foreign currency obtained at the controlled rate both under Article 1 and Article 2, regardless of the destination of the pork rind pellets.

The Department has determined that the operation of the Mexican exchange rate system does not confer an export bounty or grant on pork rind pellets because eligibility to use the controlled rate for making import purchases of pork skins is not contingent upon export performance. In addition, this system does not appear to stimulate export sales of pork rind pellets over domestic sales of pork rind pellets. Whether or not the pork rind pellet industry exported pellets to the United States, it would be eligible to import pork skins at the controlled rate because this item is contained on the January 18, 1983 revision to the tariff list. Further, all exporters are required to convert their foreign earnings at the less favorable controlled exchange rate.

Additionally, we find that the dual exchange rate system does not benefit a "specific enterprise or industry, or group of enterprises or industries" within Mexico as specified in section 771(5)(B) of the Act, because all firms may import many different goods using the controlled exchange rate. As indicated above, the goods on the tariff list for which foreign currency may be obtained at the controlled rate range from plants and animal products to orange peelers to heavy machinery. Because the Mexican government, through the creation of the above-described tariff list, has not singled out for benefit a specific industry or enterprise or a specific group of industries or enterprises, the Department determines that the Mexican dual exchange rate system does not operate to confer a domestic subsidy on the pork rind pellet industry.

III. Programs Determined Not To Be Used

We determine that the following programs have not been used by the pork rind pellet industry.

A. Preferential Rates on Commercial Risk Insurance

The petitioner alleges that the pork rind pellet industry has benefited from preferential rates on commercial risk insurance through Compania Mexicana de Seguros de Credito (COMESEC). COMESEC, which provides export insurance, was specifically established by law, although it is owned by private insurance companies.

In past determinations we have stated that COMESEC does not provide a bounty or grant because the premium rates that COMESEC charged the manufacturers, producers, or exporters cover COMESEC's operating costs and losses on insurance operations.

In this investigation, verification indicated that Selectos has not received commercial risk insurance from COMESEC. We determine that this program was not used during the period for which we are measuring bounties or grants.

B. Fund for the Promotion of Exports of Mexican Manufactured Products (FOMEX)

FOMEX is a trust established by the government of Mexico to promote the manufacture and sale of exported products. The fund is administered by the Mexican Treasury Department with the Bank of Mexico acting as the trustee. The bank of Mexico administers the financing of FOMEX loans through financial institutions, which establish contracts for lines of credit with manufacturers and exporters.

In order for a company to be eligible for FOMEX financing for exports, the following requirements must be met: (1) the product to be manfactured must be included on a list made public by FOMEX; (2) the articles to be exported must have a minimum of 30 percent national content in direct production costs; (3) loans granted for pre-export must be in Mexican currency, while loans for exports sales are established in U.S. dollars or any other foreign currency acceptable to the Bank of Mexico; and (4) the exporter must carry insurance against commercial risks to the extent of the loans. In previous final countervailing duty determinations regarding Mexico, we have found the FOMEX program to confer benefits constituting bounties or grants.

Our verification indicated that Selectos had not received FOMEX financing. Therefore, we determine that this program was not used during the period for which we are measuring bounties or grants.

C. Fund for Industrial Development (FONEI)

FONEI is a specialized financial development fund, administered by the Bank of Mexico, which grants long-term preferential credit for the creation, expansion or modernization of enterprises in order to foster the efficient production of industrial goods, the production of goods capable of competing in the international market, and industrial decentralization.

Our verification revealed that Selectos has not received FONEI loans. Thus, we determine that this program was not used during the period for which we are measuring bounties or grants.

D. Mexican Institute for Foreign Trade (IMCE)

IMCE was created by a law published in the *Diario Official* on December 31, 1970 and has as its organizational purpose the promotion of the foreign trade of Mexico and the coordination of efforts to stimulate foreign trade. In addition, IMCE functions as an advisory board in the previously mentioned matters. IMCE performs a number of functions including organizing and directing trade fairs abroad, promoting the visits of foreign trade missions to Mexico, carrying out investigations to

identify national products or services which might be in demand abroad, and providing exporters with technical assistance. We verified that this program was not used during the period for which we are measuring bounties or grants.

E. Trust for Industrial Parks, Cities and Commercial Centers (FIDEIN)

Operating under Nacional Financiera S.A. (NAFINSA), this program is aimed at the development of industrial parks and cities. We verified that Selectos was not located in an industrial park. Therefore, we determined that this program was not used during the period for which we are measuring bounties or grants.

F. National Preinvestment Fund for Studies and Projects (FONEP)

FONEP is a trust administered by NAFINSA, whose primary objective is to assist firms to invest in economic feasibility studies. We verified that this program was not used during the period for which we are measuring bounties or grants.

G. Favorable Tax Treatment

Petitioner alleged that certain Mexican industries receive special tax incentives such as favorable tax treatment in the form of special rates and a reduction in tax liabilities. We verified that this program was not used during the period for which we are measuring bounties or grants.

H. Preferential Pricing for Fuel and Energy

Petitioner alleged that the pork rind pellet industry might have benefited from preferential prices and discounts on fuel and energy. We verified that this program was not used during the period for which we are measuring bounties or grants.

I. Fondo Nacional de Fomento Industrial (FOMIN)

Petitioner alleged that FOMIN provides producers, manufacturers, or exporters of the subject merchandise with a bounty or grant. FOMIN operates as a trust fund, providing funding to certain companies through either stock acquisition or the provision of convertible loans at rates below those of commercial lending institutions. We verified that this program was not used during the period for which we are measuring bounties or grants.

J. Import Duty Reductions and Exemptions

Petitioner alleges that companies establishing facilities in the border zone are eligible for import duty reductions or exemptions on raw materials, machinery, and equipment. Petitioner also alleges that companies or producers capable of demonstrating increased export volume may receive a reduction or exemption of duties on imported machinery or equipment used in the manufacture of exported products. Petitioner also alleges that producers or exporters of pork rind pellets may benefit from their location in areas which are declared "free zones" into which merchandise may be imported duty free.

We verified that this program was not used during the period for which we are measuring bounties or grants.

K. Preferential State Investment Incentives

Under this program, an industry may receive a partial or total exemption from state taxes or other tax benefits such as special teatment on real estate taxes or infrastructure taxes. We verified that this program was not used during the period for which we are measuring bounties or grants.

L. Certificado de Devolucion de Impuesto (CEDI)

CEDI is a tax certificate issued by the government of Mexico in an amount equal to a percentage of the f.o.b. value of the exported merchandise or, if national insurance and transportation are used, a percentage of the c.i.f. value of the exported product. The CEDIs are non-transferable and may be applied against a wide range of federal tax liabilities (including payroll taxes, value-added taxes, federal income taxes, and import duties) over a period of five years from the date of issuance.

The government of Mexico suspended eligibility for CEDI tax rebates by an executive order published on August 25, 1982, in the *Diario Oficial*. The order abrogates prior executive orders which contained the list of products eligible to receive CEDI certificates. Suspension of eligibility to apply for the CEDI was effective one day after publication of the executive order in the *Diario Oficial* We verified that Selectos did not start exporting to the U.S. unitl February 1983, so it could not have benefited from CEDI while the program was in effect. We determine that this program was not used during the period for which we are measuring bounties or grants.

Petitioner's Comments

Comment 1

The Department of Commerce's method of calculating the FOGAIN benefit produces results that are not consistent with the statute and administrative practice.

DOC Position

The Department verified that all small and medium size firms in Mexico are eligible to receive FOGAIN loans at the least beneficial rate of interest available under the FOGAIN program. Therefore, we consider that loans received at this rate are not countervailable because making this rate available to all small and medium size businesses does not constitute governmental provision of the rate to a specific group of industries or enterprises under section 771(5)(B) of the Act (*see, e.g.*, the "Maribel Program" from *Certain Steel Products from Belgium* (47 FR 39304); "Assistance to Iron Ore Suppliers" from *Certain Steel Products from France* (47 FR 39332); "Articles 8, 9, 12, 14 and 16 of the Law for the Promotion of Exports of Nontraditional Goods" from *Cotton Yarn from Peru* (48 FR 4508); and the "Stumpage Program of Canadian Federal and Provincial Governments", "FRI Industrial Incentives Fund for Small and Medium-Sized Businesses", "PME-Innovation", and "British Columbia Assistance to Small Enterprise Program (ASEP)" from *Certain Softwood Products from Canada* (48 FR 24159)).

However, under FOGAIN, interest rates can vary depending upon (a) whether a medium size business has a designated priority status, and (b) the geographical location of a small or medium size business. To the extent that the government directs that interest rates shall differ from those available to all small and medium size firms due to certain limiting criteria, we consider these preferential rates to be countervailable. We determined the program to be countervailable only to the extent that interest rates received by a particular company are below the least beneficial rate that any small or medium size firm could receive under FOGAIN (*see, e.g.*, "Investment Tax Credit" from *Certain Softwood Products from Canada* (48 FR 24159)). Therefore, to determine the estimated bounty or grant conferred upon Selectos, we compared the interest rate Selectos received to the least beneficial interest rate available under FOGAIN.

Comment 2

Petitioner alleges that the dual level exchange rate system existing in Mexico operates to confer a countervailable benefit on the pork rind pellet industry because it is able to purchase imports from the United States with dollars obtained at the controlled exchange

rate, which requires payment of fewer pesos per dollar than the free rate. Petitioner argues that the use over time of the peso difference between what Selectos paid for its dollars at the controlled rate and what it would have paid had it been obliged to use the free rate constitutes a preferential loan.

DOC Position

The Department has determined that the operation of the Mexican dual exchange rate system confers neither an export nor a domestic bounty or grant (see II B above). We do not consider the use of the controlled rate for imported inputs by the pork rind pellet industry to constitute a preferential loan because we have determined that this program does not confer a bounty or grant.

Verification

In accordance with section 776(a) of the Act, we verified the data used in making our final determination. During the verification we followed normal procedures, including inspection of documents, interviews with government and company officials, and on-site inspection of the records and operations.

Administrative Procedures

The Department gave interested parties an opportunity to present oral views in accordance with its regulations (19 CFR 355.35). In accordance with the Department's regulations (19 CFR 355.34(a)), oral and written views have been received and considered. We hereby conclude our investigation regarding this case.

This notice is published pursuant to sections 303 and 705(d) of the Act (19 U.S.C. 1303, 1671d(d)).

Lawrence Brady,

Assistant Secretary for Trade Administration.

August 19, 1983.

[FR Doc. 83-23397 Filed 8-25-83; 8:45 am]

BILLING CODE 3510-25-M

Cordage From Cuba; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Countervailing Duty Order.

SUMMARY: On May 26, 1983, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on cordage from Cuba. The review covers the period January 1, 1982 through December 31, 1982.

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of the review are the same as the preliminary results.

EFFECTIVE DATE: August 29, 1983.

FOR FURTHER INFORMATION CONTACT: Bernard Carreau or Joseph Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On May 26, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 23682) the preliminary results of its administrative review of the countervailing duty order on cordage from Cuba (19 FR 4560, July 23, 1954). The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

The merchandise covered by the review is cordage which the Cuban government considered "binder twine and baler twine," but which does not meet the definition contained in the Tariff Schedules of the United States Annotated (TSUSA). Normally, binder twine and baler twine, as defined by the TSUSA, enter under items 315.2020 and 315.2040 of the TSUSA. The merchandise under consideration here is currently classifiable under item 315.2500 of the TSUSA. The review covers the period January 1, 1982 through December 31, 1982.

Final Results of the Review

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of the review are the same as the preliminary results. There were no known unliquidated entries of the merchandise during the period of review. This merchandise has not been imported into the United States since 1962, and is covered by the embargo on all trade with Cuba in effect since February 7, 1962 (27 FR 1085).

The Department will instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 2.488 cents per pound, as provided for in section 751(a)(1) of the Tariff Act, on any shipments of Cuban cordage entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department is now beginning the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: August 23, 1983.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 83-23610 Filed 8-25-83; 8:45 am]

BILLING CODE 3510-25-M

Preliminary Affirmative Countervailing Duty Determination; Certain Refrigeration Compressors From the Republic of Singapore

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary Affirmative Countervailing Duty Determination.

SUMMARY: We preliminarily determine that certain benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Singapore of certain refrigeration compressors, as described in the "Scope of Investigation" section of this notice. The estimated net bounties or grants are 4.87 percent *ad valorem*. Therefore, we are directing the U.S. Customs Service to suspend liquidation of all entries of the product subject to this determination which are entered, or withdrawn from warehouse, for consumption, and to require a cash deposit or the posting of a bond on this product in an amount equal to the estimated net bounties or grants.

If this investigation proceeds normally, we will make our final determination by November 2, 1983.

EFFECTIVE DATE: August 29, 1983.

FOR FURTHER INFORMATION CONTACT: Melissa G. Skinner, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-3530.

SUPPLEMENTARY INFORMATION:

Based upon our investigation, we preliminarily determine that there is reason to believe or suspect that certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended ("the Act"), are being provided to manufacturers, producers, or exporters in Singapore of certain refrigeration compressors as described in the "Scope of Investigation" section of this notice. The estimated net bounties or grants are 4.87 percent *ad valorem*.

Case History

On May 26, 1983, we received a petition in proper form from counsel for Tecumseh Products Company, a manufacturer of smaller hermetic refrigeration compressors, on behalf of the U.S. industry producing certain refrigeration compressors. The petitioner alleged that certain benefits which constitute bounties or grants within the meaning of section 303 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in Singapore of certain refrigeration compressors.

Since Singapore is not a "country under the Agreement" within the meaning of section 701(b) of the Act, section 303 of the Act applies to this investigation. Because the product under investigation is dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten to cause material injury to a U.S. industry. We found the petition to contain sufficient grounds upon which to initiate a countervailing duty investigation, and on June 13, 1983 we initiated a countervailing duty investigation (48 FR 28868).

On June 29, 1983, we presented a questionnaire concerning the allegations to the government of Singapore at the Department of Commerce in Washington, D.C. On August 8, 1983, we received the responses of the questionnaire.

On August 15, 1982, we received a brief from counsel for petitioner alleging that benefits flowing from the "utilization" of the pioneer program, discussed below, by a company under investigation have ramifications far beyond the period during which this company technically held pioneer status. Petitioner also alleged the compahies in Singapore which are producing and exporting refrigeration compressors are receiving private subsidies from their parent companies. These allegations, although not considered for this preliminary determination, will be investigated prior to making our final determination.

Scope of Investigation

The product covered by this investigation is certain hermetic refrigeration compressors rated not over one-quarter horsepower. The merchandise is currently classified under item number 661.0900 of the *Tariff Schedules of the United States Annotated* (TSUSA).

Two companies were identified by the government of Singapore as being producers or exporters of the product under investigation. They are Matsushita Refrigeration Industries (Singapore) Pte. Ltd., producer, and Matsushita Electric Trading (Singapore) Pte. Ltd., exporter. We will be investigating the possible existence of additional producers or exporters of the product under investigation.

The period for which we are measuring subsidization is calendar year 1982 or fiscal year 1982, as appropriate.

Analysis of Programs

Based upon our analysis to date of the petition and responses to our questionnaires, we have preliminarily determined the following:

I. Programs Preliminarily Determined to Confer Bounties or Grants

We preliminarily determine that bounties or grants are being provided to manufacturers, producers, or exporters in Singapore of certain refrigeration compressors under the programs listed below.

A. *The Economic Expansion Incentives Act.* —The petitioner alleges that the partial exemption from company income tax of export profits based on classification as an "export enterprise," as provided for in Part IV of the Economic Expansion Incentives Act ("Incentives Act") confers a bounty or grant on the manufacturer of the product under investigation.

Part IV of the Incentives Act provides that the Minister of the Singapore Economic Development Board ("SEDB") may approve any product manufactured in Singapore as an export product. It further provides that the Minister may issue an export enterprise certificate, "subject to such conditions as he thinks fit," to any company making application which is manufacturing or proposes to manufacture any export product. Section 32 of the Incentives Act provides that once export profits have been determined, an amount equal to 90 percent of such profits shall be exempt from tax.

The Incentives Act also provides for the lenght of time for which an export enterprise will be exempt from income tax on its export profits, as well as for what income shall be included in such calculations.

In their responses, the government of Singapore and the companies stated that the producer of the product under investigation is a certified export enterprise which is receiving a tax exemption on export profits.

Since this tax exemption is provided only to certified export enterprises, we preliminarily determine that the tax exemption provided under Part IV of the Incentives Act confers a bounty or grant on the manufacturers, producers, or exporters in Singapore of certain refrigeration compressors.

We calculated the benefit received under this program by subtracting the amount of taxes paid from the amount of taxes which, without benefit of the exemption, would have been owed. We then allocated this tax savings over total exports. On this basis we calculated a bounty or grant in the amount of 4.74 percent *ad valorem*.

B. *The Singapore Monetary Authority.*—The petitioner alleges that the provision of preferential financing through the Singapore Monetary Authority's rediscount facility for eligible export and pre-export usance bills of exchange confers a bounty or grant.

The Monetary Authority of Singapore operates a rediscounting facility at which banks are permitted to rediscount qualified pre-export and export bills of exchange. Most exporters of manufactured products are eligible to receive financing from commercial banks using this facility. Banks negotiating rediscounted bills are allowed to charge a maximum commission of not more than one and one-half percent, per annum, above the rediscount rate charged by the Authority. The Authority's rediscount rate is subject to change from time to time, and it has fluctuated during the period for which we are measuring subsidization.

The rediscount rate is lower than the prime rate (average prime lending rate of 10 major banks in Singapore) at which comparable commercial loans were available during the period for which we are measuring subsidization. Since the rediscount faciltiy is only available for use by exporters, and the rate of interest charged is less than commercial interest rates on comparable loans, we preliminarily determine that the provision of financing by the rediscount facility of the

Monetary Authority confers a bounty or grant. We note that in a prior investigation, the Treasury Department found the same program to be countervailable. *Certain Textiles and Textile Products from Singapore*, 44 FR 35335 (June 19, 1979).

The benefit provided under this program was determined by applying the interest rate differential for the month in which a loan was received (prime rate − rediscount rate = differential) to the principal amount of the loan, for the number of days the loan was outstanding during the period for which we are measuring subsidization. This was calculated for each loan which was either received or outstanding during this period. We then allocated the aggregate benefit over total exports. On this basis we calculated a bounty or grant in the mount of 0.13 percent *ad valorem*.

II. Programs Preliminarily Determined Not Confer Bounties or Grants

We preliminarily determine that bounties or grants are not being provided to manufacturers, producers, or exporters in Singapore of certain refrigeration compressors under the following programs.

A. The petitioner alleges that the issuance of tax-exempt dividends, as provided for in the Incentives Act, confers a bounty or grant. Under the Incentives Act there are several sections which provide for tax-exempt dividends. Only Part IV, section 33 applied to the manufacturers, producers, or exporters of compressors from Singapore during the period for which we are measuring subsidization.

Under section 33 of the Incentives Act, a qualified exporting corporation may establish an account for the payment of tax-exempt dividends to shareholders from export income which has been determined to be tax-exempt under the provisions of section 32 of the Incentives Act. The exemption of export income from the company tax is discussed in the "Programs Determined to Confer Bounties or Grants" section of this notice.

Since the exemptions for dividends applies to the shareholders, they bestow no benefit on the company. Thus, we preliminarily determine that this program does not confer a bounty or grant upon the manufacturers, producers, or exporters in Singapore of certain refrigeration compressors. See *Bicycle Tires and Tubes from Korea*, 48 FR 32205, 32207 (July 10, 1983).

B. The petitioner alleges that the reduction or exemption from income tax of approved royalties, licenses, and technical assistance fees paid to non-residents abroad, as provided for in Part VI of the Incentives Act, confers a bounty or grant.

Part VI of the Incentives Act provides that a company engaged in any industry which desires to enter into an agreement or arrangement involving payment of royalties, fees, or development contributions to a non-resident may apply to the Minister of the Economic Development Board to have such costs certified as "approved." Upon approval, the non-resident licensor's royalty payments are eligible for partial or complete tax-exempt treatment in Singapore, provided such relief or exemption does not result in an increased tax liability for the non-resident person in its country of residence. One company under investigation responded that the royalties it pays to a non-resident licensor are exempt from taxes. Since Singapore law provides that the licensor, not the licensee, is otherwise liable for taxes owed on such payments, we preliminarily determine that the exemption from income taxes on royalty payments does not confer a bounty or grant upon the manufacturers, producers, or exporters in Singapore of certain refrigeration compressors.

III. Programs Preliminarily Determined Not To Be Used

We preliminarily determine that the following programs which were identified in the notice of "Initiation of Countervailing Duty Investigation, Certain Refrigeration Compressors from Singapore" are not being used by the manufacturers, producers, or exporters in Singapore of certain refrigeration compressors.

A. *The Economic Expansion Incentives Act.*—1. The petitioner alleges that the total exemption from company income tax, based on classification as a "Pioneer Enterprise" or "Pioneer Industry", as provided for in Part II of the Incentives Act, confers a bounty or grant. In their responses, the government of Singapore and the companies stated that they were not classified as "pioneer" during the period for which we are measuring subsidization. Therefore, we preliminarily determine that Part II of the Incentives Act was not used.

2. The petitioner alleges that the total tax exemption on profits derived from plant expansion for companies certified as "expanding enterprises," as provided for in Part III of the Incentives Act, confers a bounty or grant. In their responses, the government of Singapore and the companies stated that they were not classified as "expanding" during the period for which we are measuring subsidization. Therefore, we preliminarily determine that Part III of the Incentives Act was not used.

3. The petitioner alleges that the exemption of one-half of an international trading company's export income from income taxes, as provided for in Part IVA of the Incentives Act, confers a bounty or grant. In their responses, the government of Singapore and the companies stated that they were not certified as an international trading company during the period for which we are measuring subsidization. Therefore, we preliminarily determine that Part IVA of the Incentives Act was not used.

4. The petitioner alleges that the exemption from company income tax of one-half of a certified warehousing company's export income, as provided for in Part VIB of the Incentives Act, confers a bounty or grant. In their responses, the government of Singapore and the companies stated that they were not classified as a certified warehouse company. Therefore, we preliminarily determine that Part VIB of the Incentives Act was not used.

5. The petitioner alleges that the tax-free treatment of interest payments on foreign loans, as provided for in Part V of the Incentives Act, confers a bounty or grant. In their responses, the government of Singapore and the companies stated that neither of the companies had received or had outstanding any foreign loans during the periods of investigation, and therefore did not receive an exemption from withholding tax on interest. Thus, we preliminarily determine that Part V of the Incentives Act has not been used.

6. The petitioner alleges that the tax exemption of up to 50 percent of profits on fixed investments and the fact that these exemptions may be carried forward from year to year, as provided for in Part VIA of the Incentives Act, confers a bounty or grant. In their responses, the government of Singapore and the companies stated that the companies had not received any tax exemption under Part VIA of the Incentives Act. Thus, we preliminarily determine that Part VIA of the Incentives Act has not been used.

B. *Singapore Economic Development Board.*—1. The petitioner alleges that equity participation and preferential term loans, provided under the Capital Assistance Scheme by the SEDB confers a bounty or grant. In their responses, the government of Singapore and the companies stated that the SEDB has not purchased any shares in, nor provided any term loans during the period of investigation to, either company. Therefore, we preliminarily determine

that the Capital Assistance Scheme has not been used.

2. The petitioner alleges that the SEDB, through the provision of matching grants for the financing of substantial technical improvements in products or manufacturing processes under the Product Development Assistance program, confers a bounty or grant. In their responses, the government of Singapore and the companies stated that no grants had been received by the companies under investigation. Therefore, we preliminarily determine that the Product Development Assistance program has not been used.

C. *Export Credit Insurance Corporation.*—The petitioner alleges that the provision of export credit insurance by the Export Credit Insurance Corporation at rates less than commercial rates may confer a bounty or grant. In their responses, the government of Singapore and the companies stated that export credit insurance was not provided to the companies under investigation. Thus, we preliminarily determine that the Export Credit Insurance Corporation has not been used.

D. *Additional Tax Incentives.*—1. The petitioner alleges that the double deduction of export promotional expenses confers a bounty or grant. In their responses, the companies stated that they do not incur export promotional expenses and no deduction was claimed for those types of expenses. Thus, we preliminarily determine that the program for double deduction of export promotional expenses was not used. We will, however, seek additional information concerning the listing of "promotion" as a selling expense in METOS' annual reports.

2. The petitioner alleges that the deduction of research and development costs at twice their value as a business expense confers a bounty or grant. In their responses, the companies stated that they had no expenses for research and development, and therefore no deduction. Thus, we preliminarily determine that the program for deduction of research and development expenses at twice their value has not been used.

3. The petitioner alleges that relief from property tax for companies which erect premises in designated urban development regions confers a bounty or grant. In its response, the government of Singapore stated that this benefit has not been given to any companies producing or exporting compressors. In their responses, the companies stated that they have not received any assistance under this program. Therefore, we preliminarily determine that the program for tax relief based on location in an urban development region has not been used.

Verification

In accordance with section 776(a) of the Act, we will verify all data used in making our final determination.

Suspension of Liquidation

In accordance with section 703 of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of certain refrigeration compressors as defined in the "Scope of Investigation," *supra*, which are entered, or withdrawn from warehouse, for consumption, on or after date of publication of this notice in the **Federal Register**. The Customs Service shall require a cash deposit or bond for each such entry of the merchandise in the amount of 4.87 percent *ad valorem* of exports of certain refrigeration compressors from Singapore.

This suspension will remain in effect until further notice.

Public Comment

In accordance with section 355.35 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10:00 a.m. on September 27, 1983, at the U.S. Department of Commerce, Conference Room 4830, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within ten days of this notice's publication. Requests should contain: (1) The party's name, address,and telephone number; (2) the number of paticipants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by September 20, 1983. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 355.34, within thirty days of this notice's publication, at the above address and in at least ten copies.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

August 19, 1983.

[FR Doc. 83-23606 Filed 8-25-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Marine Mammal Permits; Modification No. 2 to Permit No. 326

Notice is hereby given that pursuant to the provision of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Public Display Permit 326 issued to Theater of the Sea, P.O. Box 407 Islamorada, Florida 33036 on April 10, 1981 (46 FR 22251), is modified to extend the period of authorized taking for three years.

Accordingly, Section B–2 is deleted and replaced by:

"2. This permit is valid with respect to the taking authorized herein until December 31, 1986."

This modification becomes effective upon publication in the **Federal Register**.

This Permit, as modified, and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region 9450 Koger Boulevard, Duval Building, St. Petersburg, Florida 33702

Dated: August 23, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 23694 Filed 8-26-83; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammal Permits; Receipt of Application for General Permit

Notice is hereby given that the following application has been received to take marine mammals incidental to the pursuit of commercial fishing operations within the U.S. fishery conservation zone during 1983 and 1984 as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the regulations thereunder.

Associacao dos Armadores da Pesca Longinqua, Praca Duque da Terceira, no. 24–10 Lisboa Portugal, has applied for a Category 1: "Towed or Dragged Gear" general permit to take 20 small cetaceans and 20 phocid seals in the course of joint venture processing operations for squid, butterfish, and mackerel in the North Atlantic Ocean.

The application is available for review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300

Whitehaven Street, NW., Washington, D.C.

Interested parties may submit written comments on this application within 30 days of the date of this notice to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235.

Dated: August 15, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-23692 Filed 8-26-83; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammal Permits; Receipt of Application for Permit

Notice is herby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Marine Animal Productions, Inc. (P108G).

b. Address: 150 Debuys Road, Biloxi, Mississippi 39531.

2. Type of Permit: Public Display.

3. Name and Number of Animals: Bottlenose dolphins (*Tursiops truncatus*), 4.

4. Type of Take: Capture and permanent maintenance.

5. Location of Activity: Mobile Bay, AL to Mouth of Mississippi River.

6. Period of Activity: 1 year.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the Federal Reguster, the Secretary of Commerce is forwarding copies of this applicaiton to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Fisheries Marine Service.

The application is available for review in the following offices: Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: August 19, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-23693 Filed 8-26-83; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Control Levels for Certain Cotton, Wool, and Man-Made Fiber Textile Products From the Republic of Korea

August 24, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling imports of cotton, wool, and man-made fiber textile products in Categories 314, 317, 336, 435, 442, 448, 636, 642, 644, 647 and parts of 669, produced or manufactured in Korea and exported during the agreement year which began on January 1, 1983.

A description of the textile categories in terms of T.S.U.S.A. numbers were published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924).

SUMMARY: During consultations held July 18–25, 1983, between the Governments of the United States and the Republic of Korea, agreement was reached under the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 14, 1982, to establish levels for cotton, wool, and man-made fiber textile products in Categories 314, 317, 336, 435, 442, 448, 636, 642, 644, 647, and parts of 669 during the agreement year which began on January 1, 1983. Notice of the intention to hold these consultations was published in the **Federal Register** on June 6, June 13, June 14, and June 21, 1983 (48 FR 25260, 27122, 27286, and 28312).

EFFECTIVE DATE: September 1, 1983.

FOR FURTHER INFORMATION CONTACT: William Boyd, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 30, 1982 a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the **Federal Register** (47 FR 58338) which established levels of restraint for certain cotton, wool, and man-made fiber textile products, produced or manufactured in Korea and exported during the twelve-month period which began on January 1, 1983. In the letter published below additional levels are being established for the designated categories as a result of bilateral consultations. The levels have not been adjusted to account for merchandise exported on and after January 1, 1983 and extending to the effective date of this action. As the data become available charges will be made to account for that period, as well as thereafter.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 23, 1982 concerning cotton, wool, and man-made fiber textitle products, produced of manufactured in the Republic of Korea and exported during the twelve-month period which began on January 1, 1983. Effective on September 1, 1983, paragraph 1 of the directive of December 23, 1982 is further amended to include the following levels:

Category	12-month level of restraint[1]
314 (square yards)	2,500,000
317 (square yards)	15,396,773
336 (dozen)	40,000
435 (dozen)	30,065
442 (dozen)	43,008
448 (dozen)	30,258
636 (dozen)	200,000
642 (dozen)	72,696
644 (dozen)	80,000
647 (dozen)	755,086
669 pt.[2](pounds)	4,250,000
669 pt. [3](pounds)	631,995

[1] The levels of restraint have not been adjusted to reflect any imports after December 31, 1982.
[2] In Category 669, only TSUSA No. 385.5300.
[3] In Category 669, only TSUSA Nos. 335.4520 and 355.4530.

Textile products in the foregoing categories which have been exported to the United

States prior to January 1, 1983 shall not be subject to this directive.

Textile products in the foregoing categories which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The Committee for the implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83 23606 Filed 8-26-83; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

August 22, 1983.

The USAF Scientific Advisory Board Electronic Systems Division Advisory Group, Air Force Systems Command will hold meetings on 13 September 1983, 0830 to 1700 and 14 September 1983, 0830 to 1200, at Griffiss Air Force Base, New York in Buildings 240, 3 and 106.

The Group will be briefed on and review on-going projects in the field of C³I Technology.

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 Division Advisory Group Secretariat at 617–861–2701.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-23612 Filed 8-26-83; 8:45 am]

BILLING CODE 3910-01-M

Performance Review Boards, List of Members

Below is a listing of Additional individuals who are eligible to serve on the Performance Review Boards for the Department of the Air Force in accordance with the Air Force Senior Executive Appraisal and Award System.

Secretariat

C. Glenn Armstrong
Sydell P. Gold
Estella Garcia Guerra
Herbert H. Kaiser
Dennis M. Kenneally
Allen R. Stubberud

Air Staff

Wayne A. Robertson
Frederick E. Tillman
MG Robert D. Beckel
BG James B. Davis
MG Harry Falls, Jr.

Air Force Systems Command (AFSC)

Eric E. Abell
Charles E. Adolph
William C. Alexander
Earl A. Alluisi
Robert R. Barthelemy
Robert K. Dismukes
Donald H. Eckhardt
Aubrey L. Freeman
John C. Halpin
Maurice R. Himmelberg
Ted M. Lynch
James J. Mattice
Thomas P. O'Mahony
Daniel N. Payton, II.
BG Daniel B. Geran
Rita C. Sagalyn
Bruce O. Stuart
LTG Robert M. Bond

Air Force Logistics Command (AFLC)

Anthony J. Pansza
MG William P. Bowden
BG Thomas A. Laplante
BG Lee V. Greer
BG Anthony J. Farrington, Jr.

Others

Thurman S. Dunn
Gary S. Flora
George P. Millburn
MG Thomas J. Hickey
BG Donald L. Rans

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-23556 Filed 8-26-83; 8:45 am]

BILLING CODE 3910-01-M

Defense Logistics Agency

Privacy Act of 1974; Amendments to Five System Notices

AGENCY: Defense Logistics Agency (DLA), DOD.

ACTION: Amendments to five system notices.

SUMMARY: The Defense Logistics Agency proposes to amend the notices for five systems of records subject to the Privacy Act of 1974. The proposed amendments followed by the system notices as amended are set forth below.

DATE: These amendments shall be effective without further notice on September 28, 1983.

ADDRESSES: Send any comments to: General Counsel, Defense Personnel Support Center, ATTN: Frederick M. Quattrone, 2800 South 20th Street, Philadelphia, PA 19101.

FOR FURTHER INFORMATION CONTACT: Mr. Preston B. Speed, Chief, Administrative Management Branch, HQ Defense Logistics Agency, Cameron Station, Alexandria, VA 22314. Telephone: 202/274–6234.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency systems of records subject to the Privacy Act of 1974, as amended Title 5 U.S.C. Section 552a were published in the **Federal Register** at 48 FR 26199 (FR Doc. 83–12048).

No altered system reports (see 5 U.S.C. 552a(o)) are required for these changes.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

August 23, 1983.

Amendments

161.30 DLA–T

SYSTEM NAME:

Motor Vehicle Registration Files.

Changes:

PURPOSE(S):

Add caption and insert:

"Information is maintained to provide adequate controls on movement of privately owned motor vehicles on DLA activities and facilities, consistent with safety and applicable traffic regulations.

Information is used by DLA Security personnel to ensure that only authorized vehicles enter DLA facilities and activities and that those vehicles carry required liability insurance. Also, to plan for additions or reductions in parking requirements and to be able to identify vehicles and their owners by decal number in the event of emergency or traffic problems."

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and insert:

"See blanket Routine uses set forth above."

STORAGE:

Add:

"Computer magnetic tapes or discs, computer paper printouts."

SAFEGUARDS:

Add:

"Manual records are either secured in locked storage and/or file cabinets or under the constant observation of security personnel during both duty and non-duty hours. The computer terminal

used for access to, input and changes to the automated system is maintained in an area under constant observation of security personnel. Access to the automated system through the computer terminal is protected by password identification. Magnetic tapes and discs are kept in the computer room, which itself is a security container with locked doors and access-limited persons appropriately cleared and identified. Tapes and disc packs are stored in a tape library when not used in processing and are logged in and out only to cleared personnel with an official need. Reports with individual data are closely controlled. Computer personnel who process these reports are appropriately cleared and maintain continuous observation of reports during all processing phases. Individuals requesting information must identify himself/herself and his/her relationship to the individual on whom the record information is being requested. Individuals other than the individual of record must specify what information is requested and the purpose for which it would be used if disclosed."

S161.50 DLA-T

SYSTEM NAME:

Traffic Violations File.

Changes:

PURPOSE(S):

Add caption and insert:

"Information is maintained to identify traffic offenders, to enforce applicable traffic regulations and to promote safety. Information is used by:

DLA Security Officers DLA and DoD and DoD to identify traffic violations, to enforce applicable traffic regulations, to promote safety and to initiate corrective or disciplinary action against the offenders.

DLA supervisors and managers—to take corrective or disciplinary action against offenders under their supervision."

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

Delete entry and insert:

"See blanket routine uses set forth above."

STORAGE:

Add:

"Computer magnetic tapes or discs, computer paper printouts."

SAFEGUARDS:

After the word "DLA" and before the word "personnel" add the word "security." After the initial sentence add the following:

"Manual records are either secured in locked storage and/or file cabinets or under the constant observation of security personnel during both duty and non-duty hours. The computer terminal utilized for access to, input and changes to the automated system is maintained in an area under constant observation of security personnel. Access to the automated system through the computer terminal is protected by password identification. Magnetic tapes and discs are kept in the computer room, which itself is a security container with locked doors and access-limited persons appropriately cleared and identified. Tapes and disc packs are stored in a tape library when not used in processing and are logged in and out only to cleared personnel with an official need. Reports with individual data are closely controlled. Computer personnel who process these reports are appropriately cleared and maintain continuous observation of reports during all processing phases. Individuals requesting information must identify himself/herself and his/her relationship to the individual on whom the record information is being requested. Individuals other than the individual of a record must specify what information is requested and the purpose for which it would be used if disclosed."

S434.15 DLA-C

SYSTEM NAME:

Automated Payroll Cost and Personnel System (APCAPS).

Changes:

PURPOSE(S):

Add caption and insert:

"Information is used in preparing payrolls, cost and manpower reports.

Information is used by: Agency supervisors and managers—to determine leave usage, manpower allocations and labor distribution. Supervisors and managers of agencies and activities other than DLA who receive payroll/cost accounting support from APCAPS—to determine leave usage, manpower allocations, labor distributions and costs.

Payroll office—to compute and control payroll and allocate labor costs.

Personnel office—to determine leave usage and changes that affect an employee's pay.

Security office—to determine location of employees.

Disbursing office—to determine the distribution of checks and bonds.

Law enforcement/Security personnel: To officials designated by the Head, PLFA or by regulation to perform law enforcement, safety, and vehicle registration/parking duties. Only the shift number, if an individual works shift work, will be accessed and used from APCAPS. The information will be used as a control to ensure the integrity of information in systems S161.30 DLA-T and S161.50 DLA-T and to facilitate the audit of such file."

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete present entry and insert:

"Information may be used by the following activities for the indicated purposes:

Financial Institution—to determine disposition of net pay or allotments of pay.

Treasury Department—to determine registration of bonds and federal tax allocation.

Unions, charities and insurance organizations—to determine participation in these organizations.

Office of Personnel Management—to determine status of employee and for disposition of retirement records.

State and local taking authorities—to determine tax liability.

Non-government organization—to verify employment and credit data furnished to financial institutions by the employee.

Bureau of Employment Compensation—to process employee disability claims.

State employment offices—to submit data for unemployment compensation.

Local courts—to determine the withholding of pay for garnishment of wages.

See also the blanket routine use set forth above."

SAFEGUARDS:

Add the following after the second sentence:

"Security/Law Enforcement personnel who access APCAPS information through computer terminals (used as control for the integrity of information in S161.30 DLA-T and S161.50 DLA-T) have been cleared with an official need. The information accessed from APCAPS is limited to the items and uses under Routine Uses and is password protected in the Automated system."

S434.15 DLA-KP

SYSTEM NAME:

Automated Payroll, Cost and Personnel System (APCAPS) Personnel Subsystem.

Changes:

CATEGORIES OF RECORDS IN THE SYSTEM:

In the second sentence delete the words "minority group designator" and substitute therefor the words "race and national origin identification."

PURPOSE(S):

Add caption and insert:

"Purposes of the system are to effect Federal personnel actions, maintain the Federal personnel service control system, fulfill Federal personnel reporting requirements, and provide information to officials of DLA for effective personnel management and personnel administration.

Officials designated by the Head, PLFA and/or by regulation to perform law enforcement, safety, and vehicle registration/parking duties. Only the following information will be accessed and utilized from APCAPS: Individual's name, address, directorate and office which assigned, grade, and category (military or civilian). The information will be used as a control to ensure the integrity of information in systems of records S161.30 DLA-T and S161.50 DLA-T and to facilitate and audit of such file."

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete current entry and insert:

"Information may be released to the listed activities for the following:

Prospective employers. For employment determination purposes.

Credit firms. For verification of data for credit determination purposes.

Taxing authorities. For tax administration purpose.

Officials of the Executive Branch. For performance of official duties.

Officials of the Judicial Branch. For performance of official duties.

Hospitals, medical offices and institutions. For medical/hospital administration purposes.

Executor or administrator of the estate of a deceased employee, former employee, or annuitant, or next-of-kin. For estate settlement purposes.

See also the blanket routine uses above."

SAFEGUARDS:

Before the last paragraph beginning with the word "Responsible," add the following:

"Security/Law Enforcement personnel who access APCAPS information through computer terminals (used as control for the integrity of information in S161.30 DLA-T and S161.50 DLA-T) have been cleared with an official need. The information accessed from APCAPS is limited to the items and uses under Routine Uses and in password protected in the automated system."

SYSTEM MANAGER(S) AND ADDRESS:

After the word "Staff Director" delete the word "Civilian."

S66.15 DPSC

SYSTEM NAME:

Manufacturing Payroll System: Weekly Piece Work.

Changes:

PURPOSE(S):

Add caption and insert:

"Information is maintained for purposes of affecting the weekly pay. Information is used by Agency supervisors and managers-to determine leave usage, manpower allocations and labor distribution. Payroll office—to compute and control payroll. Personnel office—to determine leave usage and changes that affect an employee's pay. Disbursing office—to determine the distribution of checks and bonds.

"Officials designated by the Commander, DPSC—to perform law enforcement, safety, and vehicle registration/parking duties. Only the following information will be accessed and utilized: name, address, date of birth, office phone number, directorate and office where individual assigned, category (military or civilian), and shift number. This information will be used as a control to ensure the integrity of information in systems of records S161.30 DLA-T and S161.50 DLA-T. The information will also be used to facilitate the audit of such files."

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Delete present entry and insert:

"Information is used by: Financial Institutions—to determine disposition of net pay or allotments of pay. Treasury Department—to determine registration of bonds and federal tax allocation. Unions, charities, and insurance organizations—to determine participation in these organizations. Office of Personnel Management—to determine status of employee and for disposition of retirement records. State and local taxing authorities—to determine tax liability. Non—government organizations—to verify employment and credit data furnished to financial institutions by employee. Bureau of Employment Compensation—to process employee disability claims. State employment offices—to submit data for unemployment compensation. Local courts—to determine disposition of pay witheld for garnishment of wages.

"See also blanket routine uses above."

SAFEGUARDS:

Add the following to the Safeguards listed: "Security/Law Enforcement personnel who access this information through computer terminals (used as control for the integrity of information in systems S161.30 DLA-T and S161.50 DLA-T) have been cleared with an official need. Furthermore, the information accessed from this system is limited to the items and uses under Routine uses and is password protected in the automated system."

S161.30 DLA-T

SYSTEM NAME:

Motor Vehicle Registration Files

SYSTEM LOCATION:

Decentralized: Documents and records relating to permanent registration of private vehicles to include commercial vehicles: Defense Logistics Agency (DLA) Primary Level Field Activities (PLFA).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DLA civilian and military personnel, contractor employees, vendors, and other persons requiring use of private vehicles on DLA activities or facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application forms and related papers and computerized information from them.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application forms and related papers and computerized information from them.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Highway Safety Act of 1966 and National Highway Safety Program Standards, which direct such programs as vehicle traffic supervision, periodic motor vehicle inspections, pedestrian safety, police traffic services and records, accident investigation and reporting.

PURPOSES:

Information is maintained to provide adequate controls on movement of privately owned motor vehicles on DLA activities and facilities, consistent with safetay and applicable traffic regulations.

Information is used by DLA Security personnel to ensure that only authorized vehicles enter DLA facilities and activities and that those vehicles carry required liability insurance. Also, to plan for additions or reductions in

parking requirements and to be able to identify vehicles and their owners by decal number in the event of emergency or traffic problems.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See blanket routine uses set forth above.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, application cards and on some activities logs containing accountability for decals.

Computer magnetic tapes or discs, computer paper printouts.

RETRIEVABILITY:

Filed alphabetically by last name and cross-referenced by decal number.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA Security personnel.

Manual records are either secured in locked storage and/or file cabinets or under the constant observation of security personnel during both duty and non-duty hours. The computer terminal used for access to, input and changes to the automated system is maintained in an area under constant observation of security personnel. Access to the automated system through the computer terminal is protected by password identification. Magnetic tapes and discs are kept in the computer room, which itself is a security container with locked doors and access-limited persons appropriately cleared and identified. Tapes and disc packs are stored in a tape library when not used in processing and are logged in and out only to cleared personnel with an official need. Reports with individual data are closely controlled. Computer personnel who process these reports are appropriately cleared and maintain continuous observation of reports during all processing phases. Individuals requesting information must identify himself/herself and his/her relationship to the individual on whom the record information is being requested. Individuals other than the individual of record must specify what information is requested and the purpose for which it would be used if disclosed.

RETENTION AND DISPOSAL:

Destroy upon normal expiration or 3 years after revocation of registration.

SYSTEM MANAGER(S) AND ADDRESS:

Heads of PLFAs which are responsible for the installation on which they are located.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER. Individual must provide full name and name of DLA activity at which registration occurred; or if individual is or was a DLA employee, name of employing activity is also required.

RECORD ACCESS PROCEDURES:

Official mailing addresses of the SYSMANAGERS are in the Department of Defense Directory in the appendix to the DLA systems notice. Written requests for information should contain the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office identification card, and give some verbal information that could be verified with his 'case' folder.

CONTESTING RECORD PROCEDURES:

DLA rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Information provided by the applicant and DLA security personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

S161.50 DLA-T

SYSTEM NAME:

Traffic Violations File.

SYSTEM LOCATION:

Decentralized: Documents relating to traffic citations for moving and non-moving violations, withdrawal of driver privileges and related papers: Defense Logistics Agency (DLA) Primary Level Field Activities (PLFA).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who commit a traffic violation on DLA controlled property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Traffic tickets, documents relating to withdrawal of driving privileges, and reports of corrective or disciplinary action taken. Computerized records of the above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Highway Safety Act of 1966 and National Highway Safety Program Standards, which direct such programs as vehicle traffic supervision, periodic motor vehicle inspections, pedestrian safety, police traffic services and records, accident investigation and reporting.

PURPOSE(S):

Information is maintained to identify traffic offenders, to enforce applicable traffic regulations and to promote safety Information is used by:

DLA Security Officers DLA and DoD to identify traffic violations, to enforce applicable traffic regulations, to promote safety and to initiate corrective or disciplinary action against the offenders.

DLA supervisors and managers—to take corrective or disciplinary action against offenders under their supervision.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See blanket routine uses set forth above.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, ticket books, card index files.

Computer magnetic tapes or discs, computer paper printouts.

RETRIEVABILITY:

Filed alphabetically by last name of the offender and cross-indexed by ticket number.

SAFEGUARDS:

Records are maintained in areas accesible only to DLA security personnel. Manual records are either secured in locked storage and/or file cabinets or under the constant observation of security personnel during both duty and non-duty hours. The computer terminal utilized for access to, input and changes to the automated system is maintained in an area under constant observation of security personnel. Access to the automated system through the computer terminal is protected by password identification. Magnetic tapes and discs are kept in the computer room, which itself is security contained with locked doors and access-limited persons appropriately cleared and identified. Tapes and disc packs are stored in a tape library when not used in processing and are logged in and out only to cleared personnel with an

official need. Reports with individual data are closely controlled. Computer personnel who process these reports during all processing phases. Individuals requesting information must identify himself/herself and his/her relationship to the individual on whom the record information is being requested. Individuals other than the individual of record must specify what information is requested and the purpose for which it would be used if disclosed.

RETENTION AND DISPOSAL:

Records are destroyed 5 years after submittal or receipt of a final report in each case or when no longer needed, which ever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Command Security Officer, DLA; Heads of PLFAs.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Official mailing addresses of the SYSMANAGERS are in the Department of Defense Directory in the appendix to the DLA systems notice. Written requests for information should contain the full name, current address and telephone numbers of the individual. For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office identification card, and give some verbal information that could be verified with the file.

CONTESTING RECORD PROCEDURES:

DLA's rules for contesting contents as well as appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORDS SOURCE CATEGORIES:

Reports of investigation by DLA Security Officers, Federal, State and Local law enforcement agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under Title 5 U.S.C. 552a(k)(2) as applicable. Agency rules pertaining to this exemption are set forth in Appendix C of 32 CFR Part 1286 and DLA Regulation 5400.21. For additional information, contact the System Manager.

S434.15 DLA-C

SYSTEM NAME:

Automated Payroll Cost and Personnel System (APCAPS).

SYSTEM LOCATION:

Records maintained at Defense Logistics Agency (DLA) Centers, Depots and Defense Contract Administration Service Regions (DCASRs).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former civilian and military personnel who have been paid or costed by APCAPS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records are maintained in manual and mechanical files for all data which affect an employee's pay, deductions, employer contributions, leave, retirement, position status, or cost accumulation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136, DoD Dir 5105.22.

PURPOSE(S):

Information is used in preparing payrolls, cost and manpower reports.

Information is used by: Agency supervisors and managers—to determine leave usage, manpower allocations and labor distribution. Supervisors and managers of agencies and activities other than DLA who receive payroll/cost accounting support from APCAPS—to determine leave usage, manpower allocations, labor distributions and costs.

Payroll office—to compute and control payroll and allocate labor costs.

Personnel office—to determine leave usage and changes that affect employee's pay.

Security office—to determine location of employees.

Disbursing office—to determine the distribution of checks and bonds.

Law Enforcement/Security Personnel: To officials designated by the Head, PLFA and/or by regulation to perform law enforcement, safety, and vehicle registration/parking duties. Only the shift number, if an individual works shift work, will be accessed and utilized from APCAPS. The information will be used as a control to ensure the integrity of information in S161.30 DLA-T and S161.50 DLA-T and to facilitate the audit of such file.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be used by the following activities for the indicated purposes:

Financial Institutions—to determine disposition of net pay or allotments of pay.

Treasury Department—to determine registration of bonds and Federal tax allocation.

Unions, charities, and insurance organizations—to determine participation in these organizations.

Office of personnel Management—to determine status of employee and for disposition of retirement records.

State and local taxing authorities—to determine tax liability.

Non-government organizations—to verify employment and credit date furnished to financial institutions by the employee.

Bureau of Employment Compensation—to process employee disability claims.

State employment offices—to submit data for unemployment compensation.

Local courts—to determine the withholding of pay for garnishment of wages.

See also blanket routine uses above.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microfilm, magnetic tape, disc pack, computer paper printouts, vertical file cards, paper records in file folders.

RETRIEVABILITY:

Hardcopy documents are filed by payroll block and/or alphabetically by last name. Date stored on mechanized storage devices are retrieved by SSAN.

SAFEGUARDS:

Access to mechanical records is limited to authorized DLA data systems personnel. All other records are maintained in areas accessible only to agency personnel.

Security/Law Enforcement personnel who access APCAPS information through computer terminals (used as control for the integrity of information in S161.30 DLA-T and S161.50 DLA-T) have been cleared with an official need. The information accessed from APCAPS is limited to the items and uses under Routine uses and is password protected in the Automated system.

RETENTION AND DISPOSAL:

Retention of data varies from 1 to 3 days for mechanical working files up to an employee's total length of service with an activity for permenent payroll information.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller, DLA.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the

Chief, Payroll Branch, Accounting and Finance Division, Office of Comptroller at each DLA Center and depot.

RECORD ACCESS PROCEDURE:

Written requests must contain full name and social security account number of the employee. Employees making a personal request must persent indentification. Official mailing addresses are in the Department of Defense directory in the appendix to the DLA system of record notices.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Employee's supervisors, civilian personnel office, financial institutions, local courts, military services or other government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

S434.15 DLA-KP

SYSTEM NAME:

Automated Payroll, Cost and Personnel System (APCAPS) Personnel Subsystem.

SYSTEM LOCATION:

Office of Civilian Personnel at:, Defense Construction Supply Center (DCSC), Defense Electronics Supply Center (DESC), Defense General Supply Center (DGSC), Defense Personnel Support Center (DPSC), Defense Property Disposal Service (DPDS), Defense Depot Memphis (DDMT), Defense Depot Ogden (DDOU), Defense Depot Tracy (DDTC), Defense Depot Mechanicsburg (DDMP), Defense Logistics Agency Administrative Support Center (DASC).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Defense Logistics Agency (DLA) civilian employees serviced by Offices of Civilian Personnel at the activities listed under location and other Department of Defense civilian employees who are both serviced by the Offices of Civilian Personnel and paid by the activites listed under location.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee data segment of APCAPS data bank, including data being manually collected prior to implementation of the automated record system. For the civilain personnel segment of APCAPS, the employee data segment of the APCAPS data bank contains, for civilian employees, current personnel data on employment status and selected personal data, such as Social Security Number (SSN), name, sex, race and national origin identification, date of birth, age, physical handicap, Government insurance, military reserve status, retired military status, education whether individual passed the Federal Service Entrance Examination or the Professional and Administrative Career Examination, status preceding employment with DLA, U.S. citizenship, and veterans preference.

Position data segment of APCAPS data bank. For the civilian personnel segment of APCAPS, the position data segment of the APCAPS data bank contains position data pertinent to established positions, both those positions occupied by a civilian employee as well as those not so occupied.

Personnel history file. The personnel history file contains a profile of selected civilian employee personnel data as of the most recent transaction processed against it, as well as a chronological extract of all prior transactions processed on the employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., Secs. 301, 302; EO 10561; Federal Personnel Manual, Chapter 293.

PURPOSE(S):

Purposes of the system are to effect Federal personnel actions, maintain the Federal personnel service control system, fulfill Federal personnel reporting requirements, and provide information to officials of DLA for effective personnel management and personnel administration.

Officials designated by the Head, PLFA and/or by regulation to perform law enforcement, safety, and vehicle registration/parking duties. Only the following information will be accessed and utilized from APCAPS: Individual's name, address, directorate and office which assigned, grade, and category (military or civilian). The information will be used as a control to ensure the integrity of information in § 161.30 DLA-T and § 161.50 DLA-T and to facilitate the audit of such file.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be released to the listed activities the following:
Prospective employees. For employment determination purposes. Credit firms. For verification of data for credit determination purposes.

Taxing authorities. For tax administration purposes.

Officials of the Executive Branch. For performance of official duties.

Officials of the Legislative Branch. For performance of official duties.

Officials of the Judicial Branch. For performance of official duties.

Hospitals, medical offices and institutions. For medical/hospital administration purposes.

Executor or administrator of the estate of a deceased employee, former employee, or annuitant, or next-of-kin. For estate settlement purposes.

See also the blanket routine uses above.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes or discs. Computer paper printouts. Paper records in file folders.

RETRIEVABILITY:

Information identified to a specific civilian employee is accessed and retrieved by Social Security Number.

SAFEGUARDS:

Records are either secured in locked storage and/or file cabinets or under the constant observation of personnel office officials during duty hours. During nonduty hours, records are either secured in locked in storage and/or file cabinets; the records file area is locked, and/or the building in which the records are stored is protected by building security guard. If the records area is not protected by security guard, all records must be locked. Individually identifiable personnel documents will either be handcarried or will be transmitted in envelopes addressed to a specific office or individual and marked to be opened by addressee only. Magnetic tapes and disc are kept in the computer room which is itself a security container with locked door and access limited to persons appropriately cleared and identified. Tapes and disc packs are stored in a tape library when not used in processing, and are logged in and out only to cleared personnel with an official need. Reports with individual data are closely controlled. Computer personnel who process these reports are appropriately cleared and maintain continuous observation of reports during all processing phases. Individual requesting information must identify himself/herself and his/her relationship to the individual upon whom the record information is being requested. Individual other than the individual of

record must specify what information is requested and the purpose for which it would be used if disclosed. Personnel office official determines if request is reasonable and consistent with provisions of the Freedom of Information Act and the Privacy Act of 1974. In order to prevent unauthorized modification of records contents, original records documents may only be reviewed in the presence of a witness designated by the Personnel Office.

Physical access, that is the ability to obtain the record, is limited to:

Personnel Office officials
Civil Service Commission officials
Data processing officials
Supervisors for those records for which they are authorized to maintain.

Security/Law Enforcement personnel who access APCAPS information through computer terminals (used as control for the integrity of information in § 161.30 DLA-T and § 161.50 DLA-T) have been cleared with an official need. The information accessed from APCAPS is limited to the items and uses under Routine uses and is password protected in the automated system.

Responsible officials are granted temporary custody of an original record in order to monitor the review of the record by the individual to whom it pertains, when the individual is geographically remote from the personnel office.

RETENTION AND DISPOSAL:

Records which are filed in the Official Personnel Folder (OPF) are retained in the personnel office until the employee leaves the agency. At that time the permanent portion of the OPF is transferred to the gaining Federal agency and temporary OPF records are destroyed by shredding or burning. Copies of records which are furnished to the employee concerned, may be retained at his or her discretion. Copies of records authorized to be maintained by supervisors or other operating offices are destroyed by shredding or burning when the employee leaves the agency. Operating records maintained within the Civilian Personnel Office may be retained up to three years, as needed. At that time, or sooner, they may be destroyed by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Civilian Personnel, HQ DLA and Directors of Civilian Personnel at DCSC, DPDS, DESC, DCSC, DPSC, DDMT, DDOU, DDTC, DDMP, or DASC.

NOTIFICATION PROCEDURE:

Written or personal requests may be directed to the SYSMANAGER at the activity where the record is maintained. Individual must provide name (last, first, middle initial) and SSN in order to determine whether or not the system contains a record about him/her. If a written request, individual must provide a return address.

For personal visits, the individual should be able to provide some acceptable identification, such as employing office identification card.

RECORD ACCESS PROCEDURES:

Written requests are required. The request is to contain the name of the individual (last, first, middle initial) SSN, return mailing address, telephone number where individual can be reached during the day, and a signed statement certifying that the individual understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses in punishable by fine of up to 5,000 dollars. Complete records are maintained only on megnetic tapes or discs and are not available for access by personal visits.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Agency supervisors and administrative personnel, medical officials, previous Federal employers, U.S. Civil Service Commission, applications and forms completed by individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

S866.15 DPSC

SYSTEM NAME:

Manufacturing Payroll System; Weekly Piece Work.

SYSTEM LOCATION:

Defense Personnel Support Center (DPSC), Philadelphia, PA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former civilian personnel who have been paid by the manufacturing payroll system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records are maintained for all data which affect an employee's pay, deductions, employer contributions, leave and retirement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Ch. 53, Pay Rates & Systems, 10 U.S.C. 136.

PURPOSE(S):

Information is maintained for purposes of affecting the weekly pay. Information is used by Agency supervisors and managers—to determine leave usage, manpower allocations and labor distribution. Payroll office—to compute and control payroll. Personnel office—to determine leave usage and changes that affect an employee's pay. Security office—to determine location of employees. Disbursing office—to determine the distribution of checks and bonds.

Officials designated by the Commander, DPSC—to perform law enforcement, safety, and vehicle registration/parking duties. Only the following information will be accessed and utilized: Name, address, date of birth, office phone number, directorate and office where individual assigned, category (military or civilian), and shift number. This information will be used as a control to ensure the integrity of information in systems of records S161.30 DLA-T and S161.50 DLA-T. The information will also be used to facilitate the audit of such files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Information is used by: Financial Institutions—to determine disposition of net pay or allotments of pay. Treasury Department—to determine registration of bonds and federal tax allocation. Unions, charities, and insurance organizations—to determine participation in these organizations. Office of Personnel Management—to determine status of employee and for disposition of retirement records. State and local taxing authorities—to determine tax liability. Non-government organizations—to verify employment and credit data furnished to financial institutions by employee. Bureau of Employment Compensation—to process employee disability claims. State employment offices—to submit data for unemployment compensation. Local courts—to determine disposition of pay withheld for garnishment of wages.

See also blanket routine uses above.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, disc pack, computer paper printouts, paper records in file folders.

RETRIEVABILITY:

Records are maintained in alphabetical and employee number order.

SAFEGUARDS:

Access to mechanical records is limited to authorized DPSC data systems personnel. All other records are maintained in areas accessible only to office personnel.

Security/Law Enforcement personnel who access this information through computer terminals (used as control for the integrity of information in systems S161.30 DLA–T and S161.50 DLA–T) have been cleared with an official need. Furthermore , the information accessed from this system is limited to the items and uses under Routine uses and is password protected in the automated system.

RETENTION AND DISPOSAL:

Records are retained 18 months to 3 years after their active termination of employment.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Accounting and Finance Division, Office of Comptroller DPSC.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER.

RECORD ACCESS PROCEDURE:

Written requests must contain the full name and social security number of the employee. Employees making a personal request must present identification; i.e., employee badge, driver's license, etc. Official mailing addresses are in the Department of Defense directory in the appendix to the DLA system of record notices.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Employee's supervisors, civilian personnel offices, financial institutions, local courts, other government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-23506 Filed 8-26-83; 8:45 am]

BILLING CODE 3620-01-M

DEPARTMENT OF EDUCATION

National Advisory Council on Women's Educational Programs; Meeting

AGENCY: National Advisory Council on Women's Educational Programs.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the National Advisory Council on Women's Educatioinal Programs, and its Executive, Civil Rights, Federal Policies, Practices, and Programs, and Women's Educational Equity Act Program Committees. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a) (2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: September 14, 1983, 9:00 a.m. to 1:00 p.m., and 2:00 p.m. to 5:00 p.m.; September 15, 1983, 9:00 a.m. to 10:00 a.m., and 4:00 p.m. to 5:30 p.m.; September 16, 1983, 9:00 a.m. to 3:00 p.m.

ADDRESS: The meetings will be held at Hotel Washington, Pennsylvania Avenue at 15th Street, NW. and also at the Council offices at 425 13th Street, N.W., Suite 416, Washington, D.C. (See details below for exact location and times of meetings.)

FOR FURTHER INFORMATION CONTACT: Sharon Petersen, Administrative Assistant to the Executive Director, National Advisory Council on Women's Educational Programs, 425 13th Street, NW., Suite 416, Washington, D.C., 20004 (202) 376–1038.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 95–561. The Council is mandated to: (a) Advise the Secretary on matters relating to equal educational opportunities for women and policy matters relating to the administration of the Women's Educational Equity Act of 1978; (b) make recommendations to the Secretary with respect to the allocation of any funds pursuant to the Act, including criteria developed to insure an appropriate geographical distribution of approved programs and projects throughout the Nation; (c) recommend criteria for the establishment of program priorities; (d) make such reports as the Council determines appropriate to the President and Congress on the activities of the Council; and (e) disseminate information concerning the activities of the Council.

On September 14, 1983 from 9:00 a.m. to 11:00 a.m. an informal meeting will be held at the Council offices, 425 13th Street, NW., Suite 416, Washington, D.C. with Council representatives, Federal Policies, Practices and Programs Committee Chair, and representatives from other Presidential Advisory Councils on Education to explore ideas for a proposed cooperative project.

The meeting of the Executive Committee will take place at the Council offices, 425 13th Street, NW., Suite 416, Washington, D.C. from 11:00 a.m. to 1:00 p.m. The agenda will include the fiscal year 1984 Budget, Cooperative Council's project, revised site visit evaluation forms, and the Council's 1984 goals.

The meetings of the Civil Rights Committee, Women's Educational Equity Act Program Committee and the Federal Policies, Practices and Programs Committee will take place on September 14, 1983 from 2:00 p.m. to 5:00 p.m. at the Council offices, 425 13th Street, NW., Suite 416, Washington, D.C.

The agenda of the Civil Rights Committee will include a review of the Ambassadorship program, and a discussion of the menu of services.

The agenda of the Federal Policies, Practices and Programs Committee will include a report on the proposed Cooperative Council's Project on Re-entry and Career Fulfillment.

The agenda for the Women's Educational Equity Act Program Committee will include discussion of the revised site visit evaluation form.

The meeting of the National Advisory Council on Women's Educational Programs will take place on September 15, 1983 from 9:00 a.m. to 10:00 a.m. Meeting will be adjourned for site visits 10:00 a.m. to 3:30 p.m. Meeting will reconvenve at 4:00 p.m. and continue to 5:30 p.m. and September 16, 1983 from 9:00 a.m. to 12:00 p.m. and from 2:00 p.m. to 3:00 p.m. at the Hotel Washington, Pennsylvania Avenue at 15th Street, N.W. The agenda will include the Committee Reports, the Fiscal Year 1984 Budget, Cooperative Council's Project, the revised site evaluation form, and Council 1984 Goals.

Signed at Washington, D.C., on August 24, 1983.

Sharon Petersen,

Acting Executive Director.

[FR Doc. 83-23586 Filed 8-26-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Availability of General Transmission Agreement and Technical Information Meeting

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of Document Availability and Public Meeting.

FILE NO.: TrP-1.

SUMMARY: Copies of a draft general transmisison agreement which incorporates principles contained in the proposed Transmission Policy published on June 1, 1983 (48 FR 24421), are now available from the Bonneville Power Administration. A technical information meeting will be held to discuss planned power scheduling procedures under the draft general transmission agreement.

Responsible Official: James L. Jones, Deputy Power Manager, Office of Power and Resources Management.

DATE: The technical meeting on planned power scheduling procedures under the draft generic wheeling contract will take place on September 7, 1983, beginning at 9 a.m.

ADDRESSES: Copies of the draft general transmision agreement may be obtained by writing to Donna L. Geiger, Public Involvement Manager, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212, or by calling 503-230-3478. Oregon callers may use the toll-free number 800-452-8429; callers in California, Idaho, Montana, Nevada, Utah, Wyoming, and Washington may use 800-547-6048. The technical meeting will be held in Room 104 of the Dittmer System Control Center, Ross Complex, 5911 NE. Highway 99, Vancouver, Washington.

SUPPLEMENTARY INFORMATION: The agenda for the technical meeting will include: interchange accounting, after-the-fact reporting, actual recording of generation transferred, and calculation of losses using the generic contract methodology.

Issued in Portland, Oregon, on August 22, 1983.

Robert E. Ratcliffe,

Acting Administrator.

[FR Doc. 83-23786 Filed 8-26-83; 8:45 am]

BILLING CODE 6450-01-M

Office of Conservation and Renewable Energy

Fuel Economy of Motor Vehicles; Supplemental Information to 1982 Gas Mileage Guide

AGENCY: Department of Energy.

ACTION: Notice of Supplemental Information to the 1982 Gas Mileage Guide.

SUMMARY: The Department of Energy (DOE) publishes an annual Gas Mileage Guide (Guide) as required by section 506(b)(1) of the Motor Vehicle Information and Cost Savings Act. The Guide contains fuel economy information for automobiles and light trucks which has been compiled by the Environmental Protection Agency (EPA) in accordance with the Motor Vehicle Information and Cost Savings Act and the Clear Air Act. However, EPA continues to test additional vehicles, as they become available, even after the publication of the Guide. Because of public interest in fuel economy data, DOE is publishing as an appendix to this Notice fuel economy data for the additional 1982 model year vehicles tested by EPA.

FOR FURTHER INFORMATION CONTACT: Saunders B. Kramer, CE-131, Office of Vehicle and Engine Research and Development, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-8000.

Pamela M. Pelcovits, GC-33, Office of General Counsel, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252-9527.

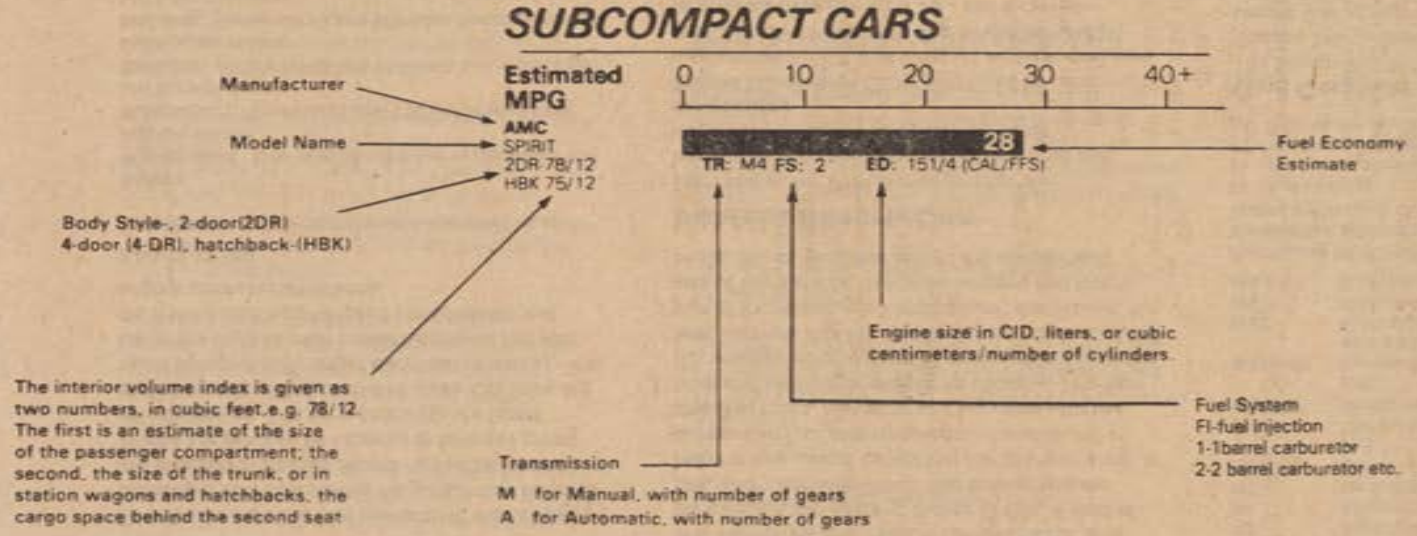
Issued in Washington, D.C., August 22, 1983.

Joseph J. Tribble,

Assistant Secretary Conservation and Renewable Energy.

BILLING CODE 6450-01-M

How To Use This Data



For additional information on how the cars are tested and other terminology about the vehicles, see page 1.

This additional data on model year 1982 vehicles is published by the U.S. Department of Energy and is based on estimates provided by the U.S. Environmental Protection Agency.

How To Use This Data

To help compare the fuel economy of similarly sized passenger cars and station wagons, these vehicles are grouped in classes according to interior size. Trucks are grouped by capacity in terms of gross vehicle weight. The manufacturers are listed alphabetically within each size class. Car lines are listed alphabetically under each manufacturer. The bar to the right of each model illustrates the vehicle's estimated mpg for each transmission and engine combination offered.

CAR CLASSES

Two-Seater Cars designed to seat primarily two adults

Sedans

Minicompact Less than 85 cubic feet of passenger and luggage volume

Subcompact Between 85 and 100 feet of passenger and luggage volume

Compact Between 100 and 110 cubic feet of passenger and luggage volume

Mid-Size Between 110 and 120 cubic feet of passenger and luggage volume

Large 120 or more cubic feet of passenger and luggage volume

Station Wagons

Small Less than 130 cubic feet of passenger and cargo volume (pages 7-8)

Mid-Size Between 130 and 160 cubic feet of passenger and cargo volume

Large 160 or more cubic feet of passenger and cargo volume

TRUCK CLASSES

Small Pickups—Trucks having Gross Vehicle Weight Ratings (GVWR, truck weight plus carrying capacity) under 4,500 pounds. 2-Wheel Drive 4-Wheel Drive

Standard Pickups—Trucks having GVWR's of 4,500 to 8,500 pounds. 2-Wheel Drive 4-Wheel Drive

Vans—Cargo (pages 11-12); Passenger

SPECIAL PURPOSE VEHICLES

All other light vehicles not in another car or truck class. 2-Wheel Drive 4-Wheel Drive cab chassis

Manufacturer, Car Line Names and Interior Volume Index

The manufacturers are listed alphabetically within each size class. Car lines are listed alphabetically under each manufacturer.

The interior volume index is listed for each body style except two seaters: 2-door (2-DR), 4-door (4-DR), and hatchback (HBK). The interior volume index is one way of estimating the space in a car. It is based on four measurements—head room, shoulder room, hip room, and leg room—for the front and rear seats, plus trunk capacity. The interior volume index is given as two numbers (in cubic feet; example 87/12). The first is an estimate of the size of the passenger compartment; the second, the size of the trunk or, in station wagons and hatchbacks, the cargo space behind the second seat.

Vehicle Description

Each line in the data shows an engine-transmission combination available within the listed car line identified by the following designations.

Engine Description (ED): Size listed by cubic inch displacement (CID), and liters (L), or cubic centimeters (CC) where available. The single number differentiates between 4, 5, 6, and 8 cylinder engines or 1 and 2 rotors (for example, 97/4). When engine size and number of cylinders are not an adequate description of an engine, the following engine type designations are also given:

CAL, CALIF	California emission control system equipment (does not indicate availability in California)
ROTARY	Rotary engine
DIESEL or DSL	Diesel engine
GM-BUICK	Engine produced by GM-Buick Motor Division
GM-CHEV	Engine produced by GM-Chevrolet Motor Division or GM of Canada
GM-OLDS	Engine produced by GM-Oldsmobile Motor Division
GM-PONT	Engine produced by GM-Pontiac Motor Division
FFS	Feedback Fuel System. A system that controls the mixing of air and gasoline by monitoring the exhaust
VARIABLE	An engine designated to operate with different number of cylinders depending on usage
GUZZLER	Gas Guzzler Tax applies. See below for details

Prior to purchase, check with your dealer and read the fuel economy label affixed to every car for information on the exact engine with which that vehicle will be equipped.

Transmission (TR): The following abbreviations are used to describe the type of transmission:

S2	Semiautomatic two speed
A3	Automatic three speed
A4	Automatic four speed
M3	Manual three speed
M3 (OD)	Manual three speed with separate overdrive unit
M4	Manual four speed
M4 (OD)	Manual four speed with separate overdrive unit
M3/M4C	Manual three speed, or manual four speed with creeper first gear
M4C	Manual four speed with creeper first gear
M5	Manual five speed
M4 x 2	Dual range manual four speed

Fuel System (FS): The following abbreviations are used to describe the type of fuel system:

FI	fuel injection
F1	one barrel carburetor
F2	two barrel carburetor
F4	four barrel carburetor

Gas Guzzler Tax

The Energy Tax Act of 1978 established a Gas Guzzler Tax on the sale of new model year vehicles whose fuel economy fails to meet certain statutory levels. The fuel economy figures used to determine the Gas Guzzler Tax are different from the fuel economy values contained in this booklet. The tax does not depend on your actual on-the-road mpg, which may be more or less than the EPA published value.

The purpose of the Gas Guzzler Tax is to discourage the production and purchase of fuel *inefficient* vehicles. The amount of any applicable Gas Guzzler Tax paid by the manufacturer will be disclosed on the automobile's fuel economy label.

How the Fuel Economy Estimates are Obtained

The estimates of the miles each vehicle can cover on a gallon of fuel are based on results of the U S Environmental Protection Agency (EPA) "Emissions Standards Test Procedure."

This procedure is used by EPA to certify that cars, vans, and light trucks comply with the Clean Air Act, as amended. Each year, manufacturers submit new vehicle models to EPA. The procedure is used to test for exhaust emissions under simulated everyday urban driving conditions.

Each vehicle is tested under controlled laboratory conditions by a professional driver. By using a dynamometer to simulate driving conditions, the driver can test each vehicle under identical conditions, in exactly the same way each time. Therefore, the results that are obtained can be compared accurately.

The test vehicles are broken in, properly maintained, and driven in test conditions which simulate warm weather and dry, level roads. Quality of the fuel used is also very closely controlled.

The test simulates a 7.5 mile, stop-and-go trip with a speed range of 0 to 56 mph and an average speed of 20 mph. The trip takes 23 minutes and has 18 stops. About 18 percent of the time is spent idling, as in city driving at traffic lights or in rush-hour traffic.

Two kinds of engine starts are used—the cold start, which is similar to starting a car in the morning after it has been parked all night, and the hot start, similar to restarting a vehicle after it has been warmed up, driven and stopped for a short time.

The test conditions are those EPA must use to assure accurate emissions measurements. However, NO test can cover ALL possible combinations of actual road conditions, climate, driving and car-care habits of individual drivers. Bear in mind that, while EPA tests provide a measure of how much fuel each vehicle uses under precisely controlled laboratory conditions, they CANNOT PREDICT EXACTLY WHAT MILEAGE YOU PERSONALLY WILL ACHIEVE.

How This Data Can Help You

When you have determined the size and type car that can best satisfy your needs, next consider other important factors, such as number of cylinders and type of transmission. Then use miiles per gallon estimates and the fuel costs chart to help you decide which model to buy.

For those preferring the metric system, 3.785 liters equals one gallon.

The mpg ratings are ESTIMATES, NOT guaranteed fuel economy CLAIMS. They are published to help you COMPARE the RELATIVE mpg of each model in a vehicle class.

Annual Fuel Costs

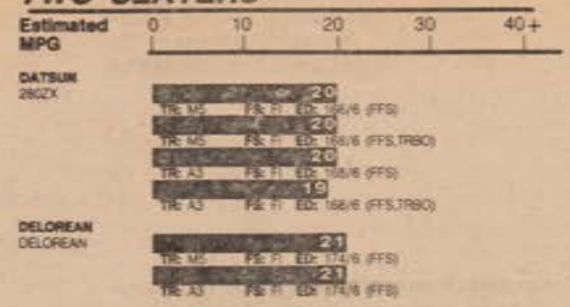
Fuel costs are changing rapidly and vary considerably by area. The following chart enables you to estimate annual fuel costs using fuel prices in your area. These costs are based on 15,000 miles driving per year. (The annual fuel cost displayed on the fuel economy label of 1982 cars is based on 15,000 miles of driving and a gasoline cost of $1.65 per gallon or diesel fuel at $1.50 per gallon.)

ANNUAL FUEL COSTS CHART
For 1982 Model Year
Based on 15,000 Miles Per Year

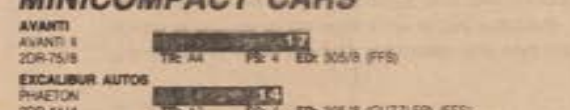
Est. MPG	*Dollars Per Gallon*					
	1.65	1.55	1.45	1.35	1.25	1.15
50	495	465	435	405	375	345
49	505	474	444	413	382	352
48	515	484	452	421	390	359
47	527	495	463	431	399	367
46	537	505	472	439	407	375
45	549	516	483	450	416	383
44	562	528	494	460	426	392
43	577	542	507	472	437	401
42	589	553	518	482	446	411
41	604	567	531	494	458	421
40	619	581	544	506	469	431
39	634	595	557	518	480	442
38	651	611	572	533	493	454
37	668	628	587	547	506	466
36	688	646	605	563	521	479
35	708	665	622	579	536	493
34	728	684	639	595	551	507
33	750	704	659	614	568	523
32	772	725	679	632	585	539
31	799	751	703	654	606	556
30	824	774	724	674	624	575
29	854	802	750	699	647	595
28	884	830	776	723	669	616
27	916	860	805	749	694	639
26	953	895	837	780	722	663
25	990	930	870	810	750	690
24	1032	970	907	844	782	719
23	1077	1011	946	881	816	750
22	1126	1058	990	921	853	784
21	1178	1107	1035	964	892	821
20	1238	1162	1088	1012	938	862
19	1302	1223	1144	1065	986	908
18	1376	1293	1209	1126	1042	958
17	1455	1367	1279	1191	1102	1015
16	1547	1453	1359	1266	1172	1078
15	1651	1551	1451	1351	1251	1150
14	1767	1660	1553	1446	1339	1232
13	1903	1788	1673	1557	1442	1327
12	2062	1937	1812	1687	1562	1438
11	2250	2113	1977	1841	1704	1568
10	2475	2325	2175	2025	1875	1725
9	2750	2583	2416	2250	2083	1917

LEGEND TR: Transmission FS: Fuel System ED: Engine Description

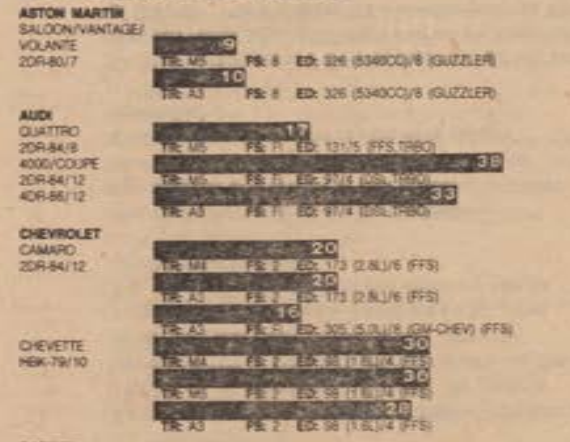
TWO SEATERS



MINICOMPACT CARS

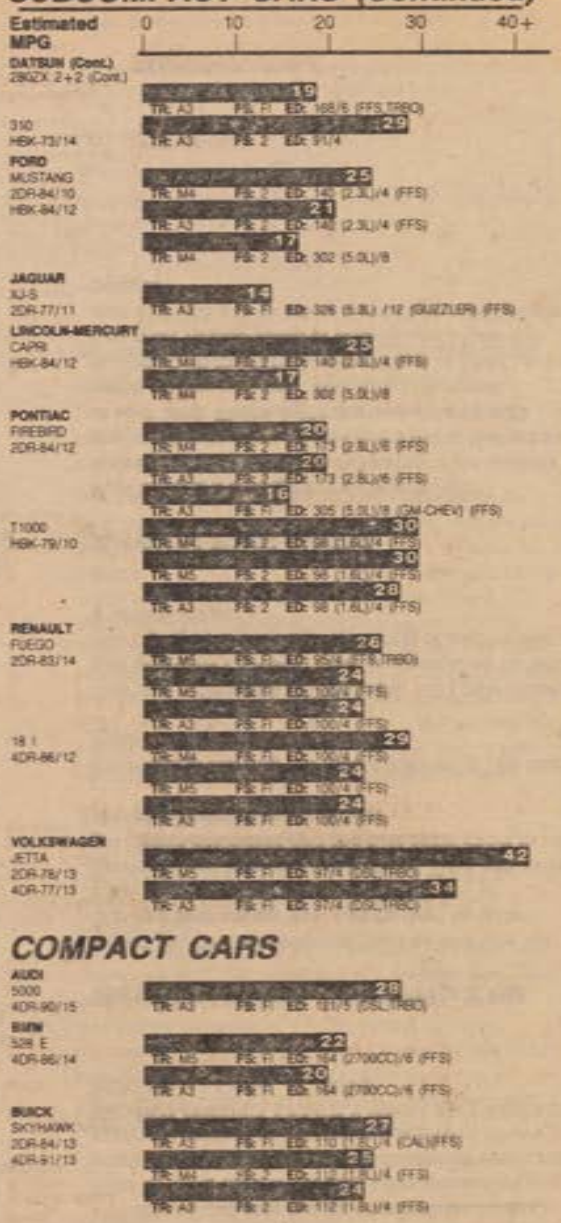


SUBCOMPACT CARS



LEGEND TR: Transmission FS: Fuel System ED: Engine Description

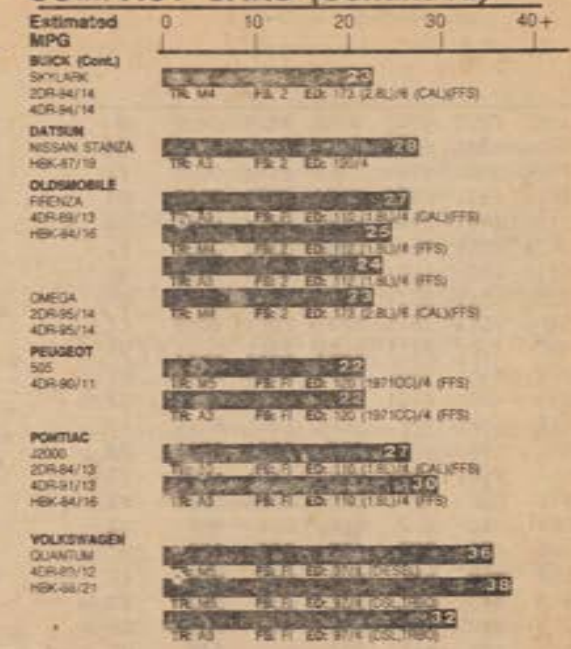
SUBCOMPACT CARS (Continued)



COMPACT CARS

LEGEND TR: Transmission FS: Fuel System ED: Engine Description

COMPACT CARS (Continued)



MID-SIZE CARS

LEGEND TR: Transmission FS: Fuel System ED: Engine Description

MID-SIZE CARS (Continued)

Estimated MPG: 0 10 20 30 40+

CHECKER (Cont.)
MARATHON/
TAXICAB-E
4DR-100/14 — 15 — TR: A3 FS: 2 ED: 267 (4.4L)/8 (FFS)

CHEVROLET
CELEBRITY
2DR-96/15 — 26 — TR: A3 FS: FI ED: 263 (4.3L)/6 (DIESEL)
4DR-97/16
CITATION
H/K-95/20 — 23 — TR: M4 FS: 2 ED: 173 (2.8L)/6 (CAL)(FFS)
MALIBU
4DR-101/16 — 25 — TR: A3 FS: FI ED: 263 (4.3L)/6 (DIESEL)
MONTE CARLO
2DR-97/16 — 25 — TR: A3 FS: FI ED: 263 (4.3L)/6 (DIESEL)

FORD
FAIRMONT FUTURA
2DR-95/17 — 25 — TR: M4 FS: 2 ED: 140 (2.3L)/4 (FFS)
4DR-96/17 — 21 — TR: A3 FS: 2 ED: 140 (2.3L)/4 (FFS)
GRANADA
2DR-95/17 — 21 — TR: A3 FS: 2 ED: 140 (2.3L)/4 (FFS)
4DR-96/17 — 19 — TR: A3 FS: 1 ED: 200 (3.3L)/6
THUNDERBIRD
2DR-94/18 — 17 — TR: A3 FS: 1 ED: 200 (3.3L)/6 (CALIF)
17 — TR: A4 FS: 2 ED: 255 (4.2L)/8

LINCOLN-MERCURY
CONTINENTAL
4DR-102/15 — 18 — TR: A4 FS: 2 ED: 232 (3.8L)/6 (FFS)
COUGAR
2DR-93/17 — 19 — TR: A3 FS: 1 ED: 200 (3.3L)/6
4DR-94/17
XR7
2DR-94/18 — 17 — TR: A3 FS: 1 ED: 200 (3.3L)/6 (CALIF)
17 — TR: A4 FS: 2 ED: 255 (4.2L)/8
ZEPHYR
2DR-90/16 — 25 — TR: M4 FS: 2 ED: 140 (2.3L)/4 (FFS)
4DR-95/17

OLDSMOBILE
CUTLASS CIERA
2DR-98/15 — 21 — TR: A3 FS: 2 ED: 182 (3.0L)/6 (FFS)
4DR-98/16 — 27 — TR: A3 FS: FI ED: 263 (4.3L)/6 (DIESEL)
CUTLASS SUPREME
2DR-99/16 — 21 — TR: A3 FS: 2 ED: 231 (3.8L)/6 (GM-BUICK) (FFS)
4DR-102/16
25 — TR: A3 FS: FI ED: 263 (4.3L)/6 (DIESEL)
17 — TR: A3 FS: 4 ED: 307 (5.0L)/8 (FFS) (GM-OLDS)
TORONADO
2DR-100/15 — 17 — TR: A4 FS: 4 ED: 252 (4.1L)/6 (FFS)

PONTIAC
BONNEVILLE MODEL
G
4DR-101/17 — 21 — TR: A3 FS: 2 ED: 231 (3.8L)/6 (GM-BUICK) (FFS)
GRAND PRIX
2DR-97/16 — 21 — TR: A3 FS: 2 ED: 231 (3.8L)/6 (GM-BUICK) (FFS)
PHOENIX
2DR-94/14 — 26 — TR: M4 FS: 2 ED: 173 (2.8L)/6 (CAL)(FFS)
H/K-96/20
6000
2DR-98/16 — 27 — TR: A3 FS: FI ED: 263 (4.3L)/6 (DIESEL)

LEGEND TR: Transmission FS: Fuel System ED: Engine Description

MID-SIZE CARS (Continued)

Estimated MPG: 0 10 20 30 40+

PONTIAC (Cont.)
6000 (Cont.)
4DR-97/16

LARGE CARS

BUICK
LESABRE
2DR-107/21 — 19 — TR: A3 FS: 2 ED: 231 (3.8L)/6 (GM-BUICK) (FFS)
4DR-110/21

OLDSMOBILE
DELTA 88
2DR-107/21 — 19 — TR: A3 FS: 2 ED: 231 (3.8L)/6 (GM-BUICK) (FFS)
4DR-111/21

SMALL STATION WAGONS

DATSUN
NISSAN SENTRA
WAGON
4DR-83/23 — 34 — TR: M4 FS: 2 ED: 91/4
33 — TR: M5 FS: 2 ED: 91/4
30 — TR: A3 FS: 2 ED: 91/4

PONTIAC
J2000 WAGON
4DR-90/34 — 27 — TR: A3 FS: FI ED: 110 (1.8L)/4 (CAL)(FFS)

RENAULT
18 I WAGON
4DR-86/35 — 28 — TR: M4 FS: FI ED: 105/4 (FFS)
24 — TR: M5 FS: FI ED: 105/4 (FFS)
24 — TR: A3 FS: FI ED: 105/4 (FFS)

VOLKSWAGEN
QUANTUM WAGON
4DR-89/38 — 36 — TR: M5 FS: FI ED: 97/4 (DIESEL)
38 — TR: M5 FS: FI ED: 97/4 (GAS ENGINE)
32 — TR: A3 FS: FI ED: 97/4 (DIESEL)

MID-SIZE STATION WAGONS

BUICK
REGAL ESTATE
WAGON
4DR-100/40 — 21 — TR: A3 FS: 2 ED: 231 (3.8L)/6 (GM-BUICK) (FFS)

CHRYSLER
TOWN AND
COUNTRY WAGON
4DR-96/35 — 23 — TR: A3 FS: 2 ED: 156 (2.6L)/4

FORD
GRANADA WAGON
4DR-96/42 — 18 — TR: A3 FS: 1 ED: 200 (3.3L)/6

LINCOLN-MERCURY
COUGAR WAGON
4DR-96/42 — 18 — TR: A3 FS: 1 ED: 200 (3.3L)/6

OLDSMOBILE
CUTLASS CRUISER
WAGON
4DR-100/40 — 21 — TR: A3 FS: 2 ED: 231 (3.8L)/6 (GM-BUICK) (FFS)

LEGEND TR: Transmission FS: Fuel System ED: Engine Description

MID-SIZE STATION WAGONS (Continued)

Estimated MPG: 0 10 20 30 40+

PONTIAC
BONNEVILLE MODEL
G WAGON
4DR-100/40 — 21 — TR: A3 FS: 2 ED: 231 (3.8L)/6 (GM-BUICK) (FFS)

SMALL PICKUP TRUCKS (TWO-WHEEL DRIVE)

DODGE
RAMPAGE PICKUP
2WD — 26 — TR: M4 FS: 2 ED: 135 (2.2L)/4
24 — TR: A3 FS: 2 ED: 135 (2.2L)/4

ISUZU
P'UP PICKUP 2WD — 26 — TR: M4 FS: 2 ED: 111 (1.9L)(OD)/4 (CAL/FFS)
27 — TR: M5 FS: 2 ED: 111 (1.9L)(OD)/4 (CAL/FFS)
24 — TR: A3 FS: 2 ED: 111 (1.9L)(OD)/4 (CAL/FFS)
33 — TR: M5 FS: FI ED: 137 (2238CC)/4 (DIESEL) (CALIF)

MAZDA
B2000/B2200
PICKUP 2WD — 32 — TR: M5 FS: FI ED: 135 (2200CC)/4 (DIESEL)

SMALL PICKUP TRUCKS (FOUR-WHEEL DRIVE)

DODGE
POWER RAM50
PICKUP 4WD — 21 — TR: M5 FS: 2 ED: 156/4
19 — TR: M5 FS: 2 ED: 156/4 (CALIF)

ISUZU
P'UP PICKUP 4WD — 23 — TR: M4 FS: 2 ED: 111 (1.9L)(OD)/4 (CAL/FFS)
30 — TR: M4 FS: FI ED: 137 (2238CC)/4 (DIESEL) (CALIF)

MITSUBISHI
RAM50/ARROW
PICKUP 4WD† — 21 — TR: M5 FS: 2 ED: 156/4

STANDARD PICKUP TRUCKS (TWO-WHEEL DRIVE)

CHEVROLET
C20 PICKUP 2WD — 16 — TR: A3 FS: 4 ED: 305 (5.0L)/8
EL CAMINO PICKUP
2WD — 19 — TR: A3 FS: 2 ED: 229 (3.8L)/6 (GM-CHEV) (FFS)

FORD
F100/F150 PICKUP
2WD — 20 — TR: M5 FS: 2 ED: 232 (3.8L)/6
19 — TR: M4 FS: 2 ED: 232 (3.8L)/6
21 — TR: M3 FS: 1 ED: 300 (4.9L)/6 (FFS)

†Available in Puerto Rico Only

LEGEND TR: Transmission FS: Fuel System ED: Engine Description

STANDARD PICKUP TRUCK (Continued) (TWO-WHEEL DRIVE)

Estimated MPG: 0 10 20 30 40+

FORD (Cont.)

F100/F150 PICKUP 2WD (Cont.)

TR: M4 FS: 2 ED: 351 (5.8L)/8 (FFS)

TR: M4C FS: 2 ED: 351 (5.8L)/8 (FFS)

TR: A3 FS: 2 ED: 351 (5.8L)/8 (FFS)

F250 PICKUP 2WD

TR: M4C FS: 2 ED: 351 (5.8L)/8 (FFS)

GMC

CABALLERO PICKUP 2WD

TR: A3 FS: 2 ED: 229 (5.8L)/8 (GM-OHEV) (FFS)

C25 PICKUP 2WD

TR: A3 FS: 4 ED: 305 (5.0L)/8

STANDARD PICKUP TRUCKS (FOUR-WHEEL DRIVE)

FORD

F150 PICKUP 4WD

TR: M4 FS: 2 ED: 351 (5.8L)/8 (FFS)

TR: M4C FS: 2 ED: 351 (5.8L)/8 (FFS)

TR: A3 FS: 2 ED: 351 (5.8L)/8 (FFS)

F250 PICKUP 4WD

TR: A3 FS: 2 ED: 351 (5.8L)/8 (FFS)

VANS (PASSENGER VANS)

CHEVROLET

G30 SPORTVAN 2WD

TR: A3 FS: 4 ED: 350 (5.7L)/8

GMC

G35 SPORTVAN 2WD

TR: A3 FS: 4 ED: 350 (5.7L)/8

SPECIAL PURPOSE VEHICLES (TWO-WHEEL DRIVE)

CHEVROLET

S10 UTILITY BODY 2WD

TR: M4 FS: 2 ED: 173 (2.8L)/6

TR: A3 FS: 2 ED: 173 (2.8L)/6

GMC

S15 UTILITY BODY 2WD

TR: M4 FS: 2 ED: 173 (2.8L)/6

TR: A3 FS: 2 ED: 173 (2.8L)/6

LEGEND TR: Transmission FS: Fuel System ED: Engine Description

SPECIAL PURPOSE VEHICLES (Continued) (TWO-WHEEL DRIVE)

Estimated MPG: 0 10 20 30 40+

ZIMMER HOMES CORPORATION

ZIMMER MOTOR HOME

TR: A3 FS: FI ED: 162 (2664CC)/6

SPECIAL PURPOSE VEHICLES (FOUR-WHEEL DRIVE)

FORD

BRONCO 4WD

TR: M4C FS: 2 ED: 351 (5.8L)/8 (FFS)

TR: A3 FS: 2 ED: 351 (5.8L)/8 (FFS)

SPECIAL PURPOSE VEHICLES (CAB CHASSIS)

CHEVROLET

S10 CAB CHASSIS 2WD

TR: M4 FS: 2 ED: 173 (2.8L)/6

TR: A3 FS: 2 ED: 173 (2.8L)/6

GMC

S15 CAB CHASSIS 2WD

TR: M4 FS: 2 ED: 173 (2.8L)/6

TR: A3 FS: 2 ED: 173 (2.8L)/6

HESS & EISENHARDT

FUNERAL COACH

TR: A3 FS: 4 ED: 366 (6.0L)/8 (FFS)

SUPERIOR COACH

FUNERAL COACH

TR: A3 FS: 4 ED: 366 (6.0L)/8 (FFS)

INDEX

LEGEND TR: Transmission FS: Fuel System ED: Engine Description

TWO SEATERS

Estimated MPG 0 10 20 30 40+

CHEVROLET
CORVETTE — 16 — TR: A4 FS: FI ED: 350 (5.7L)/8 (FFS)

DATSUN
280ZX — 20 — TR: M5 FS: FI ED: 168/6 (FFS)
20 — TR: M5 FS: FI ED: 168/6 (FFS,TRBO)
20 — TR: A3 FS: FI ED: 168/6 (FFS)
19 — TR: A3 FS: FI ED: 168/6 (FFS,TRBO)

DELOREAN
DELOREAN — 21 — TR: M5 FS: FI ED: 174/6 (FFS)
21 — TR: A3 FS: FI ED: 174/6 (FFS)

MINICOMPACT CARS

AVANTI
AVANTI II
2DR-75/6 — 17 — TR: A4 FS: 4 ED: 305/8 (FFS)

EXCALIBUR AUTOS
PHAETON
2DR-84/4 — 14 — TR: A3 FS: 4 ED: 305/8 (GUZZLER) (FFS)

SUBCOMPACT CARS

ASTON MARTIN
SALOON/VVANTAGE/
VOLANTE
2DR-80/T — 9 — TR: M5 FS: 6 ED: 326 (5340CC)/8 (GUZZLER)
10 — TR: A3 FS: 6 ED: 326 (5340CC)/8 (GUZZLER)

AUDI
QUATTRO
2DR-84/6 — 17 — TR: M5 FS: FI ED: 131/5 (FFS,TRBO)
4000/COUPE
2DR-84/12 — 38 — TR: M5 FS: FI ED: 97/4 (DSL,TRBO)
4DR-86/12 — 39 — TR: A3 FS: FI ED: 97/4 (DSL,TRBO)

CHEVROLET
CAMARO
2DR-84/12 — 19 — TR: A3 FS: 2 ED: 173 (2.8L)/6 (FFS)
15 — TR: A3 FS: FI ED: 305 (5.0L)/8 (FFS)
CHEVETTE
HBK-79/10 — 29 — TR: M4 FS: 2 ED: 98 (1.6L)/4 (FFS)
27 — TR: A3 FS: 2 ED: 98 (1.6L)/4 (FFS)
40 — TR: M5 FS: FI ED: 111 (1.8L)/4 (DIESEL)
36 — TR: A3 FS: FI ED: 111 (1.8L)/4 (DIESEL)

DATSUN
NISSAN SENTRA
2DR-84/11
4DR-84/11
HBK-82/16 — 33 — TR: M5 FS: 2 ED: 91/4
27 — TR: A3 FS: 2 ED: 91/4

280ZX 2+2
HBK-72/14 — 20 — TR: M5 FS: FI ED: 168/6 (FFS)
19 — TR: M5 FS: FI ED: 168/6 (FFS,TRBO)
20 — TR: A3 FS: FI ED: 168/6 (FFS)
19 — TR: A3 FS: FI ED: 168/6 (FFS,TRBO)

LEGEND TR: Transmission FS: Fuel System ED: Engine Description

SUBCOMPACT CARS (Continued)

Estimated MPG 0 10 20 30 40+

DATSUN (Cont.)
310
HBK-73/14 — 27 — TR: A3 FS: 2 ED: 91/4

FORD
MUSTANG
2DR-84/10
HBK-84/12 — 17 — TR: M4 FS: 2 ED: 302 (5.0L)/8

JAGUAR
XJ-S
2DR-77/11 — 14 — TR: A3 FS: FI ED: 326 (5.3L) (12 (GUZZLER) (FFS)

LINCOLN-MERCURY
CAPRI
HBK-84/12 — 17 — TR: M4 FS: 2 ED: 302 (5.0L)/8

PONTIAC
FIREBIRD
2DR-84/12 — 19 — TR: A3 FS: 2 ED: 173 (2.8L)/6 (FFS)
13 — TR: A3 FS: FI ED: 305 (5.0L)/8 (FFS)
T1000
HBK-79/10 — 29 — TR: M4 FS: 2 ED: 98 (1.6L)/4 (FFS)
27 — TR: A3 FS: 2 ED: 98 (1.6L)/4 (FFS)

RENAULT
FUEGO
2DR-83/14 — 26 — TR: M5 FS: FI ED: 2014 (FFS,TRBO)
24 — TR: M5 FS: FI ED: 1034 (FFS)
24 — TR: A3 FS: FI ED: 1034 (FFS)
18 I
4DR-86/12 — 29 — TR: M4 FS: FI ED: 97/4 (FFS)
24 — TR: M5 FS: FI ED: 97/4 (FFS)
24 — TR: A3 FS: FI ED: 100/4 (FFS)

VOLKSWAGEN
JETTA
2DR-78/13
4DR-77/13 — 42 — TR: M5 FS: FI ED: 97/4 (DSL,TRBO)
34 — TR: A3 FS: FI ED: 97/4 (DSL,TRBO)

COMPACT CARS

AUDI
5000
4DR-86/15 — 28 — TR: A3 FS: FI ED: 121/5 (DSL,TRBO)

BMW
528 E
4DR-86/14 — 22 — TR: M5 FS: FI ED: 164 (2700CC)/6 (FFS)
20 — TR: A3 FS: FI ED: 164 (2700CC)/6 (FFS)

BUICK
SKYHAWK
2DR-84/13
4DR-81/13 — 27 — TR: A3 FS: FI ED: 151 (2.5L)/4 (FFS)
24 — TR: M4 FS: 2 ED: 151 (2.5L)/4 (FFS)
SKYLARK
2DR-84/14
4DR-84/14 — 23 — TR: A3 FS: 2 ED: 151 (2.5L)/4 (FFS)
29 — TR: M5 FS: FI ED: 173 (2.8L)/6 (FFS)
22 — TR: A3 FS: 2 ED: 173 (2.8L)/6 (FFS)

DATSUN
NISSAN STANZA
HBK-87/19 — 27 — TR: A3 FS: 2 ED: 120/4

OLDSMOBILE
FIRENZA
4DR-88/13
HBK-84/16 — 27 — TR: A3 FS: FI ED: 119 (1.9L)/4 (FFS)
24 — TR: M4 FS: 2 ED: 112 (1.8L)/4 (FFS)

LEGEND TR: Transmission FS: Fuel System ED: Engine Description

COMPACT CARS (Continued)

Estimated MPG 0 10 20 30 40+

OLDSMOBILE (Cont.)
FIRENZA (Cont.)
23 — TR: A3 FS: FI ED: 151 (2.5L)/4 (FFS)
OMEGA
2DR-86/14
4DR-85/14 — 23 — TR: M5 FS: FI ED: 173 (2.8L)/6 (FFS)
22 — TR: A3 FS: 2 ED: 173 (2.8L)/6 (FFS)

PEUGEOT
505
4DR-80/11 — 22 — TR: M5 FS: FI ED: 120 (1971CC)/4 (FFS)
21 — TR: A3 FS: FI ED: 120 (1971CC)/4 (FFS)

PONTIAC
J2000
2DR-84/13
4DR-91/13
HBK-84/16 — 27 — TR: A3 FS: FI ED: 110 (1.8L)/4 (FFS)

VOLKSWAGEN
QUANTUM
4DR-89/12
HBK- 86/21 — 36 — TR: M5 FS: FI ED: 97/4 (DIESEL)
38 — TR: M5 FS: FI ED: 97/4 (DSL,TRBO)
38 — TR: A3 FS: FI ED: 97/4 (DSL,TRBO)

MID-SIZE CARS

BUICK
CENTURY
2DR-86/16
4DR-87/16 — 26 — TR: A3 FS: FI ED: 151 (2.5L)/4 (FFS)
26 — TR: A3 FS: 2 ED: 263 (4.3L)/6 (DIESEL)
REGAL
2DR-88/17
4DR-102/16 — 20 — TR: A3 FS: FI ED: 231 (3.8L)/6 (GM-BUICK) (FFS)
24 — TR: A3 FS: 2 ED: 263 (4.3L)/6 (DIESEL)
RIVIERA
2DR-103/16 — 17 — TR: A4 FS: 4 ED: 231 (3.8L)/6 (FFS,TRBO)
17 — TR: A4 FS: 4 ED: 252 (4.1L)/6 (FFS)

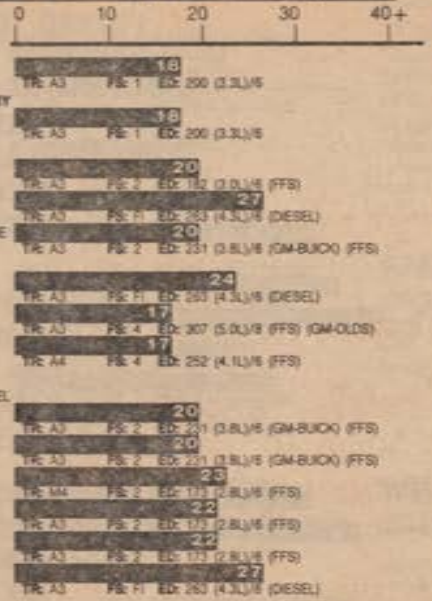
CADILLAC
ELDORADO
2DR-86/15
SEVILLE
4DR-101/14 — 17 — TR: A4 FS: 4 ED: 252 (4.1L)/6 (FFS)
17 — TR: A4 FS: 4 ED: 252 (4.1L)/6 (FFS)

CHECKER
MARATHON/
TAXICAB
4DR-100/14 — 17 — TR: A3 FS: 2 ED: 229 (3.8L)/6 (FFS)
15 — TR: A3 FS: 2 ED: 267 (4.4L)/8 (FFS) (GUZZLER)
MARATHON/
TAXICAB-E
4DR-100/14 — 15 — TR: A3 FS: 2 ED: 267 (4.4L)/8 (FFS)

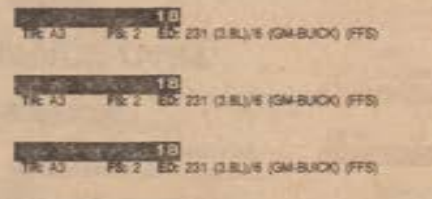
CHEVROLET
CELEBRITY
2DR-86/15
4DR-87/16 — 22 — TR: A3 FS: FI ED: 173 (2.8L)/6 (FFS)
26 — TR: A3 FS: 2 ED: 263 (4.3L)/6 (DIESEL)
CITATION
HBK-95/20 — 23 — TR: M4 FS: FI ED: 151 (2.5L)/4 (FFS)
22 — TR: A3 FS: FI ED: 173 (2.8L)/6 (FFS)
MALIBU
4DR-101/16
MONTE CARLO
2DR-87/16 — 20 — TR: A3 FS: FI ED: 231 (3.8L)/6 (GM-BUICK) (FFS)
20 — TR: A3 FS: 2 ED: 231 (3.8L)/6 (GM-BUICK) (FFS)

LEGEND TR: Transmission FS: Fuel System ED: Engine Description

MID-SIZE CARS (Continued)



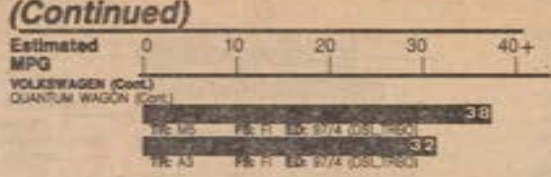
LARGE CARS



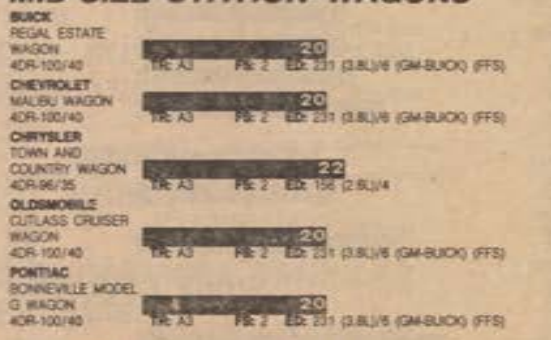
SMALL STATION WAGONS

LEGEND TR: Transmission FS: Fuel System ED: Engine Description

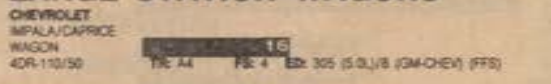
SMALL STATION WAGONS (Continued)



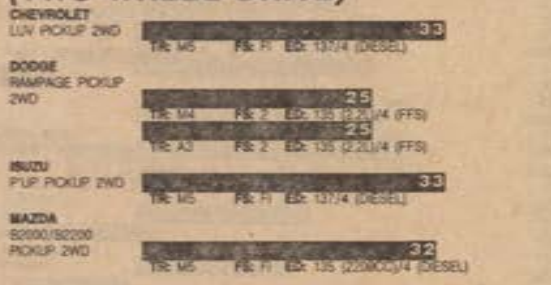
MID-SIZE STATION WAGONS



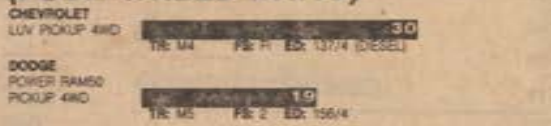
LARGE STATION WAGONS



SMALL PICKUP TRUCKS (TWO-WHEEL DRIVE)

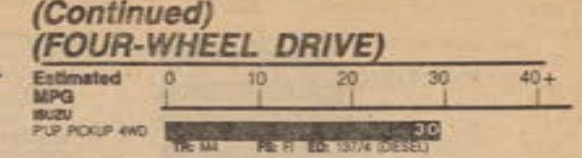


SMALL PICKUP TRUCKS (FOUR-WHEEL DRIVE)

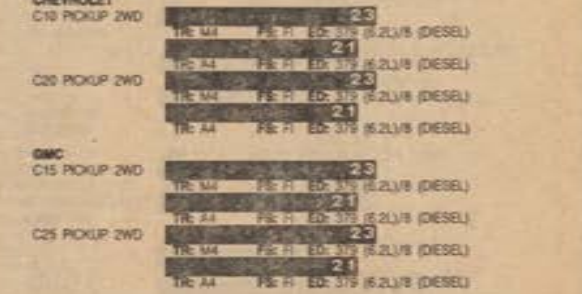


LEGEND TR: Transmission FS: Fuel System ED: Engine Description

SMALL PICKUP TRUCKS (Continued) (FOUR-WHEEL DRIVE)

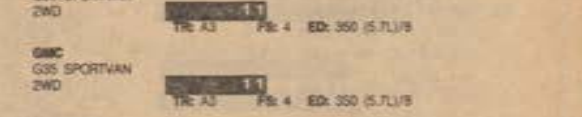


STANDARD PICKUP TRUCKS (TWO-WHEEL DRIVE)



STANDARD PICKUP TRUCKS (FOUR-WHEEL DRIVE)

VANS (PASSENGER VANS)



SPECIAL PURPOSE VEHICLES (TWO-WHEEL DRIVE)

INDEX

[FR Doc. 83-23550 Filed 8-26-83; 8:45 am]
BILLING CODE 6450-01-C

LEGEND TR: Transmission FS: Fuel System ED: Engine Description

SPECIAL PURPOSE VEHICLES (Continued) (TWO-WHEEL DRIVE)

Estimated MPG: 0 | 10 | 20 | 30 | 40+

CHEVROLET (Cont.)
C15 SUBURBAN 2WD (Cont.)

GMC
C15 SUBURBAN 2WD — 20
TR: A4 FS: FI ED: 379 (6.2L)/8 (DIESEL)

SPECIAL PURPOSE VEHICLES (FOUR-WHEEL DRIVE)

CHEVROLET
K10 BLAZER 4WD — 20
TR: A4 FS: FI ED: 379 (6.2L)/8 (DIESEL)

K10 SUBURBAN 4WD — 18
TR: A4 FS: FI ED: 379 (6.2L)/8 (DIESEL)

GMC
K15 JIMMY 4WD — 20
TR: A4 FS: FI ED: 379 (6.2L)/8 (DIESEL)

K15 SUBURBAN 4WD — 18
TR: A4 FS: FI ED: 379 (6.2L)/8 (DIESEL)

SPECIAL PURPOSE VEHICLES (CAB CHASSIS)

HESS & EISENHARDT
FUNERAL COACH — 15
TR: A3 FS: 4 ED: 366 (6.0L)/8 (FFS)

SUPERIOR COACH
FUNERAL COACH — 11
TR: A3 FS: 4 ED: 366 (6.0L)/8 (FFS)

Federal Energy Regulatory Commission

[Docket No. CP83-467-000]

Arkansas Louisiana Gas Co.; Request Under Blanket Authorization

August 24, 1983.

Take notice that on August 15, 1983, Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Arkla), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP83-467-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Arkla proposes to construct and operate sales taps on its jurisdictional Lines JM-20 and JM-9 in st. Francis and White Counties, Arkansas, respectively, to permit direct sales of gas 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.

Arkla proposes to construct and operate sales taps and related jurisdictional facilities to permit direct sales of gas to Janell Hawkins (Hawkins) and White County Memorial Gardens, (White County), which would use the gas on a firm basis for domestic purposes and for the operation of a crematorium, respectively. Arkla indicates that Hawkins would purchase up to 1 Mcf of gas on a peak day and about 90 Mcf annually and that White County would purchase up to 12 Mcf of gas on a peak day and about 200 Mcf annually. Arkla states that it would charge the rates under its State of Arkansas residential firm service and commercial firm service rate schedules for sales to Hawkins and White County, respectively. Arkla estimates the cost of facilities to attach each new customer to be approximately $1,280.

Arkla states that the gas would be delivered from its system supply which it claims is adequate to provide the service. Arkla also states that in the foreseeable future it does not project any curtailments except on spike peaks on its system.

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. 83-23642 Filed 8-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-686-000]

Arkansas Power and Light Co.; Filing

August 24, 1983.

Take notice that on August 16, 1983, Arkansas Power and Light Company (AP&L) tendered for filing the Seventh Amendment to the Power Coordination Interchange and Transmission Service Agreement AP&L and Arkansas Electric Cooperative Corporation (AECC). The amendment provides for one additional point of delivery.

AP&L requests the Commission waive any requirements with which AP&L has not already complied.

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 will be should be filed on or before September 9, 1983. Protests 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. 83-23641 Filed 8-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-32-000 (PGA84-1)]

Colorado Interstate Gas Co.; Proposed Change in Rates

August 23, 1983.

Take notice that Colorado Interstate Gas Company (CIG) on August 15, 1983, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1, to be effective October 1, 1983. The decreased jurisdictional cost to CIG of purchased gas proposed by the filing amounts to approximately $47.8 million below the rates which were effective on May 1, 1983, in Docket No. TA83-3-32. Due to the absence of any projected maximum surcharge absorption capability on CIG's system, no reduction in CIG's Estimated Actual Cost of Purchased Gas for incremental pricing purposes is reflected in the filing.

The filing also reflets the proposed collection by CIG of charges attributable to the repricing of certain of its Company-owned production at National Gas Policy Act of 1978 maximum lawful ceilings. This collection, attributable to Company-owned production in the post-September 30, 1982, period, is proposed by CIG in accordance with Article IX of the "Stipulation and Agreement of Settlement" approved by the Commission on March 10, 1983, in Docket No. RP82-54.

Copies of the filing have been served upon the Company's jurisdictional customers and other interested persons, including public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before September 2, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23661 Filed 8-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST80-77-002]

El Paso Natural Gas Co; Extension Reports

August 24, 1983.

The companies listed below have filed extension reports pursuant to Section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The sales may continue for an additional

term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146. A "G" indicates a transportation by an interstate pipeline pursuant to § 284.221 which is extended under § 284.105. A "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

Any person desiring to be heard or to make any protests with reference to said extension report should on or before October 3, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No. and transporter seller	Recipient	Date filed	Part 284 subpart	Effective date
ST80-77-002 [1] El Paso Natural Gas Co., P.O. Box 1492, El Paso, TX 79978	Pacific Gas and Electric Co	8/5/83	B	11/1/83
ST81-421-001 [1] Natural Gas Pipeline Co. of America, 122 South Michigan Ave., Chicago, IL 60603.	Tennessee Gas Pipeline Co	8/10/83	G	7/24/83
ST82-55-001 Supenn Pipeline Co., P.O. Box 1521, Houston, Texas 77001	United Gas Pipe Line Co	8/15/83	C	11/13/83
ST82-61-001 Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102	Houston Pipe Line Co	8/11/83	B	11/13/83
ST82-63-001 Transcontinental Gas Pipe Line Corp., P.O. Box 1396, Houston, TX 77251	Tennessee Gas Pipeline Co	8/12/83	G	11/12/83
ST82-64-001 Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102	Tennessee Gas Pipeline Co	8/11/83	G	11/16/83
ST82-69-001 Arkansas Oklahoma Gas Corp., 115 North 12th Street, Fort Smith, Arkansas 72901.	Columbia Gas Transmission Corp	8/12/83	G	11/10/83
ST82-74-001 El Paso Natural Gas Co., P.O. Box 1492, El Paso, TX 79978	Intratex Gas Co	8/12/83	B	11/12/83
ST82-92-001 Southern Natural Gas Co., P.O. Box 2563, Birmingham, AL 35202	Sugar Bowl Gas Corp	8/11/83	B	11/10/83
ST82-106-001 Western Slope Gas Co., P.O Box 840, Denver, Colorado 80201	Northern Natural Gas Co	8/5/83	G(HT)	12/18/83
ST82-458-001 Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102	Colorado Interstate Gas Co	8/11/83	G	12/12/83

[1] These extension reports were filed after the date specified by the Commission's regulations, and shall be the subject of a further Commission order.
Note: The noticing of these filings does not constitute a determination of whether the filings comply with the Commission's regulations.

[FR Doc. 83-23644 Filed 8-26-83; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5627-001]

Energenics Systems, Inc.; Surrender of Preliminary Permit

August 24, 1983.

Take notice that Energenics Systems, Inc., Permittee for the proposed Orwell Dam Project No. 5627, has requested that its preliminary permit be terminated. The permit was issued on August 23, 1982, and would have expired on March 31, 1984. The project would have been located on the Otter Tail River in Otter Tail County, Minnesota.

The Permittee filed its request on August 2, 1983, and the surrender of the preliminary permit for Project No. 5627 is deemed accepted 30 days after issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23645 Filed 8-26-83; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 6607-001]

Energenics Systems Inc.; Surrender of Preliminary Permit

August 24, 1983.

Take notice that Energenics Systems Inc., Permittee for the proposed Okatibbee Reservoir Dam Hydroelectric Project No. 6607, has requested that its preliminary permit be terminated. The permit was issued on March 21, 1983, and would have expired on August 31, 1984. The project would have been located on the Okatibbee Creek in Lauderdale County, Mississippi.

The Permittee filed its request on August 2, 1983, and the surrender of the preliminary permit for Project No. 6607 is deemed accepted 30 days after issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23646 Filed 8-26-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA 83-2-24-002]

Equitable Gas Co.; Filing

August 23, 1983.

Take notice that on August 15, 1983, Equitable Gas Company (Equitable), tendered for filing Substitute Sixth Revised Sheet No. 6-F, correcting an error in Equitable's July 29, 1983 filing, which set forth the company's annual purchased gas calculations and tariff sheet.

Equitable states that an error in the interest calculations affected sheets 1, 7 and 8 as well as the tariff sheet of the July 29, 1983 filing. The effect of the corrections is to reduce the total rate from $4.0280 to $4.0232.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before September 2, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23662 Filed 8-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-24-003]

Equitable Gas Co.; Filing

August 23, 1983.

Take notice that on August 15, 1983, Equitable Gas Company (Equitable), tendered for filing Substitute Seventh Revised Sheet No. 10-G, correcting an error in Equitable's July 29, 1983 filing, which set forth the company's semi-annual purchased gas calculations and tariff sheet.

Equitable states that an error in the interest calculations affected sheets 1, 6 and 7 as well as the tariff sheet of the July 29, 1983 filing. The effect of the corrections is to reduce the total rate from $3.8406 to $3.8331.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before September 2, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23663 Filed 8-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-687-000]

Idaho Power Co., Filing

August 24, 1983.

Take notice that on August 16, 1983, Idaho Power Company (Idaho) tendered for filing a revised Appendix 1 as required by Exhibit C for retail sales in the State of Idaho, together with the Bonneville Power Administration's Average System Cost Report in which Bonneville determined the Average System Cost for the Idaho residential Purchase and Sale Agreement (Agreement) between Idaho and the Bonneville Power Administration (BPA). Idaho also submitted its agreement with and/or objections to BPA's Average System Cost Adjustments.

Idaho states that the Agreement was entered into pursuant to the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96-501. Idaho further states that the Agreement provides for the exchange of electric power from Idaho and BPA for the benefit of Idaho's residential and farm customers.

A copy of the filing was served upon BPA and all parties that made comment on Idaho's Appendix 1 Filings.

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 9, 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. 83-23648 Filed 8-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-444-000]

Lone Star Gas Co.; Application

August 24, 1983.

Take notice that on July 25, 1983, Lone Star Gas Company, a Division of ENSERCH CORPORATION (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP83-444-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a regulating and measuring facility for the sale and delivery of natural gas to Washita Construction Company (Washita) in Carter County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant indicates that Washita operates an asphalt plant and natural gas would be used as a heating source in the asphalt operations. Applicant states that while Washita is not located adjacent to one of Applicant's main lines, natural gas would be provided by Applicant through an arrangement with Bunker Oil Company (Bunker). It is explained that Applicant presently receives deliveries of natural gas from Bunker through the facilities of Natural Gas Operations Company and that Bunker has agreed to deliver a portion of the gas purchased by Applicant at a point on Natural Gas Operations Company's line where service to Washita can be rendered. Applicant states that Washita is aware of the manner in which deliveries would be made and has agreed to accept service that is dependent upon this isolated gas source.

Applicant concedes that its most recent Form 50, Alternative Fuel Demand Due to Natural Gas Deficiencies Report, indicates some curtailment for interruptible service; however, Applicant notes that said report also indictes no curtailment of firm deliveries. Thus, Applicant avers that the proposed deliveries to be 33,000 Mcf of gas annually and 480 Mcf on peak days in the third year.

Applicant states that the cost of the facilities is estimated to be $1,248, all of which would be financed from funds currently on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if

the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23649 Filed 8-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6257-002]

McCloud Community Services District; Surrender of Preliminary Permit

August 24, 1983.

Take notice that McCloud Community Services District, Permittee for the Squaw Valley Creek Project No. 6257, has requested that the preliminary permit be terminated. The preliminary permit for Project 6257 was issued on November 2, 1982, and would have expired on April 30, 1984. The project would have been located on Intake and Upper Elk Springs in Siskiyou County, California.

The Permittee filed its request on July 25, 1983, and the surrender of the preliminary permit for Project No. 6257 is deemed as accepted as of July 25, 1983 and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23650 Filed 8-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP83-43-000]

Mobil Producing Texas & New Mexico, Inc.; Petition for Expedited Issuance of a Declaratory Order To Remove Uncertainty

August 24, 1983.

Take notice that on August 3, 1983, Mobil Producing Texas & New Mexico, Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046 (MPTM), filed with the Federal Energy Regulatory Commission (Commission) a "Petition For Expedited Issuance Of A Declaratory Order To Remove Uncertainty." MPTM requests that the Commission issue an order removing an uncertainty and declaring that its intrastate sales of reserved and surplus gas, from the Larsen Reservoir in the Old Ocean Field, Brazoria and Matagorda Counties, Texas, were not improper and, therefore, were not unlawful abandonments of gas "dedicated" to interstate commerce.

In its petition, MPTM states that on September 30, 1982, the Commission issued a "Declaratory Order Establishing Maximum Lawful Prices Under Section 105 and 106(b) of the NGPA" which, *inter alia*, reserved for possible future determination, and therefore created an uncertainty, whether some or all of the sales from the Larsen Reservoir are "sales of gas that was committed or dedicated to interstate commerce* * *".[1] On May 9, 1983, the Commission issued a declaratory order to remove uncertainty as to whether gas from the Larsen Reservoir sold in intrastate commerce by Amoco Production Company (Amoco), pursuant to a contract substantially similar to that of MPTM, was committed or dedicated to interstate commerce.[2]

The Commission held, *inter alia*, that surplus gas, and gas used in connection with lease and plant uses, was not and had never been dedicated to interstate commerce, but that a 75 MMcf/d gas reservation provision in Amoco's contract could not be utilized inconsistently with the commitment to interstate commerce. MPTM states that this declaratory order contains limiting qualifications which, in consideration of the substantial similarity of the Amoco and MPTM contracts and certificates, raise an issue as to whether it can be regarded as applying also to other working interest owners, such as MPTM.

MPTM claims that its certificate in Docket No. G-11997 and its Rate Schedule No. 34 show conclusively that Magnolia Petroleum Company, predecessor of MPTM, and Amoco both executed with Texas Illinois Natural Gas Pipeline Company (TNGP), predecessor to Natural Gas Pipeline Company of America (NGPL), the same form of contract on January 23, 1950. MPTM states that both contracts established four categories of natural gas: (a) reserved gas, including gas for lease and plant use as well as 75 MMcf/d; (b) available gas of 114 MMcf/d to NGPL/TNGP; (c) surplus gas in amounts greater than 1.5 times the requirements of NGPL/TNGP; and (d) cushion gas. MPTM notes that the Commission, in granting the certificate to build the pipeline to Old Ocean Field, mentioned the reserve categories established by the 1950 contracts.[3] MPTM further states that an October 3, 1968 agreement, filed with the Commission on October 8, 1968, amended the contract between MPTM and NGPL such that the daily contract volume was permanently reduced from 114 MMcf to 70 MMcf and further declining in phases to 10 MMcf. MPTM claims that Amoco filed with the Commission on October 8, 1968 an amended contract between it and NGPL containing the same amendment. On March 13, 1969, the Commission granted MPTM's application to amend its certificate and accepted the October 3, 1968 contract amendment as supplements 10 and 11 to MPTM Rate Schedule No. 34.[4]

Among other things, MPTM argues that the Natural Gas Act, via grandfather certification, validates all contractual and operational limitations which were extant as of June 7, 1954. MPTM submits that a May, 1954 Old Ocean Field Unit Report submitted with its petition indicates that the "volume and use reservations" were effectual on, and operative before, June 7, 1954. Moreover, MPTM argues that issuance of a grandfather certificate covering a contract containing a reservation validates the reservation even if the certificate does not expressly accept the reservation. Consequently, MPTM asserts that the contractual commitment to NGPL on June 7, 1954 was MPTM's "proportionate part" of 114 MMcf/d averaged over each accounting year subject to MPTM's reservation of 75 MMcf/d and gas for lease and plant use.

MPTM asserts that the test for whether abandonment authority is necessary is whether the natural gas company in question "permanently reduces a significant portion of a particular service." MPTM submits that its intrastate sales from the Larsen Reservoir did not permanently or temporarily reduce deliveries to NGPL. Further, MPTM claims that, when daily contract volumes were reduced by contract amendment, both MPTM and Amoco applied for, and received, certificate authority to do so.

Finally, MPTM claims that expedited disposition of the subject petition is warranted since the Larsen Reservoir nitrogen injection program, which was granted incentive pricing status, cannot proceed until the aforesaid uncertainties are settled.

Any person desiring to be heard or to protest this petition should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington,

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[1] Mobil Producing Texas & New Mexico, Inc., 20 FERC ¶ 61,400 at 61,899 n.2 (1982). *See also*, Amoco Production Company, 20 FERC ¶ 61,330 at 61,690 n.4 (1982); Amoco Production Company, 21 FERC ¶ 61,103 at 61,306 n.6 (1982).

[2] Amoco Production Company, 23 FERC ¶ 61,211 (1983).

[3] Texas Illinois Natural Gas Pipeline Company, 9 FPC 105, 113 (1950).

[4] Humble Oil Refining Company, *et al.*, Docket Nos. G-3072, *et al.* (March 13, 1969).

D.C. 20426, in accordance with Rule 214 or 211, 18 CFR 385.214 or 385.211 (1983), of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed within 15 days of the issuance date of this notice. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the petition are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23651 Filed 8-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-466-000]

National Fuel Gas Supply Corp.; Application

August 24, 1983.

Take notice that on August 15, 1983, National Fuel Gas Supply Corporation (Applicant), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP83-466-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to sell natural gas to its existing distribution customers for resale to large volume and industrial users under its proposed Suppliers Special Rate (SSR), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to establish a new Rate Schedule SSR, to be incorporated into Applicant's FERC Gas Tariff, Original Volume No. 1, for a period terminating on October 31, 1984. Applicant states that the SSR service would enable it to purchase natural gas from Consolidated Gas Supply Corporation (Consolidated) under Consolidated's market retention program and to resell it to Applicant's present distribution customers under conditions and prices that would assist the distribution customers in regaining and maintaining the large volume and industrial users from competition from alternative fuels. Applicant further states that large volume and industrial users of its distribution customers would be eligible for SSR service in accordance with the eligibility criteria set forth in Consolidated's market retention program. Applicant proposes that the rate for the SSR service include both the costs of the gas purchased from Consolidated under Consolidated's market retention program and Applicant's approved transportation rate under Applicant's Rate Schedule T-1, plus all applicable state taxes and shrinkage.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 13, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23653 Filed 8-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP76-492-030]

National Fuel Gas Supply Corp. and Penn-York Energy Corp.; Amendment

August 24, 1983.

Take notice that on July 29, 1983, Penn-York Energy Corporation (Penn-York), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP76-492-030 an amendment to its pending application filed in Docket No. CP76-492[1] pursuant to Section 7(c) of the Natural Gas Act to reflect a limited-term assignment of storage services between two of Penn-York's existing customers, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Penn-York states that UGI Corporation (UGI) and Valley Gas Company (Valley) currently receive storage service from Penn-York 1981, under Penn-York's Rate Schedule SS-1. It is stated that Valley requires additional storage capacity to meet winter heating season demands on its system, and UGI has agreed to assign to Valley a portion of its available storage capacity with Penn-York for a limited period.

Penn-York states that in order to effectuate the assignment, it would enter into amended service agreements with UGI and Valley providing for annual storage volumes as follows:

[1] This proceeding was commenced before the FPC. By joint Regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

ANNUAL STORAGE VOLUMES

[In Mcf]

	Existing contract amount	April 1, 1983, through March 31, 1984	April 1, 1984, through March 31, 1985	April 1, 1985 and thereafter
UGI	4,000,000	3,900,000	3,800,000	4,000,000
Valley	450,000	550,000	650,000	450,000

It is stated that no new facilities would be required to effectuate the proposed limited-term assignment and that no change in the aggregate level of storage service rendered by Penn-York would be made. Furthermore, it is stated that the proposed assignment will not affect any allocation among Penn-York's customers of available storage capacity on Penn-York's system in excess of that

presently certificated by the Commission.

Penn-York states that Tennessee Gas Pipeline Company, a Division of Tenneco Inc., would transport the assigned storage volumes for Valley under the self-implementing provisions of Part 284 of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 14, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Persons having heretofore filed need not do so again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23652 Filed 8-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP70-119-000, et al., and CP75-274-001]

Natural Gas Pipeline Company of America; Petition to Amend

August 24, 1983.

Take notice that on July 20, 1983, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket Nos. CP70-119-000, *et al.*, and CP75-274-001 a petition pursuant to Section 7 of the Natural Gas Act to amend the orders issued in Docket Nos. CP70-119 on March 5, 1980, as amended, CP71-203 on June 3, 1971, as amended, CP72-33 on June 2, 1972, and CP75-274 on July 7, 1977,[1] so as to authorize a limited-term release of approximately 2,600,000 Mcf of storage service for certain Rate Schedule MS-1 and Rate Schedule MS-2 customers, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that to effectuate this release of storage service, Michigan Wisconsin Pipe Line Company (Mich Wis) agreed to release Natural from its obligation to purchase approximately 2,600,000 Mcf of storage service under Mich Wis' Rate Schedule X-14 and X-60 for the same limited term. Further, it is stated that the release does not relieve Natural or the participating MS-1 and MS-2 storage customers of their obligation to pay charges associated with the related transportation service.

It is indicated that the arrangement would be for a limited term of no less than two years commencing December 1, 1983, and that it may continue beyond December 1, 1985, and up to October 31, 1988, at Mich Wis's option. It is explained that the limited-term release would continue beyond December 1, 1985, in the event that Michigan Consolidated Gas Company (Mich Con) requests Mich Wis to provide certain storage service for it and that Mich Wis has entered into an agreement with Mich Con whereby Mich Wis has agreed to attempt to make itself able to store up to 10,000,000 Mcf of gas for Mich Con during each of the years 1983 and 1984 for a period not to extend beyond October 31, 1988. It is asserted that if Mich Con so notifies Mich Wis of its desire to have Mich Wis provide storage service for it, Mich Wis would offer Mich Con the storage service which Natural would release. It is further asserted that if Mich Wis and Mich Con enter into an agreement whereby they agree that the storage capacity released by Natural would be used to provide storage service to Mich Con, then Mich Wis agrees to release Natural from the storage service it provides to Natural for the limited-term period commencing on the date that Mich Wis begins storage injections for Mich Con and until such gas is withdrawn by Mich Con, in no event exceeding October 31, 1988.

Natural states that as a condition of the proposed release, the participating Rate Schedule MS-1 and Rate Schedule MS-2 storage customers have agreed not to intervene or request a hearing in the proceeding in Docket No. CP83-144-000.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 13, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23654 Filed 8-26-83; 8:45 am]

BILLING CODE 6717-01-M

[1] These proceedings were commenced before the F.P.C. By joint regulation of October 1, 1977 (10 CFR 1000.1), they were transferred to the Commission.

[Project No. 5975-001]

City of Northampton, Mass.; Surrender of Preliminary Permit

August 24, 1983.

Take notice that the City of Northampton (City), Permittee for the proposed Mill River Project No. 5975, has requested that its preliminary permit be terminated. The preliminary permit was issued on July 30, 1982, and would have expired on December 31, 1983. The proposed project would have been located on the Mill River in the town of Northampton, Hampshire County, Massachusetts.

The City filed its request on August 1, 1983, and the surrender of the permit for Project No. 5975 will be deemed effective 30 days from the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23643 Filed 8-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-97-001]

Northern Natural Gas Co.; Filing

August 23, 1983.

Take notice that on August 15, 1983, Northern Natural Gas Company (Northern), tendered for filing Substitute First Revised Sheet No. 732 to its FERC Gas Tariff, Original Volume No. 2, reflecting an effective date of July 7, 1983, in compliance with the Commission's Order of July 6, 1983.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before September 2, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to

intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23664 Filed 8-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-122-000]

Northern Natural Gas Co.; Filing

August 23, 1983.

Take notice that on August 12, 1983, Northern Natural Gas Company, a division of InterNorth, Inc. (Northern), tendered for filing Original Sheet Nos. 49, 49a, 49b, 50, 51 and 51a of its FERC Gas Tariff, Third Revised Volume No. 1. Original Sheet Nos. 49, 49a and 49b establish a new rate schedule for End User Transportation (Rate Schedule EUT-1), Original Sheet No. 50 establishes a new rate schedule for the Additional Inventive Charge (Rate Schedule AIC-1), and Original Sheet Nos. 50 and 51a establish a new rate schedule for Offsystem Sales (Rate Schedule OS-1). The aforementioned rate schedules are requested to be effective August 12, 1983, pursuant to Commission Order Nos. 319 and 234-B pertaining to Docket Nos. RM81-29 and RM81-19 issued by the Commission on July 20, 1983, and published in the **Federal Register** on August 5, 1983.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before September 2, 2983. 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. 83-23665 Filed 8-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP76-84-001]

Northern States Power Co. (Wisconsin); Petition To Amend

August 24, 1983.

Take notice that on July 26, 1983, Northern States Power Company (Wisconsin) [NSP (Wisconsin)], 100 North Barstow Street, Eau Claire, Wisconsin 54701, filed in Docket No. CP76-84-001 a petition to amend the order issued March 15, 1979, in Docket Nos. CP76-84-000, *et al.* (6 FERC ¶ 61,236), so as to authorize an extension of the term and a revision of the provisions of a gas sale and exchange arrangement, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of March 15, 1979 authorized a sale and exchange of gas between NSP (Wisconsin) and Wisconsin Gas Company (Wisconsin Gas). It is stated that NSP (Wisconsin) accordingly delivers liquefied natural gas (LNG) to Wisconsin Gas to meet the peak service needs of Wisconsin Gas' firm gas customers. In return, it is stated, Wisconsin Gas causes the delivery to NSP (Wisconsin)'s parent company, Northern States Power Company (Minnesota) [NSP (Minnesota)], of vaporous natural gas equivalent to twice the amount of LNG received from NSP (Wisconsin). This arrangement was originally scheduled to expire on March 31, 1983, it is said.

It is submitted that on May 24, 1983, NSP (Wisconsin) and Wisconsin Gas concluded a second addendum to their agreement of July 16, 1973, as amended, providing for an extension of the sale and exchange arrangement between them from September 1, 1983, through March 31, 1984. During this period, it is submitted, NSP (Wisconsin) would deliver quantities of LNG up to an equivalent of 75,000 Mcf of natural gas, on a best-efforts basis, to Wisconsin Gas, or to a subcontracted trucking carrier of Wisconsin Gas, in exchange for which Wisconsin Gas would pay back twice the equivalent volume of natural gas to NSP (Minnesota), at a rate of up to 5,000 Mcf per day.

The instant petition to amend accordingly requests Commission authorization to extend the exchange of natural gas for LNG between NSP and Wisconsin Gas through March 31, 1984.

NSP (Wisconsin) further requests that the Commission declare that its operations continue to be exempt from the provisions of the Natural Gas Act, except for the service for which authorization is specifically sought herein, in accordance with Section 1(c) of the Natural Gas Act.

NSP (Wisconsin) also notes that Wisconsin Gas originally contracted with Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) and with Midwestern Gas Transmission Company (Midwestern) to deliver its payback gas to NSP (Minnesota). It is indicated that pursuant to an exchange agreement between these parties, dated August 30, 1973, as amended on June 1, 1978, Wisconsin Gas reduces the gas it takes from its Michigan Wisconsin allotment and that Michigan Wisconsin, in turn, reduces its own gas receipts from Midwestern by a proportionate amount. Midwestern concurrently delivers an equivalent amount of gas to NSP (Minnesota) through its Fargo sales lateral in Cass County, North Dakota, it is explained. This exchange agreement among Michigan Wisconsin, Midwestern, and Wisconsin Gas was authorized by order issued September 24, 1974, in Docket No. CP74-147, as amended. It is stated that in conjunction with the instant extension of the NSP (Wisconsin)—Wisconsin Gas agreement, Michigan Wisconsin, Midwestern, and Wisconsin Gas concluded a second amendment to their own exchange agreement on March 31, 1983, to extend the term of the latter agreement indefinitely.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 13, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23855 Filed 8-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-448-000]

Northwest Central Pipeline Corp.; Request Under Blanket Authorization

August 24, 1983.

Take notice that on July 29, 1983, Northwest Central Pipeline Corporation (Northwest Central), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP83-448-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Northwest Central proposes to construct and install a new

delivery point in Hutchinson, Kansas, for sale and delivery of gas to The Gas Service Company (Gas Service), under the authorization issued in Docket No. CP82-479-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest Central states Gas Service has requested this additional delivery point in order to serve better the area and to make a sale of gas to a sewage disposal plant operated by the city. It is stated that the projected delivery of gas through these facilities is less than 50,000 Mcf per year with a maximum peak load of 5 Mcf per hour at 25 psig. The estimated cost of these facilities is stated to be $5,620, which would be paid from treasury cash.

Northwest Central states that this change is not prohibited by an existing tariff and it has sufficient capacity to accomplish the deliveries specified without detriment or disadvantage to its other customers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to 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. 83-23670 Filed 8-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA 84-1-37-000 (PGA 84-1 IPR 84-1)]

Northwest Pipeline Corp.; Change in Rates Pursuant to Purchased Gas Cost Adjustment

August 23, 1983.

Take notice that Northwest Pipeline Corporation (Northwest), on August 15, 1983, tendered for filing a proposed change in rates applicable to service rendered under rate schedules affected by and subject to Article 16, Purchased Gas Cost Adjustment Provision ("PGAC"), contained in its FERC Gas Tariff, First Revised Volume No. 1. Such change in rates is for the purpose of: (1) reflecting changes in Northwest's cost of purchased gas which will become effective during the period October 1, 1983 through March 31, 1984, applied to volumes purchased for the 12-month period ending June 30, 1983; (2) its change in unrecovered purchased gas costs since Northwest's prior semiannual PGAC filing dated February 15, 1983; and (3) projecting incremental surcharges to be assessed Northwest's affected direct and sales for resale customers pursuant to Order 49. Northwest has included as part of this change in rates costs associated with its pipeline-owned production valued at the applicable NGPA rates consistent with the decision of the United States Supreme Court in *Public Service Commission of the State of New York v. Mid-Louisiana Gas Co., et al.*

The current PGAC adjustment, for which notice is given herein, aggregates to an increase of .405¢ per therm in all rate schedules affected by and subject to the PGAC. The annualized change in Northwest's rates is a decrease of $9,438,105. Northwest proposes to recover through a surcharge the adjusted balance of $7,602,608 in its current deferral subaccount of FERC Account No. 191, as of June 30, 1983. The proposed change in rates from the PGAC and the other changes proposed by Northwest would result in a net increase in its annual revenues from jurisdictional sales and service of $10,827,214.

Northwest also tendered for filing and acceptance Seventh Revised Sheet No. 10-B. Seventh Revised Sheet No. 10-B sets forth revised projected incremental pricing surcharges to become effective October 1, 1983 as part of the instant filing.

A copy of this filing has been served on all parties on record in Docket No. RP72-154, upon all jurisdictional customers, and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before September 2, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23666 Filed 8-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-682-000]

Pacific Gas and Electric Co.; Filing

August 24, 1983.

Take notice that on August 16, 1983, Pacific Gas and Electric (PG&E) tendered for filing as an initial rate schedule an August 2, 1983 Contract for transmission service by PG&E for Western Area Power Administration (Western) (U.S. Department of Energy Contract No. DE-MS65-83W59055).

PG&E states that the Contract provides that PG&E will transmit power allocated by Western to the cities of Healdsburg, Lompoc and Ukiah (Cities). Western will pay PG&E the system average functionalized wheeling rate of $1.84 per kilowatt per month for this service. Ukiah will pay an additional $1.25 per kilowatt per month for wheeling over distribution facilities until they convert their delivery point to a higher voltage. Capacity delivered to the Cities will be adjusted for losses by PG&E's system average functionalized losses. PG&E respectfully submits that Western has agreed to the $1.84 per kilowatt per month rate and losses for transmission service as a negotiated rate. A metering charge of $0.03 per kilowatt per month will also be assessed to the Cities.

PG&E requests an effective date of March 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon Western and the California Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before 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 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. 83-23671 Filed 8-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-459-000]

Panhandle Eastern Pipe Line Co.; Application

August 24, 1983.

Take notice that on August 9, 1983, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP83-459-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon an exchange of gas with Arkansas Louisiana Gas Company (Arkla), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon an exchange of natural gas with Arkla which it states was on a gas-for-gas basis with no monetary compensation. This service was provided pursuant to Rate Schedule E-12 of Applicant's FERC Gas Tariff, Original Volume No. 2, it is stated. Applicant further states that in accordance with the terms of the exchange contract it has notified Arkla of the cancellation of the exchange contract to be effective July 18, 1983.

Applicant claims it never initiated deliveries to Arkla because it has no source of gas in the area that it could exchange. It is stated that Applicant would balance the exchange prior to July 18, 1983.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commisison will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commisison on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23672 Filed 8-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-685-000]

Pennsylvania Power & Light Co.; Filing

August 24, 1983.

Take notice that on August 16, 1983, Pennsylvania Power & Light Company (PP&L) tendered for filing as a rate schedule an executed agreement dated as of June 30, 1983 between PP&L and New York State Electric & Gas Corporation (NYSEG). The proposed rate schedule provides for the sale of interruptible power and energy by PP&L to NYSEG.

PP&L states that the rate schedule provides for a maximum energy reservation charge rate of $24.70 per megawatt hour and an energy charge rate based upon the incremental cost of providing the energy.

PP&L requests an effective date of August 16, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served on NYSEG and the Pennsylvania Public Utility 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 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. 83-23673 Filed 8-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-46-002, *et al.*]

South Georgia Natural Gas Co.; Rate Reduction Filing Pursuant to Stipulation and Agreement

August 23, 1983.

Take notice that on August 15, 1983, South Georgia Natural Gas Company (South Georgia), tendered for filing Twenty-fourth Revised Sheet No. 4 and Fifth Revised Sheet No. 31 to First Revised Volume No. 1 of its FPC Gas Tariff to be effective September 1, 1983. South Georgia states that this filing is being made with the concurrence of its intervening customers and the purpose of the revised tariff sheets is to implement the rate reduction agreed to as part of a comprehensive Stipulation and Agreement arrived at in the captioned proceedings and certified to the Commission on July 8, 1983 by the Presiding Administrative Law Judge. South Georgia states further that the rate reduction below the currently effective rates in Docket No. RP82-46 is due to a lower overall rate of return and lower mainline depreciation rate and a reduction in South Georgia's demand cost allocation factor. South Georgia requests waiver to make the filing effective as of September 1, 1983, and states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions and to all parties in the captioned proceeding.

South Georgia also states that the parties in the captioned proceeding agreed in Article X of the Stipulation and Agreement that if the Commission has not approved the Stipulation on or before September 30, 1983, or if the Commission disapproves the Stipulation (1) South Georgia shall be authorized but is not required to refile tariff sheets reflecting increased rates up to its originally filed rates in Docket No. RP82-46 to be effective on September 1, 1983, or such later date as South Georgia may elect or South Georgia may place the increased rates in Docket No. RP83-54 which were suspended until September 1, 1983, in effect on that date or such later date as South Georgia may elect, and (2) for purposes of

determining South Georgia's jurisdictional refunds in Docket No. RP82–46, any rate reductions in effect on and after September 1, 1983, shall be deemed and treated as jurisdictional refunds in Docket No. RP82–46. Should South Georgia elect to restore its rates in Docket No. RP82–46 to their filed levels or to place the increased rates in Docket No. RP83–54 in effect and the Commission subsequently approves the Stipulation and Agreement, it agrees to make refunds of the difference between such increased rates and the rates computed according to Article V of the Stipulation and Agreement. South Georgia requests that its reduced rates be accepted subject to the procedures set forth above.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before September 2, 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 proceding. Any peson 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. 83–23687 Filed 8–26–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ST83–507]

Tennessee Gas Pipeline Co.; Self-Implementing Transactions

August 24, 1983.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and Sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA). The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to Section 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to Section 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and Section 311(b) of the NGPA. Any itnerested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

A "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and Section 312 of the NGPA.

An "F" indicates a fuel oil displacement transaction implemented pursuant to § 284.202 of the Commission's Regulations. Any interested persons may file a complaint concerning such transaction pursuant to § 284.205(d) of the Commission's Regulations.

A "G" indicates transportation by an interestate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G (HT)" "G (HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

Kenneth F. Plumb,

Secretary.

Docket No.[1] and Transporter/Seller		Recipient	Date filed	Part 284 subpart	Expiration date[2]	Transportation rate (¢/MMBtu)
ST83–507	Tennessee Gas Pipeline Co	Creole Gas Pipeline Co	7/1/83	B		
ST83–508	Tennessee Gas Pipeline Co	Creole Gas Pipeline Co	7/1/83	B		
ST83–509	Tennessee Gas Pipeline Co	Creole Gas Pipeline Co	7/1/83	B		
ST83–510	Caprock Pipeline Co	Transwestern Pipeline Co	7/1/83	C		
ST83–511	United Gas Pipe Line Co	Delhi Gas Pipeline Corp	7/1/83	B		
ST83–512	Transcontinental Gas Pipe Line Corp	Tennessee Gas Pipeline Co	7/5/83	G		
ST83–513	Producer's Gas Co	Transcontinental Gas Pipe Line Corp	7/5/83	D		
ST83–514	Transcontinental Gas Pipe Line Corp	PNG Energy Co	7/5/83	F		
ST83–515	Michigan Wisconsin Pipe Line Co	Golden Triangle Gas Distribution Co	7/5/83	B		
ST83–516	Michigan Wisconsin Pipe Line Co	Cajun Natural Gas Co	7/5/83	B		
ST83–517	Tennessee Gas Pipeline Co	Creole Gas Pipeline Co	7/5/83	B		
ST83–518	Michigan Wisconsin Pipe Line Co	Cajun Natural Gas Co	7/5/83	B		
ST83–519	Michigan Wisconsin Pipe Line Co	Golden Triangle Gas Distribution Co	7/5/83	B		
ST83–520	Michigan Wisconsin Pipe Line Co	Golden Triangle Gas Distribution Co	7/5/83	B		
ST83–521	Michigan Wisconsin Pipe Line Co	Cajun Natural Gas Co	7/5/83	B		
ST83–522	Mississippi Valley Gas Co	Texas Eastern Transmission Corp	7/5/83	G(HT)	12/2/83	21.90
ST83–523	Michigan Consolidated Gas Co	West Ohio Gas Co	7/5/83	G(HS)		
ST83–524	Florida Gas Transmission Co	Houston Pipe Line Co	7/6/83	B		
ST83–525	Texas Eastern Transmission Corp	Southern Natural Gas Co	7/6/83	G		
ST83–526	Texas Eastern Transmission Corp	Trunkline Gas Co	7/6/83	G		
ST83–527	National Fuel Gas Supply Corp	Union Carbide Corp	7/7/83	F		
ST83–528	Sabine Pipe Line Co	Golden Triangle Gas Distribtuion Co	7/8/83	B		
ST83–529	United Gas Pipe Line Co	Southern Natural Gas Co	7/7/83	G		
ST83–530	United Gas Pipe Line Co	LGS Intrastate, Inc	7/7/83	B		
ST83–531	Tennessee Gas Pipeline Co	Cajun Natural Gas Co	7/8/83	B		
ST83–532	Tennessee Gas Pipeline Co	Bridgeline Gas Distribution Co	7/8/83	B		
ST83–533	Southern Natural Gas Co	United Gas Pipe Line Co	7/8/83	G		
ST83–534	United Gas Pipe Line Co	Southern Natural Gas Co	7/11/83	G		
ST83–535	Superin Pipeline	United Gas Pipe Line Co	7/11/83	G		
ST83–536	Florida Gas Transmission Co	United Gas Pipe Line Co	7/11/83	G		
ST83–537	Southern Natural Gas Co	United Gas Pipe Line Co	7/11/83	G		
ST83–538	Transcontinental Gas Pipe Line Corp	Houston Pipe Line Co	7/11/83	B		
ST83–539	Trunkline Gas Co	Sunburst Energies, Inc	7/12/83	B		
ST83–540	Trunkline Gas Co	Texas Eastern Transmission Corp	7/12/83	G		
ST83–541	National Fuel Gas Supply Corp	Al Tech Specialty Steel Corp	7/13/83	F		
ST83–542	National Fuel Gas Supply Corp	Morgan Services, Inc	7/14/83	F		
ST83–543	Oklahoma Natural Gas Co	Cajun Natural Gas Co	7/14/83	C		

Docket No. [1] and Transporter/Seller	Recipient	Date filed	Part 284 subpart	Expiration date [2]	Transportation rate (¢/MMBtu)
ST83-544 Oklahoma Natural Gas Co	Kansas Power and Light Co	7/14/83	C		
ST83-545 El Paso Natural Gas Co	El Paso Hydrocarbons Co	7/15/83	B		
ST83-546 Tennessee Gas Pipeline Co	Transcontinental Gas Pipe Line Corp	7/15/83	G		
ST83-547 Tidal Transmission Co	Cajun Natural Gas Co	7/15/83	C		
ST83-548 Mountain Fuel Supply Co	Northwest Pipeline Corp	7/18/83	G		
ST83-549 Tennessee Gas Pipeline Co	Cajun Natural Gas Co	7/18/83	B		
ST83-550 Tennessee Gas Pipeline Co	Cajun Natural Gas Co	7/18/83	B		
ST83-551 Oklahoma Natural Gas Co	Bridgeline Gas Distribution Co	7/19/83	C		
ST83-552 Northern Natural Gas Co	Intratex Gas Co	7/19/83	B		
ST83-553 Northern Natural Gas Co	El Paso Hydrocarbons Co	7/19/83	B		
ST83-554 Northern Natural Gas Co	Producer's Gas Co	7/19/83	B		
ST83-555 Northern Natural Gas Co	PNG Energy Co	7/19/83	B		
ST83-556 Tennessee Gas Pipeline Co	Transcontinental Gas Pipe Line Corp	7/19/83	G		
ST83-557 National Fuel Gas Supply Corp	Roblin Industries, Inc	7/20/83	F		
ST83-558 Natural Gas Pipeline Co. of America	Dow Pipeline Co	7/20/83	B		
ST83-559 Panhandle Eastern Pipe Line Co	Kerr Glass Manufacturing Corp	7/20/83	F		
ST83-560 Trunkline Gas Co	South Texas Gathering Co	7/20/83	B		
ST83-561 Trunkline Gas Co	Transcontinental Gas Pipe Line Corp	7/21/83	G		
ST83-562 United Gas Pipe Line Co	United Texas Transmission Co	7/22/83	B		
ST83-563 United Gas Pipe Line Co	City of Milton, Florida	7/22/83	B		
ST83-564 National Fuel Gas Supply Corp	Witco Chemical Corp	7/25/83	F		
ST83-565 Northwest Pipeline Corp	Mountain Fuel Supply Co	7/27/83	G		
ST83-566 Texas Sea Rim Pipeline Inc	Natural Gas Pipeline Co. of America	7/28/83	C		
ST83-567 Llano, Inc	Tennessee Gas Pipeline Co	7/29/83	C	12/26/83	46.40
ST83-568 Louisiana Intrastate Gas Corp	Columbia Gas Transmission Corp	7/29/83	G(HT)		
ST83-569 United Gas Pipe Line Co	LGS Intrastate, Inc	7/29/83	B		
ST83-570 Tennessee Gas Pipeline Co	Cajun Natural Gas Co	7/29/83	B		
ST83-571 Delhi Gas Pipeline Corp	Bridgeline Gas Distribution Co	7/29/83	D		
ST83-572 Delhi Gas Pipeline Corp	Natural Gas Pipeline Co. of America	7/29/83	C		
ST83-573 Delhi Gas Pipeline Corp	LGS Intrastate, Inc	7/29/83	D		

[1] The noticing of these filings does not constitute a determination of whether the filings comply with the Commission's regulations.
[2] The Intrastate Pipeline has sought Commission approval of its transportation rate pursuant to section 284.123(B)(2) of the Commission's regulations (18 CFR 284.123(b)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[FR Doc. 83-23674 Filed 8-26-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA84-1-28-000]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

August 23, 1983.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on August 16, 1983, tendered for filing certain revised tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1 and Original Volume No. 2. The sheets are proposed to become effective on October 1, 1983 and were filed in accordance with Article IX of Transco's "Settlement Agreement as to Rates" approved by Commission letter order dated April 28, 1983 in Docket No. RP83-11. The revised tariff sheets reflect a "tracking" rate reduction of 0.4¢ per dt in the commodity rate or delivery charge of Transco's sales and firm transportation rate schedules.

Article IX of the settlement agreement provides for adjustments to Transco's jurisdictional rates to give effect to inclusion in rate base of any decreases in the amount of Transco's outstanding advance payments after March 31, 1983. The rate reduction proposed is occasioned by a decrease of $19,981,456 in the advance payment balance of Transco from that which existed at March 31, 1983.

Transco further states that copies of the instant filing have been mailed to each of its customers, and State Commissions and other parties to Docket No. RP83-11.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.211). All such petitions or protests should be filed on or before September 2, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23668 Filed 8-26-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP82-158-004]

Transcontinental Gas Pipe Line Corp., et al.; Petition and Amendment

August 24, 1983.

Take notice that on July 22, 1983, Transcontinental Gas Pipe Line Corportation (Transco), P.O. Box 1396, Houston, Texas 77251, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), One Woodward Avenue, Detroit, Michigan 48226, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 35202, and Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, jointly filed in Docket No. CP82-158-004 an amendment to the pending application filed January 18, 1982, in Docket No. CP82-158-000 pursuant to Section 7(c) of the Natural Gas Act so as to reflect Southern as an original Applicant in said application and a petition to amend the order issued July 15, 1982, in Docket No. CP82-158-000 so as to authorize the participation by Southern as an original owner in the expansion of Transco's Central Texas Gathering System (CTGS), which is referred to as the Project Central Texas Loop (PCTL), all as is more fully set forth in the amendment and petition which are on file with the Commission and open to public inspection.

It is stated that on January 18, 1982, Transco, Tennessee, Columbia Gulf, Michigan Wisconsin, and Northern filed a joint application for a certificate of Public convenience and necessity authorizing the construction and operation of the PCTL. Such parties, it is asserted, requested authority to construct and operate certain pipeline loop, measurement and appurtenant facilities in the onshore and offshore

Texas area to expand the capacity of Transco's CTGS from approximately 369,000 Mcf per day to 1,119,000 Mcf per day. It is further stated that such parties had acquired the rights to purchase quantities of gas produced from various offshore Texas blocks located in the vicinity of Transco's CTGS and therefore sought to expand the capacity of that system to enable the system to accommodate the quantities of gas anticipated to be delivered from such blocks.

It is stated that on July 15, 1982, the Commission issued a certificate of public convenience and necessity authorizing the construction and operation of a segment of the PCTL consisting of approximately 30.12 miles of 30-inch loop line extending from a junction platform in Brazos Block 538 to Cities Service Company's A production platform in Brazos Block A-76, offshore Texas, (the Offshore Loop) and certain measuring and regulating facilities at the Markham Plant onshore Texas. It is noted that authorization of the remainder of the PCTL is still pending before the Commission in Docket No. CP82-158-000.

In order for Southern to attach gas reserves committed to it in Brazos Block A-47, offshore Texas, which are located in the vicinity of the proposed PCTL, it is stated that Southern has agreed to purchase an ownership interest in the PCTL sufficient to accommodate the quantities of gas it anticipates would be delivered from Brazos Block A-47. If so authorized by the Commission, Applicants propose to reallocate the ownership interests and capacity entitlements of the various parties in the PCTL (including the Offshore Loop) as follows:

	Percent
Transco	46.0000
Tennessee	27.0667
Columbia Gulf	16.0000
Michigan Wisconsin	6.6667
Northern	2.1333
Southern	2.1333

Applicants note that Transco's presently authorized 48.1333 percent ownership interest in the PCTL includes the 2.1333 percent interest attributable to the portion of the Brazos Block A-47 reserves which are now committed to Southern and the proposed ownership percentages therefore reflect a reduction in Transco's ownership interest corresponding to the percentage ownership interest which Southern seeks to acquire.

Any person desiring to be heard or to make any protest with reference to said amendment and petition should on or before September 14, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a mottion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by the it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23675 Filed 8-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-123-000]

Wyoming Interstate Company, Ltd.; Proposed Changes in FERC Gas Tariff

August 23, 1983.

Take notice that Wyoming Interstate Company, Ltd. (WIC) on August 16, 1983, tendered for filing certain proposed changes to (1) the Schedule of Shippers and List of Contract Demands and (2) Rate Schedule T of its FERC Gas Tariff, Original Volume No. 1.

Rate Schedule T is a two-part rate under which WIC provides firm transportation service to its jurisdictional customers (Shippers). WIC intends to place its Cheyenne Compressor Station in service on October 1, 1983, to provide increased system capacity necessary to meet its Shippers' increased nominations which will also become effective on that date as reflected in the revised Schedule of Shippers and List of Contract Demands. WIC's proposed revisions to Rate Schedule T reflects the annualized effect of the additional investment in gas plant for the installation of compression as authorized by the Commission's order in Docket No. CP79-80, *et al.*, Opinion No. 138.

WIC proposes that the tariff revisions become effective on October 1, 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. All such motions or protests should be filed on or before September 2, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23689 Filed 8-26-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

Science Advisory Board, Clean Air Scientific Advisory Committee, Subcommittee on Risk Assessment; Open Meeting

Under Pub. L. 92-463 notice is hereby given of a meeting on September 14-15 of the Clean Air Scientific Advisory Committee's Subcommittee on Risk Assessment. The meeting will begin at 9:15 a.m. on both days and will be held at the Ramada Inn, 600 Willard Street, Durham, North Carolina.

The principal purpose of the meeting is to brief the Subcommittee and solicit its advice on the development of a lead health risk assessment by the Office of Air Quality Planning and Standards (OAQPS) in support of the review of the national ambient air quality standard for lead. Elements of the program to be discussed by OAQPS Staff include the use of a probabilistic risk model to address scientific uncertainty; probability encoding of lead health experts and encoding strategy; status of lead exposure and physiological models; and relationship of the lead risk assessment program to the ambient standard setting process for lead.

OAQPS documents that address these issues can be obtained by calling or writing Mr. Thomas McCurdy (919) 541-5655, OAQPS, MD-12, Research Triangle Park, N.C. 27711.

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, Director, Science Advisory Board (202) 382-4126, before close of business September 7, 1983.

Dated: August 23, 1983.

Terry F. Yosie,

Staff Director, Science Advisory Baord.

[FR Doc. 83-23582 Filed 8-29-83; 8:45 am]

BILLING CODE 6560-50-M

[OW-FRL-2398-4]

Draft General National Pollutant Discharge Elimination System Permit for Portions of Deep Seabed Mining Exploration Activities in the Pacific Ocean

AGENCY: Environmental Protection Agency.

ACTION: Notice of Draft General Permit.

SUMMARY: The Environmental Protection Agency (EPA) Regional Administrator of Region 9 is today providing notice of a draft general National Pollutant Discharge Elimination System (NPDES) permit for certain discharges from vessels or other floating craft subject to the Deep Seabed Hard Mineral Resources Act (DSHMRA) engaged in deep seabed mining exploration activities under the DSHMRA in the Pacific Ocean. This draft general permit establishes effluent limitations, standards, prohibitions and other conditions on discharges from these activities, except for any discharge from the initial mining tests which is not covered by this permit. The area to be covered by this general permit, when issued, is located within that portion of the deep seabed in the Pacific Ocean between 110 degrees West and 180 degrees West longitude and 5 degrees North and 20 degrees North latitude.

This draft general permit is based on the administrative record available for public review in Region 9 of the Environmental Protection Agency. The fact sheet sets forth the principal facts and the significant factual, legal, and policy questions considered in the development of the draft permit. The terms of the permit are also discussed in the fact sheet. A copy of the fact sheet is reprinted and the draft permit can be obtained at the address given below.

DATES: *Comment Period.*—Interested persons may submit comments on the draft general permit and administrative record to the Regional Administrator, Region 9 at the address below no later than October 20, 1983.

Public Hearing.—The Hearing Officer designated by the Regional Administrator will conduct a public hearing on October 6, 1983, in the Nevada Room (6th floor), Region 9, U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105, beginning at 10:00 a.m., Pacific time, until all persons have been heard.

ADDRESS: Comments should be sent to the Regional Administrator, Region 9, U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT: Eugene E. Bromley (W-5-1), Region 9, U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105 (Telephone No. (415) 974-8330).

FACT SHEET AND SUPPLEMENTARY INFORMATION

I. Background

A. General Permits

Section 402 (33 U.S.C. 1342) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 *et seq.*) (the Clean Water Act (CWA)) authorizes EPA to issue NPDES permits for the purpose of regulating the discharge of pollutants to navigable waters.

Section 301(a) of the CWA (33 U.S.C. 1311(a)) provides that the discharge of pollutants is unlawful except in accordance with a NPDES permit. EPA's regulations authorize the issuance of general NPDES permits to categories of dischargers (40 CFR 122.28). EPA may issue a single general permit to a category of point sources located within the same geographic area whose discharges warrant similar pollution control measures. The Director of an NPDES permit program (in this case the Regional Administrator) is authorized to issue a general NPDES permit, according to criteria contained in 40 CFR 122.28(a)(2)(ii), if there are a number of point sources operating in a geographic area that:

1. Involve the same or substantially similar types of operations;
2. Discharge the same types of wastes;
3. Require the same effluent limitations or operating conditions;
4. Require the same or similar monitoring requirements; and
5. In the opinion of the Director, are more approporiately controlled under a general permit than under individual permits.

As in the case of individual permits, violation of any condition of a general NPDES permit constitutes a violation of the CWA and subjects the discharger to the penalties specified in Section 309 of the CWA (33 U.S.C. 1319). Any owner or operator authorized to discharge by a general permit may be excluded from coverage by applying for an individual permit. This request may be made by submitting a NPDES permit application together with the reasons supporting the request to the Regional Administrator. In addition, the Regional Administrator may require any person who is authorized to discharge under this general permit to apply for and obtain an individual permit. Any interested person may petition the Regional Administrator to take this action. However, an individual NPDES permit will not be issued for a deep seabed mining exploration facility to be covered by this general NPDES permit unless it can be demonstrated that inclusion under the general permit is clearly inappropriate. The Regional Administrator may consider the issuance of individual permits according to the criteria in 40 CFR 122.28(b)(2). These include:

1. The discharge(s) is a significant contributor of pollution;
2. The discharger is not in compliance with the terms and conditions of the general permit;
3. A change has occurred in the availability of demonstrated technology or practices or the control or abatement of pollutants applicable to the point source;
4. Effluent guidelines are subsequently promulgated for the point sources covered by the general permit;
5. A Water Quality Management Plan containing requirements applicable to such point source is approved; or
6. The requirements listed in 40 CFR 122.28(a) and identified in the previous paragraphs are not met.

However, changes in pollutant control or abatement technology, effluent guidelines, or water quality standards affecting a large number of the covered point sources may be more appropriately addressed through modification, or revocation and reissuance of the final general permit.

B. Deep Seabed Mining Exploration Activities in the Pacific Ocean

Manganese nodules containing nickel, cobalt, manganese and copper have been the subject of commercial interest for nearly 25 years. In 1980, the Deep Seabed Hard Mineral Resources Act (DSHMRA) (30 U.S.C. 1401 *et seq.*) was enacted. The DSHMRA authorized the National Oceanic and Atmospheric Administration (NOAA) to issue licenses for exploration to Untied States citizens after July 1, 1981. In preparation of issuance of licenses for exploration, in September 1981 NOAA issued deep seabed mining regulations for exploration licenses at 15 CFR Part 970, a final Programmatic Environmental Impact Statement (PEIS) and a final Technical Guideance Document (TGD).

Section 109(e) of the DSHMRA (30 U.S.C. 1419(e)) provides that any discharge of a pollutant from a vessel or other floating craft subject to the DSHMRA is subject to the provisions of the Clean Water Act. EPA has advised NOAA of its intention to issue a general NPDES permit to cover deep seabed mining exploration activities which are

covered by NOAA deep seabed mining regulations for exploration licenses contained in 15 CFR Part 970. 46 FR 45892 (September 15, 1981). On November 3, 1982, EPA Region 9 sent a letter to over 600 individuals indicating our intent to issue this general permit which would authorize discharges from vessels or other floating craft engaged in exploration activities, which are more fully described in the DASHMRA and NOAA regulations, including prospecting, mapping, surveying, collection of data and collection of samples. Discharges from intitial test mining will not be authorized at this time. NOAA has received applications from four consortia [Ocean Mining Associates (OMA), Ocean Managment, Inc. (OMI), Kennecott Consortium (KCON) and Ocean Minerals Company (OMCO)] to engage in exploration activities in the Northeastern Equatorial Pacific Ocean within the seabed generally known as the Clarion-Clipperton Fracture Zone. 47 FR 27583–27584 (June 25, 1982) and 47 DE 47903 (October 28, 1982).

The application of the general permit program to a vessel or other floating craft used in deep seabed mining exploration operations is particularly appropriate as these facilities will have limited operations at any given location. These types of operations require a permitting decision which will allow maximum flexibility, i.e., the ability to move efficiently from one location to another within the general permit area without having to apply for and obtain a new permit. The owner or operator of vessels or other floating craft engaged in exploration activities under the DSHMRA entering the areas to be covered by this proposed permit will simply be required to notify EPA of their intent to be covered.

General permits eliminate, for EPA, the time consuming and resource intensive process of reviewing and evaluating individual permit applications, and similarly eliminate for the industry the regulatory burden of applying for and obtaining individual permits. In addition, environmental monitoring can be defined by area and imposed on all facilities operating within a permit area, providing EPA a better mechanism to evaluate possible environmental degradation.

II. Nature of Discharges From Vessels or Other Floating Craft Engaged in Deep Seabed Mining Exploration Activities

This draft general permit indicates the EPA intends to authorize and permit nine (9) separate types of discharges from a vessel or other floating craft subject to the DSHMRA engaged in exploration activities under 15 CFR Part 970, including, but not limited to exploration activities enumerated in Section 101(a)(2) of the DSHMRA (30 U.S.C. 1411(a)(2)), and in NOAA regulations at 15 CFR 970.103(a)(2), except for any discharge from the initial mining tests.

Discharges will not be authorized from initial mining tests. "Initial mining test" means the taking from the deep seabed of such quantities of any hard mineral resource as are necessary for the design, fabrication and testing of equipment which is intended to be used in the commercial recovery and processing of such resource. [See Section 4(5)(B) of the DSHMRA (30 U.S.C.1403(5)(B)) and NOAA regulations at 15 CFR 970.101(i)(2).]

A NPDES permit for discharge from the initial mining tests will not be prepared at this time. These activities will be dealt with by EPA under the CWA when dealing with the NPDES permitting decision for the initial mining tests. There are three reasons for this decision. First, after review of the applications for exploration licenses submitted to NOAA and after consultation with NOAA, it appears that any initial mining tests would occur between 1987 and 1990. If the general NPDES permit were issued in 1983, it would expire in 1988. Therefore, initial mining tests may not even occur during the term of this permit. Second, it is not clear how the initial mining tests would differ from test described in the PEIS issued by NOAA in September 1981. The exact timing of NPDES permits for these activities is uncertain at this time, but EPA intends to prepare a general NPDES permit or individual NPDES permit(s) or modify the then existing general NPDES permit (as appropriate) for discharges from the initial mining tests when the details of the test plans concerning these tests are submitted to NOAA as required by 15 CFR 970.204(a). Third, the PEIS and regulations issued by NOAA in September 1981, identified three (3) at-sea activities during exploration activities that have the potential for significant adverse environmental impact and are enumerated at 15 CFR 970.701(b)(2). In the PEIS, NOAA provided generic data evaluating the effect of surface and benthic discharges from mining system tests on the marine environment according to EPA's Ocean Discharge Criteria contained at 40 CFR 125.122. This generic data supplemented by site specific data, should facilitate any EPA decision which may be required under Section 403 of the CWA (33 U.S.C. 1343) in dealing with the NPDES permitting decision for the initial mining tests. EPA encourages the consortia to develop and submit this information to NOAA as specified in the TGD in a timely manner because EPA may be basing its NPDES permitting decision for the initial mining tests in a large part on such information.

The proposed general permits, when issued, will not authorize discharge from a vessel or other floating craft subject to the DSHMRA engaged in commercial recovery under a permit issued by NOAA. EPA will work with NOAA to develop appropriate individual or general NPDES permits to deal with such discharges at the appropriate time. This general permit, when issued, also will not authorize discharge of manganese nodule processing wastes.

This draft general permit proposes authorization of discharges from a vessel or other floating craft subject to the DSHMRA engaged in exploration activities under 15 CFR Part 970, including, but not limited to exploration activities enumerated in Section 101(a)(2) of the DSHMRA (30 U.S.C. 1411(a)(2)), and in NOAA regulations at 15 CFR 970.103(a)(2), except for any discharge from the initial mining tests. EPA intends that these discharges will be authorized when the vessel or other floating craft is actively engaged in exploration activities within the general permit area under the DSHMRA. EPA does not intend for this permit, when issued, to cover discharges form a vessel or other floating craft when the vessel or other floating craft is traveling to or from the sites where exploration is conducted as EPA does not believe the vessel or other floating craft is engaged in exploration activities under the DSHMRA at those times.

The discharges which accompany exploratory operations are discussed below. The exploration activities for which discharge of pollutants will be authorized by the permit fall into categories which have been judged by NOAA to have no potential for significant environmental impact at 15 CFR 970.701(a). EPA has reviewed NOAA's determination and concurs with this judgment. EPA believes these nine (9) types of discharges are the only discharges that will occur during exploration activities except for the initial mining tests. EPA specifically invites comment on the appropriateness of these nine (9) types of discharges for regulation, along with any types of discharged that may have been omitted.

EPA Region 9 has characterized discharge 001–009 as "ancillary" type

discharge which are typical of those which normally occur from a vessel or other floating craft. All nine (9) of these types of discharges contain no or de minimus amounts of process wastes, raw materials, toxic wastes, hazardous wastes or oil and grease. Discharges of these types are typically discharged overboard with the treatments as specified below, and have been determined by EPA to not cause either violation of marine water quality or unreasonable degradation of marine waters.

Discharge No. 001.—Deck Drainage: Deck drainage includes all waste resulting from vessel washings, deck washing, tank cleaning operations, and run-off from curbs, gutters, and drains including drip pans and wash areas.

Discharge No. 002.—Sanitary Wastes: Sanitary wastes include human body waste discharge from toilets and urinals. These wastes are treated prior to discharge.

Discharge No. 003.—Domestic Wastes: Domestic wastes (also referred to as "kitchen and shower discharge" or "grey water") includes materials discharged form galleys, sinks, showers, and laundries. These wastes are normally released directly overboard without treatment, or with minimal grinding to assure that no floating solids are present, because soaps and detergents interfere with the operation of the oil/water separator and adversely affect bacterial sewage treatent systems.

Discharge No. 004.—Water distillation Discharge: Water distillation discharge means wastewater associated with the process of creating fresh water from seawater. Seawater is processed through one (1) of several different types of distillation units to obtain potable water. In the desalinization process, the normal constituents of seawater are concentrated to about twice their normal concentration. No additional chemicals are added during the distillation operation and the waste is discharged without treatment.

Discharge No. 005.—Boiler Blowdown: Boiler blowdown means the discharge of recirculating water from boilers to remove ionic concentrations contained in the water, preventing the further buildup of concentrations exceeding limits established by best engineering practice. This discharge is released directly overboard without treatment.

Discharge No. 006.—Fire Control System Test Water: Fire control system test water is seawater discharged during periodic testing of the fire control system. This discharge is released during the training and testing of personnel in fire protection.

Discharge No. 007.—Cooling Water: Cooling water means once through non-contact cooling water. Non-contact cooling water is seawater used to cool electricity generating equipment. The temperature of seawater is increased a maximum of 3° C (5° F) over ambient and no chemical treatment is required. This discharge is released directly overboard without treatment.

Discharge No. 008.—Uncontaminated Ballast Water: Ballast water means water used by the vessel or other floating craft for stability. Seawater is introduced into or removed from ballast water to maintain the proper ballast floater level and ship draft during operations. No chemicals are introduced and ballast water is discharged without treatment.

Discharge No. 099.—Uncontaminated Bilge Water: Bilge water means water that accumulates in the bilge of the vessel or other floating craft. Bilge water is discharged without treatment.

The exploration acitivities covered by Section 4(5) of the DSHMRA (30 U.S.C. 1403(5)) and NOAA regulations at 15 CFR 970.101(i)(1) may include grab sample and surveying activities at the ocean floor.

EPA has reviewed the licenses applications submitted by the consortia to NOAA and does not believe that there will be any discharge from the various samplers to be used in conveying the sediment and nodule samples to the surface for collection. For this reason, EPA has neither listed this as a possible discharge nor developed technology-based effluent limitations for such a discharge. EPA solicits comment on the issue whether there will be discharges from the various samplers, and if so, appropriate technology-based effluent limitations for such discharges. If comments indicate there will be a discharge from the various samplers, EPA will develop effluent limitations to control these discharges, and evaluate the effect of these limitations on marine water quality criteria and Ocean Discharge Criteria, in the final permit.

In obtaining the grab samples and in conducting surveying activities at the ocean floor, there may be disturbances of sediments at the ocean floor, which EPA does not believe to be discharges from point sources subject to the CWA.

III. Conditions in the Draft General NPDES Permit

A. Geographic Area of the Draft General NPDES Permit

The draft general NPDES permit proposed today is applicable to discharges from a vessel or other floating craft subject to the DSHMRA engaged in exploration activities under 15 CFR Part 970, including, but not limited to exploration activities enumerated in Section 101(a)(2) of the DSHMRA (30 U.S.C. 1411(a)(2)) and in NOAA regulations at 15 CFR 970.103(a)(2), except for any discharge from the initial mining tests. The authorized discharge sites include all the area of the Pacific Ocean between 110 degrees West and 180 degrees West longitude and 5 degrees North and 20 degrees North latitude that lies within the definition of the deep seabed as defined in Section 4(4) of the DSHMRA (30 U.S.C. 1403(4)) and in NOAA regulations at 15 CFR 970.101(h), including, but not limited to, the Northeastern Equatorial Pacific Ocean within the seabed generally known as the Clarion-Clipperton Fracture Zone. The authorized discharge sites specifically excludes all areas which lie within the territorial seas of the State of Hawaii.

The permittee will be the owner or operator of the vessel or other floating craft from which the discharge occurs.

Section 3(a) of the DSHMRA (30 U.S.C. 1402(a)) contains a specific disclaimer of extraterritorial sovereignty. EPA in no way intends to exert jurisdiction over any activity other than the discharge from any vessel or other floating craft subject to the DSHMRA. The nations of Mexico (Islas del ReVillagigeda), France (Clipperton Island) and the United Kingdom (Washington and Fanning Islands) have territory in or near the Pacific Ocean area encompassed between 110 degrees West and 180 degrees West longitude and 5 degrees North and 20 degrees North latitude. A portion of the State of Hawaii is also located within these same coordinates, as are Johnston Atoll, Kingman Reef and Palmyra Atoll. Accordinly, EPA has limited the area covered by the proposed general permit to those areas (1) within the above enumerated corrdinates and (2) within the deep seabed as defined by Section 4(4) of the DSHMRA (30 U.S.C. 1403(4)) and in NOAA regulations at 15 CFR 970.101(h). "Deep seabed; is defined by the DSHMRA and NOAA regulations as "the seabed, and the subsoil thereof to a depth of ten [10] meters, lying seaward of and outside—(1) the Continental Shelf of any nation; and (2) any area of national resource jurisdiction of any foreign nation, if such area extends beyond the Continental Shelf of such nation and such jurisdiction is recognized by the United States." This definition excludes atuhorization of discharge to any area that does not lay seaward of and outside—(1) the

Continental Shelf of any nation; and (2) any area of national resource jurisdiction of any foreign nation, if such area extends beyond the Continental Shelf of such nation and such jurisdiction is recognized by the United States.

In addition, this draft general NPDES permit specifically excludes the territorial seas of the State of Hawaii from the areas in which discharges are authorized. This is consistent with the definition of the Continental Shelf contained in Section 4(2) of the DSHMRA (30 U.S.C. 1403(2)) and in NOAA regulations at 15 CFR 970.101(f), which excludes the territorial seas. The State of Hawaii issues NPDES permits, through the Hawaii Department of Health, to discharges within the State of Hawaii, which includes the territorial seas.

B. Application of the General Permit Program

EPA has determined that discharges from a vessel or other floating craft engaged in exploration activities under the DSHMRA operating within the areas described in this draft permit are more appropriately controlled by a general NPDES permit than by individual permits. In accordance with 40 CFR 122.28(a)(2)(ii), these facilities involve the same or substantially similar types of operations, discharge the same types of wastes, require the same effluent limitations or operating conditions, require the same monitoring requirements, and in the opinion of the Regional Administrator, are more appropriately controlled under a general NPDES permit than under individual permits. The regulations at 40 CFR 122.28(a)(1) require the general permit to cover a category of dischargers within a geographical area. This draft general permit will cover the entire area covered by the NOAA PEIS issued in September 1981, which encompasses those portions of the Pacific Ocean, that lie within the definition of deep seabed, between 110 degrees West and 180 degrees West longitude and 5 degrees North and 20 degrees North latitude, as "[a]ny other appropriate division or combination of boundaries." 40 CFR 122.28(a)(1)(vii). Additionally, as discussed earlier, the provisions for general permits allow EPA to address the cumulative effects of multiple facilities operating in one geographic area, and provide a better mechanism to impose an area wide monitoring program that may more effectively assess potential environmental degradation. The ability of general permits to address area wide concerns may become particularly important in permitting initial mining tests and commercial recovery phases of deep seabed mining activities.

Vessels authorized to discharge in accordance with this permit will remain at any one (1) location for a limited period of time in conducting exploratory activities. The general permit, when issued, will allow these facilities the flexibility to move within the permitted area without applying for and obtaining a new permit. Due to EPA's definition of "new discharger" in 40 CFR 122.2 which includes existing mobile point sources which move to a new location, most, if not all facilities covered by this general permit will be new dischargers. The effluent limitations and conditions proposed in the draft general permit are standard limitations provided for ancillary discharges from mobile point sources in Region 9. EPA regulations, as applied to new dischargers, do not allow for a compliance schedule (40 CFR 122.47(a)(2)) and require compliance within ninety (90) days (40 CFR 122.29(d)(4)). Therefore, the general permit is the best regulatory mechanism available to EPA to impose uniform effluent limitations and conditions upon all facilities entering the permit area.

The Regional Administrator has concluded that discharges authorized under the effluent limitations and conditions of this permit will not cause unreasonable degradation of the marine environment (See Section H. Ocean Discharge Criteria). This determination is based on a review of all the material available for a determination of all issues related to this draft general permit. The only discharges that will be authorized by this general permit, when issued, are ancillary discharges which, subject to the proposed technology-based effluent limitations and conditions, will not cause unreasonable degradation to the marine environment. Possible concerns regarding the effects and impacts of discharges from the initial mining tests will be dealt with at the appropriate time.

Under Section 403 of the CWA (33 U.S.C. 1343), this permit contains a reopened clause (authorized by 40 CFR 125.123(d)(4)) which requires the Regional Administrator to modify or revoke this general permit if new data indicates that continued discharges may cause unreasonable degradation of the marine environment. Permit modification or revocation will be conducted in accordance with 40 CFR 122.62, 122.64 and 124.5 pursuant to Part III.B.5 of the general permit.

The documents particularly applicable to this permit decision include:

(1) NOAA. Final Programmatic Environmental Impact Statement, Deep Seabed Mining, September 1981.

(2) NOAA. Final Technical Guidance Document, Deep Seabed Mining, September 1981.

(3) NOAA. Final Rules. Deep Seabed Mining Regulations for Exploration Licenses, 15 CFR Part 970, as amended.

(4) Various License Applications by Four Consortia, 1982.

C. Covered Facilities

When issued, this general permit will authorize discharges from existing sources and "new dischargers" (40 CFR 122.2) from vessels or other floating craft subject to the DSHMRA engaged in exploration activities under 15 CFR Part 970, except for any discharge from the initial mining tests. EPA has not promulgated new sources performance standards (NSPS) for this activity pursuant to Section 306 of the CWA (33 U.S.C. 1316). If NSPS are ever promulgated, EPA may have an obligation under Section 511(c)(1) of the CWA (33 U.S.C. 1371(c)(1)) and the National Environmental Policy Act (NEPA) (33 U.S.C. 4321, *et seq.*) to do an environmental assessment for all general NPDES permits (covering new sources).

This general permit, when issued, will not authorize discharge from the initial mining tests. This general permit, when issued, will not authorize discharge from a vessel or other floating craft subject to the DSHMRA engaged in commercial recovery under a permit issued by NOAA. This general permit, when issued, also will not authorize discharge of manganese nodule processing wastes. Separate NPDES permits must be obtained from the appropriate permitting authority for all these discharges, unless general NPDES permits have been issued to cover these activities.

D. Notification by Permittees

Individual permit applications are not required to be submitted by permittees entering the general permit area. However, Parts I.A.—I.B of the draft general permit requires each permittee operating in the general permit area to notify the Regional Administrator of Region 9 in writing of the commencement and termination of discharges from each facility. This written notification must be made at least fourteen (14) days prior to the commencement of discharges and include the permittee's name and address, a description of the exploration activities and accompanying discharges and the general area in which the

exploration will take place. The marine call letters assigned to the exploration vessel must also be furnished to provide EPA a means of locating the vessel at any time. Failure to provide this written notification means that the facility is not authorized to discharge under this general permit. Changes in the geographic area of exploration which become necessary during the course of exploration, must be reported in the annual monitoring report submitted pursuant to Part II.C.4 of the draft permit. The permittee shall also notify the Regional Administrator upon permanent termination of operations.

E. Expiration and Termination Dates

Section 301(b)(1) of the CWA (33 U.S.C. 1311(b)(1)) requires the application of effluent limitations representing best practicable control technology currently available (BPT) by July 1, 1977. Section 301(b)(2) of the CWA (33 U.S.C. 1311(b)(2)) requires that all permits effective or issued after July 1, 1984, contain effluent limitations representing best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT) for all categories and classes of point sources. This draft permit contains technology-based effluent limitations found by the Regional Administration to be BPT, BAT and/or BCT. (See F. Technology-Based Effluent Limitations.) The general permit, when issued, will have an expiration date five (5) years after the date of issuance, which is currently projected to be November 30, 1983.

F. Technology-Based Effluent Limitations

The CWA requires all dischargers to meet effluent limitations based on the technological capacity of dischargers to control the discharge of their pollutants. EPA has not promulgated effluent limitations guidelines regulations under Section 304(b) the CWA (33 U.S.C. 1314(b)) for discharges from deep seabed mining activities. Therefore, the technology-based effluent limitations applicable to these discharges have been developed for this permit using best professional judgment (BPJ) as authorized by Section 402(a)(1) of the CWA (33 U.S.C. 1342(a)(1)) and EPA regulations at 40 CFR 125.3.

The BPT effluent limitations that are proposed for deck drainage, sanitary wastes and domestic wastes (outfalls 001, 002 and 003, respectively) in the general permit are based upon BPT effluent limitations guidelines regulations promulgated on April 13, 1979, for the Offshore Subcategory of the Oil and Gas Point Source Category (40 CFR Part 435, Subpart A). The proposed limitations are identical to those imposed by Region 9 on ancillary discharges from exploratory drilling operations for oil and gas operations on the Outer Continental Shelf off Southern California in a final general NPDES permit (Southern California OCS General Permit) issued in 1982. 47 CFR 7312 (February 18, 1982). The BPT limitation for deck drainage specifies "no discharge of free oil." The BPT limitation for sanitary wastes requires that the concentration of chlorine be maintained as close to 1.0 mg/1 as possible from facilities housing ten (10) or more persons. For those facilities that are intermittently manned or for facilities manned by nine (9) or fewer persons, the BPT limitation for sanitary wastes if "no floating solids as a result of the discharge of these wastes." Additionally, this draft general NPDES permit provides that any facility using an approved marine sanitation device that complies with Section 312 of the CWA (33 U.S.C. 1322) and EPA regulations at 40 CFR Part 140 shall be in compliance with requirements for sanitary waste discharges in the final permit. The BPT limitation for domestic wastes is "no floating solids as a result of the discharge of these wastes." The monitoring requirements proposed for deck drainage, sanitary wastes and domestic wastes are very similar to the monitoring requirements for these discharges from offshore oil drilling operations in Region 9. Compliance with the effluent limitaion for deck drainage ("no discharge of free oil"), however, is determined through the newly developed "laboratory sheen test". The permittee shall make visual observations for the presence of free oil in the discharge using the laboratory sheen test. This test shall be conducted once/week, for each week in which a discharge occurs. The laboratory sheen test means those procedures which involve diluting one (1) part whole effluent, collected just prior to discharge, with nine (9) parts ambient seawater. This mixture shall be maintained as close as possible to ambient seawater temperature while being stirred mechanically with a magnetic stirrer for fifteen (15) minutes, after which time the permittee shall make a visual observation for the presence of free oil (sheen) on the surface. This protocol is in part derived from the Environmental Protection Technology Series EPA–R2–72–039, "The Appearance and Visibility of Thin Oil Films on Water". The *Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Oil and Gas Extraction Point Source Category*, September, 1976 (Development Document) discussed BPT technology to obtain compliance with limitations for deck drainage, sanitary and domestic wastes. The same BPT limitations are imposed here since the nature of the discharges and the impact on the receiving waters are similar. Compliance with the limitations is attainable as these operations and the technology to obtain compliance are the same or similiar to those used in offshore drilling operations.

The BPT limitations that are proposed for miscellaneous discharges [water distillation discharge (outfall 004), boiler blowdown (outfall 005), fire control system test water (outfall 006), cooling water (outfall 007), uncontaminated ballast water (outfall 008) and uncontaminated bilge water (outfall 009)] are identical to those imposed by Region 9 in the Southern California OCS General Permit for similar miscellaneous discharges, i.e., "no discharge of free oil." The same BPT limitations are imposed here since the nature of the discharges and the impact on the receiving waters are similar. Compliance with this limit is determined through the "laboratory sheen test" discussed above. Compliance with the limitations is attainable as these operations and the technology to obtain compliance are the same or similar to those used in offshore drilling operations.

The draft general permit has a proposed expiration date after June 30, 1984, which requires the permit to contain effluent limitations to meet BAT and/or BCT. EPA is not aware of any other treatment technologies available for these ancillary discharges that will result in more stringent effluent limitations above those proposed for BPT. The only viable more stringent treatment technology would involve a no discharge requirement which cannot be justified for such facilities due to the mobile nature and extreme distance from shore of these facilities, along with the cost of imposing such a requirement on these facilities. Therefore, EPA finds that any and all requirements necessary to meet BAT and/or BCT effluent limitations for all discharges proposed in this draft general permit are equal to those proposed for BPT. EPA invites comment as to the appropriateness of this decision.

No effluent limitations for other pollutants have been established in this draft general permit as they are normally reduced incidently with the removal or reduction of another

pollutant parameter, or do not represent a threat to marine water quality.

G. Other Discharge Limitations and Permit conditions

In addition to the technology-based effluent limitations proposed in the draft general permit, the following limitations and conditions are also proposed:

(1) There shall be no discharge of floating solids or visible foam in other than trace amounts;

(2) There shall be no discharge of toxic materials which, after allowance for initial mixing as provided by the Ocean Discharge Criteria (40 CFR Part 125, Subpart M), exceed applicable marine water quality criteria (45 FR 79318, November 28, 1980); and

(3) The permittee is required to minimize the discharge of dispersants, surfactants, and detergents except as necessary to comply with the safety requirements of the Occupational Safety and Health Administration and the U.S. Coast guard. This restriction applies to tank cleaning and other operations which do not directly involve the safety of workers. The restriction is imposed because these chemicals (1) disperse and emulsify oil thereby enhancing its toxicity, (2) reduce the effectiveness of the oil/water separator, and (3) make the detection of an oil discharge more difficult.

The draft general NPDES permit also contains requirements regarding monitoring and records (part II.C), reporting requirements (Part II.D), operation and maintenance of pollution controls (Part III.A), general conditions (Part III.B) and additional general permit conditions (Part II.C). These requirements contain conditions imposed by the CWA and/or EPA regulations. The permit conditions, as specified, reflect requirements as they currently exist. EPA regulations that reflect some of these requirements are currently undergoing regulatory reform. The final general NPDES permit will reflect any changes to such requirements, if the regulations have been changed at the time of issuance of the final general NPDES permit.

EPA has developed this draft general NPDES permit and notice in cooperation with NOAA. NOAA has expressed concern with regard to certain conditions of the draft general NPDES permit, especially conditions regarding inspection and entry and reporting requirements. The proposed permit provides that the permittee shall allow EPA entry and inspection of facilities regulated by the permit. EPA will coordinate with the consortia and NOAA regarding any requirements for inspection and entry of the vessel or other floating craft. EPA believes that present communications systems will allow the proposed permittees to comply, in a timely manner, with any reporting requirements that are contained in the proposed general NPDES permit.

H. Ocean discharge Criteria

Section 403 of the CWA (33U.S.C. 1343) requires that a NPDES permit for discharges into ocean waters be issued in compliance with EPA's guidelines for determining the degradation of marine waters. The Ocean Discharge Criteria, which are contained at 40 CFR Part 125, Subpart M, set forth specific criteria for a determination of unreasonable degradation that must be addressed prior to the issuance of a NPDES permit. If sufficient information is unavailable on the proposed discharge or on its potential effects to make a reasonable judgment the Director (in this case the Regional Administrator) may require the applicant to submit additional information. If EPA determines that there will be no unreasonable degradation, the permit may be issued. If a determination of unreasonable degradation cannot be made, the Regional Administrator must then determine whether a discharge will cause irreparable harm of the marine environment. In assessing the probability of irreparable harm, the Regional Administrator is required to make a reasonable determination that the discharger operating under a permit with monitoring requirements and effluent limitations in place, will not cause permanent and significant harm to the environment. If further data gathered through monitoring indicates that the continued discharge of a pollutant will produce unreasonable degradation, the discharge must be halted or additional permit limitations established.

EPA regulations at 40 CFR 125.122 identify ten (10) factors which are to be considered in making the determination of unreasonable degradation. These factors include:

(1) The quantities, composition and potential for bioaccumulation or persistence of the pollutants to be discharged;

(2) The potential transport of such pollutants by biological, physical or chemical processes;

(3) The composition and vulnerability of the biological communities which may be exposed to such pollutants including the presence of unique species or communities, or the presence of species identified as endangered or threatened pursuant to the Endangered Species Act, or the presence of those species critical to the structure and function of the ecosystem such as those important for the food chain;

(4) The importance of the receiving water area to the surrounding biological community, including the presence of spawning sites, nursery/forage areas, migratory pathways or areas necessary for other functions or critical stages in the life cycle of an organism;

(5) The existence of special aquatic sites including but not limited to marine sanctuaries and refuges, parks, national and historic monuments, national seashores, wilderness areas and coral reefs;

(6) The potential impacts on human health through direct and indirect pathways;

(7) Existing or potential recreational and commercial fishing, including finfishing and shellfishing;

(8) Any applicable requirements of an approved Coastal Zone Management plan;

(9) Such other factors relating to the effects of the discharge as may be appropriate, and (10) Marine water quality criteria developed pursuant to Section 304(a)(1) of the CWA (33 U.S.C. 1314(a)(1)).

The ancillary discharges that are proposed to be limited by this draft general NPDES permit are typical discharges from a vessel or other floating craft which are usually not subject to permitting requirements as a "discharge of a pollutant" under Section 502(12) of the CWA (33 U.S.C. 1362(12)). Section 109(e) of the DSHMRA (30 U.S.C. 1419(e)) requires that these ancilliary discharges, in addition to the potentially more significant mining discharges, be subject to the CWA. The proposed permit contains technology-based effluent limitations and conditions on each of the ancillary discharges.

The Regional Administrator has concluded that discharges from a vessel or other floating craft engaged in deep seabed mining exploration activities, including, but not limited to exploration activities enumerated in Section 101(a)(2) of the DSHMRA (30 U.S.C. 1411(a)(2)) and in NOAA regulations at 15 CFR 970.103(a)(2), excluding discharges from the initial mining tests which are not covered by this permitting action, operating under the proposed effluent limitations and conditions of this draft permit will not cause unreasonable degradation of the marine environment. The proposed limitations for these nine (9) ancillary discharges are identical to those imposed by Region 9 on the same ancillary discharges for exploratory drilling operations in the Southern California OCS General Permit

issued in 1982. The determinations made pursuant to Section 403(c) of the CWA (33 U.S.C. 1343(c)) with regard to Ocean Discharge Criteria in the Southern California OCS General Permit determined that all discharges, including these ancillary discharges, would not cause unreasonable degradation. The only discharges that will be authorized by this general permit, when issued, are ancillary discharges which, subject to the proposed technology-based effluent limitations and conditions, similarly will not cause unreasonable degradation to the marine environment. Possible concerns regarding the effects and impacts of discharges from the initial mining tests will be subjected to rigorous determinations under the Ocean Discharge Criteria by EPA at the appropriate time.

Factor 1 addresses the quantities, composition and potential for bioaccumulation or persistance of the pollutants to be discharged. The pollutants that would be discharged under the proposed limitations and conditions of this draft general permit would consist of minor quantities of oil and grease, non-floating solids from domestic wastes, concentrated constituents of seawater from water distillation units and minimal boiler blowdown. Discharges of these pollutants, under the conditions of this draft permit, have no potential for bioaccumulation or persistence.

Factor 2 addressed the potential transport of such pollutants by biological, physical or chemical processes. Any potential for transport of the pollutants to be discharged under the proposed limitations and conditions of this draft general permit causes a continued reduction in toxicity.

Factor 3 addressed the composition and vulnerability of the biological communities which may be exposed to such pollutants including the presence of unique species or communities, or the presence of species identifies as endangered or threatened pursuant to the Endangered Species Act (16 U.S.C. 1531 *et seq.*) (ESA), or the presence of those species critical to the structure and function of the ecosystem such as those important for the food chain. In 1981 and 1982, the U.S. Fish & Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS), NOAA respectively, presented biological opinions to the Office of Ocean Minerals and Energy (OME), NOAA regarding the effects on threatened or endangered species or their designated critical habitat of proposed deep seabed mining regulations for exploration licenses and the applications submitted by the consortia for exploration licenses. Copies of all opinions are contained in the administrative record for this permit. These actions were initiated pursuant to Section 7 of the ESA (16 U.S.C. 1536). These biological opinions identify six (6) species of whales and four (4) species of turtles found within or near the general permit area which are Federally listed endangered or threatened species, and could potentially be affected by the discharge activities to be authorized by this permit. Following is a listing of the identified species:

Humpback whale	*Megaptera novaeangliae.*
Blue whale	*Balaenoptera musculus.*
Sperm whale	*Physeter catodon.*
Sei whale	*Balaenoptera borealis.*
Fin whale	*Balaenoptera physalus.*
Right whale	*Eubalaena spp.,*
Green sea turtle	*Chelonia mydas.*
Hawksbill sea turtle	*Eretmochelys imbricata.*
Loggerhead sea turtle	*Caretta caretta.*
Leatherback sea turtle	*Dermochelys coriacea.*

The opinions presented by the USFWS and NMFS, NOAA generally concluded that exploration activities would not jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. As indicated above, these opinions covered even more activities than are proposed to be covered in this draft general permit, which only deals with ancillary discharges which are typical of those from a vessel or other floating craft. EPA has reviewed the conclusions of NOAA and believes that discharges under the effluent limitations and conditions proposed in this permit are consistent with the ESA.

However, EPA will provide a copy of this draft general permit and this notice to both the USFWS and NMFS, NOAA advising them of the draft general permit concurrently with publication of this notice in the **Federal Register**, and will request a formal consultation from NMFS, NOAA and the USFWS concerning the impact of this draft general permit. The responses of each agency will be included in the administrative record and their opinions fully considered.

Factor 4 addresses the importance of the receiving water area to the surrounding biological community, including the presence of spawning sites, nursery/forage areas, migratory pathways or areas necessary for other functions or critical stages in the life cycle of an organism. This factor is intended to ensure that potential impacts on spawning sites, nursery/forage areas, migratory pathways, or other critical functions are evaluated. The previous discussion on factor 3 dealing with the ESA revealed that both the NMFS, NOAA and USFWS concluded that these exploratory activities would not jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. Due to the fact that this draft general permit will only deal with ancillary discharges which will be limited by proposed effluent limitations and conditions, EPA expects no unreasonable degradation to non-resident species or critical habitats. As indicated above, EPA is requesting formal consultation with both the NMFS, NOAA and USFWS concerning the impact of the draft general permit concurrently with the publication of this notice in the **Federal Register.**

Factor 5 addresses the existence of special aquatic sites including but not limited to marine sanctuaries and refuges, parks, national and historic monuments, national seashores, wilderness areas and coral reefs. In the PEIS, NOAA has stated that there are no such sites in the area to be encompassed by this draft general permit. Due to this fact, there will not be unreasonable degradation of the marine environemnt due to factor 5 of the Ocean Discharge Criteria.

Factor 6 addresses the potential impacts on human health through direct and indirect pathways. Due to the fact that this draft general permit will only deal with ancillary discharges which will be subject to the proposed effluent limitations and conditions and which are typical of those from a vessel or other floating craft, EPA does not expect any potential impacts on human health through direct or indirect pathways.

Factor 7 addresses existing or potential recreational and commercial fishing, including finfishing and shellfishing. The PEIS states that five (5) United States and Japanese tuna and billfish industries were conducted in the area encompassed by this draft general permit and that the activities would not be affected by mining tests. EPA has reviewed this conclusion and believes that since this draft general permit will only deal with ancillary discharges which are typical of those from a vessel or other floating craft, EPA does not expect any impact by the proposed discharges, as limited by the proposed effluent limitations and conditions, on existing or potential recreational and commerical fishing, including finfishing and shellfishing. EPA will provide a copy of the draft general permit and this notice concurrently with publication of this notice in the **Federal Register** to State and Federal agencies with

jurisdiction over fish, finfish, shellfish and wildlife resources in the affected Pacific Ocean areas. Comments will be specifically requested on the adequacy of the effluent limitations and operating conditions contained in the draft permit to mitigate any potential impacts on commerical and recreational fisheries. Any new information or recommendations received during the comment period will be fully considered in the determination of final permit limitations and conditions.

Factor 8 addresses any applicable requirements of an approved Coastal Zone Management Plan (CZMP). In the PEIS, NOAA has determined that the discharges in the area to be authorized under this draft general permit will not directly impact the coastal areas of any State. EPA has reviewed this determination and concurs with NOAA's findings with regard to direct impact and finds there will be no potential impact on the CZMP of the State of Hawaii, the only State within the vicinity of the permitted area. This finding is based on representations by NOAA that any exploration activity for which discharges will be authorized by this permit will occur a considerable distance from the State of Hawaii, including the territorial seas. Therefore, due to this fact, there will not be any unreasonable degradation of the marine environment due to factor 8 of the Ocean Discharge Criteria. However, should an individual State advise EPA that dischargers authorized under the general NPDES permit will directly affect the States coastal zone, a consistency determination under Section 307(c)(3)(A) Subpart D of the Coastal Zone Management Act (16 U.S.C. 1451 *et seq.*) (CZMA) (16 U.S.C. 1456(c)(3)(A) Subpart D) may be required. In such a case, EPA would have to submit to the affected State written certification that the proposed permit will not directly affect the coastal zone, or that the permit complies with and will be conducted in a manner consistent with the applicable State's approved management program. A Coastal Zone Management State would in turn review this certification and indicate whether they concur or object to it. EPA will provide a copy of the draft general permit and this notice, concurrently with publication of this notice in the **Federal Register** to the Hawaii Department of Planning and Economic Development, which is the approved State agency for CZMP in Hawaii. If the Hawaii Department of Planning and Economic Development disagrees with our findings for this draft general permit of no potential or direct impact under their CZMP are incorrect, EPA will work with that agency to insure that the proposed general permit complies with the Hawaii CZMP.

Factor 9 addresses such other factors relating to the effects of the discharge as may be appropriate. Due to the fact that this draft general permit contains effluent limitations and conditions on the ancillary discharges that are typical of those from a vessel or other floating craft, EPA has determined that there are no other factors relating to the effects of these discharges that are appropriate.

Factor 10 addresses marine water quality criteria developed pursuant to Section 304(a)(1) of the CWA (33 U.S.C. 1343(a)(1)). Factor 10 requires that EPA identify conventional, non-conventional and toxic pollutants in the discharge to be permitted and establish that numeric units in applicable marine water quality criteria will be met with permit limitations in place. All ancillary discharges that comply with the effluent limitations and conditions proposed in Part II.B.2. of this draft general permit will comply with all applicable marine water quality critiera developed pursuant to Section 304(a)(1) of the CWA (33 U.S.C. 1343(a)(1)).

I. Oil Spill Requirements

Section 311 of the CWA (33 U.S.C. 1321) prohibits the discharge of oil and hazardous materials in harmful quantities. In the 1978 amendments to Section 311 of the CWA (33 U.S.C. 1321), Congress clarified the relationship between this section and discharges permitted under Section 402 of the CWA (33 U.S.C. 1342). It was the intent of Congress that routine discharges permitted under Section 402 of the CWA (33 U.S.C. 1342) be excluded from Section 311 of the CWA (33 U.S.C. 1321). Discharges permitted under Section 402 of the CWA (33 U.S.C. 1342) are not subject to Section 311 of the CWA (33 U.S.C. 1321) if they are:

1. In compliance with a permit under Section 402 of the CWA (33 U.S.C. 1342);
2. Resulting from circumstances identified, reviewed and made part of the public record with respect to a permit issued or modified under section 402 of the CWA (33 U.S.C. 1342), and subject to a condition in such permit; or
3. Continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under Section 402 of the CWA (33 U.S.C. 1342), which are caused by events occurring within the scope of the relevant operating or treatment systems.

To help clarify the relationship between discharges permitted under Section 402 of the CWA (33 U.S.C. 1342) and Section 311 of the CWA (33 U.S.C. 1321) discharges, EPA has compiled the following list of discharges which it considers to be regulated under Section 311 of the CWA (33 U.S.C. 1321) rather than under a Section 402 (33 U.S.C. 1342) permit. The list is not to be considered all-inclusive.

1. Discharges of contaminated ballast water or contaminated bilge water.
2. Discharges from burst or ruptured pipelines, manifolds, pressure valves or atmospheric tanks,
3. Discharges from pumps or engines,
4. Discharges from vessel launching and receiving equipment, and
5. Spills of diesel fuel during transfer operations.

Part IV. Other Legal Requirements

A. The Endangered Species Act

The ESA requires that each Federal Agency shall ensure that any of their actions, such as permit issuance, do not jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modifications of their habitats. In 1981 and 1982, the USFWS and the NMFS, NOAA respectively, presented biological opinions to the OME, NOAA regarding the effects on threatened or endangered species or their designated critical habitat of proposed deep seabed mining regulations for exploration licenses and the applications submitted by the consortia for exploration licenses. Copies of all opinions are contained in the administrative record for this permit. These actions were initiated pursuant to Section 7 of the ESA (16 U.S.C. 1536). These biological opinions identify six (6) species of whales and four (4) species of turtles found within or near the general permit area which are Federally listed endangered or threatened species, and could potentially be affected by the discharge activities to be authorized by this permit. The opinions presented by the USFWS and NMFS, NOAA generally concluded that exploration activities would not jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. As indicated above, these opinions covered even more activities than are proposed to be covered in this draft general permit, which only deals with ancillary discharges which are typical of those from a vessel or other floating craft. EPA has reviewed the conclusions of NOAA and believes that discharges under the effluent limitations and conditions proposed in this permit are consistent with the ESA.

However, EPA will provide a copy of this draft general permit and this notice to both the USFWS and NMFS, NOAA advising them of the draft general permit concurrently with publication of this notice in the **Federal Register**, and will request a formal consultation from NMFS, NOAA and the USFWS concerning the impact of this draft general permit. The responses of each agency will be included in the administrative record and their opinions fully considered.

EPA will join in any future consultation with NMFS, NOAA and USFWS with respect to any activities not now covered by their opinions or the formal consultation that is being requested concurrently with publication of this notice in the **Federal Register**. Additionally, EPA will initiate consultation should new information reveal impacts not previously considered if the activities are modified in a manner beyond the scope of the original opinion or should the activities affect a newly listed species. For a discussion of the affected species and the previous biological opinions, see Part III.H. Ocean Discharge Criteria.

B. The Coastal Zone Management Act

The CZMA and its implementing regulations (15 CFR Part 930) require that any federally licensed or permitted activity affecting the coastal zone of a State with an approved CZMP be determined to be consistent with the CZMP. In the PEIS, NOAA has determined that discharges in the area to be authorized under this draft general permit will not directly impact the coastal areas of any State. EPA has reviewed this determination and concurs with NOAA's finding. In addition, EPA finds there will be no potential impact on the CZMP of the State of Hawaii, the only State within the vicinity of the permitted area. This finding is based on representations of NOAA that any exploration activities for which discharges will be authorized by this permit will occur a considerable distance from the State of Hawaii, including the territorial seas. However, should an individual State advise EPA that dischargers authorized under the general NPDES permit will directly affect the States' coastal zone, a consistency determination under Section 307(c)(3)(A) Subpart D of the CZMA (16 U.S.C. 1456(c) (3)(A) Subpart D) may be required. In such a case, EPA would have to submit to the affected State written certification that the proposed permit will not directly affect the coastal zone, or that the permit complies with and will be conducted in a manner consistent with the applicable State's approved management program. A Coastal Zone Management State would in turn review this certification and indicate whether they concur or object to it. EPA will provide a copy of the draft general permit and this notice, concurrently with publication of this notice in the **Federal Register** to the Hawaii Department of Planning and Economic Development, which is the approved State agency for CZMP in Hawaii. If the Hawaii Department of Planning and Economic Development disagrees with our findings for this draft general permit of no potential or direct impact under their CZMP are incorrect, EPA will work with that agency to insure that the proposed general permit complies with the Hawaii CZMP.

C. The Marine Protection, Research, and Sanctuaries Act

The Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 *et seq.*) (MPRSA) regulates the dumping of all types of materials into ocean waters and establishes a permit program for ocean dumping. In addition the MPRSA establishes the Marine Sanctuaries Program implemented by NOAA, which requires NOAA to designate ocean waters as marine sanctuaries for the purpose of preserving or restoring their conservation, recreational ecological or asthetic values.

Section 302(f) of the MPRSA (33 U.S.C. 1432(f)) requires that the Secretary of Commerce, after designation of a marine sanctuary, consult with other Federal agencies, and issue necessary regulations to control any activities permitted within the boundaries of the marine sanctuary. It also provides that no permit, license, or other authorization issued pursuant to any other authority shall be valid unless the Secretary shall certify that the permitted activity is consistent with the purpose of the marine sanctuaries program and can be carried out within its promulgated regulations. There are presently no marine sanctuaries or active candidates for marine sanctuary designation in the affected Pacific Ocean region. EPA has contacted NOAA and has been informed that, since there are no designated sites in the proposed general permit area, this draft general permit is not affected.

D. Economic Impact (Executive Order 12291)

EPA has reviewed the effect of Executive Order 12291 on this draft general permit and has determined that it is not a major rule under that order. The permit, when promulgated, will result in substantially reduced paperwork required of regulated facilities by eliminating permit applications and reducing reporting requirements.

This regulation 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 at the Technical Support Branch, Water Management Division, U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, California 94105.

E. Paperwork Reduction Act

EPA has reviewed the requirements imposed on regulated facilities in this draft general permit under the Paperwork Reduction Act (PRA). The information collection requirements of this permit have been approved by OMB under submissions made for the NPDES permit program under the provisions of the CWA. Furthermore, since less than ten (10) persons will be subject to this general permit when issued, EPA does not believe that this permit contains any information collection requests within the meaning of the PRA.

F. Regulatory Flexibility Act

After review of the facts presented in the notice printed above, I hereby certify, pursuant to the provisions of 5 USC § 605(b), that this general permit will not have a significant impact on a substantial number of small entities. Moreover, it reduces a significant administrative burden on regulated sources.

Dated: August 22, 1983.

John C. Wise,

Acting Regional Administrator, Region 9.

[FR Doc. 83-23583 Filed 8-26-83; 8:45 am]

BILLING CODE 6560-50-M

[PF-340; PH-FRL 2415-4]

Certain Companies, Pesticide Petitions

Correction

In FR Doc. 83-22173 beginning on page 37277 in the issue of Wednesday, August 17, 1983, the agency identification number should read as set forth above.

BILLING CODE 1505-01-M

[PF-339; PH-FRL 2417-1]

Rhone-Poulenc Inc.; Pesticide Petition; Amendment

Correction

In FR Doc. 83-22483 appearing on page 37283 in the issue of Wednesday, August 17, 1983, make the following correction:

Under **SUPPLEMENTARY INFORMATION,** in the paragraph designated "a.", the fifth line, the first open parenthesis should be removed.

BILLING CODE 1505-01-M

[PP 2G2669/T429 PH-FRL 2915-3]

2,2-Dichlorovinyl Dimethyl Phosphate; Establishment of Temporary Tolerances

Correction

In FR Doc. 83-22174 appearing on page 37278 in the issue of Wednesday, August 17, 1983, in the second column, the tenth line from the bottom should be corrected to read "EPA of any findings from the experimental use that have a bearing on safety. The Agriculture Experiment".

BILLING CODE 1505-01-M

[PP 3G2782/T428; PH-FRC 24616-4]

Thiodicarb; Establishment of Temporary Tolerances

Correction

In FR Doc. 83-22344 beginning on page 37282 in the issue of Wednesday, August 17, 1983, under **SUPPLEMENTARY INFORMATION**, the eighth line should be corrected to read "N'-[thiobis[[(methylamino) carbonyl]"

BILLING CODE 1505-01-M

[OPTS-51462B; ISH-FRL 2423-1]

Toxic Substances; Certain Chemical; Premanufacture Termination of an Extended Review Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is terminating the remaining period of a 90-day extension of the review period for premanufacture notice (PMN) PMN 83-622, which was issued pursuant to section 5(c) of the Toxic Substances Control Act (TSCA). The review period will now expire on August 18, 1983. The PMN was submitted for a colorant for textile fibers which will be imported by a company which has claimed its identity to be confidential.

FOR FURTHER INFORMATION CONTACT: Rose Allison, Chemical Control Division (TS-794), Environmental Protection Agency, Rm. E-205, 401 M St., SW., Washington, D.C. 20460, (202-382-3735).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a PMN to EPA 90 days before manufacture or import begins. Under section 5(c) EPA may, for good cause, extend the notice period for additional periods, not to exceed a total of 180 days from the date of receipt.

On April 7, 1983, EPA received PMN 83-622 from a confidential submitter for the following chemical: 1,3,6,-napthalenetrisulfonic acid, 7-[[4-[[4-[[4-[(4,8-disulfo-2-naphthalenyl]azo]-3-methylphenyl]amino]-6-[(4-sulfophenyl]amino]-1,3,5-triazine-2-yl]-amino]-2-methylphenyl]azo]-hexasodium salt. Notice of receipt was published in the **Federal Register** of April 15, 1983 (48 FR 16331). The chemical is a colorant for textile fibers.

The original review period was scheduled to expire on July 5, 1983. On July 11, 1983, EPA published a notice in the **Federal Register** (48 FR 31699) extending the review period for an additional 90 days, to October 3, 1983. On July 14, 1983, the PMN submitter voluntarily suspended the review period.

When the review period was extended, EPA had reason to believe that human exposure could result in carcinogenic effects and significant occupational exposure and possible drinking water contamination could be expected. While the period was suspended, EPA received additional data that addressed the concern. Therefore, the agency has determined that there is insufficient basis for determining that PMN 83-622 may present an unreasonable risk. EPA finds that it will not be necessary to regulate PMN 83-622 under section 5(e) of TSCA. Therefore, the Agency no longer requires the additional review time provided by section 5(c), and terminates the remaining portion of the 90-day extension.

PMN 83-622 is available for public inspection in Rm. E-107, at the EPA headquarters, address given above, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. The identity of the submitter has been kept confidential and has been deleted from the documents in the public record.

Dated: August 18, 1983.

Marcia E. Williams,

Acting Director, Office of Toxic Substances.

[FR Doc. 83-23580 Filed 8-26-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51480; TSH-FRL 2419-2]

Certain Chemicals; Premanufacture Notices

Correction

In FR Doc. 83-22820 beginning on page 37699 in the issue of Friday, August 19, 1983, make the following correction:

On page 37700, third column, "PMNB 83-1043" should read "PMN 83-1043"; seventeenth line from the top, "azol-" should read "azo]-"; and in the eighteenth line from the top, "arylhy-zino]4-" should read "arylhy-drazino]4-".

Also, the docket number should appear as above.

BILLING CODE 1505-01-M

[OPTS-59131A; TSH-FRL 2419-1]

Certain Chemicals; Approval of Test Marketing Exemption

Correction

In FR Doc. 83-22819 beginning on page 37698 in the issue of Friday, August 19, 1983, on page 37699, first column, fifth and sixth lines from the top, remove "(Insert signature date)" and insert "August 10, 1983" in lieu thereof.

BILLING CODE 1505-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-264]

Central Savings and Loan Association, San Diego, California; Final Action; Approval of Conversion Applications

Dated: August 19, 1983.

Notice is hereby given that on July 29, 1983, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Central Savings and Loan Association, San Diego, California, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of San Francisco, 600 Stewart Street, San Francisco, California 94120.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-23618 Filed 8-26-83; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-268]

Coast Federal Savings and Loan Association, Sarasota, Florida; Final Action; Approval of Conversion Applications

Dated: August 19, 1983.

Notice is hereby given that on August 10, 1983, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Coast Federal Savings and Loan Association, Sarasota, Florida, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, P.O. Box 56527, Peachtree Center Station, Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-23616 Filed 8-26-83; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-267]

Firstsouth Federal Savings and Loan Association, Pine Bluff, Arkansas; Final Action; Approval of Conversion Applications

Dated: August 19, 1983.

Notice is hereby given that on July 29, 1983, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Firstsouth Federal Savings and Loan Association, Pine Bluff, Arkansas, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas 72201.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-23615 Filed 8-26-83; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-262]

Glendale Federal Savings and Loan Association, Glendale, California; Final Action; Approval of Conversion Applications

Dated: August 19, 1983.

Notice is hereby given that on August 8, 1983, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Glendale Federal Savings and Loan Association, Glendale, California, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of San Francisco, P.O. Box 7948, San Francisco, California 94120.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-23620 Filed 8-26-83; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-261]

Gonzales Federal Savings and Loan Association, Gonzales, Louisiana, Final Action; Approval of Conversion Applications

Dated: August 19, 1983.

Notice is hereby given that on August 10, 1983, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Gonzales Federal Savings and Loan Association, Gonzales, Louisiana, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas 72201.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-23621 Filed 8-26-83; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-265]

Northeast Savings, F.A., Hartford, Connecticut; Final Action; Approval of Conversion Applications

Dated: August 19, 1983.

Notice is hereby given that on August 3, 1983, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Northeast Savings, F.A., Hartford, Connecticut, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Boston, P.O. Box 2196, Boston, Massachusetts 02106.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-23617 Filed 8-26-83; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-269]

Progress Federal Savings and Loan Association, Norristown, Pennsylvania; Final Action; Approval of Conversion Applications

Dated: August 19, 1983.

Notice is hereby given that on May 31, 1983, the Office of General Counsel of the Federal Home Loan Bank Board, acting purusant to the authority delegated to the General Counsel or his designee, approved the application of Progress Federal Savings and Loan Association, Norristown, Pennsylvania, for permission to convert to the stock form of organization. Copies of the applications are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Pittsburgh, Eleven Stanwix Street, Fourth Floor, Gateway Center, Pittsburgh, Pennsylvania.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-23613 Filed 8-26-83; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-268]

Savers Federal Savings and Loan Association, Little Rock, Arkansas; Final Action; Approval of Conversion Applications

Dated: August 19, 1983.

Notice is hereby given that on August 4, 1982, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Savers Federal Savings and Loan Association, Little Rock, Arkansas, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas 72201.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-23614 Filed 8-26-83; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-263]

Sunbelt Federal Savings and Loan Association, Watonga, Oklahoma; Final Action; Approval of Conversion Applications

Dated: August 19, 1983.

Notice is hereby given that on August 2, 1983, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Sunbelt Federal Savings and Loan Association, Watonga, Oklahoma, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Topeka, P.O. Box 176, Topeka, Kansas 66601.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-23619 Filed 8-26-83; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies; Conifer/Essex Group, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in 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 Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *The Conifer/Essex Group, Inc.*, Worcester, Massachusetts; to acquire 100 percent of the voting shares or assets of both Union National Bank, Lowell, Massachusetts, and Falmouth Bank and Trust Company, Falmouth, Massachusetts. Comments on this application must be received not later than September 23, 1983.

B. *Federal Reserve Bank of St. Louis* (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Delta Bancshares Company*, St. Louis, Missouri; to acquire 45.25 percent of the voting shares or assets of Eureka Bank, Eureka, Missouri. Comments on this application must be received not later than September 23, 1983.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *American National Bancorp, Inc.*, Lawton, Oklahoma; to acquire 100 percent of the voting shares of Sheridan Bank and Trust Company, Lawton, Oklahoma. Comments on this application must be received not later than September 23, 1983.

2. *The American Company*, Lawton, Oklahoma; to acquire 67,500 shares of $10.00 par value nonvoting noncumulative 10 percent preferred stock of American National Bancorp, Inc., Lawton, Oklahoma. Comments on this application must be received not later than September 23, 1983.

Board of Governors of the Federal Reserve System, August 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-23543 Filed 8-26-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Financial Management Bancshares of West Virgina, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Financial Management Bancshares of West Virginia, Inc.*; to become a bank holding company by acquiring 100 percent of the voting shares of Farmers' and Merchants' Bank, Morgantown, West Virginia, and F & M Bank of Suncrest, Inc., Morgantown, West Virginia. Comments on this application must be received not later than September 13, 1983.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Montgomery Bancorp. Inc.*, Litchfield, Illinois; to become a bank holding company by acquiring 95.93 percent of the voting shares of First

National Bank of Litchfield, Litchfield, Illinois. Comments on this application must be received not later than September 21, 1983.

Board of Governors of the Federal Reserve System, August 22, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-23547 Filed 8-26-83; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by Bank Holding Companies; First Citizens Bancorporation of South Carolina et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in 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 Richmond** (Lloyd W. Bostain, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Citizens Bancorporation of South Carolina,* Columbia, South Carolina; to acquire at least 40 percent of the voting shares or assets of Rock Hill National Bank, Rock Hill, South Carolina. Comments on this application must be received not later than September 21, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *American Banks of Florida, Inc.,* Jacksonville, Florida; to acquire 100 percent of the voting shares or assets of Flagship National Bank of Alachua County, Gainesville, Florida. Comments on this application must be received not later than September 21, 1983.

Board of Governors of the Federal Reserve System, August 22, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 23548 Filed 8-26-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Hudson Bancshares, Inc., et at.

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 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 Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Hudson Bancshares, Inc.,* Hudson, Iowa; to become a bank holding company by acquiring 58.9 percent of the voting shares of Hudson State Bank, Hudson, Iowa. Comments on this application must be received not later than September 21, 1983.

2. *Wainwright Financial Corporation,* Noblesville, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Wainwright Bank and Trust Company, Noblesville, Indiana. Comments on this application must be received not later than September 23, 1983.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Illinois Bancorp Inc.,* Manchester, Missouri; to become a bank holding company by acquiring at least 80 percent of the voting shares of First National Bank in Chester, Chester, Illinois. Comments on this application must be received not later than September 23, 1983.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Pecos County Bancshares, Inc.,* Fort Stockton, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of The Pecos County State Bank, Fort Stockton, Texas. Comments on this application must be received not later than September 23, 1983.

Board of Governors of the Federal Reserve System, August 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-23541 Filed 8-26-83; 8:45 am]

BILLING CODE 6210-01-M

Proposed Arranging of Equity Financing; Southeast Banking Corporation

Southeast Banking Corporation, Miami, Florida, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and §225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage through its subsidiary, Southeast Mortgage Company, Miami, Florida, in the activity of arranging equity financing for income-producing real property with institutional and sophisticated individual investors.

These activities would be performed from offices of Applicant's subsidiary in Miami, Florida; Fort Lauderdale, Florida; Maitland, Florida; Tampa, Florida; Atlanta, Georgia; and Houston, Texas, and the geographic area to be served is the southeastern United States, including Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, Tennessee, North Carolina and South Carolina. Although arranging equity financing has not been added to the list of permissible activities specified by the Board in §225.4(a) of Regulation Y, the Board has determined by order that this activity is closely related to banking. *E.g., Trust Company of Georgia,* 69 *Federal Reserve Bulletin* 225 (1983).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking pratices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation

would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than September 22, 1983.

Board of Governors of the Federal Reserve System, August 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-23542 Filed 8-26-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities; Old Stone Corp. et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activites indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Norwest Corporation, Minneapolis,* Minnesota (financing, insurance and travelers checks activities; South Dakota): To engage *de novo* through its subsidiary, Norwest Financial South Dakota, Inc., in the activities of consumer finance, sales finance and commercial finance, the offering for sale and selling of travelers checks, the sale of credit life, credit accident and health and property and credit-related casualty insurance related to extensions of credit by that company and through its subsidiary, Centurion Life Insurance Company, in the activities of underwriting credit life and accident and health insurance related to extensions of credit by Norwest Financial South Dakota, Inc. (such underwriting and sale of credit-related insurance being permissible activities under Subparagraphs A and D of Title VI of the Garn-St Germain Depository Institutions Act of 1982). These activities will be conducted from an office in Sioux Falls, South Dakota serving Sioux Falls, South Dakota and nearby communities. Comments on this application must be received not later than September 21, 1983.

B. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *BankAmerica Corporation,* San Francisco, California (financing, servicing, and insurance activities; expansion of geographic scope; Kentucky and Indiana): To continue to engage, through its two indirect subsidiaries, FinanceAmerica Corporation and FinanceAmerica Loan and Investment Company, both Kentucky corporations, in the activities of making or acquiring for their own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance and credit-related accident and health insurance. The aforementioned types of credit-related insurance are permissible under Section 4(c)(8)(A) of the Bank Holding Company Act of 1956, as amended by the Garn-St Germain Depository Institutions Act of 1982. Such activities will include, but not be limited to, making loans and other extensions of credit to businesses, making loans secured by real and personal property, purchasing installment sales finance contracts, and offering credit-related life and credit-related accident and health insurance directly related to extensions of credit made or acquired by both corporations. Credit-related life and credit-related accident and health insurance may be reinsured by BA Insurance Company, Inc., an affiliate of both corporations. These activities will be conducted from an existing office located in Louisville, Kentucky; both corporations will serve the entire states of Kentucky and Indiana. Comments on this application must be received not later than September 23, 1983.

Board of Governors of the Federal Reserve System, August 23, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-23544 Filed 8-26-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities; Northwest Corp. et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal

Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Old Stone Corporation*, Providence, Rhode Island (loan and investment banking; Rhode Island): To engage, through its subsidiary, Guild Loan & Investment Company, in operating a loan and investment bank as authorized by Rhode Island law, including the acceptance of time and savings deposits but excluding the acceptance of demand deposits, NOW accounts, or other transactional deposits. This activity would be conducted from a proposed new office located in Warwick, Rhode Island, serving primarily the cities and towns of Warwick, West Warwick, Cranston and East Greenwich, and Washington County all in Rhode Island. Comments on this application must be received not later than September 19, 1983.

B. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Schroders PLC, Schroder International Limited* and *Schroder International Holdings Limited*, London, England (investment advising; New York, California): Through their existing subsidiary, Jutland Limited, whose name is to be changed to Schroder Venture Managers Limited, of Hamilton, Bermuda, to establish one *de novo* office in New York, New York and one in the Palo Alto, California area to act as an investment adviser to provide portfolio investment advise to Schroder Venture Trust, a Cayman Islands exempted trust. Comments on this application must be received not later than September 16, 1983.

C. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Corestates Financial Corp*, Philadelphia, Pennsylvania (mortgage and construction lending, *de novo* offices; Missouri and Massachusetts): To engage, through its indirect subsidiary, Colonial Associates, Inc., San Diego, California, in the origination of FHA insured project mortgage loans and conventional income property construction and permanent mortgage loans at proposed new office located in St. Louis, Missouri and Gloucester, Massachusetts. The foregoing activities will be conducted by Colonial Associates, Inc. in all states of the United States from and through the proposed *de novo* offices. Comments on this application must be received not later than September 16, 1983.

D. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Mellon National Corporation*, Pittsburgh, Pennsylvania (mortgage banking, servicing and insurance activities; Louisiana): To engage, through its subsidiary, Carruth Mortgage Corporation, in the general activities of a mortgage banking company, including the origination, sale and servicing of mortgage loans, which encompasses the origination of one-to-four family residential mortage loans, residential and commercial construction loans, and multifamily residential and non-residential mortgage loans; the sale and servicing of such loans for institutional investors; and the sale of credit-related insurance including credit-accident and health, credit-life, and property and credit-related casualty insurance related to extension of credit (such sale of credit-related insurance being a permissible activity under subparagraphs A and D of Title VI of the Garn-St Germain Depository Institutions Act of 1982). These activities would be conducted from an office in Alexandria, Louisiana, serving central Louisiana. Comments on this application must be received not later than September 15, 1983.

E. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Beacon Financial Corporation, Inc.*, Jupiter, Florida (leasing activities; Florida): To engage through its subsidiary, Beacon Leasing Corporation, in the origination and purchase of lease contracts for equipment, machinery, furnishings, and other personal property to corporations, professional associates, partnerships and other business entities. No personal or consumer leasing contracts will be made. These activities will be conducted from an office in Jupiter, Florida serving the State of Louisiana. Comments on this application must be received not later than September 16, 1983.

2. *Florida Park Banks, Inc.*, St. Petersburg, Florida (investment advisory activities; Florida): To engage, through its subsidiary, Park Capital Management, Inc., in acting as an investment or financial advisor to the extent of providing portfolio investment advice to any person; furnishing general economic statistical forecasting services and industry statistics, and serving as the advisory company for a mortgage or real estate investment trust; serving as an investment advisor, as defined in Section 2(a)(20) of the Investment Company Act of 1940, to an investment company registered under that Act; and providing financial advice to State and local governments, such as with respect to the issuance of their securities. These activities would be conducted from an office in St. Petersburg, Florida, serving the State of Florida. Comments on this application must be received not later than September 21, 1983.

F. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Shell Rock Bancorporation*, Shell Rock, Iowa (insurance activities; Iowa): To engage in the sale of general insurance, including credit life, hail, property, casualty and life insurance in a town with a population not exceeding 5,000. These activities would be performed in the City of Shell Rock, Iowa, and the surrounding area. The aforementioned insurance activities are permissible under section 4(c)(8)(c) of the Bank Holding Company Act, as amended. Comments on this application must be received not later than September 12, 1983.

2. *The Indiana National Corporation*, Indianapolis, Indiana, (mortgage lending and servicing, real property leasing, real estate appraising, managment consulting and credit insurance; Indiana, Ohio, Kentucky): To engage through its subsidiary, Indiana Mortgage Corporation, in making and acquiring, for its own account or for the account of others, loans and other extensions of credit; servicing loans and other extensions of credit for any person; leasing real property or acting as agent, broker or advisor in leasing such property; performing appraisals of real estate; providing management consulting advice to nonaffiliated bank and nonbank depository institutions, and acting as insurance agent or broker with respect to credit life and accident and health insurance directly related to extensions or credit by Applicant or its subsidiaries. These activities will be conducted from offices in Indianapolis, Indiana, and Cincinnati, Ohio, and will serve the States of Indiana, Ohio, and Kentucky. Comments on this application must be received not later than September 12, 1983.

3. *Tuscola Bancorp, Inc.*, Springfield, Illinois (insurance activities; Illinois): To engage in the sale of credit life and credit accident and health insurance authorized under Title VI of the Garn-St Germain Depository Institutions Act of 1982, from an office located in Tuscola, Illinois, serving Douglas County, Illinois. Comments on this application must be

received not later than September 15, 1983.

G. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Ruston Bancshares, Inc.*, Ruston, Louisiana (mortgage lending and servicing activities; Louisiana): To engage, through its subsidiary, Access Mortgage Lending, Inc., in first and second mortgage lending, servicing of the same, and secondary market activity in accordance with the Board's Regulation Y. These activities will be performed from an office in Ruston, Louisiana, serving the State of Louisiana. Comments on this application must be received not later than Septemer 16, 1983.

H. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *BankAmerica Corporation*, San Francisco, California (financing, servicing, and insurance activities; expansion of geographic scope; Pennsylvania): To continue to engage, through its indirect subsidiary, FinanceAmerica Consumer Discount Company, a Pennsylvania corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance, credit-related accident and health insurance and credit-related property insurance. The aforementioned types of credit-related insurance are permissible under Section 4(c)(8)(D) of the Bank Holding Company Act of 1956, as amended by the Garn-St Germain Depository Institutions Act of 1982 and Section 2 of the Pennsylvania Act of the General Assembly 1974 (Pub. L. 1148, No. 365, (40 P.S. 281)). Such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to businesses, making loans and other extensions of credit secured by real and personal property, and offering credit-related life, credit-related accident and health and credit-related property insurance directly related to extensions of credit made or acquired by FinanceAmerica Consumer Discount Company. Credit-related life and credit-related accident and health insurance may be reinsured by BA Insurance Company, Inc., an affiliate of FinanceAmerica Consumer Discount Company. These activities will be conducted from three existing offices located in Bethlehem, Monroeville, and Scranton, Pennsylvania; each office will serve the entire State of Pennsylvania. Comments on this application must be received not later than September 22, 1983.

2. *Security Pacific Corporation*, Los Angeles, California (finance and credit-related insurance activities; Missouri): To engage through its subsidiary, Security Pacific Finance Corp, in making or acquiring, for its own account or for others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or consumer finance company, and acting as broker or agent for the sale of credit life, accident and health and credit property insurance, such insurance activities being permitted pursuant to Section 601 (A) and (D) of Title VI of the Garn-St Germain Act. These activities would be conducted from an office of Security Pacific Finance Corp. located in St. Charles, Missouri, serving the State of Missouri. Comments on this application must be received not later than September 19, 1983.

Board of Governors of the Federal Reserve System, August 22, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-23549 Filed 8-26-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 83M-0243]

Upjohn Co.; Medical Services; Premarket Approval of Gelfoam® Sterile Sponge, Gelfoam Sterile Compressed Sponge, Gelfoam® Sterile Dental Packs, and Gelfoam® Sterile Prostatectomy Cone

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of Gelfoam® Sterile Sponge, Gelfoam® Sterile Compressed Sponge, Gelfoam® Sterile Dental Packs, and Gelfoam® Sterile Prostatectomy Cone, sponsored by the Upjohn Co., Kalamazoo, MI 49001. After reviewing the recommendation of the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by September 28, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, National Center for Devices and Radiological Health (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On February 22, 1979, the Upjohn Co., Kalamazoo, MI 49001, submitted to FDA an application for premarket approval of Gelfoam® Sterile Sponge, Gelfoam® Sterile Compressed Sponge, Gelfoam® Sterile Dental Pack, and Gelfoam® Sterile Prostatectomy Cone. The application was reviewed by the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel, an FDA advisory committee, which recommended approval of the application for the use of the device in surgical procedures as an adjunct to hemostasis when control of bleeding by ligature or conventional procedures is ineffective or impractical. On July 8, 1983, FDA approved the application by a letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), absorbable hemostatic agents were considered to be new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), absorbable hemostatic agents (including absorbable gelatin sponges) are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure the continuation of premarket approval requirements for class III devices formerly considered to be new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket

approval of such devices comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310) until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the office of Medical Devices—contact Charles H. Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants, the petition, the notice will state the issue to be reviewed, the form of review to be used, the person who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before September 28, 1983, filed with the Dockets Management Branch (address above), two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday though Friday.

Dated: August 23,1983.

William R. Clark,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-23553 Filed 8-26-83; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Utilization and Quality Control Peer Review Program; Solicitation of Comments on Proposed PRO Program Scope of Work

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: This notice does not constitute a request for proposal (RFP). The purpose of this notice is to solicit comments on the Scope of Work prepared as part of the RFP for Utilization and Quality Control Peer Review Organization (PRO) beginning in the third quarter of fiscal year 1984.

COMMENT DATE: To assure consideration, written comments must be received by October 11, 1983.

ADDRESS: Address request for copies of the Scope of Work as well as comments on the Scope of Work to: Health Care Financing Administration, DHHS, Attention: Allan Lazar, Director, Office of Professional Standards Review Organizations, Health Standards and Quality Bureau, 1849 Gwynn Oak Avenue, Baltimore, Maryland 21207.

FOR FURTHER INFORMATION CONTACT: Allan Lazar, (301) 594–1432.

SUPPLEMENTARY INFORMATION: The Peer Review Improvement Act of 1982 (Title I, Subtitle C of the Tax Equity and Fiscal Responsibility Act of 1982, Pub. L. 97–248) (Act) repealed the Professional Standards Review Organization (PSRO) program and replaced it with the Utilization and Quality Control Peer Review Program, commonly referred to as the PRO Program. The Act requires the Secretary to enter into contracts with private Peer Review Organizations (PROs) for the review of the quality, necessity, and appropriateness of health care services furnished under Medicare.

As part of this contracting process we are preparing a Request for Proposals (RFP) which includes a description of the Scope of Work to be performed by PROs. We are requesting comments on the preliminary version of the Scope of Work portion of the RFP. Requests for copies of the Scope of Work and comments on the Scope of Work should be mailed to the address shown above.

All written comments received by the Health Care Financing Administration will be considered, but the Federal government is not obligated to incorporate particular comments into the scope of work which will be included in the RFP. The final version of the RFP is the responsibility of the Federal government.

We intend to solicit proposals from interested organizations beginning in the second quarter of fiscal year 1984. Contracts will be awarded to PROs beginning in the third quarter of fiscal year 1984.

(Section 1153(b) of the Social Security Act (42 U.S.C. 1320c–2(b)))

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance).

Dated: August 22, 1983.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 83-23522 Filed 8-25-83; 8:45 am]

BILLING CODE 4120-03-M

Office of Human Development Services

Child Abuse and Neglect Prevention and Treatment Grants Priorities; Fiscal Year 1984

AGENCY: Office of Human Development Services, HHS.

ACTION: Notice of proposed fiscal year 1984 child abuse and neglect research and demonstration activities to be considered for support as a part of the coordinated discretionary program of the Office of Human Development Services (OHDS).

SUMMARY: This notice states proposed priorities for research and demonstration programs related to the prevention and treatment of child abuse and neglect. These priority areas are being considered for inclusion in the OHDS coordinated discretionary program for fiscal year 1984. Final child abuse and neglect priorities will be announced as a part of the OHDS coordinated research and demonstration program and will be carried out by the National Center on Child Abuse and Neglect, an OHDS program unit located in the Children's Bureau, Administration for Children, Youth and Families.

Federal grants and contracts to support projects which address child abuse and neglect issues are presently authorized by the Child Abuse Prevention and Treatment Act (Pub L. 93–247, as amended). That Act provides for publication of priorities under consideration for research and demonstration for the purpose of soliciting comments from individuals

knowledgeable in the field of the prevention and treatment of child abuse and neglect. Final priorities will incorporate and reflect the expertise and recommendations received from the field in response to this notice.

DATE: In order to be considered, comments must be received no later than October 28, 1983. OHDS invites comments on these priorities or suggestions for other priorities. No proposals, concept papers or other forms of application should be submitted at this time.

ADDRESS: Comments should be sent to: Commissioner, Administration for Children, Youth and Families, Attn: Child Abuse and Neglect, P.O. Box 1182, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: National Center on Child Abuse and Neglect, Children's Bureau, P.O. Box 1182, Washington, D.C. 20013 (202–245–2859).

SUPPLEMENTARY INFORMATION: The National Center on Child Abuse and Neglect (NCCAN) is part of the Children's Bureau in the Administration for Children, Youth and Families, OHDS. NCCAN conducts activities designed to assist and enhance national, State and community efforts to prevent, identify and treat child abuse and neglect. These activities include: conducting research and demonstrations; supporting service improvement projects; gathering, analyzing and disseminating information through a national clearinghouse; providing grants to eligible States for strengthening and improving their child protective programs; and coordinating Federal activities related to child abuse and neglect through the Advisory Board on Child abuse and Neglect. Thus, there are activities other than the research and demonstration priorities proposed in this notice which require staff and financial support by NCCAN.

In fiscal year 1984, OHDS intends through NCCAN to continue to support: service improvement through Parents Anonymous; a national information clearinghouse on child abuse and neglect; and technical assistance to States for collecting, analyzing and using data from official reports of child abuse and neglect. Continued support will also be provided for preparation and dissemination of relevant reports and manuals based on the findings of completed research and demonstration projects and the development of materials suitable for children and young adults to help them prevent and reduce the effects of child abuse and neglect.

This statement describes areas under consideration for initiation of new research and demonstration activities in fiscal year 1984. OHDS solicits specific comments and suggestions concerning each of the priorities described below. *No proposals, concept papers or other forms of application should be submitted at this time.* Any such submissions will be discarded. In order to maintain a procedure fair to everyone, concept papers or preapplications will be accepted only in response to the final OHDS Coordinated Research and Demonstration Program Announcement to be published in the **Federal Register** at a later date.

No acknowledgements will be made of the comments received in response to this notice, but all comments will be considered in preparing the final funding priorities for child abuse and neglect research and demonstration activities for fiscal year 1984. In addition, all persons who comment on these proposed priorities will be sent the final OHDS program announcement. OHDS anticipates that the program announcement for the coordinated research and demonstration program will be published in the fall of 1983.

Proposed Child Abuse and Neglect Research and Demonstration Priorities for Fiscal Year 1984

OHDS is considering the following research and demonstration priorities for fiscal year 1984:

1. Development of Procedures for Ensuring Protection for Handicapped Infants (Infant Doe). States have had to deal with instances of medical, nutritional and social service neglect of impaired infants. The development of model(s) procedures to ensure appropriate child protective action for national dissemination has been identified as an important area. This developmental phase should be followed by a replication in every State to tailor the model(s) as appropriated and to adopt it.

2. Managing Cases of Child Neglect in Public Child Protective Services Agencies. Sixty-one percent of all substantiated cases of child maltreatment are cases of child neglect. Approximately 24 percent of reports result in a child being placed in out-of-home care. This category of reports therefore initiates a prolonged stay in the child welfare system for many children. The development of model programs, training guidelines for paraprofessional and volunteer participants and increased understanding of the dynamics of child protective service intervention in cases of child neglect are the desired results of these efforts and the reunification of children to their families the ultimate outcome.

3. Investigation of the Relationship between Reports of Child Maltreatment and Changes in Economic Indicators. Determining the relationships between child abuse and neglect as reflected in official reports to child protective services and economic changes is important in view of recent concern that increases in the number and severity of child maltreatment reports have coincided with rapid economic change. Research on this subject is limited, fraught with methodological problems and inconclusive. Related research suggests an association between economic change and a variety of social pathologies. An investigation of this issue will extend our understanding of the factors affecting the volume of child maltreatment reports and allowing for better management of resources to handle such cases.

4. Development and Demonstration of A Remedial/Preventive Curriculum for maltreated Adolescents. Most preventive programs aimed at reducing the incidence of child abuse and neglect have focused on parent education, perinatal supports and information and referral for families in stress. To date, there has been little attention given to adolescence as a life stage and maltreated adolescents as a vulnerable, at-risk population appropriate to receive preventive programs. Yet, if maltreated children are particularly at risk of becoming maltreating parents, then preventive interventions aimed at breaking the cycle of abuse and neglect at the adolescent stage may be effective. One Attempt to serve this population is a program focused on prevention, such as the Parents Anonymous teenage groups recently organized in a number of States. There is a need for the development of educational and groups process materials, such as R. E. Helfer's "Crash Course in Childhood for Adults," for use with groups of adolescents who have experienced abusive or neglectful childhoods.

5. Research on Emotional Maltreatment. Emotional maltreatment (or mental injury, or psychological abuse) is a form of child abuse and neglect which remains most difficult to define, identify, investigate, adjudicate or treat. The protective and treatment issues often require intense involvement and a high level of therapeutic skill on the part of service providers, though little programmatic guidance has been developed as training for those providers to cope with this form of child abuse and neglect. Development of

exact operational definitions to improve identification, investigation, and adjudication; clinical diagnostic information to assist in treatment, and guidelines for protective services to decide issues of in-home versus foster care placement are needed.

6. Building Capacity and Resources in Minority Communities To Prevent Child Abuse and Neglect. Minority families are over represented in child abuse and neglect statistics. However, researchers are not agreed as to whether a disproportionate amount of maltreatment occurs in minority communities, whether minority families are selectively referred for child abuse and neglect or whether the high incidence of poverty in minority communities accounts for the over representation. Models are needed to provide support to minority families, thus making referrals to child protective services agencies unnecessary, and to determine the appropriate quantity, quality, mix and service delivery modes requested by at-risk families. This effort will promote the cooperation and understanding between child protective services agencies and the culturally diverse communities they serve.

7. Improving Justice System Procedures for Handling Reported Cases of Intrafamily Child Sexual Abuse and Sexual Exploitation of Children. Increases in reported cases of child sexual mistreatment are a national concern. State legislatures and the Congress have given special attention to the problem by enacting laws which amend both the child abuse reporting laws and the criminal code. All States now define sexual abuse as a reportable act under child abuse and neglect reporting laws. In addition, it is a crime in all States. A growing number of States now include sexual exploitation as a reportable act and within the next two years the few remaining States that do not have such a provision are expected to include it in their laws, since continued funding under the Child Abuse and Neglect State grant program will be contingent upon the inclusion of sexual exploitation in statutory language by 1985. Despite the increased legislative activity resulting in new laws, there has not been significant progress in the development of a systematic, sensitive approach to handling such cases from the point of entry in the justice system to disposition. Significant problems exist in the following areas: confusion of roles and responsibilities in the overall child protective system, including law enforcement and the courts; increased trauma to the child and family; absence or inconsistency of legal representation for the child; confusion in procedures when there is a companion case in the criminal court; and little attention to protecting the child victim who is called to testify in court.

8. Prevention of Child Abuse and Neglect through Public School Programs. School systems, in coordination with child protective service agencies, can serve a unique function in the prevention of child abuse and neglect because of the access they have to large numbers of children. Their presence in every community of the nation and their high visibility give them a special capacity to coordinate with other community resources to see that vulnerable children are recognized and receive necessary services. Program components addressing prevention of child maltreatment and assistance to at-risk children in their enrollment populations can be implemented. Prevention here can include a range of primary, secondary and/or tertiary (that is preventing reoccurrence) approaches. Examples of school system prevention programs could include (but not be limited to): Training for school administrators, teachers and support staff in recognizing stressed children and providing appropriate recreational, educational, remedial or referral assistance to them; development of after school programs for children at risk of child neglect; use of volunteers to assist school counselors and/or school social services to provide outreach to families with problems affecting the welfare of their children; coordination with local Parents Anonymous programs to provide parent education and children-serving-children groups; and improved coordination for purposes of making appropriate child abuse and neglect reports to and getting adequate feedback from child protective service agencies.

9. Demonstrations of Alternatives to Juvenile Court Proceedings in Cases of Child Abuse and Neglect. A number of child abuse and neglect cases now litigated in juvenile or family courts could be handled in a nonjudicial manner. The litigation of child abuse and neglect cases often results in adversarial proceedings that make parental cooperation and participation difficult. This in turn increases the possibility of institutional child placement. Further, there is recognition in the legal and judicial community that there is a trend to over-use litigation for the resolution of disputes or conflict. The trend needs to be halted and attention focused on alternate measures of conflict resolution. The use of alternatives to litigation for cases of abused and neglected children including: (a) screening and referral to community agencies for needed services of cases; (b) mediation; or (c) lay hearing panels, needs to be demonstrated and models developed for replication.

10. A Study of Nonprofessional Sources of Child Abuse and Neglect Reports. While most States do not require nonprofessional sources to report suspected child abuse and neglect, in fact 45% to 50% or referrals to CPS agencies are made by such sources. No other category of source approaches that large a percent of the total allegations of child maltreatment processed by CPS agencies. At the same time, these nonprofessional sources have a much lower substantiation rate than do the professional sources. Consequently, an inordinate amount of CPS time and resources is spent on processing cases which are not substantiated. A systematic study of nonprofessional sources of CAN reports in an attempt to discover the reasons for the relatively low substantiation rates for these sources is needed.

11. Collaborative Approaches to Addressing Needs of Preschool Handicapped Abused and Neglected Children. There is evidence that there is a higher incidence of abuse and neglect in children with handicapping or disabling conditions. The major difficulty experienced by Child Protective Service (CPS) workers appears to be the identification and selection of specific service providers to treat the children and the establishment of an effective client and service provider feedback mechanism. Information about how to work with a consortium of programs and providers at the community level (CPS, Headstart, public school systems, regional mental health centers, medical facilities and group or individual practitioners) to implement an integrated referral and monitoring system for abused and neglected children with handicapping or disabling conditions is needed.

12. Perinatal Prevention for Adolescent Parents through Public School Systems. While a number of urban hospital-based perinatal projects have been tested, little is known about how to use the school system as a potential for support and prevention of child maltreatment by adolescent mothers. What is known is that the school system appears to be a medium through which these young mothers can be reached, in coordination with public health departments. What is needed is information on cost-effective, urban and rural approaches to prevention of child

abuse and neglect, using the school system as the means of access to a population of adolescent mothers.

13. Demonstration of the Role of Retired Persons and the Elderly in Prevention and Treatment of Child Abuse and Neglect. Current demographic trends show an increasing population of older people. This group represents a potential source of support and nurturance for children who have been maltreated and for critical roles in programs directed at prevention of maltreatment. The Foster Grandparent program represents but one model. It is important to determine how the cadres of available and willing elderly can be most effectively used in a variety of roles: as tutors, friendly visitors, parent surrogates for maltreating parents, homemakers, social service aides, drivers, etc.

14. Service Improvement of Community-Based Prevention and Treatment of Child Abuse and Neglect. Evidence has shown that there are practices and procedures with demonstrated effectiveness that require appropriate implementation throughout the child protective service system nationwide. Practices including perinatal prevention services, parent education and peer support groups, home visitor and parent aide, multidisciplinary resource team consultation for difficult cases, and tracking systems for use with children in emergency care are examples of practices and procedures that need to be incorporated into ongoing child protective systems.

15. An Investigation of Children Referred to Child Protective Service Agencies for Reason of Lack of Supervision. Lack of supervision, a sub-category of neglect, is the largest single category of substantiated child maltreatment. It accounted for 21 percent of all substantiated child maltreatment in 1980. The field has not examined the range of reasons why children have been left unattended by their caretakers, nor has it addressed the issue of whether child protective service agencies should have the dominant role in addressing the problem. While a number of day care needs assessments have been conducted, these have only tangentially addressed the issue of being left alone. A systematic investigation of the characteristics and attitudes of parents reported for leaving children unsupervised and the child protective service agency's response to such reports is needed.

Major efforts have been undertaken in the last several years to deal with the problem of maltreatment of children in out-of-home placements including the development of training curricula for direct care workers, guides for evaluation of residential facilities and programs for children, a children's "Bill of Rights," a worker's "Bill of Rights," a training program and guidelines for citizen review of residential programs for children, a crisis intervention curriculum, an institutional assessment methodology, a curriculum for training of investigators, a handbook for residential child care facilities on "Sexually Abused Children: Prevention, Protection and Care," and a draft institutional child abuse statute. Further efforts have resulted in studies of administrative practices of care providers, their willingness to report abuse of children in out-of-home care, the development of a Statewide ombudsman concept of working with residential programs, and a screening program for hiring of direct care workers and supervisors which can indicate potential for success when working in the "care" environment. In fiscal year 1984, we are proposing to supplement grants directly to States to adapt and implement strategies to address the problems of child maltreatment in residential programs and out-of-home care.

(Catalog of Federal Domestic Assistance Program Number: 13.628, Child Development—Child Abuse and Neglect Prevention and Treatment)

Dated: August 12, 1983.

Lucy C. Biggs,

Acting Commissioner, Administration for Children, Youth and Families.

Dated: August 23, 1983.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

[FR Doc. 83-23587 Filed 8-26-83; 8:45 am]

BILLING CODE 4130-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Intent To Prepare Environmental Impact Statement on Proposed Lease of Papago Indian Community Lands (San Xavier District) Facilitating Development of San Xavier Planned Community Along Interstate 19, Pima County, Arizona

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Intent to prepare an environmental impact statement.

SUMMARY: This notice advises the public that the Bureau intends to gather information necessary for the preparation of an Environmental Impact Statement (EIS) for the lease of approximately 18,000 acres located along Interstate 19 on Papago Indian Community lands, Pima County, Arizona. The lease will facilitate the development of the San Xavier Planned Community, which could potentially contain 110,000 residents.

Public meetings regarding this proposal and preparation of this EIS will also be held. This notice is being furnished as required by the National Environmental Policy Act (NEPA) Regulations (40 CFR 1501.7) to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. Comments and participation in this scoping process are solicited.

The public meetings will be held on September 29 and October 6, 1983 at the San Xavier District Office, located on San Xavier Road immediately west of the San Xavier Mission; and the Federal Office Building, Conference Room 4–B, 301 W. Congress, Tucson, Arizona 85701, respectively.

FOR FURTHER INFORMATION CONTACT: Robert H. Berger, Environmental Protection Specialist, Bureau of Indian Affairs, P.O. Box 7007, Phoenix, Arizona 85011, telephone (606) 241–2275.

SUPPLEMENTARY INFORMATION: The EIS will evaluate the impacts associated with the potential development facilitated by the lease of approximately 18,000 acres located south of the City of Tucson. The lease area is located on the Papago Indian Community (San Xavier District), approximately 2.5 miles southwest of the Tucson International Airport. The proposed action includes the lease of approximately 18,000 acres which is proposed to be developed as a planned community composed of residential, commercial, industrial, recreational, open space, service uses, and related infrastructure. Alternatives to be considered are not established at this time. Scoping meetings to identify issues and clarify alternatives to be evaluated in the EIS will be held at the San Xavier District Office, located on San Xavier Road immediately west of the San Xavier Mission at 7:30 p.m. on September 29, 1983; and at the Federal Office Building, 301 W. Congress,Tucson, Arizona 85701 in Conference Room 4–B at 2:00 p.m. on October 6, 1983. Significant issues to be covered during the scoping process include cultural resource investigation, paleontological resources, future land use and circulation, socio-economic changes to the area, air quality, and water quality.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), and Department of the Interior procedures (516 DM 1–6) for compliance with those regulations.

We estimate the Draft EIS will be available for public review in approximately six months.

This notice is published in excercise of authority delegated by the Secretary of the Interior to the Assistant Secretary-Indian Affairs by 209 DM 8.

Dated: August 23, 1983.

John W. Fritz,

Deputy Assistant Secretary-Indian Affairs (Operations).

[FR Doc. 83-23565 Filed 8-26-83; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[AA-6698-E]

Alaska Native Claims Selection; Salamatof Native Association, Inc.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976) (ANCSA)), will be issued to Salamatof Native Association, Inc., for approximately 1,545 acres. The lands involved are within the Seward Meridian, Alaska:

T. 4 N., R. 9 W.;
T. 4 N., R. 10 W.;
T. 6 N., R. 10 W.; and
T. 6 N., R. 11 W.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the Anchorage Daily News upon issuance of the decision. For information on how to obtain copies, contact Bureau of Land Management, Alaska State Office, Division of Conveyance Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until September 28, 1983, to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Salamatof Native Association, Inc., P.O. Box 2682, Kenai, Alaska 99611
Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509
State of Alaska, Title Administration, Division of Technical Services, Alaska Department of Natural Resources, Pouch 10–7035, Anchorage, Alaska 99510

Doris Diakokis,

Acting Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-23578 Filed 8-26-83; 8:45 am]

BILLING CODE 4310-84-M

Prineville District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92–463 of a meeting of the Prineville District Grazing Advisory Board to be held September 27, 1983.

The meeting will take place at 10:00 A.M. in the conference room of the Bureau of Land Management office located at 185 East 4th Street, P.O. Box 550, Prineville, OR 97754.

The agenda will center on the following items:

1. Cooperative Management Agreements.

2. Fiscal year 1984 annual work plan.

3. Review of the brothers Rangeland Program Summary.

The meeting is open to the pubic. Anyone wishing to attend and/or make written or oral statements to the board is requested to contact the District Manager at the above address prior to September 21.

Summary minutes of the meeting will be available for review and reproduction within 30 days following the meeting.

August 19, 1983.

James L. Hancock,

Associate District Manager.

[FR Doc. 83-23557 Filed 8-26-83; 8:45 am]

BILLING CODE 4310-84-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-139]

Investigation on Certain Caulking Guns; Commission Decision Not To Review Initial Determination Terminating Respondent

Correction

In FR Doc. 83–22677 appearing on page 37538 in the issue of Thursday, August 18, 1983, the heading contained the word "Antidumping". It should have appeared as set forth above.

BILLING CODE 1505-01-M

[Investigation No. 337-TA-141]

Investigation on Certain Copper-Clad Stainless Steel Cookware; Commission Determination Not To Review Initial Determination Terminating Respondent

Correction

In FR Doc. 83–22678 appearing on page 37538 in the issue of Thursday, August 18, 1983, the heading contained the word "Antidumping". It should have appeared as set forth above.

BILLING CODE 1505-01-M

[Investigation No. 337-TA-139]

Investigation on Certain Caulking Guns; Commission Decision Not To Review Initial Determination Terminating Respondent

Correction

In FR Doc. 83-22679 beginning on page 37538 in the issue of Thursday, August 18, 1983, the heading contained the word "Antidumping". It should have appeared as set forth above.

BILLING CODE 1505-01-M

[Investigations Nos. 731-TA-108 and 109 (Final)]

Investigation on Portland Hydraulic Cement From Australia and Japan; Location of Hearing

Correction

In FR Doc. 83-22680 appearing on page 37539 in the issue of Thursday, August 18, 1983, the heading contained the word "Antidumping". It should have appeared as set forth above.

BILLING CODE 1505-01-M

[731-TA-44; Final]

Sorbitol From France; Public Hearing in Remand Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Schedule a hearing to be held in connection with the remand investigation.

Scope of the Hearing

Parties participating in this investigation may present legal arguments, economic analyses, and factual materials as to whether—at the time of the Commission's determination in March 1982—an industry in the United States was materially injured or threatened with material injury by reason of imports of sorbitol from France, which the Department of Commerce had determined was being sold at less than fair value.

SUMMARY: On August 11, 1983, Roquette Freres requested a public hearing in this remand investigation. On August 24, 1983, the Commission determined to grant Roquette's request and schedule a public hearing in the above investigation.

EFFECTIVE DATE: August 24, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn Featherstone, Office of Investigations, U.S. International Trade Commission, room 346, 701 E Street, NW., Washington, D.C. 20436; telephone (202) 523-0242.

SUPPLEMENTARY INFORMATION: On March 23, 1982, the Commission determined on the basis of the information developed during the course of investigation No. 731-TA-44 (Final), that an industry in the United States was materially injured by reason of imports of sorbitol from France, provided for in TSUS item 493.68, which the Department of Commerce had determined was being sold or was likely to be sold at less than fair value.

On July 18, 1983, the Court of International Trade remanded this investigation for a new determination within sixty days from the date of entry of the order. *Roquette Freres* v. *United States*, Court No. 82-5-00636, Slip Op. 83-71. Accordingly, the Commission instituted investigation No. 731-TA-44 (Final) to determine whether an industry in the United States is materially injured or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise provided for in item 493.68 of the Tariff Schedules of the United States (TSUS). Notice of the investigation was published in the **Federal Register** of August 3, 1983 (48 FR 35186).

Hearing.—The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m. on September 19, 1983, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on September 2, 1983. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:30 a.m. on September 9, 1983, in room 117 of the U.S. International Trade Commission. The deadline for filing prehearing briefs is September 14, 1983. If a party has submitted a brief by August 19, 1983, in accordance with the notice of institution of this investigation (48 FR 35186), it may designate this brief as its prehearing brief.

Testimony at the public hearing is governed by section 207.23 of the Commission's rules (19 CFR 207.23, as amended by 47 FR 33682, Aug. 4, 1982). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in the prehearing brief and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in the prehearing briefs. Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and are to be submitted at a time specified by the presiding officials at the hearing.

Written submissions.—As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigations on or before September 14, 1983. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and C (19 CFR Part 207, as amended by 47 FR 33682, Aug. 4, 1982), and Part 201, subparts A through E (19 CFR Part 201, as amended by 47 FR 33682, Aug. 4, 1982).

This notice is published pursuant to § 207.23 of the Commission's rules (19 CFR 207.23, as amended by 47 FR 33682, Aug. 4, 1982).

By order of the Commission.

Issued: August 24, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-23686 Filed 8-26-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-161]

Trolley Wheel Assemblies; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 20, 1983, under section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, on behalf of C. L. Frost & Son, Inc., 2020 Bristol, N.W., Grand Rapids, Michigan 49504. A supplement to the complaint was filed on August 8, 1983. The complaint alleges unfair methods of competition and unfair acts in the importation of certain trolley wheel assemblies into the United States, or in their sale, by reason of alleged (1) infringement of the claims of U.S. Letters Patent No. 4,109,343; (2) common law trademark infringement; (3) false designation of source of origin; (4) passing off; and (5) failure to mark country of origin. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is destroy or substantially injure an industry, efficiently and economically operated, 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 permanent cease and desist orders.

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 19, 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 unlawful importation of certain trolley wheel assemblies into the United States, or in their sale, by reason of alleged (1) infringement of the claims of U.S. Letters Patent No. 4,109,343; (2) common law trademark infringement; (3) false representation; (4) passing off; and (5) failure to mark country of origin, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, 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—

C. L. Frost & Son, Inc., 2020 Bristol, N.W., Grand Rapids, Michigan 49504

(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:

Sam Kwang Metal Ind. Co. Ltd., 775–3 Wonsi-Ri, Kunja-Meun, Siheung-Kun, Kyungik-do, Korea

Sunkyong Limited, C.P.O. Box 1780, Seoul, Korea

Tri-II, Inc., 8505 Dunwoody Place, Atlanta, Ga. 30338

Bestar, 1116 Aris Ave., Metairie, La. 70005

(c) Jeffrey S. Neeley, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 125, 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 S. Neeley, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–0115.

By order of the Commission.

Issued: August 24, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-23685 Filed 8-26-83; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative

requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 3, (202) 275–5223.

Volume No. OP3–FC–404

MC–FC–81519. By decision of August 17, 1983, issued under 49 U.S.C. 10926 and the transfer rules at CFR 1181, the Review Board, Members Carleton, Joyce and Fortier, approved the transfer to EARL BUCKALLEW AND HERBERT E. VESTAL, d.b.a. B & V TRANSFER & STORAGE, Centerville, IA, of Certificate No. MC 148924, issued May 21, 1982, to LOUIE JOHNSON, d.b.a. LOUIE'S MOVING, Centerville, IA, authorizing the transportation of (1) *livestock,* from Chariton, IA and points within 30 miles of Chariton to Omaha, NE, Chicago, Peoria, and National Stock yards, IL, South St. Paul, MN, Sioux Falls, SD, Kansas City, KS, and Kansas City, St. Louis, and St. Joseph, MO, (2) *feed,* from Omaha, NE, Kansas City, St. Louis, and St. Joseph, MO, Sioux Falls, SD, and Chicago, IL, to Chariton, IA, and points within 30 miles of Chariton, (3) *twine,* from Chicago and Peoria, IL, to Burlington and Creston, IA, points in Iowa within 30 miles of Burlington and Creston, and those in Iowa on and within 30 miles of U.S. Highway 34 between Burlington and Creston, (4) *farm implements,* from Chicago and Peoria, IL, to Chariton, IA and points within 30 miles of Chariton, (5) *flour, petroleum products, hay, sugar, tankage, and seed,* from Omaha, NE, to Chariton, IA and points within 30 miles of Chariton, (6) *seed,* from Chicago, IL, to Chariton, IA and points within 30 miles of Chariton, (7) *tile and cement blocks,* Sheffield, IL, to Chariton, IA, (8) *broom corn,* from Stonington and Springfield, CO, to Chariton, IA, and (9) *household goods, and emigrant movables,* between Chariton, IA and points within 30 miles of Chariton, on the one hand, and, on the other, points in IA, NE, MO, KS, IL, MN, and SD. Representative: Kenneth F. Dudley, 211 E. Second, Suite 115, P.O. Box 279, Ottumwa, IA 52501.

MC–FC–81642. By decision of August 18, 1983 under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, the Review Board, Members Fortier, Dowell and Carleton approved the transfer to K. BELL TRUCKING, INC., of Dublin, GA, of Permit No. MC–159904, issued April 26, 1982, to W. E. HORTON TRUCKING SERVICE, INC., of Dublin, GA, authorizing the transportation of *general commodities* (except classes A and B explosives, household goods and commodites in bulk), between points in the U.S., under continuing contract(s) with Bassett Furniture Co., Wheelers, Inc., and J. P. Stevens Co., Inc., all of Dublin, GA, Cook & Co., Inc., of Lumber City, GA, M & M Clay Co., of McIntyre, GA, and Evans Clay Co., of Summit, NJ. Representative: Virgil H. Smith, 74 Highway N Box 245, Tyrone, GA 30290, (404) 969–1980.

Pleased direct status inquiries to team 4 at (202) 275–7669.

Volume No. OP4–FC–566

MC-FC-81453. By decision of August 18, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, the Review Board, Members Carleton, Fortier, and Dowell, approved the transfer to A–1 MOVING & STORAGE CO., INC., of Des Moines, IA, of Certificate Nos. MC-147436, issued June 30, 1980, MC-147436 Sub 1, issued August 15, 1980, MC-147436 Sub 2, issued September 17, 1980, MC-147436 Sub 3, issued April 10, 1981, and MC-147436 Sub 5, issued March 30, 1983, to BELTMAN NORTH AMERICAN CO. INC., of Minneapolis, MN, authorizing the transportation of household goods, in MC-147436, between Milwaukee, Waukesha, Washington, and Ozaukee Counties, WI, on the one hand, and, on the other, points in IA, IL, IN, KS, KY, MI, MN, MO, NE, ND, OH, and SD; in Sub 1, btween points in Clarke, Dallas, Jasper, Madison, Marion, Polk, Story, and Warren Counties, IA, on the one hand, and, on the other, points in IL, IN, KS, KY, MI, MN, MO, NE, ND, SD, and WI; in Sub 2, between points in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties, MN, on the one hand, and, on the other, points in IA, IL, IN, KS, KY, MI, MN, MO, ND, NE, OH, OK, SD, and WI; in Sub 3, between points in Cook, DuPage, Kane, Kendall, Lake, McHenry, and Will Counties, IL, on the one hand, and, on the other, points in IA, IL, IN, KS, KY, MI, MN, MO, ND, NE, OH, SD, and WI; and in MC-147436 Sub 5, household goods, furniture and fixtures, (1) between points in WI, IA, IL, IN, KS, KY, MI, MN, MO, ND, NE, OH, SD, and OK, and (2) between points in (1) above, on the one hand, and, on the other, points in the U.S. (except AK and HI). Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC. 20036, (202) 833–3315.

MC-FC-81650. By decision of August 18, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, the Review Board, Members Dowell, Carleton, and Fortier approved the transfer to JOHN S. WATSON, d.b.a. JOHN S. WATSON TRUCKING COMPANY, of Weston, WV, of Permit No. MC-151757 (Sub-No. 1), issued May 14, 1982, to EDWARD CAIN, of Grantsville, WV, authorizing the transportation of *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wirt Inflatable Specialists, Inc., of Elizabeth, WV. Transferee is a carrier holding authority under No. MC-138878. Representative: John M. Firedman, 2930 Putnam Ave., P.O. Box 426, Hurrican, WV 25526, for both transferee and transferor. (304) 562–3460.

Please direct status inquiries to Team 5, (202) 275–7289.

Volume No. OP5–FC–432

MC-FC-81657. By decision of August 16, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, the Review Board, Members Fortier, Carleton and Joyce approved the transfer to GIBRALTAR VAN & STORAGE, INC., of Trenton, MI of Certificate No. MC-20968 issued January 29, 1965, to IMLACH MOVERS, INC., of Trenton, MI, authorizing the transportation of (1) household goods (a) between Rock Island, IL, and points within 25 miles thereof, on the one hand, and, on the other, points in IL, IN, OH, PA, NJ, NY, NE, KS, MO, KY, TN, MN, IA, and DC; (b) between Detroit, MI, and points within three miles of Detroit, on the one hand, and, on the other, points in WI, IL, IN, OH, WV, PA, NY, CT, and (c) between points in NY, MA, NJ, DE, MD, PA, VA, WV, WV, OH, IN, IL, IA, MI, WI, and DC; and (2) mangles and washing machines, from Newton, IA, to Rock Island, IL, and points within ten miles thereof. An application for TA has been filed. Representative: Robert J. Gallagher, 1435 G Street NW., Suite 848, Washington, DC 20005.

[FR Doc. 83-23590 Filed 8-26-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44),

Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C 11344 and 11349, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1182.2 (d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate as applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Agatha L. Mergenovich,

Secretary.

Please direct status inquires to Team 1, (202) 275–7992.

Volume No OPI–353

Dated: August 17, 1983.

By the Commission, the Review Board, Members Carleton, Joyce and Fortier.

MC–F–15376, filed July 29, 1983. NORTH PENN TRANSFER, INC. (Routes 63 and 202, P.O Box 230 Lansdale, PA 19446)—merger—FOLLMER TRUCKING COMPANY (Old Trail Road, Hummers Wharf, PA 17851). Representative: Daniel W. Krane, P.O. Box E, Shiremanstown, PA 17011. North Penn Transfer, Inc. (North Penn), a motor common carrier, in control of NPFT, Inc., a noncarrier, seeks authority to merge all the operating rights and property of Follmer Trucking Company (Follmer Trucking), a motor common carrier controlled by NPFT, Inc., into North Penn; and, in turn, Arthur N. Anders, Arthur F. Anders III, and James P. Anders, controlling shareholders in Anders Holding Company, which control North Penn, NPFT, Inc., and Follmer, seek authority to acquire control of the unified operating rights and property through the transaction. The operating rights of Follmer Trucking are contained in Certificates No. MC–33520 and subnumbers thereunder, which authorize (a) the regular-route transportation of general commodities (with various exceptions), between named points in Pennsylvania, and between Hazelton, PA, and Endicott, NY, chemicals, acids, dyestuffs, paper and paper products, between Lock Haven, PA, and New York, NY, automobile bodies, between Mifflinburg, PA, and New York, NY, boilers, furnaces, and parts, between Williamsport, PA, and New York, NY, and empty vehicles, between New York, NY, and Philadelphia, and between Philadelphia, PA, and Baltimore, MD; and (b) the irregular-route transportation of general commodities (with various exceptions), from Allentown, PA, to points in nine Pennsylvania counties.

Notes.—(1) North Penn is a motor common carrier pursuant to certificates No. MC–52932 and subnumbers thereunder. (2) No TA has been filed.

Please direct status inquiries to Team 2, (202) 275–7251.

Volume No. OP–2–371

Decided: August 11, 1983.

By the Commission.

MC–F–15377, filed July 29, 1983. CON-WAY EASTERN EXPRESS, INC., 167 Flanders Street, Rochester, NY 14619—control—PENN YAN EXPRESS, INC., 100 West Lake Road, Penn Yan, NY 14527, and C.M.A. TRUCK LINES, INC., P.O. Box 24004, Baltimore, MD 21227. Representatives: Eugene T. Liipfert, Suite 1100, 1660 L St., NW., Washington, DC 20036, and Russell R. Sage, Suite 304, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. CON-WAY EASTERN EXPRESS, INC. (Con-Way), a motor carrier, in control of PYA Corporation, a noncarrier, seeks authority to acquire control of Penn Yan Express, Inc. (Penn Yan), a motor carrier, and, through such control of Penn Yan, to acquire control of its motor carrier subsidiary C.M.A. Truck Lines, and of its noncarrier subsidiaries Conn Realty Corporation and Keuka Truck Parts, Inc., through purchase of 247,886 shares of class A capital stock presently held by Robert L. and Frances S. Hinson, constituting a majority (approximately 58.1 percent) of the total outstanding common capital stock of Penn Yan, to be placed in a voting trust of which the American Security Bank, N.A., of Washington, DC will be trustee. In addition, CF Land Services, Inc., not a carrier but sole stockholder of Con-Way, and CF Land Transportation, Inc., not a carrier but sole stockholder of CF Land Services, Inc., and Consolidated Freightways, Inc., a noncarrier holding company which controls CF Land Transportation and also controls CF Land Services, jointly seek control of Penn Yan and of the operating rights and property through the transaction. Con-Way has been granted authority under certificate No. MC–165442, issued July 25, 1983, to transport general commodities, with three exceptions, between points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and the District of Columbia. Penn Yan was incorporated in 1941 and, under MC–105902 and subnumbers thereunder, is authorized to transport general commodities, principally over regular routes in New York, New Jersey, Pennsylvania, Ohio, West Virginia, Maryland, Delaware, Virginia, the District of Columbia and Chicago, IL, and, over irregular routes, between points in six counties in northern New

York, on the one hand, and, on the other, points in Texas and those points in the United States in the east of Minnesota, Iowa, Missouri, Arkansas, ;and Louisiana. Penn Yan also operates in intrastate commerce in New York. C.M.A. Truck Lines became Penn Yan's subsidiary pursuant to authority acquired in MC–FC–80005, now contained in certificate No. MC–163779, issued January 18, 1983, and generally embracing portions of Penn Yan's authority.

Notes.—(1) Authority is also sought by Con-Way to temporarily control through management the operating rights and property of Penn Yan and its wholly owned carrier and noncarrier subsidiaries, pending disposition. (2) Concurrently with consummation of control, Penn Yan would be merged into PYA Corporation, with Penn Yan to be the surviving corporation of the merger. (3) Con-Way is part of a carrier systemn ultimately controlled by Consolidated Freightways, Inc., which acts as a holding company in control of various subsidiaries engaged in a variety of activities that include, Consolidated Freightways Corporation of Delaware, a large motor carrier of general commodities, other motor carriers, and a freight forwarder. Despite the fact that the carrier system of which Con-Way is a part includes a freight forwarder, no violation of 49 U.S.C. 11323(a) will occur as a result of the transaction because Penn Yan will be controlled directly by a carrier.

[FR Doc. 83-23592 Filed 8-26-83; 8:45 am]

BILLING CODE 7035-01-M

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).

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

Volume OP2–372

Decided: August 20, 1983.

MC–F–15398, REISCH ENTERPRISES, INC.—continuance in control—REISCH TRUCKING & TRANSPORTATION CO., INC., AND COORDINATED TRANSPORT, INC. Reisch Enterprises, Inc. (REI), a non-carrier, seek an exemption from the requirement under section 11343 of prior regulatory approval for the continuance is control of Reisch Trucking & Transportation Co., Inc. (Reisch) (MC–16513), and Coordinated Transport, Inc. (CTI) (MN-169794) upon institution of operations as a motor contract carrier by the latter. REI controls Reisch through stock ownership. All of the stock of CTI is owned by Coordinated Services, INc., a non-carrier which, is turn, is a wholly owned subsidiary of REI. Send Comments to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representative: Russell R. Sage Suite 304, Overlook Bldg. 6121 Lincoln Rd. Alexandria, VA 22312. Comments should refer to NO. MC–F–15398.

Note.—Coordinated Transport, Inc. has filed its initial directly related application in No. MC–169794.

Volume OP3–MCF–410

Decided: August 22, 1983.

MC–F–15401, POLMAN TRANSFER, INC.—purchase exemption—GLORY BOUND EXPRESS, INC. Polman Transfer, Inc. (MC–116227) seeks an exemption from the requirements under section 11343 of prior regulatory approval for its purchase of the permit of Glory Bound Express, Inc. (MC–156005), which authorizes the transportation of (1) lumber and wood products, and (2) metal products, between points in the United States, under continuing contract(s) with Continental Custom Bridge Compay, of Alexandria, MN. Send Comments to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representative : Rrobert P. Sack, P.O. Box 21–307, St. Paul, MN 55121. Comments should refer to No. MC–F–15401.

MC–F–15403, TERRY'S EXPRESS, INC.—purchase exemption—LIBERTY TRANSFER & STORAGE CO., INC. Terry's Express, Inc. (No. MC–138113) seeks an exemption from the requirement under section 11343 of prior regulatory approval for its purchase of the operating rights of Liberty Transfer & Storage Co., Inc., authorizing the transportation, in No. MC–3535, of (1) general commodities (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Evansville, IN, and those within 3 miles of Evansville, (2) household goods, between Evansville, IN, on the one hand, and, on the other, points in OH, IL, MI, MO, and IN, and (3) structural and building steel, iron castings, and corrugated steel building parts, from Evansville, IN, to points in KY and IL within 175 miles of Evansville; and, in NO. MC–3535 (Sub-NO. 1), and (1) general commodities (except classes A and B explosives, household goods, and commodities in bulk), between points in Vanderburgh, Warrick, and Spencer Counties, IN, and Daviess and Henderson Counties, KY, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, CO, OK, and TX, (2) machinery, between Indianapolis, IN, on the one hand, and, on the other, points in KY, and (3) metal products, between Chicago, IL, on the one hand, and, on the other, points in IN and KY. Send comments to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioners' representative: For Purchaser: J. H. James, 2306 W. Iowa, Evansville, IN 47712. For Seller: Kenneth S. Seals, 910 E. Maxwell Ave., Evansville, IN 47717. Comments should refer to No. MC–F–15403.

Volume OP5–F–431

Decided: August 18, 1983.

MC–F–15402, FREDERICK TRANSPORT (U.S.), INC.—purchase exemption—CONTROLLED DELIVERY SERVICE, INC. Frederick Transport (U.S.), Inc., seeks an exemption from the requirement under section 11343 of prior regulatory approval for its purchase of a portion of the operating rights of Controlled Delivery Service, Inc. Controlled Delivery Service, Inc., holds authority in certificate No. MC–148158 (Sub-No. 18) to transport general commodities (except classes A and B explosives), between points in the United States. Frederick Transport (U.S.), Inc., seeks to purchase that portion of certificate No. MC–148158 (Sub-No. 18) authorizing the transportation of commodities in bulk

between points in the United States. Send comments to: (1) Office of the Secretary Case Control Branch Interstate Commerce Commission Washington D.C. 20423; and (2) Petitioners' representatives: Robert L. Cope, Grove, Jaskiewicz, Gilliam & Cobert 1730 M Street, NW., Washington, DC 20036; and Jeremy Kahn, Kahn and Kahn, Suite 733 Investment Building, 1511 K Street, NW., Washington, DC 20005. Comments should refer to No. MC–F–15402.

[FR Doc. 83–23591 Filed 8–26–83; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. OP 5–441]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: August 18, 1983.

90-Day Intrastate Motor Common Carriers of Passengers.

The following applications, filed on or after November 19, 1982, are governed by Part 1168 of the Commission's Rules of Practice. See 49 CFR Part 1168, published in the **Federal Register** on November 24, 1982, at 47 FR 53275. For compliance procedures, see 49 CFR 1168.6 and 49 U.S.C. 10922 (c)(2)(E).

Persons wishing to oppose an application must follow the rules under 49 CFR Part 1168. In addition to fitness grounds, applications may be opposed on the grounds that the transportation to be authorized would directly compete with a commuter bus operation and would have a significant adverse effect on all commuter bus service in the area in which the competing service will be preformed. 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 representitive of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 25 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 30 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.

By the Commission, Review Board Number Carleton, Fortier and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are filed under 49 U.S.C. 10922(c)(2)(A) for authority to operate as a motor common carrier of passengers in intrastate commerce on a route over which applicant has interstate, regular-route authority on November 19, 1982.

Please direct status inquiries to Team 5, (202) 275–7289.

MC 84728 (Sub-69), filed August 5, 1983. Applicant: SAFEWAY TRAILS, INC., 1200 Eye Street, NW., Washington, DC 20005. Representative: George W. Hanthorn, 1500 Jackson Street Dallas, TX 75201, (214) 655–7937. Applicant seeks authority in intrastate commerce, (1) to conduct service at all intermediate points on routes in that port on No. MC–84728 Sub 51, between Reading, PA, and Lancaster, PA, and (2) to conduct service at all intermediate points on routes in No. MC–84728 Sub 67, in part as follows: To operate over the routes between Baltimore, MD and Lancaster, PA, to provide intrastate service at all intermediate points between (a) Baltimore, MD and the Maryland-Pennsylvania State line and (b) between the Pennsylvania-Maryland State line and Lancaster, PA.

Note.—Applicant intends to tack this authority with its existing authority.

[FR Doc. 83–23593 Filed 8–26–83; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. OP3–385]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

The following restriction removal applications, are governed by 49 CFR 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries about the following to Team Three (3) at (202) 275–5223

Volume No. OP3–385

Decided: August 19, 1983.

By the Commission, Review Board Members Carleton, Fortier, and Dowell.

MC 158525 (Sub-1)X, filed July 14, 1983. Applicant: M.B. TRANSPORTS, INC., P.O. Box 1557, Levelland, TX 79336. Representative: George Lynch, 3814 North Santa Fe, Oklahoma City, OK 73118, (405) 840–1071. Lead certificate: (1) Broaden the territorial description to "between points in TX, OK, NM, KS, LA, WY, UT, CO, and ND" and (2) remove the restriction "restricted

against traffic originating at the port facilities of St. Mary, Terrebonne, Jefferson, St. Bernard and St. Charles Parishes, LA".

[FR Doc. 83-23594 Filed 8-26-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an interstate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common coptrol, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier-that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker-that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 1, (202) 275-7030.

Volume No. OP-1-351 (N)

Decided: August 19, 1983.

By the Commission, Review Board Members Carleton, Dowell, and Fortier.

MC 120581 (Sub-2), filed August 8, 1983. Applicant: P & L TRANSPORTATION CO. INC., P.O. Box 3222, Houston, TX 77001. Representative: Charles E. Munson, 500 West Sixteenth Street, P.O. Box 1945, Austin, TX 78767, (512) 478-9808. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), (1) between points in TX, LA, OK, NM, AR, MS, and TN, and (2) between points in TX, LA, OK, NM, AR, MS, and TN, on the one hand, and, on the other, points in WA, OR, CA, NV, ID, UT, AZ, NM, CO, WY, MT, ND, SD, NE, KS, OK, TX, LA, MS, AR, TN, MO, IA, and MN. Condition: issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of Certificate of Registration No. MC-120581 Sub-No. 1.

MC 125551 (Sub-35), filed August 12, 1983. Applicant: K & W TRUCKING CO., INC., 101 Cooper Avenue North, P.O. Box 1415, St. Cloud, MN 56302. Representative: E. Lewis Coffey (same address as applicant), (612) 255-7474. Transporting *machinery*, between points in ths U.S. (except HI), under continuing contract(s) with Evans Equipment Co., of Kent, WA.

MC 151051 (Sub-3), filed August 12, 1983. Applicant: HOMANN TRANSPORT, INC., Route 1, Jim Falls, WI 54748. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *building materials and wood products*, between points in WI, on the one hand, and, on the other, points in IL, IA, MI and MN.

MC 156691 (Sub-2), filed August 11, 1983. Applicant: A. C. LEASING COMPANY, 3023 E. Kemper Road, Cincinnati, OH 45241. Representative: James Duvall, 2515 W. Granville Road, Worthington, OH 43085, (614) 889-2531. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers, between points in the U.S. (except AK and HI), under continuing contract(s) with The Continental Group, Inc., of Stamford, CT.

MC 164001 (Sub-2), filed August 12, 1983. Applicant: A. FRANK COWAN, d.b.a.: FRANK COWAN TRUCKING, 5891 Kingston Way, Murray, UT 84107. Representative: Bruce W. Shand, 311

South State St., Suite 280, Salt Lake City, UT 84111, (801) 531-1300. Transporting *chemicals and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Dal-Soglio, Inc., of Midvale, UT.

MC 169540, filed August 11, 1983. Applicant: HIGHWOOD CARRIERS; LTD., P.O. Box 507, High River, Alberta, Canada TOL IBO. Representative: William E. Seliski, 2 Commerce St., P.O. Box 8255, Missoula, MT 59807, (406) 543-8369. Transporting (1) *such commodities* as are dealt in or used by lumber yards, between points in WA, OR, ID, CA, and MT, on the one hand, and, on the other, those points in the U.S. in and west of PA, WV, KY, TN, AR, and LA (except AK and HI), and (2) *Mercer commodities, machinery, and fertilizer*, between ports of entry on the international boundary line between the United States and Canada in WA, ID, MT, ND, and MN, on the one hand, and, on the other, those points in the U.S. in and west of PA, WV, KY, TN, AR, and LA (except AK and HI).

MC 169800, filed August 11, 1983. Applicant: VIRGINIA HAULING, INC., 2729 Valley Avenue, Winchester, VA 22601. Representative: Richard L. Feller (same address as applicant), (703) 667-8044. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in DE, FL, GA, KY, MD, NC, NJ, NY, OH, PA, SC, TN, WV, VA, and DC.

Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP-2-369

Decided: August 22, 1983.

By the Commission, Review Board Members Fortier, Carleton, and Dowell.

MC 144922 (Sub-10), filed August 2, 1983. Applicant: A.T.F. TRUCKING CO., INC., Route 11, Box 507-B, Birmingham, AL 35210. Representative: John R. Frawley, Jr., P.O. Box 66111, Irondale, AL 35210-2694, 205-956-9749. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 167482, filed August 19, 1983 (correction), previously published in the **Federal Register** issue of May 9, 1983, and republished this issue, as corrected. Applicant: JAMES THOMPSON, JACK THOMPSON and LARRY THOMPSON, d.b.a. THOMPSON TRUCKING, Country Rd., Rt. 1, Box 161, Canton, TX 75103. Representative: D. Paul Stafford, Suite 1125, Frito Lay Tower, P.O. Box 45538, Dallas, TX 75245, 214-358-3341. Transporting *motorcycles and machinery*, between points in NE, LA, TX, CA, and GA, on the one hand, and, on the other, points in OK, LA, MS, and TX.

Note.—This republication is to include LA, omitted in the prior publication, as a base point in the territory description.

MC 169632, filed August 3, 1983. Applicant: PROVIDENCE AND WORCESTER RAILROAD COMPANY, One Depot Sq., Woonsocket, RI 02895. Representative: Mark D. Russell, Ste. 348, Pennsylvania Bldg., 425-13th St., NW., Washington, DC 20004-1879 (202) 737-2188. Transporting *general commodities* (except classes A and B explosives and household goods), between those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 169823, filed August 11, 1983. Applicant: STATEN ISLAND COMMUTER SERVICE, INC., 71 New Hook Access Rd., Bayonne, NJ 07702. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076, 201-322-5030. Transporting *passengers*, over *regular routes*, between the Boroughs of Staten Island and Manhattan, NY: from Staten Island over the Goethals Bridge to junction NJ Turnpike Interchange 13, then over the NJ Turnpike to junction NJ Turnpike Interchange 16 and access roads to the Lincoln Tunnel, then through the Lincoln Tunnel to Manhattan, and return over the same route, serving all intermediate points. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a), submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exeption under 49 U.S.C. § 11343(e), to the Secretary's Office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 2, Room 2379.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce.

Volume No. OP-2-373

Decided: August 22, 1983.

By the Commission, Review Board Members Carleton, Krock, and Dowell.

MC 161462 (Sub-9), filed August 8, 1983. Applicant: ILLINI 48, INC., 5501 West 109th St., Oak Lawn, IL 60453. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312-782-8880. Transporting *such commodities* as are dealt in or used by wholesale, retail and chain grocery and food business houses, between points in the U.S. (except AK and HI), under continuing contract(s) with Libby, McNeill & Libby, Inc., of Chicago, IL.

MC 165043, filed August 3, 1983. Applicant: THE EUREKA PIPE LINE COMPANY, P.O. Drawer 808, 963 Market St., Parkersburg, WV 26101. Representative: Ronald L. Ridgeway (same address as applicant) (304) 485-5548. Transporting *petroleum and petroleum products*, between points in Kanawha and Lincoln Counties, WV, on the one hand, and, on the other, points in Boyd County, KY, under continuing contract(s) with Pennzoil Products Company, a Division of Pennzoil Company, of Houston, TX.

MC 166123 (Sub-1), filed August 4, 1983. Applicant: EL PASO, TEXAS, EXPRESS, INC., 7179 Industrial (P.O. Box 26186), El Paso, TX 79915. Representative: William J. Prince (same address as applicant), (915) 779-7900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AZ, NM, and points in TX on and west of U.S. Hwy. 83.

MC 169432, filed August 4, 1983. Applicant: ACTION DELIVERY SERVICE, INC., 2401 W. Marshall Dr., Grand Prairie, TX 75051. Representative: A. William Brackett, 623 S. Henderson, 2nd Fl., Fort Worth, TX 76104, (817) 332-4415. 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 Action Warehouse Services, Inc., of Grand Prairie, TX.

MC 169493, filed July 28, 1983. Applicant: CHIEF'S TRUCKING CO., 19300 Allen Rd., Melvindale, MI 48122. Representative: Alex J. Miller, 555 South Woodward, Suite 512, Birmingham, MI 48011, 313-647-3350. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in MI, OH, IN, and IL.

MC 169593, filed August 2, 1983. Applicant: JOHN HARVAN, d.b.a. HARVAN'S HAULERS, INC., 7 Forestdale Rd., Paxton, MA 01612. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841, 617-657-8250. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in MA, RI, ME, NH, VT, CT, NY, NJ, PA, MD, DE, and DC.

MC 169732, filed August 5, 1983. Applicant: T. E. MARTIN, d.b.a. MARTIN'S TRUCK LINES, P.O. Box 363, Mill Pond Rd., Ludowici, GA 31316.

Representative: John W. Greer III, 57 Forsyth St., NW., 925 Healey Bldg., Atlanta, GA 30303, (404) 523–1601. Transporting *metal products*, between points in FL, GA, TN, AL, MS, KY, IN, IL, OH, MI, WI, MN, IA, AR, LA, MO, CT, SC, NC, VA, MD, DE, NJ, PA, NY, RI, MA, WV, TX, OK, KS, NE, SD, and ND.

MC 169752, filed August 8, 1983. Applicant: JOE K. SMITH TRUCKING COMPANY, Rt. 6, Box 397, Cumming, GA 30130. Representative: Robert C. Boozer, 1400 Candler Bldg., 127 Peachtree St. NE., Atlanta, GA 30043 (404) 658–8010. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in McCormick County, SC, on the one hand, and, on the other, points in Forsyth County, GA.

Volume No. OP–2–374

Decided: August 22, 1983.

By the Commission, Review Board Members Krock, Parker, and Dowell.

MC 263 (Sub-251), filed August 12, 1983. Applicant: GARRETT FREIGHTLINES, INC., P.O. Box 4048, 2055 Garrett Way, Pocatello, ID 83201. Representative: Bruce A. Bullock, One Woodward Ave., 26th Floor, Detroit, MI 48226, 313–496–3546. 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 Ford Motor Company, of Dearborn, MI, and its subsidiaries.

MC 263 (Sub-252), filed August 16, 1983. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, P.O. Box 4048, Pocatello, ID 83201. Representative: Bruce A. Bullock, One Woodward Ave., 26th Floor, Detroit, MI 48226, 313–496–3534. 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 The Goodyear Tire and Rubber Company, of Akron, OH.

MC 82093 (Sub-6), filed August 8, 1983. Applicant: PORTAGE TRANSFER COMPANY, Box 86, Hiram, OH 44234. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. 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 C.E. Industrial Products Combustion Engineering, Inc., of Valley Forge, PA

MC 135562 (Sub-11), filed August 8, 1983. Applicant: O.C.C., INC., 600 S. Dakota St., Seattle, WA 98108. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055, 206–228–3807. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with persons who are engaged in business as manufacturers, distributors, or dealers of transportation equipment.

MC 141312 (Sub-15), filed August 8, 1983. Applicant: DOKTER TRUCKING CORP., P.O. Box 408, Weeping Water, NE 68463. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, 402–475–6761. Transporting *clay, concrete, glass, or stone products, metal products, and chemicals and related products*, between points in the U.S. (except AK and HI). Condition: Issuance of this authority is subject to prior or coincidental revocation of permits Nos. MC 141312 Sub-No. 1, issued January 28, 1977, and Sub-No. 11X (and the underlying authority under Sub-Nos. 3, 6, 7, 9, and 10), issued June 3, 1981.

Note.—This purpose of this application is to convert applicant's contracts-carrier permits to common carrier certificates.

MC 156673 (Sub-1), filed August 10, 1983. Applicant: DELOY MEPPEN, Rt. 9, Box 152, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 208–343–3071. Transporting (1) *general commodities* (except classes A and B explosives and household goods), between points in CA, ID, MT, NV, OR, UT, WA, and WY, and (2) for or on behalf of the United States Government, *general commodities* except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. Part (2) is published in the **Federal Register**, this issue, under the preface with "fitness applications."

MC 169652, filed August 3, 1983. Applicant: VININGS LEASING COMPANY, 2555 Cumberland Parkway, Suite 200, Atlanta, GA 30339. Representative: J.G. Dail, Jr., P.O. Box LL, McLean, VA 22101, 703–893–3050. 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 (a) American Industiral Chemical Corporation, of Smyrna, GA, (b) Baychem, Inc., of Norcross, GA, (c) Evans Loper & Co., Inc., of Mobile, AL, (d) Formosa Plastics Corporation, LA, of Baton Rouge, LA, (e) Kelly Liquid Feed & Fertilizer, of Marietta, GA, and (f) Vinings Chemical Company, of Atlanta, GA.

Volume No. OP–2–375

Decided: August 22, 1983.

By the Commission, Review Board Members Dowell, Carleton, and Parker.

MC 10942 (Sub-2), filed August 2, 1983 Applicant: PRIMO HAULAGE COMPANY, 55 Lane Ave., West Caldwell, NJ 07006. Representative: A. David Millner, 7 Becker Farm Rd., P.O. Box Y, Roseland, NJ 07068, (202) 992–2200. Transporting *containers and packaging materials*, between points in Morris County, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Tri Coast Container Corp., of City of Industry, CA.

MC 124212 (Sub-120), filed August 5, 1983. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Rd., P.O. Box 30248, Cleveland, OH 44130. Representative: J.A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, 216–566–5639. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S.

MC 144293 (Sub–26), filed August 5, 1983. Applicant: DUANE McFARLAND, d.b.a. McFARLAND TRUCK LINES, P.O. Box 1006, Austin, MN 55912. Representative: Robert S. Lee, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, 612–333–1341. 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). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a), submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exemption under 49 U.S.C. §11343(e), to the Secretary's Office. In order to exedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 2, Room 2379.

MC 147873 (Sub–7), filed July 25, 1983. Applicant: G. BAKER EXPRESS, INC., 1740 Hubbard Dr., Batavia, IL 60510. Representative: Joel H. Steiner, 135 S. LaSalle St., Suite 2106, Chicago, IL 60603, (312) 236–9375. 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 G. Baker Transportation Services, Inc., of Batavia, IL. Condition: Issuance of a Certificate in this proceeding is conditioned upon issuance of the license in MC–168790.

MC 148353 (Sub-5), filed August 4, 1983. Applicant: PORTER LINES, INCORPORATED, 2251 N. Dragoon, Tucson, AZ 85745. Representative: Milton W. Flack, 8484 Wilshire Blvd., #840, Beverly Hills, CA 90211, (213) 655-3573. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in GA, NJ, NY, OH, and PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152672 (Sub-12), filed August 8, 1983. Applicant: A. ROGER LEASING, LTD., P.O. Box 836, Coraopolis, PA 15108. Representative: Barry Weintraub, 7700 Leesburg Pike, Suite 403, Falls Church, VA 22043, 703-442-8330. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 154613 (Sub-2), filed August 8, 1983. Applicant: DEPENDABLE TRANSPORTATION, INC., P.O. Box 122, Rushville, OH 43150. Representative: Joseph J. LoPresti, Jr., 1105 East Ohio Gas Bldg., Cleveland, OH 44114, 216-621-3480. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 157212 (Sub-2), filed August 4, 1983. Applicant: DES MOINES PIGGYBACK SERVICES, INC., 4551 Delaware Ave., Des Moines, IA 50313. Representative: William L. Fairbank, 1300 United Central Bank Bldg., Des Moines, IA 50309, (515) 288-6041. 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 Midwest Intermodal Co., Inc., of Des Moines, IA.

MC 159692 (Sub-1), filed August 8, 1983. Applicant: CHARLES G. CREWS & SONS, INC., Rt. 1, Box 230, Moneta, VA 24121. Representative: Robert A. Mega, 25 Esten Ave., Pawtucket, RI 02860, 401-724-1200. Transporting *building materials*, between points in the U.S., under continuing contract(s) with persons engaged in the building and construction industry.

Volume No. OP-2-376

Decided: August 22, 1983.

By the Commission, Review Board Members Fortier, Krock, and Carleton.

MC 69833 (Sub-174), filed August 12, 1983. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Ave. NW., Grand Rapids, MI 49503. Representative: Bruce A. Bullock, One Woodward Ave., 26th Floor, Detroit, MI 48226, 313-496-3534. 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 The Goodyear Tire and Rubber Company, of Akron, OH.

MC 94883 (Sub-2), filed August 5, 1983. Applicant: WATSON'S MOVERS & STORAGE, INC., Route 32, South Windham, CT 06266. Representative: Harold B. Watson (same address as applicant), 203-423-3638. Transporting *household goods and furniture and fixtures*, between points in CT, RI, MA, and NY, on the one hand, and, on the other, points in ME, NH, VT, NY, MA, CT, RI, PA, NJ, DE, MD, VA, WV, and DC.

MC 103993 (Sub-1081), filed August 9, 1983. Applicant: MORGAN DRIVE-AWAY, INC., P.O. Box 1168, 28651 U.S. 20 West, Elkhart, IN 46515. Representative: Timothy J. Abeska (same address as applicant), 219-295-2200. Transporting *transportation equipment*, between points in the U.S. (except AK and HI), under continuing contract(s) with persons who are engaged in business as manufacturers, distributors, or dealers of transportation equipment.

MC 107012 (Sub-864), filed August 15, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 209-429-2110. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Deere & Company, of Moline, IL.

MC 129923 (Sub-26), filed August 8, 1983. Applicant: SHIPPERS TRANSPORT, INC., 5010 Commerce St., P.O. Box 1086, West Memphis, AR 72301. Representative: Edward G. Grogan, Twentieth Fl., First Tennessee Bldg., Memphis, TN 38103, 901-526-2000. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI)

MC 145773 (Sub-23), filed August 8, 1983. Applicant: KIRK BROS. TRANSPORTATION, INC., 800 Vandmark Rd., P.O. Box 784, Sidney, OH 45365. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, 614-228-1541. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Erie and Niagara Counties, NY, and Erie County, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145913 (Sub-3), filed August 8, 1983. Applicant: BART LANG TRUCKING, INC., Route 2, Box 221A1, Lexington, NE 68850. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501-2028, 402-475-6761. Transporting *food and related products*, between points in NE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 169653, filed August 4, 1983. Applicant: WILCO ENTERPRISES, INC., 1035 SW. 17th, Hermiston, OR 97838. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210, 503-226-3755. Transporting *household furnishings and consumer electronic goods*, between points in Umatilla, Morrow, Gilliam, and Union counties, OR, on the one hand, and, on the other, points in Yakima, Benton, Franklin, Walla Walla, Adams, and Spokane Counties, WA.

MC 169692, filed August 5, 1983. Applicant: BENTON TRUCKING, INC., 3304 Tucson Dr., Cedar Falls, IA 50613. Representative: Robert F. Benton (same address as applicant), 319-266-2641. Transporting *cement and fly ash*, between points in the U.S. (except AK and HI), under continuing contract(s) with Benton's Ready Mixed Concrete, Inc., of Cedar Falls, IA.

MC 169693, filed August 5, 1983. Applicant: E & R TRANSPORT, INC., R.R. 2, Box 90, Minneota, MN 56264. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Minneapolis, MN 55424, 612-927-8855. Transporting (1) *food and related products*, between Chicago, IL, Kansas City, MO, points in MN, and those in Saline County, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI); and (2) *building and construction materials, and machinery*, between points in the U.S. (except AK and HI).

Please direct status inquiries about the following to Team Three (3) at (202) 275-5223

Volume No. OP3-384

Decided: August 19, 1983.

By the Commission, Review Board Members Carleton, Fortier, and Dowell.

FF-715, filed July 27, 1983. Applicant: CARIPAC INTERNATIONAL, INC., 12120 S. W. 94th St., Miami, FL 33186. Representative: Claudia Simon (same address as applicant), (305) 595-8737. As a freight forwarder in connection with

the transportation of *household goods, unaccompanied baggage,* and *used automobiles,* between points in the U.S.

MC 118865 (Sub-17), filed July 15, 1983. Applicant: CEMENT EXPRESS, INC., Hokes Mill Rd. and Lemon St., York, PA 17404. Representative: H. Richard Stickel, 1011 Morris Ave., P.O. Box 1100, Bryn Mawr, PA 19010, (215) 525–5220. Transporting *cement, clay, concrete, glass or stone products,* and *building materials,* between those points in the U.S. in and east of WI, IL, KY, TN, and MS.

Note.—Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of Certificate No. MC–118865 Subs 8, 14, and 16.

MC 134755 (Sub-236), filed July 27, 1983. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: S. Christopher Wilson (same address as applicant), (417) 862–5588. 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 Kraft, Inc., of Glenview, IL.

MC 146724 (Sub-12), filed July 27, 1983. Applicant: DEAN RAPPLEYE, INC., 7444 So. 2200 W., West Jordan, UT 84084. Representative: Daniel O. Hands, 104 So. Michigan Ave., Suite 410, Chicago, IL 60603, (312) 641–1944. Transporting (1) *machinery,* (2) *transportation equipment* and (3) *pulp, paper and related products,* between ports of entry on the International Boundary line between the U.S. and Canada at points in MN, ND, MT, ID and WA, on the one hand, and, on the other, those points in the U.S. in and west of ND, SD, NE, KS, OK and TX (except AK and HI)

MC 166495, filed July 18, 1983. Applicant: MARTIN'S DELIVERY SERVICE, INC., 6949 Sherman Ave., Pennsauken, NJ 08110. Representative: James W. Patterson, 1800 Penn Mutual Tower, 510 Walnut St., Philadelphia, PA 19106, (215) 925–8300. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between New York, NY, points in NJ and DE, and those points in PA in and east of Tioga, Lycoming, Union, Snyder, Juniata, Perry, Cumberland, and Adams Counties, PA, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 167955, filed July 27, 1983. Applicant: H. J. MARTENS, INC., P.O. Box 1, Junction City, WI 54443. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *commodities in bulk,* between points in WI, on the one hand, and, on the other, points in IL, IN, IA, MI, and MN.

MC 168595, filed July 26, 1983. Applicant: DATELINE ENTERPRISES, 1270 N. Main St., P.O. Box 987, Manteca, CA 95336. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, (415) 986–8696. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Hirst Imports, Incorporated, of Oklahoma City, OK.

Volume No. OP3–391

Decided: August 18, 1983.

By the Commission, Review Board Members, Dowell, Fortier, and Carleton.

FF–724, filed August 1, 1983. Applicant: RFC WORLD WIDE, 717 E. Artesia Blvd., Carson, CA 90746. Representative: Kenneth D. Polin, 225 Broadway, Suite 2100, San Diego, CA 92101 (714) 234–1966. As a *freight forwarder,* in connection with the transportation of *household goods, boggage and used automobiles,* between points in the U.S.

MC 145125 (Sub-13), filed August 2, 1983. Applicant: LAUREL MOUNTAIN OVERLAND EXPRESS, INC., P.O. Box 547, Rt. 322, Milroy, PA 17063. Representative: Eugene M. Malkin, 475 So. Main St., Suite 2B, P.O. Box 489, New York City, NY 10956 (914) 638–4007. Transporting *metal products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Howmet Dispatch Corporation of Rockwall, TX.

MC 167655 (Sub-1), filed July 26, 1983. Applicant: ADVANCED TRAFFIC SERVICES, INC., 32261 Camino Capistrano, Suite D103C, San Juan Capistrano, CA 92675. Representative: Robert J. Gallagher, 1435 G St., N.W., Suite 848, Washington, D.C. 20005 (202) 628–1642. As a *broker* arranging for the transportation of *household goods,* between points in the U.S. (except AK and HI).

MC 169354, filed August 2, 1983. Applicant: C. L. STUCKI & SONS, 2817 Colanthe, Las Vegas, NV 89102. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701, (702) 882–5649. Transporting (1) *food and related products* and (2) *such commodities* as are dealt in by wholesale and retail hardware stores, between points in CA and NV.

MC 169534, filed July 29, 1983. Applicant: CAMDEN-EL DORADO EXPRESS COMPANY, Route 5, Box 361, Sheridan, AR 72150. Representative: M. Douglas Wood, 201 W. Broadway, P.O. Box 5606, North Little Rock, AR 72119, (501) 376–3700. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AR, TN, LA, TX, OK, and MO.

MC 169594, filed August 1, 1983. Applicant: PAC PAPER, INC., 6416 N.W. Whitney Rd., Vancouver, WA 98665. Representative: Robert M. Fike (same address as applicant) (206) 695–7771. Transporting *pulp, paper and related products,* between points in CA, OR and WA.

Please direct status inquiries about the following to Team Four at (202) 275–7669.

Volume No. OP4–561

Decided: August 17, 1983.

By the Commission, Review Board, Members: Dowell, Fortier, and Carleton.

MC 61396 (Sub-413), filed August 2, 1983. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, NE 68101. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *such commodities* as are dealt in by manufacturers and distributors of petroleum products and chemical products, between points in the U.S. (except AK and HI), under continuing contract(s) with manufacturers and distributors of petroleum products and chemical products.

MC 127227 (Sub-10), filed August 12, 1983. Applicant: BIRDSALL INCORPORATED, 821 Ave. "E", Riviera Beach, FL 33404. Representative: William E. Ferry 5420 N.W., 37th Ave., Miami, FL 33242 (305) 634–2500.Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in FL.

MC 151087 (Sub-14), filed August 12, 1983. Applicant: AREA INTERSTATE TRUCKING, INC., 15224 Dixie Hwy, Harvey, IL 60426. Representative: Leonard R. Kofkin, Suite 1515, 140 S. Dearborn St., Chicago, IL 60603, (312) 580–2210. 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 Jones & Laughlin Steel Corporation, of Pittsburgh, PA.

MC 161157 (Sub-1), filed August 11, 1983. Applicant: TOP LINE EXPRESS, INC., P.O. Box 577, Lima, OH 45802. Representative: Stephen L. Oliver, 275 E. State St., Columbus, OH 43215, (614) 228–8575. Transporting *general commodities* (except classes A and B

explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 166867 (Sub-1), filed August 12, 1983. Applicant: L'EXPRESS DU MIDI, INC., 1076 Union St., P.O. Box 99, St. Catherine, Quebec, Canada J0L1E0. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (617) 235–5571. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Westroc Industries Limited, of Mississaugua, Ontario, Canada.

MC 168226, filed August 11, 1983. Applicant: DOWNS BROTHERS HAULING, INC., 2541 E. Castor Ave., Philadelphia, PA 19134. Representative: James H. Sweeney, P.O.Box 9023, Lester, PA 19113, (215) 365–5141. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in PA and NY, on the one hand, and, on the other, points in DE, NJ and PA.

MC 169496, filed August 12, 1983. Applicant: DON JERRY X–PLO, INC., RD #5, Box 247A, Plattsburgh, NY 12901. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375, (212) 263–2078. Transporting *general commodities* (except household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Expro Chemical Products, Inc., of Valley Field, Quebec, Canada and C–I–L, Inc., of North York, Ontario, Canada. Condition: To the extent the permit to be issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 169827 filed August 12, 1983. Applicant: JIM KIDDER, d.b.a. JIM KIDDER TRUCKING, 11503 Birimley St. Norwalk, CA 90650. Representative: Roy Gray, P.O. Box 344, Bloomington, CA 92316, (714) 824–2453. Transporting *metal products, building materials and machinery*, between points in the U.S. (except AK and HI), under continuing contract(s) with Texas General Steel Co., Inc., of Lubbock, TX and General Steel & Wire Co., Inc., of Lynwood, CA.

Volume No. OP4–562

Decided: August 17, 1983.

By the Commission, Review Board, Members Fortier, Dowell, and Joyce.

MC 59306 (Sub–9), filed August 12, 1983. Applicant: NIEDERGERKE TRUCK LINE, INC., P.O. Box 92, Fulton, MO 65251. Representative: Leroy D. Benton (same address as applicant), (314) 642–2601. Transporting *metal products*, between points in IL, IN, MO, OH, PA, and WV.

MC 105457 (Sub–111), filed August 10, 1983. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Rd., Charlotte, NC 28206. Representative: John V. Luckadoo (same address as applicant), (704) 373–1933. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with J. C. Penney Company, Inc., of New York, NY.

MC 145577 (Sub–30), filed August 12, 1983. Applicant: MUSTANG FREIGHT LINES, INC., 800 East 73rd, Unit 2, Denver, CO 80229. Representative: David E. Driggers, 1600 Lincoln Center, 1600 Lincoln St., Denver, CO 80264, (303) 861–4028. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 166167 (Sub–1), filed August 8, 1983. Applicant: DONALD B. WHITEBREAD & SONS, INC., P.O. Box 126, Conyngham, PA 18249. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *building materials and construction materials*, between points in KS and TX and those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 169787, filed August 10, 1983. Applicant: SHORT'S EXPRESS, INC., 77 Elm St., Amesbury, MA 01913. Representative: James F. Martin, Jr., 8 W. Morse Rd., Bellingham, MA 02019, (617) 966–2093. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in MA, RI, CT, ME, NH, and VT.

MC 169806, filed August 10, 1983. Applicant: MONTGOMERY INDUSTRIES, INC., 370 Arch St., P.O. Box 5565, Spartanburg, SC 29305. Representative: Deas M. Richardson (same address as applicant), (803) 585–9213. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in SC, NC, VA, GA, AL, and TN.

Volume No. OP4–564

Decided: August 17, 1983.

By the Commission, Review Board, Members: Joyce, Carleton and Dowell.

MC 169846, filed August 11, 1983. Applicant: E. HARRIS TRUCK LINES, INC., 2404 Preston, Rockford, IL 61102. Representative: Doyle G. Owens, P.O. Box 7735, Beaumont, TX 77706, (409) 898–8086. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except classes AK and HI).

MC 169847, filed August 11, 1983. Applicant: METROLINA TRANSPORTATION SYSTEMS, INC., P.O. Box 1695, Gastonia, NC 28053. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except classes AK and HI).

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–438

Decided: August 18, 1983.

By the Commission, Review Board, Members: Carleton, Fortier, and Dowell.

MC 128539 (Sub-22), filed August 8, 1983. Applicant: EAGLE TRANSPORT CORPORATION, P.O. Box 4718, Rocky Mount, NC 27801. Representative: Terrell Price, 800 Blair Creek Rd., Suite DD504, Charlotte, NC 28205 (704) 372–8212. Transporting *food and related products* between those points in the U.S. in and east of TX, OK, KS, NE, SD, and ND.

MC 143308 (Sub-6), filed July 27, 1983. Applicant: GENERAL TRUCKING SERVICE, INC., 1101—31st St., Downers Grove, IL 60515. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566–5639. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of chemicals, computers and computer supply products, containers, electrical products, food products, metal products, packaging products, paint products, paper products, and transportation equipment, between points in the U.S., under continuing contract(s) with persons who are engaged in the business of manufacturing and distributing the described commodities.

MC 143699 (Sub-9), filed August 5, 1983. Applicant: QUALITY CONTRACT CARRIERS, INC., 1009 W. Edgewood Ave., Indianapolis, IN 46217. 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 Shippers Service, Inc., of Indianapolis, IN.

MC 148438 (Sub-4), filed August 8, 1983. Applicant: MARCHAND CONSTRUCTION, INC., P.O. Box 48, Port Allen, LA 70767. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245, (214) 358-3341. Transporting *those commodities* which because of their size or weight require the use of special handling or equipment, between points in LA, AR, KY, TX, MS, AL, GA, SC, NC, TN, and FL.

MC 157098 (Sub-1), filed August 8, 1983. Applicant: NEVIN L. MARTIN TRUCKING, INC., 1793 Hykes Rd., Greencastle, PA 17225. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740, (301) 739-4860. Transporting *building materials* between points in Washington County, MD, on the one hand, and, on the other, points in PA, MD, NJ, NY, DE, WV, VA, OH, and DC.

MC 151889 (Sub-1), filed August 8, 1983. Applicant: DAVID LATHAM, P.O. Box 614, Burnside, KY 42519. Representative: Robert H. Kinker, 314 W. Main Street, P.O. Box 464, Frankfort, KY 40602, (502) 223-8244. Transporting *general commodities* (Except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with The Clorox Company of Oakland, CA, and its divisions.

MC 165858, filed August 8, 1983. Applicant: CHARLES MOELLER, d.b.a. MOELLER TRUCK SERVICE, Box 103, Hwy 28, Bryant, SD 57221. Representative: Charles Moeller (same address as applicant), 605-628-2331. Transporting *lumber and wood products*, between points in WA, OR, ID, MT, WY, ND, SD, NE, KS, MN, IA, MO, WI, IL, MI, IN and OH.

MC 169728, filed August 8, 1983. Applicant: EDWARD A. FABIAN, d.b.a. ED FABIAN EARTH MOVING, 581 Pleasant St., West Rutland, VT 05777. Representative: Edward A. Fabian (same address as applicant), 802-438-5040. Transporting (1) *heavy machinery and equipment*, between points in VT, on the one hand, and, on the other, points in CT, IL, IN, ME, MA, NH, NJ, NY, OH, PA, SC, TN, and WV, and (2) *road maintenance materials* between points in VT, on the one hand, and, on the other, points in NY and NH.

Volume No. OP5-439

Decided: August 18, 1983.

By the Commission, Review Board Members Fortier, Dowell, and Carleton.

MC 99798 (Sub-21), filed August 8, 1983. Applicant: MARSHALL TRUCKING, INC., 1060 East Springfield Rd., Sullivan, MO 63080. Representative: Fred H. Marshall (same address as applicant), 314-468-4479. Transporting *general commodities* (Except classes A and B explosives, household goods, and commodities in bulk), between points in Iron County, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 110948 (Sub-8), filed August 10, 1983. Applicant: MOTORWAYS (1980) LIMITED, 60 Eagle Dr., P.O. Box 738, Winnipeg, Manitoba, Canada R3C 2L8. Representative: Stephen F. Grinnell, 121 South 8th St., 1600 TCF Tower, Minneapolis, MN 55402, 612-333-1341. Transporting *general commodities* (Except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 153938 (Sub-12), filed August 10, 1983. Applicant: ENERGY EXPRESS, INC., P.O. Box 27605, Salt Lake City, UT 84127. Representative: Norval Millsap (same address as applicant), (801) 364-4532. Transporting *chemicals and rleated products* between points in the U.S., under continuing contract(s) with Ashland Chemical Company, Division of Ashland Oil, Inc., of Dublin, OH.

MC 160279 (Sub-9), filed August 10, 1983. Applicant: EXCEL TRANSPORTATION, INC., P.O. Box 2519, Wichita, KS 67201. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting *food and related products* between points in the U.S. (except AK and HI), under continuing contract(s) with persons as defined in section 10923 of the Motor Carrier Act of 1980 who are manufacturers, distributors or dealers of food and related products.

MC 168158, filed August 9, 1983. Applicant BAY TRUCKING, INC., P.O. Box 438, Millersville, MD 21108. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797-6060. Transporting *cement* between points in MD, PA, NJ, DE, WV, VA, NC, and DC.

MC 168279, filed August 11, 1983. Applicant: VICTOR CAMPBELL, JUAN CAMPBELL AND VICTOR CAMPBELL, JR., d.b.a. CAMPBELL TRUCKING COMPANY, 1060 E. Moore Rd., Saginaw, MI 48601. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 482-2400. Transporting *chemical and related products* between points in OH and MI.

MC 169618, filed August 3, 1983. Applicant: GREEN VALLEY GROUP OF PENNSYLVANIA, INC., 3569 Bristol Pike, Bensalem, PA 19020. Representative: Don Garrison, 416 Hay Drive, SW-F1, Decatur, AL 35603, (205) 355-0221. 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 Continental Traffic Services, of Springfield, MO.

MC 169788 (Sub-1), filed August 10, 1983. Applicant: H.M.H. MOTOR SERVICE, INC., P. O. Box 98, Morris Road, Hazelhurst, GA 31539. Representative: Morton E. Kiel, 475 South Main St., P.O. Box 489, New City, NY 10956, 914-638-4007. Transporting *textile mill products* and *chemicals and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with manufacturers, distributors or dealers of textile mill products and chemicals and related products.

MC 169809 (B), filed August 11, 1983. Applicant: MARS HILL SHIPPERS, INC., Main Street, Mars Hill, ME 04758. Representative: Robert D. Tweedie, FRD #1, Westfield, ME 04787, 207-425-3541. Transporting (1) *lumber and wood products*, and (2) *food and related products*, between points in ME, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Applicant also seeks authority in No. MC-169809 (A) published in this same issue.

[FR Doc. 83-23598 Filed 8-26-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of

the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 1, (202) 275–7030.

Volume No. OP1–352(F)

Decided: August 18, 1983.

By the Commission, Review Board Members Carleton, Dowell, and Fortier.

MC 37640 (Sub–14), filed August 5, 1983. Applicant: TEXAS BUS LINES, P.O. Box 10, AUSTIN, TX 78767. Representative: Scott Keller (same address as applicant), (512) 837–0088. *Over regular routes,* transporting *passengers,* (1) between Grand Prairie, TX and Montgomery, AL, from Grand Prairie, TX over Interstate Hwy 20 to Meridian, MS, then over U.S. Hwy 80 to Montgomery, AL, and return over the same route, and (2) between San Antonio, TX and Galveston, TX, from San Antonio over U.S. Hwy 87 to Port Lavaca, then over TX Hwy 35 to junction TX Hwy 36, then over TX Hwy 36 to junction TX Hwy 332, then over TX Hwy 332 to Clute, then over TX Hwy 288 to junction TX Hwy 35, then over TX Hwy 35 to junction TX Hwy 6, then over TX Hwy 6 to Galveston, and return over the same routes, serving all intermediate points in connection with routes (1) and (2).

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route.

MC 120781 (Sub-8), filed August 9, 1983. Applicant: KRAFTOURS CORPORATION, P.O. Box 45790, Tulsa, OK 74145. Representative: Maxwell A. Howell, 2554 Massachusetts Ave., N.W. Washington, DC 20008, (202) 483–8633. Transporting *passengers,* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–370

Decided: August 22, 1983.

By the Commission, Review Board Members, Fortier, Carleton, and Dowell.

MC 169773, filed August 8, 1983. Applicant: MARTIN M. GOOD, R.D. #2, Box 248, New Holland, PA 17557. Representative: Martin M. Good (same address as applicant), (717) 354–8468. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 169782 filed August 8, 1983. Applicant: M. LEDSON BUS LINES, LIMITED, P.O. Box 185, Lanark, Ontario, Canada KOG IKO. Representative: Allan C. Zuckerman, 221 N. LaSalle St., Suite 826, Chicago, IL 60601, (312) 641–5900. Transporting *passengers,* in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 169802, filed August 11, 1983. Applicant: J.T. BARNETT TRUCKING, INC., Box 447, Port Lavaca, TX 77979. Representative: Harry F. Horak, P.O. Box 294, Cherokee, TX 76832, 915–622–4495. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 169812, filed August 11, 1983. Applicant: KEITH TITUS CORPORATION, P.O. Box 51-South St., Cato, NY 13033–0051. Representative: Roy D. Pinsky, Suite 1020-State Tower Bldg., Syracuse, NY 13202, 315–422–2384. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 169822, filed August 12, 1983. Applicant: ROBERT L. LEUTBECHER, 246 Creath, San Antonio, TX 78221. Representative: Harry F. Horak, P.O. Box 294, Cherokee, TX 76832, 915–622–4495. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 169832, filed August 12, 1983. Applicant: RUFUS K. GEIB, d.b.a. RUFUS GEIB BUS SERVICE, R.D. 2, Manheim, PA 17545. Representative: Paul J. Keeler, P.O. Box 253, South Plainfield, NJ 07080, 201–757–3478.Transporting *passengers,* in charter

and special operations, between points in the U.S. (except HI)

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 169833, filed August 12, 1983. Applicant: ZINA EILEEN COLONNA, d.b.a. W B C TRUCKING, 3831 Bobwhite Way, West Valley City, UT 84120. Representative: Irene Warr, 311 South State St.—Suite 280, Salt Lake City, UT 84111, 801–531–1300. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 169842, filed August 12, 1983. Applicant: CON-TOM, INC.d.b.a. East American Coach, P.O. Box 4121 C.R.S., Rock Hill, SC 29731. Representative: Thomas E. Thompson (same address as applicant), 803–366–3418. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP2–377

Decided: August 22, 1983.

By the Commission, Review Board Members Carleton, Krock, and Dowell.

MC 160632, filed August 1, 1983. Applicant: OLIVER E. & GLADYS J. ENGEL d.b.a. ENGELHEIM CHARTER, Box 14, Lipton, Saskatchewan, Canada SOG 3BO. Representative: Gladys J. Engel (same address as applicant), (306) 336–2653. Transporting *passengers*, in charter and special operations, between the ports of entry on the International Boundary line between the U.S. and Canada, on the one hand, and, on the other, points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 169742, filed August 8, 1983. Applicant: EXPERT EXPRESS, INC., 320 E. Luzerne St., Philadelphia, PA 19124. Representative: James H. Sweeney, 468 Kentucky Ave., Williamstown, NJ 08094, (609) 629–2354. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OP2–378

Decided: August 22, 1983.

By the Commission, Review Board Members Krock, Parker, and Dowell.

MC 52362 (Sub-7), filed August 16, 1983. Applicant: MARINEL TRANSPORTATION, INC., Ward Way, North Chelmsford, MA 01863. Representative: William Shields, III, 100 Federal St., Boston, MA 02110, 617–357–9001. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a) or submit an affidavit indicating why such approval is unnecessary to the Secretary's Office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 2, Room 2379.

MC 156673 (Sub-1), filed August 10, 1983. Applicant: DELOY MEPPEN, Rt. 9, Box 152, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 208–343–3071. Transporting (1) *general commodities* (except classes A and B explosives and household goods), between points in CA, ID, MT, NV, OR, UT, WA, and WY, and (2) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. Part (1) is published in the **Federal Register**, this issue, under the preface with "regular applications".

MC 169792, filed August 11, 1983. Applicant: BILL RODGERS, INC., d.b.a. TRAV'L EZ COACHLINES, 1406 Clwtr-Largo Rd., Largo, FL 33540. Representative: Bill J. Rodgers (same address as applicant), 813–585–4463. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 169843, filed August 12, 1983. Applicant: PLATTE COUNTY EXPRESS, INC., 10920 Ambassador Drive-Suite 102, Kansas City, MO 64153. Representative: Edward F. Ford, III, 10920 Ambassador Drive-Suite 404, Kansas City, MO 64153, 816–891–6480. Transporting *passengers*, in charter and special operations, between points in the U.S. (including AK, but excluding HI).

Note.— Applicant seeks to provide privately-funded charter and special transportation.

MC 169873, filed August 15, 1983. Applicant: EVAN CHARTER SERVICE, INC., 255 Greenwood Ave., Midland Park, NJ 07432. Representative: Ronald I. Shapss, 450—7th Ave., New York, NY 10123, 212–239–4610. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.— Applicant seeks to provide privately-funded charter and special transportation.

Please direct status inquiries about the following to Team Three (3) at (202) 275–5223.

Volume No. OP3–386

Decided: August 19, 1983.

By the Commission, Review Board Members Carleton, Fortier, and Dowell.

MC 169455, filed July 25, 1983. Applicant: CHARLES R. COOK, JR., d.b.a. GENESIS BROKERAGE COMPANY, P.O. Box 31042, Charlotte, NC 28231. Representative: Charles R. Cook, Jr. (same address as applicant), (704) 365–0119. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP3–388

Decided: August 16, 1983.

By the Commission, Review Board Members Dowell, Joyce, and Fortier.

MC 169525, filed July 28, 1983. Applicant: C.T.C. INC., P.O. Box 442, Hopkins, MN 55343. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 169584, filed August 1, 1983. Applicant: VIP COACH SERVICES, INC., 5400 Tuxedo Rd., Tuxedo, MD 20781. Representative: Ronald W. Malin, Key Bank Bldg., 4th Fl., Jamestown, NY 14701, (716) 664–5210. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP–392.

Decided: August 18, 1983.

By the Commission, Review Board Members Dowell, Fortier, and Carleton.

MC 169545, filed July 29, 1983. Applicant: DAVID OLD, d.b.a. OLD N' STURDY TRUCKING CO., 4050 McArthur, Riverside, CA 92503. Representative: Roy Gray, P.O. Box 344, Bloomington, CA 92316, (714) 829–0765. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Please direct status inquiries about the following to Team Four at (202) 275–7669.

Volume No. OP4–563

Decided: August 17, 1983.

By the Commission, Review Board, Members Fortier, Dowell, and Joyce.

MC 169616, filed August 2, 1983. Applicant: J. L. JONES V. d.b.a. SUNSHINE TRANSPORTATION, 1300 E. 28th, Denver, CO 80205. Representative: J. L. Jones V (same address as applicant), (303) 388–8423. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 169796, filed August 11, 1983. Applicant: BOSTON CAB ASSOCIATION, INC., 60 Kilmarnock St., Boston, MA 02215. Representative: John F. Curley (same address as applicant), (617) 698–1569. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in CT, ME, MA, NH, NJ, NY, RI, and VT.

MC 169797, filed August 10, 1983. Applicant: CLIFFORD & LILA ROBERG, d.b.a. ROBERG TRUCKING, 35 Jackson, Billings, MT 59101. Representative: Joe Gipe, 5516 Laurel Rd., P.O. Box 31135, Billings, MT 59107, (406) 248–3602. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 169807, filed August 10, 1983. Applicant: ARTHUR MacWILLIAMS, d.b.a. ROBART TRANSPORTATION, 300–C Piedmont Court, Doraville, GA 30340. Representative: Arthur MacWilliams, 204 Noble Forest Drive, Norcross, GA 30092, (404) 448–6640. As a *broker* of *general commodities* (except household goods), between points in the U.S.

Volume No. OP4–565

Decided: August 17, 1983.

By the Commission, Review Board, Members Joyce, Carleton, and Dowell.

MC 169817, filed August 12, 1983. Applicant: FRANK L. BLACK, INC., R.D. 3, Box 84, Andover, NJ 07821. Representative: Frank L. Black (same address as applicant), (201) 786–5333. Transporting *passengers*, in charter and special operations, between points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, DE, MD, VA, WV, OH, and D.C.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 169836, filed August 11, 1983. Applicant: WTS TRANSPORTATION SERVICES, INC., 3907 Northview Dr., Stow, OH 44224. Representative: C. K. Woodring (same address as applicant), (216) 688–9127. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OP4–572

Decided: August 22, 1983.

By the Commission, Review Board, Members Fortier, Dowell, and Carleton.

MC 169856, filed August 12, 1983. Applicant: JAT, INC., P.O. Box 2868, Birmingham, AL 35212. Representative: J. Douglas Harris, 200 S. Lawrence St., Montgomery, AL 36104, (205) 265–0251. Transporting *passengers*, in charter and special operations, beginning and ending at points in AL, GA, FL, MS and TN, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 169886, filed August 16, 1983. Applicant: DON CHRISTIAN d.b.a. M & C TRUCK LINE, 104 West Stacey, Chester, IL 62233. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841, (617) 657–6071. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP4–573

Decided: August 22, 1983.

By the Commission, Review Board, Members: Carleton, Dowell and Fortier.

MC 169766, filed August 8, 1983. Applicant: WALTON and COMPANY, 8205 Magnolia Ave., Riverside, CA 90624. Representative: Steven K. Kuhlmann, 717 17th St., Suite 2600, Denver, CO 80202–3357, (303) 892–6700. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 169767, filed August 8, 1983. Applicant: GOLDEN TOURS, INC., P.O. Box 4306, Airport Rd., Lynchburg, VA 24502. Representative: James B. Moore (same address as applicant), (804) 239–2687. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.— Applicant seeks to provide privately-funded charter and special transportation.

MC 169776, filed August 8, 1983. Applicant: SEACOAST SALES ASSOCIATES, 385 Main St., Somersworth, NH 03878. Representative: George F. Knapp, (same address as applicant), (603) 692–2840. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 169777, filed August 8, 1983. Applicant: ORBIT INVESTMENT, INC., P.O. Box 228, Newport, MN 55055. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Minneapolis, MN 55424, (612) 927–8855. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 169786, filed August 10, 1983. Applicant: JAMES' CHARTERS, 12509 Kensington Lane, Bowie, MD 20715. Representative: David K. Doty, (same address as applicant), (202) 822–4224. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–440

Decided: August 18, 1983.

By the Commission, Review Board Members Carleton, Fortier and Dowell.

MC 169809 (A), filed August 11, 1983. Applicant: MARS HILL SHIPPERS, INC., Main Street, Mars Hill, ME 04758. Representative: Robert D. Tweedie, RFD #1, Westfield, ME 04787, (207) 425–3541. As a *broker* of *general commodities* (except household goods), between points in the U.S.

Note.—Applicant also seeks authority in No. MC 169809 (B), published in this same issue.

[FR Doc. 83–23599 Filed 8–26–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1162. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the

protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significance effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–288

The following applications were filed in Region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 169973 (Sub-1–1TA), filed August 18, 1983. Applicant: AAROW MOVING & STORAGE, 360 Civic Center Drive, Augusta, ME 04330. Representative: Norman L. Allen (same as applicant), *Household goods*, between points in AL, AR, CT, DC, DE, FL, GA, IA, IL, IN, KY, LA, MA, ME, MD, MI, MN, MO, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WI, and WV. Applicant intends to tack existing authority. Supporting shipper(s): Cives Steel, Augusta, ME 04330; Bank of Maine, Augusta, ME 04330; International Paper Company, 77 West 45 Street, New York, NY 10036.

MC 76328 (Sub-1–1TA), filed August 16, 1983. Applicant: V. ANN TRUCKING, INC., 32 Montgomery Street, Bloomfield, NJ 07003. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Par, NJ 08904. *Paper and Paper Products, books and printed and lithographed matter* between Commercial Zones of New York NY and Philadelphia, PA and Lancaster, PA, on the one hand, and, on the other, points in CT, DE, MD, NJ, PA and DC. Supporting shippers(s): Ponte Bros., 2 Hope Street, Jersey City, NJ; Gaccione Bros. Co., Inc., P.O. Box 788, Lyndhurst, NJ 07071.

MC 14708 (Sub-1–1TA), filed August 11, 1983. Applicant: FIELD VIEW FARM TRANSPORTATION, INC., 707 Derby Turnpike, Orange CT 06477. Representative: Robert B. Walker, 915 Pennsylvania Building, 425 13th Street, N.W., Washington, DC 20004. *Common carrier:* irregular routes: *Malt beverages* between points in Onondaga County, NY, on the one hand, and, on the other, ponts in CT, MA, RI, NH, VT, ME, NY and NJ. Supporting shipper: Anheuser-Busch Companies, Inc., One Busch Place, St. Louis, MO 63118.

MC 1423 (Sub-1–2TA), filed August 18, 1983. Applicant: MELNI BUS SERVICE, INC., 29 River Road, Chatham, NJ 07928. Representative: Jeremy Kahn, Suite 733, Investment Building, 1511 K Street, NW., Washington, DC 20005. *Common Carrier:* regular routes: *Passengers* from Carrier's existing regular route at Newark International Airport, over NJ Turnpike Extension to the Holland Tunnel, then through the Holland Tunnel to New York, NY and return over the same route. Applicant intends to tack existing authority. Support: There are seventy statements of support with this application which may be examined at the Regional Office of the ICC in Boston, MA.

MC 38591 (Sub-1–1TA), filed August 15, 1983. Applicant: NATIONWIDE MOVING & STORAGE CO., INC., 100 Peters Road, P.O. Box 498, Bloomfield, CT 06002. Representative: Robert J. Gallagher, Esq., 1435 G. Street, NW., Suite 848, Washington, DC 20005. *Household goods as defined by the commission* between points in the U.S., except AK and HI. Supporting shipper(s): Heublein Spirits and Wines, 330 New Park Avenue, Hartford, CT 06101; Ames Department Store, Main Street, Rocky Hill, CT 06067; Fafnir Bearing, 37 Booth Street, New Britain, CT 06053; Emhart Corporation, 225 Episcopal Road, Berlin, CT 06037; Pitney Bowes, Edmond Road, Newtown, CT 06470.

MC 10942 (Sub-1–1TA), filed August 16, 1983. Applicant: PRIMO HAULAGE COMPANY, 55 Lane Avenue, West Caldwell, NJ 07006. Representative: A. David Millner, 7 Becker Farm Road, P.O. Box Y, Roseland, NJ 07068. *Contract carrier:* irregular routes: *containers* from Pine Brook, NJ to Newburgh and Patchogue, NY, under continuing contract(s) with Tri-Coast Container Corp., of City of Industry, CA. Supporting Shipper: TriCoast Container Corp., 315 So. Seventh Avenue, City of Industry, CA 91746.

MC 169972 (Sub-1–1TA), filed August 18, 1983. Applicant: U.S. TRANSIT CORP., 107 West Side Avenue, Jersey City, NJ 07305. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *General commodities, except classes A and B explosives, commodities in bulk and household goods* between New York, NY Commercial Zone, on the one hand, and, on the other, points in CA, CT, IL, MA, NJ, and NY. Supporting shipper(s): Duro Test Corp. and Tungsten Corp., 2321 Kennedy Blvd., North Bergen, NJ 07047; K Mart Corporation, 3100 West Big Beaver, Troy, MI 48084.

MC 160039 (Sub-1–3TA), filed August 11, 1983. Applicant: WEX ENTERPRISES, INC., 118 Hall Street, P.O. Box 2009, Concord, NH 0301. Representative: David Denault, 848 Pleasant St., Suite 13, New Bedford, MA 02740. *General commodities (except classes A and B explosives, household goods and commodities in bulk),* under continuing contract(s) with Meldisco Division of Melville Corp., Hackensack, NJ; Lawn Boy Distributors, Hopkington, MA, General Felt Industries, Inc., Saddle Brook, NJ; Zayre Corp. Framingham, MA; Wright Line, Inc., Worcester, MA; Millipure Corp., Bedford, NH; Roland Dubois, David Denault d/b/a/ DRD Associates, New Bedford, MA. Supporting shipper(s): There are eight statements with this application which may be examined at the Regional Office of the ICC in Boston, MA.

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, N.E., Atlanta, GA 30309.

MC 110410 (Sub-3–5TA), filed August 18, 1983. Applicant: BENTON BROTHERS FILM EXPRESS, INC., 168 Baker Street, NW., Atlanta, GA 30313. Representative: Thomas A. Stroud, 109 Madison Avenue, Memphis, TN 38103. *Printed matter,* between Atlanta, GA and Jacksonville, FL and points in their respective commercial zones, on the one hand, and, on the other, points in AL. Supporting shipper: Family Circle Magazine, 488 Madison Ave., New York, NY 10022.

MC 155079 (Sub-3–4TA), filed August 18, 1983. Applicant: CURTIS L. DODGINS, INC., Route 1, Box 393, Franklin, NC 28734. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Furniture and fixtures,* from points in Dade County, FL, to points in CA, WA, AZ, NV, NM and OR. Supporting Shippers: New creations, Inc.; Doral Industries, Inc.; and Alva Metals, Inc. all

at 3350 W. 17th Court, Hialeah, FL 33012..

MC 145635 (Sub-3–3TA), filed August 19, 1983. Applicant: THOMAS R. REED d.b.a. RANDLE REED TRUCKING, Rt. 4, Box 50C, Louisville, MS 39339. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. *Building materials, lumber and wood products* between points in MS, on the one hand, and, on the other, points in AL, AR, GA, IL, IN, KY, LA, MI, MO, OH, OK, TN and TX. Supporting shippers: Dixie Wholesale Waterworks, Inc., P.O. Box 48, Louisville, MS 39339; Louisville Building Supply, 415 W. Main Street, Louisville, MS 39339; Magnolia Forest Products, Inc., P.O. Box 16686, Jackson, MS 39206; and Shuqualak Lumber Company, Inc., P.O. Box 87, Shuqualak, MS 39361.

MC 169909 (Sub-3–1TA), filed August 17, 1983. Applicant: H. BARBOUR AND SONS INCORPORATED, 1023 Brookline Avenue, Louisville, KY 40215. Representative: William R. Barbour, 7812 Mackie Lane, Louisville, KY 40214. *General commodities with the exception of class A and B explosives and liquids,* between points in the U.S. excluding AK and HI. Supporting Shippers: Paramount Foods Inc., fd prods, Pickledilly Station, Louisville, KY 40232. Olicon International, 13030 Aiken Rd., Louisville, KY 40223. American Cleaning Equipment Inc., 3600 Chamberlain Lane, 356 Jefferson Trade Center, Lousiville, KY 40222.

MC 169905 (Sub-3–1TA), filed August 16, 1983. Applicant: Ned Dean d.b.a. DEAN TRANSPORTATION CO., P.O. Box 672, Highway 431 South, Boaz, AL 35957. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841. *Contract Carrier,* irregular routes, *food and food products,* between points in AL, GA, and MS under continuing contract(s) with the State of Alabama, Montgomery, AL 36031. Supporting shipper(s): State of Alabama, 549 State Office Building, Montgomery, AL 36031.

MC 161167 (Sub-3–1TA), filed August 17, 1983. Applicant: OCEANIC SHIPPING COMPANY OF GEORGIA, 8700 W. Flagler Street, Miami, FL 33174. Representative: Gerard J. Donovan, 4791 S.W. 82d Ave., Davie, FL 33328. *Contract carrier:* irregular routes: *General Commodities (Except Classes A and B Explosives, household goods, and Commodities in Bulk)* From Tampa, FL to points in GA, SC, NC, VA, DE, PA, NJ, NY, MA, WI, and AL, on shipments having a prior or subsequent movement by water, in Container Lots. Under a continuing contract with Bank & Savill Lines of New York, NY and Strachan Shipping Company of Savannah, GA. Supporting shippers: Bank & Savill Lines, 26 Broadway, Room 733, New York, NY 10004 and Strachan Shipping Company, 315 Madison St., #712, Tampa, FL 33602.

MC 162895 (Sub-3–2TA), filed August 17, 1983. Applicant: PARRIS TRUCKING COMPANY, INC., P.O. Box 3799, Oxford, AL 36203. Representative: Tony Parris, Same address as applicant. *Lumber* (1) Between Bibb and Tuscaloosa Counties, AL on the one hand and on the other points in MS, LA, TX, FL, GA, TN, SC, NC, VA, KY, AR, MI, IA, MO, IL, IN, OH, MN, WS, WV. (2) From Greene County, TN to points in IL, OH, IN, MI, KY, WV, PA, VA, MD, IA. (3) Between points in Greene County, TN on one hand and on the other points in AL, GA, MS, SC, NC, FL. Between points in Allendale, SC on the one hand and on the other points in GA, NC, TN. Supporting shippers: (1) Cherokee Wood Preservers, Inc., P.O. Box 68, Mosheim, TN 37818. (2) Belcher Lumber Company, Inc., P.O. Bow 175, Centreville, AL 35042. (3) Spartanburg Forest Products, P.O. Box 2882, Spartamburg, SC 29304. Applicant intends to tack with existing authority held under MC 162895.

MC 157428 (Sub-3–2TA), filed August 17, 1983. Applicant: PIONEER WAREHOUSE CARRIERS, INC., P.O. Box 2087, Sebastian, FL 32958. Representative: Albert L. Evans, Jr., Route 61, South, Pottsville, PA 17901 *Contract Carrier,* Irregular routes, *General Commodities* (except Classes A and B explosives between points in the U.S., except AK & HI under continuing contracts with U.S. Transportation Corporation, R. D. #3, Pottsville, PA 17901.

MC 149133 (Sub-3–27TA), filed August 17, 1983. Applicant: DIST/TRANS MULTI-SERVICES, INC., d.b.a. TAHWHEELALEN EXPRESS, INC., 1333 Nevada Boulevard, P.O. Box 7191, Charlotte, NC 28217. Representative: Charles L. Garrison, Same as above. *Contract Carrier:* irregular *general commodities* between points in the 48 contiguous U.S. Restricted to service performed under a continuing contract or contracts with Fingerhut Corporation of A Wait Park, Minnesota 56387. Supporting shipper: Fingerhut Corp., A wait Park, MN 56387.

The following applications were filed in Region 5. Send protest to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 126045 (Sub-5–12TA), filed August 18, 1983. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, P.O. Box 3122, Davenport, IA 52808. Representative: Edward G. Bazelon, 135 South LaSalle St., Suite 2106, Chicago, IL 60603. *Salt,* from Minneapolis and St. Paul, MN and points in their Commercial Zone to points in Cippewa, Dunn, Pierce and St. Croix Counties, WI. Supporting shipper: International Salt Company, Clarks Summit, PA

MC 136803 (Sub-5–1TA), filed August 17, 1983. Applicant: EAGLE TRANSPORT, INC., P.O. Box 35, Leeds Station, Sioux City, IA 51108. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Dry fertilizer, in bulk,* from the commercial zone of Depue, IL, to Calumet, IA. Supporting shipper: C-S Agrow Service Co., Inc., Calumet, IA.

MC 139506 (Sub-5–2TA), filed August 15, 1983. Applicant: SMITTY'S VAN & STORAGE CO., 840 No. 44th St., Suite 203, Omaha, NE 68003. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114. *Household goods,* between points in IA, KS, NE, and TX on the one hand, and, on the other, points in the U.S. Supporting shippers: 6.

MC 141108 (Sub-5–7TA), filed August 17, 1983. Applicant: D & C EXPRESS, INC., P.O. Box 476, Wilton, IA 52778. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Metal Products,* (1) Between points in Jefferson County, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI) and (2) between points in Monroe County, MI, on the one hand, and, on the other, points in the U.S. (except AK, CO, HI, IL, IN, IA, KS, MN, MO, NE, NJ, NY, OH, OK, PA, WV, and WY). Supporting shipper: North Star Steel Company, St. Paul, MN.

MC 155207 (Sub-5–2TA), filed August 17, 1983. Applicant: TRANS EAST, INC., R.R. No. 4, Box 154, Rockport, MO 64482. Representative: ARTHUR J. CERRA, P.O. Box 19251, Kansas City, MO 64141. *Rubber Tires,* between points in the U.S. (except AK and HI) Supporting shipper: TELSTAR TYRE AND RUBBER CO., Norristown, PA.

MC 169379 (Sub-5–ITA), filed: August 17, 1983. Applicant: Derrell Lee Fleming, Rt. 1, Box 422, Quapaw, OK 74363,. Representative: Derrell Lee Fleming (same as above). *Sand, flint abrasive for sand blasting, lime and agricultural lime* from OK to points in KS, MO, AR, TX, IL, IN, KY, LA, MS and AL. Supporting Shipper: Humbel Sand Inc., Galena, KS.

MC 169843 (Sub-5–ITA), filed: August 18, 1983. Applicant: PLATTE COUNTY EXPRESS, INC., 10920 Ambassador Drive, Suite 102, Kansas City, MO 64153.

Representative: Edward F. Ford III, Same As Above. *Passengers, in charter and special operations,* between points in the U.S., (including AK and excluding HI) utilizing 20 passenger luxury buses. Supporting shipper: Aquarius Luxury Tours, Inc., Kansas City, Mo.

MC 169880 (Sub-5–ITA), filed: August 16, 1983. Applicant: GATOR TRANSPORTATION INC., No. 14 Shady Acres, Hensley, AR 72065. Representative: Thomas B. Staley, 1500 Tower Building, Little Rock AR 72201. *Food and Related Products* between points in AR on the one hand, and, on the other points in LA, MS, TN and TX. Supporting shippers: Gold Star Dairy, Little Rock, AR.

MC 169911 (Sub-5–ITA), filed: August 17, 1983. Applicant: C. K. DALE, P.O. Box 1983, Liberal KS 67901. Representative: Vicky Dale (same as above). *Corn meal, corn flour, corn grits* from Atchison, KS to points in AZ, WA, ID, CO, CA, NM, TX, OR, UT, OK, NV, and WY. Supporting shipper: Lincoln Grain, Inc., Atchison, KS.

MC 169912 (Sub-5–ITA), Filed: August 17, 1983. Applicant: SERVICE STORAGE AND CARTAGE, 100 11th Street, Monroe, LA 71202. Representative: Billy Middleton, Route 1, Box 168A, Monroe, LA 71202. *General commodities (except Class A and B explosives, household goods and commodities in bulk)* between points in LA having a prior or subsequent move by motor, rail or water. Applicant intends to interline. Supporting shippers: Howard Brothers Discount Stores, Inc., Monroe, LA, Dixie Moving and Storage, Inc., Monroe, LA.

MC 169915 (Sub-5–1TA), Applicant: VIRGIL L. GABEL, Rt. 1, Box 66, Akron, IA 51001. Representative: George L. Hirschbach, 920 W. 21 Street, POB 155, South Sioux City, NE 68776. *Ores and Minerals* from Akron, IA to South Sioux City, NE supporting shipper: Wilson Concrete Co., South Sioux City, NE.

MC 169974 (Sub-5–1TA), filed August 19, 1983. Applicant: BEST SALES CO., INC., 502 F. Ave., Lawton, OK 73501. Representative: Kenneth L Peacher, 3925 N. Ann Arbor, Oklahoma City, OK 73122. Contract, Irregular, *Malt beverages* between Wichita Falls, TX and Ft Sill Military Base, Lawton, OK and Altus AFB, Altus, OK under continuing contract with Reichert-Awtry, Inc., Wichita Falls, TX.

MC 169975 (Sub-5–1TA), filed August 19, 1983. Applicant: MCF ENTERPRISES, INC., R.R. #1, Durant, IA 52747. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Metal products,* between Muscatine and Scott Counties, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Tube Technik, North America, Inc., Stockton, IA.

MC 169976 (Sub-5–1TA), filed August 19, 1983. Applicant: REFRIGERATED EXPRESS, INC., 11211 Sheman, Dallas, TX 75229. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular, *General Commodities (except classes A and B explosives, household goods or bulk commodities)* between points in the U.S. Restricted to shipments for the account of Certified Shipping of Duncanville, TX. Supporting shipper: Certified Shipping, Duncanville, TX.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA. 94105.

MC 169561 (Sub-6–1TA), filed August 1, 1983. Applicant: RALPH J. STERE and RICHARD O. PARKS, d.b.a A.T.F. TRUCKING, 20630 N.E. Novelty Hill Rd., Redmond, WA 98052. Applicant's Representative: Hugh H. Chaffee (same as applicant). *General Commodities, (except class A and B explosives, household goods, and commodities in bulk,* between points in WA, OR and ID, for 270 days. An underlying ETA seeks 120 days authority. There are 12 supporting shippers. Their statements may be examined at the Regional Office listed above.

MC 169746 (Sub-6–TA), filed August 9, 1983. Applicant: ADELANTO BUILDING SUPPLY, INC., 18031 Adelanto Rd., Adelanto, CA 92301. Representative: Patricia S. Brown, 18201 Billflower, Adelanto, CA 92301. (1) *Lumber, roofing materials,* from Las Vegas, NV to Adelanto, CA (2) *construction materials, lumber, drywall, sheet rock* from OR and ID to Adelanto, CA (3) *nails, wire, construction materials* from points in U.S. to Adelanto, CA for 270 days. Supporting shipper: Paradise Valley Investments, Inc., 18031 Adelanto Rd., Adelanto, CA 92301.

MC 169397 (Sub-6–1TA), filed August 10, 1983. Applicant: BRUYNZEEL TRUCKING INC., 6930 Fair Oaks Blvd., Carmichael, CA 95608. Representative: Karen L. Arbini (same as applicant). *Contract Carrier,* Irregular routes: *Pre-Cut Pallet Lumber* from port of entry on the International Boundary line between Canada and U.S. to points in CA., for the account of Shera Wood Products Inc., for 270 days. An ETA was granted for 120 days. Supporting shipper: Shera Wood Products Inc., 2230 Barnes Street, Penticton, B.C., Can. V2A 7J9.

MC 163721 (Sub-6–2TA), filed August 10, 1983. Applicant: CHAPARRAL EQUIPMENT, LEASING AND RENTAL, INC., 2845 Workman Mill Road, Whittier, CA 90601. Representative: Miles L. Kavaller, 315 South Beverly Dr., S. 315, Beverly Hills, CA 90212. *Contract carrier,* irregular routes, *general commodities* (except household goods, classes A and B explosives, hazardous waste), between points in the U.S., except AK and HI, under a continuing contract with 3 J Freight Service, Inc., of Whittier, CA, for 270 days. Supporting shipper: 3 J Freight Service, Inc., 2845 Workman Mill Road, Whittier, CA 90601.

MC 164001 (Sub-6–4TA), filed August 9, 1983. Applicant: A. FRANK COWAN, d.b.a. FRANK COWAN TRUCKING, 5891 Kingston WY, Murray, UT 84107. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111. *Contract carriage,* irregular routes, *petroleum or coal products,* between points in CA on the one hand and on the other, points in UT for 270 days. An underlying ETA seeks authority for 90 days. Supporting shipper: Dal-Soglio Inc., 295 North Holden St., Midvale, UT 84047.

MC 161625 (Sub-6–2TA), filed August 8, 1983. Applicant: DAVID GRESSETT, INC., 5601 San Francisco Road NE, Albuquerque, NM 87109. Representative: James C. Ash, 2524 Vermont NE, Albuquerque, NM 87110. Food and Related Products between Finney County, KS and AZ, CA and UT for 270 days. Supporting Shipper: Val-Agri, Inc., P.O. Box 8230, Wichita, KS 67208.

MC 151428 (Sub-6–5TA) filed August 10, 1983. Applicant: J & H TRUCKING, INC., 12425 Telephone Ave., Chino, CA 91710. Representative: Miles L. Kavaller, 315 South Beverly Dr., S. 315, Beverly Hills, CA 90212. *Contract carrier,* Irregular routes *General commodities,* (except household goods, classes A and B explosives, hazardous waste) between points in the U.S., except AK and HI, under a continuing contract with H & E Truck Brokers, Inc. of Chino, CA, for 270 days. Supporting shipper: H & E Truck Brokers, Inc., 12425 Telephone, Chino, CA 91710.

MC 169744 (Sub-6–1Ta), filed August 8, 1983. Applicant: DEAN R. KIRSCH, d.b.a. KIRSCH ENTERPRISES, P.O.B. 13477, Las Vegas, NV 89112–1477. Representative: Same as Applicant. *Contract carrier,* irregular routes, *glass-crushed, ground or powdered; roofing materials.* Between points in CA and NV for 270 days. Supporting shippers: Southern Distributors Corporation of Nevada, 4730 Wynn Rd., Las Vegas, NV

89103 and Artco-Vegas Recycling Center, POB 27317, Las Vegas, NV 89126.

MC 169698 (Sub-6–1TA), filed August 8, 1983. Applicant: LEAMON TEX NELSON d.b.a. NELSON BROS. TRUCKING CO., 2250 Clarkson St. Apt E, Denver, CO 80205. Representative: Leamon Tex Nelson (same as above). *General commodities* (except class A and B explosives, used HHG, commodities in bulk) between AZ, AR, NY, CA, CO, CT, IA, IL, IN, KS, WY, KY, MA, MD, MO, NC, NE, NJ, NM, NV, OH, OK, PA, TN, TX, UT, and VA for 270 days. Supporting shipper(s): Alpha Theary, Inc., 4534 So. 84th St., Omaha, NE 68127; Uplift Enterprises of Denver, Inc., 1855 Gaylord St. #201, Denver, CO 80206.

MC 169841 (Sub-6–1TA), filed August 10, 1983. Applicant: SHAMROCK TRUCKING CO., N. 10211 Roanoke Rd., Spokane, WA. 99208. Representative: James E. Wallingford, So. 5321 Pinebrook Ct., Spokane, WA. 99206. *Contract carrier,* irregular routes, *heavy machinery, prestressed/precast concrete products, sacked concrete products and related articles thereof,* between points, in ID, MT, OR and WA, for 270 days. Supporting shippers: Inland Asphalt Company, P.O. Box 11036, Parkwater Station, Spokane, WA. 99211; Central Pre-Mix Concrete Co., Inc., P.O. Box 3366, spokane, WA. 99220.

MC 151853 (Sub-6–3TA), filed August 11, 1983. Applicant: DONALD L. SHIRLEY, 5242 West Via Camille, Glendale, AZ 85306. Representative: James F. Crosby 7363 Pacific St. Suite 210B, Omaha, NE 68114. *Contract carrier,* Irregular routes: *Such commodities as are used or dealt in by general merchandise stores,* between points in CA and AZ, under a continuing contract(s) with The Price Company, San Diego, CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Price Company, 2657 Ariane Dr., San Diego, CA 92117.

MC 157112 (Sub-6–3TA), filed August 11, 1983. Applicant: F. B. SIMONICH & RANDAL SIMONICH, d.b.a. SIMONICH TRUCKING, 3455 15th Ave. So., Great Falls, MT 59405. Representative: Barney L Hardin, 1471 Shoreline Dr., Suite 106, Boise, ID 83702. *General commodities* (except classes A & B explosives), between MT and points in CA, ID, NV, OR, UT, WA, WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are six(6) shippers. Their statements may be examined at the Regional Office listed.

MC 148281 (Sub-6–6TA), filed August 10, 1983. Applicant: SUSANA TRANSPORT SYSTEMS, INC., 2845 Workman Mill Rd., Whittier, CA 90601. Representative: Miles L. Kavaller, 315 South Beverly Dr., S. 315, Beverly Hills, CA 90212. *Contract carrier, irregular routes, general commodities,* (except household goods, classes A and B explosives, hazardous waste) between points in the U.S., except AK and HI, under a continuing contract with 3 J Freight Service, Inc. of Whittier, CA, for 270 days. Supporting shipper: 3 J Freight service, Inc., 2845 Workman Mill Road, Whittier, CA 90601.

MC 169745 (Sub-6–1TA), filed August 9, 1983. Applicant: ROY S. & JUDITH M. SQUIRES d.b.a. TAURUS II TRUCKING, 1522 Amherst Dr., Longmont, CO 80501. Representative: Roy S. & Judith M. Squires (same as applicant). (1) *Lumber and wood products;* (2) *pulp, paper and related products;* (3) *rubber and plastic products;* (4) *metal products;* (5) *building materials;* (6) *clay, concrete, glass or stone products* between Denver, CO and points in WY, OH, TX, KS, VT, NM, CA, MI, PA, and MT; and (7) *food and related products* between CO on the one hand and points in the U.S. on the other for 270 days. Supporting shippers(s): Acoustical & Construction Supply, 6899 East 49th, Commerce City, CO 80216; Longmont Transportation CO., Inc., 150 Main St., Longmont, CO 80501.

MC 169697 (Sub-6–1TA), filed August 5, 1983. Applicant: RAFAEL OLIVA d.b.a. TRANSPORTES "RAYO", 637 West 30th St., Los Angeles, CA 90007. Representative: (same as applicant). *General commodities,* between Los Angeles County, CA and ports of entry on the U.S.-Mexico border for 270 days. Supporting shippers: Jose Daniel Azurdia, 3038½ S. Royal St., Los Angeles, CA; and Celia Villatoro, 3036½ S. Hill St., Los Angeles, CA 90037.

MC 148791 (Sub-6–25TA), filed August 9, 1983. Applicant: TRANSPORT-WEST, INC., 1050 S. 1100 W., Woods Cross, UT 84087. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84116. *Contract Carrier,* Irregular routes: *General commodities* (except Classes A and B explosives, commodities in bulk and household goods), between Hayward, CA and Sparks, NV for the account of Consumers Distributing, Ltd. for 270 days. An underlying ETA seeks 120 days' authority. Supporting shipper: Consumers Distributing, Ltd., 20 Campus Plaza, Edison, NJ. 08837.

MC 52793 (Sub-6–33TA), filed August 17, 1983. Applicant: BEKINS VAN LINES CO., 333 South Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant). *Contract* irregular: *General commodities (except classes A & B explosives)* between points in the U.S., except AK and HI for 270,days, for Phillips Petroleum Company. Supporting shipper: Phillips Petroleum Company, 820 Adams Bldg., Bartlesville, OK 74004.

MC 140633 (Sub-6–6TA), filed August 16, 1983. Applicant: CAPITAL DELIVERY SYSTEMS, INC., POB 161115, Sacramento, CA 95816. Representative: John F. Parks, III (same address as applicant). *Contract Carrier,* Irregular Route: *Such commodities as are stocked or sold by television and appliance stores* between Sacramento, CA and Reno, NV for Handy Andy Television and Appliance for 270 days. An underlying ETA seeks 120 authority. Supporting shipper: Handy Andy Television and Appliance, 2620 Fulton Ave., Sacramento, CA 95821.

MC 168945 (Sub-6–1TA), filed August 17, 1983. Applicant: DIRECT SERVICE TRANSPORT, INC., P.O. Box 14410, Spokane, WA 99214. Representative: James E. Wallingford, P.O. Box 11841, Spokane, WA 99211. *Building materials, lumber, wood products, sand in* sacks and *metal articles* over irregular routes between points in AR, AZ, CA, CO, ID, IL, IN, IO, MI, MN, MO, MT, ND, NE, NM, NV, OH, OK, OR, SD, TX, WA, WI, and WY, for a period of 270 days. Supporting shippers: There are 6 shippers. Their statement may be examined at the regional office above.

MC 169892 (Sub-6–1TA), filed August 15, 1983. Applicant: William E. Hartman d.b.a. BILL HARTMAN TRUCKING CO., RT. 2 Box 510, Chico, CA. 95926. Representative: (Same as applicant). *Contract carrier;* irregular route; *lumber and building materials* between points in CA, ID and CA for 270 days. Supporting shippers: Whittaker Forest Products Inc., P.O. 1578, Chico, CA. 95927.

MC 169717 (Sub-6–1TA), filed August 18, 1983. Applicant: ALBERT THEW, d.b.a. I.A.T. DISTRIBUTORS, 5334 200th St., Langley, B.C., CD, V3A 1M1. Representative: (Same as above). *Contract carrier,* irregular routes, *Lumber and Wood Products* between points in the U.S. (except AK and HI) for 270 days. Supporting shipper: Fraser Box and Trading Co. Ltd., 9871 River Dr., Richmond, B.C., CD, V6X 1Z1.

MC 169882 (Sub-6–1TA), filed August 16, 1983. Applicant: OTTO TERKILDSEN, INC., 1323 South 3rd St., Oakdale, CA 95361. Representative: Richard C. Celio, 300 S. Harbor Blvd., Suite 914, Anaheim, CA 92805. (1) *Ores and Minerals;* (2) *Clay, Concrete, Glass or Stone Products;* and (3) *Chemicals*

and Related Products between points in CA, AZ, NV, UT, OR, WA, ID, MT, WY, CO and NM for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Geo-Western Drilling Fluids, Geo-Drilling Fluids, Geo-Louisiana, Geo-Oklahoma, Industrial Minerals, P.O.B. 1478, Bakersfield, CA 93302.

MC 149303 (Sub-6–1TA), filed August 15, 1983. Applicant: EUGENE R. HANSEN d.b.a. TRAPPER TRUCKING, 7090 Highway 101 West, Port Angeles, WA 98362. Representative: (Same as applicant). *Lumber, plywood, veneer, peeler cores, cement, shakes, shingles, particle board, treated wood, sheet rock* and *related building materials* between points in WA and OR, for 270 days. Supporting shipper: Sunrise Forest Products Co., 6443 S.W. Beaverton Highway, Raleigh Hills, Portland, OR 97225.

MC 169893 (Sub-6–1TA), filed August 15, 1983. Applicant: VALTRANS, LTD., 185 West Railroad, Kalispell, MT 59901. Representative: David L. Jackson, 203 North Ewing St., Helena, MT 59601. *Lubricating oils, greases and empty containers (except commodities in bulk)* between Ponca City, OK, and points in Flathead, Jefferson, Lake, Lewis and Clark, Lincoln, Mineral, Sanders and Silverbow Counties, MT for 270 days. Supporting shippers: There are six shippers. Their statements may be examined at the Regional Office listed above.

MC 167149 (Sub-6–2TA), filed August 15, 1983. Applicant: KIM WEBB d.b.a. WEBB TRANSPORTING, 1029 Williams Road, Emmett, ID 83617. Representative: John H. Goslin, P.O. Box 921, Caldwell, ID 83605. *Liquid Petroleum and Related Products*, between Boise, ID and Jordan Valley, OR, for 270 days. Supporting shipper: Corta Oil Co., Inc., P.O. Box 255, Jordan Valley, OR.

MC 52793 (Sub-6–34TA), filed August 18, 1983. Applicant: BEKINS VAN LINES CO., 333 South Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant). *Contract* irregular: *New and used conputer equipment and components* between points in the U.S., excpet AK and HI for 270 days, for account of Comdisco, Inc. Supporting shipper: Comdisco, Inc., 6400 Shafer Ct., Rosemont, IL 60018.

MC 169962 (Sub-6–1TA), filed August 18, 1983. Applicant: UNITED TRUCKERS INC., 10100 Gem Tree Way, Santee, CA 92071. Representative: Alex B. Scheingross, 3232 Fourth Ave., San Diego, CA 92103. *General Commodities, with usual exceptions*, between points in CA and AZ for 270 days. Supporting shipper: There are five shippers. Their statements may be examined at the Regional Office listed.

Republication

MC 65665 (Sub-6–1TA), filed August 18, 1983. Applicant: IMPERIAL VAN LINES, INC., 2805 Columbia St., Torrance, CA 90503. Representative: Alan F. Wohlstetter, 1700 K St., NW, Washington, DC 20006. *Contract carriers*, irregular routes, *general commodities* (except class A & 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 affiliates for 270 days. Supporting shipper: Imperial Van Lines International, Inc., 2805 Columbia St., Torrance, CA 90503.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-23589 Filed 8-26-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte 387 (Sub-957)]

Rail Carriers; Seaboard System Railroad, Inc.; Exemption for Contract Tariff ICC-SBD-C-0216 (Chemicals)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice.* This exemption may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 29423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275–7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

This grant neither shall be construced to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10505.

Decided: August 22, 1983.

By the Commission, the Review Board, Members, Carleton, Parker, and Dowell.

*Note.—Tariff supplements advancing contract's effective date shall refer to this decision for authority. This exemption procedure is no longer necessary after June 27, 1983, see Ex Parte No. 387 (Sub-No. 200), 48 FR 23824, May 27, 1983.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-23590 Filed 8-26-83; 8:45 am]

BILLING CODE 7035-01-M

[I.C.C. Order P-61]

Rail Carriers; Passenger Train Operation; Atchison, Topeka and Santa Fe Railway Co.

It appearing, that the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between New Orleans, Louisiana, and Los Angeles, California. The operation of these trains requires the use of the tracks and other facilities of Southern Pacific Transportation (SP). A portion of the SP tracks between Indio, California, and Yuma, Arizona, are temporarily out of service because of a washout. An alternate route is available via The Atchison, Topeka and Santa Fe Railway Company between Los Angeles, California, and El Paso, Texas.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty day's notice.

It is ordered, (a) Pursuant to the authority vested in me by order of the Commission served April 29, 1982, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), The Atchison, Topeka and Santa Fe Railway Company (ATSF) is directed to operate trains of the National Railroad passenger Corporation (Amtrak) between Los Angeles, California, and a connection with South Pacific Transportation Company at El Paso, Texas.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no

agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and the between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date.* This order shall become effective at 1:00 a.m., (EDT), August 18, 1983.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m. (EDT), August 19, 1983, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon The Atchison, Topeka and Santa Fe Railway Company and upon the National Railroad Passenger Corporation (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C. August 18, 1983.

Interstate Commerce Commission.

John H. O'Brien,

Agent.

[FR Doc. 83-23597 Filed 8-26-83; 8:45 am]

BILLING CODE 7035-01-M

[I.C.C. Order P-60]

Rail Carriers; Passenger Train Operation; Union Pacific Railroad Co.

It appearing, that the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Oakland, California, and Chicago, Illinois. The operation of these trains requires the use of the tracks and other facilities of Southern Pacific Transportation Company (SP). A portion of the SP tracks in Utah over the Great Salt Lake are temporarily out of service because of flooding. An alternate route is available via Union Pacific Railroad Company (UP) between Alazon, Nevada, and Salt Lake City, Utah.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

(a) Pursuant to the authority vested in me by order of the Commission decided April 19, 1981, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), Union Pacific Railroad Company (UP) is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between a connection with Southern Pacific Transportation Company (SP) at Alazon, Nevada, and Salt Lake City, Utah.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date.* This order shall become effective at 1:00 a.m., August 15, 1983, Eastern Daylight Time.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 16, 1983, Pacific Daylight Time, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon Union Pacific Railroad Company, and upon the National Railroad Passenger Corporation (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 15, 1983.

Interstate Commerce Commission.

John H. O'Brien,

Agent.

[FR Doc. 83-23595 Filed 8-26-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 83-17]

Certificates of Registration; Drug Mart, Inc. of Lake Wales; Hearing

Notice is hereby given that on May 20, 1983, the Drug Enforcement Administration, Department of Justice, issued to Drug Mart, Inc. of Lake Wales an Order To Show Cause as to why the Drug Enforcement Administration should not revoke its DEA Certificates of Registration, AD1734169 and AD8070702, as a retail pharmacy under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Tuesday, September 13, 1983, in Courtroom No. 10, Room 309-B, U.S. Claims Court, 717 Madison Place, NW., Washington, D.C.

Dated: August 22, 1983.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 83-23584 Filed 8-26-83; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-72]

National Environmental Policy Act; Finding of No Significant Impact

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of finding of no significant impact.

SUMMARY: The eighth flight of the Space Shuttle (STS-8) with a crew of five astronauts is currently scheduled for late August from Kennedy Space Center, Florida. The Shuttle will be launched to a 28.5 degree orbit with an initial altitude of 300 km and later descend to an altitude of 222 km to conduct an evaluation of oxygen interaction with materials. The mission is scheduled for 5 days with a landing at Edwards Air Force Base, California.

The payloads for STS-8 have been significantly revised from previous plans due to the partial failure of the Inertial Upper Stage (IUS) on STS-6 in March 1983. Previously, STS-8 had been scheduled to carry the second Tracking and Data Relay Satellite (TDRS) with its

IUS, the Indian Government's INSAT–1B communications and weather satellite, as well as some research payloads in the crew's compartment. Because the problems with the IUS could not be quickly identified and resolved, the decision was made to postpone the launch of the TDRS/IUS and substitute other payloads.

The STS–8 mission is now scheduled to carry the following payloads in the Shuttle's cargo bay: (1) the Indian communication and weather observation satellite (INSAT–1B) and its associated Propulsion Assist Module (PAM–D) for launch onto geosynchronous transfer orbit; (2) a Payload Flight Test Article mounted on a frame; (3) an Oxygen Interaction with Materials Experiment; and (4) some small, self-contained payloads in cannisters (Get-Away Specials (GAS)) mounted on the side of the cargo bay. The major payload in the crew's cabin is the Continuous Flow Electrophoresis System (CFES), which has been flown on previous STS missions.

The INSAT–1B is the second dual-purpose geosynchronous communications-meteorological satellite built and launched by U.S. companies and NASA for the Indian Government's Space Research Organization. The satellite will provide both a space relay for general communications purposes (voice, data, television) and images of the weather patterns over that area of the world. The satellite has been built by Ford Aerospace and Communications Corporation, and is somewhat different from the Hughes Aircraft Corporation's HS–376 spacecraft launched on previous Shuttle missions. The INSAT–1B uses bipropellants (a hydrazine fuel and nitrogen tetroxide oxidizer) where previous spacecraft have used hydrazine mono-propellants with catalysts. The bipropellants, similar to those used in the Shuttle's Orbital Maneuvering System (OMS), are needed to maintain directional and positional control of the satellite during its planned 7-year lifetime. While there are other mechanical and electronic differences between the INSAT–1B and previously launched commercial communications spacecraft, all have been designed for launch to geosynchronous transfer orbit by the PAM–D propulsion module. From the standpoint of environmental analysis, however, the only difference in the spacecraft from prior launches is the presence of a different propellant for the altitude control system.

The Payload Development and Retrieval System/Payload Flight Test Article is a frame with an inert test mass to be used in tests with the Remote Manipulator Arm to gather information on its capabilities to manipulate future payloads.

The Oxygen Interaction with Materials (OIM) Experiment is mounted on a Development Flight Instrument (DFI) Pallet and consists of two trays which expose six samples maintained at different temperatures to the space environment. A test will be attached to the Remote Manipulator Arm. Another experiment, GLOW, consisting of an image intensifier and a camera, will be operated from the crew's cabin in conjunction with the OIM experiments. Both experiments have been flown previously and are being reflown to gather additional information under different conditions. As part of these tests, the Shuttle will change its orbit slightly so that it dips lower into the residual atmosphere in near-Earth space. The goal is to collect data on the degradation of aerospace materials by the residual oxygen in low-Earth orbits. These data will be used in selecting materials for future spacecraft designs.

Several small, self-contained experiments will be carried in the payload bay. These will be placed in cylindrical cannisters approximately 50 cm in diameter and 80 cm long. These are generally known as Get-Away Specials (GAS) payloads. The Contamination Monitor Package is a new GAS payload. The scientific GAS payloads have been flown before and are either being flown to gather additional data or because the prior experiments did not work as intended. The scientific GAS payloads are: (1) the Cosmic Ray Upset Experiment (CRUX) (flown on STS–7); (2) Photographic Film Investigation (flown on STS–7); and (3) Crystal Growth of Artificial Snow (flown on STS–6). Two payloads will be flown under the sponsorship of the *Asahi Shimbun*, a Japanese newspaper, as a result of a readership contest. In addition, the U.S. Postal Service will be sponsoring eight cannisters of postal covers or stamps for sale to the public. This will constitute the first space mail available to the general public.

The crew's cabin will contain several experiments using the astronauts' services. These payloads, generally called Mid-Deck payloads, are: (1) the Continuous Flow Electrophoresis System (CFES), which is a test-bed for possible future systems which would process pharmaceuticals in space. This system uses the slight differences in the electrical properties of components in solutions to effect their separation. The CFES is the first step in a joint venture between McDonnell-Douglas, an aerospace firm, and Johnson and Johnson, a pharmaceutical firm; (2) the GLOW experiment to be operated in conjunction with the OIM experiment; and (3) student experiments in suitcase-type containers will be carried aboard by the astronauts and placed in lockers for operation during the flight. These are selected from among those ready to go at flight time; consequently, details are not available.

There will be a variety of test and measurement equipment for use in an ongoing test program for the Space Shuttle System and their capabilities. These tests are described further in the Environmental Impact Statement for the Space Shuttle Program.

Possible alternatives to the Proposed Action are: (1) No Action; and (2) the Use of Expendable Launch Vehicles (ELV's).

The No Action Alternative is defined here as the continuation or substitution of terrestrial alternatives to achieve the same goals as the Shuttle payloads. The only goal of the STS–8 payloads, which can be achieved with economical terrestrial alternatives, is that of the INSAT–1B and only for its telecommunication functions. The weather imagery for that part of the world needs the synoptic view provided only from space. The partial imagery which could be obtained by a fleet of high-altitude aircraft would not provide sufficient coverage to be considered equivalent and would be very costly. The telecommunications functions, however, could be approximated by a network of microwave repeater towers, or by the emerging fiber optic cable technology. Ground based communications relay technologies are competitive with satellite relay methods and are frequently used to complement each other. In general, for high subscriber densities and short distances, ground based telecommunications are more cost-effective than satellite relay. For low subscriber densities and long distances, satellite relay is frequently more cost-effective. In the case of India, where a subscriber base must be built along with the telecommunications system, satellite relay is considered preferable because ground stations can be placed in remote areas of the country to satisfy demand without having a large investment in the intervening areas where the demand is not yet developed.

The other payloads require some aspect of the space environment to achieve their objectives. In the case of the OIM and GLOW experiments, this is access to the residual atmosphere at Shuttle altitudes. For other experiments, weightlessness or exposure to space

outside the bulk of the atmosphere is required.

The use of Expendable Launch Vehicles (ELV's) is technically possible, but only in the case of the INSAT–1B is it considered economically feasible. The INSAT–1A, a nearly identical spacecraft, was launched on a Delta ELV in 1982. With some minor modifications, the INSAT–1B could also be launched this way. The other payloads, however, have been designed for use on the Shuttle and would require, at a minimum, extensive modifications to use any other ELV. The Payload Flight Test Article is desinged exclusively for a test of the Shuttle's Remote Manipulator Arm and thus would not be considered for an ELV launch. The other payloads could conceputally be redesigned to fly on one or two Delta vehicles, together with a reentry system to permit their recovery. The Shuttle Orbiter, however, has been designed to provide this reentry capability. It is very questionable whether these or other payloads requiring reentry would be funded in the foreseeable future if this capability were not available as part of NASA's standard launch services. Use of sounding rockets is not considered appropriate for these payloads; they require more time in space environment than can be provided by existing sounding rockets.

For the Proposed Action, the only measurable long term adverse environmental effect from the normal deployment and operation of these payloads is the addition of the expended PAM–D solid rocket motor and the ultimately abandoned INSAT–1B to the population of artificial space debris. This population currently numbers about 5,000 observable objects. The major concern associated with this debris is an increasing probability of collision with an active spacecraft. While the current debris accumulation poses little threat to the terrestrial environment, there is an increasing probability of collisions which would result in the loss of an active spacecraft and the growth of the debris population through the fragmentation process. If the spacecraft were manned, it is possible that a direct hit by debris would result in the loss of life.

If the INSAT–1B were launched by a Delta ELV, the Delta second stage would become part of the space debris with the PAM and the spacecraft. For either alternative, the potential collision risk from the addition to the space debris is considered to be an acceptable risk in exchange for the benefits to be achieved from the INSAT–1B.

Short term adverse effects are anticipated from the launch of the Shuttle and include noise and the spotting of vegetation near the launch facility. These effects occur during launches of Deltas, but with lower intensities. For both launch alternatives, there is a risk of a catastrophic accident caused by the payloads or the failure of a vehicle system. NASA safety procedures for design and operations of both the payloads and the launch vehicles significantly reduce the risks of associated accidents. In the case of the Shuttle, such an accident would very likely result in loss of the crew's lives. The Delta is unmanned. Accident consequences have been examined and have been determined to cause only local and temporary effects to the environment.

The STS–8 payload contribution to the consequences of accidents is small when compared to the launch vehicle itself. Further information on the launch systems, their normal operations, and potential accidents and their consequences is given in the Final Environmental Impact Statements for the Space Shuttle Program and for the Expendable Launch Vehicle Program.

For the Proposed Action and all alternatives, ground based communications facilities will be needed. Whether space relay or ground relay systems are selected, their construction will be noticeable to individuals nearby. Most of these facilities will be built near cities or towns or adjacent to previously developed land. Their major direct impact on the environment will come from their construction, and their operation will not result in further environmental deterioration. For the No Action Alternative, more ground stations would be needed than for the Shuttle or Delta launch of the space relay satellite. For both space launch alternatives, the ground facilities will be the same.

For the ELV launch of the INSAT (and other payloads), the environmental effects of the Delta vehicle(s) would be less than one Shuttle launch in terms of noise and rocket exhaust effluents.

SUPPLEMENTARY INFORMATION: The environmental assessment for this proposed project was completed by the National Aeronautics and Space Administration in August 1983.

Conclusion: The Shuttle launch of the STS–8 payloads will not result in any significant adverse environmental impacts. No environmental impact statement is required for this launch.

EFFECTIVE DATE: Date published in the **Federal Register.**

ADDRESS: National Aeronautics and Space Administration, Code MC, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Ott, 755–7472.

Louis N. Lushina,

Acting Associate Administrator for Management.

August 26, 1983.

[FR Doc. 83–23858 Filed 8–26–83; 12:09 pm]

BILLING CODE 7510–01–M

NATIONAL CREDIT UNION ADMINISTRATION

Agency Forms Submitted to the Office of Management and Budget for Clearance

The following are those packages submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Subject: Claim for Insurance and Assignment of Insured Account (3133–0077); Extension/No Change.

Respondents: Shareholder in liquidating credit unions.

Subject: Notice to Termination of Insured Status (3133–0025); Extension/No Change.

Respondents: Shareholders of credit unions discounting Federal Share Insurance.

Subject: Share Insurance Premium Statement (3133–0073); Extension/No Change.

Respondents: Federally insured credit unions.

Copies of the above information collection clearance packages can be obtained by calling the National Credit Union Administration, Special Projects Officer, on 202–357–1080.

Written comments and recommendations for the listed information collections should be sent directly to the OMB Desk Officer designated above, at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20403, ATTN: Judith McIntosh.

Dated: August 22, 1983.

Rosemary Brady,

Secretary of the NCUA Board.

[FR Doc. 83–23509 Filed 8–26–83; 8:45 am]

BILLING CODE 7535–01–M

NATIONAL SCIENCE FOUNDATION

Division of Civil and Environmental Engineering, Earthquake Hazard Mitigation Advisory Subcommittee; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for the Earthquake Hazard Mitigation Program of the Division of Civil and Environmental Engineering (CEE) Advisory Committee for Engineering.

Date and Time: September 20, 1983–9:00 a.m. to 5:00 p.m.; September 21, 1983—9:00 a.m. to 12:00 Noon.

Place: National Science Foundation, 1800 G Street, NW. Room 540.

Type of Meeting: Open.

Contact Person: Rowena Peacock, Administrative Officer (CEE) National Science Foundation, Room 1130, Washington, D.C. Telephone: (202) 357–9545.

Summary Minutes: Minutes may be obtained from the contact person.

Agenda: Tuesday, September 20, 1983:

9:00–10:00—Welcome and Discussion of Division Activities.

10:00–11:00—Review of Budgets and Reports of Sub-programs.

11:00–12:00—Status Reports on Special Projects.

12:00–1:30—Lunch.

1:30–3:00—Continuation of Status Reports.

3:00–5:00—Interagency Coordination Activities.

Wednesday, September 21, 1983:

9:00–12:00—Discussion of General Issues for Long Range Planning.

Adjournment.

Dated: August 24, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-23572 Filed 8-26-83; 8:45 am]

BILLING CODE 7555-01-M

Ad Hoc Oversight Committee for the Division of Earth Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Ad Hoc Oversight Committee for the Division of Earth Sciences.

Date and Time: September 19–21, 1983; 8:30 a.m. to 5:00 p.m. each day.

Place: Room 642, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. James Fred Hays, Division Director, Earth Sciences, Room 602, National Science Foundation, Washington, D.C. 20550. Telephone: (202) 357–7958.

Agenda: Review and comparison of declined proposals (and supporting documentation) with successful awards in the Division of Earth Sciences, including review of peer review materials and other privileged material.

Purpose of Committee: To provide assistance in carrying out external oversight which is concerned with the examination of decision made, procedures and policies in effect and focuses on operations and activities, priorities, program balance, and selection of awards.

Reason for Closing: The committee will be reviewing grants and declination jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This session will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determination by the Director, NSF, on July 6, 1979.

Dated: August 24, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-23571 Filed 8-26-83; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee for Oversight and Evaluation of the Oceanographic Facilities Support Section, Advisory Committee for Ocean Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting.

Name: Subcommittee for Oversight and Evaluation of the Oceanographic Facilities Support Section of the Advisory Committee for Ocean Sciences.

Date and Time: September 21 and 22, 1983; 9 a.m. to 5 p.m. each day.

Place: Room 1224, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of Meeting: Part-Open.

Contact Person: Mr. Ronald R. La Count, Head, Oceanographic Facilities Support Section, Division of Ocean Sciences, Room 613, National Science Foundation, Washington, D.C. 20550—Telephone: 202–357–7837.

Purpose of Subcommittee: To provide expert assistance in carrying out external oversight which is concerned with the examination of decisions made, procedures and policies in effect and focuses on operations and activities, priorities, program balance, and selection of awards.

Agenda

Will include the following discussions and presentations:

Open 9–5 September 21:

9:00—Introductory Remarks.

9:30—Oceanographic Facility Support Section Overview.

10:30—Ship Operations Program.

11:30—Break.

1:00—Shipboard Scientific Support Equipment Program.

2:00—Shipboard Technician Program.

3:00—Oceanographic Instrumentation and Instrumentation Development Program.

4:00—Adjunct Programs.

Closed 9–5, September 22:

Review and comparison of proposals (and supporting documentation) including review of peer review materials and other privileged materials.

Reason for Closing: The subcommittee will be reviewing grants and declination jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This session will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determination by the Director, NSF, on July 6, 1979.

Dated: August 24, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-23573 Filed 8-26-83; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee for Ocean Sciences Research of the Advisory Committee for Ocean Sciences; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee for Ocean Sciences Research.

Date and Time: September 12, 13, and 14, 1983, 9:00 am to 6:00 pm each day.

Place: Rooms 338, 523, 642 and 1224, National Science Foundation, 1800 G Street, NW., Washington, D.C.

Type of Meeting: Closed.

Contact Person: Dr. Robert E. Wall, Head, Ocean Science Research Section, Room 611, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357–7924.

Purpose of Meeting: To provide advice and recommendations concerning support for research in Oceanography.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determination by the Director, NSF, on July 6, 1979.

Dated: August 24, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-23575 Filed 8-26-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Physics, Subcommittee for Review of the NSF Elementary Particle Physics Program; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Physics; Subcommittee for the Review of the NSF Elementary Particle Physics Program.

Date and Time: September 12–13, 1983; 9:00 a.m. to 5:00 p.m., each day.

Place: Room 341, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. Marcel Bardon, Director, Division of Physics, Room 341, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357–7985.

Purpose of Subcommittee: To provide oversight concerning NSF support and planning for research in elementary particle physics.

Agenda: To review NSF Elementary Particle Physics Program documentation as part of the program oversight function.

Reason for Closing: The meeting will deal with a review of grants and declinations in which the Subcommittee will review materials containing the names of applicant institutions and principal investigators and privileged information from the files pertaining to the proposals. The meeting will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: August 24, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-23574 Filed 8-26-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Polar Programs; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Polar Programs.

Date and Time: September 15–16, 1983, 9:00 a.m. to 5:00 p.m.

Place: Room 642, National Science Foundation, 1800 G. Street, NW., Washington, D.C. 20550.

Type of Meeting: Open.

Contact Person: Dr. Edward P. Todd, Division Director, Division of Polar Programs, Room 620, National Science Foundation, Washington, D.C. 20550. Telephone: (202) 357–7766.

Purpose of Committee: Serves to provide expert advice to the U.S. Antarctic Program and the Arctic Program, including advice on polar operations support, budgetary planning, polar coordination and information and science programs. Provides oversight of program management, overall program balance, and other aspects of program performance. Conducts special studies and analyses as agreed to by the Division Director and the Committee. Advises the Foundation of the impact of its research support program and other policies on the scientific community. Reviews and evaluates proposals as required. Establishes procedures for determining special needs of the research community in polar programs, including those areas in need of special support or stimulation.

Agenda:

September 15:

Overview of U.S. Antarctic Program.
—Overview of U.S. Arctic Program.
—Committee Discussion.
—Review of Polar Science Programs.
—Committee Discussion.

September 16:

—Polar Operations.
—Committee Discussion.
—Budget.
—Polar Coordination and Information.
—Committee Discussion of Activities for the Year.

Summary Minutes: May be obtained from Contact Person.

Dated: August 24, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-23569 Filed 8-26-83; 8:45 am]

BILLING CODE 7555-0-01-M

Advisory Committee for Policy Research and Analysis and Science Resources Studies; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Policy Research and Analysis and Science Resources Studies.

Date and Time: September 26, 1983—9:00 a.m. to 5:00 p.m.

Place: Room 540, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of Meeting: Open.

Contact Person: Ms. Inez Olson, Division of Policy Research and Analysis, Directorate for Scientific, Technological and International Affairs, Room 1233, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357–9689.

Summary Minutes: May be obtained from the contact at the above address.

Purpose of Committee: To provide advice, recommendations, and oversight concerning program emphases and directions of the Divisions of Policy Research and Analysis and Science Resources Studies.

Agenda:

September 26, 1983:

9:00 a.m.—Opening Remarks.
10:00 a.m.—PRA Status Report.
11:00 a.m.—PRA New Directions.
1:30 p.m.—SRS Status Report.
2:15 p.m.—International S&T Resources Data Program.
3:00 p.m.—Science and Engineering Personnel.
3:30 p.m.—Linkage of Industrial R&D to Other Economic Data.
4:00 p.m.—Priorities for Measuring National Resources Inputs to Rapidly Developing Technological Areas.
4:30 p.m.—Closing Remarks.
5:00 p.m.—Adjourn.

Dated: August 24, 1983.

M. R. Winkler,

Committee Management Coordinator.

[FR Doc. 83-23570 Filed 8-26-83; 8:45 am]

BILLING CODE 7555-01-M

Executive Committee of the Advisory Committee for Social and Economic Science; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: The Executive Committee of the Advisory Committee for Social and Economic Science

Date and time: September 16, 1983, 10:00 a.m. to 4:00 p.m.

Place: Room 628, National Science Foundation, 1800 G Street, NW Washington, DC 20550

Type of meeting: Closed—10:00 a.m.–2:00 p.m.; Open—2:00 p.m.–4:00 p.m.
Contact person: James H. Blackman, Acting Division Director, Social and Economic Science, Room 316, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357–7966
Purpose of committee: To provide advice and recommendations concerning NSF support for regulation and policy analysis research.
Agenda: (Closed 10–2)—Review and comparison of declined proposals (and supporting documentation) with the successful awards under the Regulation and Policy Analysis Program, including review of peer review materials and other privileged material.
(Open 2–4)—Discussion of program priorities and general management of program.
Reason for closing: The Subcommittee will be reviewing grants and declinations jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This session will also include a review of peer review documentation pertaining to applicants. These matters are within exemption (4) and (6) of 5 U.S.C. 552(c), Government in the Sunshine Act.
Authority to close: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: August 24, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-23568 Filed 8-26-83; 8:45 am]
BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-333]

Power Authority of the State of New York (James A. FitzPatrick Nuclear Power Plant); Exemption

I

The Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR-59 (the license) which authorizes operation of the James A. FitzPatrick Nuclear Power Plant located in Oswego County, New York, at a steady state reactor core power level not in excess of 2436 megawatts thermal. This license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

II

On October 2, 1980, the Commission proposed rulemaking on "Interim Requirements Related to Hydrogen Control and Certain Degraded Core Considerations." The proposed amendments to 10 CFR Part 50 would improve hydrogen management in light-water reactor facilities and provide specific design and other requirements to mitigate the consequences of accidents.

On January 4, 1982, the proposed rule became effective and as part of the amendments, it required hydrogen recombiner capability to reduce the likelihood of venting radioactive gases following an accident. The hydrogen recombiner capability applies to light-water nuclear power reactors that rely upon purge/repressurization systems as the primary means of hydrogen control.

Section 50.44(c)(3)(ii) of 10 CFR Part 50 requires that by the end of the first scheduled outage after July 5, 1982 and of sufficient duration to permit required modifications, each light-water power reactor, that relies upon a purge/repressurization system as the primary means for controlling combustible gases following a Loss-of-Coolant Accident, shall be provided with either an internal recombiner or the capability to install an external recombiner following the start of an accident.

III

In a June 29, 1983 submittal, as supplemented by letter dated July 19, 1983, the licensee requested an exemption from the requirement of § 50.44(c)(3)(ii) for provision of either an internal recombiner or the capability to install an external recombiner following the start of an accident. The request was based on BWR Owners Group studies of combustible gas control submitted for NRC review by letter dated June 21, 1982. In the event that the Commission is unable to issue promptly its decision on request for exemption from the equipment requirements of § 50.44(c)(3)(ii), the licensee requested an extension of the schedule requirements of 10 CFR 50.44(c)(3)(ii).

We have very nearly completed our review of the BWR Owners Group studies on which the licensee's exemption request was based. We will be able to consider the licensee's request for permanent exemption following completion of that review.

During the interim period, with respect to combustible gas control in the event of a loss-of-coolant accident, the FitzPatrick plant can use the existing containment atmosphere control systems, in conjunction with the standby gas treatment systems, to avoid unacceptable combustible gas concentrations. The containment atmosphere system maintains an inert atmosphere during normal operation and the Containment Atmosphere Dilution (CAD) system is used to control combustible gas concentrations after an accident. By means of the CAD system, hydrogen and oxygen concentrations are monitored as nitrogen is added to the containment atmosphere to dilute combustible gases. In the unlikely prospect of high containment vessel pressure, the pressure may be relieved by venting through the standby gas treatment system. A detailed procedure has been developed by the licensee, with operating personnel trained to use these systems in the control of combustible gases. We find these means of combustible gas control acceptable for interim operation of the James A. FitzPatrick Nuclear Power Plant through December 31, 1983.

IV

Accordingly, the Commission has determined that pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following exemption request.

Exemption is granted from the schedular requirement of § 50.44(c)(3)(ii) to extend the required date from "the end of the first scheduled outage beginning after July 5, 1982 and of sufficient duration to permit modifications" to no later than December 31, 1983, or, if the plant is shutdown on that date, before the resumption of operation thereafter.

The Commission has determined that the granting of this exemption will not result in any significant environmental impact and that, pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland this 22d day of August, 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-23030 Filed 8-26-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-395]

South Carolina Electric & Gas Company, South Carolina Public Service Authority; Consideration of Issuance of Amendment to Facility Operating License and Proposed no Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-12, issued to South Carolina Electric & Gas Company and South Carolina Public Service Authority (the licensees), for operation of the Virgil C. Summer Nuclear Station, Unit 1, located in Fairfield County, South Carolina.

The amendment would change the Technical Specifications to reflect changes in the licensee's nuclear organization structure. These changes result from upper management efforts to institute a direct communication channel with Plant Operations, and to centralize management of other nuclear departments outside Quality Assurance and Plant Operations in accordance with the licensees' application for amendment dated July 22, 1983.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Technical Specification amendment requested involves changes to the structure of the licensee's nuclear organization. The changes involve the Director, Nuclear Plant Operations, reporting to the Vice-President Nuclear Operations, decreasing the number of personnel reporting directly to the Director, Nuclear Plant Operations from 4 to 3, creation of a Director, Nuclear Services, reporting to the Vice-President, Nuclear Operations, location of a Principal Engineer, Nuclear Safety to review generic and unresolved safety issues, industry studies, and risk analyses, and changing the reporting of the Nuclear Safety Review Committee (NSRC) to the Vice-President, Nuclear Operations.

These changes reflect the licensee's efforts to centralize various related functions within the plant organization and reduce the number of personnel reporting directly to the Director, Nuclear Plant Operations. However, Health Physics supervision will still have direct access to the Director, Nuclear Plant Operations, in matters concerning any phase of radiological protection, and the normal chain of authority at the plant will be similar to the current chain of authority. Also, these changes to both the Corporate and Plant organizations do not affect the basic responsibilities of the various groups, only the management structure of the organizations. Also, all personnel designated to the new positions will have appropriate qualifications for those positions.

The Commission has provided guidance concerning the application of the standards for determining whether license amendments involve no significant hazards considerations by providing certain examples (48 FR 14870). The request involved in this case does not match any of those examples. However, the staff has reviewed the licensee's request for the above amendment and has determined that should this request be implemented, it will not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated (2) create the possibility of a new or different kind of accident from any accident previously evaluated or (3) involve a significant reduction in a margin of safety. Accordingly, the Commission proposes to determine that this change does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By September 28, 1983, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfied these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to

intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding, the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Elinor G. Adensam: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Randolph R. Mahan, P.O. Box 764, Columbia, South Carolina, 29218, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specfied in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29218.

Dated at Bethesda, Maryland, this 23rd day of August 1983.

For the Nuclear Regulatory Commissions.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-23001 Filed 8-26-83; 8:45 am]

BILING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

Region VIII Advisory Council, Montana; Public Meeting

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Helena, Montana, will hold a public meeting at 9:30 a.m. on Friday, October 7, 1983, at the Federal Office Building, 301 South Park, Room 289, Helena, Montana, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call John R. Cronholm, District Director, U.S. Small Business Administration, Federal Office Building, 301 South Park, Drawer 10054, Helena, Montana 59626—(406) 449-5381.

Jean M. Nowak,

Director, Office of Advisory Councils.

August 23, 1983.

[FR Doc. 83-23639 Filed 8-26-83; 8:45 am]

BILLING CODE 8025-01-M

Region VII Advisory Council, Nebraska; Public Meeting

The Small Business Administration Region VII Advisory Council, located in the geographical area of Omaha, Nebraska, will hold a public meeting from 9:30 a.m. to 2:30 p.m. on Monday, September 19, 1983, in the Conference Room, Omaha District Office, U.S. Small Business Administration, 19th and Farnam, Omaha, Nebraska, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Rick Budd, District Director, U.S. Small Business Administration, 19th and Farnam, Omaha, Nebraska 68102—402/221-3620.

Jean M. Nowak,

Director, Office of Advisory Councils.

August 22, 1983.

[FR Doc. 83-23638 Filed 8-26-83; 8:45 am]

BILLING CODE 8025-01-M

Las Vegas District Advisory Council, Nevada; Public Meeting

The Small Business Administration, Las Vegas District Advisory Council will hold a public meeting on September 12, 1983, at the Small Business Administration, located at 301 E. Stewart, Downtown Station, Post Office, 3rd Floor, Las Vegas, Nevada, from 10:00 a.m. to 12:00 noon to discuss such matters as may be presented by Council members, staff of the Small Business Administration, or others present.

For further information, write or call Linda Davis, Secretary for District Director, U.S. Small Business Administration, 301 E. Stewart, Las Vegas, Nevada 89101, or call (702) 385-6611.

Jean M. Nowak,

Director, Office of Advisory Councils.

August 23, 1983.

[FR Doc. 83-23636 Filed 8-26-83; 8:45 am]

BILLING CODE 8025-01-M

Region II Advisory Council, New York; Public Meeting

The Small Business Administration Region II Advisory Council, located in the geographical area of New York, will hold a public meeting at 9:30 a.m., Tuesday, September 27, 1983, at the Jacob K. Javits Federal Building, 26 Federal Plaza, Room 305b (3rd floor), New York, New York, to discuss such matters as may be presented by members, staff of the U.S. Small

Business Administration, or others present.

For further information, write or call Mervyn Shorr, Acting District Director, U.S. Small Business Administration, 26 Federal Plaza, New York, New York 10278 (212) 264–1318.

Jean M. Nowak,

Director, Office of Advisory Councils.

August 23, 1983.

[FR Doc. 83-23637 Filed 8-26-83; 8:45 am]

BILLING CODE 8025-01-M

Small Business Investment Companies; Maximum Annual Cost of Money; Federal Financing Bank Rate

13 CFR 107.301(c) sets forth the SBA Regulations governing the maximum annual cost of money to small business concerns for Financing by small business investment companies.

Section 107.301(c)(2) requires that SBA publish from time to time in the **Federal Register** the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money pursuant to § 107.301(c)(1). It is anticipated that a rate notice will be published each month.

13 CFR 107.301(c) does not supersede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new subsection 308(i) of the Small Business Investment Act, added by section 524 of Pub. L. 96–221, March 31, 1980 (94 stat. 161), to that law's Federal override of State Usury ceilings, and to its forfeiture and penalty provisions.

Effective *September 1, 1983,* and until further notice, the FFB rate to be used for purposes of computing the maximum cost of money pursuant to 13 CFR 107.301(c) is *11.665%* per annum.

Dated: August 23, 1983.

Edward J. Myerson,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 83-23635 Filed 8-26-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Implementation of 25 kHz Channel Spacing Requiring Airborne 720-Channel Radios in VHF Air Traffic Control Communication Band in Airspace Below 18,000 Feet

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: General notice; Invitation for comments.

SUMMARY: The FAA is seeking comments and suggestions concerning the further integration of 25 kHz spaced channels into the National Airspace System (NAS) in the 118–136 MHz aeronautical mobile band.

There is a shortage of VHF air traffic control (ATC) communication channels in the 118–136 MHz band creating severe frequency congestion problems in many parts of the country. Unless this frequency shortage problem is resolved, it will adversely impact air safety, expeditious ATC operations, and the enhancement and expansion of existing ATC systems requiring VHF communications channels. To maintain the highest level of air traffic safety and to support modernization of ATC, as outlined in the FAA's National Airspace System Plan, the FAA has proposed a three-phase plan for the further implementation of 25 kHz channel spacing in the 118–136 MHz band. The primary impact on aviation users is that aircraft wishing to receive full ATC services must be equipped with 720-channel radios.

DATES: Comments must be received on before: October 28, 1983.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Director, Systems Engineering Service, 800 Independence Avenue, SW., Washington, D.C. 20591.

All comments submitted will be available for inspection at 800 Independence Avenue, SW., Room 713, Washington, D.C., between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald J. Markey, Acting Manager, Spectrum Management Program, Spectrum Engineering Division, Systems Engineering Service, Room 714B, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–3269.

Early Public Participation

This general notice is issued to invite early public participation in the identification and selection of a course or alternative courses of action with respect to a particular problem.

Interested persons are invited to participate in the making of a solution to the problem by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and recommendations presented are particularly helpful in developing reasoned decisions on the proposals. Comments are specifically invited on the issues identified in this general notice, including the overall economic, environmental, and energy aspects of the various proposals and alternatives. Communications should identify the general notice number, and be submitted in duplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to General Notice on implementation of 25 kHz channel spacing." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on this notice.

All comments submitted will be available for examination in the room listed above under "ADDRESSEES" both before and after the closing date for comments. If it is determined to proceed further, after consideration of the available data and the comments received in response to this notice, a notice of proposed rulemaking or a notice of policy decision will be issued. A report summarizing each substantive public comment with FAA personnel concerned with this rulemaking will be filed in the docket.

SUPPLEMENTARY INFORMATION:

Background

The Federal Aviation Administration (FAA), in a Notice of Policy Decision dated May 21, 1973, (FR Doc. 73–11127), announced its intention to proceed with 25 kHz channel spacing implementation in the VHF air traffic control (ATC) communications band (118–136 MHz) for high altitude en route sectors (the airspace above 18,000 feet) commencing in January 1977. That policy has been implemented with the first 25 kHz spaced communication channels being assigned to Indianapolis Center in June 1977. The FAA is presently assigning 25 kHz spaced channels to the high altitude en route structure as needed on a case-by-case basis. In the 1973 notice, it was anticipated that low altitude en route, terminal, and flight service station (FSS) frequency requirements could be accommodated with 50 kHz spaced channels for a number of years. The implementation of 25 kHz channel spacing below the high altitude en route structure was to be the subject of further study by the FAA.

One study was published by the FAA in June 1980 (FAA–RD–80–32—Study of 25 kHz Channel Spacing Implementation in the VHF Air Traffic Control Communications Band for Low Altitude En Route and Terminal Facilities). That

study, based on the number of existing frequency assignments (as of January 1979) and a projected rate of growth of 4 percent per year, recommended that 25 kHz channel spacing be implemented in the low altitude en route structure beginning in January 1982 and in terminal sectors beginning January 1984. As a result of the 1981 controller strike and its impact on ATC operations, the implementation dates recommended in the June 1980 study have been altered and are reflected in this notice.

Many new and expanded ATC services, which require VHF communication channels, are being developed and introduced into the National Airspace System (NAS). The services include the automated weather observation system (AWOS), hazardous in-flight weather advisory service (HIWAS), high and low altitude en route flight advisory service (EFAS), expanded automated terminal information service (ATIS), aeronautical advisory station (UNICOM), and other ATC services. To meet the anticipated demand for these new aviation services, the air-ground communications spectrum must be divided into 720 channels in accordance with our proposed schedule.

Proposed Schedule for Implementation

For these reasons, the following three-phase schedule has been proposed:

Phase I: Beginning in July 1984, the FAA will introduce 25 kHz channel spacing at selected high density airports. Full FAA services may not be available to users not 720-channel equipped.

Phase II: Beginning in January 1985, the FAA will introduce 25 kHz channel spacing in selected low altitude en route sectors. Full FAA services may not be available to users not 720-channel equipped.

Phase III: Beginning in January 1986, the FAA will introduce 25 kHz channel spacing at flight service stations (FSS) and other controlled and uncontrolled airports as required. Full FAA services may not be available to users not 720-channel equipped.

The proposed schedule, if adopted, would have the following impact on aviation users. Beginning in July 1984, aircraft wishing to receive full ATC service at selected high density airports will require 720-channel radios. By January 1985, aircraft flying in selected low altitude en route sectors would also require 720-channel radios in order to receive unrestricted ATC services. By January 1986, aircraft wishing to receive full ATC services at selected FSS's and other airports would be required to have 720-channel radios. At each individual location, 25 kHz spacing would be adopted only when found necessary due to traffic and frequency congestion conditions.

Aircraft equipped with 360-channel radios would continue to be able to operate in the NAS and receive aircraft separation services. However, those aircraft may encounter rerouting and delays, particularly in congested en route and terminal areas. In addition, in some locations, some or all of the new ATC services mentioned above will not be available to aircraft so equipped.

Section 91.90 of the Federal Aviation Regulations currently requires that aircraft operating into Group I and Group II terminal control areas (TCA), which includes virtually all high density airports, must have an operable two-way radio capable of communicating with ATC on appropriate frequencies for that TCA. Section 91.125 of the FAR provides that the pilot of each aircraft operating under instrument flight rules in controlled airspace, which includes virtually all en route sector traffic, must maintain a continuous watch on the appropriate frequency. Thus, in order to obtain full service into those airports or en route sectors at which 25 kHz spacing is assigned, aircraft would have to be equipped with 720-channel radios. In addition, after Phase III, in order to obtain complete services at flight service stations which have 25 kHz channel assignments, aircraft would need the new radios.

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

J. Lynn Helms,

Administrator.

[FR Doc. 83-23680 Filed 8-26-83; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-83-20]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: September 20, 1983.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. , 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on August 22, 1983.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
23715	Mountain West Helicopters	14 CFR 43.3(h)	To permit certain pilots employed by petitioner to inspect Bell Helicopter Company Model 206 series airframe and Detroit Diesel Allison Model 250C series engine magnetic chip detectors under certain circumstances in remote locations.

PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
19165	Executive Jet	14 CFR 135.89(b)(3)	To extend Exemption 2801A, which expires December 31, 1983, to permit petitioner to operate its Learjet aircraft above flight level (FL) 350 up to and including FL 410 without one pilot having to wear and use an oxygen mask.
23718	United Technologies Corp	40 CFR 87.21	To exempt certain of petitioner's engines manufactured after 1/1/84 and before 6/1/84 from the standards under 40 CFR § 87.81. The engines are the Pratt & Whitney JT8D-9A, -15, -15A, -17, -17A, -17R, and -17AR.
23717	Garrett Turbin Engine	40 CFR 87.21(e)	To exempt by way of modification certain of the petitioner's engines manufactured after 1/1/84 and before 1/1/89. The engines are Garrett Models RFE731-2, -3, -3R, -3A, -3AR, -3B, -5, and -5R. The exemption would permit these engines to have exhaust emissions equal to a smoke number of 50 or less.
22286	Finnair	14 CFR 21.197	To extend Exemption 3450, which expires 1/1/84, to allow petitioner to use a special flight permit with continuing authorization for DC-10-30 aircraft N-345HC subject to certain conditions and limitations.
23712	Arizone Coors Ballooning Co	14 CFR 101.19	To permit petitioner to operate tethered, passenger-carrying hot air balloons not equipped with automatic rapid deflation devices which activate if a balloon escapes its moorings.
23713	SimuFlite Training Int'l., Inc	14 CFR 61.57(a)(1), (c) & (d); 61.58(b)(1), (c) & (d); 61.63(d)(2) & (d)(3); 61.67(d)(2); 61.157(d)(1) & (e)(1); 135.303; & portions of Appendix H of Part 121.	To permit petitioner, which is not a Part 121 certificate holder, to establish an advanced simulation training program using Phase II simulators; permit pilots attending petitioner's training programs to complete recency of experience and/or practical tests in petitioner's Phase II simulator; and, permit the examination of check pilots by FAA examiners in the petitioner's Phase II simulator.
23685	Dept. of Navy, MCAS, Beaufort, SC	14 CFR 101.23(b)(c)	To permit petitioner to fire Missile Plume Simulator GTR-18 Class B Fireworks, "Smokey Sam." Firings will be done within established Controller Firing Areas at MCAS Beaufort.
83-ANE-002E	Pratt & Whitney Aircraft, East Hartford, CT	14 CFR 33.7(c)(17)	To permit the Maintenance Review Board to establish the initial engine maintenance program in lieu of specifying the time for first overhaul on the engine type certificate data sheet.
		14 CFR 33.14	To permit rotor component cyclic life to be established by an alternate prediction procedure which utilizes statistical analysis of material data, thermal and stress analyses, and service experience.
		14 CFR 33.23	To establish definitions of various types of mount loads and allow mounts to withstand "ultimate" loads without failure but may exhibit permanent deformation.
		14 CFR 33.27	Following the test required by sub-paragraph (c), permit diametral growth no greater than 1 percent for each rotor, but no rotor may be cracked.
		14 CFR 33.68(b)	During 30 minute period at idle, permit periodic engine accelerations to 60 percent N1 at 10-minute intervals.
		14 CFR 33.88	To permit conduct of the rotor test for 5 minutes.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought, disposition
23412	Jack O'Neill	14 CFR Part 61	To permit petitioner to apply for a private pilot certificate although he has not obtained instruction in certain areas of aeronautical knowledge appropriate for a helium type airship. The aircraft he operates is a hot air airship. Denied *8/11/83.*
21812	Albuquerque Int'l. Balloon Fiesta, Inc.	14 CFR 61.3 & 91.27	To allow certain foreign balloon pilots and foreign balloons to participate in the 12th Annual Albuquerque Int'l. Balloon Fiesta during the period of October 1-9, 1983, without complying with the pilot certification and airworthiness requirements. *Partial grant 8/9/83.*
21818	The Dept. of Air Force, Military Airlift Command (MAC).	14 CFR 91.119(a) (2), & 91.121 (b)(1)	To amend Exemption 3559 which provided relief from the requirements of these sections to operate IFR under certain circumstances. The amendment will enable MAC's aircraft to operate IFR in instrument meteorological conditions at altitudes no lower than 500 feet above the highest obstacle within 3 nautical miles of the route to be flown. These operations would include areas of uncontrolled airspace. *Granted 8/3/83.*
23556	Canadian Pacific Airlines, Ltd.	14 CFR 21.181	To extend Exemption 3721 to permit petitioner to obtain a supplemental type certificate covering the operation of three DC-10-10 aircraft in accordance with an FAA-approved MEL for the aircraft, subject to conditions and limitations. *Granted 8/9/83.*
21882	China Airlines Limited (CAL)	14 CFR Portions of Parts 21, 61, & 63	To extend Exemption 3360A, to permit petitioner to operate two U.S.-registered Boeing B-747-SP aircraft, using an FAA-approved master minimum equipment list and an FAA-Approved continuous airworthiness maintenance program. *Granted 8/9/83.*
23695	Scandinavian Airlines System	14 CFR 21.181	To permit petitioner to operate in foreign air commerce a leased B-747 using an FAA-approved U.S.-registry B-747 minimum equipment list. *Granted 8/10/83.*
23512	Accelerated Ground Training, Inc.	14 CFR 61.63(d)(2), & 61.157 (d)(2)	To allow petitioner's trainees to complete a practical test for the issuance of a type rating to be added to any grade of pilot certificate that includes the items and procedures for testing in an airplane simulator. Petitioner does not have an operating certificate issued under Part 121. *Granted 8/3/83.*
23698	Flight Dynamics, Inc.	14 CFR 21.195	To permit petitioner, who is not a manufacturer, to apply for an experimental airworthiness certificate for an aircraft to be used for market survey and sales demonstrations. *Granted 8/12/83.*
19109	Pyramid Airlines	14 CFR Portions of Parts 21 & 91	Extension of Exemption 2948A to allow petitioner to obtain a supplemental type certificate covering the operations of YS-11 A-500 aircraft N159P and N187P, and YS-11 A-600 aircraft N924 in accordance with Piedmont Airlines FAA-approved minimum equipment list for those aircraft. Also requested is an amendment which would add an additional aircraft to the existing exemption. *Granted 8/11/83.*

[FR Doc. 83-23681 Filed 8-26-83; 8:45 am]

BILLING CODE 4910-13-M

VETERANS ADMINISTRATION

Addition for Outpatient, Research, Education and Administration; Veterans Administration Medical Center, West Roxbury, Massachusetts; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the proposed construction of an Outpatient, Research, Education, and Administration Addition at the West Roxbury Veterans Administration Medical Center (VAMC) and has determined that the potential environmental impacts will be minimal from the development of this project.

The project proposes to construct a new three story addition, connected to the main hospital building. The addition will contain a new emergency care unit, labs and clinics, pharmacy, library, and educational facilities. New construction will total approximately 81,000 net square feet. Approximately 29,000 net square feet of the existing hospital building will be renovated to accommodate the new construction.

Development of the project will cause minor impacts on the human and natural environment affecting noise levels, onsite traffic and parking, solid waste disposal, water quality, and visual impacts. Short term effects of minor air degradation (dust and fumes), soil erosion, and noise levels will occur during construction operations. The VA will adhere to all applicable Federal, State, and local environmental regulations during construction and operation of this project.

The Environmental Assessment was performed in accordance with the requirements of the National Environmental Policy Act (NEPA) Regulations, 1501.3 and 1508.9. The results of the assessment are available for public examination at the VA, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. William F. Sullivan, Director, Office of Environmental Affairs (088C), Room 423, Veterans Administration, 811 Vermont Avenue, NW., Washington, D.C. 20420, (202) 389-3316. Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: August 23, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

[FR Doc. 83-23609 Filed 8-26-83; 8:45 am]

BILLING CODE 8320-01-M

Privacy Act of 1974; Revised Routine Use Statements

Notice is hereby given that the VA (Veterans Administration) is considering revising current routine use number 17 for the system of VA records entitled "Compensation, Pension, Education and Rehabilitation Records-VA" (58VA21/22/28) as set forth on page 372 of the **Federal Register** of January 5, 1982.

The Department of Defense has requested that data currently furnished for purposes of reconciliation of the amount and/or waiver of retired pay be used for the additional purpose of improving the quality and accurancy of the Defense Enrollment Eligibility Reporting System (DEERS) program.

The VA has determined that the proposed use of the data is a necessary and proper use of information in this system of records. Therefore, revision of routine use statement number 17 is proposed.

Interested persons are invited to submit written comments, suggestions, or objections regarding to proposed systems of records to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, D.C. 20420. All relevant material received before September 26, 1983 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until October 11, 1983.

If no public comment is received during the 30-day review period allowed for public comment or unless otherwise published in the **Federal Register** by the Veterans Administration, the revised routine use statement included herein is effective September 26, 1983.

Approved: August 18, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

In the system identified as 58VA21/22/28, "Compensation, Pension, Education and Rehabilitation Records-VA," appearing at 47 FR 372, January 5, 1982, the following change is made:

SYSTEM NAME:

Compensation, Pension, Education and Rehabilitation Records-VA.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

17. The name, branch of service, effective date of compensation, current and historical benefit pay amounts for disability or pension and the amount and type of education contribution made under title 38, United States Code, Chapter 32, may be disclosed to the following agencies upon their official request: Department of the Army, Navy, and Air Force; Department of Defense; Defense Manpower Data Center, Marine Corps; Department of Transportation (Coast Guard); Department of Health and Human Services; Department of Education; PHS (Public Health Service), NOAA (National Oceanic and Atmospheric Administration), Commissioned Officer Corps in order for these departments and agencies and the VA to reconcile the amount and/or waiver of service, department and retired pay. The Department of Defense will also use this information to identify retired veterans and dependent members of his or her family who have entitlement to Department of Defense benefits but who are not identified in the Defense Enrollment Eligibility Reporting System (DEERS) program and to assist in determining eligibility for CHAMPUS (Civilian Health and Medical Program of the Uniformed Services) benefits.

[FR Doc. 83-23687 Filed 8-26-83; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF COMMERCE

President's Commission on Industrial Competitiveness; Meeting

AGENCY: Office of Economic Affairs, Commerce.

ACTION: Notice of meeting.

SUMMARY: This notice announces the forthcoming meeting and functions of the President's Commission on Industrial Competitiveness. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: The first meeting will be held on September 12, 1983 at 8:30 a.m.–5:00 p.m.

ADDRESS: Indian Treaty Room, Room 474, Old Executive Office Building, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: On substantive issues regarding the Commission's agenda, objectives or structure, please contact James L. Wolbarsht, Executive Advisor to the Assistant Secretary for Productivity, Technology and Innovation, Room 4031, Department of Commerce, Washington, D.C. 20230 202–377–8080. On general questions relating to the administration of the Commission as required by the Federal Advisory Committee Act, please contact Yvonne Barnes, Departmental

Committee Management Analyst, 202–377–4217.

Public Availability

The meeting will be open to public attendance. A limited number of seats will be available for the public on a first-come, first-served basis.

SUPPLEMENTARY INFORMATION: The President's Commission on Industrial Competitiveness was established by Executive Order 12428 on June 28, 1983 and its charter was approved on August 23, 1983. The Commission shall review means of increasing the long-term competitiveness of United States industries at home and abroad, with particular emphasis on high technology, and provide appropriate advice to the President through the Cabinet Council on Commerce and Trade and the Department of Commerce. The Commission functions solely as an advisory body in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. (1982)).

Dated: August 24, 1983.

Yvonne D. Barnes,

Departmental Committee Management Analyst.

[FR Doc. 83–23688 Filed 8–26–83; 2:18 pm]

BILLING CODE 3510–18–M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 168
Monday, August 29, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

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NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

TIME AND DATE: September 2, 1983, Friday 10:00 a.m.—11:45 a.m. (closed) (Executive Committee)

1:00 p.m.—3:00 p.m. (closed) (Executive Session of Council)
3:00 p.m.—5:00 p.m. (open) (Full Council Meeting)

PLACE: 10:00 a.m.—11:45 a.m. NCER conference room, 2000 L Street, N.W., Suite 617.

1:00 p.m.—3:00 p.m. NIE small conference room, 1200 19th Street, N.W., 8th floor.
3:00 p.m.—5:00 p.m. NIE small conference room, 1200 19th Street, N.W., 8th floor.

STATUS: 10:00 a.m.—11:45 a.m. closed.

1:00 p.m.—3:00 p.m. closed.
3:00 p.m.—5:00 p.m. open.

MATTERS TO BE DISCUSSED IN CLOSED SESSION: 1. Discussion of Personnel.

FOR MORE INFORMATION CONTRACT: Dr. Richard T. LaPointe 202-254-7490.

Dated: August 23, 1983.

Richard T. LaPointe,

Executive Director, The National Council of Educational Research.

[S-1223-83 Filed 8-25-83; 10:35 am]

BILLING CODE 4000-01-M

2

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10:00 a.m., Monday, August 29, 1983.

PLACE: Board Room, 6th Floor, 1700 G St., NW., Washington, DC.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202/377-6970).

MATTERS TO BE CONSIDERED:

Financial Reporting Requirements
Charters and Bylaws Available to Federal Associations and Savings Banks
Federal Home Loan Banks Advances to Member Institutions
No. 47, August 25, 1983.

[FR Doc. S-1225-83 Filed 8-25-83; 1:58 pm]

BILLING CODE 6720-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-83-20]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 37576, August 18, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, August 25, 1983.

CHANGE IN MEETING: A majority of the Board determined by recorded vote that the business of the Board required revising the agenda of this meeting and that no earlier announcement was possible. The following item was deleted from the agenda:

1. *Briefing* by Chessie System Railroads on its new substance abuse program.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming (202), 882-6525.

August 25, 1983.

[FR Doc. 83-1224-83 Filed 8-25-83; 11:23 am]

BILLING CODE 4910-58-M

4

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m. on September 15, 1983.

PLACE: Suite 316, 1825 K Street, NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell, (202) 634-4015.

Dated: August 25, 1983.

[S-1226-83 Filed 8-25-83; 3:47 pm]

BILLING CODE 7600-01-M

federal register

Monday
August 29, 1983

Part II

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

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 24, 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:

Section 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
Section 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-RT: Recompletion tight formation
Section 108: Stripper well
108-SA: Seasonally affected
108-ER: Enhanced recovery
108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS — VOLUME 956
ISSUED AUGUST 24, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION									
-PETRO-LEWIS CORPORATION				RECEIVED:	08/08/83	JA: CA			
8348822	83-4-0235	0402968777		103		ELLIS 66N-19	SOUTH BELRIDGE	10.0	MOBIL OIL CORP
8348823	83-4-0234	0402968627		103		KING 57E-19	SOUTH BELRIDGE	10.0	MOBIL OIL CORP
LOUISIANA OFFICE OF CONSERVATION									
-IMC EXPLORATION COMPANY				RECEIVED:	08/08/83	JA: LA			
8348889	83-0093	1711123828		103	108	U S GOVERNMENT #5	MONROE	16.0	IMC PIPELINE CO I
-NOE & WOODS				RECEIVED:	08/08/83	JA: LA			
8348890	83-0118	1711123489		103		UNION A #8	MONROE GAS	16.4	DEVON CORP
MONTANA BOARD OF OIL & GAS CONSERVATION									
-BEREN CORPORATION				RECEIVED:	08/08/83	JA: MT			
8348827	8-82-220	2509121262		102-2		CHRISTENSEN #1	LOWELL	4.3	PHILLIPS PETROLEU
-CANTERRA PETROLEUM INC				RECEIVED:	08/08/83	JA: MT			
8348826	9-82-230	2508521265		102-2		SUNDVOLD 1-2	WILDCAT	50.0	PHILLIPS PETROLEU
-MERLAND OIL & GAS INC				RECEIVED:	08/08/83	JA: MT			
8348833	8-82-223	2508521357		103		PICARD #7-11	TARGET FIELD	9.0	DOME PETROLEUM CO
-MESA PETROLEUM CO				RECEIVED:	08/08/83	JA: MT			
8348825	8-82-221	2508521341		102-2		ROMNING 21 #1	WILDCAT	91.0	
-MIDLANDS GAS CORPORATION				RECEIVED:	08/08/83	JA: MT			
8348830	8-82-227	2507121801		103		KELLY RANCH #1 2821	BOWDOIN	50.0	KN ENERGY INC
8348832	8-82-226	2507121802		103		PHILLIPS #1 2832	BOWDOIN	54.0	KN ENERGY INC
-SHELL OIL CO				RECEIVED:	08/08/83	JA: MT			
8348828	8-82-228	2502521224		103		UNIT 13X-8B	PENNEL	0.9	MONTANA DAKOTA UT
8348829	8-82-222	2502521221		103		UNIT 33-17B	PENNEL	1.1	MONTANA DAKOTA UT
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	08/08/83	JA: MT			
8348831	8-82-224	2508321581		103		DYNNESON #5-1	BRORSON	44.0	MCCULLOCH GAS PRO
-TRUE OIL COMPANY				RECEIVED:	08/08/83	JA: MT			
8348824	8-82-229	2508321578		102-2		VITT #24-6	BLUE HILL	36.0	TRUE OIL CO
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-AMERADA HESS CORPORATION				RECEIVED:	08/08/83	JA: NM			
8348858		3002500000		108-ER		E WOOD #9	DRINKARD	0.0	NORTHERN NATURAL
8348836		3002500000		108		H CORRIGAN #8	EUNICE	8.9	NORTHERN NATURAL
-AMOCO PRODUCTION CO				RECEIVED:	08/08/83	JA: NM			
8348838		3004511741		108-PB		STATE GAS COM B1	BASIN DAKOTA	0.0	EL PASO NATURAL G
-C & E OPERATORS INC				RECEIVED:	08/08/83	JA: NM			
8348856		3004500000		108-PB		MARY SHERHERD #1	AZTEC-PICTURED CLIFFS	0.0	EL PASO NATURAL G
8348857		3004510064		108-PB		OLIVER #3	AZTEC-PICTURED CLIFFS	0.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	08/08/83	JA: NM			
8348854		3004520884		108-PB		ATLANTIC D COM J #11	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8348855		3004506875		108-PB		BROOKHAVEN COM F #7 PC & MV	SOUTH BLANCO-PC-BLANC	0.0	EL PASO NATURAL G
8348853		3004506070		108-PB		HUERFANITO UNIT #15	BALLARD PICTURED CLIF	0.0	EL PASO NATURAL G

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8348852		3003921169		108-PB		LINDRITH UNIT COM #88	SOUTH BLANCO - PC	0.0	EL PASO NATURAL G
8348851		3004507630		108-PB		SCHULTZ COM F #11	AZTEC-FRUITLAND	0.0	EL PASO NATURAL G
-ELK OIL COMPANY				RECEIVED:	08/08/83	JA: NM			
8348848		3002527792		102-4		EAST KEMNITZ COMM #1	KEMNITZ ATOKA MORROW	365.0	TRANSWESTERN PIPE
8348849		3000561791		102-2		RUNYAN STATE #2	WILDCAT WOLFCAMP	300.0	TRANSWESTERN PIPE
-FRED POOL OPERATING CO				RECEIVED:	08/08/83	JA: NM			
8348839		3000561174		102-2		GRYNBERG 35 FED COM #1	UNDESIGNATED ABO	0.0	TRANSWESTERN PIPE
-HEDRICK HELEN LORAINE				RECEIVED:	08/08/83	JA: NM			
8348847		3004525540		103		GALE #2	AZTEC-PICTURED CLIFFS	30.0	EL PASO NATURAL G
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	08/08/83	JA: NM			
8348837	73277	3002500000		108		STATE E #229 #22	WILSON YATES SEVEN RI	2.0	PHILLIPS PETROLEU
-MARALO INC				RECEIVED:	08/08/83	JA: NM			
8348845		3000560346		102-4		BUTLER SPRINGS UNIT #1	WILDCAT (MORROW)	38.8	PHILLIPS PETROLEU
-TENNECO OIL COMPANY				RECEIVED:	08/08/83	JA: NM			
8348844		3001523922		103		CATCLAW DRAW UNIT #17	CATCLAW DRAW MORROW	0.0	CABOT CORP
8348846		3004524941		103		COLDIRON COM A - 1M	BLANCO MESAVERDE	235.0	EL PASO NATURAL G
8348850		3004524941		103		COLDIRON COM A 1M	BASIN DAKOTA	106.0	EL PASO NATURAL G
-W A MONCRIEF JR				RECEIVED:	08/08/83	JA: NM			
8348834		3001523621		102-4		CROOKED CREEK STATE COM #1	UNDESIGNATED	0.0	EL PASO NATURAL G
8348835		3001523621		102-4		CROOKED CREEK STATE COM #1	UNDESIGNATED	0.0	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION				RECEIVED:	08/08/83	JA: NM			
8348842		3000561325		102-2		FINLEY "RV" COM #1-Y	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8348840		3000561034		102-2		MCCONKEY "HX" #2	UND ABO	0.0	TRANSWESTERN PIPE
8348841		3000561224		102-2		PENNZOIL SG STATE #1	UND ABO	0.0	TRANSWESTERN PIPE
-ZACHARY OIL OPERATING CO				RECEIVED:	08/08/83	JA: NM			
8348843		3002500000		108-PB		MARSHALL #1	EUMONT	0.0	EL PASO NATURAL G
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UTAH DIVISION OF OIL,GAS, & MINING									
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-AMOCO PRODUCTION CO				RECEIVED:	08/08/83	JA: UT			
8348896	K-121-18	4304330204		102-2		ANSCHUTZ RANCH E U/W NUGGET #W19-16	ANSCHUTZ RANCH EAST -	1548.0	MOUNTAIN FUEL SUP
8348895	K-121-17	4304330162		102-2		ANSCHUTZ RANCH EAST UNIT/WH/#W32-04	ANSCHUTZ RANCH EAST -	1679.0	MOUNTAIN FUEL SUP
-BELCO DEVELOPMENT CORP				RECEIVED:	08/08/83	JA: UT			
8348894	K-111-19	4304730515		108		NBU 2-36G	NATURAL BUTTES UNIT-W	0.0	NORTHWEST PIPELIN
-CELSIUS ENERGY CO				RECEIVED:	08/08/83	JA: UT			
8348898	K-158-1	4303730870		102-2		UCOLO #2	WILDCAT	460.0	MOUNTAIN FUEL RES
-CHEVRON U S A INC				RECEIVED:	08/08/83	JA: UT			
8348899	K-141-3	4304731052		103		R W U #279	RED WASH	24.0	NORTHWEST PIPELIN
-CLAYTON INVESTMENT				RECEIVED:	08/08/83	JA: UT			
8348893	K-156-1	4301930908		103		NICOLE #1	GREATER CISCO AREA	108.0	NORTHWEST PIPELIN
-J C THOMPSON				RECEIVED:	08/08/83	JA: UT			
8348891	K-133-4	4301930013		108-ER		HORSE POINT M-6	HORSE POINT	11.7	NORTHWEST PIPELIN
-JAKE L HAMON				RECEIVED:	08/08/83	JA: UT			
8348897	K-155-1	4304330212		103		BOYER #34-2	PINEVIEW	50.0	MOUNTAIN FUEL SUP
-MOUNTAIN RESOURCE CORP				RECEIVED:	08/08/83	JA: UT			
8348892	K-157-1	4301530107		103		MRC #2	FERRON FIELD	182.5	MOUNTAIN FUEL SUP
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WEST VIRGINIA DEPARTMENT OF MINES									
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-ALLEGHENY & WESTERN ENERGY CORP				RECEIVED:	08/08/83	JA: WV			
8348803		4703903202		108		EASTERN ASSOCIATED COAL #6	CABIN CREEK	36.0	COLUMBIA GAS TRAN
8348804		4703903686		108		OHLEY TRUST #30	CABIN CREEK	36.0	COLUMBIA GAS TRAN
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED:	08/08/83	JA: WV			
8348799		4709701992		108		A-520	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8348798		4708300188		108		A-648	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8348797		4708300190		108		A-650	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8348796		4708300216		108		A-715	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8348794		4708300222		108		A-716	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8348793		4708300223		108		A-717	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8348795		4708300217		108		A-727	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8348792		4708300228		108		A-741	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8348791		4708300230		108		A-763	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8348789		4708300255		108		A-784	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8348790		4708300241		108		A-801	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8348818		4708300260		108		A-813	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8348801		4708300261		108		A-816	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8348800		4708300263		108		A-819	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
-CABOT OIL & GAS CORP				RECEIVED:	08/08/83	JA: WV			
8348762		4703900931		107-DV		POCAHONTAS COAL 88-1032	UNION	11.0	TENNESSEE GAS PIP
-CITIES SERVICE COMPANY				RECEIVED:	08/08/83	JA: WV			
8348813		4704500133		108		ISLAND CREEK GAS #16	ISLAND CREEK	2.8	SOUTHERN PUBLIC S
8348814		4704500142		108		ISLAND CREEK GAS #22	ISLAND CREEK	2.0	SOUTHERN PUBLIC S
8348812		4704500146		108		ISLAND CREEK GAS #24	ISLAND CREEK	0.6	SOUTHERN PUBLIC S
8348811		4704500147		108		ISLAND CREEK GAS #26	ISLAND CREEK	3.0	SOUTHERN PUBLIC S
8348810		4704500157		108		ISLAND CREEK GAS #35	ISLAND CREEK	5.0	SOUTHERN PUBLIC S
8348809		4704500158		108		ISLAND CREEK GAS #36	ISLAND CREEK	0.3	SOUTHERN PUBLIC S
8348808		4704500163		108		ISLAND CREEK GAS #37	ISLAND CREEK	3.0	SOUTHERN PUBLIC S
8348807		4704500164		108		ISLAND CREEK GAS #38	ISLAND CREEK	0.7	SOUTHERN PUBLIC S
8348806		4704500169		108		ISLAND CREEK GAS #41	ISLAND CREEK	1.0	SOUTHERN PUBLIC S
8348785		4704500170		108		ISLAND CREEK GAS #42	ISLAND CREEK	0.9	SOUTHERN PUBLIC S
8348805		4704500173		108		ISLAND CREEK GAS #44	ISLAND CREEK	7.6	SOUTHERN PUBLIC S
8348782		4704500174		108		ISLAND CREEK GAS #45	ISLAND CREEK	0.7	SOUTHERN PUBLIC S
8348781		4704500175		108		ISLAND CREEK GAS #46	ISLAND CREEK	1.0	SOUTHERN PUBLIC S
8348780		4704500185		108		ISLAND CREEK GAS #50	ISLAND CREEK	8.0	SOUTHERN PUBLIC S
8348779		4704500190		108		ISLAND CREEK GAS #54	ISLAND CREEK	1.0	SOUTHERN PUBLIC S
8348778		4704500191		108		ISLAND CREEK GAS #55	ISLAND CREEK	0.1	SOUTHERN PUBLIC S
8348815		4704500199		108		ISLAND CREEK GAS #57	ISLAND CREEK	1.0	SOUTHERN PUBLIC S
8348816		4704500201		108		ISLAND CREEK GAS #60	ISLAND CREEK	6.0	SOUTHERN PUBLIC S
8348817		4704500205		108		ISLAND CREEK GAS #61	ISLAND CREEK	0.4	SOUTHERN PUBLIC S
8348784		4704500212		108		ISLAND CREEK GAS #66	ISLAND CREEK	0.4	SOUTHERN PUBLIC S
8348783		4704500219		108		ISLAND CREEK GAS #69	ISLAND CREEK	1.0	SOUTHERN PUBLIC S
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED:	08/08/83	JA: WV			
8348786		4703903645		102-4		KAN & HOCKING COAL & COKE 820657	WEST VIRGINIA FIELD A	105.4	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	08/08/83	JA: WV			
8348772		4708505523		102-4		LUCILLE C DEBERRY 12757	UNION	34.0	GENERAL SYSTEM PU
-DAVIS GAS CO				RECEIVED:	08/08/83	JA: WV			
8348821		4708502124		108-SA		DAVIS #1	UNION DISTRICT	12.9	CONSOLIDATED GAS
-DEVON ENERGY CORP				RECEIVED:	08/08/83	JA: WV			
8348742		4701702781		108		DROPPLEMAN #4	ST CLAIR	18.0	CONSOLIDATED GAS
8348752		4702103425		108		FIDDLER #2	ELLIS CREEK	19.9	CONSOLIDATED GAS
8348745		4701702907		108		GEELHAAR #1	ST CLAIR	21.0	CONSOLIDATED GAS
8348746		4701702929		108		GEELHAAR #2	ST CLAIR	13.5	CONSOLIDATED GAS
8348753		4701702865		108		H SCHMIDT #2	ST CLAIR	15.8	CONSOLIDATED GAS
8348751		4701702958		108		KRENN #2	SAINT CLARA	16.0	CONSOLIDATED GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8348754		4701702661		108		LOUIS NICHOLSON #1	LITTLE INDIAN FORK	9.9	COLUMBIA GAS TRAN
8348750		4702103743		108		MOORE #1	GLENVILLE	1.2	CONSOLIDATED GAS
8348747		4701702932		108		RASTLE #2	ST CLAIR	14.9	CONSOLIDATED GAS
8348743		4701702930		108		RASTLE #3	ST CLAIR	18.0	CONSOLIDATED GAS
8348744		4702103703		108		STUMP #1	LITTLE ELLIS	16.1	CONSOLIDATED GAS
8348748		4701702846		108		WYSONG #1	ST CLAIR	13.5	CONSOLIDATED GAS
8348749		4701702848		108		WYSONG #2	ST CLAIR	10.5	CONSOLIDATED GAS
-EASTERN AMERICAN ENERGY CORPORATION		RECEIVED: 08/08/83 JA: WV							
8348756		4704103226		107-DV		COPLEY #5	COURTHOUSE	37.5	COLUMBIA GAS TRAN
8348755		4704103261		107-DV		L BUSH #1	COURTHOUSE	25.0	COLUMBIA GAS TRAN
8348769		4704103242		107-DV		SHEARER #2	COURTHOUSE	34.7	COLUMBIA GAS TRAN
-INLAND EXPLORATION INC		RECEIVED: 08/08/83 JA: WV							
8348763		4708505871		107-DV		ECHARD #1	GRANT	51.1	CONSOLIDATED GAS
-JAMES F SCOTT		RECEIVED: 08/08/83 JA: WV							
8348776		4701703115		107-DV		C N INGRAM S-394	MCCLELLAN	11.0	COLUMBIA GAS TRAN
8348777		4701703106		107-DV		HOSKINSON-EVANS #1 S-413	GRANT	13.0	COLUMBIA GAS TRAN
8348768		4704900737		102-4		WALTER SHAFFER "B" S-439	UNION	8.3	CONSOLIDATED GAS
-KHM ASSOCIATES		RECEIVED: 08/08/83 JA: WV							
8348770		4708703670		107-DV		F HARPER #1	FLAT FORK HARPER DIST	50.0	COLUMBIA GAS TRAN
8348771		4708703670		103		F HARPER #1	FLAT FORK HARPER DIST	50.0	COLUMBIA GAS TRAN
-PEAKE OPERATING CO		RECEIVED: 08/05/83 JA: WV							
8348787		4708100567		108		WELCHLANDS 3-AW	SLAB FORK	5.0	CONSOLIDATED GAS
-PETROLEUM DEVELOPMENT CORP		RECEIVED: 08/08/83 JA: WV							
8348761		4708505628		102-3		MAXINE & FOSTER SMITH #1	GRANT	68.0	CONSOLIDATED GAS
-PETROLEUM TECHNOLOGY CORP		RECEIVED: 08/08/83 JA: WV							
8348775		4704302543		107-DV		WV-1A	MCDONALD FARM	16.0	COLUMBIA GAS TRAN
8348774		4704302545		107-DV		WV-7	BARRETT FARM	7.3	COLUMBIA GAS TRAN
8348773		4704302546		107-DV		WV-8	MEABON FARM	8.0	COLUMBIA GAS TRAN
-REEL ENERGY DRILLING PROGRAM		RECEIVED: 08/08/83 JA: WV							
8348802		4703902795		108		CENTRAL APPALACHIAN COAL #7	CABIN CREEK	36.0	COLUMBIA GAS TRAN
-RIMROCK PRODUCTION CORP		RECEIVED: 08/08/83 JA: WV							
8348759		4710500982		107-DV		HALE #1	LEE RUN	39.4	CABOT CORP
8348757		4708505752		107-DV		MOYERS #1	MEADOW RUN	38.7	COLUMBIA GAS TRAN
8348758		4707301493		107-DV		MULLENIX #1	LITTLE PANTHER RUN	111.6	COLUMBIA GAS TRAN
-SANTA FE DRILLING CORP		RECEIVED: 08/08/83 JA: WV							
8348768		4704103067		107-DV		GLANCY #2	COURT HOUSE DISTRICT	0.0	CONSOLIDATED GAS
-SENECA-UPSHUR PETROLEUM CO		RECEIVED: 08/08/83 JA: WV							
8348766		4709702465		102-4		ARBOGAST #1	WASHINGTON	35.0	TENNESSEE GAS PIP
8348767		4709702331		102-4		J C HOOVER #1-B	WASHINGTON	35.0	TENNESSEE GAS PIP
8348765		4709702466		102-4		JUNIOR WOODY #1	WASHINGTON	35.0	TENNESSEE GAS PIP
8348764		4708300703		102-4		LEHMANN #1	MIDDLE FORK	35.0	COLUMBIA GAS TRAN
-UNION DRILLING INC		RECEIVED: 08/08/83 JA: WV							
8348788		4708300666		102-2		ARTHUR GOBELI #1 1764	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8348820		4708300604		102-2		COASTAL LUMBER CO #1 1725	MIDDLEFORK DISTRICT	0.0	COLUMBIA GAS TRAN
8348819		4708300590		102-2		J M HUBER CORP #2 1724	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
**********									
** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK									
**********									
-CENTENNIAL PETROLEUM INC		RECEIVED: 08/08/83 JA: OK 8							
8348887		3511300000		103		WELL #1 NE/4 33-28N-9E	WILDCAT	28.8	PHILLIPS PETROLEU
-DCX RESOURCES LTD		RECEIVED: 08/08/83 JA: OK 8							
8348877		3511300000		102-4		ANDOVER #1D	SIGNAL HILLS	5.0	PHILLIPS PETROLEU
8348874		3511300000		102-4		NORTH BOAR CREEK	NORTH BOAR CREEK NE/4	25.0	SANTA-FE- ANDOVER
-ECC OIL CO		RECEIVED: 08/08/83 JA: OK 8							
8348869		3511300000		103		MULLENDORE #7 (SW/4 S17-T29N-R11E)	TURKEY CREEK	11.0	AJAX OIL & GAS CO
8348886		3511300000		108		SWARTZENDRUBER #1-A	W 11-12 ANTICLINE	16.0	OKAN GAS CO
8348883		3511300000		108		SWARTZENDRUBER #2	W 11-12 ANTICLINE	16.0	OKAN GAS CO
8348884		3511300000		108		SWARTZENDRUBER #3	W 11-12 ANTICLINE	1.6	OKAN GAS CO
8348885		3511300000		108		SWARTZENDRUBER #4	W 11-12 ANTICLINE	0.8	OKAN GAS CO
-GREAT SOUTHWESTERN EXPLORATION INC		RECEIVED: 08/08/83 JA: OK 8							
8348882		3511300000		103		PRATT #1A	BULLDOG	36.0	PHILLIPS PETROLEU
-INCLINE PRODUCTION CO		RECEIVED: 08/08/83 JA: OK 8							
8348870		3511300000		103		ROBINSON #1		18.0	PHILLIPS PETROLEU
-J M GRAVES		RECEIVED: 08/08/83 JA: OK 8							
8348878		3511326475		102-4		BIGHEART #1-29	UNDESIGNATED	30.0	PHILLIPS PETROLEU
8348879		3511327680		102-4		BIGHEART #2	UNDESIGNATED	30.0	PHILLIPS PETROLEU
8348880		3511300000		102-4		BIGHEART #3	UNDESIGNATED	30.0	PHILLIPS PETROLEU
8348881		3511300000		102-4		ED #4	UNDESIGNATED	3.0	PHILLIPS PETROLEU
-K D OIL CO		RECEIVED: 08/08/83 JA: OK 8							
8348871		3511300000		103		LOOKOUT WELL #509	LOOKOUT	0.0	PHILLIPS PET CO
-MIDSTATES OIL CO		RECEIVED: 08/08/83 JA: OK 8							
8348872		3511300000		103		OXLEY #5-18	MISSISSIPPI	18.0	PHILLIPS PETROLEU
8348873		3511300000		103		OXLEY #6-18	MISSISSIPPI	18.0	PHILLIPS PETROLEU
-R D T PROPERTIES		RECEIVED: 08/08/83 JA: OK 8							
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8348861		3511300000		103		SPERRY #18	BIRD CREEK	15.0	PHILLIPS PETROLEU
8348862		3511300000		103		SPERRY #19	BIRD CREEK	15.0	PHILLIPS PETROLEU
8348863		3511300000		103		SPERRY #20	BIRD CREEK	15.0	PHILLIPS PETROLEU
8348864		3511300000		103		SPERRY #21	BIRD CREEK	15.0	PHILLIPS PETROLEU
8348859		3511300000		103		SPERRY #6	BIRD CREEK	15.0	PHILLIPS PETROLEU
-ROUGEOT OIL & GAS CORP		RECEIVED: 08/08/83 JA: OK 8							
8348865		3511300000		103		BRATTON #7	FLATROCK	6.0	PHILLIPS PETROLEU
8348866		3511300000		103		FORD #9	FLATROCK	5.4	PHILLIPS PETROLEU
8348867		3511300000		103		MOORE #16	FLATROCK	5.4	PHILLIPS PETROLEU
8348868		3511300000		103		WILSON B #9	FLATROCK	28.8	PHILLIPS PETROLEU
-SUN EXPLORATION & PRODUCTION CO		RECEIVED: 08/08/83 JA: OK 8							
8348876		3511300000		103		PAPPAN (SE 1-22-7) #2	GILLILAND	44.0	PHILLIPS PETROLEU
8348888		3511300000		103		PAPPAN SE 1-22-7 #1A	GILLILAND	37.0	PHILLIPS PETROLEU
-V J HUFF		RECEIVED: 08/08/83 JA: OK 8							
8348875		3511300000		103		EAST PHARDAH #7	QUAPAW	30.0	THOR ENERGY CORP

[FR Doc. 83-23640 Filed 8-26-83; 8:45 am]

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing August 18, 1983