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Friday
September 16, 1983

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Federal Grain Inspection Service

Air Pollution Control
Environmental Protection Agency

Coal
Land Management Bureau
Minerals Management Service

Commodity Futures
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Presidential Documents

Title 3—

The President

Proclamation 5094 of September 14, 1983

Youth of America Week, 1983

By the President of the United States of America

A Proclamation

More than 50 million American youth are included in the Nation's general population. These young citizens play major roles in our society as they mature into adulthood. They make important contributions to our country by pursuing their educations, working in the economy, upholding the law, and joining the military services.

Our young Americans have every reason to be proud of their contributions to the American way of life. They can look forward to doing more as they complete their educations and move into positions in science, space, education, medicine, business, labor, government, military service, and other fields. The future of America depends on the preparation and dedication of our younger citizens, because one day, it will be their responsibility to ensure the security of our Nation, both at home and abroad. They must be given every opportunity to achieve their goals as they pass through adolescence to full maturity.

Among the American youth population are many in special need. The Federal government works actively with State and local governments and the private sector in important programs responding to the needs of runaway and homeless youth, unemployed youth, and to those who experience physical, emotional, and social handicaps.

To assure our Nation's youth of our commitment to share our knowledge, experience, and wisdom, which will help nurture in them democratic principles, and the development of strong moral and spiritual values so vital to the survival and future betterment of America, the Congress of the United States, by Senate Joint Resolution 116, has designated the week of September 4 through September 10, 1983, as "Youth of America Week" and has authorized and requested the President to issue a proclamation in observance of that week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning September 4, 1983 as Youth of America Week.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of September, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and eighth.

Ronald Reagan

[FR Doc. 83-25511
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Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

United States Standards for Grades of Canned Sweetpotatoes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to amend the voluntary U.S. Standards for Grades of Canned Sweetpotatoes. The final rule was developed by the U.S. Department of Agriculture (USDA) at the request of the canned sweetpotato industry. This rule revises the voluntary grade standards to: (1) Determine uniformity of size by basing this factor on the 90 percent, by count, most uniform units; (2) remove the factor of "shape" from "uniformity of size and shape"; (3) establish a style for "whole and pieces"; (4) include pathological or insect injury as part of the definition of blemishes without changing the total of maximum percentages for blemishes declared in the current standards; (5) provide a uniform format consistent with other recently revised standards; (6) consolidate into two tables the allowances listing the various quality factors; and (7) incorporate minor editorial changes. Its effect will be to improve the standards and promote orderly and efficient marketing.

EFFECTIVE DATE: October 17, 1983.

FOR FURTHER INFORMATION CONTACT: Harold A. Machias, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202) 447-6247.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated as a "nonmajor" rule. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost or prices to consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because it reflects current marketing practices.

The USDA received a petition from a member of the canned sweetpotato industry, requesting a revision of the U.S. Standards for Grades of Canned Sweetpotatoes with respect to uniformity of size and shape requirements.

On April 12, 1983, a proposed revision of the grade standards was published in the **Federal Register** (48 FR 15634) to: (1) Determine uniformity of size based on the 90 percent, by count, most uniform units; (2) remove the factor of "shape"; (3) establish "whole and pieces" as a designated style; (4) include pathological or insect injury as part of the definition of blemishes without changing the total of maximum percentages for blemishes declared in the current standards; (5) provide a tolerance for untrimmed tough external fibers; (6) provide a uniform format consistent with other recently revised standards; (7) consolidate into two tables the allowances listing the various quality factors; and (8) incorporate minor editorial changes. The comment filing period ended June 13, 1983.

The seven respondents commenting on the proposal included four canned sweetpotato processors, two associations, and one consumer group.

Three comments specifically opposed determining uniformity of size based on the 90 percent most uniform units by count. Currently, determination of uniformity of size is based on comparison of the second smallest unit to the largest unit. The tolerance for off-size units in small containers is more than ten percent while the tolerance for off-size units in large cans is two percent or less. Determination of uniformity of size based on the 90 percent, by count, most uniform units, as proposed, eliminates the bias against the large container.

Three comments opposed designating "whole and pieces" as a style. The USDA has determined "whole and pieces" should be included in the U.S. grade standards as an established style. This will facilitate purchases by the Defense Logistics Agency which buys large quantities of this style of canned sweetpotatoes for the U.S. military services.

Three comments specifically opposed including pathological and insect injury in the definition of blemishes while one comment agreed with the proposed revised definition. The USDA has historically defined pathological and insect injury as blemishes in other U.S. grade standards. Since no changes have been made in the overall tolerances for blemishes in this revision, the USDA has determined no significant change in quality will occur by including the factor of pathological and insect injury.

Generally, all comments opposed the proposed specific tolerance for untrimmed tough external fibers. The comments indicated the proposed tolerance would be detrimental to quality in canned sweetpotatoes and consequently will not be included in this rule.

List of Subjects in 7 CFR Part 52

Fruits, Vegetables, Food grades, and standards.

PART 52—[AMENDED]

Accordingly, 7 CFR 52.2041 through 52.2045 and 52.2050 through 52.2054 are revised to read as follows:

Subpart—United States Standards for Grades of Canned Sweetpotatoes

Sec.

52.2041 Product description.
52.2042 Varietal color types.
52.2043 Styles.
52.2044 Types of pack.
52.2045 Definitions of terms.
* * * * *
52.2050 Recommended sample unit size.
52.2051 Grades.
52.2052 Factors of quality.

Sec.
52.2053 Requirements for grades.
52.2054 Determining the grade of a lot.

1. The authority citation for Part 52 reads as follows:

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

2. In Part 52, § 52.2041 through 52.2045 are revised to read as follows:

§ 52.2041 Product description.

Canned sweetpotatoes is the product as defined in the Standards of Identity for Certain Other Canned Vegetables (21 CFR 155.200) issued under the Federal Food, Drug, and Cosmetic Act.

§ 52.2042 Varietal color types.

(a) Golden.
(b) Yellow.
(c) Mixed. A combination of golden units and yellow units in a sample unit.

§ 52.2043 Styles.

(a) *Whole* means the canned sweetpotatoes have the appearance of being essentially whole or almost whole in that the units retain the approximate shape of whole sweetpotatoes.

(b) *Halves* or *halved* mean the canned sweetpotatoes have been cut longitudinally into approximate halves.

(c) *Sections* mean the canned sweetpotatoes have been cut transversely into approximately cylindrical units 5 centimeters (2.0 in) or more in length and the diameter of the unit cannot be more than approximately ⅔ of the length.

(d) *Pieces, cuts,* or *cut* mean the canned sweetpotatoes have been randomly cut into portions of varying sizes and shapes.

(e) *Mashed* means the canned sweetpotatoes are wholly comminuted or pureed.

(f) *Whole and pieces* mean canned sweetpotatoes consisting of a combination of whole and pieces with not less than 50 percent of the drained weight being whole sweetpotatoes.

(g) *Mixed* means any combination of two or more of the foregoing styles excluding mashed style.

§ 52.2044 Types of pack.

(a) *Regular pack* means the product is packed in a liquid packing medium and applies to all styles except "mashed" style.

(b) *Vacuum pack* means the product is packed under conditions creating a high vacuum in the container, in the absence of a packing medium, and applies to all styles except "mashed" style.

(c) *Solid pack* means the product is packed in the absence of a packing medium and applies to "mashed" style only.

§ 52.2045 Definitions of terms.

As used in these U.S. standards, unless otherwise required by the context, the following terms shall be construed, respectively, to mean:

(a) *Blemishes—(1) Insignificant blemished unit* means a unit with slight abnormalities, scars, discolorations, or any other imperfections that affect the appearance slightly but do not affect the edibility of the unit.

(2) *Materially blemished unit* means any sweetpotato unit that has darkened areas (internal or external) or abnormalities including pathological or insect injury that materially affect the appearance of edibility or the unit.

(3) *Seriously blemished unit* means any sweetpotato unit that has darkened areas (internal or external) or abnormalities including pathological or insect injury that seriously affect the appearance or edibility of the unit.

(b) *Character—(1) Good character,* in regular pack and vacuum pack, means the sweetpotato units have uniformly smooth texture, are practically free from internal tough or coarse fibers, and may be slightly variable in tenderness but hold their apparent original conformation. In solid-pack, *good character* means the mass has a smooth texture and is practically free from tough or coarse fibers.

(2) *Reasonably good character,* in regular pack and vacuum pack, means the sweetpotato units have a reasonably uniform smooth texture, are substantially free from internal tough or coarse fibers, may be variable in tenderness, and may be firm to soft but hold their apparent original conformation. In solid-pack, *reasonably good character* means the mass has a reasonably smooth texture which may be slightly grainy and is substantially free from tough or coarse fibers.

(3) *Poor character* means the sweetpotatoes fail the requirements for reasonably good character.

(c) *Color—(1) Good color* means a bright color typical of either yellow or golden variety sweetpotatoes, but not both. There may be moderate variations of color throughout the sweetpotato unit(s) or mass but not to the extent that the appearance of the product is more than moderately affected.

(2) *Reasonably good color* means that the color is reasonably bright; that both golden and yellow varieties may be present in any amount and there may be considerable variation of color throughout the sweetpotato unit(s) or mass, but not to the extent that the appearance of the product is seriously affected.

(3) *Poor color* means the color fails to meet the requirements for reasonably good color.

(d) *Consistency.* Applies to solid pack only.

(1) *Good consistency* means the sweetpotato mass is sufficiently firm to approximate the general shape of the container with some settling permitted; is not dry, and may show no more than a slight separation of free liquid after 2 minutes.

(2) *Reasonably good consistency* means the sweetpotato mass is sufficiently soft so as not to approximate the general shape of the container, but not free flowing; may be noticeably dry but not hard or rubbery. There may be moderate separation of free liquid after 2 minutes.

(3) *Poor consistency* means the sweetpotato mass fails the requirements for reasonably good consistency.

(e) *Crumbly,* in all styles other than mashed, means sweetpotato units that fall apart readily due to apparent starchiness or dryness.

(f) *Defects—(1) Practically free from defects* means the defects present do not materially affect the appearance of edibility of the product.

(2) *Reasonably free from defects* means the defects present do not seriously affect the appearance or edibility of the product.

(g) *Extraneous vegetable material* (EVM) means harmless plant material such as leaves, stems, or roots.

(h) *Firmness—(1) Firm* means sweetpotato units that are slightly grainy and possess a somewhat stiff yet yielding texture.

(2) *Very firm* means sweetpotato units that are noticeably grainy or have a hardened texture similar to an uncooked sweetpotato.

(i) *Flavor and odor—(1) Good flavor and odor* means distinctive flavor and odor characteristic of properly processed sweetpotatoes (including the packing medium) that are free from objectionable flavors or odors.

(2) *Reasonably good flavor and odor* means that the processed sweetpotatoes (including the packing medium) may be lacking in good flavor and odor but are free from objectionable flavors or objectionable odors.

(3) *Off-flavor and odor* means the processed sweetpotatoes fail the requirements for reasonably good flavor and odor.

(j) *Internal tough or coarse fibers,* in character, mean tough, stringy or fibrous material that is objectionable upon eating.

(k) *Mechanically damaged* means any sweetpotato unit damaged during processing.

(l) *Mushy* means sweetpotato units that have materially or completely disintegrated into small pieces or a puree-like consistency with a pulpy or pasty texture.

(m) *Pathological or insect injury* means damage caused by disease or other similar causes that affects the appearance or edibility of the product.

(n) *Peel* means the outer layer of the sweetpotato that is normally removed during processing.

(o) *Pitted unit* means a sweetpotato unit that has external pock marks to the extent that the appearance of the unit is materially affected.

(p) *Sample unit* size means the amount of product specified to be used in grading. It may be:

(1) The entire contents of a container;

(2) A portion of the contents of a container;

(3) A combination of the contents of 2 or more containers;

(4) A portion of unpacked product.

(q) *Secondary rootlets* mean rootlets 2.5 centimeters (1.0 in) or longer.

(r) *Softness*—(1) *Soft* means sweetpotato units that are tender but not approaching disintegration.

(2) *Very soft* means sweetpotato units that show slight to partial disintegration and are soft and yielding.

(s) *Uniformity of size*—(1) *Practically uniform in size* means, of the 90 percent (by count) most uniform units, the largest unit does not exceed the weight of the smallest unit by more than a ratio of 3 to 1.

(2) *Reasonably uniform in size* means, of the 90 percent (by count) most uniform units, the largest unit does not exceed the weight of the smallest unit by more than a ratio of 4 to 1.

(3) *Poor uniformity of size* means the sweetpotato units fail the requirements for reasonably uniform size.

(t) *Untrimmed fibrous ends* mean sweetpotato units that have edible (not tough) external fibers protruding more than 7 millimeters (.28 in).

3. In Part 52, §§ 52.2050 through 52.2054 are revised to read as follows:

§ 52.2050 Recommended sample unit size.

The requirements for all factors of quality are based on the following recommended sample unit sizes for the respective styles.

(a) All styles other than mashed—1000 grams (35.3 oz) of drained product or the entire drained contents of a container.

(b) Mashed (Solid-pack)—the entire contents of container.

§ 52.2051 Grades.

(a) *U.S. Grade A* is the quality of canned sweetpotatoes that meets the applicable requirements of Table III or Table IV and scores not less than 90 points.

(b) *U.S. Grade B* is the quality of canned sweetpotatoes that meets the applicable requirements of Table III or Table IV and scores not less than 80 points.

(c) *Substandard* is the quality of canned sweetpotatoes that fails the requirements for *U.S. Grade B*.

§ 52.2052 Factors of quality.

The grade of canned sweetpotatoes is based on the following quality factors:

(a) Color;

(b) Uniformity of size (regular pack and vacuum pack);

(c) Consistency (solid pack);

(d) Defects;

(e) Character.

§ 52.2053 Requirements for grades.

TABLE III—VACUUM PACK; REGULAR PACK

	Grade A		Grade B	
Color	Good		Reasonably good.[1]	
Score	27-30 points		24-26 points.	
Uniformity of Size	Practically uniform [2]		Reasonably uniform.[3]	
Score	18-20 points		16-17 points.	
Defects	Practically free, do not materially affect the appearance or edibility.		Reasonably free,[1] do not seriously affect the appearance or edibility.	
Score	27-30 points		24-26 points.	
	Max per sample unit	**Max sample average**	**Max per sample unit**	**Max sample average**
Seriously blemished	5% by count or 1 unit (whichever is greater).	2% by count	10% by count or 2 units (whichever is greater).	4% by count.
Total blemished (materially & seriously	15% by count	8% by count	30% by count	15% by count.
Units with secondary rootlets 2.5 cm or longer	15% by count	5% by count	25% by count	10% by count.
Extraneous Vegetable Material	1 piece	1 piece per 3.4 kg (120 ounces).	2 pieces	2 pieces per 3.4 kg (120 ounces).
Peel per 500 grams	3 cm ^{2} (.5 in ^{2})	2 cm ^{2}(.3 in ^{2})	6 cm ^{2} (1 in ^{2})	4 cm ^{2} (.6 in ^{2}).
Pitted units	15% by count	5% by count	100% by count	25% by count.
Mechanically damaged units	5% by count or 1 unit (whichever is greater).	2% by count	10% by count or 2 units (whichever is greater).	4% by count.
Units with untrimmed fibrous ends (edible)	Practically free		Reasonably free	
Character	Good	Good	Reasonably good [1]	Reasonably good.[1]
Score	18-20 points		16-17 points	
Very soft	20% by count or 2 units (whichever is greater).	100% by count	10%	100%.
Very firm Crumbly Mushy Internal tough or coarse fibers.	10% by count or 2 units (whichever is greater).	5% by count	20% by count or 4 units (whichever is greater).	10% by count.
Total score	90-100		80-99	

[1] Cannot be graded above U.S. Grade B, regardless of total score. Sample units with quality factors, except uniformity of size, which fail U.S. Grade B, cannot be scored higher than Substandard regardless of the total score.
[2] Can have reasonably uniform size if total score is 90 points or more.
[3] Can have poor uniformity of size if total score is 80 points or more.

TABLE IV—SOLID-PACK

	Grade A	Grade B
Color	Good	Reasonably good.[1]
Score	27-30 points	24-26 points.
Consistency	Good	Reasonably good.[1]
Score	18-20 points	16-17 points.
Defects	Practically free	Reasonably free.[1]
Score	27-30 points	24-26 points.
Character	Good	Reasonably good.[1]
Score	18-20 points	16-17 points.
Total score	90-100 points	80-89 points.

[1] Cannot be graded above U.S. Grade B, regardless of total score. Sample units with quality factors which fail U.S. Grade B cannot be scored higher than Substandard regardless of the total score.

§ 52.2054 Determining the grade of a lot.

The grade of a lot of canned sweetpotatoes covered by these standards is determined by the procedures found in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, and Related Products" (7 CFR 52.1 through 52.83).

§§ 52.2055–52.2060 [Reserved]

4. In Part 52, §52.2055 through 52.2060 is removed and reserved.

Done at Washington, D.C. on: September 13, 1983.

Willian T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-25301 Filed 9-15-83; 8:45 am]

BILLING CODE 3410-02-M

Federal Grain Inspection Service

7 CFR Part 68

United States Standards for Split Peas

AGENCY: Federal Grain Inspection Service,[1] USDA.

ACTION: Final rule.

SUMMARY: In compliance with the requirements for the periodic review of existing regulations, the Federal Grain Inspection Service (FGIS) has reviewed the U.S. Standards for Split Peas. FGIS has determined that no changes are to be made at this time to the U.S. Standards for Split Peas.

EFFECTIVE DATE: October 17, 1983.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., Regulations and Directives Unit, USDA, FGIS, Room 0667 South Building, 1400 Independence Avenue, SW, Washington, D.C. 20250, telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION: The U.S. Standards for Split Peas were established under the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621, *et seq.*; the Act). Pursuant to Section 203(c) of the Act (7 U.S.C. 1622(c)), the Administrator is authorized to develop and improve standards for all assigned agricultural commodities.

Executive Order 12291

This final rule has been issued in conformance with Executive Order 12291, and Secretary's Memorandum 1512–1. The action has been classified as nonmajor because it does not meet the criteria for a major regulation as established in the Order.

[1] Authority to exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946 as amended (7 U.S.C. 1621–1627) concerning inspection and standardization activities related to grain and similar commodities and products thereof, has been delegated to the Administrator, Federal Grain Inspection Service (7 U.S.C. 75a; 7 CFR 68.2[e]).

Regulatory Flexibility Act Certification

Kenneth A. Gilles, Administrator, FGIS, has determined that this final rule will not have a significant impact on a substantial number of small entities because most users of split pea inspection services do not meet the requirements for small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Standards Review

In conformance with the requirements for the periodic review of existing regulations, FGIS reviewed the U.S. Standards for Split Peas (7 CFR 68.501–68.510). This review included a determination of the continued need for the standards; a review of changes in marketing factors and functions affecting the standards; and a determination for the potential for improving the standards and their application through the incorporation of grading factors or tests which better indicate quality attributes. The objective was to assure that the standards continue to serve the needs of the market to the greatest extent.

Based upon all information available to FGIS it was determined that the standards met the objectives and criteria which were used in the review of the regulations.

In the April 15, 1983 **Federal Register** (48 FR 16278), FGIS proposed that the U.S. Standards for Split Peas remain as currently written with no changes being made to the standards. Comments were requested from interested parties on this proposal. One comment was received from an association which represents the U.S. dry pea industry. The comment stated that "the current standards for Split Peas are meeting the needs of the pea industry and no changes are needed at this time."

Therefore, based upon all information available FGIS has decided to retain the split pea standards as currently written. Although no changes are being made to the split pea standards, FGIS will continue to study and evaluate the standards to meet the future needs of the industry.

List of Subjects in 7 CFR Part 68

Administrative practices and procedures, Agricultural commodities, and Export.

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Accordingly, Subpart G—United States Standards for Split Peas (7 CFR 68.501–68.510) is not amended and remains as currently written.

(Secs. 203, 205, 60 Stat. 1087, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: August 31, 1983.

K. A. Gilles,

Administrator, Federal Grain Inspection Service.

[FR Doc. 83-25312 Filed 9-15-83; 8:45 am]

BILLING CODE 3410-02-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 429]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 255,000 cartons during the period September 18–24, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: September 18, 1983.

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

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

affect costs for the directly regulated handlers.

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

This action is consistent with the marketing policy currently is effect. The committee met publicly on September 13, 1983, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is good on larger sizes and weaker on smaller sizes.

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

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.729 is added as follows:

§ 910.729 Lemon regulation 429.

The quantity of lemons grown in California and Arizona which may be handled during the period September 18, 1983, through September 24, 1983, is established at 255,000 cartons.

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

Dated: September 15, 1983.

Russell L. Hawes,

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

[FR Doc. 83-25503 Filed 9-15-83; 12:11 pm]

BILLING CODE 3410-02-M

FEDERAL TRADE COMMISSION

16 CFR Part 423

Amendment To Trade Regulation Rule Concerning Care Labeling of Textile Wearing Apparel and Certain Piece Goods

AGENCY: Federal Trade Commission.

ACTION: Addition of OMB Control Number and Effective Date.

SUMMARY: The Federal Trade Commission is publishing the OMB control number and the effective date for its amended Care Labeling Rule.

EFFECTIVE DATE: The amendment to the Care Labeling Rule becomes effective January 2, 1984. All products manufactured or imported after this date must comply with the amended rule.

ADDRESS: Requests for copies of this announcement should be sent to: Public Reference Branch, Room 130, Federal Trade Commission, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Earl Johnson, Federal Trade Commission, Washington, D.C. 20580, (202) 376–2891.

SUPPLEMENTARY INFORMATION: The Federal Trade Commission published a final amendment to the Care Labeling Rule on May 20, 1983. (48 F.R. 22733). At that time, the Commission announced that it intended to make the amendment effective 90 days after the conclusion of Congressional review. On June 23, 1983, the U.S. Supreme Court in the case of *Immigration and Naturalization Service v. Chadha et al.*, S. Ct. No. 80–1832 held that the legislative veto is unconstitutional. This decision placed in question how long the affected industry had to prepare for implementation of the amendment. To eliminate any uncertainty, the Commission announces the effective date of the amendment.

On July 7, 1983, the Office of Management and Budget approved the Commission's request for review under the Paperwork Reduction Act of the labeling requirement contained in the regulation. OMB has assigned it control number 3084–0046, with an expiration date of December 31, 1985. Accordingly, the following parenthetical statement is added just below the authority citation in Part 423 of 16 CFR:

(Approved by the Office of Management and Budget under control number 3084–0046)

List of Subjects in 16 CFR 423

Clothing, Labeling, Reporting and recordkeeping requirements, Textiles, Trade practices.

(38 Stat. 717, as amended; 15 U.S.C. 41 et seq.)

Dated: September 1, 1983.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 83-25322 Filed 9-15-83; 8:45 am]

BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 33

Domestic Exchange-Traded Commodity Options

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is amending Regulation 33.4(a)(6) to permit each board of trade to be designated as a contract market for either two options on futures contracts, two options on physical commodities, or one option on a futures contract and one option on a physical commodity. Regulation 33.4(a)(6) currently provides that an exchange may be designated as a contract market for no more than one option on a futures contract and no more than one option on a physical commodity. The amended rule modifies the option pilot program to provide the boards of trade with greater flexibility in allocating the permitted number of options contracts between options on futures and options on physicals.

EFFECTIVE DATE: The amendment will become effective upon the expiration of 30 calendar days of continuous session of Congress after the transmittal of this rule, and related materials, to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry pursuant to Section 4c(c) of the Commodity Exchange Act, but not before further notice of the effective date is published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: George L. Garrow, Jr., Attorney, Division of Trading and Markets, Commodity Futures Trading Commission , 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION:

Background

Current Commission regulation § 33.4(a)(6) was adopted in conjunction with other regulations governing a three-year pilot program under which commodity options on certain commodity futures contracts would be traded on domestic boards of trade. The Commission originally proposed to limit the scope of the pilot program to only one commodity from each of three major groups—metals and other natural resources, financial instruments, and agricultural commodities which are not enumerated in Section 2(a)(1) of the Commodity Exchange Act ("Act") (7 U.S.C. 2). This restriction in the scope of the program was advanced by the Commission in part because of its concern that such a limitation might be necessary to ensure the continued protection of the public from abuses which, in the past, often were associated with the offer and sale of commodity options. The Commission further stated in its proposal that such a restriction might be useful to test the extent and nature of commercial use of commodity options by different industrial categories, whether options on different types of commodities would provide any (or different) price discovery information, and whether the effects of options trading on the underlying futures markets would be discernibly different for different types of commodities. 46 FR 33293, 33295–96 (June 29, 1981).

The Commission nonetheless specifically invited comments as to whether it should expand the pilot program to permit the inclusion of options on futures contracts in other commodities. Based upon its analysis and the comments received, the Commission rejected the more restrictive approach originally proposed and determined at that time to allow each board of trade to apply for designation as a contract market to trade options on one contract for future delivery for which it was already designated as a contract market. In the **Federal Register** notice announcing the final rules for the pilot program in options on futures contracts, the Commission indicated that it might consider expanding the pilot program to permit exchanges to trade more than one option contract should the participants in the pilot program adequately fulfill their responsibilities under the Commission's newly-adopted regulations and otherwise satisfactorily monitor options trading. 46 FR 54500, 54501 (November 3, 1981).

When the Commission proposed regulations to incorporate options on physicals within the scope of the pilot program, it proposed to limit each exchange to no more than one option on a futures contract and one option on a physical commodity in an effort to aid its assessment of the merits of options trading. In seeking to determine the appropriate scope of the pilot program, however, the Commission specifically requested comments as to whether it should allow each exchange to trade any two option contracts, regardless of whether those option contracts would involve options on futures contracts, options on physicals, or one of each type of option. 47 FR 28401, 28404 (June 30, 1982).

The Commission received a wide range of comments on this question. A number of the commentators urged the Commission to allow each exchange to be designated as a contract market for either two options on futures contracts, two options on physicals, or one option on a futures contract and one option on a physical. These commentators maintained that the regulatory burdens on the Commission and on the exchanges would not be significantly greater if the Commission were to allow such an election rather than limiting each exchange to one option of each type. Other commentators urged the Commission to adhere to its original proposal and allow each exchange only one option of each type. 47 FR 56996, 56997, (December 22, 1982). After careful consideration of the comments, the Commission decided to broaden the pilot program no further than was necessary to allow each qualifying exchange to be designated solely for one option on a futures contract and one option on a physical. Given the short period of time that options had then been trading, the Commission chose to limit strictly the pilot program until both the Commission and the exchanges had gained greater experience with the trading of commodity options. *Id.*

Analysis of Comments

As indicated above, the Commission had indicated from the outset that it might consider expanding the pilot program to permit exchanges to trade more than one option contract should the participants adequately fulfill their responsibilities under Commission regulations and otherwise satisfactorily monitor options trading. 46 FR 54500, 54501 (November 3, 1981). Given the passage of almost one year without any serious problems in the pilot program, the Commission recently solicited comments as to whether it should modify the option program to permit an exchange to be designated as a contract market in any two options of the types currently permitted under the Act.[1] As the Commission explained when it proposed this rule amendment, the reasons underlying the Commission's earlier determination to limit both the number as well as the type of option contracts which could be traded under the pilot program no longer appeared to make necessary the continued restriction on the ability of the exchanges to select the two option contracts—whether options on futures or options on physicals, or both—which best reflected the exchange's judgment as to which option contracts would be economically useful. 48 FR 32835 (July 19, 1983). The Commission requested, however, that commentators address whether the boards of trade would, in fact, benefit from greater flexibility in allocating the permitted number of options contracts between options on futures and options on physicals. Additionally, interested parties were asked to address how the proposed rule would affect the Commission's pilot program and whether, if the rule amendment were adopted, the pilot program would continue to contribute the type of data and information which would be most helpful in deciding if or under what conditions options trading should be allowed to continue after the pilot program has been terminated.[2] The Commission also requested comments regarding any problems with current options trading practices or options sales practices which the Commission should take into account in evaluating the merits of the proposed amendments as well as any other information which would assist the Commission in its review of the operation of the pilot program to date. *Id.* at 32836.

The Commission received seven comments on its proposal: four from boards of trade which have been designated by the Commission as contract markets for the trading of options on futures contracts, one from a futures commission merchant ("FCM"), one from a trade association representing FCMs, and one from a registered futures association.

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[1] This action by the Commission does not authorize any exchange to trade options on domestic agricultural commodities, as would be permitted by recent amendments to the Act which authorize the Commission to establish a pilot program for such trading. Futures Trading Act of 1982, Pub. L. No. 97-444, Section 206(3), 96 Stat. 2294 (1983). *See also* 48 FR 26508 (June 8, 1983) (establishment of an Agricultural Options Advisory Committee).

[2] The option pilot program began on October 1, 1982, and absent further action by the Commission, will terminate on September 30, 1985. *See* Commission regulation 33.5(c) [17 CFR 33.5(c)].

All of the commentators strongly supported the Commission's proposal to permit the exchanges to decide how they will allocate the permitted number of options contracts between options on futures and options on physicals. The four exchanges which commented upon the proposal all agreed that adoption of the amendment will give the exchanges greater flexibility within the existing scope of the pilot program to make economic choices based upon their individual circumstances. These commentators emphasized the experience that has been gained by the Commission and the exchanges since the inception of the pilot program and pointed to the relatively few problems that have occurred during the past months as evidence that both the Commission and the exchanges are prepared to handle a modest expansion of the program.

With respect to the effect of such a change upon the information and data that the Commission would like to obtain from the pilot program, one of the commentators stated that while this amendment may not help the Commission's fact-gathering process with respect to comparisons between the two types of options trading, that loss would be outweighed by the benefits received by the public in being able to trade products which the exchanges believe to have the greatest chance of success. Other commentators noted that, without such a change, exchanges desiring to trade a second option might be forced to choose an option on a physical commodity in which interest was not as great as in options on futures involving the same commodity. Those commentators also asserted that the pilot program would, in such a case, receive less valuable data than if exchanges were allowed to trade an option on an additional futures product that had already achieved success as a commercially viable futures product.

None of the commentators noted any problems with current options trading practices or options sales practices that the Commission should take into account in its evaluation of the merits of the amendment. All of the commentators agreed that the amended regulation would present no additional regulatory burden upon the Commission insofar as the maximum number of option designations would not change under the amended regulation. In this regard, the Commission notes that the exchanges have thus far adequately met their self-regulatory responsibilities in this area, while the National Futures Association is also contributing to the self-regulatory oversight of option market participants. The Commission's concerns regarding the continued ability of the exchanges to comply with those regulations which were designed to prevent a recurrence of the abusive practices which formerly pervaded the offer and sale of off-exchange commodity options have, therefore, been diminished.

Final Rule

The Commission has, therefore, determined to amend Regulation 33.4(a)(6) as proposed. As stated in greater detail in its proposal, the Commission believes that the rationale for limiting the pilot program to no more than one option on futures and no more than one option on a physical no longer exists. Upon the beginning of the pilot program, the Commission chose to limit strictly the scope of the program until all parties involved had more experience in the trading of commodity options. Trading in options on futures under the Commission's pilot program commenced on October 1, 1983.[3] Because of the experience gained by all parties and the lack of any apparent problems to date, the Commission believes that it is now appropriate to expand modestly the scope of the pilot program by adopting the above referenced proposal.

The Commission also notes that it has thus far received only two applications requesting designation as a contract market for the trading of options on physicals, an indication that the exchanges may prefer options on futures and, more importantly, may believe that options on futures contracts are the more commercially viable contracts. This observation is substantiated in part by comments from some of the exchanges which suggest a lack of interest by most boards of trade in options on physcials, even with a regulation that effectively compels an exhange to choose such an option if the exchange desires to trade an additional options contract.

Finally, the Commission believes that the exchanges should now have the flexibility to choose how they will allocate the permitted number of options contracts between options on futures and options on physicals based upon the exercise of prudent business judgment. The Commission anticipates that this additional flexibility to choose among economic alternatives should provide it with important data which may be helpful in the evaluation of the pilot program upon its conclusion.[4] In taking this action, the Commission has taken into consideration the public interest to be protected by the antitrust laws and has endeavored to take the least anticompetitive means of achieving the regulatory objectives of the Commodity Exchange Act.

Regulatory Flexibility Act

In the proposal, the Acting Chairman of the Commission certified, pursuant to the Regulatory Flexibility Act, that if the proposed amendment to regulation 33.4(a)(6) were adopted, it would not have a significant economic impact on a substantial number of small entities.[5]

However, the Commission specifically invited comment from any firm which believed that this rule, as proposed to be amended, would have such an impact.[6] No comments on the certification were received. Accordingly, and for the reasons previously enumerated in the proposal, pursuant to Section 3(a) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Acting Chairman, on behalf of the Commission, certifies that regulation § 33.4(a)(6), as amended, will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 17 CFR Part 33

Commodity futures, Commodity exchange designation procedures.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act and, in particular, Sections 4c, 8a and 15 thereof, 7 U.S.C. 6c, 12a, and 19, the Commission hereby amends Chapter I of Title 17 of the Code of Federal Regulations as follows.

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[3] The Commission has designated seven exchanges to trade options on futures. The MidAmerica Commodity Exchange has not initiated trading in its gold futures option contract while the Kansas City Board of Trade's option contract on the Value Line Average Index futures contract is currently dormant, following very limited trading of the option in March and April, 1983.

[4] In accordance with the provisions of Section 4c(c) of the Commodity Exchange Act (7 U.S.C. 6c(c)), the Commission must formally transmit to its Congressional oversight committees a copy of this amended rule for review prior to its effectiveness. Upon the conclusion of that process, the Commission will issue a **Federal Register** notice announcing the effective date of this amended rule. The Commission will not, therefore, accept applications for contract market designation pursuant to amended regulation 33.4(a)(6) prior to the effective date of the amendment.

[5] 48 FR at 32836.

[6] As stated in the proposal, the Commission noted its previous determination that contract markets are not "small entities" for purposes of that Act (47 FR 18618 (April 30, 1982)) and that the requirements of the Regulatory Flexibility Act therefore did not apply to those entities.

PART 33—REGULATION OF DOMESTIC EXCHANGE-TRADED COMMODITY OPTION TRANSACTIONS

1. Section 33.4 is amended by revising paragraph (a)(6) to read as follows (the introductory text has not been changed but is included for the convenience of the reader):

§ 33.4 Designation as a contract market for the trading of commodity options.

The Commission may designate any board of trade located in the United States as a contract market for the trading of options on contracts of sale for future delivery or options on physicals when the applicant complies with and carries out the requirements of the Act (as provided in § 33.2), these regulations, and the following conditions and requirements with respect to the commodity option for which the designation is sought:

(a) Such board of trade—

* * * * *

(6) Is not designated as a contract market for more than one other commodity option.

* * * * *

Issued in Washinton, D.C. by the Commission on September 13, 1983.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-25342 Filed 9-15-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 211, 700, and 800

[Docket Nos. 82N-0330 and 82N-0332]

Tamper-Resistant Packaging Requirements; Interim Stay of Retail Level Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; interim stay of effective date.

SUMMARY: The Food and Drug Administration (FDA) is announcing an interim stay of the retail level effective date of its tamper-resistant packaging requirements for certain over-the-counter (OTC) human drugs, cosmetics, and contact lens solutions and tablets pending its decision whether to issue a final stay based on a proposal published elsewhere in this issue of the **Federal Register**. The proposed stay affects a provision that requires all affected products held for sale to be packaged in tamper-resistant packages by February 6, 1984. This retail level effective date is being stayed on an interim basis until the agency has completed and evaluated a survey and reviewed other relevant information to determine the need for implementing a retail level effective date.

EFFECTIVE DATE: September 16, 1983.

FOR FURTHER INFORMATION CONTACT: Paul O. Fehnel, Jr., National Center for Drugs and Biologics (HFN-7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6490.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 5, 1982 (47 FR 50442), FDA published final regulations setting forth tamper-resistant packaging and labeling requirements for certain OTC human drug products (21 CFR 211.132) and for certain cosmetic products (21 CFR 700.25). In the same issue of the **Federal Register** (47 FR 50452), the agency also published tamper-resistant packaging and labeling requirements for contact lens solutions and tablets (21 CFR 800.12). Amendments to those regulations were published in the **Federal Register** of April 19, 1983 (48 FR 16658, 16665) and August 19, 1983 (48 FR 37624). The purpose of the regulations was to assure package integrity and product security in light of cases of malicious adulteration of OTC drug products that resulted in seven deaths in the Chicago area.

The tamper-resistant packaging and labeling regulations included three effective dates for the new requirements. The requirements subject to the first two dates, February 7, 1983 and May 5, 1983, are already in effect. The regulations specified that the third effective date, called the retail level effective date, is to be effective February 6, 1984. At that time, all products covered by the regulations held for sale in retail establishments are required to be packaged in tamper-resistant packaging.

In the preamble to the November 5, 1982 tamper-resistant packaging and labeling regulations the agency stated that, "Because of the uncertainty involved in attempting to estimate the circumstances that will prevail at the time of the retail level effective date, the agency will review the need for such a date and what the date should be after it has had an opportunity to determine the effects of this regulation on the marketplace" (47 FR 50446). The agency has initiated such a review. However, according to information recently submitted to the agency, to comply with the February 6, 1984 deadline, the industry must begin taking action before FDA can complete its review.

Pending final resolution of its review, the agency is announcing this interim stay of the retail level effective date. If, as a result of that review, the agency concludes that a retail level effective date should be retained, the agency plans to specify that the new retail level effective date selected be 4 months after the date that the decision is published as a final rule in the **Federal Register**. The agency believes that this time should be sufficient for industry to comply. Any new retail level effective date would be sometime later than February 3, 1984.

This interim stay applies only to the requirement that products shipped prior to the first two effective dates that are held for sale on February 6, 1984, be packaged in tamper-resistant packaging. It does not affect the stay to February 6, 1984, of one of the labeling requirements, as announced in the August 19, 1983 **Federal Register** (48 FR 37624).

The agency believes that good cause exists to stay the retail level effective date immediately while it conducts a review of the marketplace to establish whether such an effective date is necessary. Both the Administrative Procedure Act and FDA regulations provide that a general notice of proposed rulemaking need not be published in the **Federal Register** when the agency for good cause finds that "notice and public procedure * * * are impracticable, unnecessary, or contrary to the public interest" (5 U.S.C. 553(b)(B) and 21 CFR 10.40(e)(1)). Good cause exists because it would be contrary to the public interest to require compliance with a requirement that is under evaluation looking toward possible modification or revocation. Elsewhere in this issue of the **Federal Register** the agency is publishing a notice of proposed rulemaking, inviting comments on the need for a retail level effective date. Following receipt of comments on that proposal and completion of the agency's survey of the marketplace, FDA will publish a final rule on the subject of a retail level effective date.

List of Subjects

21 CFR Part 211

Drugs, Manufacturing, Labeling, Laboratories, Packaging and containers, Warehouses.

21 CFR Part 700

Cosmetics; Definitions; Prohibited cosmetic ingredients.

21 CFR Part 800

Administrative detention; Administrative practice and procedure; Medical devices.

§§ 211.132, 700.25, 800.12 [Temporarily deferred in part]

Accordingly, the agency announces an interim stay of 21 CFR 211.132(g)(3), 700.25(e)(3), and 800.12(f)(3).

Dated: September 12, 1983.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 83-25296 Filed 9-15-83; 8:45 am]

BILLING CODE 4100-01

21 CFR Part 540

Penicillin Antibiotic Drugs for Animal Use; Amoxicillin Trihydrate for Oral Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by A. H. Robins Co., Inc., and Biocraft Laboratories, Inc., providing for oral use of amoxicillin trihydrate for suspension for treating bacterial dermatitis and soft tissue infections in dogs.

EFFECTIVE DATE: September 15, 1983.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: A. H. Robins Co., Inc., 1405 Cummings Drive, P.O. Box 26609, Richmond, VA 23261, and Biocraft Laboratories, Inc., 92 Route 46, Elmwood Park, NJ 07407, jointly filed NADA 65-495 providing for oral use of amoxicillin trihydrate suspension (Robamox®-V) for treating soft tissue infections (abscesses, wounds, and lacerations) and bacterial dermatitis in dogs. The agency approved an application for amoxicillin trihydrate tablets for the same indications in the **Federal Register** of May 10, 1983 (48 FR 20901). The application is approved and the regulations are amended accordingly. The basis for approval is discussed in the freedom of information summary.

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

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

List of Subjects in 21 CFR Part 540

Animal drugs, Antibiotics, Penicillin.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i) and (n), 82 Stat. 347, 350-351 (21 U.S.C. 360b (i) and (n))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 540 is amended in § 540.103b by revising paragraph (c) to read as follows:

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

§ 540.103b Amoxicillin trihydrate for oral suspension.

* * * * *

(c) *Conditions of marketing*—(1) *Specifications.* The drug conforms to the requirements for certification as in paragraph (a) of this section.

(2) *Conditions of use.* (i) *Sponsor.* See No. 000029 in § 510.600(c) of this chapter.

(a) Dogs. (1) Dosage. 5 milligrams per pound of body weight twice daily.

(2) Indications for use. For the treatment of infections caused by susceptible strains of organisms as follows: respiratory tract (tonsillitis, tracheobronchitis) caused by *Staphylococcus aureus, Streptococcus* spp., *Escherichia coli,* and *Proteus mirabilis;* genitourinary tract (cystitis) caused by *Staphylococcus aureus, Streptococcus* spp., *Escherichia coli,* and *Proteus mirabilis;* gastrointestinal tract (bacterial gastroenteritis) caused by *Staphylococcus aureus, Streptococcus* spp., *Escherichia coli,* and *Proteus mirabilis;* bacterial dermatitis caused by *Staphylococcus aureus, Streptococcus* spp. and *Proteus mirabilis;* and soft tissues (abscesses, lacerations, and wounds) caused by *Staphylococcus aureus, Streptococcus* spp., *Escherichia coli,* and *Proteus mirabilis.*

(b) Cats. (1) Dosage. 50 milligrams (5 to 10 milligrams per pound) once daily.

(2) Indications for use. For the treatment of infections caused by susceptible strains of organisms as follows: upper respiratory tract due to *Staphylococcus* spp., *Streptococcus* spp., *Hemophilus* spp., *Escherichia coli, Pasteurella* spp., and *Proteus mirabilis;* genitourinary tract (cystitis) due to *Staphylococcus aureus, Streptococcus* spp., *Escherichia coli, Proteus mirabilis,* and *Corynebacterium* spp.; gastrointestinal tract due to *Escherichia coli, Proteus* spp., *Staphylococcus* spp., and *Streptococcus* spp., skin and soft tissue (abscesses, lacerations, and wounds) due to *Staphylococcus* spp., streptococcus supp., *Escherichia coli,* and *Pasteurella multocida.*

(c) Limitations. Use for 5 to 7 days or 48 hours after all symptoms have subsided. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(ii) *Sponsor.* See Nos. 000031 and 000332 in § 510.600(c) of this chapter.

(a) Dogs. (1) Dosage. 5 milligrams per pound of body weight twice daily.

(2) Indications for use. For the treatment of bacterial dermatitis due to *Staphylococcus aureus, Streptococcus* spp., *Staphylococcus* spp., and *Escherichia coli,* and soft tissue infections (abscesses, wounds, lacerations) due to *Staphylococcus aureus, Streptococcus* spp., *Escherichia coli, Proteus mirabilis* and *Staphylococcus* spp.

(b) Limitations. Use for 5 to 7 days. Continue for 48 hours after all symptoms have subsided. If no improvement is seen in 5 days, review diagnosis and change therapy. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date: September 16, 1983.

(Sec. 512(i) and (n), 82 Stat. 347, 350-351 (21 U.S.C. 360b (i) and (n)).)

Dated: September 8, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-25291 Filed 9-15-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 256

Housing Improvement Program

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs (BIA) is publishing a final rule which amends the regulations of the Housing Improvement Program (HIP) by: (1)

Requiring the return of a HIP grant if the sale of a house whose purchase was assisted by a grant from the HIP is sold within a period of five (5) years from its date of purchase and (2) requiring the return of a HIP grant if a house which was built by a HIP grant is sold within a period of ten (10) years from the date of its construction.

These changes are required because under current regulations some individuals who have obtained grant assistance from the BIA, either for a down payment or the full cost of a house, subsequently sold the house and retained the proceeds which resulted in personal monetary gains from Federal grants. Such actions have served to defeat the purpose of the program to provide housing for needy Indians. This rule amendment will correct that problem.

EFFECTIVE DATE: This document will become effective September 16, 1983.

FOR FURTHER INFORMATION CONTACT: G. Ronald Peake, Chief, Division of Housing Assistance, Bureau of Indian Affairs, Washington, D.C. 20245, telephone number (202) 343–4876.

SUPPLEMENTARY INFORMATION: The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9). This final rule is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The Inspector General's Audit Report (C–IA–BIA–20–82(a)) in September 1982, discovered that implementation of the existing HIP regulations had led to certain abuses. Individuals that had obtained grant assistance from the BIA to purchase or build a house would subsequently sell the house for personal gain. These practices tended to defeat the purpose of the program which is to help needy Indians obtain decent housing. The BIA is taking action to amend the HIP regulations to incorporate the Inspector General's recommendations. The changes in the regulations require the return of HIP grants to BIA if the resale of a house occurs within a certain period of time, to assure that housing needs are met rather than the house being sold and the funds being used for the personal profit of individuals. Sales of houses without the requirement that the HIP grant be repaid would be permitted only in later years after the families had made significant use of the houses. The BIA will be able to reclaim part of the original grant on a declining scale if a house built under § 256.4(d) is sold after ten years but before 20 years from the time of the completion of the construction.

In addition, in paragraph (b)(3) of § 256.4 the word "cumulative" is deleted. Its original insertion in the provisions was inadvertent and erroneous. The reason for the deletion is that although § 256.5(b) states that "After July 1, 1975, an applicant can only receive assistance one time under categories given in paragraphs (b), (c), and (d) of § 256.4", the word "cumulative" in paragraph (b)(3) of § 256.4 is being used in some instances to justify more than one grant being made to an applicant. This has occurred notwithstanding that the repair and improvements permitted under § 256.4(b) are clearly intended to be one time improvements designed to bring the house to standard condition. Once the house has been brought up to standard condition, no additional repair and improvements are authorized. Further responsibility for repair or improvements, should they be desired, are the responsibility of the family. Elimination of the word "cumulative" from § 256.4(b) will make it clearer that separate sums are not to be awarded an applicant on the ground that they are only part payments of a single grant.

These amendments will have no adverse impact on eligibility requirements to participate in the HIP because they do not change existing criteria for eligibility. These amendments are solely to protect the Federal investment in HIP and also to protect the program integrity by reducing the likelihood that the recipient of an HIP grant will use the proceeds of the grant for personal gain.

For the reasons just stated, the Department of the Interior finds that good cause exists under 5 U.S.C. 553 (b)(B) to dispense with notice and public procedure thereon since to do otherwise would be contrary to the public interest in that unless the amendments are made effective immediately the abuse of the HIP grants described above would continue during the notice and public procedure period. Further, since this amendment corrects the described misuse of HIP grant funds, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, this amendment will become effective upon the date of publication in the **Federal Register.**

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291. It has no impact on prices and costs of housing or other services on Indian reservations.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under criteria established by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule change will affect the individuals that are recipients of Federal HIP grants. The impact of these changes on these individuals will be to reduce the likelihood that the recipients of HIP grants will use the proceeds of the grants for personal gain as opposed to improving their housing conditions.

This rule does not contain any information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

This rule does not constitute a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969.

List of Subjects in 25 CFR Part 256

Grant programs—housing and community development, Grant programs—Indians, Housing and Indians.

Section 256.4 of Part 256 of Chapter I of Title 25 of the Code of Federal Regulations is hereby amended as follows:

PART 256—HOUSING IMPROVEMENT PROGRAM

Paragraphs (b)(3), (c)(2), (c)(3) and (d)(4) of § 256.4 are revised to read as follows:

§ 256.4 Program categories

* * * * *

(b) * * *

(3) The total expenditure of the Housing Improvement Program funds should not exceed $20,000 for any one dwelling.

* * * * *

(c) * * *

(2) The grant should not exceed the amount necessary to secure the loan plus the closing costs or ten percent (10%) of the purchase price of the house plus the closing costs or $5,000 whichever is less. (In the case of Alaska, the grant amount should not exceed $6,000).

(3) The method of advancing the grant must insure that the funds are used for the purpose intended. The applicant must sign a written agreement that if he/she sells the house within five (5) years following the date of purchase, the grant is voided and the amount of the grant will be fully repaid by the grantee to the Bureau of Indian Affairs.

(d) * * *

(4) The applicant must have ownership (as defined in § 256.2(h)) of the land on which the house is built. In the case of a leasehold interest, it must be for not less than 25 years. The applicant must sign a written agreement that if he/she sells the house within the first ten (10) years from the date of ownership, the grant is voided and the full amount of the HIP grant will be repaid by the grantee to the Bureau of Indian Affairs. Subsequent to the first ten years, if the grantee sells the house, he/she may retain ten percent (10%) of the original grant amount per year beginning in the eleventh (11th) year with the remaining amount to be repaid to the Bureau of Indian Affairs. If the sale occurs twenty (20) years or more after the date of ownership, no repayment of any part of the grant will be due the Bureau of Indian Affairs.

* * * * *

John W. Fritz,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 83-25332 Filed 9-15-83; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[T.D. 7907]

Rate of Interest for Overpayments and Underpayments of Tax

Correction

In a correction published on page 41018 in the issue of Tuesday, September 13, 1983, the CFR citation in the fifth line which read "§ 301.6621-1(b)(2)" should have read "§ 301.6621-1(c)(2)".

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 62b

[DOD Directive 1010.7]

Drunk and Drugged Driving by DOD Personnel

AGENCY: Office of the Secretary, DOD.

ACTION: Final rule.

SUMMARY: This rule is issued to reduce the number of deaths and injuries within the Department of Defense due to intoxicated driving. It provides specific guidance to all heads of DOD Components and DOD commanders on the importance of the DOD Intoxicated Driving Prevention Program and information requirements. This rule addresses only administrative actions to be taken in the case of intoxicated drivers. Legal actions to be taken are covered in other DOD issuances.

EFFECTIVE DATE: This rule was approved and signed by the Secretary of Defense on August 10, 1983, and is effective as of that date.

FOR FURTHER INFORMATION CONTACT: Captain Roger L. McFillen, USN, Office of the Deputy Assistant Secretary of Defense (Health Promotion), Office of the Assistant Secretary of Defense (Health Affairs), The Pentagon, Room 3D200, Washington, D.C. 20301; telephone (202) 695-7116/7.

SUPPLEMENTARY INFORMATION: In FR Doc. 83-9387 appearing in the **Federal Register** on April 11, 1983 (48 FR 15485), the Office of the Secretary of Defense published a proposed rule under this Part. Public comments were to be submitted by May 11, 1983. No comments were received.

Executive Order 12291. The Department of Defense has determined that this proposed rule is not a major rule because it is not likely to result in an annual effect on the economy of $100 or more.

Paperwork Reduction Act. This rule imposes no obligatory information requirements beyond internal DOD use.

Regulatory Flexibility Act of 1980. The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) certifies that this rule, if promulgated, shall be exempt from the requirements under 5 U.S.C. 601-612. In addition, this rule does not have a significant economic impact on small entities as defined in the Act.

List of Subjects in 32 CFR Part 62b

Alcohol, Drugs, Highway safety intoxicated driving prevention program, Military and civilian personnel.

Accordingly, 32 CFR is amended by adding a new Part 62b, reading as follows:

PART 62b—DRUNK AND DRUGGED DRIVING BY DOD PERSONNEL

Sec.

62b.1 Purpose.
62b.2 Applicability.
62b.3 Policy.
62b.4 Procedures.
62b.5 Responsibilities.
62b.6 DOD Intoxicated Driving Prevention Task Force.
62b.7 Definitions.
Appendix 1—Driver's License Information.
Appendix 2—State Driver's License Agencies.

Authority: 10 U.S.C. 131.

§ 62b.1 Purpose.

This part:

(a) Establishes DOD policy regarding drunk and drugged driving by DOD personnel (hereafter referred to as "intoxicated driving").

(b) Assigns responsibility for and explains DOD policy and procedures on the establishment and operation of the DOD Intoxicated Driving Prevention Program, which is designed to address the problem of and increase the awareness and attention given to intoxicated driving by DOD personnel.

(c) Establishes the DOD Intoxicated Driving Prevention Task Force (DIDPTF).

§ 62b.2 Applicability.

This part applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as "DOD Components"). The term "Military Services," as used herein, refers to the Army, Navy, Air Force, and Marine Corps.

§ 62b.3 Policy.

(a) Intoxicated driving is incompatible with the maintenance of high standards of performance, military discipline, DOD personnel reliability, and readiness of military units and supporting activities. It is DOD policy to reduce significantly the incidence of intoxicated driving within the Department of Defense through a coordinated program of education, indentification, law enforcement, and treatment. Specifically, the goal of the DOD Intoxicated Driving Prevention Program is to reduce the number of fatalities and injuries suffered by DOD personnel and the amount of property damage that result from intoxicated driving. Persons who engage in intoxicated driving, regardless of the geographic location of the incident, have demonstrated a serious disregard for the safety of themselves and others. It is appropriate for military commanders, in the exercise of their inherent authority, to protect the mission of an installation and the safety of persons and property therein to restrict driving privileges of persons who engage in such actions.

(b) The Department of Defense shall participate in the national effort to prevent intoxicated driving by maintaining appropriate relationships with other governmental agencies and private organizations and shall cooperate with responsible civil

authorities consistent with statutory and regulatory constraints in detecting, identifying, apprehending, prosecuting, educating, and counseling intoxicated drivers and in reporting cases as required by state laws and applicable Status of Forces Agreements.

§ 62b.4 Procedures.

(a) *Education and Training.* (1) The Military Services shall provide drug and alcohol education that focuses on intoxicated driving for each of the following: law enforcement, public information, emergency room, and safety personnel. Club managers, bartenders, and waitresses serving alcoholic beverages and Class VI or package sales personnel shall receive annual refresher training. In addition, leadership curricula at all levels (PCO/PXO indoctrination, training for judge advocates and military judges, and officer and noncommissioned officer schools) shall include specific information and a review of current Military Service policy on intoxicated driving.

(2) Other DOD Components shall provide similar instruction in conjunction with the training and education requirements of Part 62a of this title.

(3) DOD Components shall cooperate, to the extent feasible and permitted by law and regulation, with community leaders and existing grassroots organizations that are working to combat intoxicated driving, in planning and implementing local education efforts.

(b) *Suspension of Driving Privileges.* Each DOD Component of its supporting agency that regulates driving privileges shall establish procedures for mandatory suspension of driving privileges on military installations and in areas subject to military traffic supervision. They shall establish procedures for acquiring arrest reports and other official documentation of intoxicated driving incidents consistent with applicable laws and regulations. Such procedures shall be sufficiently flexible to meet local needs.

(1) Military personnel and their family members, retired members of the Military Services, DOD civilian personnel, and others with installation driving privileges may have those driving privileges suspended, regardless of the geographic location of an intoxicated driving incident.

(i) Suspension is authorized for non-DOD civilians only with respect to incidents occurring on the military installation or in areas subject to military traffic supervision.

(ii) With respect to DOD civilian personnel covered by a negotiated agreement, a suspension under this paragraph may be reviewed only to the extent required by the negotiated agreement applicable to the affected employee. Such matters mandatorily are excluded from DOD Component administrative grievance procedures. A grievance under such a procedure will not delay imposition of a preliminary or 1-year suspension of driving privileges.

(iii) A notice of suspension will not become effective until 24 hours after the incident for which a suspension is imposed. However, this provision does not preclude appropriate action to prevent an intoxicated person from operating a motor vehicle, nor does it affect the validity of an earlier suspension imposed on the same individual.

(iv) A hearing authorized under §§ 62b.4(b)(2), 62b.4(b)(3), or 62b.4(b)(5), below, shall be conducted by the installation commander. The power to conduct a hearing and make a decision may be delegated only to an official whose primary duties are not in the field of law enforcement. At a hearing under this paragraph, the individual shall have the right to present evidence and witnesses at his or her own expense. The individual may be represented by counsel at his or her own expense. DOD civilian personnel may have a personal representative present in accordance with applicable laws and regulations.

(2) *Suspension Based upon Lawful Apprehension.* (i) Preliminary suspension of driving privileges is mandatory based upon an arrest report or other official documentation of the circumstances of an apprehension for intoxicated driving.

(ii) The individual shall be notified in writing of the preliminary suspension. The notice shall include the arrest report or other documentation and shall inform the individual that a 1-year suspension can be imposed upon conviction, imposition of nonjudicial punishment, or action by civilian authorities leading to suspension or revocation of the individual's driver's license. The notice shall inform the individual that he or she has the right to submit a request within 5 working days to vacate the preliminary suspension and that failure to request such a hearing will result in continuation of the preliminary suspension.

(iii) If a hearing has not been requested within 5 working days, the preliminary suspension shall be continued until there has been a criminal, nonjudicial, or administrative disposition.

(iv) If the individual requests a hearing to vacate the preliminary suspension, it shall be held within 10 working days of the request. If the official conducting the hearing determines that the apprehension was based upon probable cause, the preliminary suspension shall be continued; if not, it shall be vacated. Such determinations are solely for purposes of acting on the preliminary suspension and are without prejudice to the rights of any party in a subsequent criminal or administrative proceeding involving the same or a related incident.

(v) If the individual is acquitted, the charges are dismissed, or there is an equivalent determination in a nonjudicial punishment proceeding or civilian administrative action, the preliminary suspension shall be vacated.

(vi) If there is a conviction, nonjudicial punishment, or civil suspension or revocation of driving privileges, the suspension shall be continued for 1 year from the date of the original preliminary suspension. Such action shall be taken only on the basis of an official report.

(3) *Suspension for Refusal to Take a Blood Alcohol Content (BAC) Test* (i) Preliminary suspension of driving privileges is mandatory based upon an official report that an individual refused to submit to a lawfully requested BAC test.

(ii) The individual shall be notified of the preliminary suspension in writing. The notice shall include the arrest report or other documentation and shall inform the individual that a 1-year suspension can be imposed after a hearing under § 62b.4(b)(3)(iv), below. The notice also shall inform the individual that he or she has the right within 5 working days to submit a request for a hearing to validate the preliminary suspension and that the suspension will be for 1 year if a hearing is not requested.

(iii) If a hearing is not requested within 5 working days, the suspension shall be for 1 year.

(iv) If the individual requests a hearing to vacate the preliminary suspension, it shall be held within 10 working days of the request. The hearing shall consider the arrest report or other official documentation, information presented by the individual, and such other information as the hearing officer may deem appropriate. The official conducting the hearing shall consider the following issues: (A) Did the official have reasonable grounds to believe that the person had been operating or was in actual physical control of, a motor vehicle while

intoxicated? (B) Was the person lawfully cited or apprehended for an intoxicated driving offense? (C) Was the individual lawfully requested to submit to a BAC test? (D) Did the person refuse to submit to or fail to complete a BAC test required by the law of the jurisdiction in which the test was requested? If, in view of these issues, the test was lawfully requested, the suspension shall be for 1 year, irrespective of the ultimate disposition of the underlying intoxicated driving offense. If not, the preliminary suspension shall be vacated. Such determinations are solely for purposes of acting on the preliminary suspension and are without prejudice to the rights of any party in a subsequent criminal or administrative proceeding involving the same or a related incident.

(4) *Suspension upon Conviction, Nonjudicial Punishment, or Civilian Administrative Action*

(i) Suspension of driving privileges for 1 year is mandatory when there has been a conviction, nonjudicial punishment, or civilian revocation or suspension of driving privileges for intoxicated driving, regardless of any prior administrative determination under §§ 62b.4(b)(2), 62b.4(b)(3), or 62b.4(b)(5).

(ii) Such action shall be taken only on the basis of an official report.

(iii) The individual shall be notified in writing of the suspension and shall be notified that an exception may be granted only under § 62b.4(b)(6), below.

(iv) The suspension shall be issued by the installation commander. This authority may be delegated only to an official whose primary responsibilities are not in the field of law enforcement.

(5) *Repeat Offenders.* (i) Preliminary increase in suspension of driving privileges is mandatory based upon an arrest report or other official documentation of an individual's driving in violation of a suspension imposed under this part or under similar rules previously issued by a DoD Component.

(A) The individual shall be notified in writing of the preliminary increase in suspension. The notice shall include the arrest report or other documentation of the violation as well as documentation of the original suspension and shall inform the individual that his or her original suspension can be increased by 2 years after a hearing under § 62b.4(b)(5)(i)(C), below. The notice shall inform the individual that he or she has the right within 5 working days to submit a request for a hearing to vacate the preliminary increase in suspension and that the original suspension will be increased by 2 years if such a request is not submitted.

(B) If a hearing has not been requested within 5 working days, the original suspension shall be increased by 2 years.

(C) If the individual requests a hearing to vacate the preliminary suspension, it shall be held within 10 working days of the request. The hearing shall consider the arrest report or other official documentation, information presented by the individual, documentation of the original suspension, and such other information as the hearing officer may deem appropriate. If the official conducting the hearing determines that the allegation of driving in violation of a suspension is supported by a preponderance of the evidence, the original suspension shall be increased by 2 years. If not, the preliminary increase in suspension shall be vacated. Such determinations are without prejudice to the rights of any party in a subsequent criminal or administrative proceeding involving the same or a related incident.

(D) If in a subsequent judicial, nonjudicial, or administrative proceeding, it is determined that the individual did not violate a suspension, the preliminary increase in suspensions shall be vacated.

(ii) For each subsequent determination within a 5-year period that a 1-year suspension is authorized under § 62b.4(b) (2) through (4), above, driving privileges shall be suspended for 2-years. Such period shall be in addition to any suspension perviously imposed. Military personnel shall be prohibited from obtaining or using a U.S. Government Motor Vehicle Operator's Indentification Card, Standard Form (SF) 46, for 6 months for each such incident. A determination whether DOD civilian personnel should be prohibited from obtaining or using an SE 46 shall be made under Federal Personnel Manual Chapter 930 and other laws and regulations applicable to civilian personnel. Nothing in this paragraph precludes an installation commander from imposing a prohibition upon obtaining or using an SF 46 for a first offense or for such other reasons as may be authorized under applicable laws and regulations.

(6) *Exceptions.* (i) Exceptions to the mandatory suspension provisions in this Part may be granted under regulations by the DOD Component concerned on a case-by-case basis. Requests for exceptions shall be in writing. Such exceptions may be granted only on the basis of:

(A) Mission requirements;

(B) Unusual personal or family hardship; or

(C) In the case of a preliminary suspension following lawful apprehension, delays exceeding 90 days in the formal disposition of the allegations insofar as such delays are not attributable to the individual.

(ii) With respect to a person who has no reasonably available alternate means of transportation to officially assigned duties, a limited exception shall be granted for the sole purpose of driving directly to and from such duties. This does not authorize a person to drive on a military installation if the person's driver's license is under suspension or revocation by a state, federal, or host country civil court or administrative agency. Maximum reliance shall be placed on carpools, public transportation, and reasonably available parking facilities adjacent to the installation before such a limited exception is granted. Nothing in this provision precludes appropriate or other administrative action on the basis of an intoxicated driving incident or driving in violation of a previously imposed suspension.

(iii) Exceptions granted under this paragraph shall be reported in writing to the next official in the chain of command.

(7) Overseas commanders with authority to issue driver's licenses shall establish procedures for suspension of such licenses for intoxicated driving. Such procedures, insofar as the commanders deem practicable, shall be similar to the procedures for suspension of installation driving privileges prescribed in § 62b.4(b) (1) through (6) above.

(8) Persons whose installation driving privileges are suspended for 1 year or more under § 62b.4(b) (2), (3), or (4), above, shall complete an alcohol or drug safety action program or equivalent alcohol education course (minimum of 8 hours) before their installation driving privileges may be reinstated.

(c) *Screening.* Each DOD Component or its supporting agency shall establish procedures for screening military personnel charged with intoxicated driving offenses within 7 working days of issuance of notice of the preliminary suspension to determine whether a member is dependent on alcohol or other drugs. The results of this screening shall be made available to the command having jurisdiction over the case before adjudication. Information concerning personal alcohol and drug abuse provided by a member in response to screening questions may not be used against the member in a court-martial or on the issue of characterization in an administrative separation proceeding.

Nothing in this provision precludes introduction of such evidence for other administrative purposes or for impeachment or rebuttal purposes in any proceeding in which evidence of alcohol or drug abuse (or lack thereof) first has been introduced by the member, nor does it preclude disciplinary or other action based on independently derived evidence. DOD civilian personnel charged with intoxicated driving shall be advised of the Civilian Employee Assistance Program or Installation Drug and Alcohol Program and the availability of evaluation in accordance with Federal Personnel Manual Supplement 792–2. Retired members of the Military Services shall be advised of the availability of evaluation and treatment programs.

(d) *Notification of State Driver's License Agencies.* Each DOD Component or its supporting agency shall establish a systematic procedure in accordance with Part 286a of this title to notify state driver's license agencies of DOD personnel whose installation driving privileges are suspended for 1 year or more following final adjudication of the intoxicated driving offense or upon suspension for refusal to submit to a lawful BAC test under § 62b.4(b), above. This notification shall include the basis for the suspension and the BAC level, if known. Exceptions shall be made only when such a suspension was increased for an additional 2 years for driving on an installation while installation driving privileges were suspended solely on the basis of driving in violation of suspension (see § 62b.4(b)(5), above). This notification shall be sent to the state in which the driver's license was issued and the state in which the installation is located. Sample letter format is provided in Appendix 1, and state driver's license agencies are listed in Appendix 2. DOD Components shall establish a system to exchange intoxicated driving and driving privilege suspension data when DOD personnel transfer from one location to another to ensure that the receiving installation continues any remaining portion of the suspension. This information requirement is exempt from formal approval and licensing.

(e) The Military Services shall include the intoxicated driving prevention program as an inspection item of special interest for Inspector General or administrative inspections.

(f) The Military Services shall direct installation commanders to assess the availability of drug and alcohol in the vicinity of military installations through their Armed Forces Disciplinary Control Boards or Control Boards of other appropriate federal agencies. Whenever the availability of alcohol or drugs, or both, at an establishment off-base presents a threat to the discipline, health, and welfare of DOD personnel, such establishments shall be dealt with as prescribed in the "Armed Forces Disciplinary Control Board and Off-Installation Military Enforcement Guidance" (Army Regulation No. 190–24, Marine Corps Order No. 162.2A, BUPERS Inst. 1620.4A, Air Force Regulation No. 125.11, Commandant Instruction No. 1620.13).

(g) *Cases Involving Death or Serious Injury.* (1) To the extent permitted by law and consistent with the Uniform Code of Military Justice (UCMJ) and the "Manual for Courts-Martial" and in accordance with trial counsel's judgement of appropriate tactical and ethical concerns, consideration shall be given to presenting a victim's impact statement (oral or written statement by victims or survivors) before sentencing in cases involving intoxicated driving.

(2) Trial counsel are encouraged to make reasonable efforts to ensure that the victim or the victim's family is provided information about the progress and disposition of cases processed under the UCMJ.

(h) DOD Components with field installations shall establish an awards and recognition program to recognize successful local installation intoxicated driving prevention programs.

(i) Each DOD Component or its supporting agency is encouraged to use, as guidance, "Report on a National Study of Preliminary Breath Test (PBT) and Illegal Per Se Laws" and "Interim Report to the Nation by the Presidential Commission on Drunk Driving."

§ 62b.5 Responsibilities.

(a) The *Assistant Secretary of Defense (Health Affairs)* (ASD(HA)) shall:

(1) Develop a coordinated approach to the reduction of intoxicated driving, consistent with this part, recognizing that intoxicated driving prevention programs shall be designed to meet local needs.

(2) Appoint the chair of the DIDPTF.

(3) Monitor Military Service and DOD Component regulations that implement the DOD Intoxicated Driving Prevention Program.

(4) Act as focal point for the Department of Defense for interagency and nongovernmental coordination of national intoxicated driving prevention programs.

(5) Evaluate and report biennially to the Secretary of Defense on the effectiveness and efficiency of the DOD Intoxicated Driving Prevention Program.

(b) The *Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics)* (ASD(MRA&L)) shall:

(1) Ensure the DOD Department Schools system and Section VI schools include specific material in the curriculum (grades 7 through 12) on the effects that alcohol and drugs have on the impairment of driving skills.

(2) Ensure that intoxicated driving, accident, mishap, and injury data include:

(i) BAC of drivers in three categories—.01–.04, .05–.09, and .10 and above.

(ii) Time of day and day of the week the mishap or injury occurred.

(iii) Type of vehicle (include MOPEDs with motorcycle data).

(iv) Death and injury data on DOD personnel killed or injured as a result of intoxicated driving, include those who were not intoxicated themselves but were involved in a mishap as a result of intoxicated driving by another party.

(v) Government property damage cost.

(vi) Cost of treatment of injured DOD personnel.

(vii) Pertinent data on military personnel separated or retired as a result of injury or other action taken because of:

(A) Intoxicated driving by the person being separated or retired; or

(B) Intoxicated driving by another person.

(viii) Other chemical substances causing intoxicated driving that contributed to an accident.

(3) Provide an annual report to the Secretary of Defense that assesses the impact of intoxicated driving on the Department of Defense. The report shall include intoxicated driving arrest, apprehension, and conviction data as well as the number of exceptions granted to the mandatory suspension of driving privileges under § 626.4(b)(6), above.

(4) Establish procedures (when feasible) under which DOD personnel convicted for driving while intoxicated will pay administrative restitution to the government for property damage or medical expenses to the extent permitted by applicable law.

(5) Amend appropriate DOD issuances to include the use of a preliminary or prearrest breath test (PBT) to be used by law enforcement personnel to indicate impairment when the arresting officer has reason to believe the operator of a motor vehicle may be intoxicated. (See "Report on a National Study of Preliminary Breath Test (PBT) and Illegal Per Se Laws").

(c) The *Head of Each DOD Component or its Supporting Agency* shall establish and operate intoxicated driving prevention programs prescribed by this part.

§ 62b.6 DOD intoxicated driving prevention task force.

(a) *Organization and Management.* (1) The DIDPTF shall be chaired by a representative of the Deputy Assistant Secretary of Defense (Health Promotion), Office of the ASD(HA).

(2) The DIDPTF shall consist of representatives of the Military Services' drug and alcohol programs and law enforcement communities and a representative of the Deputy Assistant Secretary of Defense (Equal Opportunity and Safety Policy), Office of the ASD(MRA&L).

(3) Meetings generally shall be held bimonthly; however, special sessions may be required by the chair.

(b) *Functions.* The DIDPTF shall:

(1) Monitor Military Service and DOD Component policy as it applies to the prevention of intoxicated driving.

(2) Review programs and policy developed by other federal and state agencies and make recommendations of suitable adaptation within the Department of Defense.

(3) Make recommendations to the ASD(HA) and the ASD(MRA&L) on matters pertaining to intoxicated driving.

§ 62b.7 Definitions.

(a) *Blood Alcohol Content (BAC).* The percentage, by weight, of alcohol in a person's blood as determined by blood, urine, or breath analysis. Percent of weight by volume of alcohol in the blood is based on grams of alcohol per 100 milliliters of blood.

(b) *Conviction.* An official determination or finding as authorized by state or federal law or regulation, including a final conviction by a court or court-martial (whether based on a plea of guilty or a finding of guilty and regardless of whether the penalty is rebated, deferred, suspended, or probated), an unvacated forfeiture of bail or other collateral deposited to secure a defendant's appearance in court, a plea of nolo contendere accepted by a court, or a payment of a fine.

(c) *DOD Issuances.* DOD Directives, Instructions, publications and changes thereto.

(d) *DOD Personnel*

(1) *Civilian Personnel.* Employees of the Department of Defense whose salary or wages are paid from appropriated or nonappropriated funds.

(2) *Military Personnel.* All U.S. military personnel on active duty, U.S. military reserve or National Guard personnel on active duty, and Military Service academy cadets.

(e) *Driving Privileges.* Operation of a privately owned motor vehicle on an installation or in areas where traffic operations are under military supervision.

(f) *Intoxicated Driving.* Includes one or more of the following:

(1) Operating a motor vehicle under any intoxication caused by alcohol or drugs in violation of Article 111 of the UCMJ (see paragraphs 190 and 191 of the "Manual for Courts-Martial" or a similar law of the jurisdiction in which the vehicle is being operated.

(2) Operating a motor vehicle with a BAC of .10 or higher on a military installation or in an area where traffic operations are under military supervision.

(3) Operating a motor vehicle with a BAC of .10 or higher in violation of the law of the jurisdiction in which the vehicle is being operated.

(4) Operating a motor vehicle with a BAC of .05 but less than .10 in violation of the law of the jurisdiction in which the vehicle is being operated if the jurisdiction imposes a suspension or revocation solely on the basis of the BAC level.

(g) *Supporting Agency.* The agency that accepts the responsibility and performs the actions necessary to accomplish any of the requirements of this Part (for example, one of the Military Services supporting a Defense Agency through installation vehicle registration, screening of intoxicated drivers, or supervisor education).

Appendix 1—Driver's License Information (Sample Letter)

FROM:

_____

_____

_____

TO: Department of Vehicle Registration Licenses

_____

_____

_____

SUBJECT: Notification of Person Convicted of an Intoxicated Driving Offense.

This letter is your notification that on _____

(date)

_____

(last name, first name, middle initial

_____

and social security number of person) a member of

_____

(branch of Military Service or DOD Component)

_____

(and unit)

_____

(installation location)

was found guilty of (intoxicated driving or refusal to take a blood alcohol content (BAC) test in a court-martial, non-judicial proceeding under Article 15 of the UCMJ, or civil court). (If civil court, give court name and case number.) (He or she) holds a _____ (state) driver's license, number _____, issued _____, expiring on _____. (He or she) was arrested

_____

(date and base location)

by _____ (state) (or military) police while driving vehicle license number _____. A BAC test (was or was not) taken (with a reading of _____). Based on the above information, this individual's installation driving privileges have been suspended for —— *(insert number of years).* The individual's current address is:

_____

_____

_____

Appendix 2—State Driver's License Agencies

Alabama

Data Processing Unit, Driver's Licensing Division, Department of Public Safety, Montgomery, Alabama 36192, (205) 832–5100

Alaska

MVR Desk, Motor Vehicles, Pouch N, Juneau, Alaska 99811, (907) 465–4361

Arizona

Phoenix City Magistrates Court (No street number required), Phoenix, Arizona 85001, (602) 262–4001

Arkansas

Driver's Control, P.O. Box 1272, Little Rock, Arkansas 72203, (501) 371–1631

California

Information Services, Department of Motor Vehicles, P.O. Box 11231, Sacramento, California 95813

Colorado

Motor Vehicle Division, Master File Section 44–489, 140 W. 6th Avenue, Denver, Colorado 80204, (303) 866–3751

Connecticut

Assistant Division Chief, 60 State Street, Wethersfield, Connecticut 06109, (203) 566–3230

Delaware

Senior Clerk, Revocation Section, P.O. Box 698, Dover, Delaware 19901, (302) 736–4427

Florida

Division of Drivers Licenses & Motor Vehicles, Department of Highway Safety, Kirkman Building, Tallahassee, Florida 32301, (904) 488–2117

Georgia

Drivers Support Division, Department of Public Safety, P.O. Box 1456, Atlanta, Georgia 30371–2303, (404) 656–5704

Hawaii

Administrator, District Court, 1111 Alakea Street, Honolulu, Hawaii 96813, (808) 548–2467

Idaho

Idaho Transportation Department, Driver Services, P.O. Box 34, Boise, Idaho 83731, (208) 334–2534

Illinois

Abstract Informational Unit, Motor Vehicle Services, 2701 S. Dirksen Parkway, Springfield, Illinois 62703, (217) 782–2720

Indiana

Bureau of Motor Vehicles, Paid Mail Division, State Office Building, Room 416, Indianapolis, Indiana 46204, (317) 232–2894

Iowa

Chief Teletype Operator, Lucas State Office Building, Des Moines, Iowa 50319, (515) 281–5559

Kansas

Chief, Driver Control Bureau, State Office Building, Topeka, Kansas 66626, (913) 296–3671

Kentucky

Division of Driver Licensing, Justice Cabinet, Room 220, State Office Building, Frankfort, Kentucky 40601, (502) 564–6800

Louisiana

Department of Public Safety, Office of Motor Vehicles, P.O. Box 64886, Baton Rouge, Louisiana 70896

Maine

Driver Record Section, Motor Vehicle Division, Statehouse Station #29, Augusta, Maine 04333, (207) 289–2733

Maryland

Director, Driver Records, 6601 Ritchie Highway, NE, Glen Burnie, Maryland 21062, (301) 768–7225

Massachusetts

Registry Motor Vehicles, 100 Nashua Street, Boston, Massachusetts 02114

Michigan

Commercial Lookup Unit, Michigan Department of State, Bureau of Driver & Vehicle Services, Lansing, Michigan 48918

Minnesota

Driver License Division, 108 Transportation Building, St. Paul, Minnesota 55155, (612) 296–2023

Mississippi

Mississippi Highway Patrol, MVR Section, P.O. Box 958, Jackson, Mississippi 39205, (601) 982–1212, Ext. 268

Missouri

Division of Motor Vehicles & Driver Licensing, P.O. Box 629, Jefferson City, Missouri 65105, (No telephone inquiries)

Montana

Office Manager, Driver Services, 303 North Roberts, Helena, Montana 59620, (406) 449–3000

Nebraska

Administrator, P.O. Box 94789, Lincoln, Nebraska 68509, (402) 471–3888

Nevada

Driver Record Section, 555 Wright Way, Carson City, Nevada 89701, (702) 885–5505

New Hampshire

Department of Public Safety, Division of Motor Vehicles, Hazen Drive, Concord, New Hampshire 03105, (603) 271–2486

New Jersey

Supervisor, Abstract Section, Dept. of Motor Vehicles, 137 E. State Street, Trenton, New Jersey 08625, (609) 292–4558

New Mexico

Chief, Motor Transportation Department, Manuel Lujan Building, Santa Fe, New Mexico 87503, (505) 827–2362

New York

New York State Dept. of Motor Vehicles, Public Service Bureau, Empire State Plaza, Albany, New York 12228, (518) 474–0705

North Carolina

Director, Driver License Section, Division of Motor Vehicles, 1100 New Bern Avenue, Raleigh, North Carolina 27697, (919) 733–9906

North Dakota

Driving Records, Drivers License Division, 600 E. Boulevard, Bismarck, North Dakota 58505, (701) 224–2603

Ohio

Bureau of Motor Vehicles, Attn.: MVOSPA, P.O. Box 16520, Columbus, Ohio 43216

Oklahoma

Oklahoma Department of Public Safety, Driver Improvement Division, Box 11415, Oklahoma City, Oklahoma 73136, (405) 427–6541

Oregon

Supervisor, Files and Correspondence DMV, 1905 Lana Avenue, NE, Salem, Oregon 97314, (503) 371–2225

Pennsylvania

Division Manager, Citation Processing Division, Room 302, Bureau of Traffic Safety Operations, Department of Transportation, Harrisburg, Pennsylvania 17120

Rhode Island

Department of Motor Vehicles, State Office Building, Providence, Rhode Island 02903, (401) 277–2994

South Carolina

Motor Vehicle Administrator, P.O. Box 1498, Columbia, South Carolina 29216, (803) 758–8428

South Dakota

Driver Improvement Program, 118 W. Capitol, Pierre, South Dakota 57501–2080, (605) 773–4128

Tennessee

Financial Responsibility Section, P.O. Box 945, Nashville, Tennessee 37202, (615) 741–3954

Texas

Director, Motor Vehicle Division, 40th and Jackson Avenue, Austin, Texas 78779, (512) 465–7611

Utah

Chief, Drivers License Bureau, 317 State Office Building, Salt Lake City, Utah 84114, (801) 965–4411

Vermont

Director of Law Administration, Department of Motor Vehicles, 120 State Street, Montpelier, Vermont 05603, (Mail inquiries only)

Virginia

Division of Motor Vehicles, Attn: Driver's Licensing and Information Department, 2300 W. Broad Street,

Richmond, Virginia 23269, (804) 257-0410

Washington

Department of Licensing, Driver Services Division, Highway Licensing Building, Olympia, Washington 98504, (206) 753-6976

West Virginia

Department of Motor Vehicles, 1800 Washington Street, East, Charleston, West Virginia 25317, (304) 348-0238

Wisconsin

Driver Record File, Department of Transportation, P.O. Box 7918, Madison, Wisconsin 53707-7918, (608) 266-2360

Wyoming

Criminal Identification Division, Boyd Building, Cheyenne, Wyoming 82002

NDR

National Driver Register, Room 5117, NHTSA, 400 7th Street SW, Washington, D.C. 20509

District of Columbia

District of Columbia Department of Transportation, Bureau of Motor Vehicles Services, 301 C Street NW, Washington, D.C. 20001

Guam

Mr. Patrick Wolfe, Deputy Director, Revenue and Taxation, Government of Guam, Agana, Guam 96910

Puerto Rico

Mr. Jose A. Zayas-Berdecia, Director, Bureau of Motor Vehicles, P.O. Box 41243, Santurce, Puerto Rico 00940

Virgin Islands

(Does not participate in the National Driver Register)

Dated: September 12, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-25104 Filed 9-15-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 92 and 161

[CFD 78-079b]

St. Marys River Vessel Traffic Service

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects the names of several aids to navigation used as reference points so that they are identical to the names found in the Coast Guard Light List for the Great Lakes. This document also removes and reserves a subchapter heading which was overlooked when all remaining regulations in that subchapter were deleted. These corrections will provide consistency in terminology and otherwise assist the user of these regulations.

EFFECTIVE DATE: This correction becomes effective September 16, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Edward J. LaRue, Jr., (202) 426-4958.

SUPPLEMENTARY INFORMATION: On July 5, 1983, the Coast Guard published a final rule (48 FR 30616) in which a number of Coast Guard maintained aids to navigation (lights, buoys, and range lights) were used as reference points for speed limits, radiotelephone reports, etc. The names of these aids, as published in the final rule, were based on names found in the Coast Guard Light List and/or the name commonly used by local mariners. After publication of the rule, the Coast Guard was contacted by the National Ocean Service (NOS), a Federal agency which publishes charts and Coast Pilots of U.S. waters. NOS feels that for consistency and for the sake of mariners who are not familiar with local practices, the names used in regulations should agree with those in the Light List. This need is further amplified by the fact that the Coast Pilots contain Coast Guard regulations and information from the Light Lists. This means that the same aid could be referred to by more than one name in the same publication. The Coast Guard agrees that this could be confusing and is changing the following names which do not conform to the ones found in the Light List.

In §§ 161.834 and 161.852, "Lake Munuscong Junction Buoy" is changed to read "Munuscong Lake Junction Lighted Bell Buoy".

In § 161.850, "Watsons Reef Light" is changed to read "Watson Reefs Light".

In § 161.880 "Point Aux Frenes Light" is changed to read "Point Aux Frenes Light 21".

In § 161.880, "Munuscong Channel Buoy 8" is changed to read "Munuscong Lake Lighted Buoy 8".

In § 161.880, "Ninemile Point Light" is changed to read "Lake Nicolet Light 80".

In § 161.880, "Six Mile Point Light" is changed to read "Six Mile Point Range Rear Light".

In addition to the above corrections, the heading of Subchapter F in Chapter I, Title 33, Code of Federal Regulations, is being changed. The final rule of July 5, 1983 transferred regulations in 33 CFR Part 92 to Part 161 and reserved Part 92. Part 92 was the last remaining body of regulations in Subchapter F. The Coast Guard failed inadvertently to delete the subchapter heading when the remaining regulations were transferred. This document corrects that oversight by changing the heading from "Subchapter F—Interim Inland Navigation Rules" to "Subchapter F—[Reserved]". Regulatory Evaluation.

This action is purely administrative in nature involves several nomenclature changes and the removal of an outdated subchapter heading. This action imposes no burden on the public.

List of Subjects in 33 CFR Part 161

Hazardous materials transportation, Navigation (water), Vessels.

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

SUBCHAPTER F—[AMENDED]

PART 161—[AMENDED]

1. By removing the words "INTERIM INLAND NAVIGATION RULES" in the Subchapter F heading and inserting in their place the word "[Reserved]". Also, the words, "Part 92 [Reserved]" are removed.

2. By revising §§ 161.834 to read as follows:

§ 161.834 Permanent reporting points.

The following are permanent reporting points:

Upbound vessels	Reporting points	Downbound vessels
Initial report	De Tour Reef Light	Final report.
Movement report	Munuscong Lake Junction Lighted Bell Buoy	Movement report.
	Oak Ridge	Movement report.
Movement report	Ninemile Point	Movement report.
Movement report	Six Mile Point	Movement report.
Movement report	Mission Point	Movement report.
Movement report	Leaving locks	Movement report.
Movement report	Brush Point	Movement report.
Movement report	Birch Point	Movement report.
Final report	Ile Parisienne Light	Initial report.

3. Section 161.850 is corrected by revising paragraphs (c) and (d).

§ 161.850 One way traffic—normal conditions.

* * * * *

(c) Pipe Island Course from Sweets Point to Watson Reefs Light shall be used only by vessels proceeding in a downbound direction.

(d) Pipe Island Passage to the east of Pipe Island Shoal and north of Pipe Island Twins from Watson Reefs Light to Sweets Point shall be used only by vessels proceeding in an upbound direction.

4. Section 161.852 is corrected by revising paragraphs (a) (1) and (2) to read as follows:

§ 161.852 Meeting or overtaking in channels.

(a) * * *

(1) West Neebish Channel between Ninemile Point and Munuscong Lake Junction Lighted Bell Buoy and Ninemile Point.

(2) Middle Neebish Channel between Munuscong Lake Junction Lighted Bell Buoy and Ninemile Point.

* * * * *

5. Section 161.880 is amended by correcting the table to read as follows:

§ 161.880 Maximum speed limits.

The following speed limits indicate speed over the ground:

The speed limit between	Speed limit	
	Miles/hr	Knots
De Tour Reef Light and Sweets Point Light	14	12.2
Round Island Light and Point Aux Frenes Light 21	14	12.2
Munuscong Lake Lighted Buoy 8 and Everens Point	12	10.4
Everens Point and Reed Point	9	7.8
Reed Point and Lake Nicolet Lighted Buoy 62	10	8.7
Lake Nicolet Lighted Buoy 62 and Lake Nicolet Light 80	12	10.4
Lake Nicolet Light 80 and Winter Point (West Neebish Channel)	10	8.7
Lake Nicolet Light 80 and Six Mile Point Range Rear Light	10	8.7
Six Mile Point Range Rear Light and lower limit of the St. Marys Falls Canal:		
Upbound	8	7
Downbound	10	8.7
Upper limit of the St. Marys Falls Canal and Point Aux Pins Main Light	12	10.4

Authority: Sec. 12, Pub. L. 95-474, 92 Stat. 1477 (33 U.S.C. 1231); 49 CFR 1.46(n)(4), unless otherwise noted.

Dated: September 8, 1983.

B. F. Hollingsworth,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine, Environment and Systems.

[FR Doc. 83-25197 Filed 9-15-83; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[KY-010; A-4-FRL 2385-7]

Approval and Promulgation of Implementation Plans; Kentucky: Alternative Emission Reduction Option (Bubble) for Ashland Petroleum Company

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of final rule.

SUMMARY: On April 19, 1983 (48 FR 16683), EPA gave approval, without prior proposal, to an alternative emission reduction plan (bubble) for Ashland Petroleum Company in Kenton County, Kentucky. EPA subsequently received adverse comments on the plan. Accordingly, the Agency is withdrawing its approval. Elsewhere in today's **Federal Register**, EPA is proposing the alternative reduction plan and providing an opportunity to comment on the proposal.

DATE: This action is effective on September 16, 1983.

ADDRESSES: Copies of the materials submitted by Kentucky may be examined during normal business hours at the following locations:

Air Management Branch, Environmental Protection Agency, Region IV, 345 Courtland Street, NE, Atlanta, Georgia 30365

Division of Air Pollution Control, Kentucky Department for Environmental Protection, 18 Reilly Road, Bldg. 2, Fort Boone Plaza, Frankfort, Kentucky 40601

FOR FURTHER INFORMATION CONTACT: Douglas C. Cook, EPA Region IV, Air Management Branch, at the Atlanta address above or call 404/881-2864 (FTS 257-2864).

SUPPLEMENTARY INFORMATION: Ashland Petroleum Company, Covington Terminal, applied to the Division of Air Pollution Control on February 12, 1982, for a review under the "bubble concept" pursuant to Kentucky Regulation 401 KAR 50:055(6). Ashland's Covington Terminal is located in Kenton County, Kentucky, which is formally designated nonattainment for ozone. On February 3, 1983 (48 FR 5120), however, EPA proposed to approve Kentucky's demonstration that Kenton and the other counties in the Cincinnati metropolitan area are attaining the air quality standards for ozone.

Based on the information submitted, EPA, without prior proposal of its action, approved the alternate plan (48 FR 16683, April 19, 1983).

In the final rulemaking, EPA advised the public that the effective date of the action was deferred for 60 days (until June 20, 1983) to provide an opportunity to submit comments on it. EPA announced that if notice was received within 30 days of the publication of the final rule that someone wanted to submit adverse or critical comments, the final action would be withdrawn and a new rulemaking would be begun by proposing a 30-day comment period. EPA had earlier published a general notice explaining this special procedure (46 FR 44477, September 4, 1981).

EPA has received adverse comments on this plan. Accordingly, the Agency is today withdrawing its approval.

Elsewhere in today's **Federal Register**, EPA is proposing approval of this plan and soliciting comments on the proposal.

EPA is withdrawing this action without providing prior notice and opportunity for comment. The Agency finds that it has good cause within the meaning of 5 U.S.C. 553(b) to proceed without notice and comment. Notice and comment would be impracticable in this case because EPA needs to withdraw its approval as quickly as possible in order to consider the comments which the public has submitted or may wish to submit. Moreover, further notice is not necessary because EPA has already informed the public that it would follow this procedure if it received a request for an opportunity to comment. For the same reasons, EPA finds that it has good cause under 5 U.S.C. 553(d) to make this withdrawal immediately effective.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 15, 1983.

Under 5 U.S.C. Section 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.)

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

List of Subjects in 40 CFR Part 52

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

(Secs. 110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: September 7, 1983.
William D. Ruckelshaus,
Administrator.

PART 52—[AMENDED]

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

Subpart S—Kentucky

§ 52.920 [Amended]

1. Paragraph (c)(34) of § 52.920 is removed and reserved.

[FR Doc. 25366 Filed 9-15-83; 8:45am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Minerals Management Service

43 CFR Part 3480

30 CFR Part 211

[Circular No. 2534]

Coal Mining Operations; Redesignating the Coal Mining Operations Regulations

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: On December 3, 1982, the Secretary of the Interior issued Order No. 3087, which was amended on February 7, 1983, transferring all onshore management functions of the Minerals Management Service, not relating to royalty management, to the Bureau of Land Management. Notice of this transfer of management functions was published in the **Federal Register** of March 2, 1983 (48 FR 8982). In accordance with that order and the above notice, the regulations in 30 CFR Part 211 are being transferred to 43 CFR Part 3480. This notice redesignates the appropriate sections of 30 CFR Part 211 as 43 CFR Part 3480 and makes necessary administrative amendments to bring the redesignated sections into conformance with the language of Title 43 of the Code of Federal Regulations.

EFFECTIVE DATE: September 16, 1983.

ADDRESS: Any suggestions or inquiries should be sent to: Director (660), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Paul Sternberg, (202) 860-7506.

SUPPLEMENTARY INFORMATION:

The principal author of this final rulemaking is Paul J. Buff, Division of Solid Mineral Operations, Bureau of Land Management, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

Because this final rulemaking is an administrative action reflecting actions that have already occurred and that have no additional impacts on coal exploration and mining operations, it has been determined that no action needs to be taken with regard to a determination under either the provisions of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)) or the provisions of Executive Order 12291.

There are no additional information collection requirements contained in this final rulemaking.

This final rulemaking is administrative and has no additional impacts on the public. Further, it reflects actions that have already occurred. It will, therefore, be effective upon publication.

List of Subjects in 43 CFR Part 3480

Administrative practice and procedure, Coal, Government contracts, Intergovernmental relations, Mineral royalties, Mines, Public lands—mineral resources, Reporting and recordkeeping requirements.

Under the authority of Order No. 3087 issued by the Secretary of the Interior on December 3, 1982, as amended on February 7, 1983, which transferred all onshore management functions of the Minerals Management Service, not relating to royalty management, to the Bureau of Land Management, 30 CFR Part 211 is redesignated as Part 3480, Group 3400, Subchapter C, Chapter II of Title 43 of the Code of Federal Regulations and is amended as set forth below.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
September 12, 1983.

1. 30 CFR Part 211 is redesignated as 43 CFR Part 3480 as shown in the following redesignation table:

REDESIGNATION TABLE

Old 30 CFR No.	New 43 CFR No.
	Insert PART 3480—COAL EXPLORATION AND MINING OPERATIONS RULES.
	Insert Subpart 3480—Coal Exploration and Mining Operations Rules—General.
211.1(a)	3480.0-4.
211.1(b)	3480.0-1.
211.1(c)	3480.0-6(a).
211.2	3480.0-5.
211.2-1	Redesignated as Note under Part heading.
211.3	3480.0-6 (b) through (e).
	Insert Subpart 3481—General Provisions.
211.4	3481.1.
211.5	3481.2.
211.6	3481.3.
	Insert Subpart 3482—Exploration and Resource Recovery and Protection Plans.

REDESIGNATION TABLE—Continued

Old 30 CFR No.	New 43 CFR No.
211.10	3482.1.
211.11	3482.2.
211.12	3482.3.
	Insert Subpart 3483—*Diligence Requirements.*
211.20	3483.1.
211.21	3483.2.
211.22	3483.3.
211.23	3483.4.
211.24	3483.5.
211.25	3483.6.
	Insert Subpart 3484—Performance Standards.
211.40	3484.1.
211.41	3484.2.
	Insert Subpart 3485—Reports, Royalties and Records.
211.62	3485.1.
211.63	3485.2.
211.66	3485.3.
	Insert Subpart 3486—Inspection, Enforcement and Appeals.
211.70	3486.1.
211.71	3486.2.
211.72	3486.3.
211.73	3486.4.
	Insert Subpart 3487—Logical Mining Unit.
211.80	3487.1.

2. The "Note" containing the information collection requirements codification, formerly 30 CFR 211.2–1, is amended by removing from the first paragraph the phrase "30 CFR 211" and replacing it with the phrase "43 CFR Part 3480" and by removing from the third paragraph the phrase "30 CFR 211.4, 211.10, 211.11, 211.12, 211.22, 211.23, 211.62, 211.63, 211.72, 211.80, and 211.101" and replacing it with the phrase "§§3481.1, 3481.2, 3482.2, 3482.3, 3483.3, 3483.4, 3485.1, 3485.2, 3486.3 and 3487.1 of this title".

3. Adding a second note immediately after the first note to read:

Note.—There are many leases and agreements currently in effect, and which will remain in effect, involving Federal coal leases which specifically refer to the United States Geological Survey, USGS, Minerals Management Service, MMS, or Conservation Division. These leases and agreements also often specifically refer to various officers such as Supervisor, Conservation Manager, Deputy Conservation Manager, Minerals Manager and Deputy Minerals Manager. In addition, many leases and agreements specifically refer to 30 CFR Part 211 or specific sections thereof. Those references shall now be read to refer to 43 CFR Part 3480 or to the appropriate redesignated section thereof.

§ 3480.0-5 [Amended]

4. Section 3480.0–5(a), formerly 30 CFR 211.2(a), is amended by:

A. Removing the language of paragraph (a)(2) and substituting therefor:

(2) *Assistant Director for Solid Leasable Minerals* means Assistant Director for Solid Leasable Minerals, Bureau of Land Management;

B. Removing the language of paragraph (a)(3) and substituting therefor:

(3) *Assistant Secretary for Land and Water Resources* means the Assistant Secretary for Land and Water Resources, Department of the Interior;

C. Removing the language of paragraph (4) and substituting therefor:

(4) *Chief, Division of Solid Mineral Operations* means the Chief, Division of Solid Minerals Operations, Bureau of Land Management;

D. Removing paragraph (a)(5) in its entirety and renumbering paragraphs (6) through (14) as paragraphs (5) through (13), respectively;

E. Removing the language of paragraph (a)(10), formerly paragraph (11) and substituting therefor:

(10) *Deputy Director for Energy and Mineral Resources* means the Deputy Director for Energy and Mineral Resources, Bureau of Land Management;

F. Removing paragraphs (a)(15) and (16) in their entirety and renumbering paragraphs (17) through (27) as paragraphs (14) through (24), respectively;

G. Amending renumbered paragraph (a)(16), formerly paragraph (19), by removing the phrase "Deputy Minerals Manager for Mining" and replacing it with the phrase "State Director";

H. Amending renumbered paragraph (a)(17), formerly paragraph (20), by removing the citation "30 CFR 211.63" and replacing it with the citation "§ 3485.2(g)" of this title";

I. Amending renumbered paragraph (a)(21), formerly paragraph (24), by removing the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer";

J. Removing paragraphs (a)(28) and (29) in their entirety and renumbering paragraphs (30) through (40) as paragraphs (25) through (34);

K. Amending renumbered paragraph (a)(26), formerly paragraph (31), by removing the phrases "District Mining Supervisor" and "30 CFR 211.5" where they appear and replacing them with the respective phrases "authorized officer" and "§ 3481.2 of this title";

L. Removing paragraph (a)(41) in its entirety, and inserting a new paragraph (a)(35) to read:

(35) *State Director* means an employee of the Bureau of Land Management who has been designated as the chief administrative officer of one of the Bureau's 12 administrative areas designated as "States".

M. Renumbering paragraph (a)(42) as paragraph (36).

§ 3480.0-5 [Amended]

5. Section 3480.0-5, formerly 30 CFR 211.2, is amended by removing paragraph (b) in its entirety and renumbering paragraph (c) as paragraph (b).

§ 3480.0-6 [Amended]

6. Section 3480.0-6, formerly 30 CFR 211.1(c) and 211.3, is amended by:

A. Amending paragraph (a), formerly 30 CFR 211.1(c), be removing the figure "(c)" at the beginning of the paragraph and replacing it with the figure "(a)";

B. Amending paragraph (b), formerly 211.3(a), by removing the figure "(a)" at the beginning of the paragraph and replacing it with the figure "(b)" and by removing the word "MMS" and replacing it with the word "BLM";

C. Amending paragraph (c), formerly 30 CFR 211.3(b), by removing the figure "(b)" at the beginning of the paragraph and replacing it with the figure "(c)", by removing the word "MMS" and replacing it with the word "BLM" and by removing all language after the word "Director;" and replacing it with the phrase "Deputy Director for Energy and Mineral Resources; Chief, Division of Solid Mineral Operations; State Director and authorized officer".

D. Amending paragraph (d), formerly 30 CFR 211.3(c), by removing the figure "(c)" at the beginning of the paragraph and replacing it with the figure "(d)", by removing from paragraph (d) and paragraph (d)(8) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (d)(10) and (d)(13)(iii) the phrase "authorized officer" and replacing it with the phrase "responsible officer of the surface managing agency"; and

E. Removing paragraph (e), formerly 30 CFR 211.3(d), in its entirety.

§ 3481.1 [Amended]

7. Section 3481.1, formerly 30 CFR 211.4, is amended by:

A. Amending paragraph (a) by removing the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer";

B. Amending paragraph (b) by removing the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer";

C. Amending paragraph (d) by removing the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer";

D. Amending paragraph (e) by removing in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer" and by removing the last sentence of the paragraph; and

E. Amending paragraph (f) by removing the phrase "District Mining Supervisor or the Associate Director for Royalty Management" and replacing it with the phrase "authorized officer".

§ 3481.2 [Amended]

8. Section 3481.2, formerly 30 CFR 211.5, is amended by:

A. Amending paragraph (a) by removing the phrase "Minerals Manager, Deputy Minerals Manager for Mining, District Mining Supervisor and/or Associate Director for Royalty Management" and replacing it with the phrase "State Director and District Manager" and by removing the citation "30 CFR 211.6" and replacing it with the citation "§ 3481.3 of this title"; and

B. Amending paragraph (b) by removing from paragraph (b)(1) the citations "30 CFR 211.80" and "30 CFR 211.6" where they appear and by replacing them with the citation, "§ 3487.1 of this title" and § 3481.3 of this title", respectively, by removing in the four places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (b)(2) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer" and by removing from paragraph (b)(3) in the three places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer".

9. Section 3481.3(b), formerly 30 CFR 211.6(b), is amended by removing the citation "30 CFR 211.6(a)" and replacing it with the citation "§ 3481.3(a) of this title".

§ 3482.1 [Amended]

10. Section 3482.1, formerly 30 CFR 211.10, is amended by:

A. Amending paragraph (a) by removing from paragraph (a)(1) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (a)(2) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (a)(3)(iii) the citation "30 CFR 211.10(a)(viii)" and replacing it with the citation "§ 3482.1(a)(viii) of this title", by removing from paragraph (a)(3)(vii) the citation "30 CFR 211.40(a)" and replacing it with the citation "§ 3484.1(a) of this title" and by removing from paragraph (a)(3)(x) the phrase "District Mining Supervisor" and

replacing it with the phrase "authorized officer";

B. Amending paragraph (b) by removing in the three places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing the citation "30 CFR 211.20(b)(1)" and replacing it with the citation "§ 3483.1(b)(1) of this title" and by removing the citation "30 CFR 211.80(e)(1)" and replacing it with the citation "§ 3487.1(e)(1) of this title"; and

C. Amending paragraph (c) by removing in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", and by removing from paragraph (c)(7) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer".

§ 3482.2 [Amended]

11. Section 3482.2, formerly 30 CFR 211.11, is amended by:

A. Amending paragraph (a) by removing from paragraph (a)(1) in the two places it appears the phrase "authorized officer" and replacing it with the phrase "responsible officer of the surface managing agency" and by removing from paragraph (a)(1) in the four places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (a)(2) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (a)(3) in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer" and by removing from paragraph (a)(3) the citation "30 CFR 211.24" and replacing it with the citation "§ 3483.5 of this title";

B. Amending paragraph (b) by removing from the title the phrase "*District Mining Supervisor*" and replacing it with the phrase "*Authorized Officer*", by removing from paragraph (b)(1) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer" and by removing the phrase "authorized officer" and replacing it with the phrase "responsible officer of the surface managing agency", by removing from paragraph (b)(2) in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer"; and

C. Amending paragraph (c) by removing from paragraph (c)(1) in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer" and by removing the phrase "authorized officer" and replacing it with the phrase "responsible officer of the managing agency", and by removing from paragraph (c)(2) in the three places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer".

§ 3482.3 [Amended]

12. Section 3482.3, formerly 30 CFR 211.12, is amended by:

A. Amending paragraph (a) by removing in the four places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer" and by removing the citation "30 CFR 211.12(b), (c) and (d)" with the citation "§ 3482.3(b), (c) and (d) of this title";

B. Amending paragraph (b) by removing the citation "30 CFR 211.12(a)" and replacing it with the citation "§ 3482.3(a) of this title" and by removing the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer";

C. Amending paragraph (c) by removing the citation "30 CFR 211.12(a)" and replacing it with the citation "§ 3482.3(a) of this title";

D. Amending paragraph (d) by removing the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer";

E. Amending paragraph (e) by removing the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer";

F. Amending paragraph (f) by removing the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer"; and

G. Amending paragraph (g) by removing the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer".

§ 3483.1 [Amended]

13. Section 3483.1, formerly 30 CFR 211.20, is amended by:

A. Amending paragraph (a) by removing from paragraph (a)(1) the citation "30 CFR 211.20(b)" and replacing it with the citation "§ 3483.1(b) of this title" and by removing from paragraph (a)(2) the citation "30 CFR 211.22" and replacing it with the citation "§ 3483.3 of this title"; and

B. Amending paragraph (b) by removing from paragraph (b)(1) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (b)(1)(i) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer" and by removing from paragraph (b)(1)(i)(C) the citation "30 CFR 211.24" and replacing it with the citation "§ 3483.5 of this title", and by removing from paragraph (b)(1)(ii) in the three places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer".

§ 3483.2 [Amended]

14. Section 3483.2(b), formerly 30 CFR 211.21, is amended by removing the citation "30 CFR 211.21(a)" and replacing it with the citation "§ 3483.2(a) of this title".

§ 3483.3 [Amended]

15. Section 3483.3, formerly 30 CFR 211.22, is amended by:

A. Amending paragraph (a) by removing in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (a)(1) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer" and by removing from paragraph (a)(2) in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer" and by removing the citation "30 CFR 211.23" and replacing it with the citation "§ 3481.0–6 of this title"; and

B. Amending paragraph (b) by removing in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer" and by removing the citation "30 CFR 211.22(b)" and replacing it with the citation "§ 3483.3(b) of this title", by removing from paragraph (b)(1) in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer" and by removing the citation "30 CFR 211.2(b)" and replacing it with the citation "§ 3483.3(b) of this title", by removing from paragraph (b)(2) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer" and by removing the citation "30 CFR 211.22(b)" and replacing it with the citation "§ 3483.3(b) of this title", by removing from paragraph (b)(3) the citation "30 CFR 211.22(b)" and replacing it with the citation "§ 3483.3(b) of this title" and by removing from paragraph (b)(4) the citation "30 CFR 211.11(b)" and replacing it with the citation "§ 3483.3(b) of this title".

§ 3483.4 [Amended]

16. Section 3483.4, formerly 30 CFR 211.23, is amended by:

A. Amending paragraph (a) by removing the phrase "District Mining

Supervisor" and replacing it with the phrase "authorized officer";

B. Amending paragraph (b) by removing the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer" and by removing the citation "30 CFR 211.102" and replacing it with the citation "30 CFR 218.20";

C. Amending paragraph (c) by removing the citation "30 CFR 211.63" and replacing it with the citation "§ 3485.2 of this title", by removing from paragraph (c)(2) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer" and by removing from paragraph (c)(3) in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer";

D. Amending paragraph (f) by removing the citation "30 CFR 211.23(e)" and replacing it with the citation "§ 3483.4(e) of this title"; and

E. Amending paragraph (g) by removing the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing the citation "30 CFR 211.102" and replacing it with the citation "30 CFR 218.200" and by removing the citation "30 CFR 211.21" and replacing it with the citation "§ 3483.2 of this title".

§ 3483.5 [Amended]

17. Section 3483.5, formerly 30 CFR 211.24, is amended by:

A. Amending paragraph (c) by removing the citation "30 CFR 211.20" and replacing it with the citation "§ 3483.1 of this title";

B. Amending paragraph (d) by removing the citation "30 CFR 211.20" and replacing it with the citation "§ 3483.1 of this title"; and

C. Amending paragraph (e) by removing the citation "30 CFR 211.20(b)(1)" and replacing it with the citation "§ 3483.1(b)(1) of this title" and by removing the citation "30 CFR 211.24(b)" and replacing it with the citation "§ 3483.5(b) of this title".

§ 3484.1 [Amended]

18. Section 3484.1, formerly 30 CFR 211.40, is amended by:

A. Amending paragraph (a) by removing from paragraph (a)(2) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (a)(3) in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (a)(4) in the three places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (a)(4) the citation "30 CFR 211.6" and replacing it with the citation "§ 3481.3 of this title", and by removing from paragraph (a)(5) in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer";

B. Amending paragraph (b) by removing from paragraph (b)(1) in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (b)(1) the phrase "30 CFR 211.10(c) and/or 30 CFR 211.80(c)" and replacing it with the phrase "§ 3482.1(c) and/or § 3487.1(c) of this title", by removing from paragraph (b)(2) the phrase "30 CFR 211.20 through 30 CFR 211.25" and replacing it with the phrase "§ 3483.1 through § 3483.6 of this title", by removing from paragraph (b)(3) in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer"; and by removing from paragraph (b)(5) in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer";

C. Amending paragraph (c) by removing from paragraph (c)(1) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (c)(2) the phrase "District Mining supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (c)(3) in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (c)(4)(i) in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (c)(4)(ii) the phrase "District Mining Supervisor", and replacing it with the phrase "authorized officer", by removing from paragraph (c)(5) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (c)(6)(i) in the four places it appears the phrase "District Mining Supervisor"and replacing it with the phrase "authorized officer", by removing from paragraph (c)(6)(ii) in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", and by removing from paragraph (c)(7) the phrase "District Mining Supervisor"and replacing it with the phrase "authorized officer";

D. Amending paragraph (d) by removing from paragraph (d)(3) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (d)(5) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", and by removing from paragraph (d)(6) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer"; and

E. Amending paragraph (e)(1) by removing in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer".

§ 3484.2 [Amended]

19. Section 3484.2(b), formerly 30 CFR 211.41(b), is amended by removing in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", and by removing the phrase "authorized officer" and replacing it with the phrase "responsible office of the surface managing agency".

§ 3485.1 [Amended]

20. Section 3485.1, formerly 30 CFR 211.62, is amended by:

A. Amending paragraph (a) by removing in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", and by removing the citation "30 CFR 211.62(b)" and replacing it with the citation "§ 3485.1(b) of this title";

B. Amending paragraph (b) by removing from paragraph (b)(4) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (b)(9) the citation "30 CFR 211.40(a)" and replacing it with the citation "§ 3484.1(a) of this title" and by removing from paragraph (b)(10) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer";

C. Amending paragraph (c) by removing the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer";

D. Amending paragraph (d)(3) by removing the citation "30 CFR 211.80(h)(1)" and replacing it with the citation "§ 3487.1(h)(1) of this title";

E. Amending paragraph (e) by removing in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", and by removing the phrase "authorized officer" and replacing it with the phrase "responsible

officer of the surface managing agency"; and

F. Amending paragraph (f) by removing the citation "30 CFR 211.6" and replacing it with the citation "§ 3487.1(h)(1) of this title".

§ 3485.2 [Amended]

21. Section 3485.2, formerly 30 CFR 211.63, is amended by:

A. Amending paragraph (a) by removing the citation "30 CFR 211.23" and replacing it with the citation "§ 3483.4 of this title";

B. Amending paragraph (c) by removing in paragraph (c)(1) in the three places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (c)(2) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (c)(2)(ii) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (c)(3) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", and by removing from paragraph (c)(4) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer";

C. Amending paragraph (e) by removing the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer";

D. Amending paragraph (f) by removing the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer" and by removing the citation "30 CFR 211.63(h)" and replacing it with the the citation "§ 3485.2(h) of this title";

E. Amending paragraph (g) by removing the word "MMS" and replacing it with the word "BLM", by removing in paragraph (g)(2) the word "MMS" and replacing it with the word "BLM";

F. Amending paragraph (h) by removing in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer"; and

G. Amending paragraph (j) by removing the word "MMS" and replacing it with the word "BLM".

§ 3485.3 [Amended]

22. Section 3485.3, formerly 30 CFR 211.66, is amended by:

A. Amending paragraph (b) by removing the phrase "The District Mining Supervisor and the Associate Director for Royalty Management" and replacing it with the phrase "The authorized officer"; and

B. Amending paragraph (d) by removing the phrase "District Mining Supervisor and the Associate Director for Royalty Management in accordance with current MMS" and replacing it with the phrase "authorized officer in accordance with current BLM".

§ 3486.1 [Amended]

23. Section 3486.1, formerly 30 CFR 211.70(b), is amended by:

A. Amending paragraph (a) by removing the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer"; and

B. Amending paragraph (b) by removing the phrase District Mining Supervisor or the Associate Director for Royalty Management" and replacing it with the phrase "authorized officer".

§ 3486.2 [Amended]

24. Section 3486.2(a), formerly 30 CFR 211.71(a), is amended by removing in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer".

§ 3486.3 [Amended]

25. Section 3486.3, formerly 30 CFR 211.72, is amended by:

A. Amending paragraph (a) by removing in the six places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer";

B. Amending paragraph (b) by removing the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer";

C. Amending paragraph (c) by removing in the three places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer";

D. Amending paragraph (d) by removing in the three places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer"; and

E. Amending paragraph (e) by removing the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer".

26. Section 3486.4, formerly 30 CFR 211.73, is revised to read:

§ 3486.4 Appeals.

Decisions or orders issued by the BLM under Part 3480 of this title may be appealed pursuant to Part 4 of this title.

§ 3487.1 [Amended]

27. Section 3487.1, formerly 30 CFR 211.80, is amended by:

A. Amending paragraph (a) by removing the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer" and by removing in the two places it appears the citation "30 CFR 211.80(g)" and replacing it with the citation "§ 3487.1(g) of this title";

B. Amending paragraph (b) by removing in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer" and by removing the citation "30 CFR 211.80(e)" and replacing it with the citation "§ 3487.1(e) of this title";

C. Amending paragraph (c) by removing in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer" and by removing the citation "30 CFR 211.80(b)" and replacing it with the citation "§ 3487.1(b) of this title", by removing from paragraph (c)(4) in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (c)(5) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer" and by removing from paragraph (c)(6) the citation "30 CFR 211.6" and replacing it with the citation "§ 3481.3 of this title."

D. Amending paragraph (d) by removing from paragraph (d)(1) in the two places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer" and by removing from paragraph (d)(2) the citation "30 CFR 211.5" and replacing it with the citation "§ 3481.2 of this title";

E. Amending paragraph (e) by removing the phrase "District Mining Supervisor"and replacing it with the phrase "authorized officer" and by removing the phrase "authorized officer" and replacing it with the phrase "responsible officer of the surface managing agency", by removing from paragraph (e)(1) the citation "30 CFR 211.10(c)" and replacing it with the citation "§ 3482.1(c) of this title", by removing from paragraph (e)(2) the citation "30 CFR 211.23" and replacing it with the citation "§ 3482.1(c) of this title", and by removing from paragraph (e)(7) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer";

F. Amending paragraph (f) by removing the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (f)(3) the phrase

"District Mining Supervisor" and replacing it with the phrase "authorized officer" and by removing from paragraph (f)(4) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer";

G. Amending paragraph (g) by removing from paragraph (g)(1) in the three places it appears the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (g)(1) the phrase "authorized officer" and replacing it with the phrase "responsible officer of the surface managing agency", by removing from paragraph (g)(1) the citation "30 CFR 211.11(a)(3)" and replacing it with the citation "§ 3482.2(a)(3) of this title", by removing from paragraph (g)(3) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer" and by removing from paragraph (g)(4) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer"; and

H. Amending paragraph (h) by removing from paragraph (h)(1) the phrase "District Mining Supervisor" and replacing it with the phrase "authorized officer", by removing from paragraph (h)(2) the phrase "30 CFR 211.20 through 30 CFR 211.25" and replacing it with the phrase "§ 3483.1 through § 3483.6 of this title".

[FR Doc. 83-25331 Filed 9-15-83; 8:45 am]
BILLING CODE 4310-84-M

OFFICE OF PERSONNEL MANAGEMENT

45 CFR Part 801

Voting Rights Program; Appendix A; Mississippi

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This notice identifies the location of a new office for filing applications or complaints under the Voting Rights Act of 1965, as amended. The Attorney General has determined that this designation is necessary to enforce the guarantees of the Fourteenth and Fifteenth amendments to the Constitution.

EFFECTIVE DATE: September 16, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Michael D. Clogston, Coordinator, Voting Rights Program, Office of Personnel Management, Washington, D.C. 20415, 202-632-5691.

SUPPLEMENTARY INFORMATION: The Attorney General has designated Washington County, Mississippi, as an additional examination point coming under the provisions of the Voting Rights Act of 1965, as amended. He has determined that this designation is necessary to enforce the guarantees of the Fourteenth and Fifteenth amendments to the Constitution. Accordingly, pursuant to Section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, the U.S. Office of Personnel Management will appoint Federal examiners to review the qualifications of applicants to be registered to vote and Federal observers to observe local elections.

Pursuant to Section 553(b)(3)(B) of title 5 of the United States Code, the Director finds that good cause exists for waiving the general notice of proposed rulemaking. The notice is being waived because of OPM's legal responsibilities under 42 U.S.C. 1973e(a) and other parts of the Voting Rights Act of 1965, as amended, which require OPM to publish counties certified by the U.S. Attorney General and locations within these counties where citizens can be Federally listed and become eligible to vote, and where Federal observers can be sent to observe local elections.

Pursuant to Section 553(d)(3) of title 5 of the United States Code, the Director finds that good cause exists to make this amendment effective in less than 30 days. The regulation is being made effective immediately to allow Federal examiners to immediately register voters and Federal observrs to observers elections under the authority of the Voting Rights Act 1965, as amended.

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because its purpose is the addition of one new location to the list of counties in the regulation concerning OPM's responsibilities under the Voting Rights Act.

List of Subjects in 45 CFR Part 801

Administrative practice and procedure, Voting rights.

U.S. Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, the Office of Personnel Management amends 45 CFR Part 801, Appendix A, by adding in alphabetical order Washington County, Mississippi, to read as follows:

PART 801—[AMENDED]

Appendix A—Mississippi

County: Place for filing: Beginning date				
*	*	*	*	*
Washington: Greenville—Room 204A Federal Building, Main Street and Poplar Street; August 8, 1983.				
*	*	*	*	*

(5 U.S.C. 1103; Sec. 7, 9, 79 Stat. 440, 441 (42 U.S.C. 1973c, 1973g))

[FR Doc. 83-25340 Filed 9-15-83; 8:45 am]
BILLING CODE 6325-01-M

Proposed Rules

Federal Register
Vol. 48, No. 181
Friday, September 16, 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

Federal Grain Inspection Service

7 CFR Part 800

Regulation Review; Administration

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: In compliance with the requirements for the periodic review of existing regulations, the Federal Grain Inspection Service (FGIS or Service) has reviewed its regulations on Administration. FGIS proposes to amend its regulation on (1) Administration by revising the section to clarify and condense the provision and to reference the Administrator's delegated responsibilities under the Agricultural Marketing Act of 1946; (2) Information about the Service, Act, and regulations by deleting the term "regional office" and other minor superfluous wording and by substituting the term "agency" for "official agency;" (3) Public information by deleting all references to the Administrative Staff and replacing them with references to the Administrator and FGIS.

DATE: Comments must be submitted on or before November 15, 1983.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Management, USDA, FGIS, Room 0667 South Building, 14th Street and Independence Avenue, SW., Washington D.C. 20250, telephone (202) 382–1738. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., (address above), telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule has been issued in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1. The action has been classified as nonmajor, because it does not meet the criteria for a major regulation established in the Order.

Regulatory Flexibility Act Certification

Kenneth A. Gilles, Administrator, FGIS, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.)* because most users of the inspection and weighing services do not meet the requirements for small entities, and this action poses no new or additional duties or obligations to business entities involved in the loading, weighing, handling, or sampling of grain.

Review of Regulations

The review of the regulations on Administration (7 CFR 800.2–800.19) included a determination of the continued need for and consquences of the regulations. An objective was to assure that the language of the regulations is clear and that the regulations are consistent with FGIS policy. FGIS has determined that these regulations in general are serving their intended purpose; are consistent with FGIS policy; and should remain in effect. FGIS proposes, however, to amend:

1. Section 800.2 by revising the section to clarify and condense the provision and to reference the Administrator's delegated responsibilities under the Agricultural Marketing Act of 1946.

2. Section 800.7 by deleting the term "regional office" and other minor superfluous wording for grammatical reasons by substituting the term "agency" for "official agency." FGIS proposes to delete the term "regional office" because pursuant to a recent reorgainization, FGIS no longer has regional offices. It further proposes to substitute the term "agency" for "official agency" to clarify that the regulation is applicable to delegated States as well as designated agencies. It was originally intended that delegated States would be subject to this provision. Strictly interpreted, the definition for official agency in § 800.0(b)(48) excluded delegated States. Agency is defined in § 800.0(b)(3) as a delegated State or a designated agency, as appropriate.

3. Section 800.8 by deleting all references to the Administrative Staff and replacing them with references to the Administrator or FGIS. FGIS proposes this action because pursuant to a recent reorganization, FGIS no longer has an Administrative Staff.

No changes to § 800.3, 800.4, and 800.6 are proposed.

List of Subjects in 7 CFR Part 800

Administrative practice and procedure, Export, and Grain.

Accordingly, it is proposed that regulations, on Administration be amended as follows:

PART 800—[AMENDED]

1. Section 800.2 be revised to read as follows:

§ 800.2 Administrator.

The Administrator is responsible for the administration of the Act, and, pursuant to Section 3A of the Act, the delegated responsibilities under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 *et seq.*). The Administrator is responsible for the establishment of policies, guidelines, and regulations by which the Service is to carry out the provisions of the Act and the Agricultural Marketing Act of 1946. The regulations promulgated under the Agricultural Marketing Act of 1946 appear at Part 68 of this title (7 CFR Part 68). The Administrator is authorized to take any action required by law or considered by him to be necessary and proper to the discharge of the functions and services under the Act and the Agricultural Marketing Act of 1946. The Administrator may delegate his authority to the Deputy Administrators, Division Directors, and other appropriate officers and employees. The Administrator may, in emergencies or other circumstances which would not impair the objectives of the Act, suspend for a period determined by the Administrator any provision of the regulations or official grain standards. The Administrator may authorize research; experimentation; and the testing of new procedures, equipment, and handling techniques to improve the inspection and weighing of grain. The Administrator may waive the official inspection and official weighing

requirements pursuant to Section 5 of the Act.

2. Section 800.7 be revised to read as follows:

§ 800.7 Information about the Service, Act, and regulations.

Information about the Service, Act regulations, official standards, official criteria, rules of practice, instructions, and other matters related to the official inspection or Class X or Class Y weighing of grain may be obtained by telephoning or writing the U.S. Department of Agriculture, Federal Grain Inspection Service, at 14th Street and Independence Avenue, SW., Washington, D.C. 20250, or any field office or agency.

3. Section 800.8 be revised to read as follows:

§ 800.8 Public information.

(a) *General.* This section is issued in accordance with §§ 1.1–1.16 of the regulations of the Secretary of Agriculture in Part 1, Subpart A, of Subtitle A of Title 7 (7 CFR 1.1–1.16), and Appendix A thereto, implementing the Freedom of Information Act (5 U.S.C. 552). The Secretary's regulations, as implemented by this section, govern the availability of records of the Service to the public.

(b) *Public inspection and copying.* Materials maintained by the Service, including those described in 7 CFR 1.2(a), will be made available, upon a request which has not been denied, for public inspection and copying at the U.S. Department of Agriculture, Federal Grain Inspection Service, at 14th Street and Independence Avenue, SW., Washington, D.C. 20250. The public may request access to these materials during regular working hours, 8:00 a.m.-4:30 p.m. Monday through Friday except for holidays.

(c) *Indexes.* FGIS shall maintain an index of all material required to be made available in 7 CFR 1.2(a). Copies of these indexes will be maintained at the location given in paragraph (b) of this section. Notice is hereby given that quarterly publication of these indexes is unnecessary and impracticable, because the material is voluminous and does not change often enough to justify the expense of quarterly publication. However, upon specific request, copies of any index will be provided at a cost not to exceed the direct cost of duplication.

(d) *Requests for records.* Requests for records under 5 U.S.C. 552(a)(3) shall be made in accordance with 7 CFR 1.3(a) and shall be addressed as follows: Office of the Administrator, Federal Grain Inspection Service, FOIA Request, U.S. Department of Agriculture, 14th Street and Independence Avenue, SW., Washington, D.C. 20250.

(e) *Appeals.* Any person whose request, under paragraph (d) of this section, is denied shall have the right to appeal such denial in accordance with 7 CFR 1.3(e). Appeals shall be addressed to the Administrator, Federal Grain Inspection Service, FOIA Appeal, U.S. Department of Agriculture, Washington, D.C. 20250.

(Secs. 5, 18, Pub. L. 94–582, 90 Stat. 2869, 2884; (7 U.S.C. 76, 87e))

Dated: August 26, 1983.

Kenneth A. Gilles,

Administrator.

[FR Doc. 83-25311 Filed 9-15-83; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

[Docket No. 83-009]

9 CFR Part 166

Swine Health Protection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the "Swine Health Protection Provisions" regulations to allow garbage consisting of bakery waste, candy waste, certain poultry, eggs, domestic dairy products (including milk), or certain fish to be fed to swine without prior treatment. This document also proposes to exempt from the licensing requirements any person operating or desiring to operate a facility to treat garbage to be fed to swine who would otherwise be required to obtain a license to treat garbage only because it contains any of the items specified above. This appears to be warranted in order to delete unnecessary restrictions.

DATE: Comments must be received on or before October 17, 1983.

ADDRESS: Written comments concerning this proposal should be submitted to T.O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 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. L. W. Schnurrenberger, Chief Staff Veterinarian, Swine Diseases, Special Diseases Staff, VS, APHIS, USDA, Room 822, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8438.

SUPPLEMENTARY INFORMATION:

Background

The Swine Health Protection Act (referred to below as the Act and set forth in 7 U.S.C. 3801 *et seq.*) contains provisions designed to regulate certain activities relating to the feeding of garbage to swine. The "Swine Health Protection Provisions" regulations (referred to below as the regulations and set forth in 9 CFR Part 166) were established pursuant to the Act. The regulations became effective January 1, 1983 (47 FR 49940–49948); were amended January 1, 1983 (47 FR 49940–49948); were amended January 1, 1983 (47 FR 58217–58218); were corrected on February 10, 1983 (48 FR 6089–6090); and were amended on May 18, 1983 (48 FR 22288–22290). This document proposes to further amend the regulations to allow certain garbage to be fed to swine without prior treatment and to exempt persons operating or desiring to operate certain facilities from licensing requirements.

The Act and the regulations were designed to prevent the introduction or spread of certain exotic animal diseases which are a risk to the swine industry, such as African swine fever, hog cholera, and vesicular diseases of swine (foot-and-mouth disease, vesicular exanthema of swine, and swine vesicular disease).

Section 4 of the Act (7 U.S.C. 3803) provides that:

> (a) No person shall feed or permit the feeding of gargabe to swine except in accordance with subsection (b) of this section.
>
> (b) Garbage may be fed to swine only if treated to kill disease organisms, in accordance with regulations issued by the Secretary, at a facility holding a valid permit issued by the Secretary, [the regulations use the term "license" in lieu of the term "permit"] or the chief agricultural or animal health official of the State where located if such State has entered into an agreement with the Secretary pursuant to section 9 or has primary enforcement responsibility pursuant to section 10 of this Act. No person shall operate a facility for the treatment of garbage knowing it is to be fed to swine unless such person holds a valid permit issued pursuant to this Act. The Secretary may exempt any facility or premises from the requirements of this section whenever the Secretary determines that there would not be a risk to the swine industry in the United States.

Section 3 of the Act (7 U.S.C. 3802) provides, among other things, that:

> The term garbage means all waste material derived in whole or in part from the meat of

any animal (including fish and poultry) or other animal material, and other refuse of any character whatsoever that has been associated with any such material, resulting from the handling, preparation, cooking, or consumption of food, except that such term shall not include waste from ordinary household operations which is fed directly to swine on the same premises where such household is located * * *.

This document proposes to amend the regulations to allow garbage consisting of one or more of the following to be fed to swine without treatment: (1) Bakery waste; (2) candy waste; (3) poultry fed to swine at the same location where the poultry has been raised if the poultry has been raised in confinement so as to prevent scavenging and not fed garbage other than that allowed to be fed to swine under the regulations; (4) eggs; (5) domestic dairy products (including milk); (6) fish from the Atlantic Ocean within 200 miles of the Continental United States or Canada; and (7) fish from inland waters of the United States or Canada which do not flow into the Pacific Ocean. This document also proposes to exempt from the license requirements any persons operating or desiring to operate a facility which treats garbage to be fed to swine who would otherwise be required to obtain a license to treat garbage only because it contains any of the items listed above. It appears that this action is warranted in accordance with the provisions of section 4 of the Act since it appears that these items, when fed to swine without any prior treatment, would not be a risk to the swine industry in the United States.

Bakery and Candy Waste

Bakery waste or candy waste may or may not contain animal products such as butter, eggs, milk, or lard. Such waste containing animal products is "garbage" and is presently subject to provisions of the Act and regulations.

It appears that garbage consisting of bakery and candy waste would not be a risk to the swine industry in the United States. Any animal products used as ingredients would most likely be from domestic animals and would not be affected with or exposed to any disease which would be a risk to the swine population of the United States. In addition, if bakery or candy goods are made with ingredients containing animal products from foreign countries, it appears that the bakery or candy waste would also not be a risk to the swine industry in the United States. That is because the bakery or candy waste would either have been cooked, which would usually destroy any disease organisms, or the basic ingredients would have been stored or treated in such a manner that disease organisms would have been destroyed. For example, disease organisms that might otherwise occur in lard would be destroyed by rendering. Disease organisms that might otherwise occur in other products, such as casein, would be destroyed by treatment or storage. Further, if some disease organisms were present in the final bakery or candy product, it appears that they would be present in too small a quantity to cause disease in swine.

Poultry

Poultry under certain conditions would not be a risk to the swine industry in the United States.

Poultry could be a risk to the swine industry if it contains animal products with organisms of diseases such as African swine fever, hog cholera, or swine vesicular disease. The disease organisms could remain in the digestive tract of poultry and be transmitted to swine. Similarly, poultry, if allowed to scavenge for food, could possibly find and ingest products with such disease organisms. However, poultry could not ingest such disease organisms if not fed garbage, other than treated garbage, rendered products, or the types of garbage proposed in this document to be allowed to be fed to swine without prior treatment, and if raised in confinement so as to prevent scavenging. It therefore appears that poultry would not be a risk to the swine industry, if the poultry had been raised in confinement, and not fed garbage other than rendered products or the types of garbage referred to above.

It also appears that it is necessary to require that the poultry be fed to swine only at the location where the poultry had been raised. Otherwise, it would be virtually impossible for the person feeding the poultry to swine to be sure what the poultry had eaten.

Poultry meeting all of the conditions referred to above could still cause diseases, but these diseases would not be a risk to the swine industry. For example, the poultry could transmit both *salmonella* and *Mycobacteria* to swine. If introduced in sufficient quantities into a susceptible herd, *Salmonella* may cause Salmonellosis, and *Mycobacteria* may cause Mycobacteriosis (avian turberculosis). However, such occurrences are exceptional and when they do occur they are normally confined to that particular herd and do not affect the industry as a whole. Certainly an epidemic or industry-wide outbreak of Salmonellosis or Mycobacteriosis could not occur.

Eggs

It also appears that, although some diseases may be passed to swine from untreated eggs, such eggs would not be a risk to the swine industry in the United States. The types of diseases that could be transmitted to swine from untreated eggs could not cause an epidemic or industry-wide outbreak. For example, *Salmonella* could be transmitted from eggs to swine. However, as explained above, *Salmonella* does not pose a threat to the swine industry.

Dairy Products (including Milk)

It appears that dairy products (including milk) of domestic origin would not be a risk to the swine industry of the United States. It appears that these domestic products either do not carry diseases which can be transmitted to swine, or that the diseases which they can transmit to swine do not pose a threat to the swine industry.

Consideration was also given concerning whether to allow any dairy products (including milk) of foreign origin to be fed to swine without treatment if from countries not infected by diseases which would be a risk to the swine industry. It appears that this should not be allowed. Outbreaks of diseases which could be carried by these products and which would be a risk to the swine industry could occur at any time. It is not feasible to expect persons feeding swine or permitting the feeding of swine to be aware in each instance of all of the developments in the country of origin regarding outbreaks of diseases which would pose a risk to the swine industry in the United States.

Fish

It appears that fish from the Atlantic Ocean within 200 miles of the Continental United States or Canada, and fish from inland waters of the United States and Canada which do not flow into the Pacific Ocean, would not be a risk to the swine industry in the United States. It appears that these fish do not carry diseases which would be a risk to the swine industry. However, fish from the Pacific Ocean or inland waters of the United States or Canada which flow into the Pacific Ocean could be a risk to the swine industry because of the San Miguel sea lion virus. This virus can cause a disease in swine which is indistinguishable from vesicular exanthema of swine. The San Miguel sea lion virus has been found to occur in the Pacific Ocean and could be carried into inland waters by migrating fish such as Steelhead Trout and salmon.

Also, fish from other areas in the world would pose a threat to the swine industry of the United States. In many parts of the world swine offal is fed to fish. In addition, water run-off from the land carries soil and debris into the ocean along the coast. This means that fish, feeding along the coast or near to ocean dumping grounds, could ingest material carrying organisms of diseases such as hog cholera, African swine fever, or vesicular diseases of swine. These fish, if fed to swine in the United States, could transmit such diseases to the swine.

Miscellaneous

It should also be noted that the swine industry has extensive experience with feeding swine those products which are proposed to be allowed to be fed to swine without prior treatment. This experience further indicates that these untreated products do not cause diseases which would be a risk to the swine industry in the United States.

Executive Order 12291 and Regulatory Flexibility Act

This action has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1 and has been determined to be not a "major rule." The Department has determined that this action would not have an annual effect on the economy of $100 million or more; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and would not have any 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.

Swine producers who feed garbage to swine would be affected by this regulation. However, only approximately 1.4 percent of the United States swine population is fed garbage, and only a portion of that garbage consists of the items affected by this document. This section would also impact those persons who would be exempted from obtaining licenses to treat garbage to be fed to swine. If the proposal is adopted, these persons will not be required to obtain licenses under the regulations.

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

Alternatives

Consideration was given concerning whether (1) to propose to allow the specified garbage to be fed to swine without prior treatment and to exempt persons operating or desiring to operate specified facilities from the licensing requirements or (2) not to make such proposals. Alternative (1) is proposed since it appears that this would relieve restrictions without causing a risk to the swine industry in the United States.

Comments

It is the policy of the Department to provide a 60 day comment period for proposed rules unless a shorter period is warranted. This document provides for a shortened comment period of 30 days. A longer comment period is unwarranted. It appears that there is no need for imposing restrictions that would otherwise be imposed on persons feeding or permitting the feeding of specified garbage to swine and that there is no need to require persons operating or desiring to operate certain facilities to obtain a license to treat garbage. Also, it appears that prompt action should be taken to delete the unnecessary restrictions.

List of Subjects in 9 CFR Part 166

Animal diseases, Hogs, African swine fever, Foot-and-mouth disease, Garbage, Hog cholera, Swine vesicular disease, Vesicular exanthema of swine.

PART 166—SWINE HEALTH PROTECTION PROVISIONS

Accordingly, it is proposed to amend 9 CFR part 166 as follows:

1. Paragraph (a) of § 166.2 would be revised to read:

§ 166.2 General restrictions.

(a) No person shall feed or permit the feeding of garbage to swine unless the garbage is treated to kill disease organisms, pursuant to the regulations, at a facility operated by a person holding a valid license for the treatment of garbage; except that the treatment and license requirements shall not apply to the feeding or the permitting of the feeding to swine of garbage only because the garbage consists of any of the following: rendered products; bakery waste; candy waste; poultry fed to swine at the same location where the poultry has been raised, if the poultry has been raised in confinement so as to prevent scavenging and not fed garbage other than that allowed to be fed to swine under this paragraph; eggs; domestic dairy products (including milk); fish from the Atlantic Ocean within 200 miles of the Continental United States or Canada; or fish from inland waters of the United States or Canada which do not flow into the Pacific Ocean.

* * * * *

2. The last sentence of paragraph (a) of § 166.10 would be amended to read:

§ 166.10 Licensing.

(a) * * * Any person operating or desiring to operate a facility to treat garbage to be fed to swine who would otherwise be required under this part to obtain a license to treat garbage only because it contains one or more of the items allowed to be fed to swine under § 166.2(a) is exempted from the requirements of this paragraph.

* * * * *

Authority Sec. 511, Pub. L. 96–592, 94 Stat. 3451 (7 U.S.C. 3802); secs. 4, 5, 9, 12, Pub. L. 96–468, 94 Stat. 2230–2233 (7 U.S.C. 3803, 3804, 3408, 3811); 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 12th day of September, 1983.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-25365 Filed 9-15-83; 8:45 am]

BILLING CODE 3410-34-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Organization and Operations of Federal Credit Unions; Request for Comments on Rules Governing Supervisory Committee Audits of Federal Credit Unions

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comments.

SUMMARY: The National Credit Union Administration is soliciting comments on whether, and to what extent, it should modify its requirements governing Supervisory Committee Audits of Federal Credit Unions. Section 115 of the Federal Credit Union Act requires the supervisory committee to make, or cause to be made, an annual audit of the credit union's books and records. Section 701.12 of the NCUA Rules and Regulations requires that such audits be made in accordance with the Supervisory Committee Manual for Federal Credit Unions (NCUA 8023).

DATE: Comments must be received on or before December 15, 1983.

ADDRESS: Send comments to Rosemary Brady, Secretary, National Credit Union Administration Board, 1776 G Street NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Mike Fischer, Director, Division of Supervision, Department of Supervision and Examination, telephone (202) 357–1065.

SUPPLEMENTARY INFORMATION:

Background

Section 701.12 of the NCUA Rules and Regulations (Supervisory Committee Audits of Federal Credit Unions) is being reviewed as part of the Agency's continuing program in reviewing regulations. This rule requires that the Supervisory committee make or cause to be made an annual audit in accordance with the Supervisory Committee Manual for Federal Credit Unions (NCUA 8023).

The Supervisory Committee Manual is a comprehensive technical manual. It contains a complete set of standard workpapers, confirmation letters, illustrated documents with appropriate instructions and audit and account verification procedures. The manual was last revised in March 1976. There has been a significant change in credit union operations since that time and these changes in operations are not currently addressed in the manual.

Request for Comments

The NCUA Board requests public comments concerning the course it should follow with respect to § 701.12 of the NCUA Rules and Regulations. Specifically, the NCUA Board is interested in comments on the following issues:

1. Should the Agency prescribe the minimum requirements for an acceptable audit, if so should it be by regulation or through guidelines?
2. Should the Agency revise and reissue the Supervisory Committee Manual or rely upon the accounting industry to develop and distribute the audit guidelines and standards?
3. If the Supervisory Committee Manual is revised and reissued:

—Should it be as a guideline or as a requirement?

—Should it be directed toward people without auditing backgrounds?

—What areas of credit union operations should be included in the guidelines?

4. Should the Agency set different audit requirements for different types or sizes of credit unions?
5. How can the Agency best incorporate the results of the audit function into its supervisory role?
6. Can volunteers continue to perform audits of credit unions as their operations become more complex?

The foregoing questions are provided as a starting point only and are not considered all inclusive. The NCUA Board is interested in receiving comments and recommendations on these questions and any other issues related to auditing in credit unions.

List of Subjects in 12 CFR Part 701

Civil rights, Credit, Credit unions, Fair housing, Mortgages, Reporting and recordkeeping requirements, Signs and symbols.

By the National Credit Union Administration Board on the 7th day of September 1983.

Rosemary Brady,

Secretary of the NCUA Board.

[FR Doc. 83-25135 Filed 9-15-83; 8:45 am]

BILLING CODE 7535-01-M

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12 CFR Part 704

Corporate Central Federal Credit Unions; Request for Comments on Rules Governing Corporate Federal Credit Unions

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comments.

SUMMARY: The National Credit Union Administration is soliciting comments on whether, and to what extent, it should modify its rules governing Corporate Central Federal Credit Unions. Changes to the Federal Credit Union Act (per the Garn-St Germain Act) now permit the NCUA Board to differentiate the functions of corporate central credit unions from natural person credit unions through rules and orders of the Board.

DATES: Comments must be recevied on or before December 15, 1983.

ADDRESS: Send comments to Rosemary Brady, Secretary, National Credit Union Administration Board, 1776 G Street NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Mike Fischer, Director, Division of Supervision, Department of Supervision and Examination, telephone (202) 357–1065.

SUPPLEMENTARY INFORMATION:

Background

Part 704 of NCUA's Rules and Regulations, Corporate Central Federal Credit Unions, is being reviewed as part of the Agency's continuing program of review of regulations and as a result of provisions in the Garn-St Germain Act which permit the NCUA Board to differentiate the functions of corporate central credit unions from natural person credit unions through the issuance of rules or orders of the Board. Part 704 was promulgated in 1977 to define the terms "Corporate Central Federal Credit Union" and "Risk Assets" and to establish a special reserve account for Corporate Central Federal Credit Unions. The regulation was subsequently revised, effective November 10, 1979, to provide additional requirements pertaining to the operations of Corporate Central Federal Credit Unions. Specifically, sections were added covering "Management," "Annual Audit," and "Daily Balance Share Accounts." The latter revision was further clarified by Interpretive Ruling and Policy Statement IRPS 80–3, dated March 7, 1980.

Existing Regulation

Sec.

704.0 Scope.
704.1 Definitions.
704.2 Corporate Central Reserve.
704.3 Management.
704.4 Annual Audit.
704.5 Daily Balance Share Account.

Request for Comments

The NCUA Board requests public comment concerning the course it should follow with respect to Part 704. That is, public comment is specifically requested on whether the NCUA Board should remove or modify any or all of the regulatory provisions of Part 704 that govern the operations of Corporate Central Federal Credit Unions.

In an effort to provide some initial guidance to this process, staff at NCUA have identified several key issues concerning the regulation.

1. Representation on the Board and the Committees

The purpose of a Corporate Central Federal Union, as defined in its bylaws is "to foster and promote the economic well-being, growth and development of its members * * *" These "members" to be served are primarily other credit unions. However, for a variety of reasons, two other types of members have been included in the field of membership of most Corporate Central Federal Credit Unions. There are usually a few natural person members and a few associations other than credit unions, e.g., trade organizations, service corporation, etc. Each member, whether natural person, credit union, or other organization, has one vote regardless of the number of shares held. Part 704.3 and IRPS 80–3 presently prohibit nonnatural-person members other than credit unions from appointing a representative to stand for election as an official of the corporate central. (Other nonnatural-person members may,

however, designate an agent to vote at membership meetings.)

Accordingly, the degree to which natural persons and other organizations should be permitted to participate in the management of the corporate central is an issue. Since many of the management policy decisions would apply only to member credit unions and not to the natural perons or to other organization segments of the membership, is there a need to limit the participation of other segments of the membership? If so, to what extent (e.g., one position per Board or committee)?

2. New Programs and Services

The Garn-St Germain Act provided the NCUA Board with the authority to differentiate the functions of corporate credit unions from natural person credit unions by regulation or order. NCUA believes that it is in the best interest of credit unions that corporate be permitted to develop new programs and services. In order to accomplish this, Part 704 could be expanded to specify additional authorized programs and services or the NCUA Board could authorize new programs on a case-by-case basis. Accordingly, NCUA is requesting comments on how to best implement this new authority.

3. Reserves and Equity Capital

Section 704.2 establishes a special Corporate Central Reserve. Corporate Central Federal Credit Unions are required to transfer 2 per centum of gross income to this reserve until it is equal to 1½ per centum of total assets. This reserve is in addition to the Regular Reserve but, because of the exclusion of loans to credit unions and certain investments from the definition of risk assets, most Corporate Central Federal Credit Unions have a very minimal or non-existent Regular Reserve requirement. The Corporate Central Reserve is, therefore, the primary reserve for these credit unions.

The National Credit Union System Capitalization Commission has concluded that equity capital needs to be increased in credit unions. Some methods of achieving an increase in equity capital are: to redefine risk assets to include all assets, thereby increasing Regular Reserve requirements; to increase the transfer rate to the Corporate Central Reserve; and to establish some type of "a risk" equity investment by members of corporate credit unions. The NCUA Board, therefore request comments on the issue of equity capital formation and/or accumulation in corporate credit unions.

4. Independent Audit

Section 704.4 requires that audits of Corporate Central Federal Credit Unions be performed by independent, duly-licensed auditors and that reports of such audits be submitted to NCUA. The NCUA Board requests comments on whether this requirment should be continued, modified, or eliminated.

5. Management Organization and Policies

Section 704.3, Management, contains several provisions which may be in need of modification. Subsection (a) (1), (2), (3) and (b) presently restate provisions of the Act regarding Federal credit union management organization. Subsecton (c) and (d) require the establishment of written management policies and the institution of a budgetary process. Since the establish of written policies addressing efficient operations, budgeting, etc., is a matter of sound business practice, comments are invited on the need for regulating this area.

6. Daily Balance Shares Accounts

Finally, § 704.5 of the regulation contains provisions permitting the establishment of a daily balance share account. This section of the existing regulation relates to Part 701.35 of the rules and regulations. Since Part 701.35 has been deregulated to premit various types of accounts and dividend policies, there is no longer a need for Part 704.5 and it will be deleted.

The NCUA Board does not consider the questions and issues listed above as being all inclusive and will consider other recommendations concerning the operation of the corporate credit unions.

Procedures for Regulatory Development

If the request for comments results in any changes in the regulation, the final rule would not have a significant economic impact on a substantial number of small credit unions. As a result of their mission of serving other credit unions, Corporate Federal Credit Unions are among the largest credit unions in assets. As of year-end 1982, there were no operating Corporate Federal Credit Unions having assets of less than $1 million. Therefore, a Regulatory Flexibility Analysis is not required.

List of Subjects in 12 CFR Part 704

Credit unions.

By the National Credit Union Administration Board on the 7th day of September 1983.

Rosemary Brady,

Secretary of the NCUA Board.

[FR Doc. 83-25456 Filed 9-15-83; 8:45 am]

BILLING CODE 7535-01-M

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12 CFR Parts 706 and 707

Conversions; Request for Comments on Rules Governing Conversions of Credit Union Charters

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comments.

SUMMARY: The purpose of this action is to solicit comments on the proposal to delete from the National Credit Union Administration Rules and Regulations the entire Part 706, Conversion from Federal to State Credit Unions, and the entire Part 707, Conversion from State to Federal Credit Unions. This action (deletion) would not alter the authority to, nor materially affect the requirements and procedures to, convert from one charter to another. Section 125 of the Federal Credit Union Act specifically provides for conversion of charter and delineates the requirements to convert. Accordingly, Parts 706 and 707 of the rules and regulations are considered repetitious, redundant and unnecessary.

DATE: Comments must be received on or before November 15, 1983.

ADDRESS: Send comments to Rosemary Brady, secretary, National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Gordon Sickler, Division of Examination, Department of Supervision and Examination, telephone number (202) 357-1065.

SUPPLEMENTARY INFORMATION: On April 25, 1983, NCUA published in the **Federal Register**, after approval by the NCUA Board, the schedule for a periodic review of NCUA regulations. One purpose of the periodic review is to delete obsolete and/or redundant and unnecessary regulations. The review of parts 706 and 707 disclosed some obsolete sections, due to amendment of the Federal Credit Union Act, and several sections which are repetitious of provisions in the Act.

Section 125 of the Federal Credit Union Act is specific on the authority of credit unions to convert from federal to state charter and from state to federal charter. This section of the act also delineates the procedures and requirements for such conversions. Additionally, NCUA publishes a pamphlet entitled "Credit Union

Conversion Procedures and Conversion Forms" (NCUA 4411) which contains detailed step-by-step procedures and sample forms to assist officials of those credit unions which wish to convert. This pamphlet is furnished at no cost to credit unions considering conversion and is a guideline to assist the officials to meet the conversion requirements of the act.

While Parts 706 and 707 of the rules and regulations could have applicability to all credit unions, in practice the applicability has been very limited. During the 10-year period from 1973 through 1982, a total of 128 credit unions converted from federal to state charter (Part 706), and 75 credit unions converted from state to federal charter (Part 707).

During the review of Parts 706 and 707, a section-by-section synopsis was prepared. The review synopsis includes comments as to why each section is considered obsolete and/or unnecessary. The review synopses are available to interested parties upon request. Requests for the review comments pertaining to either Part 706 or 707 or for both Parts may be made by writing the National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20456 or by phoning the Public Information Office of (202) 357–1050. Requests received prior to November 16, 1983, will be filled.

List of Subjects in 12 CFR Parts 706 and 707

Credit, Reporting and recordkeeping requirements.

Accordingly, the NCUA Board requests comments on the proposal to remove Parts 706 and 707 from the NCUA Rules and Regulations.

Rosemary Brady,

Secretary of the NCUA Board.

[FR Doc. 83-25157 Filed 9-15-83; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 211, 700, and 800

[Docket Nos. 82N-0330 and 82N-0332]

Tamper-Resistant Packaging Requirements; Proposed Stay of Retail Level Effective Date and Request for Comments, Data, and Information

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; proposed stay of retail level effective date.

SUMMARY: The Food and Drug Administration (FDA) is proposing to stay one of the effective dates of its regulations concerning the tamper-resistant packaging requirements for certain over-the-counter (OTC) human drugs, cosmetics, and contact lens solutions and tablets. The subject of the proposed stay is the retail level effective date and products subject to it, i.e., those shipped prior to the initial effective dates (discussed further in the Supplementary Information). Under current provisions, all products subject to the tamper-resistant packaging and labeling regulations held for sale are required to be in tamper-resistant packages on February 6, 1984. The agency is proposing this action because it has not completed and evaluated an ongoing survey of the marketplace, nor has it completed a review of other relevant information, to determine the need for implementing a retail level effective date.

DATE: Comments by September 16, 1983.

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

FOR FURTHER INFORMATION CONTACT: Paul O. Fehnel, Jr., National Center for Drugs and Biologics (HFN–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6490.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 5, 1982 (47 FR 50442), FDA published final regulations setting forth tamper-resistant packaging and labeling requirements for certain OTC human drug products (21 CFR 211.132) and certain cosmetic products (21 CFR 700.250). In the same issue of the **Federal Register** (47 FR 50452), the agency also published tamper-resistant packaging and labeling requirements for contact lens solutions and tablets (21 CFR 800.12). Amendments to those regulations were published in the **Federal Register** of April 19, 1983, (48 FR 16658, 16665) and August 19, 1983 (48 FR 37624). The purposes of the regulations was to assure package integrity and product security in light of cases of malicious adulteration of OTC drug products that resulted in seven deaths in the Chicago area.

The tamper-resistant packaging and labeling regulations included three effective dates for the new requirements. For the products that were most vulnerable to tampering, such as hard gelatin capsules and liquids, the regulations required that a tamper-resistant package be used by Feburary 7, 1983. All other products subject to the tamper-resistant regulations were required to be packaged in a tamper-resistant package by May 5, 1983. In addition, the May 5, 1983 date also was the effective date for the labeling requirements of the tamper-resistant regulations for all covered products.

A third effective date was also established requiring that all stocks held for sale (including stocks in retail stores) be in tamper-resistant packages after February 6, 1984. This date was identified as the "retail level effective date", because it would apply to products held in retail stores that were shipped prior to the other effective dates. This date was set in an attempt to assure that at some specified future date all products covered by the rule would be in tamper-resistant packaging.

In the preamble to the November 5, 1982 final rule, the agency stated that it recognized that it may prove difficult to meet this effective date. The preamble stated that in implementing such a date the agency would consider any adverse impact on the availability of some products in the marketplace and consequential disruption in health care. Another factor to be considered is the quantity of noncomplying products remaining on the market by that date. If the quantity is negligible, a retail level effective date would be unnecessary.

The preamble to the November 5, 1982 final rule also stated that, "Because of the uncertainty involved in attempting to the estimate the circumstances that will prevail at the time of the retail level effective date, the agency will review the need for such a date and what the date should be after it has had an opportunity to determine the effects of this regulation on the marketplace. Such review will take place long enough before the retail level effective date occurs for any change in that date to be taken into account by those who will be required to meet it" (47 FR 50446).

This review includes a field study to determine the quantity of products held for sale that are not in compliance with the tamper-resistant packaging requirements, and to determine the rate of depletion of those stocks from the retail level. Although the agency has assigned a high priority to its review, it is clear now that it cannot be completed before the end of 1983. The agency has received a letter from The Proprietary Association dated August 16, 1983 that, among other things, indicates that the industry needs considerable lead time to implement the retail level effective date. The letter is on display in the Dockets Management Branch (address above). Because the agency will not be able to complete its review within the time frame indicated by The Proprietary Association as nesessary for the

industry to develop procedures to implement the effective date, the agency is announcing an interim stay of the retail level effective date in a document published elsewhere in this issue of the **Federal Register.**

In addition to relying on its own study to determine the quantities of OTC products that are not in compliance with the tamper-resistant packaging requirements in retail channels, the agency is seeking comments, data, and information that may be helpful to it in reviewing the necessity for a retail level effective date of what alternative measures may be appropriate.

The options before the agency include the following:

1. At the end of the agency's review it may establish a new retail level effective date and implement it.

2. The agency may modify the retail level effective date concept (e.g., to establish a wholesale level effective date in place of a retail level effective date).

3. The agency may withdraw the retail level effective date requirement completely.

If options 1 or 2 were selected, the agency would provide adequate time for the industry to implement the necessary procedures. The agency's current plan is that if one of these options is selected, the effective date would be 4 months after the date that the agency's decision is published as a final rule in the **Federal Register.**

In addition to evaluating its own study, the agency is seeking comments generally and, in particular, on specific questions related to the retail level effective date. The agency is especially interested in receiving comments responding to the following questions:

1. How should the agency determine whether a retail level effective date is necessary based on results of its survey?

Once the agency determines an approximate level of compliance that can be anticipated for the retail level, it must make a decision as to what level of noncompliance constitutes a trivial hazard to the consumer and a minimal potential for tampering. The agency is seeking advice on what that level should be and what consititutes an appropriate method for determining that level.

2. What are the costs of implementing a wholesale level effective date and what are the costs of implementing a retail level effective date? Among the options that are available is a modification of a full scale, retail level effective date. The agency needs to determine for its decisionmaking the costs associated with both a wholesale and a retail level effective date.

3. How much time is needed by industry to implement a retail or wholesale level effective date if a decision is made to require either?

If the agency determines that a retail level effective date is appropriate, the agency would want to avoid a disruption in the marketplace that might lead to drug shortages and therefore affect the availability of affected products or their prices. Therefore, the agency needs information in addition to what it already has regarding the time that is necesary to avoid disruptions in the OTC marketplace that may result from the elimination of products that are not in tamper-resistant packaging.

Although the agency is evaluating the need for the retail level effective date, the agency reemphasizes its commitment to the goal of compliance with the tamper-resistant packaging regulations to minimize the opportunity for tampering with OTC products.

Economic Considerations

FDA has examined the regulatory impact and regulatory flexibility implications of this proposed rule in accordance with Executive Order 12291 and the Regulatory Flexibility Act. Because this proposed rule would stay the retail level effective date, it would postpone any affects on products in non-tamper-resistant packages. Therefor, the proposal would not be a major rule as specified in the Order and would not have a significant economic impact on a substantial number of small entities.

Environmental Impact

The agency has determined pursuant to 21 CFR 25.24(d) (12) and (13) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects

21 CFR Part 211

Drugs, manufacturing, Labeling, Laboratories, Packaging and containers, Warehouses.

21 CFR Part 700

Cosmetics, Definitions, Prohibited cosmetic ingredients.

21 CFR Part 800

Administrative detention, Administrative practice and procedure, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 501, 502, 505, 506, 507, 515, 521, 601, 602, 701, 52 Stat. 1041 as amended, 1049–1056 as amended, 55 Stat. 851, 59 Stat. 463 as amended, 90 Stat. 552–559, 574 (21 U.S.C. 321(n), 351, 352, 355, 356, 357, 360e, 360k, 361, 362, 371)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Parts 211, 700, and 800 be amended as follows:

PART 211—CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS

§ 211.132 [Stayed in part]

1. In Part 211 by staying paragraph (g)(3) of § 211.132, *Tamper-resistant packaging requirements for over-the-counter drug products.*

PART 700—GENERAL

§ 700.25 [Stayed in part]

2. In Part 700 by staying paragraph (e)(3) of § 700.25, *Tamper-resistant packaging requirements for cosmetic products.*

PART 800—GENERAL

§ 800.12 [Stayed in part]

3. In Part 800 by staying paragraph (f)(3) of § 800.12 *Contact lens solutions and tablets; tamper-resistant packaging.*

Interested persons may, on or before October 17, 1983, submit to the Dockets Mansgement Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket numbers found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 12, 1983.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 25294 Filed 9-15-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 485]

Clarksburg Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in north central California, to be known as "Clarksburg." This proposal is the result of a petition submitted by the Clarksburg Vintners and Growers Association. ATF feels that the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers identify the wines they may purchase.

DATE: Written comments must be received by October 17, 1983.

ADDRESS: Send written comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385, (Notice No. 485).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been delineated in Subpart C of Part 9.

Section 4.25a(e)(2), outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. maps with the boundaries prominently marked.

Petition

AFT has received a petition proposing an area, in the north central part of California within Yolo, Solano and Scramento Counties, as a viticultural area to be known as "Clarksburg." The proposed area, located just southwest of Sacramento, is approximately sixteen miles long and eight miles wide, encompassing 101 square miles (64,640 acres). It includes two bonded wineries and 25 vineyards, with approximately 2,300 acres of Vitis Vinifera grapes. In addition, the Merritt Island viticultural area is located within the proposed clarksburg area.

Historical and current evidence regarding the name as well as the boundaries of the proposed area include:

(a) Excerpts from articles that appeared in *Vintage Magazine*, Robert Finigan's *Private Guide to Wines*, and *Bon Appetit* magazine, indicate that the proposed area is locally and nationally known.

(b) A Clarksburg Chenin Blanc won a medal in four major competitions in 1981, including the Orange and Los Angeles County Fairs.

(c) The large number of settlers arrriving after the discovery of gold in 1849 led to the founding of Clarksburg and many other towns in the Sacramento River Delta Region.

(d) The town of Clarksburg was named after Judge Robert C. Clark, who is credited with having the first peach orchard in Yolo County.

(e) The earliest record of vineyard activity, circa 1870, was near Courtland, located in the southern portion of the proposed area.

(f) In the early 1900's many Italian settlers established small vineyards throughout the area, the grapes used to make wine for home consumption.

(g) The first commercial vineyard within the past twenty years was established in 1963 near Courtland, and the first wineries (Bogle Vineyards and R.J. Cook) were established in 1979.

Geographical features of the proposed Clarksburg viticultural area include the following:

(a) Average yearly precipitation within the proposed area is 16 inches, unlike the surrounding areas which average more to the north and east, and less to the west and south.

(b) The proposed area is dominated by poorly drained clay and clay loam soils. West of the proposed area the soil clasification and the annual flooding of the Yolo Bypass make grape-growing impossible. The lower terraces east of the proposed area are subject to the 100 year flood and are considered a flood prone area. Land south of the proposed area is dominated by poorly drained organic and mineral soils.

(c) The northern boundary separates the northern area where the natural cooling fades out. Normally on a hot summer day Sacramento will be eight to ten degrees warmer than Clarksburg area.

The boundaries of the proposed Clarksburg viticultural area may be found on eight California U.S.G.S. maps (Sacramento West, Saxon, Clarksburg, Florin, Liberty Island, Courtland, Bruceville, and Isleton).

The boundaries, as proposed by the petitioner, are described in § 9.95.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to initial and final regulatory flexibility analyses (5 U.S.C. 603, 604) are not applicable to this notice of proposed rulemaking because the proposal is not expected (1) to have significant secondary or incidental effects on a substantial number of small entities; nor (2) to impose, nor otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on substantial number of small entities.

Accordingly, it is hereby certified under the provisions of Section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact nor compliance burdens on a substantial number of small entities.

Compliance With Executive Order 12291

It has been determined that this proposed rulemaking is not classified as a "major rule" within the meaning of Executive Order 12291, 46 13193 (1981).

because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumer, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96–511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this notice because no requirement to collect information is proposed.

Public Participation—Written Comments

ATF requests comments from all interested persons concerning this proposed viticultural area. This document proposes possible boundaries for the Clarksburg viticultural area. However, comments concerning other possible boundaries for this viticultural area will be given consideration.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 30-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Viticultural areas, Consumer protection, and Wine.

Drafting Information

The principal author of this document is James P. Ficaretta, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.95 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.95 Clarksburg.

Par. 2. Subpart C is amended by adding § 9.95 to read as follows:

§ 9.95 Clarksburg.

(a) *Name.* The name of the viticultural area described in this section is "Clarksburg."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Clarksburg viticultural area are eight U.S.G.S. topographic maps in the 7.5 minute series, as follows:

(1) Sacramento West, Calif., 1967 (photorevised 1980)

(2) Saxon, Calif., 1952 (photorevised 1968)

(3) Clarksburg, Calif., 1967 (photorevised 1980)

(4) Florin, Calif., 1968 (photorevised 1980)

(5) Liberty Island, Calif., 1978

(6) Courtland, Calif., 1978

(7) Bruceville, Calif., 1978 (photorevised 1980)

(8) Isleton, Calif., 1978

(c) *Boundaries.* Beginning at a point (on the Sacramento West topographic map) in Yolo County in T8N/R4E, at the intersection of Jefferson Blvd. and Burrows Ave.,

(1) Then southwest in a straight line 1.2 miles along Jefferson Blvd. to the eastern bank of the Sacramento River Deep Water Ship Channel.

(2) Then southwest along the Sacramento River Deep Water Ship Channel, approximately 17 miles to T5N/R3E, to the Class 5 trail on the levee connecting the Sacramento River Deep Water Ship Channel and the dredger cut Miner Slough, approximately 2 miles from the Salano/Yolo County line.

(3) Then east along the trail to the Miner Slough.

(4) Then east along Miner Slough to the point where it joins Sutter Slough, then south along Sutter Slough around the tip to Sutter Island to the junction of Sutter Slough and Steamboat Slough; then north around Sutter Island along Steamboat Slough to Section 8 in T5N/R4E where Steamboat Slough joins the Sacramento River.

(5) Then southeast following the Sacramento River to the point where the Sacramento River meets the Delta Cross Channel at the Southern Pacific Railroad in Section 35, T5N/R4E.

(6) Then northeast along the Southern Pacific Railroad for 2 miles, to a point ⅛ mile past the intersection of the Southern Pacific Railroad and the eastern branch of Snodgrass Slough.

(7) Then east approximately 2½ miles along the levee to Interstate 5 (under construction).

(8) Then north approximately 8½ miles along Interstate 5 (under construction, proposed, and completed) to Section 18 in T6N/R5E, at the intersection of Interstate 5 and Hood Franklin Road.

(9) Then southeast along Hood Franklin Road to the Southern Pacific Railroad Levee, .1 mile northeast of Hood Junction.

(10) Then north approximately 18 miles along the Southern Pacific Railroad Levee to Section 11 in T7N/R4E, at Freeport Blvd., and then across the Sacramento River at the line between Sections 11 and 4.

(11) Then northwest along the west bank of the Sacramento River to Borrows Ave.

(12) Then northwest along Borrows Ave. to the starting point at the intersection of Jefferson Blvd. and Borrows Ave.

Approved: September 9, 1983.

Stephen E. Higgins,

Director.

[FR Doc. 83–25305 Filed 9–15–83; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[Notice No. 484]

The Umpqua Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Douglas County, Oregon, to be known as "Umpqua Valley." This proposal is the result of a petition from Mr. David B. Adelsheim, Chairman of the Appellation committee, Oregon Winegrowers Association. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising

will allow wineries to better designate the specific grape-growing area where their wines comes from and will enable consumers to better identify wines they purchase.

DATE: Written comments must be received by October 17, 1983.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (Attn: Notice No. 484).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert L. White, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226 (202-566-7531).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, for the listing of approved American viticultural areas.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features.

Section 4.25(e)(2) outlines the procedure for proposing an American vitcultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Petition

ATF has received a petition from Mr. David B. Adelsheim, Chairman of the Appellation Committee, Oregon Winegrowers Association, proposing an area in Douglas County, Oregon, as a viticultural area to be known as "Umpqua Valley." This proposed viticultural area is located entirely in Douglas County, Oregon, in the southwest part of the State and consists of approximately 1200 square miles. There are five wineries and approximately 334 acres of grapes scattered throughout the area. The petition provides the following information as evidence that the proposed area meets the regulatory requirements discussed above.

General Information

In *The Winemakers* by Purser and Allen, the beginnings of viticulture in the Umpqua Valley are traced to Jesse Applegate who planted 40 acres of grapes in 1876 that were probably sold as table grapes. The Von Pessl brothers planted the first vinifera vines soon after, having brought cuttings from St. Helena and Lodi, California. The brothers grew Zinfandel, Riesling, and Sauvignon, made wine for home use, and also ran a distillery. Adam Doerner visited the Von Pessls in 1888, worked for the Beringers in St. Helena, then returned to the Umpqua Valley to grow Sauvignon and Riesling grapes. The winery he started continued to produce wine up until 1965 (selling most to home winemakers during Prohibition) under Adam's son and grandson.

Leon Adams, in *The Wines of America*, calls Richard Sommer the father of Oregon's current wine industry. The following quote is from Adams's book. "Remembering what Dr. Amerine (University of California at Davis professor) had taught, that the finest wine grapes in California are grown in the cooler districts, Sommer went where it is still cooler, to Oregon. He went . . . north, testing the grapes in each locality. At Roseburg in the Umpqua Valley he found some Zinfandels in the 80-year-old Doerner's Winery vineyard that tested right. In 1961 he bought a hillside farm . . . ten miles west of Rosebury, planted vines from the Napa Valley, and bonded his winery two years later." In the 22 years since that time, winegrape acreage in the Umpqua Valley has grown considerably. In the period between 1981 and 1983, vineyard acreage increased by about 201 acres. This is an increase of about 151 percent in two years and shows that this area is a rapidly developing grape-growing area.

Viticultural Area Name

The name "Umpqua Valley" is the name used in both academic and consumer-oriented wine and viticulture books to refer to the section of Douglas County where grapes are grown. *The Wines of America* by Leon Adams, McGraw-Hill Book Co., 1978, *Northwest Wine* by Ted Meredith, Nexus Press, 1980, and *Touring the Wine Country of Oregon* by Ronald and Glenda Holden, 1982, all make extensive mention of viticulture in the Umpqua Valley. In *The Winemakers* by Purser and Allen, Harbor House Publishing Ltd., 1977, the authors interchange "Umpqua Valley" with the more prosaic "Hundred Valleys of the Umpqua."

Umpqua Valley has been in use on approve wine labels since 1964, and became one of three appellations of origin approved for use on Oregon wines by the Oregon Liquor Control Commission in 1976. That appellation was defined, using political boundaries, as being all of Douglas County. Those county lines coincide almost exactly with the boundary of the Umpqua River basin. However, only the center, intermountain lowland section of that basin is cultivable. Consequently, the proposed boundaries have been drawn to coincide with this center, intermountain lowland section.

Historical/Current Evidence of Boundaries

According to the petitioner, Umpqua is a historic name in the State. It was used by the Indians to refer to the locality of the Umpqua River and the name came to be applied both to the river and to an Indian tribe. The territorial legislature created a "Umpqua County" on January 24, 1851. It ceased to exist on October 16, 1862, its area having been added to Douglas and Lane Counties. The Hudson's Bay Company had an establishment in the Umpqua Valley as early as 1832, probably on Calapooya Creek. It was generally called Old Fort Umpqua. And Umpqua City was established near Reedsport in 1850 but gradually died out by 1867. The present Umpqua Post Office is on the Umpqua River, near the mouth of Calapooya Creek. It was originally

known as Umpqua Ferry when it was established in 1877.

Contemporary attempts to define an "Umpqua Valley" viticultural area include the previously mentioned Oregon Liquor Control Commission-approved appellation and "Wine-Grape Adaptation to Oregon Climates" by Warren Aney in the *Proceedings* of the Oregon Horticultural Society, 1974. Mr. Aney used various climatological factors to isolate an oval-shaped area around Roseburg, 33 miles wide and 70 miles long, stretching from Elkton in the north to Canyonville in the south. A recent unpublished proposal by the same author (February 25, 1982) identifying various potential viticultural areas in the Pacific Northwest, defined the "Umpqua subregion" as "that part of the Umpqua basin above Elkton having—

(a) an elevation not greater than 300 meters (1000 feet);

(b) an expected 20-year minimum not lower than minus 20 degrees Celsius (minus four degrees Fahrenheit);

(c) a growing season at least 180 days long; and

(d) at least 2000 degree-days from April through October."

A map of donation land claims (free land given to settlers by 1855) in the *Atlas of Oregon*, University of Oregon Books, 1976, page 8, and a map compiled from LANDSAT satellite photographs, found on page 23 of the same book, both clearly isolate the agricultural intermountain lowlands of the Umpqua basin from the surrounding forested coastal and Cascade Mountain regions. The most accurate map showing the cultivable land in the Umpqua River basin is the two-part General Soil Map contained in Appendix I–16, "Umpqua Drainage Basin," to *Oregon's Long-Range Requirements for Water*, State Water Resources Board, Salem, 1969. It divides all of the land in the central part of the basin into five classes of irrigation suitability, from excellent to very poor (non-irrigable), based on slope and soil type. In defining the boundaries of the proposed viticultural area, the petitioner states that he has tried to include all areas with soils in Classes I–IV in the central part of the basin, i.e., from Scottsburg upstream.

Geographical Features

The petitioner claims the proposed viticultural area is distinguished from surrounding areas by differences in elevation, soil, and climate. The petitioner bases these claims on the following:

(a) The proposed Umpqua Valley viticultural area is basically the intermountain lowlands section of the Umpqua basin. It is bounded on the west and north by the Coast Range Mountains. The Klamath Mountains form the southern boundary and the Cascade Mountains the eastern. The area is separated from the Willamette Valley by an 800 foot divide at the Douglas/Lane County line. In comparison, the surrounding area is generally steeper and more rugged.

(b) The 1000-foot contour line was chosen as the basic boundry of the proposed viticultural area, according to the petitioner, because elevation seems to be a fairly reliable indicator of suitability for cultivation. At the 1000-foot level, low slopes turn into steep slopes and become less hospitable to horticulture. Above the 1000-foot contour line there is a noticable difference in climate, soils, topography and vegetation. In addition, there are a few sections of the region below the 1000-foot elevation, particulary south of the Umpqua River between Elkton and Scottsburg, which contain no cultivable soils. These have been excluded from the proposed area. Similarly, in the Cascade foothills, the upper sections of the valleys of the North Umpqua River and Calapooya Creek have been excluded for lack of irrigable land.

(c) The soil reflect the complex geology of the region. In the flood plains of the Umpqua River and its tributaries, there is much recent alluvial material which is slightly acidic and well-drained. The flood plains are intensively used for irrigated specialty crops, including grapes. In comparison, the surrounding area is not part of the flood plains and consequently its soil is quite different.

(d) The climate of the Umpqua basin is characterized by cool winters, warm summers, and high annual precipitation with a definite summer deficiency. The mean January temperature at Roseburg in 41 degrees Fahrenheit and the July mean is 67 degrees Fahrenheit. The frost-free period averages 230 days and the April through October degree-day index is 2380 which establishes this growing area as Region I as classified by the University of California at Davis system of heat summation by degree-days. This area has slightly greater annual temperature ranges than the Willamette Valley to the north and the coastal areas to the west.

Proposed Boundries

The boundaries of the proposed Umpqua Valley viticultural area may be found on two U.S.G.S. maps. They are titled "Roseburg," scale 1:250,000 (1958, revised 1970) and "Medford," scale 1:250,000 (1955, revised 1976). The specific description of the boundaries of the proposed viticultural area is found in the proposed regulations which immediately follow the preamble to this notice of proposed rulemaking.

Executive Order 12291

It has been determined that this proposal is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (February 17, 1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not expected to apply to this proposed rule because the proposal, if promulgated as a final rule, is not expected to have a significant economic impact on a substantial number of small entities. Since the benefits to be derived from using a new viticultural area appellation of origin are intangible, ATF cannot conclusively determine what the economic impact will be on the affected small entities in the area. However, from the information we currently have available on the proposed Umpqua Valley viticultural area, ATF does not feel that the use of this appellation of origin will have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96–511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this notice because no requirement to collect information is proposed.

Public Participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons. ATF particularly requests comments concerning the large size (approximately 1,200 square miles) of this proposed area and whether the area can be reduced. Furthermore, while this document proposes possible boundaries for the Umpqua Valley viticultural area, comments concerning other possible boundaries for this

viticultural area will be given consideration.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 30-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Oregon Wine Labeling Regulations

Oregon wine labeling regulations currently require that any wine bearing the name "Umpqua Valley" on the label must be made from grapes grown only in Douglas County, Oregon. By comparison, the Federal viticultural area regulations require only that not less than 85 percent of the wine is derived from grapes grown within the boundaries of the viticultural area. The Federal regulations regarding the use of a viticultural area appellation on a wine label also require that such label "conforms to the laws and regulations of all the States contained in the viticultural area." Therefore, if the name "Umpqua Valley" becomes an approved Federal viticultural area, then 100 percent of the wine must be derived from grapes grown in Douglas County.

It is noted that the proposed viticultural area does not encompass all of Douglas County so the 85 percent rule could apply to a situation where 85 percent of the grapes were grown in the viticultural area and 15 percent of the grapes were grown elsewhere in the county. However, the petitioner claims that all of the actual and potential grape-growing land in Douglas County has been included in the proposed viticultural area. If this is correct and if the "Umpqua Valley" viticultural area is approved as proposed, then 100 percent of the wine must be derived from grapes grown within the "Umpqua Valley" viticultural area if the "Umpqua Valley" appellation is used on the wine label, and the 85 percent rule under the Federal regulations would be negated. Obviously, use of a viticultural area name other than "Umpqua Valley" would negate the impact of the Oregon regulation. ATF requests all interested persons to comment on this matter.

Drafting Information

The principal author of this document is Robert L. White, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, and Wine.

PART 9—AMERICAN VITICULTURAL AREAS

Accordingly, under the authority in 27 U.S.C. 205 (49 Stat. 981, as amended), the Director proposes the amendment of 27 CFR Part 9 as follows:

Paragraph 1. The table of sections in 27 CFR 9, Subpart C, is amended to add the title of § 9.89 as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.98 Umpqua Valley.

Par. 2. Subpart C is amended by adding § 9.89.

As amended, Subpart C reads as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.89 Umpqua Valley.

(a) *Name.* The name of the viticultural area described in this section is "Umpqua Valley.".

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Umpqua Valley viticultural area are two USGS maps. They are titled:

(1) "Roseburg," scale 1:250,000 (1958, revised 1970); and

(2) "Medford," scale 1:250,000 (1955, revised 1976).

(c) *Boundaries.* The Umpqua Valley viticultural area is located entirely within Douglas County, Oregon, which is in the southwest part of the State. The beginning point is the intersection of Interstate Highway 5 with the Douglas/Lane County line in Township 21 South (T21S), Range 4 West (R4W) on the "Roseburg" map.

(1) From the beginning point, the boundary proceeds north along the Douglas/Lane County line approximately 0.5 mile to the 1000-foot contour line;

(2) Thence northwest along the 1000-foot contour line to the Douglas/Lane County line; thence west along the Douglas/Lane County line approximately 2.5 miles, returning to the 1000-foot contour line; thence in generally westerly direction along the 1000-foot contour line to the R9W/R10W range line;

(3) Thence south along the R9W/R10W range line approximately 2.75 miles to the center of the Umpqua River; thence along a straight line in an easterly direction approximately 6.25 miles to the intersection of range line R8W/R9W with the center of the Umpqua River; thence south along range line R8W/R9W approximately 3.5 miles to its intersection with township line T22S/T23S;

(4) Thence southeast approximately 8.5 miles along a straight line to the intersection of township line T23S/T24S with range line R7W/R8W; thence south along the R7W/R8W range line approximately 8 miles to its intersection with the 1000-foot contour line; thence in a southeasterly direction in a straight line approxiamtely 3.5 miles toward the intersection of township line T25S/T26S with range line R6W/R7W, returning to the 1000-foot contour line;

(5) Thence in a southerly direction along the 1000-foot contour line to the intersection of township line T27S/T28S with range line R7W/R8W; thence in a southwesterly direction in a straight line approximately 3.5 miles toward the intersection of township line T28S/T29S with range line R8W/R9W, returning to the 1000-foot contour line; thence south along the 1000-foot contour line to its intersection with township line T29S/T30S;

(6) Thence east along township line T29S/T30S approximately .33 mile, rejoining the 1000-foot contour line; thence in a northerly and eventually a southerly direction along the 1000-foot contour line past the town of Riddle on the "Medford" map to range line R6W/R7W; thence south along the R6W/R7W range line approximately .5 mile back to the 1000-foot contour line;

(7) Thence in an easterly, westerly, and eventually a northerly direction along the 1000-foot contour line to a point approximately 3.5 miles east of Dillard, where the contour line crosses Interstate Highway 5 on the "Roseburg" map; thence northeast along Interstate Highway 5 approximately .25 mile, returning to the 1000-foot contour line; thence in a generally northeasterly, southeasterly, northwesterly, and eventually a northeasterly direction

along the 1000-foot contour line past the town of Idleyld Park to the R2W/R3W range line;

(8) Thence north along range line R2W/R3W approximately 1.75 miles to the T25S/T26S township line; thence west along township line T25S/T26S approximately .25 mile, returning to the 1000-foot contour line; thence in a generally westerly and then a northerly direction along the 1000-foot contour line up the valley of Calapooya Creek to the R3W/R4W range line; thence north along range line R3W/R4W approximately 2.25 miles, back to the 1000-foot contour line;

(9) Thence in a westerly and then a northerly direction along the 1000-foot contour line to the T23S/T24S township line; thence east along the T23S/T24S township line approximately 2.75 miles to the 1000-foot contour line; thence in a northerly direction along the 1000-foot contour line to its intersection with the Douglas/Lane County line; thence north along the Douglas/Lane County line approximately .75 mile to the point of beginning.

Approved: September 8, 1983.

Stephen E. Higgins,

Director.

[FR Doc. 83-25304 Filed 9-15-83; 8:45 am]

BILLING CODE 4310-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 950

Proposed Modifications to the Wyoming Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Reopening of public comment period.

SUMMARY: OSM is reopening the period for review and comment on modified portions of the Wyoming permanent regulatory program. On April 15,1983 (48 FR 16295–16296), OSM announced a public comment period and procedure for requesting a public hearing on the substantive adequacy of proposed amendments to the Wyoming permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) submitted by Wyoming on March 3, and 21, 1983. The amendments submitted by Wyoming are modifications to the Wyoming regulations that, among other things, address an alternative bonding system for surface coal mining operations. OSN is reopening the comment period to allow the public an opportunity to comment on supplemental material relating to the proposed bonding amendment submitted by Wyoming on August 19, 1983.

DATE: Written comments must be received on or before 4:00 p.m. on October 3, 1983.

ADDRESSES: Written comments should be mailed or hand delivered to William R. Thomas, Field Office Director, Casper Field Office, P.O. Box 1420, Mills, Wyoming 82644.

Copies of the supplemental material submitted by Wyoming and other relevant documents are available for review at the Casper Field Office and the office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5315, 1100 "L" Street NW., Washington, D.C. 20240

Wyoming Department of Environmental Quality, Land Quality Division, 401 West 19th Street, Cheyenne, Wyoming 82002

FOR FURTHER INFORMATION CONTACT: Willian R. Thomas, Field Office Director, Casper Field Office, P.O. Box 1420, Mills, Wyoming 82644; Telephone: (307) 328–5825.

SUPPLEMENTARY INFORMATION: The general background on the permanent regulatory program, the State program approval process, the Wyoming program and the conditional approval, can be found in the Secretary's Findings and conditional approval published in the November 26, 1980 **Federal Register** (45 FR 78637–78684).

On March 21, 1983, Wyoming submitted to OSM a program amendment proposing to revise Chapter I, Section 2; Chapter XIII, Section 2; and Chapter XVI of the Wyoming surface mining regulation to establish an alternative bonding system for surface coal mining operations.

The amendment is a State-generated revision not related to any program condition. The April 15, 1983, **Federal Register** announced receipt of the modification by OSM as well as a public comment period. In that same notice, OSM announced that a public hearing would be held only if requested. No requests were received and no hearing was held.

On August 19, 1983, Wyoming submitted additional material to further clarify the proposed bonding system. Copies of the additonal material are available in the OSM Administrative Record. OSM is reopening the comment period in order to allow the public an opportunity to review and comment on the additional material submitted to OSM by the State on August 19, 1983.

Specifically, OSM is seeking comment on whether the material submitted by Wyoming on August 19, 1983, together with the proposed bonding amendment, satisfy the criteria for approval of State program amendments at 30 CFR 732.17 and 732.15.

List of Subjects in 30 CFR Part 950

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

(Pub. L. 95–87, 30 U.S.C. 1201, *et seq.*)

Dated: September 12, 1983.

William B. Schmidt,

Assistant Director, Program Operations and Inspection.

[FR Doc. 83-25379 Filed 9-15-83; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 50

[AD-FRL-2434-6; Docket No. OAQPS 79-7]

Revisions to the National Ambient Air Quality Standards for Carbon Monoxide; Availability of Staff Paper and Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of revised staff paper and announcement of related meeting.

SUMMARY: This notice announces the availability of, and solicits public comment on, a revised staff paper for the carbon monoxide (CO) air quality standards. Because questions have been raised regarding the technical merit of several studies supporting the proposed CO national ambient air quality standards (NAAQS) (45 FR 55066, Aug. 18, 1980), EPA has preformed a reevaluation of the scientific data related to CO health effects. This reevaluation is in the form of a draft "Addendum to the 1979 Air Quality Criteria Document for Carbon Monoxide." The staff paper is an additional document which provides the staff's assessment of the scientific data and an indication of how the data might be used in selection of the standards. A meeting of the Clean Air Scientific Advisory Committee (CASAC) will be held on September 26–27, 1983 to discuss both of these documents.

DATE: Comments must be postmarked by October 31, 1983.

ADDRESSES: Submit comments (duplicate copies are preferred) to: Central Docket Section (A-130), Environmental Protection Agency, Attn: Docket No. OAQPS 79-7, 401 M Street, SW., Washington, D.C. 20460.

Availability of Documents and Related Information: The revised CO staff paper, "Review of the NAAQS for Carbon Monoxide: 1983 Reassessment of Scientific and Technical Information," is available in the public docket (OAQPS 79-7). This document can also be obtained by calling or writing Mr. Michael Jones, Strategies and Air Standards Division (MD-12), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, Telephone (919) 541-5531 (FTS 629-5531).

The final revised criteria document, "Air Quality Criteria for Carbon Monoxide" (EPA-600/8-79-022, October 1979), is available from: U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 (PB 81-244840 $17.00 paper copy and $4.50 microfiche). The draft document, "An Addendum to the 1979 Criteria Document for Carbon Monoxide" (EPA-600/8-83-033A, August 1983), is available from: ORD Publications—CERI-FRN, U.S. Environmental Protection Agency, 26 West St. Clair Street, Cincinnati, OH 45268, telephone (513) 684-7562.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Jones, Strategies and Air Standards Division (MD-12), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, Telephone (919) 541-5531 (FTS 629-5531). Further information on the September 26-27 meeting can be obtained from Dr. Terry Yosie, Staff Director, Science Advisory Board, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Telephone (202) 382-4126.

SUPPLEMENTARY INFORMATION: In 1971 identical primary and secondary standards for CO were promulgated at levels of 9 parts per million (ppm), 8-hour average, and 35 ppm, 1-hour average, neither to be exceeded more than once per year (36 FR 8136). On August 18, 1980, EPA proposed (1) retaining the existing primary 8-hour standard level at 9 ppm, (2) lowering the primary 1-hour standard level to 25 ppm, and (3) revoking the existing secondary CO standards (45 FR 55066, Aug. 18, 1980).

The 1980 proposal was based in part on several health studies conducted by Dr. Wilbert Aronow. In early 1983 EPA learned that that a Food and Drug Administration (FDA) investigation of the technical adequacy of several studies conducted by Dr. Aronow on experimental drugs had led the FDA to reject use of the drug studies data. In view of these circumstances, EPA concluded that an independent assessment of the CO health studies was advisable prior to a final standard decision on CO.

An expert committee empaneled by EPA met with Dr. Aronow to discuss his studies and to examine the available data and records from his CO studies. In its report (OAQPS 79-7, IV-H-58), the committee (chaired by Dr. Steven M. Horvath, Director of the Institute of Environmental Stress, University of California-Santa Barbara) concluded that EPA should not rely on Dr. Aronow's data due to concerns which limit the validity and usefulness of those studies. The draft Addendum to the 1979 Criteria Document and the revised staff paper reflect EPA's reevaluation of the scientific information relating to the proposed CO standards in light of the Committee's recommendations.

The principal topic for discussion at the September 26-27 CASAC meeting will be the implications of the reevaluation of the CO health effects data for possible revisions to the standards.

List of Subjects in 40 CFR Part 50

Air pollution control, Carbon monoxide, Ozone, Nitrogen dioxide, Lead, Particulate matter.

Dated: September 8, 1983.

Sheldon Meyers,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 83-25318 Filed 9-15-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[KY-010; A-4-FRL 2385-8]

Approval and Promulgation of Implementation Plans; Kentucky; Alternative Emission Reduction Option (Bubble) for Ashland Petroleum Company

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve an alternative emission reduction plan (bubble) for Ashland Petroleum Company in Kenton County, Kentucky. EPA is taking this action because the alternative emission reduction plan has an emission level as stringent as the applicable volatile organic compound (VOC) regulations. By using the bubble approach on the source, a net benefit above the reasonably available control technology (RACT) level of control will be realized in the ozone nonattainment area. The public is invited to submit comments on this proposal.

DATE: To be considered, comments must be received on or before October 17, 1983.

ADDRESSES: Copies of the materials submitted by Kentucky may be examined during normal business hours at the following locations:

Air Management Branch, Environmental Protection Agency, Region IV, 345 Courtland Street, NE, Atlanta, Georgia 30365.

Division of Air Pollution Control, Kentucky Department for Environmental Protection, 18 Reilly Road, Bldg. 2, Fort Boone Plaza, Frankfort, Kentucky 40601.

Comments may be sent to the EPA Region IV address shown above, attention Mr. Douglas Cook.

FOR FURTHER INFORMATION CONTACT: Douglas C. Cook, EPA Region VI, Air Management Branch, at the Atlanta address listed above and phone 404/881-2864 or FTS 257-2864.

SUPPLEMENTARY INFORMATION: Ashland Petroleum Company, Covington Terminal, applied to the Division of Air Pollution Control on February 12, 1982, for a review under the "bubble concept" pursuant to Kentucky Regulation 401 KAR 50:055(6). Ashland's Covington Terminal is located in Kenton County, Kentucky, which is formally designated nonattainment for ozone. On February 3, 1983 (48 FR 5120), however, EPA proposed to approve Kentucky's demonstration that Kenton and the other counties in the Cincinnati metropolitan area are attaining the air quality standards for ozone.

Based on the information submitted, EPA, without prior proposal of its action, approved the alternate plan (48 FR 16683, April 19, 1983).

In the final rule making the redesignation, EPA advised the public that the effective date of the action was deferred for 60 days (until June 20, 1983) to provide on opportunity to submit comments on it. EPA announced that if notice was received within 30 days of the publication of the final rule that someone wanted to submit adverse or critical comments, the final action would be withdrawn and a new rulemaking

would be begun by proposing a 30-day coment period. EPA had earlier published a general notice explaining this special procedure (46 FR 44477, September 4, 1981).

EPA has received adverse comments on this redesignation. Accordingly, EPA is taking final action elsewhere in today's **Federal Register** to withdraw the April 19, 1983, approval and is in this notice proposing the bubble for public comment. A more detailed description of the State's submittal and EPA's findings can be found in the April 19, 1983, rulemaking notice (48 FR 16683). The public is invited to submit written comments on this proposal; EPA will consider all comments received within 30 days of this date before taking final action on the alternate option submitted by Kentucky.

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 8706.)

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

List of Subjects in 40 CFR Part 52

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

(Secs. 110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: September 7, 1983.

William D. Ruckelshaus,

Administrator.

[FR Doc. 83-25367 Filed 9-15-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-6-FRL 2433-4]

Compliance With the Statutory Provisions of Part D of the Clean Air Act for Texas and Texas Attainment Plan for Ozone in Harris County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period.

SUMMARY: On August 3, 1983, EPA proposed to find the State of Texas has failed to implement a motor vehicle inspection and maintenence (I/M) program as required by its State Implementation Plan (SIP) revisions that were approved to meet the January 1979 planning deadline under section 172 of the Clean Air Act. The Agency also proposed certain actions regarding the appropriate statutory consequences (i.e., sanctions) for failure to meet these requirements. Requests for public hearings or written comments on this notice were to be submitted on or before September 19, 1983. EPA announced that a public hearing would be held if requests for one were received during the comment period. In response to a request from the Texas Air Control Board (TACB) for an extension of time for the filing of comments on the proposed finding of nonimplementation of the 1979 O_3 SIP for Harris County, the comment period is extended to November 21, 1983.

DATE: Comments must be received on or before November 21, 1983.

ADDRESSES: Written comments should be addressed to: Jack S. Divita, Air Branch Chief, U.S. EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT: Dolores S. Johnson, State Programs Section, Air & Waste Management Division, U.S. EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270 (214) 767-2742.

SUPPLEMENTARY INFORMATION: On August 3, 1983 (at 48 FR 35325), EPA proposed to find that the State of Texas failed to implement an I/M program as required by its 1979 Part D SIP revision submitted to meet the requirements of section 172(a) of the Act. The Agency also proposed to impose a ban on the construction or modification of major stationary sources in Harris County and proposed to withhold Clean Air Act funds from TACB, the State agency responsible for I/M activities in Harris County. The proposed notice solicited public comments on these actions, and required the submittal of comments on or before September 19, 1983. On August 12, 1983, TACB requested that the comment period be extended to November 21, 1983. The TACB requested the time extension to allow more time to consider options being discussed between EPA and TACB for upgrading the State's present parameter I/M program to an approvable program. EPA had previously proposed to disapprove the I/M program included in the State's 1982 O_3 SIP for Harris County in the **Federal Register** on February 3, 1983 (at 48 FR 5114), primarily because the proposed Texas program would not achieve the necessary 25 percent reduction in hydrocarbon emissions. The extension of the comment period will allow TACB additional time to consider the options. Therefore, the Agency is extending the comment period on the proposed action for Texas to November 21, 1983.

List of Subjects in 40 CFR Part 52

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

Dated: September 7, 1983.

Alvin L. Alm,

Deputy Administrator.

[FR Doc. 83-25321 Filed 9-15-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Parts 405, 406, 407, 408, 409, 411, 412, 422, 424, 426, 429, 430, 431, 432, 433, and 440

[WH-FRL-2434-7]

Availability of Data Pertaining to the Proposed Methodology for Best Conventional Pollutant Control Technology Effluent Limitations Guidelines

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; availability of New Information and Reopening of Comment Period.

SUMMARY: On June 2, 1983, EPA published a Notice of Availability of new data pertaining to the methodology for establishing best conventional pollutant control technology (BCT) effluent limitations (48 FR 24742). EPA reopened this comment period on July 18, 1983 (48 FR 32607) for another 30 days. EPA is now making further information available in the administrative record and is reopening the comment period for a second time to close thirty days from September 16, 1983.

DATE: Comments on this proposal must be submitted to EPA by October 17, 1983.

ADDRESS: Send comments to Ms. Renee Rico, Attn: Comments on BCT Notice of Availability, Office of Analysis and Evaluation (WH-586), U.S. EPA., 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Ms. Renee Rico at (202) 382-5386.

SUPPLEMENTARY INFORMATION: On June 2, 1983, EPA published a Notice of Availability of new data pertaining to the methodology for establishing best conventional pollutant control technology (BCT) effluent limitations. The methodology had been proposed on October 29, 1982 (47 FR 49176). Comments on the new data were to be submitted by July 2, 1983.

EPA received two requests from industry to extend the comment period

to allow additional time to study the impact of the June 2, 1983 notice and to review the additional data on POTW cost curves that became available after June 2. After reviewing these requests, the Agency announced the availability of the additional information and reopened the comment period for 30 days on July 17, 1983.

Since that time, EPA has been working to obtain still further documentation on the POTW cost curves. Because all of the information pertaining to the curves has only recently been available in the administrative record, we are now reopening the comment period for an additional 30 days from today. This information is available for review at the EPA Headquarters Library, 401 M Street SW., Washington, D.C., Rm. 2404.

Dated: August 17, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

[FR Doc. 83-25310 Filed 9-15-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-949; RM-4496]

FM Broadcast Station in Crystal Falls, Michigan; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of Class C Channel 264 to Crystal Falls, Michigan, as that community's first FM assignment in response to a petition filed by David C. Schaberg.

DATE: Comments must be filed on or before October 24, 1983, and reply comments on or before November 8, 1983.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Crystal Falls, Michigan) MM Docket No. 83-949, RM-4496.

Adopted: August 23, 1983.
Released: September 8, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration a petition for rule making filed June 6, 1983, by David C. Schaberg ("petitioner") proposing the assignment of Class C FM Channel 264 to Crystal Falls Michigan, as that Community's first FM assignment. Petitioner submitted information in support of the proposal and expressed his interest in applying for the channel, if assigned.

2. A site restriction of 14.1 miles southeast of Crystal Falls, is required to avoid short-spacing to WBIZ (Channel 264) in Eau Clair, Wisconsin, unused Channel 262 in Rhinelander, Wisconsin; and WNMU-FM (Channel 211C) in Marquette, Michigan. Also, the proposed assignment will be contingent upon the outcome of Dockets 83-468 or 83-480 in which the deletion of Channel 261A in Marquette, Michigan, has been proposed.

3. Since the assignement of Channel 264 to Crystal Falls is within 320 kilometers (200 miles) of the U.S.-Canadian border, the concurrence of the Canadian government is required.

4. In view of the fact that the proposed assignment could provide a first local FM broadcast service to Crystal Falls, Michigan, the Commission believes it is appropriate to propose amending the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) with respect to the following community:

City	Channel No.	
	Present	Proposed
Crystal Falls, Michigan		264

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before October 24, 1983, and reply comments on or before November 8, 1983, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on the petitioner, and his consultant, as follows: David C. Schaberg, P.O. Box 1101, Lansing, Michigan 48901 (Petitioner).

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 Fed. Reg. 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rules Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filled comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, brief, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examinations by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-25134 Filed 9-15-83; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 48, No. 181
Friday, September 16, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Governmental Processes; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92–463), notice is hereby given of a meeting of the Committee on Governmental Processes of the Administrative Conference of the United States, to be held at 2:30–5:00 p.m. on Monday, September 26, 1983, at the Department of the Treasury, Room 4426, 15th Street & Pennsylvania Avenue, NW., Washington, D.C.

The committee will meet to discuss Professor Edward A. Tomlinson's study of the use of the Freedom of Information Act as a discovery device.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should, if possible, notify the Office of the Chairman of the Administrative Conference prior to the meeting. The committee chairman, if she deems it appropiate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during, or after the meeting.

For further information concerning this meeting contact Jeffrey S. Lubbers, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037. (Telephone: 202–254–7065.) Minutes of the meeting will be available on request.

Dated: September 13 1983.

Richard K. Berg,

General Counsel.

[FR Doc. 83-25362 Filed 9-15-83; 8:45 am]

BILLING CODE 6110-01-M

Exceptions Processes; Siting Procedures; Committee on Regulation; Meeting

AGENCY: Administrative Conference of the United States; Committee on Regulation.

ACTION: Committee meeting.

AGENDA: The Committee will meet with its consultants to discuss progress on two projects: (1) Exceptions processes in the operation of regulatory programs; (2) Siting procedures for large-scale industrial projects.

DATE AND TIME: October 7, 1983, 9:00 a.m.

LOCATION: 2120 L Street, NW., Washington, D.C., Lower Level Hearing Room No. 1.

PUBLIC PARTICIPATION: Attendance at the Committee's meeting is open to the public, but limited to the space available. Persons wishing to attend should notify the contact person at least two days in advance of the meeting. The Committee chairman may permit members of the public to present appropriate oral statements at the meeting.

Any member of the public may file a written statement with the Committee before, during, or after the meeting. Minutes of the meeting will be available on request to the contact person. This meeting is subject to the Federal Advisory Committee Act (Pub. L. 92–463).

FOR FURTHER INFORMATION CONTACT: William C. Bush, Administrative Conference of the United States, 2120 L Street N.W., Suite 500, Washington, D.C. 20037. Telephone: (202) 254–7065.

SUBJECTS:

1. Administrative practice and procedure.
2. Exceptions processes.
3. Siting procedures.

SUPPLEMENTARY INFORMATION:

1. *Exceptions Processes*—This project deals with the procedures used for the granting of exceptions (waivers, variances, exemptions, etc.) to rules of general applicability. The Committee has received a report from consultant Peter Schuck that examines in some detail the exceptions process operated by the Department of Energy's Office of Hearings and Appeals. In addition, a number of federal agencies have submitted information on the exceptions processes associated with the agencies' various regulatory programs. The Committee will consider whether to propose recommendations on this subject. (See 48 FR 20417 for a request for public comments on this topic.)

2. *Siting Procedures*—The Committees's consultant, Professor Gregory Ogden of Pepperdine University School of Law, recently submitted a revised draft report on siting procedures. This topic includes the examination of federal, state, and local processes for obtaining permits to locate large-scale industrial projects such as power plants, pipelines, or port facilities. The Administrative Conference is cooperating with the Advisory Commission on Intergovernmental Relations on this project. Professor Ogden will discuss his report and suggest possible recommendations for the Committee.

Dated: September 13, 1983.

Richard K. Berg,

General Counsel.

[FR Doc. 83-25361 Filed 9-15-83; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on Population statistics; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463, as amended by Pub. L 94–409), notice is hereby given that the Census Advisory Committee on Population Statistics will convene on October 7, 1983, at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Population Statistics advises the Director, Bureau of the Census, on current programs and on plans for the decennial census of population.

The Committee is composed of six members appointed by the Secretary of Commerce and nine members designated by the President of the Population Association of America from the membership of that Association.

The agenda for the meeting, which is scheduled to adjourn at 4:15 p.m., is: (1) Introductory remarks by the acting Director of the Bureau of the Census, including program and budget

developments; (2) decennial census update; (3) Survey of Income and Program Participation (SIPP) update; (4) postponement of the West German Census—implications for data collection in the United states; (5) perspectives on census taking in the 1990's; (6) the effect of ethnic life-style factors on nonresponse and census undercount; (7) Annual Housing Survey and the Census of Housing—comparison of findings; (8) problems in the measurement of disability; (9) new definitions of metropolitan statistical areas; (10) alternative models for Current Population Survey income imputation; and (11) committee recommendations and agenda for the next meeting.

The meeting will be open to the public, and a brief period will be set aside for public comments and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days before the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Dr. Campbell Gibson, Room 2266, Federal Building 3, Suitland, Maryland. (Mailing address: Washington, D.C. 20233). Telephone (301) 763–1408.

Dated: Sept. 12, 1983

C. Louis Kincannon,

Acting Director, Bureau of the Census.

[FR Doc. 83-25298 Filed 9-15-83; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Greige Polyester Cotton Printcloth From the People's Republic of China—Antidumping Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Antidumping Duty Order.

SUMMARY: In separate investigations, the United States Department of Commerce and the United States International Trade Commission (ITC) have determined that greige polyester/cotton printcloth from the People's Republic of China is being sold at less than fair value and that sales of greige polyester/cotton printcloth from the People's Republic of China are materially injuring a United States industry. Therefore, all entries, or warehouse withdrawals, for consumption of greige polyester/cotton printcloth from the PRC made on or after March 9, 1983, the date on which the Department published its "Suspension of Liquidation" notice in the **Federal Register**, will be liable for the possible assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on or after the date of publication of this antidumping duty order in the **Federal Register**.

EFFECTIVE DATE: September 16, 1983

FOR FURTHER INFORMATION CONTACT: Rick Herring, Office of Investigations, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Telephone: (202) 377–3963.

SUPPLEMENTARY INFORMATION: The product covered by this order is unbleached and uncolored printcloth fabric (other than 80 x 80 type) in chief value of cotton, containing polyester, and currently provided for in items 326.26 through 326.40 of the *Tariff Schedules of the United States*. As of January 1, 1983, the appropriate statistical suffix is 32. Previously the appropriate statistical suffixes were 32 and 92. The term "printcloth" refers to plain-woven fabric not napped, not fancy or figured, of singles yarn, not combed, of average yarn number 26 to 40, weighing not more than 6 ounces per square yard, of a total count of more than 85 yarns per square inch, of which the total count of the warp yarns per inch and the total count of the filling yarns per inch are each less than 62 percent of the total count of the warp and filling yarns per square inch.

In accordance with section 733 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b), on March 9, 1983, the Department published its preliminary determination that there was reason to believe or suspect that greige polyester/cotton printcloth from the PRC was being sold at less than fair value (48 FR 9898). On July 28, 1983, the Department published its final determination that these imports were being sold at less than fair value (48 FR 34312).

On September 6, 1983, in accordance with section 735(b) of the Act (19 U.S.C. 1673(b)), the ITC notified the Department that such importations are materially injuring a United States industry.

Therefore, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of greige polyester/cotton printcloth from the PRC. This antidumping duty will be assessed on all printcloth entered, or withdrawn from warehouse, for consumption on or after March 9, 1983, the date on which the Department published its "Suspension of Liquidation" notice in the **Federal Register**.

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated Customs duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margin of 22.4 percent.

This determination constitutes an antidumping order with respect to greige polyester/cotton printcloth from the People's Republic of China, pursuant to section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48). The Department intends to conduct an administrative review within twelve months of publication of this order, as provided for in section 751 of the Act (19 U.S.C. 1675).

We have deleted from the Commerce Regulations, Annex 1 to 19 CFR Part 353, which listed antidumping findings and orders currently in effect. Instead, interested parties may contact the Office of Information Services, Import Administration, for copies of the undated list of orders currently in effect.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Department of Commerce Regulations (19 CFR 353.48).

Dated: September 13, 1983.

Judith H. Bello,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-25383 Filed 9-15-83; 8:45 am]

BILLING CODE 3510-25-M

Shop Towels of Cotton From the People's Republic of China; Amended Final Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Commerce.

ACTION: Amendment to the notice of final determination of sales at less than fair value.

SUMMARY: On August 16, 1983, we published a Notice of Final Determination of Sales at Less than Fair Value with respect to shop towels of cotton from the People's Republic of China (48 FR 37055, August 16, 1983). That notice is hereby amended as

follows: 1) In the section entitled "Final Determination," the last two sentences of the second paragraph are amended as follows: "These margins ranged from 16.7 percent to 41.6 percent. The weighted-average margin on all sales compared is 36.2 percent."; and 2) in the section entitled "Suspension of Liquidation," the last sentence is amended as follows: "The weighted-average margins, shown as percentage of the FOB China price, are as follows:

Export	Weighted-average margin (percent)
China National Textile Import & Export Corporation	30.1
China National Arts & Crafts Import & Export Corporation	37.2
All Others	36.2

These changes are due to a mathematical error in the calculation of constructed value.

EFFECTIVE DATE: September 16, 1983.

FOR FURTHER INFORMATION CONTACT: Michael Ready, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. (202) 377–2613.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

September 12, 1983.

[FR Doc. 83-25380 Filed 9-15-83; 8:45 am]

BILLING CODE 3510-25-M

Steel Wire Rope From the Republic of Korea; Final Determination of Sales at Not Less Than Fair Value

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final determination of sales at not less than fair value: Steel wire rope from Korea.

SUMMARY: We have determined that steel wire rope from the Republic of Korea (Korea) is not, nor is likely to be, sold in the United States at less than fair value. We are terminating this investigation.

EFFECTIVE DATE: September 16, 1983.

FOR FURTHER INFORMATION CONTACT: Richard Rimlinger or Paul Thran, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave. NW., Washington, D.C. 20230; telephone: (202) 377–1276

SUPPLEMENTARY INFORMATION:

Case History

On September 28, 1982, we received a petition filed by counsel on behalf of the Committee of Domestic Wire Rope and Specialty Cable Manufacturers. In accordance with the filing requirements of § 353.36 of the Commerce Department Regulations (19 CFR 353.36), the petitioner alleged that steel wire rope from Korea is being, or is likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring, or are threatening to materially injure, a U.S. industry. The petition also alleged that critical circumstances, within the meaning of section 733(e) of the Act, exist.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping investigation. We notified the International Trade Commission (ITC) of our action and initiated such an investigation on October 18, 1982 (47 FR 47054). The ITC found, on November 12, 1982, that there is a reasonable indication that imports of steel wire rope are materially injuring, or are threatening the materially injure, a United States industry.

The petitioner alleged that a number of Korean companies produce steel wire rope for export to the United States. However, four producers, Korean Iron & Steel Works, Ltd. (KISW), Boo-Kook Steel & Wire Company, Ltd. (Boo-Kook), Dong-Il Steel Manufacturing Company, Ltd. (Dong-Il), and Young Heung Iron & Steel Company, Ltd. (Yound Heung), produce more than 90 percent of the exports to the United States. Questionnaires were presented in Korea to these producers on November 2, 1982.

On November 29, 1982, we received a letter from counsel for the Korean wire rope producers requesting additional time in which to respond because of the large variety of sizes and types of rope and the numbers of sales. We granted them two additional weeks, and we received the responses on December 20, 1982. In addition to the responses from the four companies mentioned above, a fifth company, Korea Sangsa Company, Ltd. (Korea Sangsa), provided a response.

On January 20, 1983, we found this case to be extraordinarily complicated because of the large number and complexity of the transactions and adjustments to be considered. We postponed our preliminary determination until April 26, 1983. (48 FR 2580).

Between February 21 and March 4, 1983, we verified, in Korea, the information contained in the questionnaire responses of the five Korean companies. On April 26, 1983, we preliminarily determined that there was no reasonable basis to believe or suspect that steel wire rope from Korea was being, or was likely to be, sold in the United States at less than fair value (48 FR 19447). On May 25, 1983, we held a hearing to allow interested parties to comment on our preliminary determination in accordance with section 353.47 of the Commerce regulations. On June 2, 1983, we received a request from the petitioner to extend our final determination from July 11 to September 12, 1983. This request was granted. We performed additional verification in Korea on August 1–5, 1983.

Scope of Investigation

For purposes of this investigation, the term "steel wire rope" covers ropes, cables and cordage, other than wire strand, of steel, other than brass plated, not fitted with fittings, not made into articles, and not covered with textiles or other non-metallic materials, currently provided for in items 642.1400, 642.1610 and 642.1650 of the *Tariff Schedules of the United States Annotated.*

Since the five respondents produced more than 90 percent of the steel wire rope exported from Korea to the United States during the period of investigation, we limited our investigation to them.

We investigated sales of wire rope which were made by these five producers during the period from April 1, 1982 to September 30, 1982.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772 of the Act, we used the purchase price of the subject merchandise to represent the United States price for sales by the Korean producers because the merchandise was sold to unrelated purchasers prior to its importation into the United States. We calculated the purchase price for each type of wire rope based on the f.o.b., c.i.f., or c.&f., price to unrelated customers in the United States. We made deductions, where appropriate, for inland freight, ocean freight, marine insurance, wharfage, stevedorage, brokerage and inspection in accordance with section 772(d)(2)(A) of the Act. We made an addition for import duties which were rebated or not collected by reason of the exportation of the merchandise to the United States, pursuant to section 772(d)(1)(B) of the Act.

Foreign Market Value

In accordance with section 773(a)(1)(A) of the Act, we calculated foreign market value based on home market sales prices for KISW, Boo-Kook, Young Heung, and Dong-Il. For Korea Sangsa, we used sales prices for export to a country other than the United States (a "third country"), as required by section 773(a)(1)(B) of the Act. Korea Sangsa had no home market sales of the subject merchandise. We used Korea Sangsa's sales prices to the Federal Republic of Germany (Germany), the third country with the largest sales volume, for the purpose of calculating foreign market value.

We calculated the home market prices for each type of wire rope on the basis of the delivered prices to unrelated purchasers. We deducted inland freight. We made adjustments, where appropriate, for differences in merchandise in accordance with section 773(a)(4)(C) of the Act, and for differences in cost relating to product liability insurance and credit terms pursuant to section 773(a)(4)(B) of the Act. Finally, we adjusted for differences in packing in accordance with section 773(a)(1) of the Act. For Korea Sangsa, we calculated third country price on the basis of the price to unrelated customers in Germany. We made deductions, where appropriate, for inland freight, ocean freight, product liability insurance, wharfage, brokerage, and marine insurance. We made adjustments, where appropriate, for differences in merchandise in accordance with section 773(a)(4)(C) of the Act. We also made adjustments for differences in cost relating to product liability insurance and credit terms pursuant to section 773(a)(4)(B) of the Act, and for differences in packing pursuant to section 773(a)(1) of the Act.

Petitioners' Comments

Comment 1

Petitioner contends that the Korean producers under investigation have purchased Korean-produced high-carbon rod to make steel wire rope for exportation to the United States. Therefore, petitioner objects to the addition to the United States price of a duty rebate or remission based on the claim of Korean respondents that all high-carbon rod used to make steel wire rope during the period under investigation had been imported.

DOC Position

Under section 772(a)(1)(B) of the Act, the Department is required to increase purchase price by "the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the merchandise to the United States". Although all respondents (except Korea Sangsa) purchased Korean-produced high-carbon rod on which no import duty is levied, we have established, based on verification, that all wire rope was produced from imported rod on which import duties have been levied. Therefore, the entire amount of this adjustment is warranted.

In the alternative, even if the Korean firms used domestic wire rod in the production of rope for export, there is evidence on the record of sufficient imports of high-carbon rod to more than account for all exports of wire rope. Under the principle of drawback substitution, this is sufficient to warrant an adjustment for the drawback of duties by the Korean government on exports of wire rope.

Comment 2

Petitioner alleges that an office maintained by KISW at Fort Lee, New Jersey, sells steel wire rope out of inventory, functions as a warehousing center, and has incurred direct selling expenses, such as the costs of warranty and returns and allowances.

DOC Position

Although KISW does maintain a small office at Fort Lee, New Jersey, our investigation indicates that the main function of the office is to gather marketing information, provide a communication outlet for customers, and serve as a purchasing agent for the parent firm. Ordinarily, the office has no sales function. However, the office has occasionally rented private warehouse space and sold small quantities of stainless steel wire rope out of stock. During the priod under investigation, KISW's office at Fort Lee sold less than 5 metric tons of wire rope out of stock. Because the volume of sales was insignificant in comparison to total imports of the subject merchandise, and because fair value comparisons for these sales would have required the use of a different method of calculating U.S. price, the Department disregarded these sales. We also examined the records of this office and found no evidence of the incurrence of any costs of warranty, returns and allowances, or other direct selling expenses.

Comment 3

Petitioner contrasts total sales reported by the five respondents during the investigative period, April 1 through September 30, 1982, with Department of Commerce import statistics for various six-month periods between April 1, 1982, through March 31, 1983, and concludes that there is a "short fall" between U.S. imports and reported Korean sales of at least 20 percent. Therefore, petitioners assert that there is substantial evidence that the Korean producers have not reported all sales to the United States.

DOC Position

Respondents were asked to report all *sales* to the United States during the investigative period, not *exports*. Information on record indicates that the five Korean producers have exported a significant quantity of steel wire rope during the investigative period which was purchased *prior* to the period. During the course of this investigation we have reviewed all available information regarding sales and exports, and have found no evidence of unreported sales by the producers under investigation.

Comment 4

Petitioner alleges that the Korean respondents have incurred warranty, guarantee and mill-test certificate expenses for United States sales which were not reported and which should have been deducted from U.S. price.

DOC Position

The Department has conducted extensive verification of the Korean respondents' records and found no evidence of warranty or guarantee expenses incurred during the period under investigation. However, the respondents did incur an expense for product liability insurance, for which the Department has made an adjustment to foreign market value pursuant to section 773(a)(4)(B) of the Act. With respect to mill-test certificate expenses, the Department has information indicating that mill-test certificates are frequently requested for United States sales and less frequently for sales in the Korean home market. All testing and inspection required for the issuance of a mill-test certificate is performed internally by the respondents' own employees. These expenses are incurred on production of all steel wire rope and represent a normal cost of production, not a selling expense which is directly related to the sales under consideration. Also, any expenses incurred in typing a mill-test certificate would be *de minimus* and would have no impact on the results of this investigation.

Comment 5

Petitioner contends that a large number of calculation errors were made by the Department with respect to the

fair value comparisons and have submitted a list of particular, alleged errors.

DOC Position

The Department has carefully reviewed the petitioner's list and has concluded that in many instances the Department's calculations were correct. However, *bona fide* errors have been found and corrected for this final determination.

Comment 6

Petitioner argues that small quantity sales in the home market of under 200 feet should be disregarded as not being comparable to the usual transactional quantities of steel wire rope sold to the United States.

DOC Position

We have reviewed all Korean home market sales and have found no real correlation between the prices paid and quantities purchased on individual transactions. Therefore, it is our opinion that weighted-average home market prices are appropriate and that all sales should be considered.

Comment 7

Petitioner alleged that there is substantial evidence that certain Korean wire rope is sold at less than the cost of production in the home market. Petitioners also submitted certain cost data in support of the allegation and requested that the Department initiate a cost of production investigation.

DOC Position

We have dismissed petitioner's allegations of sales at less than cost for two reasons. First, the allegation was deficient because the cost data submitted by petitioners were not properly supported. Petitioner did not adequately explain nor justify the cost of production factors which were used in its submission to demonstrate sales in the home market at less than cost. Second, the allegation was untimely. The submission was received in proper form just 59 days prior to the date on which we are required by statute to make a final determination, notwithstanding the fact that petitioners had been in position to make such an allegation much earlier in this case. We believe that a minimum of four months is required to conduct a cost investigation. We would require the time to prepare the cost questionnaires, present them in Korea, and allow at least 30 days for the responses. Then we would need additional time to analyze the responses from each of the five companies, verify each response in Korea, and prepare our final determination.

Comment 8

Petitioner alleges that the U. S. customers of Korean producers are reselling wire rope in the United States at a loss and that the Department should investigate the selling prices of the U.S. customers.

DOC Position

Our fair value determinations are based on a comparison of the prices of the Korean producers to unrelated customers in the United States and in the home market. The prices at which U.S. customers unrelated to producers have resold the merchandise in the United States cannot provide a basis for fair value comparisons. Petitioners have not alleged specifically, nor submitted evidence showing, that any sales between the Korean producers and their unrelated U.S. customers were fictitious or not "arms length". Therefore, any further investigation would exceed our statutory authority.

Comment 9

Petitioner suggests that Korean respondents may have sold steel wire rope to different classes of purchasers, such an end-users or wholesalers, at different prices. If this is the case, petitioner argues that comparisons should be made at the same level of trade as sales are made in the United States.

DOC Position

Our investigation indicates that the prices of the Korean respondents to their home market customers were determined through negotiation with each individual customer. There is no correlation between price and class of customer. Therefore, we believe it is proper to use weighted-average prices to all classes of customers at the wholesale level for our fair value comparisons.

Comment 10

With respect to certain Korean respondents, some home market sales were made to Korean government agencies. Petitioner argues that we should omit these sales from comparison because they are made on a cash basis and do not reflect normal payment practices.

DOC Position

In calculating fair value, we adjust for differences in credit terms. Therefore, this is not a valid reason for eliminating these sales from comparison.

Comment 11

Petitioner argues that credit expense differences should be computed from the date of production or the date of sale (whichever occurs later) until the time of actual payments, as opposed to computing these expenses from the time of shipment or delivery to the time of actual payment in all cases.

DOC Position

Under section 353.15, Commerce Regulations, we adjust for differences in credit or payment terms between U.S. and home market sales transactions. This adjustment is not intended to adjust for indirect selling expenses, such as the carrying costs of finished inventory. Since payment is generally due at the time of delivery or shipment, we believe that our credit cost adjustement is correct.

Comment 12

In the case of Boo-Kook, petitioners argue that a 13-day bank fee expense incurred on U.S. sales when payment terms are "letter of credit at sight" should be taken into consideration when adjusting for differences in payment terms.

DOC Position

We agree with the petitioner's position, because this particular charge is directly related to the payment terms of U.S. transactions. For purpose of this final determination we have taken into account the 13-day bank fee expense in adjusting for differences in credit terms.

Comment 13

Petitioner alleges that the Department failed to take into account a business tax amount applied to home market sales.

DOC Position

The Department believes that petitioner is referring to a value added tax which is billed separately to the customer and is not included in the home market price. Therefore, no adjustment is required.

Comment 14

Petitioner argues that the Department should not allow a claim by Boo-Kook for differences in labor, and a claim by Young Heung for differences in labor and variable factory overhead, when adjusting for differences in merchandise. Petitioner contends that labor and direct facrory overhead cannot possibly differ when adjustments are made between two different sizes of wire rope.

DOC Position

We have allowed Boo-Kook and Young Heung's claims with respect to labor and factory overhead differences based on information submitted in support of these claims at verification.

Comment 15

Petitioner argues that certain steel wire rope constructions sold in the home market, such as 6x24x7FC, 7x7x78, and 7x7x19, are special construction ropes which are not capable of comparison with U.S. constructions.

DOC Position

If merchandise is such or similar within the meaning of section 771(16) of the Act, it is capable of being compared to merchandise sold to the United States. We believe that the above-cited definition of such similar is broad enough to encompass the steel wire rope construction specified by the petitioner.

Comment 16

Petitioner argues that wooden reel packing claimed by KISW for sales of small lengths in the home market should be disregarded.

DOC Position

KISW's response indicates that wooden reel packing is used for continuous length sales of over 200 meters, or for wire rope over 22 millimeters in diameter. The Department has verified KISW's packing costs and believes that this cost adjustment is justified.

Comment 17

In the case of KISW, petitioner argues that home market inland freight should be calculated using average freight charges from the nearest of three plants instead of inland freight from just the Pusan plant. Petitioner also contends that the Department ignored containerization fees and a discrepancy between export and domestic inland freight in the Pusan area.

DOC Position

The Department has investigated containerization fees and we reported our findings in our verification report of KISW. Inland freight charges were calculated using average transportation costs from the three plants. The differences in domestic and export inland freight charges are due to the different modes of transport, such as the use of trucks for domestic delivery and containers for export shipments in the Pusan area.

Comment 18

In the case of KISW, petitioner argues that stevedorage expenses should have been deducted from U.S. price.

DOC Position

KISW included stevedorage expenses in inland freight charges. The Department has verified these expenses and deducted them from the U.S. price.

Comment 19

Petitioner alleges that we have not adjusted for certain packing costs, product liability costs, and direct selling costs of Korea Sangsa.

DOC Position

We have adjusted for product liability costs in our fair value calculations. We have verified that Korea Sangsa has not incurred any direct selling costs other than those for which we have already adjusted. We have also verified that Korea Sangsa's packing for both the United States and Germany are the same and that there are virtually no differences in packing costs for the two markets.

Comment 20

Petitioner asserts that the Department failed to take into account product liability insurance expenses for aircraft cable for Young Heung.

DOC Position

Young Heung's insurance policy excepts aircraft cable. Young Heung stated that it does not guarantee its aircraft cable for aircraft use and has no additional product liability expenses other than those reported.

Critical Circumstances

The petitioner alleges that "critical circumstances" exist with respect to imports of steel wire rope from Korea. Since we preliminarily determined the subject merchandise has not been sold in the United States at less than fair value, we did not determine at that time whether critical circumstances existed. As our final determination in this case is negative, the allegation is moot and we will not address it.

Verification

In accordance with 776(a) of the Act, we have verified all data used in reaching our final determination in this investigation, using standard verification procedures, including on-site inspection of the manufacturers' operations and examination of the books and records of the five manufacturers.

Results of Investigation

We found an overall weighted-average margin of less than 0.5 percent for exports of steel wire rope from Korea. This is *de minimis*. The results for each company are as follows:

Firm	Weighted average margin percentage	Percentage of total sales compared
Boo-Kook Steel Works & Wire Co	0.48	99.3
Dong-Il Steel Mfg., Co	.31	95.5
Korea Iron & Steel	.02	95.2
Korea Sangsa Co	.00	72.4
Young Heung Iron & Steel Co	.14	98.8

Final Determination

We have determined that steel wire rope from Korea is not being, nor is likely to be, sold in the United States at less than fair value, as provided in section 733 the Act. Our final determination of sales at not less than fair value terminates this investigation.

In accordance with section 735(a) of the Act, we will notify the ITC of our determination. This determination is being published pursuant to section 735(d) of the Act (19 U.S.C. 1673(d)).

September 12, 1983.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

[FR Doc. 83-25382 Filed 9-15-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Marine Fisheries Advisory Committee; Public Meeting with Partially Closed Session

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice.

SUMMARY: As required by Section 10(a)(2) of the Federal Advisory Committee, Act, 5 U.S.C. App. (1976) as amended, notice is hereby given of a partially closed meeting of the Marine Fisheries Advisory Committee (MAFAC). MAFAC was established by the Secretary of Commerce on February 17, 1971, to advise the Secretary on matters pertinent to the Department's responsibilities for marine fishery resources and on means to facilitate cooperation between public and private interests in these matters.

DATES: The meeting will convene September 28, 1983, at 8:30 a.m. and adjourn at approximately 3:30 p.m. on September 29, 1983. The closed session of the meeting will commence at 2:30

p.m. on September 29, 1983, and adjourn at 3:30 p.m.

ADDRESS: The meeting will be held at the Old Colony Inn, in Alexandria, Virginia.

Meeting agenda. The proposed meeting agenda is as fillows:

Agenda

Open session—September 28, 1983 (8:30 a.m.–noon) Fisheries Oceanography panel presentation and presentation of NOAA fisheries oceanographic research programs.

Open session—September 28, 1983 (1:30 p.m.–5:00 p.m.) (a) presentation of NOAA fisheries oceanographic research programs continued; (b) proposed NOAA initiative—fisheries oceanography coordinated investigations (FOCI); and (c) group discussion and recommendations.

Open session—September 29, 1983 (8:30 a.m.–noon) (a) International Trade/NOAA Reoganization (b) subcommittee reports; (c) joint venture policy; and (d) gear technology research.

Open session—September 29, 1983 (1:30 p.m.–2:30 p.m.) (a) Salt water fishing license (H.R. 2965) and (b) NOAA Five Year Plan.

Closed session—September 29, 1983 (2:30 p.m.–3:30 p.m.) Consider and discuss the living marine resources proposals of the NOAA FY 1985 budget.

SUPPLEMENTARY INFORMATION: The Assistant Secretary of Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on September 13, 1983, pursuant to section 10(d) of the Federal Advisory Committee Act, that the agenda item to be covered during the closed session may be exempt from the provisions of the Act relating to open meetings and public participation therein, because the item will be concerned with matters that are within the purview of 5 U.S.C. Section 552b(c)(B) as information on the premature disclosure of which will be likely to significantly frustrate the implementation of proposed agency action. (A copy of the determination is available for public inspection and duplication in the Central Reference and Records Inspection Facility, Room 6628, Department of Commerce.) All other portions of the meeting will be open to the public.

FOR FURTHER INFORMATION OR COPIES OF MINUTES CONTACT: Ann Smith, Executive Secretary, Marine Fisheries Advisory Committee, National Marine Fisheries Service, NOAA, Washington, D.C. 20235. Telephone: (202) 634–9563.

Dated: September 13, 1983.

William G. Gordon,

Assistant Administrator for Fisheries.

[FR Doc. 83-25315 Filed 9-15-83; 8:45 am]

BILLING CODE 3510-08-M

North Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice.

SUMMARY: The North Pacific Fishery Management Council, established by the Magnuson Fishery Conservation and Management Act has established a Scientific and Statistical Committee (SSC) and an Advisory Panel (AP) to assist the Council in carrying out its responsibilities under the Magnuson Act. The Council, its SSC and AP, will hold separate public meetings.

DATES: The Council will convene on Wednesday, September 28, 1983, at approximately 9:00 a.m.. The Council will meet until about 5:00 p.m. on Thursday, September 29, or until Council business is completed. SSC meeting will convene at 9:00 a.m. on Monday, September 26 and will adjourn at approximately 5:00 p.m. on Tuesday, September 27. The AP will convene its meeting at approximately 5:00 p.m. the same day. The meetings may be lengthened or shortened depending upon progress on agenda items.

Plan Team meetings may be held on short notice during the Council meeting week. These meetings will be posted at the Council meeting site. All meetings are open to the public.

ADDRESS: Meetings will be held at the Old Federal Building, 605 W. 4th Avenue, Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT: Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510 (907–274–4563).

SUPPLEMENTARY INFORMATION: *Proposed Agenda:* Council—A detailed agenda will be sent to the public about September 12, 1983. The Council will hold elections for Chairman and Vice-Chairman, hear reports on domestic and foreign fisheries and on enforcement and surveillance, and consider foreign permit applications from Taiwan and Spain. They will also review the final draft of the Herring Fishery Management Plan and may call for proposals for the 1984 salmon troll fishery off Southeast Alaska. The Council will also consider final approval for the King Crab Fishery Management Plan. Tanner Crab Amendment 10 will be up for final review and the Council will discuss NMFS' disapproval of the pot limits in Amendment 8 to the Tanner Crab Plan. Also on the agenda will be a report from the Council's Halibut Workgroup on future Council action on management measures for the halibut fishery. The Council will review the Resource Assessment Document (RAD) for the Bering Sea/Aleutian Islands Groundfish FMP and set preliminary figures for Total Allowable Catch (TAC), Domestic Annual Processing Capacity (DAP) and Joint Venture Processing Capacity (JVP) for 1984 for groundfish fisheries in both the Gulf of Alaska and the Bering Sea/Aleutian Islands. The agenda will include several contracts for review and/or approval by the Council.

The SSC and AP agenda items will be similar to that of the Council.

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

Dated: September 12, 1983.

William G. Gordon,

Assistant Administrator for Fisheries National Marine Fisheries Service

[FR Doc. 83-25314 Filed 9-15-83; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice.

SUMMARY: The South Atlantic Fishery Management Council, established by the Magnuson Fishery Conservation and Management Act (Public Law 94–265, as amended), will meet to discuss the status of the Swordfish and the Coastal Migratory Pelagics (mackerel) Fishery Management Plans, to review the rejected provision of the Snapper-Grouper Fishery Management Plan, review the status of the shrimp fishery, as well as discuss other fishery management and administrative matters, as necessary.

DATES: October 17–20, 1983 (9 a.m. on October 17 to approximately 3 p.m. on October 20) October 19, 1983—Closed Session (2 p.m. to 3 p.m. to discuss personnel matters).

ADDRESS: The public meetings will take place at the Hyatt Regency, 2 W. Bay Street, Savannah, Georgia.

FOR FURTHER INFORMATION CONTACT: David H. G. Gould, Executive Director, South Atlantic Fishery Management Council, Southpark Building, Suite 306, One Southpark Circle, Charleston, South

Carolina 29407, Telephone (803) 571–4366.

Dated: September 12, 1983.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 83-25313 Filed 9-15-83; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1983; Proposed Additions and Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to and deletion from procurement list.

SUMMARY: The Committee has received proposals to add and delete from Procurement List 1983 commodities and a military resale commodity to be produced by and a service to be provided by workshops for the blind and other severely dandicapped.

Comments must be received on or before: October 19, 1983

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodity, military resale commodity, and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity, military resale commodity, and service to Procurement List 1983, November 18, 1982 (47 FR 52101):

CLASS 7210

Sheet, Bed, Disposable 7210–00–144–6082

Military Resale Item No. and Name

No. 590 Paper Towel Holder

SIC 7349

Janitorial Service, Federal Building, 801 Capitol Way, Olympia, Washington.

Deletions

It is proposed to delete the following commodity from Procurement List 1983, November 18, 1982 (47 FR 52101):

CLASS 8440

Belt, Trousers
8440–00–964–3979

C. W. Fletcher,

Executive Director.

[FR Doc. 83-25341 Filed 9-15-83; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Army

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Recreation Research—Use Survey, ENG Form 4835.

Recreation use figures are needed to supplement research efforts directed toward program evaluation and increasing cost efficiency of planning, design and management of Corps projects and to report visitation to Congress as required by Pub. L. 92–347.

Individuals: 25,000 responses; 2,750 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697–1195.

A copy of the information collection proposal may be obtained from David O. Cochran, DAAG–OPI, Room 1D667, Pentagon, Washington, D.C. 20310, telephone (202) 695–5111.

Dated: September 13, 1983.

M.S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-25327 Filed 9-15-83; 8:45 am]

BILLING CODE 3710-08-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Questionnaire for Corps of Engineers Data Collection for Planning Purposes, Eng Form 3669.

These questions are designed to gather data essential for planning navigation, flood control, shore protection, water supply and water conservation projects.

Individuals, businesses or organizations: 4,000 repondents, 2,000 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, D.C. 20301, telephone (202) 694–0187.

A copy of the information collection proposal may be obtained from David O. Cochran, DAAG–OPI, Room 1D667, Pentagon, Washington, D.C. 20310, telephone (202) 695–695–5111.

Dated: September 13, 1983.

M.S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-25328 Filed 9-15-83; 8:45 am]

BILLING CODE 3710-08-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) to whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Application for Retired Pay Benefits, DD Form 108.

The primary purpose of this effort is to collect personal identifers such as: name, SSN, address, highest grade held and elected date of retirement. This information is necessary to process requests or retired pay of reserve members.

Individual reserve members: 16,386 respondents, 2,731 hours.

Forward comments Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, D.C. 20301, telephone (202) 694–0187.

A copy of the information collection proposal may be obtained from David O. Cochran, DAAG–OPI, Room 1D667, Pentagon, Washington, D.C. 20310, telephone (202) 695–5111.

Dated: September 13, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83–25329 Filed 9–15–83; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Board of Visitors to the United States Naval Academy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 1), notice is hereby given that the Board of Visitors to the United States Naval Academy will meet on October 7, 1983, at the United States Naval Academy. The session, which is open to the Public, will commence at 8:30 a.m., on October 7, 1983, in Room 301, Rickover Hall, and end at 4:00 p.m.

The purpose of the meeting is to make such inquiry as the Boad shall deem necessary into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, and academic method of the Naval Academy.

For further information concerning this meeting contact: Rear Admiral Robert W. McNitt, USN (Ret.), Secretary of the Board of Visitors, Dean of Admissions, U.S. Naval Academy, Annapolis, Maryland 21402. Telephone: (301) 267–4361.

Dated: September 12, 1983.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 83–25338 Filed 9–15–83; 8:45 am]

BILLING CODE 3810–AE–M

Chief of Naval Operations Executive Panel Advisory Committee, Cost Technology Task Force; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet October 4–5, 1983, from 9 a.m. to 5 p.m. each day, at 2000 North Beauregard Street, Alexandria, Virginia 22311. All sessions will be closed to the public.

The entire agenda for the meeting will consist of discussions of key issues related to naval aspects of national security policy and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander R. Robinson arris, Executive Secretary of the CNO Executive Panel Advisory Committee, 2000 North Beauregard Street, Room 392, Alexandria, Virginia 22311. Phone (202) 694–8422.

F.N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy Alternate Federal Register Liaison Officer.

[FR Doc. 83–25339 Filed 9–15–83; 8:45 am]

BILLING CODE 3810–AE–M

DEPARTMENT OF EDUCATION

Minority Institutions Science Improvement Program; Application Notice

AGENCY: Department of Education.

ACTION: Application Notice for Minority Institutions Science Improvement Program (MISIP).

SUMMPLEMENTARY INFORMATION: Applications are invited for new grant awards to be made in fiscal year 1984 under the Minority Institutions Science Improvement Program (MISIP), administered by the Fund for the Improvement of Postsecondary Education.

The Secretary makes four types of project grant awards under MISIP. Depending on the type of grant, eligible applicants are public and private nonprofit predominantly minority institutions, professional scientific societies, or nonprofit accredited colleges and universities which render a needed service to a group of eligible minority institutions, or which provide in-service training to project directors, scientists and engineers from eligible institutions.

Authority for this program is contained in section 406A of the General Education Provision Act, as amended by the Education Amendments of 1980, Pub. L. 96–374.

(20 U.S.C. 1221e–lb)

Closing Dates for Transmittal of Applications: Applications for Institutional, Design, and Cooperative project grants (84.120A) must be mailed or hand-delivered by December 2, 1983. Applications for Special project grants (84.120B) must be mailed or hand-delivered by March 2, 1984.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.120A, Washington, D.C. 20202.

To estabish proof of mailing, an applicant must show one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

If any application is sent through the U.S. Postal Service, the Secretary does not accept a private metered postmark or mail receipt that is not dated by the U.S. Postal Service as proof of mailing. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its applications will not be considered.

Applications Delivered by Hand: An application that is hand-delivered must be taken to the U.S. Department of Education Application Control Center, Room 5673, Regional Office Building 3, Seventh and D Streets, S.W., Washington, D.C.

The Secretary will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. Applications for Institutional, Design, or Cooperative project grants that are hand-delivered will not be accepted after 4:30 p.m. on December 2, 1983. Applications for Special project grants that are hand-delivered will not be accepted after 4:30 p.m. on March 2, 1984.

Program Information: The Secretary supports projects that propose to enhance a minority institution's capacity for developing and maintaining a quality science education program for all of its students and to augment the institution's capability for increasing the flow of underrepresented ethnic minorities into the fields of science and engineering.

The Secretary awards grants in the following categories of projects:

(1) Design projects grants to assist minority institutions that do not have their own appropriate resources or personnel to plan and develop long-range science improvement;

(2) Institutional project grants to individual minority institutions to support the implementation of a comprehensive science improvement plan, which may include any combination of activities for improving the preparation of minority students for careers in science and engineering;

(3) Cooperative project grants to assist groups of nonprofit accredited colleges and universities to work together to conduct a science improvement project;

(4) Special project grants to

(a) Minority institutions to support activities that improve quality training in science and engineering or enhance a minority institution's general scientific research capabilities.

(b) All eligible applicants to support activities that provide a need service to a group of eligible minority institutions or provide in-service training for project directors, scientists, and engineers from eligible minority institutions.

Available Funds:

(a) Approximately $3.8 million is estimated to be available for Institutional and Cooperative project grant awards in fiscal year 1984. It is estimated that these funds will support approximately 15 awards. The maximum amount for an Institutional project grant is $300,000 and $500,000 for a Cooperative project grant for a 36-month period.

(b) Approximately $1.0 million is estimated to be available for Special project and Design grant awards in fiscal year 1984. It is estimated that these funds will support approximately 18 grant awards for Special and Design projects. The maximum amount for a Special project grant award is $150,000 for a 24-month project period. The maximum amount for a Design project grant award is $20,000 for a 12-month period.

These estimates do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant, unless the amount is otherwise specified by statute or regulations.

Application Forms: Application forms are included in the program information packages that are expected to be ready for mailing by late September 1983. Interested persons may obtain program information packages by writing to the U.S. Department of Education, Office of Postsecondary Education, Fund for the Improvement of Postsecondary Education, Attn. 84.120A, Minority Institutions Science Improvement Program, Room 3100 Regional Office Building #3, Seventh and D Streets, S.W., Washington, D.C. 20202, Telephone: 202/426-9313

The program information packaged is intended to aid applicants in applying for assistance under this competition. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those specifically imposed under the statute and regulations governing the competition.

Applicable Regulations: Regulations applicable to this program include the following:

(1) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, and 78.

(2) Regulations governing the Minority Institutions Science Improvement Program (34 CFR Part 637).

Further Information: For further information, contact the U.S. Department of Education, Office of Postsecondary Education, Fund for the Improvement of Postsecondary Education, regarding the Minority Institutions Science Improvement Program (84.120A 84.120B). Telephone: 202/426-9313.

Dated: September 9, 1983.

(Catalog Federal Domestic Assistance No. 84.120A, Minority Institutions Science Improvement Program)

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 83-25308 Filed 9-15-83; 8:45 am]

BILLING CODE 4000-01-M

Office of Special Education and Rehabilitative Services

Application Notice Establishing Closing Dates for Transmittal of Certain Fiscal Year 1984 Noncompeting Continuation Grant Applications; Education of the Handicapped

AGENCY: Office of Special Education and Rehabilitative Services, Education.

ACTION: Notice.

SUMMARY: The purpose of this application notice is to inform potential applicants of fiscal and programmatic information and closing dates for transmittal of noncompeting continuation grant applications for certain programs administered by the Office of Special Education and Rehabilitative Services.

Organization of Notice

This notice contains two parts. Part I includes a list of all application closing dates covered by this notice. Part II contains the individual application announcements for each program.

Instructions for Transmittal of Applications

Applicants should note specifically the instructions for the transmittal of applications included below:

Transmittal of Applications: To be assured of consideration for funding, applications for noncompeting continuation awards should be mailed or hand delivered on or before the

closing date given in the individual program announcements included in this document.

If an application is late, the Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications Delivered by Mail: Applications must be addressed to the Department of Education, Application Control Center, Attention: (Insert appropriate CFDA Number), Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications Delivered by Hand: Hand-delivered applications must be taken to the Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

PART I—LIST OF PROGRAM APPLICATION ANNOUNCEMENTS PUBLISHED IN THIS NOTICE

CFDA No.	Program Title	Closing date
84.023X	Research in Education of the Handicapped—Field Initiated Research Projects—Phase I	Oct. 17, 1983.
84.023Y	Research in Education of the Handicapped—Field Initiated Research Projects—Phase II	Apr. 2, 1984.
84.023F	Research in Edcation of the Handicapped—Assessment Research Projects	Mar. 1, 1984.
84.023R	Research in Education of the Handicapped—Technology Effectiveness Research Projects.	Do.
84.024X	Handicapped Children's Early Education—Demonstration Projects.	Nov. 10, 1983.
84.024C	Handicapped Children's Early Education—State Implementation Grants.	Mar. 30, 1984.
84.078A	Regional Education Programs for Handicapped Persons—Centers for Deaf Students.	Jan. 23, 1984.

Part II—Application Notices

84.023X Research in Education of the Handicapped—Field Initiated Research Projects—Phase I

Applications are invited for noncompeting continuation Field Initiated Research projects (Phase I) under the Research in Education of the Handicapped program.

Authority for this program is contained in Sections 641 and 642 of Part E of the Education of the Handicapped Act.

(20 U.S.C. 1441, 1442)

Awards are made under this program to States, State or local educational agencies, institutions of higher education, and other public or nonprofit private educational or research agencies and organizations.

The purpose of this program is to provide a source of support for a broad range of research and development projects that fall outside areas of interest identified by the Education Department as priorities for directed research activities. The appropriate areas of interest for projects are limited only by the mission of the research program—support of applied research relating to education of the handicapped.

Closing Date for Transmittal of Applications: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by October 17, 1983.

If the application is late, the Department of Education may lack sufficient time to review it with other applications for noncompeting continuations and may decline to accept it.

Available Funds: It is estimated that approximately $1,100,000 will be available for support of twelve (12) noncompeting continuation grants in Fiscal Year 1984. This estimate does not bind the Department of Education to a specified number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application Forms: Application forms and program information packages will be mailed to grantees on September 16, 1983 who are eligible to apply for noncompeting continuation grant support under this notice.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 20 double-spaced or 10 single-spaced pages in length. The Secretary further urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Research in Education of the Handicapped program (34 CFR Part 324).

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

For Further Information Contact: Allen Dittmann, Research Projects Branch, Special Education Programs, Donohoe Building, Room 4839, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202)472-4640.

(20 U.S.C. 1441, 1442)

84.023Y Research in Education of the Handicapped—Field Initiated Research Projects—Phase II

Applications are invited for noncompeting continuation Field Initiated Research projects (Phase II) under the Research in Education of the Handicapped program.

Authority for this program is contained in Sections 641 and 642 of Part E of the Education of the Handicapped Act. (20 U.S.C. 1441–1442)

Awards are made under this program to States, State or local educational agencies, institutions of higher education, and other public or nonprofit private educational or research agencies and organizations.

The purpose of this program is to provide a source of support for a broad range of research and development

projects that fall outside areas of interest identified by the Education Department as priorities for directed research activities. The appropriate areas of interest for projects are limited only by the mission of the research program—support of applied research relating to education of the handicapped.

Closing Date for Transmittal of Applications: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by April 2, 1984.

If the application is late, the Department of Education may lack sufficient time to review it with other applications for noncompeting continuations and may decline to accept it.

Available Funds: It is estimated that approximately $1,700,000 will be available for support of nineteen (19) noncompeting continuation grants in Fiscal Year 1984. This estimate does not bind the Department of Education to a specified number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Application forms and program information packages will be mailed on September 16, 1983 to grantees who are eligible to apply for noncompeting continuation grant support under this notice.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 20 doubled-spaced or 10 single-spaced pages in length. The Secretary further urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Research in Education of the Handicapped program (34 CFR Part 324).

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

For Further Information Contact: For further information contact Allen Dittmann, Research Projects Branch, Special Education Programs, Donohoe Building, Room 4839, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 472-4640.

(20 U.S.C. 1441, 1442)

84.023F Research in Education of the Handicapped—Assessment Research Projects

Applications are invited for noncompeting continuation Assessment Research projects under the Research in Education of the Handicapped program.

Authority for this program is contained in Sections 641 and 642 of Part E of the Education of the Handicapped Act.

(20 U.S.C. 1441, 1442)

Awards are made under this program to States, State or local educational agencies, institutions of higher education, and other public or nonprofit private educational or research agencies and organizations.

The purpose of this program is to support projects on assessment instruments and systems related to education of the handicapped.

Closing Date for Transmittal of Applications: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by March 1, 1984.

If the application is late, the Department of Education may lack sufficient time to review it with other applications for noncompeting continuations and may decline to accept it.

Available Funds: It is estimated that approximately $1,000,000 will be available for support of three (3) noncompeting continuation grants in Fiscal Year 1984. This estimate does not bind the Department of Education to a specified number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application Forms: Application forms and program information packages will be mailed on September 16, 1983 to grantees who are eligible to apply for noncompeting continuation grant support under this notice.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 20 double-spaced or 10 single-spaced pages in length. The Secretary further urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Research in Education of the Handicapped program (34 CFR Part 324).

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

For Further Information Contact: For further information contact Allen Dittmann, Research Projects Branch, Special Education Programs, Donohoe Building, Room 4839, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 472-4640.

(20 U.S.C. 1441-1444)

84.023R Research in Education of the Handicapped—Technology Effectiveness Research Projects

Applications are invited for noncompeting continuation Technology Effectiveness Research projects under the Research in Education of the Handicapped program.

Authority for this program is contained in Sections 641 and 642 of Part E of the Education of the Handicapped Act.

(20 U.S.C. 1441-1442)

Awards are made under this program to States, State or local educational agencies, institutions of higher education, and other public or nonprofit private educational or research agencies and organizations.

The purpose of this program is to support projects on the use of technological devices and systems in schools and by handicapped students.

Closing Date for Transmittal of Applications: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by March 1, 1984.

If the application is late, the Department of Education may lack sufficient time to review it with other applications for noncometing continuations and may decline to accept it.

Available Funds: It is estimated that approximately $1,000,000 will be available for support of four (4) noncompeting continuation grants in Fiscal Year 1984. This estimate does not

bind the Department of Education to a specified number of grants or to the amount of any grant unless that amount is otherwise specified by statue or regulations.

Applications Forms: Application forms and program information packages will be mailed to grantees who are eligible to apply for noncompeting continuation grant support under this notice.

Applications must be prepared and submitted in accordance with the regulations, instruction, and forms included in the program information packages. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirment beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 20 double-spaced or 10 single-spaced pages in length. The Secretary further urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Research in Education of the Handicapped program (34 CFR Part 324).

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

FOR FURTHER INFORMATION CONTACT: For further information contact Allen Dittmann, Research Projects Branch,Special Education Programs, Donohoe Building, Room 4839, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 472–4640.

(20 U.S.C. 1441, 1442)

84.024X Handicapped Children's Early Education—Demonstration Projects

Applicantions are invited for continuation applications for demonstration projects under the Handicapped Children's Early Education program.

Authorization for this program is contained in Section 623 of Part C of the Education of the Handicapped Act.

(20 U.S.C. 1423)

Awards are made under this program to public agencies and private nonprofit organizations currntly operating projects under multi-year grants.

The purpose of this program is to support eligible parties in developing and carrying out experimental preschool and early education programs for handicapped children which incorporate the basic principles of child growth and development, psychology of learning, special education, and other disciplines that may be associated with the handicapped.

Closing Date for Transmittal of Applications: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand deliverd by November 10, 1983.

Available Funds: It is expected that support of continuation grants in Fiscal Year 1984 will not exceed the level of support originally projected for the appropriate year of the project. Thjis estimate of funding level does not bind the U.S. Department of Education to a specified number of grants or to the amount of any grant, unless that amount is otherwise specified by statue or regulations.

Application Forms: Application forms and program information packages are expected to be ready for mailing by October 3, 1983. These materials may be obtained by writing to: Program Development Branch, Special Education Programs, Donohoe Building, Room 4046, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 20 pages in length. The Secretary further urges that the applicant submit only the information that is requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Handicapped Children's Early Education program (34 CFR Part 309).

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

For Further Information Contact: Jane DeWeerd, Program Development Branch, Special Education Programs, Donohoe Building, Room 4046, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 245–9405.

(20 U.S.C. 1423)

84.024C Handicapped Children's Early Education—State Implementation Grants

Applications are invited for continuation applications for State Implementation Grants under the Handicapped Children's Early Education program.

Authorization for this program is contained in Sections 623 and 624 of Part C of the Education of the Handicapped Act.

(20 U.S.C. 1423, 1424)

Awards are made under this program to State educational agencies currently operating programs under multi-year grants.

The purpose of this program is to assist State educational agencies in the development and implementation of statewide plans for preschool and early education for children with handicaps.

Closing Date for Transmittal of Applications: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by March 30, 1984.

Available Funds: It is expected that support of continuation grants in Fiscal Year 1984 will not exceed the level of support originally projected for the appropriate year of the project. This estimate of funding level does not bind the U.S. Department of Education to a specified number of grants or to the amount of any grant, unless that amount is otherwise specifed by statute or regulations.

Application Forms: Application forms and program information packages are expected to be ready for mailing by January 30, 1984. These materials may be obtained by writing to: Program Development Branch, Special Education Programs, Donohoe Building, Room 4046, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. However, the program information is only intended to aid applicants in applying for assistence. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 20 pages in length. The Secretary further urges that the applicant submit only the information that is requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Handicapped Children's Early Education program (34 CFR Part 309).

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

For Further Information Contact: Jane DeWeerd, Program Development Branch, Special Education Programs, Donohoe Building, Room 4046, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 245-9405.

(20 U.S.C. 1423, 1424)

84.078A Regional Education Programs for Handicapped Persons—Centers for Deaf Students

Applications are invited for noncompeting continuation applications for Centers for Deaf Students under the Regional Education Programs for Handicapped Persons program.

Authorization for this program is contained in Section 625 of Part C of the Education of the Handicapped Act.

(20 U.S.C. 1424a)

Awards are made under this program to organizations and agencies currently operating centers for deaf students under multi-year grants.

The purpose of this program is to support the development and operation of specially designed or modified programs of vocational, technical, postsecondary, or adult education for deaf or other handicapped persons.

Closing Date for Transmittal of Applications: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered by January 23, 1984.

Available Funds: It is expected that support of continuation grants in Fiscal Year 1984 will not exceed the level of support originally projected for the appropriate year of the project. This estimate of funding level does not bind the U.S. Department of Education to a specified number of grants or to the amount of any grant, unless that amount is otherwise specified by statute or regulations.

Application Forms: Application forms and program information packages are expected to be ready for mailing by October 17, 1983. These materials may be obtained by writing to: Regional Education Programs, Captioning and Adaptation Branch, Division of Innovation and Development, Special Education Programs, Donohoe Building, Room 4046, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, 20202

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. However, the program information is only intended to aid in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 20 pages in length. The Secretary further urges that the applicant submit only the information that is requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Regional Education Programs for Hadicapped Persons program (34 CFR Part 338).

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Part 74, 75, 77, and 78).

For Further Information Contact: For further information please contact Joseph Rosenstein, Regional Education Programs, Captioning and Adaptation Branch, Division of Innovation and Development, Special Education Programs, U.S. Department of Education, Donohoe Building, Room 4046, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 472-4660.

(20 U.S.C. 1424a)

Dated: September 12, 1983.

Madeleine Will,

Assistant Secretary.

[FR Doc. 83-25308 Filed 9-15-83; 8:45 am]

BILLING CODE4000- 01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[83-CERT-165, as amended]

Natural Gas; Fuel Oil Displacement Certification; Spaulding Fibre Co., Inc.

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received the following application to amend an existing certification of the eligible use of natural gas to displace fuel oil pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). Notice of this application, along with pertinent information contained in the amendment request, was published in the **Federal Register** and an opportunity for public comment was provided for a period of ten calendar days from the date of publication. No comments were received. More detailed information is contained in the application on file and available for inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Applicant and facility	Existing certification number and date issued	Date amendment filed	FEDERAL REGISTER notice of applicant's amendment
Spaulding Fibre Co., Inc., Tonawanda Plant, Tonawanda, N.Y.	83-CERT-165, July 6, 1983	July 20, 1983 Aug. 1, 1983	48 FR 36066, Aug. 22, 1983

The ERA has carefully reviewed the above application to amend the existing certification in accordance with 10 CFR Part 595 and the policy consideration expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that the application satisfies the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the amended certification and transmitted that amended certification to the Federal Energy Regulatory Commission.

Issued in Washington, D.C., on September 12, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-25286 Filed 9-14-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. TA83-2-20-004]

Algonquin Gas Transmission Co.; Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

September 13, 1983.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on September 8, 1983, tendered for filing Substitute Second Revised Sheet No. 201 to its FERC Gas Tariff, Second Revised Volume No. 1.

Algonquin Gas states that Substitute Second Revised Sheet No. 201 is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment as set forth in Section 17 of the General Terms and Conditions of its FERC Gas Tariff, Second Revised Volume No. 1. Such tariff sheet is being filed to track revised rates filed by its pipeline supplier, Texas Eastern Transmission Corporation, pursuant to its settlement Agreement in Docket Nos. RP83-35-000, *et al.*, approved by Commission Order issued August 17, 1983.

Algonquin Gas proposes the effective date of Substitute Second Revised Sheet No. 201 to be September 1, 1983.

Algonquin Gas requests permission to credit the subsequent month's bill following Commission acceptance to effectuate such rate change as of September 1, 1983, in the event Algonquin Gas does not receive approval in time for the October 7, 1983 billing of September 1983 sales.

Algonquin Gas also states that upon approval by the Commission of its settlement rates in Docket No. RP83-44 filed with the Commission on August 25, 1983, it will file a revised Tariff Sheet No. 201 to incorporate the above-mentioned PGA adjustment in its settlement rates.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state 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 22, 1983. Protest 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. 83-25345 Filed 9-15-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-130-000]

Gas Gathering Corp.; Petition

September 13, 1983.

Take notice that on September 6, 1983, Gas Gathering Corporation (GGC) tendered for filing a petition for retroactive collection of maximum lawful price, pursuant to Rule 207 of the Commission's Procedural Rules. GGC states that any funds received from Transcontinental Gas Pipe Line Corporation (Transco) will be immediately passed through GGC to Amoco Production Company (Amoco). With this petition, GGC requests that it be granted approval to promptly collect from Transco any future retroactive underpayments for any FERC approved gas produced by Amoco in the Section 28 Field, St. Martin Parish, Louisiana, and sold to GGC and then to Transco, as soon as GGC has been notified by Amoco of such approved underpayment. GGC states that, on receipt of such underpayment from Transco, it will promptly passthorough that exact amount to Amoco by U.S. Mail.

Also included in the filing is a copy of Amoco's letter to GGC dated August 22, 1983, with attached tabulations from Mr. R. T. Taylor, showing Amoco's calculations of the amount due beginning August, 1980 through April, 1983 in the amount of $963,954.85. To this has been added GGC's calculations of the amounts due for May and June, 1983, which total $85,464.40, for a combined total due Amoco of $1,049,419.25 to July 1, 1983. Also included is a copy of Transco's letter to GGC dated April 30, 1979, signed by Mr. Sam B. Adams, Senior Gas Contract Representative, showing Transco's willingness to pay the maximum price allowed under the Commission's Regulations for gas purchased by GGC from Amoco's Maraist C-1 Well in the Section 28 Field, St. Martin Parish, Louisiana. Also included is GGC's letter dated August 29, 1983, which outlines the history of different approved FERC prices paid Amoco by GGC for gas from the Maraist C-1 Well and notification of Amoco's request for retroactive payment.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385. 214). All such petitions or protests should be filed on or before September 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protetants parties to the proceedings. 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. 83-25346 Filed 9-15-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-3740-001, et al.]

Getty Oil Company, et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

September 13, 1983.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 23, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-25347 Filed 9-15-83 8:45 am]

BILLING CODE 6717-01-M

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-3740-001, D, Aug. 8, 1983	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001	Tennessee Gas Pipeline Company, East Bay City Field, Matagorda County, Texas.	[1]	
G-4579-023, D, Sept. 2, 1983	Cities Service Oil and Gas Corporation, P.O. Box 300, Tulsa, Oklahoma 74102.	Anadarko Production Company, Sec. 28-34S-43W, Morton County, Kansas.	[2]	
G-15779-001, D, Sept. 6, 1983	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Oklahoma 73125.	Tennessee Gas Pipeline Company, Bully Camp Field, Lafourche Parish, Louisiana.	[3]	
G-13634-001, D, Sept. 6, 1983	Sun Exploration and Production Company, P.O. Box 2880, Dallas, Texas 75221.	Northern Natural Gas Company, Camrick Field, Beaver County, Oklahoma.	[4]	
CI67-180-000, D, Sept. 1, 1983	Mobil Oil Corporation, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Michigan Wisconsin Pipeline Company, N. W. Quinlan Field, Woodward County, Oklahoma.	[5]	
CI69-745-003, D, Aug. 25, 1983	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Trunkline Gas Company, OCS G-0496, Vermilion Block 120 Field Area, Offshore Louisiana.	[6]	
CI78-853-001, C, Aug. 24, 1983	Chevron U.S.A. Inc., P.O. Box 7309, San Francisco, California 94120.	Natural Gas Pipeline Company of America, OCS-G-2849 No. 2 Well, West Cameron Block 549 Field, Offshore Louisiana.	[7]	15.025
CI80-214-000, D, Aug. 31, 1983	Energy Reserves Group, Inc., 217 North Water Street, P.O. Box 1201, Wichita, Kansas 67201.	El Paso Natural Gas Company, Spraberry Trend Area, Reagan County, Texas, Permian Basin Area.	[8]	
CI83-375-000, B, Aug. 11, 1983	Halliburton Oil Producing Company, Cameron Building, 2915 Classen Boulevard, Oklahoma City, Oklahoma 73106.	Kansas-Nebraska Natural Gas Company, Inc., Sec. 34, T27S, R21W, Ford County, Kansas.	[9]	
CI83-379-000 (CI65-462), B, Aug. 18, 1983	J. M. Huber Corporation, 2000 West Loop South, Houston, Texas 77027.	Lone Star Gas Company, Hunsucker No. 1 Well Section 16, W/2 SW/4 SW/4 T1S, R3W, Sho-Vel-Tum Field, Carter County, Oklahoma.	[10]	
CI83-380-000, A, Aug. 18, 1983	Diamond Shamrock Corporation, P.O. Box 631, Amarillo, Texas 79173.	Texas Gas Transmission Corporation, Tract 1 of the Edwin L. Cox—Intercoastal Shipyard No. 1 "C" SUA, St. Mary Parish, Louisiana.	[11]	
CI83-382-000, B, Aug. 19, 1983	McMoRan Offshore Production Co., Post Office Box 6800, Metairie, Louisiana 70009-6800.	Transcontinental Gas Pipeline Corporation, Galveston Area Blocks A-156 and A-157, Offshore Texas.	[12]	
CI83-383-000, A, Aug. 22, 1983	Union Oil Company of California, Union Oil Center, Room 901, P.O. Box 7600, Los Angeles, California 90051.	Aminoil USA Inc., OCS-P-0296, Beta Field, Offshore California.	[13]	14.65
CI83-384-000, A, Aug. 24, 1983	Elf Aquitaine, Inc., Allied Bank Plaza, 1000 Louisiana, Suite 3800, Houston, Texas 77002	Panhandle Eastern Pipe Line Company, High Island Block A-365 and A-376, Offshore Texas.	[14]	14.65
CI83-385-000, A, Aug. 24, 1983	do	Transco Gas Supply Company, High Island Block A-376, Offshore Texas.	[15]	14.65
CI83-386-000, A, Aug. 24, 1983	do	Trunkline Gas Company, High Island Block A-365 OCS-G-2750, Offshore Texas.	[16]	14.65
CI83-387-000, E, Aug. 25, 1983	The Louisiana Land And Exploration Company (Operator), Successor-in-Interest to Energy Reserves Group, Inc., Post Office Box 60350, New Orleans, Louisiana 70160.	Texas Gas Transmission Corporation, Jefferson Island Field, Iberia Parish, Louisiana.	[17]	
CI83-388-000 (CI63-650), B, Aug. 25, 1983	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001	Natural Gas Pipeline Company of America, East Bay City Field, Matagorda County, Texas.	[18]	
CI83-389-000 (CI63-672), B, Aug. 25, 1983	do	Natural Gas Pipeline Company of America, East Bay City Field, Matagorda County, Texas.	[17]	
CI83-390-000, E, Aug. 25, 1983	Geo. Oil & Gas Company of Houston, Successor-in-Interest to Palmer Oil & Gas Company, P.O. Box 2511, Houston, Texas 77001.	Northwest Pipeline Corporation, Various Fields, Grand County, Utah.	[19]	14-73
CI83-391-000 (CI60-339), B, Aug. 25, 1983	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001	Panhandle Eastern Pipe Line Company, S. W. Greenough Field, Beaver County, Oklahoma.	[20]	
CI83-392-000 (CI72-40), B, Aug. 25, 1983	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001	Northwest Central Pipeline Corporation, SW Wakita Field, Grant County, Oklahoma.	[21]	
CI83-394-000, B, Aug. 26, 1983	Rael Gas Company, 950 One Energy Square, 4925 Greenville Avenue, Dallas, Texas 75206.	Northern Natural Gas Company, McGill #1 Well, S5-T10-HTB Survey, Follett (Marrow) Field, Lipscomb County, Texas.	[22]	
CI83-395-000, B, Aug. 26, 1983	Lear Petroleum Corporation	Rael Gas Company, McGill #1 Well, S5-T10-H&TB Survey, Follett (Marrow) Field, Lipscomb County, Texas.	[22]	
CI83-396-000 B, Aug 16, 1983	do	Transwestern Pipeline Company, McGill #1 Well, S5-T10-H&TB Survey, Follett (Marrow) Field, Lipscomb County, Texas.		
CI83-397-000, D, Aug. 26, 1983	Mesa Petroleum Company, P.O. Box 2009, Amarillo, Texas 79189	Transwestern Pipeline Company, #-40 Campbell E/2 Section 31 and E/2 Section 40 Block 4, GH&H RRCo Survey, Ochiltree County, Texas.	[23]	
CI83-398-000 (CI73-5), B, Aug. 29, 1983	Energy Reserves Group, Inc., P.O. Box 1201, 217 North Water Street, Wichita, Kansas 67201.	Northwest Pipeline Corporation, Big Piney Field, Sublette County, Wyoming, Rocky Mountain Area.	[24]	
CI83-399-000 (CI72-878), B, Aug. 29, 1983	do	Northwest Pipeline Corporation, La Barge East Field Sublette County, Wyoming, Rocky Mountain Area.	[24]	
CI83-400-000, F, Aug. 29, 1983	Texaco Producing Inc. (Partial Successor-in-Interest to Texaco Inc.), P.O. Box 52332, Houston, Texas 77052.	Columbia Gas Transmission Corporation, Erath Unit, Vermilion Parish, Louisiana.	[25]	
CI83-401-000, B, Aug. 29, 1983	Dexco Inc.	Southern Natural Gas Company, Diamond Field, Plaquemines Parish, Louisiana.	[26]	
CI83-402-000, A, Aug. 30, 1983	Texas Gas Exploration Corporation, 1100 Louisiana, Suite 3300, Houston, Texas 77002.	Texas Gas Transmission Corporation, Block 595, High Island Area, Offshore Texas.	[27]	14.73
CI83-403-000, A, Aug. 31, 1983	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77252	Texas Gas Transmission Corporation, Pass Wilson and Bay Round Fields, Terrebonne Parish, Louisiana.	[28]	15.025

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI83-404-000, F, Sept. 1, 1983	Texaco Producing Inc. (Partial Successor-in-Interest to Texaco Inc.), P.O. Box 52332, Houston, Texas 77052.	Columbia Gas Transmission Corporation, Cote Blanche Island Field, St. Mary Parish, Louisiana.	[31]	15.025
CI83-405-000, F, Sept. 1, 1983	do	Texas Gas Transmission Corporation, Dog Lake Field, Terrebonne Parish, Louisiana.	[32]	15.025
CI83-406-000, A, Sept. 1, 1983	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Transco Gas Supply Company, Brazos Block Field, Offshore Texas.	[33]	14.65
CI83-407-000, A, Sept. 1, 1983	do	Tennessee Gas Pipeline Company, Southwest Pheasant Area, Matagorda County, Texas.	[34]	14.65
CI83-408-000, A, Sept. 6, 1983	Texaco Inc., P.O. Box 60252, New Orleans, Louisiana 70160	Bridgeline Gas Distribution Company, High Island Blocks A-563 and A-564 (OCS-G-2388 and OCS-G-2389), Offshore Texas.	[21]	14.65
CI83-409-000, A, Sept. 6, 1983	Chevron U.S.A. Inc., P.O. Box 7309, San Francisco, California 94120.	Natural Gas Pipeline Company of America, Vermilion Block 40, Offshore Louisiana.	[22]	15.025
CI83-410-000 (CI79-29-000), B, Sept. 6, 1983	Transco Exploration Company, P.O. Box 1396, Houston, Texas 77251.	Transcontinental Gas Pipe Line Corporation, West Raceland Field, Lafourche Parish, Louisiana.	[23]	

[1] Applicant is filing under Gas Purchase Contract dated July 15, 1948, as amended March 22, 1971.
[2] Gas contract dated December 22, 1960 covered only casinghead gas produced from the Roll "D" and Cole leases, Section 28-34S-43W, Morton County, Kansas. Gas reserves are considered depleted.
[3] The last well in the Cheramie Unit, the D. Cheramie #1, has been plugged and abandoned.
[4] The Wood Unit Well was plugged and abandoned due to depletion of gas reserves.
[5] By assignment of Oil and Gas Lease, effective May 26, 1983, Mobil assigned to Ward Energy, Inc. all of its right, title and interest in and to that certain producing acreage.
[6] OCS G-0469 expired October 8, 1979.
[7] Applicant is filing under Amendatory Agreement dated January 5, 1983.
[8] Energy Reserves Group, Inc. has assigned all of its right, title and interest in the O.F. Boyd lease insofar and only insofar as this lease covers the SE/4 of Section 17, Block E, HE&WT Ry. Co. Survey and limited to the Dean formation which formation is from 7676' subsurface to 7850' subsurface in the Pan American O.F. Boyd well No. 1 to be located on this lease.
[9] Well has reached economic limit. Will not produce into pipeline.
[10] Downhole casing failure and production 10 CFR/d was not sufficient to justify workover. Edwin L. Cox, as operator, plugged and abandoned this well January 16, 1961.
[11] Applicant is filing under Gas Purchase Contrsct dated August 8, 1983, which is a rollover contract for the original contract dated December 18, 1961.
[12] Ceased Production due to depletion May 24, 1983.
[13] Applicant is filing under Gas Purchase Contract dated June 22, 1983.
[14] Applicant is filing under Gas Purchase Contract dated April 29, 1983.
[15] Applicant is filing under Gas Purchase Contract dated June 22, 1983.
[16] Pursuant to an assignment dated October 16, 1982 LL&E acquired from Energy an undivided interest in certain properties which had been committed and dedicated to interstate commerce by Energy's predecessor (Clinton Oil Company) to the predecessor of Texas Gas.
[17] October 16, 1982 contract was for surplus gas from the Bay City Field. There is no longer any surplus gas available, and none is anticipated in the future. In addition, the contract expired on its own terms January 1, 1983.
[18] Geo. Oil is acquiring this property as of June 1, 1979. Applicant is filing under Gas Purchase and Sales Agreement dated December 31, 1975.
[19] Depleted reserves.
[20] Available supply of gas depleted.
[21] The Gas Purchase Agreement dated December 12, 1958 expired on September 7, 1980 by its own terms.
[22] Energy Reserves Group, Inc. has assigned all of its right, title and interest effective October 1, 1982 in all acreage covered under the subject rate schedule.
[23] Applicant has acquired by assignment an interest of Texaco Inc., Assignor, of certain properties in the Erath Unit, Vermilion Parish, Louisiana.
[24] The Gas Sales line maintains a pressure at which the production in this well becomes economically infeasible.
[25] Applicant is filing under Gas Purchase Contract dated August 16, 1983.
[26] Applicant is filing under Gas Purchase Contract dated July 15, 1983.
[27] Applicant has acquired by assignment an interest of Texaco Inc., Assignor, of certain properties in the Cote Blanche Island Field, St. Mary Parish, Louisiana.
[28] Applicant has acquired by assignment an interest of Texaco Inc., Assignor, of certain properties in the Dog Lake Field, Terrebonne Parish, Louisiana.
[29] Applicant is filing under Gas Purchase Agreement of August 16, 1983, as amended by Letter Agreement dated July 25, 1983.
[30] Applicant is filing under Gas Purchase and Sales Agreement dated November 1, 1979 which will be effective January 1, 1980.
[31] Applicant is filing under Gas Purchase Contract dated September 1, 1983.
[32] Applicant is filing under Gas Purchase Contract dated August 5, 1983.
[33] Leases dedicated under Gas Purchase Contract have expired; Reserves (TEX W 8650' SU A) depleted; Sabine Royalty No. 1 Well plugged and abandoned effective October 15, 1982.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 83-25347 Filed 9-15-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP75-79-010 and CP77-44-003]

Lehigh Portland Cement Co. et al.; Compliance Filing

September 13, 1983.

Take notice that on August 30, 1983, Florida Gas Transmission Company (FGT) tendered for filing the following tariff sheets: Third Revised Sheet No. 19, First Revised Sheet Nos. 19–A, 19–B and 19–C, Sixth Revised Sheet No. 20, Second Revised Sheet No. 20–A, Third Revised Sheet No. 20–B, Second Revised Sheet No. 20–C, Second Revised Sheet No. 20–D.1.

The filing is made in compliance with Opinion No. 183 (Opinion and Order Affirming Initial Decision and Approving Permanent Curtailment Plan) issued August 1, 1983, in the above-referenced dockets. Opinion No. 183 established a final curtailment plan for the FGT system, superseding the interim plan that had been in effect since March 1, 1981.

FGT states that the effective date of the above-referenced tariff sheets is August 30, 1983.

Copies of the filing have been served upon FGT's jurisdictional customers and the Florida Public Service 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 22, 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. 83-25348 Filed 9-15-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-36-000 and CP81-531-004]

Mountain Fuel Supply Co.; Filing

September 13, 1983.

Take notice that on September 1, 1983, Mountain Fuel Supply Company (Mountain Fuel) submitted a filing which advised that due to the abandonment authorization granted in Docket No. CP81-531, natural gas sales to Colorado Interstate Gas Company (CIG) under Rate Schedules X–4, X–5, and X–20 terminated on March 31, 1983. Therefore, Mountain Fuel states that it will no longer submit Purchased Gas Cost

Adjustment (PGA) filings for sales under Rate Schedules X–4, X–5, and X–20 to the Federal Energy Regulatory Commission.

Mountain Fuel states that on June 20, 1983, in Docket No. CP81–531, the Commission accepted, *inter alia*, First Revised Sheet Nos. 51 and 420 and Substitutes First Revised Sheet No. 73 of Mountain Fuel's FERC Gas Tariff Original Volume No. 1, as filed on May 31, 1983. Sheet Nos. 51, 73, and 420 are notices of termination of services and sales under Rate Schedules X–4, X–5, and X–20.

The commission's order of June 20, 1983, conditioned acceptance of the above-mentioned tariff sheets on Mountain Fuel filing work-papers detailing the clearing of the remaining balance in FERC Account No. 191 within thirty days of its occurrence. Mountain Fuel states that it has invoiced CIG (the sole purchaser of sales-for-resale gas under Rate Schedules X–4, X–5 and X–20) for the debit balance in Account No. 191. Upon receipt of monies from CIG, Mountain Fuel states that it will make the appropriate entries to clear Account No. 191 and file a report with the Commission.

Mountain Fuel states that a copy of the filing has been served on CIG, the Public Service Commission of Utah, and the Public Service Commission of Wyoming.

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 22, 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. 83-25349 Filed 9-15-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-16-003]

National Fuel Gas Supply Corporation; Filing

September 13, 1983.

Take notice that on September 1, 1983, National Fuel Gas Supply Company (National Fuel) tendered for filing Third Substitute Forty-third Revised Sheet No. 4 of its FERC Tariff, Original Volume No. 1. This substitute tariff sheet is proposed to be effective on August 1, 1983.

National Fuel states that Third Substitute Forty-third Revises Sheet No. 4 reflects a decrease of 4.10 cents per Mcf below the rate for the I–1 Rate Schedule as reflected in Second Substitute Forty-third Revised Sheet No. 4. This decrease results solely from National Fuel's calculation of the current adjustments to the I–1 rate based on the average cost of gas instead of at a 100 percent load factor.

National Fuel requests a waiver of Article 17, Section 3.4 of the General Terms and Conditions of its FERC Tariff, which relates to the 30-day notice requirement, in order to file the substitute tariff sheet.

National Fuel also requests a waiver of any of the Commission's Rules and Regulations as may be required to permit Third Substitute Forty-third Revised Sheet No. 4 to be effective August 1, 1983.

A copy of the substitute tariff sheet and the transmittal letter was mailed to all of National Fuel's purchasers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 22, 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. 83-25350 Filed 9-15-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-68-001]

Natural Gas Pipeline Company of America; Motion To Make Tariff Sheets Effective

September 13, 1983.

Take notice that on August 22, 1983, Natural Gas Pipeline Company of America (Natural) tendered for filing with the Federal Energy Regulatory Commission a Motion to Make Suspended Tariff Sheets Effective. Natural moved to make effective on October 1, 1983, tariff sheets filed on March 31, 1983, in this proceeding. The rates and charges on the tariff sheets to be effective October 1, 1983, reflect the revisions required to comply with conditions set out in Commission order issued April 27, 1983.

Natural states that copies of the Motion, together with the tariff sheets and work papers, have been served on all of Natural's jurisdictional customers, all parties to this proceeding, and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 22, 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. 83-25351 Filed 9-15-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-95-003]

Pacific Interstate Transmission Co.; Compliance Filing

September 13, 1983.

Take notice that on August 23, 1983, Pacific Interstate Transmission Company (Pacific Interstate) tendered for filing Substitute First Revised Sheet No. 9 to its FERC Gas Tariff, Original Volume No. 1. This tariff sheet is submitted pursuant to the letter order of the Director of the Office of Pipeline and Producer Regulation issued on July 18, 1983. It reflects the proper page designation to distinguish it from the tariff sheet approved by Commission order dated August 28, 1981. Also submitted is a report of increased revenues collected, subject to refund, for the period March 1, 1982 through July 31, 1983. The total amount of $304,441.45 shown on the report was refunded to Pacific Interstate's sole customer Southern California Gas Company on July 29, 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 22, 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. 83-25342 Filed 9-15-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-124-000]

Pipeline Gas Cutback Procedures; Petition of the Public Service Commission of the State of New York for Institution of Proceedings with Respect to Gas Cutback Practices of Interstate Pipelines

September 13, 1983.

Take notice that on August 18, 1983, the Public Service Commission of the State of New York (New York) petitioned the Federal Energy Regulatorty Commission (FERC) to initiate proceedings with respect to the gas cutback practices of interstate pipelines to adequate service to their customers at the lowest practical rates. Specifically, New York requests the Commission: (1) issue an order directing all interstate pipelines to file, within a period of 30 days amendments to their gas tariffs detailing their procedures and standards for cutting back on their available gas supplies in circumstances where limitations on their ability to sell or dispose of the gas tendered or otherwise available to such pipelines requires them to reduce the interstate transportation of gas from some or all of such available soures, and (2) institute proceedings looking towards the establishment of "guidelines" or standards to be applied by the interstate pipelines with respect to such cutback operations.

New York believes that where pipelines are unable to transport in interstate commerce all of the gas which is available to them from their various suppliers (including their own producer "departments"), the Commission also has the authority to prescribe the manner of such cutbacks which will be most consistent with the objectives of the Natural Gas Act, and to proscribe any action inconsistent therewith.

New York states that only the FERC is in a position to determine what are the cutback practices of the various interstate pipelines and to take effective action to secure the establishment of practices which are fair to both procedures and pipeline customers as well as in the overall public interest.

New York also states that the problem cannot effectively be addressed on a case-by-case basis either in response to petitions by individual pipelines or in considering on a retrospective basis the prudence of pipeline cutback practices in pipeline rate or PGA proceedings.

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 (18CFR 385.211, 385.214). All such petitions or protests should be filed on or before September 23, 1983. Protests will be considered by the Commissin 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. 83-25353 Filed 9-15-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-502-000]

Tennessee Gas Pipeline Company, et al.; Application

September 12, 1983.

Take notice that on September 8, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, on its own behalf and on behalf of producer suppliers currently selling gas to Applicant filed in Docket No. CP83-502-000 and application pursuant to Section 7 of the Natural Gas Act for blanket permission and approval for partial abandonment of certified sales to Applicant under Sections 102(d) and 107 of the Natural Gas Policy Act of 1978 (NGPA) and for a blanket certificate of public convenience and necessity authorizing the sale in interstate commerce of such partially abandoned reserved, the transportation service necessary to implement the emergency marketing program on its system, and transportation service by other interstate pipelines on behalf of end-users in accordance with the terms and conditions of this application and the terms and conditions of Order Nos. 234-B and 319 which are not inconsistent with this application, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the requested authorizations are necessary for the implementation of a temporary emergency marketing program (TEMPRO) designed to enhance the marketability of natural gas in Applicant's market areas, to increase sales by Applicant's producers, and to decrease Applicant's take-or-pay exposure. It is stated that under TEMPRO, Applicant would act as agent to arrange the purchase of natural gas supplies by an eligible purchaser or a group of eligible purchasers from a producer or a group of producers in the field. applicant indicates that any purchaser which is connected to Applicant's system or which can receive deliveries of TEMPRO gas is an eligible purchaser under the temporary program. Applicant further indicates that all producers are eligible to sell gas under the program.

Applicant states that it would post a price each month for the TEMPRO purchases at a price level which Applicant believes to be required to make the volumes available for purchase under the program competitive with other fuel suppliers exclusive of transportation and fuel charges. Applicant states that the eligible purchasers would then certify to Applicant the volumes of gas that they are willing to purchase for the next succeeding month or months at the posted price and that Applicant would then solicit producers for offers to sell natural gas to the eligible purchasers at the posted price. If an eligible purchaser certifies that a price lower than the price posted by Applicant is necessary to compete with other fuel supplies in its market area, Applicant states that it would attempt to match that purchaser with a producer or producers willing to sell the certified volume of gas at the lower price. Applicant further states that it would release from the volumes dedicated to its general system supply the quantities of gas which each producer is willing to make available for sale under TEMPRO in exchange for the producer's agreement to grant Applicant take-or-pay relief. Applicant also states that it would transport any TEMPRO gas delivered into its system on behalf of the

eligible purchasers, subject to available pipeline capacity, and that it would arrange the transportation and delivery of TEMPRO volumes by third parties on behalf of eligible purchasers. Applicant proposes that the term of TEMPRO extend through December 31, 1985, unless earlier terminated.

Any person desiring to be heard or to make protest with reference to said application should on or before September 27, 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), protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy regulatory Commmission 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 and 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 Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-25335 Filed 9-15-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-18-001]

Texas Gas Transmission Corp; Filing

September 13, 1983.

Take notice that on August 23, 1983, Texas Gas Transmission Corporation (Texas Gas) tendered for filing Substitute Second Revised Fortieth Revised Sheet No. 7 to its FPC Gas Tariff, Third Revised Volume No. 1. Texas Gas requests that the substitute tariff sheet become effective on August 1, 1983.

Texas Gas states that the revised tariff sheet is filed in compliance with a letter order issued July 29, 1983, by the director, Office of Pipeline and Producer Regulation in Docket No. TA83-2-18. The substitute tariff sheet is being filed to reflect revisions in the rates of two of Texas Gas' pipleline suppliers, United Gas Pipe Line Company and Texas Eastern Transmission Corporation.

Texas Gas states that copies of the filing are being mailed to all of Texas Gas' jurisdictional sales customers, interested state commissions, and parties of record in this proceeding.

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 or 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 22, 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. 83-25336 Filed 9-15-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP83-33-000]

State of Pennsylvania and Energy Gas and Oil Corp.; Preliminary Finding

September 9, 1983.

In the matter of State of Pennsylvania, Section 103 NGPA Determination, Energy Gas and Oil Corporation, Robert Patrick No. 1 Well (Ser. No. 110), JD No. 83-27096, State Docket No. 17803.

On March 10, 1983, the Pennsylvania Department of Environmental Resources, Bureau of Topographic and Geologic Survey, Division of Oil and Gas Regulation (Pennsylvania) filed with the Federal Energy Regulatory Commission (Commission) notice of its determination that Energy Gas and Oil Corporation's (Energy Gas) Robert Patrick No. 1 Well qualified as a "new onshore production well" under section 103 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. V 1981). Notice of the Pennsylvania determination was published in the **Federal Register** on April 12, 1983. By letter dated April 21, 1983, Commission Staff advised Pennsylvania and the parties that the original notice of determination was incomplete.[1] On May 9, 1983, Energy Gas filed a response to the April 21, 1983 notification of Commission Staff.

Pennsylvania had determined that the Subject well qualified under NGPA section 103, which references gas produced, *inter alia*, from a well the surface drilling of which began on or after February 19, 1977. Review of the record in this case reveals that the Robert Patrick No. 1 Well was spudded-in on October 27, 1969, and completed July 1, 1970 to a depth of 1308' at a cost of $7,651.92. Open flow after completion was 59,000 cu./ft./day with rock pressure of 450 lbs. measured for 24 hours. The applicant states that "the shallow gas depleted itself by July 30, 1970," and therefore did not produce gas "in a beneficial manner" prior to February 19, 1977.

On April 13, 1982, Energy Gas drilled deeper, to a depth of 3100', expending $101,826.38 to do so, or 93.01 percent of the total drilling and completion costs on the subject well, according to data supplied by Energy Gas. The Robert Patrick No. 1 Well is presently being produced into the Peoples Natural Gas Company system.

In *L&B Oil Co., Inc.*, v. *Federal Energy Regulatory Commission*, 655 F. 2d 758 (5th Cir. 1982), *(L&B)* the Fifth Circuit found the Commission's former policy, which equated spudding-in with surface drilling, and limited such to a single event in any wellbore, too strict. Accordingly, the court stated that *in certain circumstances*, surface drilling of a well could not be limited to the spudding-in of that well. The court concluded that based on the facts before it in the *L&B* case, such a limitation was inappropriate.

In reviewing the facts surrounding L&B's reentry, the court noted the

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[1] This letter tolled the commencement date of the 45-day review period within which the Commission must act to prevent the jurisdictional agency determination from becoming final under NGPA section 503. See § 275.202(b) of the Commission's regulations, 18 CFR 275.202(b) (1983). Energy Gas's response, however, did not indicate either the total volume of gas produced or the disposition of the gas, information deemed essential in determining whether the reentry of the Patrick No. 1 Well qualifies as a new onshore production well. Commission Staff therefore requested this production information in a second tolling letter dated June 23, 1983. Energy Gas's response to the second letter was received on July 28, 1983.

following factors were relevant in finding that the determination made by the jurisdictional agency was supported by substantial evidence: (1) surface drilling commenced when L&B drilled out the thirty foot cement plug which Webb (the original operator) left in the dry hole; (2) L&B did not merely reactivate or deepen a previously spudded well; (3) L&B only used a few hundred feet of the original wellbore before deviating to a total depth of over 7,000 feet; (4) L&B incurred almost the entirety of normal exploration costs and all of the production efforts; and (5) L&B discovered and produced gas where there was none before.

While the subject well was substantially deepened upon reentry, and upon reentry, Energy Gas incurred almost the entirety of exploration and production efforts, the subject well does not appear to have been a dry hole prior to reentry, nor does it appear to have been plugged and abandoned, as was the well in *L&B*. The fact pattern with respect to the subject well does not appear to be totally congruent with the criteria enunciated by the court in *L&B* as adopted by the Commission,[2] and therfore warrants further examination.

Accordingly, the Commission hereby makes a preliminary finding that, based on existing precedent, and the criteria enunciated in *L&B*, there is not substantial evidence in the record to support the Pennsylvania determination that the Robert Patrick No. 1 Well qualifies under NGPA section 103. The Commission, however, will reexamine its position that in order for surface drilling to occur upon reentry, the reentry must be of a plugged and abandoned dry hole.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-25344 Filed 9-15-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP83-44-000]

State of Oklahoma and Tenneco Oil Co.; Petition To Reopen Final Well Category Determination and Request for Withdrawal

In the matter of State of Oklahoma, NGPA Section 108 Determination, Tenneco Oil Company, Jim "A" Carter No. 1 Well, FERC JD No. 81-41694.

September 13, 1983.

On August 3, 1983, Tenneco Oil Company (Tenneco) filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen and a request to withdraw its application for a final well category determination pursuant to § 275.202 of the Commission's regulations (18 CFR 275.202 (1983)), that natural gas from the Jim "A" Carter No. 1 Well, located in Township 3 South, Range 1 East, Section 23 in Carter County, Oklahoma, qualifies as stripper well natural gas pursuant to section 108 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. V 1981). This affirmative determination made by the Oklahoma Corporation Commission (Oklahoma) became a final determination on August 29, 1981, pursuant to section 503(d) of the NGPA and § 275.202(a) of the Commission's regulations.

Tenneco requests reopening of this final determination so that it can withdraw its application for said determination on the basis that the Jim "A" Carter No. 1 Well produced oil in excess of the limits prescribed by section 108(b) of the NGPA and § 271.803(b) of the Commission's regulations during the initial qualifying period.

Tenneco states that it has discovered an error in the number of total producing days previously used to calculate the average daily oil production during the initial 90-day qualifying period. Tenneco contends that, when the correct number of eighty-eight (88) total producing days is used, the average daily oil production of the Jim "A" Carter No. 1 Well amounts to 3.125 barrels of oil per day, which exceeds the number of barrels allowed under § 271.803(b) of the Commission's regulations for natural gas production of less than 30 Mcf/d. Therefore, Tenneco requests that the Commission reopen the Jim "A" Carter No. 1 Well category determination under section 108 of the NGPA, and permit Tenneco to withdraw its application.

The Commission hereby gives notice that the question of whether refunds, plus interests as computed under § 154.102(c) (18 CFR 154.102(c) (1983)), will be required is a matter which is subject to the review and final determination of the Commission.

Any person desiring to be heard or to make any protest to the requested reopening and withdrawal should file, within 30 days after this notice is published in the **Federal Register** with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rules 214 or 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or .211 (1983)). All protests filed will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-25354 Filed 9-15-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-1-FRL 2435-2]

Air Programs; Prevention of Significant Deterioration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of applicability determination.

PSD Applicability Determination; United Illuminating Co.

Notice is hereby given that the Environmental Protection Agency has determined that the United Illuminating Company's proposed coal conversion at their Bridgeport Harbor Station in Bridgeport, Connecticut is not subject to a PSD review. The August 7, 1980 PSD regulations require that the construction or modification of a major stationary source is subject to a PSD review if the resulting increase in emissions is greater than the significant levels. However, the August 1980 definition of a major modification exempts certain increases from a PSD review if such emission increases are due to the use of an alternative fuel, and the source was capable of accommodating the alternative fuel prior to January 6, 1975. Using this exemption, EPA has reviewed the applicant's original proposal, contract and designs for the Bridgeport Harbor Station and has concluded that Bridgeport Harbor qualifies for the "alternative fuel" exemption. The applicant was notified of this determination on July 28, 1983.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this PSD determination is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Act, this determination shall not be subject to later judicial review in civil or criminal proceedings for enforcement.

Copies of this determination are available for public inspection upon

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[2] On May 27, 1983, in orders issued in Docket Nos. GP83-9 and GP83-10, 23 FERC ¶ 61,299 and ¶ 61,300 (1983), the Commission announced a policy that was arrived at after a careful analysis of the *L&B* decision by the Commission.

request at the following location: State Air Programs Branch—Rm 2111, U.S. EPA—Region I, J.F. Kennedy Federal Building, Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT: John Courcier (617) 223-5134.

Dated: September 6, 1983.

Michael R. Deland,

Regional Administrator, Region I.

[FR Doc. 83-25316 Filed 9-15-83; 8:45 am]

BILLING CODE 6560-50-M

[WH-FRL-2434-5]

National Pollutant Discharge Elimination System Permit Decisions; Pulp, Paper and Paperboard Point Source Category; Alaska

AGENCY: Environmental Protection Agency.

ACTION: Notice of tentative NPDES permit decisions and tentative decision to deny petition to establish an Alaska subcategory.

SUMMARY: The Environmental Protection Agency (EPA), Region X and the Assistant Administrator for Water, are today providing notice of (1) a Tentative Decision to deny fundamentally different factors (FDF) variance requests submitted by Alaska Lumber and Pulp Co., Inc., Sitka, Alaska (ALP) and Louisiana-Pacific Corporation, Ketchikan, Alaska (LPK), (2) proposed reissuance of National Pollutant Discharge Elimination System (NPDES) permits to discharges of ALP and LPK to waters of the United States, (3) Public hearings on the Tentative Decision and the proposed reissuance of NPDES permits, and (4) request for certification of the NPDES permits by the Alaska Department of Environmental Conservation (ADEC).

At this time, EPA is also notifying ALP and LPK that EPA is tentatively denying their petition for establishment of a new Alaska subcategory in the pulp, paper, and paperboard point source category.

DATES: *Comment Period*—Interested persons may submit written comments on the Tentative Decision to deny the FDF variance requests, the proposed reissuance of NPDES permits, and the administrative record to the Region X Administrator at the address below no later than November 15, 1983. Persons wishing to comment on the Tentative Decision to deny the request for establishment of an Alaska subcategory should submit written comments to the Effluent Guidelines Division at the address below no later than November 15, 1983. Persons wishing to comment on the State Certification should submit written comments to the Alaska Department of Environmental Conservation at the address below no later than November 15, 1983.

Public Hearing—The Hearing Officer designated by the Regional Administrator will conduct a public hearing on the Tentative Decision to deny the FDF variance requests and the proposed reissuance of the NPDES permits on november 8, 1983 at 7:00 pm in Sitka, Alaska and on November 9, 1983 at 7:00 pm in Saxman, Alaska at the addresses indicated below.

ADDRESSES: *Public Comments*—Send comments on the Tentative Decision to deny the FDF variance requests and the proposed reissuance of NPDES permits to: Region X Administrator, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

Send comments on the Tentative Decision to deny the request for establishing a new Alaska subcategory to: robert W. Dellinger, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Send comments on State Certification to: Commissioner, Alaska Department of Environmental Conservation, Pouch O, Juneau, Alaska 99801.

Public Hearings—EPA will conduct public hearings on November 8, 1983 at 7:00 pm in Sitka, Alaska at Centennial Building, 330 Harbor Drive, Sitka, Alaska 99835 and on November 9, 1983 at 7:00 pm in Saxman, Alaska (which is near Ketchikan, Alaska) at Saxman Community Hall, Saxman, Alaska 99901.

Administrative Record—These actions are based on the administrative record available for public review during normal prevailing business hours at the offices of the Environmental Protection Agency described below. The major documents are the Tentative Decision and the Tentative Decision Support Document, which may be obtained free of charge from Messers. Danforth Bodien and Robert W. Dellinger at the addresses indicated below in **"FOR FURTHER INFORMATION CONTACT".**

Library, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, 8:00 am to 4:30 pm, (206) 442-1259

Alaska Operations Office, Environmental Protection Agency, 3200 Hospital Drive, Suite 101, Juneau, Alaska 99801, 8:00 am to 4:30 pm, (907) 586-7619

Library, Region IV, Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365, 8:30 am to 4:30 pm, (404) 881-4216

Public Information Reference Unit, Room 2922 (Library), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 8:00 am to 4:30 pm, (202) 382-5926

Copying machines are available at the EPA Libraries in Seattle, Washington, Atlanta, Georgia, and Washington, D.C. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Further information on these actions, and requests for copies of the Tentative Decision, Tentative Decision Support Document and draft NPDES permits, may be obtained from Mr. Danforth Bodien, Region X, Environmental Protection Agency (M/S 329), 1200 Sixth Avenue, Seattle, Washington 98101 (Telephone No. (206) 442-1531) or Mr. Robert W. Dellinger, Environmental Protection Agency (WH-552), 401 M Street, SW, Washington, D.C. 20460 (Telephone No. (202) 382-7137).

SUPPLEMENTARY INFORMATION

Background

The following companies applied for reissuance of their NPDES permit to discharge pollutants to waters of the United States in March 1980.

Alaska Lumber and Pulp Co., Inc., Post Office Box 1050, Sitka, Alaska 99835, NPDES Permit No. AK000053-1

Louisiana-Pacific Corporation, Post Office Box 6600, Ketchikan, Alaska 99901, NPDES Permit Number AK000092-2

ALP is engaged in the production of dissolving sulfite pulp at their facility near Sitka, Alaska. ALP discharges from two outfalls into Sawmill Creek and Silver Bay which are presently protected for the following uses according to the State's federally approved water quality standards: water supply; water recreation; growth and propagation of fish, shellfish and other aquatic life; and harvesting for consumption of raw mollusks.

LPK is engaged in the production of dissolving sulfite pulp at their facility near Ketchikan, Alaska. LPK discharges from three outfalls into Ward Cove which is presently protected for the following uses according to the State's federally approved water quality standards: water supply; water recreation; growth and propagation of fish, shellfish and other aquatic life; and harvesting for consumption of raw mollusks.

At the same time that ALP and LPK applied for reissued permits, they requested variances from EPA's best practicable control technology currently

available (BPT) effluent limitations guidelines for biochemical oxygen demand (BOD_5) for the Dissolving Sulfite Pulp Subcategory of the Pulp, Paper, and Paperboard Point Source Category (40 CFR 430, Subpart K). These EPA regulations are national standards which are to be met by all point source dischargers pursuant to Sections 301(b)(1)(A) and 304(b)(1)(A) of the Clean Water Act unless the discharger obtains a FDF variance. EPA regulations provide that, upon finding factors relating to a particular discharger that are "fundamentally different" from the factors considered by the EPA in establishing the national guidelines regulations, alternative effluent limitations may be established for that discharger. The criteria to qualify for such a FDF variance are contained in EPA regulations at 40 CFR Part 125, Subpart D. The procedures for handling FDF variance requests are contained in EPA regulations at 40 CFR §§ 124.62—124.63.

Today's action announces EPA's tentative decision to deny the variance requests. After the public comment period, EPA Region X will make its Final Decision. If the decision of Region X is to approve the FDF variance requests, that decision must be submitted to the Director, Office of Water Enforcement and Permits, EPA Headquarters in Washington, D.C. for concurrence. Appeals of variance decisions are governed by EPA regulations at 40 CFR 124.64.

The basis of both ALP's and LPK's FDF variance requests can be reduced to four factors claimed to be fundamentally different:

1. The lack of land and the unavailability of external power sources and the resulting necessity to produce all power requirements,
2. Non-water quality environmental impacts, particularly energy requirements,
3. Costs of compliance, and
4. Lack of effect on receiving water quality.

Both ALP and LPK have requested, in their FDF variance requests, that the BOD_5 be set at 75 pounds/ton (daily average) instead of the 46.8 pounds/ton (daily average) required by the BPT effluent limitations guideline. In addition, both have requested that their new total suspended solids (TSS) limitations be relaxed from their current TSS permit limitation and instead be based on the BPT effluent limitations guideline for TSS which is 76.3 pound/ton (daily average). The FDF regulations are not applicable to the companies' requests concerning TSS, as discussed subsequently.

Finally, ALP and LPK also requested that EPA create a separate subcategory within the pulp, paper, and paperboard industry for pulp production in the State of Alaska. Both facilities are currently within the dissolving sulfite pulp subcategory (40 CFR Part 430, Subpart K). They cited non-water quality environmental impacts relating to energy and solid waste disposal as factors that would justify establishing a separate Alaska subcategory.

Tentative Decision

A. Requests for Alternative Limitations

1. BOD_5 FDF Variance Requests

ALP and LPK have claimed that the lack of land and the unavailability of external power sources and the resulting necessity to produce all power requirements; certain nonwater quality environmental impacts, particularly energy requirements; the costs of compliance with the guidelines; and the lack of effect on receiving water quality are individually, and in combination, factors that are fundamentally different from those considered by EPA in establishing the guidelines.

EPA has tentatively decided to deny ALP's and LPK's FDF variance requests from the BOD_5 effluent limitations guidelines. Detailed examination of all available information indicates that factors related to the ALP and LPK facilities are not fundamentally different from those considered in developing the national guidelines. ALP and LPK have provided data to support their claims of fundamental difference; the detailed analysis for this data is reflected in the Tentative Decision, the Tentative Decision Support Document and the administrative record.

EPA has determined that the unavailability of land for disposal of excess wastewater sludge at ALP and LPK is not fundamentally different from factors considered in the guidelines development. When developing the national guidelines, EPA considered that some mills would have to incinerate, rather than landfill, excess wastewater solids. This technology is available to both ALP and LPK. In addition, EPA has determined that special site preparation claimed to be necessary at ALP to expand their treatment system is not fundamentally different from factors considered in guidelines development. When developing BPT effluent limitations, EPA included an engineering contingency factor to account for such situations. Second, EPA has determined that both ALP and LPK have the capability of generating sufficient electricity to enable compliance with the effluent limitations guidelines and, therefore, finds that the unavailability of external power sources, by itself, is not fundamentally different from factors considered in guidelines development. EPA has determined that, taken together or alone, none of the nonwater quality environmental impacts, including energy impacts, discussed by ALP and LPK are fundamentally different from those factors considered in guidelines development.

EPA also has evaluated whether ALP's and LPK's energy, solid waste disposal and site preparation costs would result in compliance costs that are fundamentally different from and wholl disproportionate to those considered in guidelines development. EPA evaluated the costs that ALP and LPK have already expended for wastewater treatment now in place, plus the costs of any additional treatment claimed to be necessary to attain the appropriate guidelines limitations. EPA has also factored in costs necessary to compensate for the necessity to burn excess sludge in a power boiler and the unavailability of external power sources. EPA disallowed those costs claimed by ALP and LPK that EPA found were not properly attributable to the attainment of BPT established by the guidelines. A summary of cost data appears below.

[In millions of dollars, March 1980]

	ALP		LPK	
	Capital	Total annual	Capital	Total annual
In-place allowed (EPA) wastewater pollution control costs to meet guidelines BPT	44.1	18.2	37.3	16.2
Additional allowed (EPA) wastewater pollution control costs necessary to meet guidelines BPT	16.3	5.5	17.9	5.0
Total allowed (EPA) wastewater pollution control costs necessary to meet guidelines BPT	60.4	23.7	55.2	21.2
EPA model mill wastewater pollution control costs necessary to meet guidelines BPT	57.0	21.2	62.3	23.3

The estimated capital and total annual costs at ALP to attain the national BPT limitations are 6.0 and 11.9 percent, respectively, higher than the model mill costs developed by EPA, while the capital and total annual costs at LPK to attain the national BPT limitations are lower than the model mill costs developed by EPA. EPA has determined

that the cost of compliance with the national BPT effluent limitations guidelines at ALP and LPK is neither fundamentally different from nor wholly disproportionate to those costs used by EPA in guidelines development. Thus, EPA has not identified any factor that makes ALP and LPK fundamentally different from other dissolving sulfite pulp mills. Further, the lack of effect on receiving water quality is not a factor upon which an FDF variance may be granted. 40 CFR 125.31(e)(4). EPA is, therefore, proposing to deny the FDF variance requests and to reissue the NPDES permits for ALP and LPK based upon the effluent limitations contained in the dissolving sulfite pulp category effluent guidelines.

The detailed justification of this decision may be found in the Tentative Decision, the Tentative Decision Support Document and the administrative record.

2. Request for Guidelines TSS Limitations

ALP and LPK have requested that their reissued permits reflect the TSS limitation in the national BPT guidelines (76.3 pounds/ton, daily average) instead of the TSS limitations in their current permits (60 pounds/ton, daily average). At various times, the companies have characterized this request as one for an FDF variance. That characterization is incorrect; FDF variances are available only from promulgated effluent limitations guidelines, not from previous permit limitations imposed under Section 402(a)(1) of the Clean Water Act.

The companies have made a special request to have the national TSS limitations incorporated into their reissued permits, apparently in the belief that 40 CFR 122.44(1) would require that the lower TSS limitation in their current permits be incorporated into their new permits instead of the higher national TSS limitation. As discussed further in the Tentative Decision, we have determined that the national TSS and BOD_5 limitations are not less stringent than those included in the current permits. Therefore, the prohibition in 40 CFR 122.44(1) against establishing less stringent permit limitations in reissued permits is inapplicable in this situation and the TSS limitation in the draft permits is based on the promulgated effluent limitations guidelines.

B. Resubcategorization

EPA is also tentatively denying ALP's and LPK's petition to establish a separate Alaska subcategory of the pulp, paper, and paperboard industry. Both facilities are currently in the dissolving sulfite pulp subcategory of the pulp, paper, and paperboard point source category (40 CFR Part 430, Subpart K). After examining the factors specified in Section 304(b) of the Clean Water Act which EPA considers when developing the subcategorization scheme for an industrial category, we have found that the factors that exist at the Alaska mills are very similar to the factors that exist at other mills in the dissolving sulfite pulp subcategory.

ALP and LPK are two of the newer mills in the dissolving sulfite pulp subcategory. Their raw wastewater flows and pollutant loadings are lower than those which formed the basis of the national BPT effluent limitations applicable to viscose grade production in the dissolving sulfite pulp subcategory. Both ALP and LPK are capable of meeting the national BPT effluent limitations through the installation and operation of biological treatment, the technology identified by EPA as the best practicable control technology currently available for the dissolving sulfite pulp subcategory. The total costs of meeting BPT at ALP and LPK are not significantly different from costs projected for similarly sized model viscose grade dissolving sulfite pulp mills. Additionally, we determined that installation and operation of available wastewater treatment technologies, including solid waste disposal and energy generating facilities, have not been shown to lead to non-water quality environmental impacts that differ significantly from those that EPA anticipated when issuing the national BPT limitations. For the above reasons, we have tentatively concluded that there is no basis for establishing a new Alaska subcategory.

Draft NPDES Permits

EPA has developed draft NPDES permits for ALP and LPK that require compliance with the national BPT, best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT) effluent limitations. The permits continue to require compliance with the mills' current BPT limitations, as required by the Clean Water Act. A July 1, 1984 compliance deadline will be established for the national BPT and BCT effluent limitations. (As explained in the fact sheets for the draft permits, EPA has determined that BCT will be equal to the national BPT limitations.) Finally, an immediate BAT compliance deadline will be established since the mills are already meeting the BAT limitations.

Neither ALP nor LPK are expected to be able to comply by July 1, 1984 with the national BPT/BCT effluent limitations. Consequently, through administrative orders, an amendment to the existing consent decrees, or some other enforcement mechanism, both ALP and LPK will be placed on the following compliance schedule to meet the national BPT effluent limitations. EPA specifically invites comment as to the appropriateness of this compliance schedule.

April 1, 1984—Completion and submittal of final engineering plans.
June 1, 1984—Commencement of construction.
December 1, 1984—Report on construction progress.
June 1, 1985—Completion of construction.
July 1, 1985—Attainment of operational level.

State Certification

This notice will also serve as public notice of the intent of the Alaska Department of Environmental Conservation to consider certifying that the subject discharges will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act. The NPDES permits will not be issued until the certification requirements of Section 401 have been met.

Public Comments and Public Hearing

Persons wishing to comment on the tentative decisions relative to the FDP variance requests and the proposed reissuance of the NPDES permits may do so in writing, within 60 days of the date of this public notice. Written comments must be received within this 60 day period to be considered in the formulation of final determinations regarding the applications. All written comments should include the name, address, and telephone number of the commenter and a concise statement of the exact basis of any comment and the relevant facts upon which it is based. All written comments should be submitted to the Region X Administrator as indicated above.

Public hearings will be held in both Sitka, Alaska and Saxman, Alaska, at the times and locations as indicated earlier in this notice, to receive both oral and written testimony on the tentative decisions and the proposed reissuance of the NPDES permits.

Persons wishing to comment on the Tentative Decision relative to establishing a new Alaska subcategory should submit written comments within

this 60 day period to the Effluent Guidelines Division as indicated above.

Persons wishing to comment on State Certification should submit written comments within this 60 day period to the Alaska Department of Environmental Conservation as indicated above.

It is important to note that this will be only opportunity to comment on these matter prior to EPA's final decisions on these matters.

Dated: August 22, 1983.

Ernesta B. Barnes,

Regional Administrator, EPA Region X.

Dated: August 24, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

[FR Doc. 83-25320 Filed 9-15-83; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2434-8]

Availability of Environmental Impact Statements Filed September 6 Through 9, 1983, Pursuant to 40 CFR Part 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities General Information (202) 382-5075 or (202) 382-5076.

EIS No. 830484, Final, BLM, CA, South Sierra Foothills Livestock Grazing Mgmt. Plan, Kern/Tulare Cos., Due: Oct. 17, 1983.

EIS No. 830485, Draft, FHW, TX, TX-35/ Alvin Freeway Const., I-45/Gulf Freeway to Dixie Dr., Harris Co., Due: Oct. 31, 1983.

EIS No. 830486, Draft, BLM, CA, Honey Lake/Beckwourth Planning Units, Domestic Livestock Grazing Mgmt., Due: Dec. 14, 1983.

EIS No. 830487, Draft, FHW, OH, Cross County Highway/OH-126 Completion, Colerain Ave. to Galbraith Rd., Due: Oct. 31, 1983.

EIS No. 830488, Draft, FHW, NJ, NJ-31 Improvement, US 202/NJ-12 to I-78, Hunterdon County, Due: Nov. 7, 1983.

EIS No. 830489, Draft, COE, KS, Whiskey Creek Local Flood Control Plan, Montgomery County, Due: Oct. 31, 1983.

EIS No. 830490, Final, COE, LA, PRO Terrebonne Parish Forced Drainage System, C/O, 404 Permit, Due: Oct. 17, 1983.

EIS No. 830491, Final, COE, ID, Albeni Falls Dam, Continued Oper., Pend Oreille Lake/River, Bonner Co., Due: Oct. 17, 1983.

EIS No. 830492, Draft, AFS, WV, Greenbrier Wild and Scenic River Study, Monongahela National Forest, Due: Nov. 7, 1983.

EIS No. 830493, Draft, NRC, SC, H.B. Robinson Electric Generator Repair, Unit #2, License Amendment, Due: Oct. 31, 1983.

EIS No. 830494, Final, FHW, WV, Charles Town Bypass Construction, US 340 to WV-9, Jefferson County, Due: Oct. 17, 1983.

EIS No. 830495, Final, EPA, REG, Bulk Gasoline Terminals, Emission Standards, Due: Oct. 17, 1983.

Dated: September 13, 1983.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 83-25366 Filed 9-15-83; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2434-8]

Intent To Prepare an Environmental Impact Statement or Environmental Assessment; Akutan, Alaska

AGENCY: Environmental Protection Agency, Region X.

ACTION: Notice of Intent to prepare an Environmental Impact statement or Environmental Assessment for designation of an Ocean Dumping Site for the City of Akutan, Alaska.

Purpose: In accordance with Section 102(2) of the National Environmental Policy Act (NEPA), Section 102 of the Marine Protection, Research, and Sanctuaries Act (Pub. L. 92-532), and EPA policy, EPA intends to prepare an Environmental Impact Statement (EIS) or Environmental Assessment and publishes this Notice of Intent in accordance with 40 CFR 1501.7. The Administrator of EPA is reviewing current policy requiring an EIS for all ocean disposal site designations and as such, a decision may be made that an Environmental Assessment is adequate for this case. If so, a subsequent clarifying Notice will be published.

FOR FURTHER INFORMATION CONTACT: Gary Voerman, EIS Project Officer, Environmental Evaluation Branch, (M/S 432), U.S. Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101. Telephone: (206) 442-1448.

SUMMARY: The Environmental Impact Statement (EIS), Or Environmental Assessment (EA), will evalaute the impacts of designating an ocean disposal site to receive incinerated solid waste from the City of Akutan in the Aleutian Islands of Alaska. The Administrative actions which the EIS or EA must address include issuing an ocean dumping permit pursuant to Section 102 of the Marine Protection, Research, and Sanctuaries Act (Pub. L. 92-532). The alternatives to be evaluated include two alternate ocean disposal sites near the City of Akutan, one land disposal alternative, and continuation of the present disposal method (the no action alternative), which consists of open burning on the beach at low tide, with residual waste dispersion at high tide. The effects of incorporating into these alternatives certain solid waste (galley waste and trash) from land-based and floating seafood processors which operate in the harbor will also be addressed. Seafood processing waste will not be a part of these alternatives. This proposed action (permit issuance) is pursuant to an application filed by the City of Akutan, Alaska.

Scoping: Opportunity for scoping meetings may be provided in Akutan and Juneau, Alaska. Meetings will only be conducted if EPA receives requests supported by evidence demonstrating need to hold such meetings. If EPA determines the need for meetings has been demonstrated a notice will be published with specific times and locations. Scoping letters are being mailed to state and federal agencies, environmental groups and others who are thought to be interested.

EPA anticipates that the Draft EIS or EA will be available for public review in approximately six months. Interested persons are invited to submit their names and addresses for inclusion on the distribution list for the document and related public notices.

Dated: September 13, 1983.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 83-25368 Filed 9-15-83; 8:45 am]

BILLING CODE 6560-50-M

[PH-FRL-2435-6]

Science Advisory Board, Ad Hoc Committee To Review the National Acid Precipitation Assessment Program; Meeting September 21-22, 1983

Under Pub. L. 92-463, notice is hereby given of a two day meeting on September 21-22, 1983 of the Science Advisory Board's Ad Hoc Committee to Review the National Acid Precipitation Assessment Program (NAPAP). The first day of the meeting will be held in the conference room of the Council on Environmental Quality, 722 Jackson Place, Washington, D.C. The second day of the meeting will be held in Room 908 West Tower, EPA Headquarters, 401 M Street, Washington, D.C. The meeting will begin at 9:15 a.m. on both days.

The purposes of the first day's meeting is to enable the Committee to be briefed on and to discuss the progress to date of the technical work groups that are a part of and carry out the NAPAP program.

The purpose of the second day's meeting is to carry out individual interviews with the chairmen of the peer

review panels that have been convened to review research projects funded by NAPAP. In addition, the Committee will be briefed on the NAPAP research budget. These interviews and briefings will take place in executive session.

Any member of the public wishing to attend, obtain information or participate in the Committee meeting on September 21 should contact Dr. Terry F. Yosie, Director, Science Advisory Board (202) 382-4126, by close of business September 19, 1983.

Dated: September 12, 1983.

Terry F. Yosie,

Staff Director, Science Advisory Board.

[FR Doc. 83-25436 Filed 9-15-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51484; TSH-FRL 2434-3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of one hundred three PMNs and provides a summary of each.

DATE: Close of Review Period:

PMN 83-1097, 83-1098, 83-1099, 83-1100, 83-1101 and 83-1106—November 30, 1983.

PMN 83-1102, 83-1103, 83-1104, 83-1105, 83-1107, 83-1108, 83-1109, 83-1110, 83-1111, 83-1112, 83-1113, 83-1114, 83-1115, 83-1116, 83-1117, 83-1118, 83-1119, 83-1120, 83-1121, 83-1122, 83-1123, 83-1124, 83-1125, 83-1126, 83-1127, 83-1128, 83-1129, 83-1130, 83-1131, 83-1132, 83-1133, 83-1134, 83-1135, 83-1136, 83-1137, 83-1138, 83-1139, 83-1140, 83-1141, 83-1142, 83-1143, 83-1144, 83-1145, 83-1146, 83-1147, 83-1148, 83-1149 and 83-1150—December 4, 1983.

PMN 83-1151, 83-1152, 83-1153, 83-1154, 83-1155, 83-1156, 83-1157, 83-1158, 83-1159, 83-1160, 83-1161, 83-1162, 83-1163, 83-1164, 83-1165, 83-1166, 83-1167, 83-1168, 83-1169, 83-1170, 83-1171, 83-1172, 83-1173, 83-1174, 83-1175, 83-1176, 83-1177, 83-1178, 83-1179, 83-1180, 83-1181, 83-1182, 83-1183, 83-1184 and 83-1185—December 5, 1983.

PMN 83-1186, 83-1187, 83-1188, 83-1189, 83-1190, 83-1191, 83-1192, 83-1193, 83-1194, 83-1195, 83-1196, 83-1197, 83-1198 and 83-1199—December 6, 1983.

Written comments by:

PMN 83-1097, 83-1098, 83-1099, 83-1100, 83-1101 and 83-1106—October 31, 1983.

PMN 83-1102, 83-1103, 83-1104, 83-1105, 83-1106, 83-1107, 83-1108, 83-1109, 83-1110, 83-1111, 83-1112, 83-1113, 83-1114, 83-1115, 83-1116, 83-1117, 83-1118, 83-1119, 83-1120, 83-1121, 83-1122, 83-1123, 83-1124, 83-1125, 83-1126, 83-1127, 83-1128, 83-1129, 83-1130, 83-1131, 83-1132, 83-1133, 83-1134, 83-1135, 83-1136, 83-1137, 83-1138, 83-1139, 83-1140, 83-1141, 83-1142, 83-1143, 83-1144, 83-1145, 83-1146, 83-1147, 83-1148, 83-1149 and 83-1150—November 4, 1983.

PMN 83-1151, 83-1152, 83-1153, 83-1154, 83-1155, 83-1156, 83-1157, 83-1158, 83-1159, 83-1160, 83-1161, 83-1162, 83-1163, 83-1164, 83-1165, 83-1166, 83-1167, 83-1168, 83-1169, 83-1170, 83-1171, 83-1172, 83-1173, 83-1174, 83-1175, 83-1176, 83-1177, 83-1178, 83-1179, 83-1180, 83-1181, 83-1182, 83-1183, 83-1184 and 83-1185—November 5, 1983.

PMN 83-1186, 83-1187, 83-1188, 83-1189, 83-1190, 83-1191, 83-1192, 83-1193, 83-1194, 83-1195, 83-1196, 83-1197, 83-1198 and 83-1199—November 6, 1983

ADDRESS: Written comments, identified by the document control number "[OPTS-51484]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460 (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Margaret Stasikowski, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, D.C. 20460 (202-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

PMN 83-1097

Importer. Confidential.

Chemical. (G) [2 -[3-4-amino-6-chloro-1,3,5-triazinylimino]-2-hydroxy-5-sulfophenylazo]substituted methinohydrazono]-4-sulfobenzoate-(0,0') (4-)] copper [II] acid, disodium.

Use/Import. (S) Commercial dye for cellulosic fibre. Import range: 10,000 kg/yr.

Toxicity Data. TLm_{48} (orange medaka)—Above 1,000 parts per million (ppm); Ames Test: Negative.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 83-1098

Importer. Confidential.

Chemical. (G) G- -[2,2'-bis[-[2-carboxy-5-sulfophenylhydrazono] substituted methinoazo]-4,4'-disulfo-6,6'-[6-chloro-1,3,5-triazin-2,4-diyldi imino]di-1-phenolato-(0,0',0'', 0''')](8-)] dicopper [II] acid, tetrasodium.

Use/Import. (S) Commercial dye for cellulosic fibre. Import range: 10,000 kg/yr.

Toxicity Data. TLm_{48} (orange medaka)—Above 1,000 ppm; Ames Test: Negative.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 83-1099

Manufacturer. Confidential.

Chemical. (S) Polymer of: tall oil, pentacrythritol, isophthalic acid, benzoic acid, styrene, methyl methacrylate.

Use/Production. (G) Open use. Prod. range: 200,000-800,000 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and disposal: determal and inhalation, a total of 15 workers, up to 8 hr/da, up to 150 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air. Disposal by approved landfill.

PMN 83-1100

Manufacturer. Confidential.

Chemical. (G) Heteromonocyclic substituted diester.

Use/Production. (G) Open use. Prod. range: Confidential.

Toxicity Data. Acute oral: >5 g/kg; Acute dermal: 5 g/kg; Irritation: Skin—Partially non-irritating, Eye—Moderate.

Exposure. Manufacture, processing and use: dermal and ocular, a total of 14 workers, up to 8 hrs/da, up to 150 da/yr.

Environmental Release/Disposal. Less than 10 to 1,000 kg/yr released to

land. Disposal by incineration and landfill.

PMN 83-1101

Manufacturer. Confidential.
Chemical. (G) Heteromonocyclic substituted diester.
Use/Production. (G) Open use. Prod. range: Confidential.
Toxicity Data. Acute oral: >5 g/kg; Acute dermal: >5 g/kg; Irritation: Skin—Practically non-irritating, Eye—Moderate.
Exposure. Manufacture, processing and use: dermal and ocular, a total of 14 workers, up to 8 hrs/da, up to 150 da/yr.
Environmental Release/Disposal. Less than 10 to 1,000 kg/yr released to land. Disposal by incineration and landfill.

PMN 83-1102

Manufacturer. Minnesota Mining and Manufacturing Company.
Chemical. (G) Aliphatic acid ester of n-alkyl perfluoro sulfonamido alkanol.
Use/Production. (G) A consumer use preparation. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Mild, Eye—Minimal: BOD_{28}→ 370,000 mg/kg; COD—1,300,00 mg/kg.
Exposure. Manufacture: dermal, a total of 7 workers, up to 1 hr/da, up to 24 da/yr.
Environmental Release/Disposal. 1–10 kg/batch released. Disposal by incineration.

PMN 83-1103

Manufacturer. Confidential.
Chemical. (G) Esterified copolymers of alpha olefins and maleic anhydride.
Use/Production. (G) Modifying agent. Prod. range: 227–272–1,363,637 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and proceeding: dermal, up to 14 hrs/da, up to 15 da/yr.
Environmental Release/Disposal. 350 lbs/batch released to water with 70–205 lbs/batch to land. Disposal by publicly owned treatment works (POTW) and landfill.

PMN 83-1104

Manufacturer. Amerchol Corporation.
Chemical. (S) PEG—120 methyl glucoside dioleate.
Use/Production. (S) Detergent thickener for industrial, commercial and consumer use. Prod. range: Confidential.
Toxicity Data. Acute oral: >5 g/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Skin sensitization: Negative.
Exposure. Manufacture and disposal: dermal, a total of 4 workers, up to 5 hrs/da, up to 92 da/yr.
Environmental Release/Disposal. 1,000–10,000 kg/yr released to water. Disposal by POTW.

PMN 83-1105

Manufacturer. Amerchol Corporation.
Chemical. (S) Methyl glucoside dioleate.
Use/Production. (S) Industrial intermediate for the manufacture of PEG—120 methyl glucoside dioleate. Prod. range: Confidential.
Toxicity Data. Acute oral: >5 g/kg; Irritation: Skin—Non-irritant, Eye—Mild.
Exposure. Manufacture, processing and disposal: a total of 6 workers, up to 5 hrs/da, up to 92 da/yr.
Environmental Release/Disposal. 100–1,000 kg/yr released to water. Disposal by POTW.

PMN 83-1106

Manufacturer. Confidential.
Chemical. (G) Polyester of phthalic anhydride and lower glycols.
Use/Production. (G) Intermediate for polyurethane reactions. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 2 workers, up to 1 hr/da.
Environmental Release/Disposal. No release.

PMN 83-1107

Manufacturer. Confidential.
Chemical. (G) Amine salt of a carboxyl terminated polyester urethane polymer.
Use/Production. (S) Industrial fabric coating and finish. Prod. range: 60,000–200,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal and inhalation, a total of 8 workers, up to 8 hrs/da, up to 100 da/yr.
Environmental Release/Disposal. No release.

PMN 83-1108

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Alpha olefin/2, 5 furandione copolymer.
Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1109

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.
Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1110

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.
Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1111

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.
Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1112

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.
Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1113

Manufacturer. S .C. Johnson & Son, Inc.
Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.
Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1114

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.
Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83–1115

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Alpha olefin/2, 5 furandione copolymer.
Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83–1116

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.
Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83–1117

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.
Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83–1118

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.
Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83–1119

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Alpha olefin/2, 5 furandione copolymer.
Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83–1120

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.
Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83–1121

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.
Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83–1122

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.
Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83–1123

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Alpha olefin/2, 5 furandione copolymer.
Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83–1124

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.
Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83–1125

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.
Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83–1126

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Salt of alpha olefin/2, 5 furandione copolymer.
Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83–1127

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Alpha olefin/2, 5 furandione copolymer.
Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83–1128

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.
Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83–1129

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.
Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83–1130

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.
Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1131

Manufacturer. S. C. Johnson & Son, Inc.

Chemical. (G) Alpha olefin/2, 5 furandione copolymer.

Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1132

Manufacturer. S. C. Johnson & Son, Inc.

Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.

Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1133

Manufacturer. S. C. Johnson & Son, Inc.

Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.

Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1134

Manufacturer. S. C. Johnson & Son, Inc.

Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.

Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1135

Manufacturer. S. C. Johnson & Son, Inc.

Chemical. (G) Alpha olefin/2, 5 furandione copolymer.

Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1136

Manufacturer. S. C. Johnson & Son, Inc.

Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.

Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1137

Manufacturer. S. C. Johnson & Son, Inc.

Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.

Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1138

Manufacturer. S. C. Johnson & Son, Inc.

Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.

Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1139

Manufacturer. S. C. Johnson & Son, Inc.

Chemical. (G) Alpha olefin/2, 5 furandione copolymer.

Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1140

Manufacturer. S. C. Johnson & Son, Inc.

Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.

Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1141

Manufacturer. S. C. Johnson & So.., Inc.

Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.

Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1142

Manufacturer. S. C. Johnson & Son, Inc.

Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.

Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1143

Manufacturer. S. C. Johnson & Son, Inc.

Chemical. (G)Alpha olefin/2, 5 furandione copolymer

Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1144

Manufacturer. S. C. Johnson & Son, Inc.

Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.

Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1145

Manufacturer. S. C. Johnson & Son, Inc.

Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.

Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1146

Manufacturer. S. C. Johnson & Son, Inc.

Chemical. (G) Salt of alpha olefin/2, 5 furandione polymer.

Use/Production. (G) Foam builder and waxy component. Prod. range: Confidential

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1147

Manufacturer. S. C. Johnson & Son, Inc.

Chemical. (G) Styrene/alpha olefin/2, 5 furandione copolymer..

Use/Production. (G) Water resistant coating. Prod. range: Confidential

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1148

Manufacturer. S. C. Johnson & Son, Inc.

Chemical. (G) Ammonia salt of styrene/alpha olefin/2, 5 furandione polymers.

Use/Production. (G) Water resistant coating. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1149

Manufacturer. S. C. Johnson & Son, Inc.

Chemical. (G) Styrene/alpha olefin/2, 5 furandione copolymers.

Use/Production. (G) Water resistant coating. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1150

Manufacturer. S. C. Johnson & Son, Inc.

Chemical. (G) Ammonia salt of styrene/alpha olefin/2, 5 furandione polymers.

Use/Production. (G) Water resistant coating. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1151

Manufacturer. Confidential.

Chemical. (G) Diethoxydiphenylalkanone.

Use/Production. (G) Polymer additive—after use is incorporated and/or encapsulated in the cured polymer. Prod. range: Confidential.

Toxicity Data. Acute oral: >5,000 mg/kg; Irritation: Skin—Non-irritant Eye—Mild; Ames Test: Negative.

Exposure. Manufacture: a total of 100–200 workers, up to 8 hrs./da, up to 250 da/yr.

Environmental Release/Disposal. Less than 100 kg/yr released to air and water. Disposal by POTW and navigable waterway.

PMN 83-1152

Manufacturer. Confidential.

Chemical. (G) Substituted sulfonated naphthalene.

Use/Production. (S) Site limited isolated intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacturer: dermal, a total of 2 workers, up to 2 hrs/da, up to 7 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by on-site biological treatment system.

PMN 83-1153

Manufacturer. Confidential.

Chemical. (G) Urethane compound.

Use/Production. (G) Open use. Prod. range: 1,800–8,850 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manfacturer: dermal, a total of 16 workers, up to 4 hrs/da, up to 39 da/yr.

Environmental Release/Disposal. 3–5 kg/batch released to land. Disposal by incineration.

PMN 83-1154

Manufacturer. Confidential.

Chemical. (G) Urethane compound.

Use/Production. (G) Open use. Prod. range: 1,500–9,400 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manfacturer: dermal, a total of 22 workers, up to 4 hrs/da, up to 39 da/yr.

Environmental Release/Disposal. Trace amounts 3–5 kg/batch released to air, water and land. Disposal by incineration.

PMN 83-1155

Manufacturer. Confidential.

Chemical. (G) Copolymer of mixed acrylate and methacrylate monomers.

Use/Production. (G) Highly dispersive use. Prod. range: 245,000–270,000 kg/yr.

Toxicity Data. No data sumbitted.

Exposure. Manfacturer: dermal, a total of 98 workers, up to 4 hrs/da, up to 230 da/yr.

Environmental Release/Disposal. 4–10 kg/batch released to land. Disposal by incineration and landfill.

PMN 83-1156

Manufacturer. Ashland Chemical Company.

Chemical. (G) Substituted cyclopentadiene—formaldehyde copolymer.

Use/Production. (S) Open, non-dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1157

Manufacturer. Confidential

Chemical. (G) Substituted oxirane.

Use/Production. (S) Site limited chemical intermediate. Prod. range: Confidential.

Toxicity Data. LC_{50}—approximately 575 ppm.

Exposure. Confidential.

Environmental Release/Disposal. Minimal release expected. Disposal by incineration.

PMN 83-1158

Manufacturer. Confidential.

Chemical. (G) Polymer of styrene with mixed alkyl acrylates and methacrylates.

Use/Production. (S) Dispersive use. Prod. range: 300,000–800,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 34 workers, up to 4 hrs/da, up to 89 da/yr.

Environmental Released/Disposal. 3–18 kg/batch release to land. Disposal by incineration.

PMN 83-1159

Manufacturer. Confidential.

Chemical. (G) Complex epoxy resin adduct.

Use/Production. (G) Open use. Prod. range: 3,100–40,950 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 23 workers, up to 4 hrs/da, up to 39 da/yr.

Environmental Release/Disposal. 1–5 kg/batch released to land. Disposal by incineration and landfill.

PMN 83-1160

Manufacturer. Confidential.

Chemical. (G) Substituted heterocycle.

Use/Production. (G) Dispersive use. Prod. range: Confidential.

Toxicity Data. Acute oral: Between 3.0 and 3.1 ml/kg; Irritation: Skin—Negative, Eye—Non-irritant; Skin sensitization: Negative.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-1161

Manufacturer. Phillips Petroleum Company.
Chemical. (G) Combination of a metal phosphate and metal oxides.
Use/Production. (G) Industrial usage. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by approved landfill.

PMN 83-1162

Importer. Confidential.
Chemical. (G) Substituted pyridine.
Use/Production. (S) On-site chemical intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral: 500 mg/kg: Acute dermal: 1,000 mg/kg: Irritation: Skin—Moderate irritation and burn. Eye—Moderate.
Exposure. Confidential.
Environmental Release/Disposal. No release. Disposal by incineration and thermal oxidizer.

PMN 83-1163

Manufacturer. Confidential.
Chemical. (S) Substituted pyridine.
Use/Production. (S) Chemical intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral: Approximately 250 mg/kg: Acute dermal: Between 200-1,000 mg/kg: Irritation: Skin—Severe irritation and burn. Eye—Moderate.
Exposure. Confidential.
Environmental Release/Disposal.
Environmental Release/Disposal. No release. Disposal by incineration and thermal oxidizer.

PMN 83-1164

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Trisubstituted pyrimidine.
Use/Production. (G) Captive intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral: 11,000 mg/kg: Irritation: Eye—Moderate: Ames Test: Non-mutagenic.
Exposure. Confidential.
Environmental Release/Disposal. Confidential

PMN 83-1165

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Monosubstitutedbenzene-sulfonylisocyanate.
Use/Production. (G) Captive intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83-1166

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Monosubstitutedphenyl magnesium bromide.
Use/Production. (G) Captive intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83-1167

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Trisubstitutedmethylsilane hydrochloride.
Use/Production. (G) Captive-intermediate. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83-1168

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Monosubstitutedbenzyl chloride.
Use/Production. (G) Captive intermediate. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Moderate, Eye—Mild; Skin sensitization: Weak sensitizer.
Exposure. Confidential.
Environmental Release/Disposal. Confidential

PMN 83-1169

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Monosubstitutedbenzylthiosulfate salt.
Use/Production. (G) Captive intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83-1170

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Monosubstitutedbenzylsulfonylchloride.
Use/Production. (G) Captive intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83-1171

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Monosubstitutedbenzenealkyl-sulfonylisocyanate.
Use/Production. (G) Captive intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83-1172

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Monosubstitutedbenzoic acid.
Use/Production. (G) Captive intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83-1173

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Monosubstitutedbenzoic acid methyl ester.
Use/Production. (G) Captive intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83-1174

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Monosubstitutedheterocyclediazonium chloride.
Use/Production. (G) Captive intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83-1175

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Monosubstitutedheterocycle sulfonylisocyanate.
Use/Production. (G) Captive intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83-1176

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Trisubstitutedbenzenesulfonyl chloride.
Use/Production. (G) Captive intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83-1177

Manufacturer. E. I. du Pont de Nemours & Company, Inc.

Chemical. (G) Trisubstitutedphenol, ammonium salt.

Use/Production. (G) Captive intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83-1178

Manufacturer. E. I. du Pont de Nemours & Company, Inc.

Chemical. (G) Monosubstitutedphenol, sodium salt.

Use/Production. (G) Captive intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83-1179

Manufacturer. E. I. du Pont de Nemours & Company, Inc.

Chemical. (G) Monosubstitutedbenzene sulfonylisocyanate

Use/Production. (G) Captive intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83-1180

Manufacturer. Confidential.

Chemical. (G) Polyglycol alcohol polymer.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Minimal release. Disposal by incineration and approved landfill.

PMN 83-1181

Manufacturer. Confidential.

Chemical. (G) Polyglycol alcohol polymer.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Minimal release. Disposal by incineration and approved landfill.

PMN 83-1182

Manufacturer. Confidential.

Chemical. (G) Polyglycol alcohol polymer.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Minimal release. Disposal by incineration and approved landfill.

PMN 83-1183

Manufacturer. Confidential.

Chemical. (G) Substituted polyalkylene polyamine.

Use/Production. (S) Site-limited chemical intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: 2,000 mg/kg; Acute dermal: >2,000 mg/kg; Irritation: Skin—Not a primary irritant, Eye—Slight to moderate.

Exposure. Confidential.

Environmental Release/Disposal. No release. Disposal by industrial waste water treating facility.

PMN 83-1184

Manufacturer. Confidential.

Chemical. (S) Polymer of: styrene, butly acrylate, t-octyl acrylamide, acrylic acid, methacrylic acid.

Use/Production. (G) Open use. Prod. range: 2,400-100,000 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and disposal: dermal and inhalation, a total of 11 workers, up to 8 hrs/da, up to 20 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air. Disposal by approved landfill.

PMN 83-1185

Manufacturer. Confidential.

Chemical. (G) Substituted-1-sila-2-azacyclopentane.

Use/Production. (S) Category of use is additive in industrial use. Prod. range: Confidential.

Toxicity Data. Acute dermal: >2,000 mg/kg; Irritation: Skin—Moderate, Eye—Moderate.

Exposure. Confidential.

Environmental Release/Disposal. No release.

PMN 83-1186

Manufacturer. Confidential.

Chemical. (G) Vinyl interpolymer containing hydroxyl and carboxyl groups.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, inhalation, and ocular, a total of 105 workers, up to 6 hrs/da, up to 30 da/yr.

Environmental Release/Disposal. No release. Disposal by incineration.

PMN 83-1187

Manufacturer. Confidential.

Chemical. (G) Vinyl interpolymer containing hydroxyl and carboxyl groups.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, inhalation and ocular, a total of 105 workers, up to 6 hrs/da, up to 30 da/yr.

Environmental Release/Disposal. No release. Disposal by incineration.

PMN 83-1188

Manufacturer. Confidential.

Chemical. (G) Organic acid salt of the succinimide of alpha olefin and alkene/alkene copolymer.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 4 workers, up to 1 hr/da, up to 100 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water. Disposal by navigable waterway.

PMN 83-1189

Manufacturer. Confidential.

Chemical. Succinimide of alpha olefin and alkene/alkene copolymer.

Use/Production. (S) Captive intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 4 workers, up to 1 hr/da, up to 100 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water. Disposal by navigable waterway.

PMN 83-1190

Manufacturer. Confidential.

Chemical. (G) Alpha olefin succinic anhydride.

Use/Production. (S) Captive intermediate. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal, a total of 4 workers, up to 1 hr/da, up to 9 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water. Disposal by navigable waterway.

PMN 83-1191

Manufacturer. Confidential.

Chemical. (G) Alkenyl succinic acid metal salt.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal, a total of 4 workers, up to 1 hr/da, up to 100 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water. Disposal by navigable waterway.

PMN 83–1192

Manufacturer. Confidential.

Chemical. (G) Alkenyl succinic acid metal salt.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal, a total of 4 workers, up to 1 hr/da, up to 100 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water. Disposal by navigable waterway.

PMN 83–1193

Manufacturer. Confidential.

Chemical. (G) Organic acid salt of 3 heteropolycycle alkyl succinimide of thiol alkene/alkene copolymer.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. Acute oral: 5.0 g/kg; Acute dermal: 3.2 g/kg; Irritation: Skin—Low degree of irritation, Eye—Slight.

Exposure. Manufacture: dermal, a total of 4 workers, up to 1 hr/da, up to 5–15 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water. Disposal by navigable waterway.

PMN 83–1194

Manufacturer. Confidential.

Chemical. (G) 3 heteropolycycle alkyl succinimide of thiol alkene/alkene copolymer.

Use/Production. (S) Captive intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 4 workers, up to 1 hr/da, up to 5–15 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water. Disposal by navigable waterway.

PMN 83–1195

Manufacturer. Confidential.

Chemical. (G) Succinic anhydride of thiol alkene/alkene copolymer.

Use/Production. (S) Captive intermediate. Prod. range: Confidential.

Toxicity Data. No date on the PMN substance submitted.

Exposure. Manufacture: dermal, a total of 4 workers, up to 1 hr/da, up to 50–150 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water. Disposal by navigable waterway.

PMN 83–1196

Manufacturer. Exxon Chemical Americas.

Chemical. (G) Reaction product of alkyl succinic anhydride and polyamine.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. Acute oral: Very low order; Acute dermal: No systemic effects; Irritation: Skin—Mild to moderate, Eye—Mild.

Exposure. Manufacture: dermal and inhalation, a total of 24 workers, up to <1 hr/da, up to 33 da/yr.

Environmental Release/Disposal. Disposal by off site deep well injection.

PMN 83–1197

Manufacturer. Exxon Chemical Americas.

Chemical. (G) Reaction product of alkyl succinic anhydride and polyamine.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal and inhalation, a total of 24 workers, up to <1 hr/da, up to 33 da/yr.

Environmental Release/Disposal. Disposal by off site deep well injection.

PMN 83–1198

Manufacturer. Exxon Chemical Americas.

Chemical. Reaction product of alkyl succinic anhydride and polyamine.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal and inhalation, a total of 24 workers, up to <1 hr/da, up to 33 da/yr.

Environmental Release/Disposal. Disposal by off site deep well injection.

PMN 83–1199

Manufacturer. Exxon Chemical Americas.

Chemical. (G) Reaction product of alkl succinic anhydride and polyamine.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. Acute oral: No observable abnormalities; Acute dermal: No systemic effects; Irritation: Skin—Mild, Eye—Mild.

Exposure. Manufacture: dermal and inhalation, a total of 24 workers, up to <1 hr/da, up to 33 da/yr.

Environmental Release/Disposal. Disposal by off site deep well injection.

Dated: September 9, 1983.

Linda A. Travers,

Acting Director, Management Support Division.

[FR Doc. 83-25153 Filed 9-15-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

Formation of Bank Holding; Hyden Citizens Bancorp, 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 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 Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Hyden Citizens Bancorp, Inc.*, Hyden, Kentucky; to become a bank holding company be acquiring 100 percent of the voting shares of Hyden Citizens Bank, Hyden, Kentucky. Comments on this application must be received not later than October 12, 1983.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoening, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Famers & Merchants Bancorp, Inc.*, Hill City, Kansas; to become a bank holding company by acquiring at least 80 percent of the voting shares of the Farmers & Merchants Bank, Hill City, Kansas. Comments on this application must be received not later than October 12, 1983.

C. **Board of Governors of the Federal Reseve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Progressive Bancorporation, Inc.*, Houna, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of Progressive Bancshares Corporation.

Houna, Louisiana. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Atlanta. Comments on this application must be received not later than October 12, 1983

Board of Governors of the Federal Reserve System, September 12, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-25281 Filed 9-15-83; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by Bank Holding Companies; Jackass Creek Land and Livestock Co. 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 Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Jackass Creek Land and Livestock Co.*, Ennis, Montana; to acquire 57.5 percent of the voting shares or assets of First Madison Valley Bank, Ennis, Montana. Comments on this application must be received not later than October 12, 1983.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Charter Bancshares, Inc.*, Houston, Texas; to acquire 100 percent of the voting shares or assets of Charter National Bank-Arena, Houston, Texas. Comments on this application must be received not later than October 5, 1983.

2. *International Bancshares Corporation*, Laredo, Texas; to acquire 100 percent of the voting shares of International Bank of Commerce, N.A. Zapata, Texas and International Bank of Commerce, N.A., Brownsville, Texas. Comments on this application must be received not later than October 12, 1983.

Board of Governors of the Federal Reserve System, September 12, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-25282 Filed 9-15-83; 8:45 am]

BILLING CODE 6210-01-M

Extension of Comment Period; SSG, Ltd.

SSG, Ltd., Miami, Florida, has 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 a bank holding company by acquiring up to 33 percent or more of the voting shares of Southeast Banking Corporation, Miami, Florida. Notice of the application was published Wednesday, August 17, 1983 at page 37304 of the **Federal Register.** The comment period for the application originally expired September 9, 1983. This notice is to announce the extension of the comment period. Comments on this application should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. no later than September 30, 1983.

Board of Governors of the Federal Reserve System, September 12, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-25283 Filed 9-15-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paper Reduction Act (44 U.S.C Chapter 35). The following are those packages submitted to OMB since the last list was published on September 9.

Public Health Service

Food and Drug Administration

Subject: Product License Application for the Manufacture of Anti-Human Globulin Sera (0910-0065)—Extension no change

Respondents: Manufacturers of anti-human globulin sera

OMB Desk Officer: Richard Eisinger

Health Care Financing Administration

Subject: Request for Claim Number Verification (HCFA-1600)— Extension no change

Respondents: Health care providers participating in the Medicare program

OMB Desk Officer: Fay S. Iudicello

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503. Attn: (name of OMB Desk Officer).

Dated: September 9, 1983.

Wallace O. Keene,

Director, Office of Computer and Information Systems.

[FR Doc. 83-25249 Filed 9-15-83; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

[Docket No. 83M-0293]

Bausch & Lomb Optics Center; Premarket Approval of BAUSCH & LOMB® SENSITIVE EYES™ Saline/ Cleaning Solution

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the BAUSCH & LOMB® SENSITIVE EYES™ Saline/Cleaning Solution sponsored by Bausch & Lomb Optics Center, Rochester, NY. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by October 17, 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 May 19, 1982, Bausch & Lomb Optics Center, Rochester, NY, submitted to FDA an application for premarket approval of the BAUSCH & LOMB® SENSITIVE EYES™ Saline/Cleaning Solution for use in the cleaning, rinsing, heat disinfection, and storage of all soft (hydrophilic) contact lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the applicaton. On August 19, 1983, FDA approved the application by a letter to the sponsor from the Associate Director of 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), soft contact lens solutions were regulated as 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)), soft contact lens solutions 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 continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or solutions comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310), until these provisions are replaced by similar rquirements 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.

The labeling of the BAUSCH & LOMB® SENSITIVE EYES™ Saline/Cleaning Solution states that the solution is designed for use in the cleaning, rinsing, heat disinfection, and storage of all soft (hydrophilic) contact lenses. Sponsors of any soft (hydrophilic) contact lenses that have been approved for marketing are advised that whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solution at the next printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update the restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)).

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 applicaton. 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 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 issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before October 17, 1983 file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 12, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-25296 Filed 9-15-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83M–0295]

Beckman Instruments, Inc.; Premarket Approval of Cutaneous Gas Monitor

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Cutaneous Gas Monitor, sponsored by Beckman Instruments, Inc., Anaheim, CA. After reviewing the recommendation of the Anesthesiology Device Section of the Respiratory and Nervous System Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use in neonates and adults as recommended in the submitted labeling.

DATE: Petitions for administrative review by October 17, 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 23, 1983, Beckman Instruments, Inc., Anaheim, CA 92806, submitted to FDA an application for premarket approval of the Cutaneous Gas Monitor for use as a noninvasive instrument for measuring the partial pressure of carbon dioxide and oxygen (PCO_2 and PO_2) at the skin surface of neonates and adults as an adjunct to blood gas measurement

techniques. The application was reviewed by the Anesthesiology Device Section of the Respiratory and Nervous System Devices Panel, an FDA advisory committee, which recommended approval of the application for use of this device on neonates and adults. On August 23, 1983, FDA approved the application by a letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles H. Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before October 17, 1983, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 12, 1983

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-25292 Filed 9-15-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83M-0296]

DePuy®; Premarket Approval of Porocoat® Modified Austin-Moore Total Hip Prosthesis

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Porocoat® Modified Austin-Moore Total Hip Prosthesis, sponsored by DePuy®, Division of Boehringer Mannheim Corp., Warsaw, IN. After reviewing the recommendation of the Orthopedic 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 October 17, 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 April 14, 1982, DePuy®, Division of Boehringer Mannheim Corp., Warsaw, IN 46580, submitted to FDA an application for premarket approval of the Porocoat® Modified Austin-Moore Total Hip Prosthesis. The application was reviewed by the Orthopedic Device Section of the Surgical and Rehabilitation Devices Panel, an FDA advisory committee, which recommended approval of the application for use as primary intervention in cases of osteoarthrosis or rheumatoid arthritis with a nonacute fracture of the neck of the involved hip, osteoarthrosis in which both femoral and acetabluar surfaces are involved, and idiopathic avascular (osteo-) necrosis where radiographic evidence of sufficient sound bone to seat the prosthesis is present. On August 19, 1983, FDA approved the application by a letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices.

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. Request should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (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 peition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before October 17, 1983, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be

seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 12, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-25297 Filed 9-15-83; 8:45 am]

BILLING CODE 4160-01-M

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Anesthetic and Life Support Drugs Advisory Committee

Date, time, and place. October 4 and 5, 8:30 a.m., Auditorium, Lister Hill Center, 8600 Rockville Pike, Bethesda, MD 20209.

Type of meeting and contact person. Open public hearing, October 4, 9 a.m. to 10 a.m.; open committee discussion, October 4, 10 a.m. to 4 p.m.; October 5, 9 a.m. to 4 p.m.; James P. Hannan, National Center for Drugs and Biologics (HFN-160), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3500.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the field of anesthesiology and surgery.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person by September 26 and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of the proposed participants, and an indication of the approximate time required to make their comments. Presentations should be limited to 15 minutes. Persons or groups with similar views on the issues before the committee are requested, if possible, to consolidate their presentations and make a single presentation before the committee.

Open committee discussion. The committee will discuss (1) bupiovicaine cardiotoxicity, (2) paracervical block, (3) "Guidelines for the Clinical Evaluation of Local Anesthetics," and (4) sulfiting agents in anesthetic drugs. Background material and information is available from the contact person upon request. Written submissions will be accepted until September 26 and should be addressed to the contact person. Any interested person attending the open committee discussion who did not request an opportunity to make an oral presentation will be given an opportunity at the conclusion of the scheduled presentations, to the extent that time permits.

Drug Abuse Advisory Committee

Date, time, and place. October 6 and 7, 9 a.m., Conference Rms. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, October 6, 9 a.m. to 10 a.m.; open committee discussion, October 6, 10 a.m. to 5 p.m.; October 7, 9 a.m. to 5 p.m.; Fredrick J. Abramek, National Center for Drugs and Biologics (HFN-120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4020.

General function of the committee. The Committee advises the Commissioner of Food and Drugs regarding the scientific and medical evaluation of all information gathered by the Department of Health and Human Services and the Department of Justice with regard to safety, efficacy, and abuse potential of drugs or other substances and recommends actions to be taken by the Department of Health and Human Services with regard to marketing, investigation, and control of such drugs or other substances.

Agenda—Open public hearing: Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The Committee will discusss the following:

1. Buspirone, NDA 18-731: Abuse potential considerations of a new, unapproved, anti-anxiety product.

2. Nicorette® Gum: Consideration of whether there is a need to schedule the product under the Controlled Substance Act.

3. Phenylpropanolamine: Discussion of the possible public health hazards associated with the widespread availability and promotion of this drug as it is sold over-the-counter (OTC).

Fertility and Maternal Health Drugs Advisory Committee

Date, time, and place. October 13 and 14, 9 a.m., Conference Rms. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, October 13, 9 a.m. to 10 a.m.; open committee discussion, October 13, 10 a.m. to 5 p.m.; October 14, 9 a.m. to 5 p.m.; A. T. Gregoire, National Center for Drugs and Biologics (HFN-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1869.

General function of the committee. The committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drug products for use in obstetrics, gynecology, and contraception.

Agenda—Open public hearing. Interested persons requesting to present data, information or views, orally or in writing, on issues pending before the committee should communicate with the executive secretary.

Open committee discussion. The committee will discuss the use of antinauseants during pregnancy. The committee is asked to consider, broadly, the question of the use of antinauseant drug products in the treatment of nausea and vomiting associated with pregnancy. The committee is being asked to consider not only which products might prove useful, but also the wisdom of pharmacological treatments for this syndrome. The advice that is sought is not expected to lead to specific recommendations for the use of specific products. Rather, it is intended to result in a general assessment of the risks and benefits involved. Obviously, not all potential drug products that have or are claimed to have an antinauseant or antiemetic action can be considered in detail. FDA has selected a small number of representative, marketed antiemetic and antinauseant drug products, has reviewed them in some detail, and will present this information as a starting point for the committee's discussion. The presentation of FDA's review is intended to provide the committee with relevant information to assess some of the potential risk of these products. The data reviewed do not address the question of whether these products have been shown to have specific efficacy in the treatment of the nausea and vomiting of pregnancy, as these products are recognized as general antinauseants and/or antiemetics.

Dermatologic Drugs Advisory Committee

Date, time, and place. October 20 and 21; 1 p.m.; October 20, subcommittee on lindane, Conference Rm. L; 9 a.m., October 21, full committee, Conference Rm. M, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open committee discussion, October 20, 1 p.m. to 4 p.m.; open public hearing, October 21, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 4:30 p.m.; David Bostwick, National Center for Drugs and Biologics (HFN-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6798.

General function of the committee. The committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drug products for use in the treatment of dermatological disorders.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss lindane (Kwell) NDA 6-309, Reed and Carnrick, Inc., and isotretinoin (Accutane) NDA 18-662, Hoffmann-La Roche, Inc.

Dental Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel

Date, time, and place. October 21, 9 a.m., Rm. 303-305A, 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, October 21, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 2 p.m.; Gregory Singleton, National Center for Devices and Radiological Health (HFK-470), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7555.

General function of the committee. The committee reviews and evalutes available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before September 21, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss a premarket approval application for an operative dentistry device and make a recommendation of approval or disapproval.

Subcommittees of the Arthritis Advisory Committee

Date, time, and place. October 24 and 25, 9 a.m., Conference Rms. D and E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, October 24, 9 a.m. to 10 a.m.; open committee discussion, October 24, 10 a.m. to 5 p.m.; October 25, 9 a.m. to 5 p.m.; Dotti Moore, National Center for Drugs and Biologics (HFN-150), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5197.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in arthritic conditions.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues before the committee.

Open committee discussion. The Statistics Subcommittee will discuss statistical guidelines for nonsteroidal anti-inflammatory drugs (NSAID) on October 24. A copy of the guidelines is available from the Freedom of Information (FOI) staff, (HFW-35), Parklawn Bldg., Rm. 12A-12, 301-443-6310. On October 25, the Guidelines Subcommittee will discuss guidelines for the clinical evaluation of anti-inflammatory and anti-rheumatic drugs, protocols for claim of disease-modifying capability of NSAID's, and guidelines for claims of superior efficacy of one NSAID over others.

Joint Meeting of the Psychopharmacologic Drugs Advisory Committee and Cardiovascular and Renal Drugs Advisory Committee

Date, time, and place. October 31 and November 1, 9 a.m., Conference Rms. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, October 31, 9 a.m. to 10 a.m.; open committee discussion, October 31, 10 a.m. to 5 p.m.; November 1, 9 a.m. to 5 p.m., Frederick J. Abramek, National Center for Drugs and Biologics (HFN-120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4020.

General function of the committees. The Psychopharmacologic Drugs Advisory Committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drug products for use in the practice of psychiatry and related fields. The Cardiovascular and Renal Drugs Advisory Committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of cardiovascular and renal disorders. Members of the Cardiovascular and Renal Drugs Advisory Committee will be participating in this meeting to provide expertise on the potential cardiovascular toxicity of neuroleptic drugs.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will be asked to assess the relative risks and benefits of ORAP® (pimozide) in the management of Giles de la Tourette's Syndrome, a rare neuropsychiatric condition. The Division of Neuropharmacologic Drug Products is considering approval of ORAP® for this "orphan" use, and asks the joint committee's advice on this proposed action.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published

in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: September 12, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-25290 Filed 9-13-83; 11:27 am]

BILLING CODE 4160-01-M

Advisory Committee Meeting; Cancellation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is cancelling the meeting of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel scheduled for September 19 and 20, 1983. The meeting was announced by notice in the **Federal Register** of August 16, 1983 (48 FR 37078).

FOR FURTHER INFORMATION CONTACT: George C. Murray, National Center for Devices and Radiological Health (HFK–460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7940.

Dated: September 12, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-25293 Filed 9-13-83; 11:27 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

California Preliminary Recommendations for the Benton-Owens Valley/Bodie-Coleville Wilderness Study Areas and Availability of Draft Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of and public meeting and hearing on the Draft Benton-Owens Valley/Bodie-Coleville Wilderness Environmental Impact Statement (EIS).

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 and Section 603(a) of the Federal Land Policy and Management Act of 1976, the Department of the Interior has prepared a draft Wilderness Environmental Impact Statement for 19 Wilderness Study Areas (WSAs) in the Benton-Owens Valley/Bodie-Coleville Study Area, Bakersfield District, California, and Carson City District, Nevada. The 19 WSAs total 290,216 acres of Bureau of Land Management administered land and 8,510 acres of U.S. Forest Service adminjstered land (in accordance with the Februry 20, 1982 joint wilderness study cooperative agreement between the two agencies). The proposed action recommends 53,089 acres as suitable and 245,637 acres as nonsuitable for wilderness designation. Alternatives consider all wilderness (298,726 acres), no wilderness, and partial wilderness (158,219 acres).

Comments on the draft environmental impact statement are being solicited from public agencies and interested individuals and organizations. One public meeting and one hearing, required under Section 3(d) of the Wilderness Act, will be held to gather public input.

Copies of the draft Benton-Owens Valley/Bodie-Coleville Study Areas Environmental Impact Statement are available for review at the following locations:

Bakersfield District Office, Bureau of Land Management, 800 Truxtun Avenue, Room 302, Bakersfield, CA 93301, telephone: (805) 861–4191

California State Office, Bureau of Land Management, 2800 Cottage Way, Room E–2841, Sacramento, CA 95825, telephone: (916) 484–4541

Public Affairs, Bureau of Land Management, Interior Building, 18th & C Streets, NW., Washington, D.C. 20240, telephone: (202) 343–5717

A limited number of single copies of the statement can be obtained by contacting the California State Director or District Manager, at the above addresses.

DATE: The public comment period is open for 90 days through December 14, 1983. Comments received or postmarked after that date may not be considered in the final environmental impact statement. The public meeting is scheduled for October 26, 1983 and the public hearing on October 27, 1983. O

ADDRESSES: Written comments may be sent to the District Manager, Bakersfield District Office, 800 Truxtun Avenue, Room 302, Bakersfield, California 93301. The public meeting is scheduled for October 26, 1983, from 7:00 to 9:00 p.m., in the Community Clubhouse, Turtle Rock County Park, Highway 4 (also Highway 89), approximately three miles north of Markleeville, California. The public hearing will be held on October 27, 1983, from 3:00 to 5:00 p.m., and from 7:00 to 9:00 p.m., in the Bishop City Council Chambers, City Hall, 377 West Line, Bishop, California 93514.

FOR FURTHER INFORMATION CONTACT: Gerald MaGee, BLM District Office, telephone (805) 861–4191 or Bill Payne, California State Office, 2800 Cottage Way, Sacramento, California 95825, telephone (916) 484–4541.

Dated: September 6, 1983.

Bruce P. Conrad,

Acting State Director.

[FR Doc. 83-25189 Filed 9-15-83; 8:45 am]

BILLING CODE 4310-84-M

Establishment of Long-Term Visitor Permit Program and Designation of Long-Term Visitor Areas; Yuma District, Arizona, and California Desert District, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Establishment of a Long-Term Visitor Permit Program and Designation of Long-Term Visitor Areas in the Yuma District, Arizona, and the California Desert District, California.

SUMMARY: The Bureau of Land Management's (BLM) Yuma District and California Desert District will begin implementation of a long-term visitor use policy. The new policy, called the "Long-Term Visitor Permit Program," will require visitors who wish to camp on public lands in one location over 14 consecutive days to stay in designated "Long-Term Visitor Areas" and purchase a long-term visitor permit.

Initially the BLM hereby designates nine Long-Term Visitor Areas in Arizona and California (see Table 1). The designated areas will be posted and will be the only locations where long-term camping (over 14 days) will be allowed within both BLM Districts.

In the future, long-term visitor permits will be issued at an annual cost of $25. Although permits are required for the 1983–84 season, the permit fee for this season will be waived in order to provide for better public awareness during initial program implementation. Permits can be obtained at the designated areas from a uniformed BLM employee or at BLM offices in Yuma, Lake Havasu City (Arizona), Riverside, El Centro, Needles, Barstow, and Ridgecrest (California). The permit entitles the visitor to stay in a designated Long-Term Visitor Area during all or part of the annual use season from October 1 to May 31. During the remainder of the year (June 1 to September 31) these sites will be subject to the 14-day camping limit.

EFFECTIVE DATE: October 15, 1983.

FOR FURTHER INFORMATION CONTACT:

David Mensing, Outdoor Recreation Planner, California Desert District, Riverside, California 92507, (714) 351–6369

or

Hal Hallett, Outdoor Recreation Planner, Yuma District, Yuma, Arizona 85364, (602) 726–6300

SUPPLEMENTARY INFORMATION: The new long-term camping policy is directed primarily at long-term winter desert users who enjoy the warm climate of the southern deserts. The sites designated as Long-Term Visitor Areas are, in most cases, the current use areas of these long-term users. These designated sites were selected using criteria developed during the management planning process and environmental assessments were completed for each site location.

The establishment of this program is to accommodate the increasing demand for long-term winter visitation and to improve management of this use, both for visitor safety and convenience. The permit will assist the BLM in providing visitor services in the designated areas. The designation of Long-Term Visitor Areas will assure that specific locations are available for long-term use year after year.

Visitors may camp on public lands not closed to camping for up to 14 consecutive days without a long-term visitor permit.

Authority for the designation of Long-Term Visitor Areas is contained in CFR Title 43, Chapter II, Part 8372.0–5(g).

Authority for the establishment of a long-term visitor permit program is contained in CFR Title 43, Chapter II, Part 8372.1 and payment of fees in 8372.4 and CFR Title 36, Chapter I, Part 71.

TABLE 1.—LONG-TERM VISITOR AREAS

Area	Approximate size (acres)	Location
Mule Mountains	4,500	T. 8 S., R. 20 E. (SBM) Secs. 1, 2, 9, 10, 11, 12, 14, 15, 16, 21, 22, 27, 28, 29, 32, 33, 34.
Pilot Knob	220	T. 16 S., R. 21 E. (SBM) Secs. 27, 28.
South Mesa	125	T. 14½ S., R. 23 E. (SBM) Sec. 36. T. 15 S., R. 24 E. (SBM) Sec. 6.
Coyote Ridge	125	T. 15 S., R. 23 E. (SBM) Sec. 12. T. 15 S., R. 24 E. (SBM) Sec. 18.
La Posa	2,200	T. 3 N., R. 18 W. (GSRM) Secs. 7, 18. T. 3 N., R. 19 W. (GSRM) Secs. 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 23, 24. T. 4 N., R. 19 W. (GSRM) Secs. 27, 28, 33, 34, 35.
Quail Hill	6	T. 15 S., R. 24 E. (SBM) Sec. 17.
Kripple Kreek	20	T. 15 S., R. 24 E. (SBM) Secs. 5, 6, 7, 8.
Skunk Hollow	6	T. 15 S., R. 24 E. (SBM) Sec. 6.
Beehive Mesa	3	T. 15 S., R. 24 E. (SBM) Sec. 18.

Maps showing the location of the nine Long-Term Visitor Areas are available upon request at both the Desert District and Yuma District Offices.

Dean Bibles,

State Director, Arizona.

Ed Hastey,

State Director, California.

[FR Doc. 83-25337 Filed 9-15-83; 8:45 am]

BILLING CODE 4310-84-M

Proposed Livestock Grazing Management; Honey Lake-Beckwourth Area, Susanville District, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability on the Draft Honey Lake-Beckwourth Grazing Environmental Impact Statement (EIS).

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a draft environmental impact statement concerning the proposed grazing management program for the Susanville District, Eagle Lake Resource Area in Lassen, Plumas and Sierra Counties in northeastern California. The proposed action would allow grazing on 41,397 acres of public land permitting the consumption of 2,085 AUMs of forage on 25 grazing leases. Alternatives analyzed include decreased livestock use (1,406 AUMs), increased livestock use (3,322 AUMs), no action (2,085 AUMs), and no grazing.

Comments on the draft environmental impact statement are being solicited from public agencies and interested individuals and organizations.

Copies of the draft Honey Lake-Beckwourth Grazing EIS are available for review at the following locations:

Susanville District Office, Bureau of Land Management, 705 Hall Street, P.O. Box 1090, Susanville, CA 96130, Telephone: (916) 257–5381

Eagle Lake Area Office, Bureau of Land Management, 2545 Riverside Drive, P.O. Box 1090, Susanville, CA 96130, Telephone: (916) 257–5381

California State Office, Bureau of Land Management, 2800 Cottage Way, Sacramento, CA 95825, Telephone: (916) 484–4541

Public Affairs Office, Bureau of Land Management, Interior Building, 18th & C Streets NW., Washington, D.C. 20240, Telephone: (202) 343–5717

A limited number of single copies of the statement can be obtained by contacting the California State Director, District Manager, or Area Manager, at the above addresses.

DATE: The public comment period is open for 90 days through December 14, 1983. Comments received or postmarked after that date may not be considered in the final environmental impact statement.

ADDRESSES: Written comments may be sent to the District Manager, Bureau of Land Management, P.O. Box 1090, Susanville, California 96130.

FOR FURTHER INFORMATION CONTACT: Mark Morse, Area Manager, Eagle Lake Resource Area, (916) 257–5381.

Dated: September 24, 1983.

Ed Hastey,

California State Director.

[FR Doc. 83-24886 Filed 9-15-83; 8:45 am]

BILLING CODE 4310-84-M

Office of Surface Mining Reclamation and Enforcement

[Federal Coal Lease, M-46292]

Intent To Prepare a Draft Environmental Impact Statement for the Proposed CX-Ranch Mine, Bighorn County, Montana

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of intent to prepare a draft environmental impact statement.

SUMMARY: Notice is hereby given that the Office of Surface Mining (OSM), Western Technical Center, and the Montana Department of State Lands (DSL) intend to prepare an environmental impact statement (EIS) on the permit application submitted by Consolidated Coal Company to OSM and the State of Montana for the proposed CX-Ranch mine. The EIS will evaluate the alternative actions of approval or disapproval and other alternatives that may be developed after all comments from the scoping process have been evaluated. This EIS will assist the Department of the Interior and the Montana Department of State Lands in making a decision on the Consolidation Coal Company application for surface mining of coal about 2 miles northwest of Decker, Montana.

DATES: A public scoping brochure discussing both the CX-Ranch and Wolf Mountain mines was distributed by the Montana Department of State Lands in the fall of 1982 to obtain public input concerning the proposed mine and aid in determining the scope of the EIS. Any additional written comments or statements on the scope of the EIS must be received not later than 5 p.m. MDT, September 30, 1983, at either of the addresses given below.

ADDRESSES: Written comments or statements must be mailed or hand delivered to Allen D. Klein, Administrator, Attn: Charles Albrecht, Office of Surface Mining, Western Technical Center, Second Floor, Brooks Towers, 1020 Fifteenth Street, Denver, CO 80202, *or* to Mr. Kit Walther, Montana Department of State Lands, Environmental Analysis Bureau, 1539 11th Street, Helena, MT 59620.

Copies of the mining plan are available for review at the OSM office above as well as at Montana Department of State Lands, 1525 Eleventh Avenue, Helena, Montana; and the Bureau of Indian Affairs, Crow Agency, Montana and the Office of Surface Mining, Casper Field Office, Freden Building, 935 Pendell Blvd., Mills, Wyoming.

FOR FURTHER INFORMATION CONTACT: Allen D. Klein, Attn: Charles Albrecht (telephone (303) 837-5421) at the Denver, Colorado, location given under "ADDRESSES."

SUPPLEMENTARY INFORMATION: The proposed surface mine is located approximately 22 miles north of Sheridan, Wyoming, near Decker, Montana, in Big Horn County, Montana. The minesite would cover 1,905 acres and at full production, the mine would produce 8,000,000 T.P.Y. The projected present reserves total 46,900,000 tons. All of this coal would be removed from the open pit mine by the truck and shovel method. Two seams will be mined: the Anderson seam averaging 81 feet, and the lower Canyon seam averaging 21 feet. There is approximately 70 feet of interburden material between the two seams. There is about 250 feet of overburden that will be removed by 45 foot lifts. The life of the mine will be about 13 years.

OSM and the Montana DSL will jointly analyze the impacts of the proposal and its alternative with assistance from the Bureau of Indian Affairs.

Dated: September 12, 1983.

William B. Schmidt,

Acting Director, Office of Surface Mining.

[FR Doc. 83-25377 Filed 9-15-83; 8:45 am]

BILLING CODE 4310-05-M

[Federal Coal Lease, M-061686]

Intent To Prepare a Draft Environmental Impact Statement for the Proposed Wolf Mountain, Bighorn County, Montana

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of intent to prepare a draft environmental impact statement.

SUMMARY: Notice is hereby given that the Office of Surface Mining (OSM), Western Technical Center, and the Montana Department of State Lands (DSL) intend to prepare an environmental impact statement (EIS) on the permit application submitted by Kiewit Mining and Engineering Company to OSM and the State of Montana for the proposed Wolf Mountain mine. The EIS will evaluate the alternative actions of approval or disapproval and other alternatives that may be developed after all comments from the scoping process have been evaluated. This EIS will assist the Department of the Interior and the Montana Department of State Lands in making a decision on the Kiewit Mining and Engineering Company application for surface mining of coal near Decker, Montana, north of Sheridan, Wyoming.

DATES: A public scoping brochure discussing both the CX-Ranch and Wolf Mountain mines was distributed by the Montana Department of State Lands in the fall of 1982 to obtain public input concerning the proposed mine and aid in determining the scope of the EIS. Any additional written comments or statements on the scope of the EIS must be received not later than 5 p.m. MDT, September 30, 1983, at either of the addresses given below.

ADDRESSES: Written comments or statements must be mailed or hand delivered to Allen D. Klein, Administrator, Attn: Charles Albrecht, Office of Surface Mining, Western Technical Center, Second Floor, Brooks Towers, 1020 Fifteenth Street, Denver, CO 80202, *or* to Mr. Kit Walther, Montana Department of State Lands, Environmental Analysis Bureau, 1539 11th Street, Helena, MT 59620.

Copies of the mining plan are available for review at the OSM office above as well as at Montana Department of State Lands, 1525 Eleventh Avenue, Helena, Montana; and the Bureau of Indian Affairs, Crow Agency, Montana and the Office of Surface Mining, Casper Field Office, Freden Building, 935 Pendell Blvd., Mills, Wyoming.

FOR FURTHER INFORMATION CONTACT: Allen D. Klein, Attn: Charles Albrecht (telephone (303) 837-5421) at the Denver, Colorado, location given under **"ADDRESSES."**

SUPPLEMENTARY INFORMATION: The proposed surface mine would be located near Decker, Montana, approximately 22 miles north of Sheridan, Wyoming. The minesite in this permit application would cover approximately 2,141 acres of private and State surface overlying private and Federal coal. During the proposed 5-year permit term, approximately 1,138 acres would be disturbed. The mine would be in operation for approximately 20 years (18 years of production) during which the total of 1,470 acres would be disturbed, with a maximum annual production of 3.0 million tons of coal. Mining throughout the life of the mine would take place in one pit, which would advance across the permit area from northwest to southeast.

Wolf Mountain mine has submitted a design concept to the State of Montana Highway Department concerning a change in vertical alignment of Highway 314 north of Decker, Montana. This concept would raise the existing highway, resulting in sufficient clearance for construction of a grade separation structure on Highway 314 over the mine haul road. Kiewit Mining and Engineering Company has also contacted Burlington Northern Railroad concerning a loadout loop off the existing Decker spur line. The proposed permit boundary overlaps with the Decker Coal Company's powerline corridor. Decker Coal Company has agreed to move the powerline and to amend their permit boundary.

OSM and the Montana DSL will jointly analyze the impacts of the proposal and its alternative.

Dated: September 12, 1983.

William B. Schmidt,

Acting Director, Office of Surface Mining.

[FR Doc. 83-25378 Filed 9-15-83; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or to use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b):

1. Parent Company: BMI, Inc.—700 Bingham Street, Pittsburgh, PA 15203.

2. Wholly owned subsidiaries which participate in the operations and states of incorporations are as follows:

a. Greensteel, Inc.—29 Laing Avenue, Dixonville, PA 15734—Pennsylvania Corporation.

b. Greensteel, Inc.—P.O. Box 1360, Apopka, FL 32703—Florida Corporation.

c. Greensteel, Inc.—9440 N.E. Halsey Street, Portland, OR 97220—Oregon Corporation.

d. Greensteel, Inc.—1169 North Grove Street, Anaheim, CA 92806—Oregon Corporation (California Foreign).

e. Barr Machine, Inc.—29 Laing Avenue, Dixonville, PA 15734—Pennsylvania Corporation.

f. Kensington Products—P.O. Box 488, Leechburg, PA 15656—Pennsylvania Corporation.

g. Carolina Chalkboard Company—1947 Bancroft St., Charlotte, NC 28206—North Carolina Corporation.

(1) Parent corporation and address of principal office: Marathon Electric Manufacturing Corporation, (a Wisconsin corporation), 100 East Randolph Street, Wausau, Wisconsin 54401.

(2) Wholly-owned subsidiaries which will participate in the operations, and state(s) of incorporation:

(i) Marathon Special Products Corporation (Ohio).

(ii) Marathon Electronics Group, Inc. (California).

1. The parent corporation and address of its principal office is: Scaffold Services, Inc. 4717 Adams Ave. Baton Rouge, LA 70806.

2. Wholly-owned subsidiaries which will participate in the operations, and their State(s) of incorporation are:

(i) Scaffolding Rental & Erection Service, Inc.—Louisiana.

(ii) Scaffold Builders, Inc.—Louisiana.

(iii) Scaffolding Specialists, Inc.—Texas.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-25328 Filed 9-15-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-1 Sub-No. 160]

Railroads: Chicago & North Western Transportation Co.—Abandonment and Discontinuance of Service—In Cook County, IL; Findings

The Commission has issued a certificate authorizing Chicago & North Western Transportation Company to (1) abandon its line of rail near Maywood, IL, between milepost 10.9 and milepost 12.9, a distance of 2 miles, and (2) discontinue service over its line near Bellwood, IL, between milepost 13.3 and milepost 13.9, a distance of 0.6 mile. The entire segment is located in Cook County, IL. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower lefthand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR Part 1152.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-25325 Filed 9-15-83; 8:45 am]

BILLING CODE 7035-01-M

[I.C.C. Order No. P-65]

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 29, 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 11:05 p.m. (e.d.t.), September 7, 1983.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m. (e.d.t.), September 9, 1983, 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., September 8, 1983.

Interstate Commerce Commission.

John H. O'Brien,

Agent.

[FR Doc. 83-25324 Filed 9-15-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 83-24]

George A. Sullivan, D.O., Jackson, Kentucky; Hearing

Notice is hereby given that on July 22, 1983, the Drug Enforcement Administration, Department of Justice, issued to George A. Sullivan, D.O., an Order To Show Cause as to why the Drug Enforcement Administration should not deny his application, executed on March 14, 1983, for registration as a practitioner 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, notice is hereby given that a hearing in this matter will be held on Wednesday, September 28, 1983, commencing at 9:30 a.m. in Courtroom A-826, U.S. Courthouse, 801 Broadway, Nashville, Tennessee.

Dated: September 12, 1983.

Francis M. Mullen, Jr.,

Acting Administrator Drug Enforcement Administration.

[FR Doc. 83-25333 Filed 9-15-83; 8:45 am]

BILLING CODE 4410-09-M

Office of Juvenile Justice and Delinquency Prevention

Coordinating Council; Meeting

The quarterly meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention will be held in Washington, D.C. on September 30, 1983. The meeting will take place at the Hubert Horatio Humphrey Building, Main Floor Auditorium, 200 Independence Avenue, SW., from 9:30 a.m. until 11:30 a.m.

Matters related to the coordination of Federal effort in the area of juvenile justice and delinquency prevention will comprise the agenda.

Further information regarding this meeting may be obtained by contacting: Roberta Dorn, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, NW., Washington, D.C. 20531. (202) 724-7655.

Dated: September 13, 1983.

Alfred S. Regnery,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 83-25363 Filed 9-15-83; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue NW., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Extension

Mine Safety and Health Administration

On occasion

Business or other for-profit and small businesses or organizations

SIC: Multiple

400 respondents; 400 hours

The Federal Mine Safety and Health Act of 1977 requires the Secretary of Labor to exercise many of his duties under the Act in cooperation with miners representatives. The Act also establishes miners' rights which must be exercised through a representative. 30 CFR Part 40 contains procedures which a person or organization must follow in order to be identified by the Secretary as a representative of miners.

Mine Safety and Health Administration

Radiation Sampling and Exposure Records

Weekly, monthly, and annually

Businesses or other for-profit and small businesses or organizations

SIC: Multiple

125 respondents; 48,437 hours

Requires the mine operator to calculate, record and report individual exposures to concentrations of radon daughters. Operators are required to conduct weekly testing where the fluctuation in radiation is substantial or concentrations of radon daughters exceed 0.3 WL. Monthly testing is required where mines have consistent readings of 0.3 WL or less. Records are maintained by the operator and are submitted to MSHA annually.

Signed at Washington, D.C. this 13th day of September, 1983.

Richard Glesener,

Acting Departmental Clearance Officer.

[FR Doc. 83-25371 Filed 9-15-83; 8:45 am]

BILLING CODE 4510-43-M

Employment and Training Administration

[Employment and Training Order No. 3-83]

Federal-State Unemployment Compensation Program; Redelegation of Authority to Associate Assistant Secretary for Employment and Trainig to Certify Determinations Relating to Limitations on Tax Credit Reductions and Deferral of Interest on Title XII Advances

Employment and Training Order No. 3–83 redelegates to the Associate Assistant Secretary for Employment and Training authority to make certain determinations with respect to limitations on tax credit reductions by reason of an outstanding balance of advances received by a State under Title XII of the Social Security Act and deferral of interest on such an advance. Employment and Training Order No. 3–83 is published below.

Dated: September 9, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

September 9, 1983.

Subject: Redelegation of Authority to Associate Assistant Secretary to Certify Determinations Relating to Limitations on Tax Credit Reductions and Relating to Deferral of Interest on Title XII Advances.

1. *Purpose.* To redelegate to the Associate Assistance Secretary for Employment and Training authority to certify findings and determinations with respect to limitations (cap) on reductions of credit against the Federal unemployment tax by reason of an outstanding balance of advances received by a State pursuant to Title XII of the Social Security Act and with respect to deferral of interest assessed on such advances.

2. *Directives Affected.* Secretary's Order 4–75 and Manpower Administration Order 4–75.

3. *Delegation.* The Associate Assistant Secretary for Employment and Training is delegated authority to certify determinations required under the provisions of Sections 3302 (c), (d), (f), and (g) of the Federal Unemployment Tax Act and under Section 1202 of the Social Security Act, on the basis of findings recommended by the Director of the Unemployment Insurance Service.

[FR Doc. 83-25372 Filed 9-15-83; 8:45 am]

BILLING CODE 4510-30-M

Worker Adjustment Assistance; Investigations Regarding Certifications of Eligibility To Apply; ASARCO, Inc., et al.

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 26, 1983.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 26, 1983.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 12th day of September, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
ASARCO, Inc. (USWA)	Corpus Christi, TX	9/7/83	9/1/83	TA-W-14,970	Zinc, acid & cadium.
Bay Shipbuilding Corp. (Plumbers & Steamfitters Union)	Sturgeon Bay, WI	9/1/83	8/29/83	TA-W-14,971	Commercial ships for bulk carriers.
Bobbie Brooks, Inc., Distribution Center (ILGWU)	Cleveland, Ohio	9/7/83	8/29/83	TA-W-14,972	Distribution of women's sportswear.
Cleveland Twist Drill Company (workers)	Cleveland, Ohio	8/29/83	8/17/83	TA-W-14,973	Cutting tools—twist drills.
Diamond Energy Corp. (workers)	Williamson, WV	9/6/83	9/1/83	TA-W-14,974	Metallurgical coal.
Dresser Industries, Inc., Ideco Div., Beaumont Plt. (OCAWA)	Beaumont, TX	9/6/83	9/2/83	TA-W-14,975	Oil drilling equipment.
Falls Yarn Mills, Inc. (ITU)	Woonsocket, R.I.	9/8/83	8/31/83	TA-W-14,976	Woolen yarns.
Georgia Boot—Durango Boot (Co.)	Gainesboro, TN	9/7/83	8/31/83	TA-W-14,977	Basic work boots & outdoor utility footwear.
Interstate Drop Forge Company (Boilermakers, Blacksmith, Ironship Builders, Forgers Union)	Milwaukee, WI	9/6/83	8/31/83	TA-W-14,978	Clothes, die forgings.
Jacobson Manufacturing Co., Inc. (UAW)	Union, NJ	9/8/83	9/1/83	TA-W-14,979	Industrial fasteners.
Jacobson Manufacturing Co., Inc. (UAW)	Kenilworth, NJ	9/8/83	9/1/83	TA-W-14,980	Industrial fasteners.
Mystery Mountain Coal Co. (UMWA)	Ragland, WV	8/31/83	8/24/83	TA-W-14,981	Steam coal mining.
Oehler Industries, Inc. (Bridge, Structural & Ornental Iron Workers)	Buffalo, NY	9/7/83	8/30/83	TA-W-14,982	Steel fabrication.
Potter's Supply (workers)	Liverpool, Ohio	9/6/83	8/31/83	TA-W-14,983	Kiln furniture.
(The) River Terminal Railway Co. (workers)	Cleveland, Ohio	9/1/83	8/30/83	TA-W-14,984	Transports steel products for Republic Steel.
Royal China Co. (workers)	Sebring, Ohio	9/7/83	8/35/83	TA-W-14,985	Semi vitreous—dinner ware, earthen ware, ironstone.
Sew What's, Inc. (workers)	Hialeah, FL	8/11/83	8/8/83	TA-W-14,986	Contractor of women's sportswear.
U.S. Steel Corp., U.S.S. Fabrication Div. (Ironworkers)	Elmira Heights, NY	9/6/83	8/30/83	TA-W-14,987	Welded girders—cross frames, stringers.
Vulcan Corp. (ACTWU)	Brockton, MA	9/2/83	8/30/83	TA-W-14,988	Plastic foam last—for shoes.
Wolverine Glove Co. (workers)	Nokapater, Miss	9/6/83	8/30/83	TA-W-14,989	Retail gloves.

[FR Doc. 83-25374 Filed 9-15-83; 8:45 am]

BILLING CODE 5410-30-M

Occupational Safety and Health Administration

Maryland State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 5, 1973, notice was published in the **Federal Register** (38 FR 17834) of the approval of the Maryland State plan and the adoption of Subpart O to Part 1952 containing the decision.

The Maryland State plan provides for the adoption of Federal standards as State standards after comments and public hearing. Sections 1952.210.214 of Subpart O set forth the State's schedule for the adoption of Federal standards. By letter dated May 13, 1983 from Deputy Commissioner Nancy B. Burkheimer, Maryland Division of Labor and Industry to William W. White, Jr., Acting Regional Administrator and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR 1910.1025(f)(3)(ii); Appendix B, Sections IV and XV to § 1910.1025; Appendix D to § 1910.1025 pertaining to respirator fit testing relating to lead exposure as published in the **Federal Register** (47 FR 51117–51119) dated November 12, 1982. This standard, which was contained in COMAR 09.12.31 Maryland Occupational Safety and Health standards, was promulgated after public hearing on March 4, 1983, pursuant to Article 41, section 25F(e), Annotated Code of Maryland and effective May 9, 1983.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standard it has been determined that the State standard is identical to the Federal standard and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, 3535 Market Street, Suite 2100, Philadelphia, PA 19104; and, Office of the Commissioner of Labor & Industry, 501 St. Paul Place, Baltimore, MD 21202.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Maryland State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standard is identical to the Federal standard which was promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standard was adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective September 16, 1983.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Philadelphia, PA, 22nd of August 1983.

Linda R. Anku,

Regional Administrator.

[FR Doc. 83-25373 Filed 9-15-83; 8:45 am]

BILLING CODE 4510-26-M

Office of Pension and Welfare Benefit Programs

Bartlett and Co. et al.; Grant of Individual Exemptions

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Bartlett & Company Located in Cincinnati, Ohio

[Prohibited Transaction Exemption 83–136; Exemption Application No. D–3659]

Exemption

The restrictions of section 406 of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (F) of the Code, shall not apply to: (1) the purchase or sale by employee benefit plans (the Plan(s)) of interests in a limited partnership (the Partnership), the investment advisor for which, Bartlett & Company (Bartlett), is also a fiduciary with respect to the Plans; and (2) the payment of fees by a Plan and by the Partnership to Bartlett where Bartlett renders investment advise to the Plan and the Partnership, provided the following conditions are met:

(a) The Plan does not pay a sales commission in connection with such purchase or sale.

(b) The Plan does not pay a redemption fee in connection with the sale by the Plan of an interest in the Partnership.

(c) The Plan does not pay an investment management, investment advisory, or similar fee with respect to the Plan assets invested in such interest for the entire period of such investment. This condition does not preclude the payment of investment advisory fees by the Partnership under the terms of its investment management agreement. This condition also does not preclude payment of an investment advisory fee by the Plan based on total Plan assets from which a credit has been subtracted representing the Plan's pro rata share of investment advisory fees paid by the Partnership. If, during any fee period for which the Plan has prepaid its investment management, investment advisory, or similar fees, the Plan purchases shares of the Partnership, the requirement of this paragraph (c) shall be deemed met with respect to such prepaid fee if, by a method reasonably designed to accomplish the same, the amount of the prepaid fee that constitutes the fee with respect to the Plan assets invested in the Partnership interest: (1) Is anticipated and subtracted from the prepaid fee at the time of payment of such fee, (2) is returned to the Plan no later than during the immediately following fee period, or (3) if the investment management agreement is continued, is offset against the prepaid fee for the immediately following fee period or for the fee period immediately following thereafter. For purposes of this paragraph, a fee shall be deemed to be prepaid for any fee period if the amount of such fee is calculated as of a date not later than the first day of such period.

(d) A second fiduciary (the Second Fiduciary) chosen by the Plan, who is independent of and unrelated to Bartlett or any affiliate thereof, receives a condidential offering memorandum (the Confidential Offering Memorandum) issued by the Partnership and full and detailed written disclosure of the investment advisory and other fees charged to or paid by the Plan and the Partnership, including the nature and extent of any differential between the rates of such fees, the reasons why Bartlett may consider such purchases to be appropriate for the Plan, and whether there are any limitations on Bartlett with respect to which Plan assets may be invested in shares of the Partnership and, if so, the nature of such limitations. For purposes of this exemption, such Second Fiduciary will not be deemed to be independent of and unrelated to Bartlett or any affiliate thereof if:

(1) Such Second Fiduciary directly or indirectly controls, is controlled by, or is under common control with Bartlett or any affiliate thereof;

(2) Such Second Fiduciary, or any officer, director, partner, highly compensated employee, or relative of such Second Fiduciary is an officer, director, partner, employee, or relative of Bartlett, or any affiliate thereof; or

(3) Such Second Fiduciary directly or indirectly receives any compensation or other consideration for himself or his own personal account in connection with any transaction described in this exemption.

For purposes of this exemption, the term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual, and the term "relative" means a "relative" as that term is defined in section 3(15) of the Act (or a "member of the family" as that term is defined in section 4975(e)(6) of the Code), or a brother, a sister, or spouse of a brother, or a sister.

(e) On the basis of the Confidential Offering Memorandum and disclosure referred to in paragraph (d) the Second Fiduciary approves such purchases and sales consistent with the responsibilities, obligations, and duties imposed on fiduciaries by Part 4 of Title I of the Act. Such approval may be limited solely to the investment advisory and other fees paid by the Partnership in relation to the fees paid by the Plan and need not relate to any other aspects of such investments. Such approval must be either: (1) Set forth in the investment management agreement between the Plan and Bartlett, (2) indicated in writing prior to each purchase or sale, or (3) indicated in writing prior to the commencement of a specified purchase or sale program in the interests of the Partnership.

(f) The Second Fiduciary referred to in paragraph (d), or any successor thereto, is notified of any change in any of the rates of fees referred to in paragraph (d) and approves in writing the continuation of such purchases or sales and the continued holding of any interest in the Partnership acquired by the Plan prior to such change and still held by the Plan. Such approval may be limited solely to the investment advisory and other fees paid by the Partnership in relation to the fees paid by the Plan and need not relate to any other aspects of such investment.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on July 5, 1983 at 48 FR 30794.

For Further Information Contact: Louis Campagna of the Department, telephone (202) 523-8973. (This is not a toll-free number.)

Trowel Trades Industry Fund (the Plan) Located in West Palm Beach, Florida

[Prohibited Transaction Exemption 83-137; Exemption Application No. L-3787]

Exemption

The restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act shall not apply to the sale of certain real property (the Property) by the Plan to certain parties in interest with respect to the Plan, provided the sales price is at least the fair market value of the Property at the time of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on July 19, 1983 at 48 FR 32895.

For Further Information Contact: Louis Campagna of the Department, telephone (202) 523-8973. (This is not a toll-free number.)

[Prohibited Transaction Exemption 83-138; Exemption Application Nos. D-3973, D-3974, and D-3975]

The Bell System Pension Plan Trust, the Bell System Management Pension Plan Trust, and the Bell System Trust (the Trust Located in New York, New York

Exemption

The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to the conditional obligation of EMI One Ltd., a limited partnership in which the Trust is a limited partner, to provide funds required to purchase of repay construction financing made by Texas Commerce Funding Company (TCF) (and other lenders participating in such construction financing who, like TCF, are parties in interest with respect to the Trust), to Block Five Venture, a Florida general partnership, provided that the terms and conditions of such transactions are no less favorable to the Trust than those obtainable in arm's-length transactions with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on July 1, 1983 at 48 FR 30487.

For Further Information Contact: Mr. David Stander of the Department.

telephone (202) 523-8881. (This is not a toll-free number.)

[Prohibited Transaction Exemption 83-139; Exemption Application No. D-4069]

Office Equipment Company Revised Profit Sharing Trust (the Trust) Located in Canton, Ohio

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed loan from the Trust of $185,490 to Industrial Realty Company, a party in interest with respect to the Trust, provided that the terms and conditions of the loan are not less favorable to the Trust than those obtainable in a similar transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on July 19, 1983 at 48 FR 32896.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

The Bell System Trust (the Trust) Located in New York, New York

[Prohibited Transaction Exemption 83-140; Exemption Application Nos. D-4090, D-4091 and D-4092]

Exemption

The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to the Trust's purchase of shares of Corporate Property Investors (CPI) directly from CPI and to the Trust's purchase of shares of Corporate Realty Consultants, Inc. (CRC) directly from CRC, provided that the terms and conditions of the purchases of the shares by the Trust are not less favorable than those obtainable in similar transactions with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on July 1, 1983 at 48 FR 30488.

Effective Date: The exemption will be effective May 25, 1982.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Tugendhaft, Robson & Green, P.C. Profit Sharing Plan (the Plan) Located in Lindenhurst, New York

[Prohibited Transaction Exemption 83-141; Exemption Application No. D-4105]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to: (1) the proposed loan of $215,000 (the Loan) by the Plan to TRG Associates (TRG), a party in interest with respect to the Plan; and (2) the guarantee of the repayment of the Loan by the individual partners of TRG, provided that the terms and conditions of the transactions are not less favorable to the Plan than those obtainable in similar transactions with an unrelated third party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on July 19, 1983 at 48 FR 32897.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Profit Sharing Plan of Verplank's Coal & Dock Company (the Plan) Located in Grand Haven, Michigan

[Prohibited Transaction Exemption 83-142; Exemption Application No. D-4176]

Exemption

The restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the loan of funds, not to exceed 25% of the total assets of the Plan, to Verplank's Coal & Dock Company, over a seven-year period, provided the terms of the transactions are at least as favorable to the Plan as those obtainable in an arm's-length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on July 22, 1983 at 48 FR 33570.

Temporary Nature of Exemption

This exemption is temporary in nature and will expire 7 years after the date of grant with respect to the making of a loan. The Plan may continue to hold loans beyond the 7 year period provided such loans originated during such 7 year period.

For Further Information Contact: Ms. Linda M. Hamilton of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

The Bell System Pension Trust, the Bell System Management Pension Plan Trust, and the Bell System Trust (the Trust) Located in New York, New York

[Prohibited Transaction Exemption 83-143; Exemption Application Nos. D-4198, D-4199 and D-4200]

Exemption

The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply, effective October 25, 1982, to (1) the acquisition of a certain parcel of property for $26 million by the Trust from Hermel, Inc. (Hermel), a party in interest with respect to the Trust; (2) the capital contribution of this property (referred to herein as the Owned Parcel) by the Trust to a limited partnership (the Partnership) in which Nomis of Springfield, Inc. (Nomis), a party in interest with respect to the Trust, is the sole general partner; (3) the use of the proceeds from the Trust's acquisition of the Owned Parcel to pay off construction loans extended by American Fletcher Mortgage Company and Wells Fargo Realty Advisors, parties in interest with respect to the Trust; (4) the assumption of certain payment obligations by the Partnership to pay a certain promissory note to be owed to the Trust; (5) the sublease of a parcel of property to Hermel by the Partnership (referred to herein as the Leased Parcel) after its contribution to the Partnership by Nomis; (6) the leasing of space in property constituting both the Owned and Leased Parcel, and other land to parties in interest with respect to the Trust; and (7) other transactions executed or to be executed between the Trust, Nomis, and other parties in interest pursuant to the partnership agreement; provided that with respect to all of the above transactions (a) the terms of the transactions have been and/or will be negotiated, approved, and monitored on behalf of the Trust by Heitman Advisory Corporation, or a Trust investment manager which is similarly not affiliated or otherwise related to parties in interest involved in the transactions; and (b) the terms of the transactions have been and/or will be effected on terms not less favorable to the Trust than those obtainable with unrelated parties.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on July 1, 1983 at 48 FR 30490.

Effective Date: This exemption is effective October 25, 1982.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Corvallis Feed & Seed, Inc. Employees Pension Plan (the Plan) Located in Corvallis, Oregon

[Prohibited Transaction Exemption 83-144; Exemption Application No. D-4241]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale of a certain parcel of real property by the Plan to Messrs. Gordon and Harold Packer, parties in interest with respect to the Plan, provided that the terms of the transaction are no less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 5, 1983 at 48 FR 35743.

For Further Information Contact: Ms. Linda M. Hamilton of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Aaron Lee Katz Keogh Plan (the Plan) Located in San Jose, California

[Prohibited Transaction Exemption 83-145; Exemption Application No. D-4321]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale of a 10.4478% fractionalized tenant-in-common interest (the Interest) in a certain parcel of real property, located at 22263 DeAnza Circle, Cupertino, California, by the Plan to Mr. Aaron L. Katz, a disqualified person with respect to the Plan, provided the price paid is no less than the fair market value of the Interest on the date of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on July 22, 1983 at 48 FR 33570.

For Further Information Contact: Horace C. Green of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

S.T.L.B. Incorporated Defined Benefit Pension Plan (the Plan) Located in South San Francisco, California

[Prohibited Transaction Exemption 83-146; Exemption Application No. D-4421]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to for a period of eight years, to a proposed series of loans, (the Loans), the aggregate of such Loans not to exceed the lesser of $350,000 or 25 percent of the Plan's assets by the Plan to S.T.L.B. Incorporated, a party in interest with respect to the Plan, provided the terms of each Loan are no less favorable to the Plan than those available in an arm's length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on July 22, 1983 at 48 FR 33572.

Temporary Nature of Exemption

This exemption is temporary in nature and will expire eight years after the date of grant with respect to the making of a Loan. Loans may be held by the Plan after the initial eight year period, provided the Loan originated during such eight year period.

For Further Information Contact: Horace C. Green of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

T-Z Associates, Inc. Profit Sharing Plan and the T-Z Associates, Inc. Money Purchase Pension Plan (the Plans) Located in Towson, Maryland

[Prohibited Transaction Exemption 83-147; Exemption Application Nos. D-4522 and D-4523]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale of certain stock by the Plans to T-Z Associates, Inc., the sponsor of the Plans, provided the price received by the Plans is no less than the fair market value of the stock on the date of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on July 22, 1983 at 48 FR 33573.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) or the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 13th day of September, 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc 83-25380 Filed 9-15-83; 8:45 am]

BILLING CODE 4510-29-M

Southern New England Telephone Company Pension Trust; Grant of Individual Exemptions

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Pocedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

[Prohibited Transaction Exemption 83-148; Exemption Application No. D-3513]

Southern New England Telephone Company Pension Trust (the Trust) Located in New Haven, Connecticut

Exemption

The restrictions of section 406(a) of the Act and the Sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to:

A. Effective January 1, 1975, the past extensions of credit by the Trust resulting from the Trust's acquisition of debt obligations of American Telephone and Telegraph Company (AT&T) and its subsidiaries, provided that the transactions have complied with the provisions of section 408(e) of the Act, as if the securities were deemed to be qualifying employer securities as defined in the Act;

B. Effective January 24, 1977, the past purchases of AT&T stock by the Trust directly from AT&T under AT&T's Share Owner Dividend Reinvestment and Stock Purchase Plan; and

C. Effective upon the date of publication of this grant, the purchases by Trust of debt and/or equity securities issued by AT&T or any subsidiary, as would be permitted under section 408(e) of the Act if AT&T and its subsidiaries were considered to be affiliates of the Southern New England Telephone Company (the Employer), provided that the Trust's assets involved in such transactions are subject to the investment discretion and control of a fiduciary who is independent of both AT&T and the Employer.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on July 1, 1983 at 48 FR 30483.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 8th day of September, 1983.

Jeffrey N. Clayton,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 83-25390 Filed 9-15-83; 8:45 am]

BILLING CODE 4510-29-M

IBM Retirement Plan and IBM Part-Time Employees Retirement Plan; Proposed Exemption

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the

writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

[Application Nos. D-4065 and D-4081]

IBM Retirement Plan and IBM Part-Time Employees Retirement Plan (the Plans) Located in Armonk, New York

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

(a) *General Exemption*—the restrictions of section 406(a)(1) (A) through (D) of the Act and sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to any transaction arising in connection with the acquisition, ownership, management, development, leasing, or sale of real property (including the acquisition, ownership, or sale of any joint venture or partnership interest in such property) and the borrowing or lending of money in connection therewith, between a party in interest with respect to the Plans and a single customer real estate separate account (the Account) maintained and managed by the Equitable Life Assurance Society of the United States (Equitable), provided that the following conditions are met:

(1) Such party in interest is not—

(i) Equitable, any person directly or indirectly controlling, controlled by, or under common control with Equitable, any officer, director, or employee of Equitable, or any partnership in which Equitable (on behalf of its general account) is a partner;

(ii) International Business Machines Corporation (IBM) or any affiliate of IBM (within the meaning of section 407(d)(7) of the Act); or

(iii) A person who exercises discretionary authority, responsibility, or control, or who provides investment advice, with respect to the investment of Plan assets in the Account or with respect to the management or disposition of the Plan assets held in the Account;

(2) At the time the transaction is entered into, and at the time of any subsequent renewal thereof that requires the consent of Equitable, the terms of the transaction are not less favorable to the Account than the terms generally available in arm's-length transactions between unrelated parties;

(3) Equitable maintains for a period of six years from the date of each transaction mentioned above the records necessary to enable the persons described in paragraph (4) of this section to determine whether the conditions of this exemption have been met, except that (i) a prohibited transaction will not be deemed to have occurred if, due to circumstances beyond the control of Equitable, the records are lost or destroyed prior to the end of the six-year period, and (ii) no party in interest shall be subject to the civil penalty which may be assessed under section 502(i) of the Act, or to the taxes imposed by section 4975 (a) and (b) of the Code, if the records are not maintained, or are not available for examination as required by paragraph (4) below; and

(4)(i) Except as provided in subparagraph (ii) of this paragraph and notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (3) of this section are unconditionally available at their customary location for examination during normal business hours by:

(A) Any duly authorized employee or representative of the Department of Labor or the Internal Revenue Service.

(B) Any fiduciary of a Plan who has the authority to acquire or dispose of the interests of the Plan in the Account or any duly authorized employee or representative of such fiduciary.

(C) Any contributing employer to any plan or any duly authorized employee or representative of that employer.

(D) Any participant or beneficiary of any Plan or any duly authorized employee or representative of such participant or beneficiary;

(ii) None of the persons described in subparagraphs (i)(B) through (i)(D) of this paragraph shall be authorized to examine Equitable's trade secrets or commercial or financial information which is privileged or confidential; and

(b) *Specific Exemptions*—the restrictions of section 406(a)(1) (A) through (D) and 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to:

(1) *Furnishing of Goods and Services.* The furnishing of goods and services with respect to the real property investments of the Account described in section (a) above by IBM or any affiliate thereof (within the meaning of section 407(d)(7) of the Act), provided that—

(i) The transaction satisfies the requirements of subparagraphs (a) (2), (3), and (4) of this proposed exemption, and

(ii) The total amount involved in the furnishing of such goods and services in any calendar year does not exceed the greater of $25,000 or 0.5 percent of the fair market value of the assets acquired for the Account on the most recent valuation date of the Account prior to the transaction.

(2) *Transactions Involving Places of Public Accommodation.* The furnishing of services, facilities, and any goods incidental to such services and facilities by a place of public accommodation acquired for the Account, to a party in interest with respect to the Plans if the

services, facilities or incidental goods are furnished on a comparable basis to the general public and if the requirements of subparagraphs (a) (3) and (4) of this proposed exemption are met.

Effective Date: If granted, this exemption will be effective from May 5, 1982, to a date 90 days after the effective date of the grant of a class exemption for employee benefit plan asset transactions subject to the discretion of independent qualified professional asset managers (QPAMs), a proposal for which was published on December 21, 1982 at 47 FR 56945.

Summary of Facts and Representations

1. The Plans provide benefits for all regular employees of IBM and its domestic subsidiaries who are eligible for benefits under Social Security, benefits for individuals who were employed by IBM's Service Bureau Corporation at the time that subsidiary was sold, and all regular part-time employees of IBM. As of December 31, 1980, the Plans had approximately 223,000 participants.

2. IBM is the largest manufacturer of data processing machines and systems in the information-handling field. It is broadly based with subsidiaries operating throughout the world. IBM and its subsidiaries also participate in many joint venture and partnership operations with otherwise unaffiliated third parties.

3. The IBM Retirement Plans Committee of the Board of Directors (the Retirement Committee) is responsible for the administration of the Plans. Currently, the Retirement Committee is comprised of eight members, each of whom is a director and/or officer or employee of IBM. The Retirement Committee is responsible for hiring and firing of investment managers, determining the investment guidelines within which the investment managers operate, reviewing the investment managers' performance, and amending the Plans.

4. The Retirement Committee has entered into a master trust agreement with the Chase Manhattan Bank, N.A. (Chase Manhattan) for the safekeeping of the commingled assets of the Plans. Under this agreement, Chase Manhattan is the master trustee for all investment managers and trustees providing investment management services to the Plans. Currently, the assets of the master trust are managed by 27 different professional investment managers (including Equitable) who are unrelated to IBM, and two full-time employees of IBM.

5. As of December 31, 1981 the master trust had total assets in excess of $6.1 billion ($6.7 million of which was attributable to the IBM Part-Time Employees Retirement Plan and the remainder of which was attributable to the IBM Retirement Plan). A portion of the assets of the master trust is invested in real estate related investments. As of December 31, 1981, $1,211,000 was invested directly in equity interests in real estate and $944,263 in mortgages. Other assets are invested in various pooled funds including mortgage funds (primarily FHA–VA) and some commingled real estate funds.

6. Equitable is a mutual life insurance company organized under the laws of the State of New York and subject to supervision and examination by the Superintendent of Insurance of the State of New York. It is the third largest insurance company in the United States. Among the wide variety of insurance products and services it offers, Equitable provides funding, asset management, and other services for several thousand employee benefit plans.

7. Equitable maintains several pooled separate accounts in which employee benefit plans participate. Equitable also has several single customer separate accounts, and direct investment advisory arrangements pursuant to which it manages all or a portion of the assets of a number of large plans. Equitable has had substantial experience in real estate investments. Of the more than $37.2 billion in total assets held by Equitable as of December 31, 1981, the general account held approximately $10.6 billion in mortgage loans on real property and almost $2 billion in equity investments in real property. Additionally, more than $2 billion in real property equity investments and mortgage loans were held in Equitable's separate accounts as of December 31, 1981.

8. No officers or directors of Equitable are officers or directors of IBM. As well, none of the members of the Retirement Committee are officers, directors or employees of Equitable.

As of April 30, 1982, Equitable held in its separate accounts and advisory accounts shares of common stock issued by IBM with a fair market value of $2,305,750. As of that date, this represented 0.4 percent of the outstanding common shares of IBM. In relation to Equitable's total assets, the total value of the IBM stock held by Equitable equals less than 0.0053 percent of Equitable's assets. As of April 30, 1982, Equitable held no debt obligations (including publicly traded bonds, private-placement debt obligations and commercial paper) of IBM.

9. On January 26, 1982, the Retirement Committee appointed Equitable as investment manager for a portion of the assets of the master trust which will be allocated to the Account. The Account's initial funding will consist of $100 million in cash. The total amount of real property which will ultimately be held in the Account is expected to be substantial. Under the present agreement, Equitable's fee for managing the Account will be paid directly by IBM.

10. The Account's assets will be invested by Equitable primarily in real property and related property investments in accordance with investment guidelines which may be provided to Equitable on occasion by the Retirement Committee. The investment guidelines are intended to reflect general policy objectives only, and are not to recommend specific transactions. Under the current guidelines initially provided by the Retirement Committee, Equitable will review all transactions involving $10 million or more with IBM (specifically with Mr. W. V. Hoyt, IBM Director of Retirement Funds) before a commitment to invest Account assets is made. IBM has the power under this arrangement to object to the proposed transaction and Equitable has agreed to consider any such objections. However, Equitable is not bound to alter its decisions with respect to any transaction as a result of IBM's views.

11. Equitable, on behalf or the Account, will customarily enter into the following types of transactions: (1) Purchases and sales of property; (2) Lending and borrowing of money or other extensions of credit in the form of mortgage or construction loans; (3) Leases of space in properties owned on behalf of the Account; (4) Management, development, improvement, maintenance and operation of properties;[1] and (5) Purchases of goods and services in connection with the management of the properties. These transactions could involve parties in interest with respect to the Plans. It is also probable that on occasion the Account will acquire interests in real estate joint ventures and partnerships. In such cases the other party in the joint venture or partnership may be a real

[1] The applicant represents that in most cases the provision of services and incidental goods in connection with the management and operation of properties held in the Account will be covered by statutory exemptive relief provided by section 408(b)(2) of the Act. The application does not request, and the Department is not proposing, relief beyond that which is provided by section 408(b)(2) of the Act.

estate developer, property manager or other professional asset manager who may be a party in interest with respect to one of the Plans. Accordingly, an Account investment in such a joint venture or partnership may involve prohibited transactions.

12. It is also expected that Equitable will be purchasing goods and services from other parties in connection with the management and operation of Account properties. Because IBM and its affiliates are major suppliers of certain equipment that may be used in connection with real properties which the Account has invested, and provide services to such equipment, such provision of goods and services by IBM to the properties may involve prohibited transactions. It is also possible that the Account may invest in hotels and motels. In the regular operation of such properties many people, including parties in interest with respect to the Plans, may use such facilities. Accordingly, such transactions involving these places of public accommodation may constitute prohibited transactions as described in the Act.

13. Because of the size and complexity of the organization of IBM and its affiliates there may be literally thousands of persons who may be deemed to be parties in interest with respect to the Plans. Accordingly, it is very difficult to ensure that in the operation and management of the Account that transactions, as described above, will not occur. The applicant therefore requests relief for those transactions which are difficult to identify but yet are necessary to effectively conduct the operation of the Account.

14. Equitable first disbursed funds from the Account for a construction loan on May 5, 1982. The Account has engaged in various transactions since that date. Except for one contemplated purchase, Equitable has determined to the best of its ability that the past transactions and contemplated future transactions will not involve prohibited transactions. The one exception involves the proposed acquisition of an office building located in Edison, New Jersey, subject to a mortgage held by the Prudential Insurance Company of America (Prudential), a party in interest with respect to the Plans. Prudential is an investment manager for the Plans, but has no authority, responsibility or control with respect to assets held in the Account. Equitable believes that the Plans would benefit by the acquisition of the property and the assumption of the mortgage.

15. The applicant requests general exemptive relief retroactive to May 5, 1982, for transactions between the Account and parties in interest who maintain no formal authority over the management and investments of the Account. The applicant also requests specific exemptive relief for the provision of goods and services to the account by IBM subject to specific limitations; and the furnishing of services, facilities, and any goods incidental to such services, and the furnishing of facilities by a place of public accommodation acquired for the Account to a party in interest with respect to the Plan.

16. As stated above, on December 21, 1982, at 47 FR 56945, the Department proposed a class exemption for plan asset transactions subject to the investment discretion of QPAMs. The proposed class exemption is intended to improve the administration of the prohibited transaction rules of the Act by providing certain exemptive relief when employee benefit plan assets are managed by QPAMs. The proposed class exemption specifically states, at 47 FR 56947, that exemptive relief will be available to single customer accounts managed by insurance companies. Because Equitable believes that it will qualify as a QPAM under the terms of the class exemption when finally granted by the Department, the applicant is not requesting, and the Department is not proposing individual exemptive relief for the Plans beyond a date 90 days after the effective date of the QPAM exemption.[2] Accordingly, transactions involving the Account and parties in interest with respect to the Account will be provided exemptive relief after a date 90 days after the effective date of the class exemption on behalf of QPAMs only to the extent that such transactions satisfy the conditions of the class exemption.

With regard to the relief requested, the applicant requests exemptive relief subject to the identical terms and conditions as those imposed on transactions involving the assets of a real estate advisory account managed by Equitable for the retirement plans of the Westinghouse Electric Corporation (Prohibited Transaction Exemption 82-83 (PTE 82-83), 47 FR 21342, May 18, 1982).

17. The applicant represents that the above terms and conditions will be protective of the rights of the participants and beneficiaries of the Plans while allowing Equitable to prudently and effectively conduct the Account's operation. Among other requirements, the requested exemption requires that any covered transaction be on terms not less favorable to the Account than those available between the Account and an unrelated party.

18. In summary, the applicant represents that the transactions meet the criteria for an exemption as provided in section 408(a) of the Act because (a) Equitable, a qualified, independent party with extensive experience in real property investments will have discretionary authority to manage the Account; (b) the Account will be able to enter into transactions which, although prohibited, are necessary for Equitable to prudently conduct the Account's operation; (c) exemptive relief will be afforded subject to the identical terms and conditions as those contained in PTE 82-83; and (d) all transactions will be conducted on an arm's-length basis on terms not less favorable to the Plans than those available in arm's-length transactions with unrelated parties.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

[2] The applicant represents that individual exemptive relief is necessary for 90 days after the effective date of the QPAM exemption in order to allow the applicant to completely assess the QPAM exemption in its final form.

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 31st day of August, 1983.

Jeffrey N. Clayton,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 83-25368 Filed 9-15-83; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meetings

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue NW., Washington, D.C. 20506:

1. Date: September 29–30, 1983.
Time: September 29, 1983 8:30 a.m. to 5:00 p.m.; September 30, 1983 8:30 a.m. to 5:00 p.m.
Room: 415
Program: This meeting will review applications submitted for Humanistic Projects in Media, Division of General Program, for projects beginning after April 1, 1984.

2. Date: October 6–7, 1983.
Time: October 6, 1983 8:30 a.m. to 5:00 p.m.; October 7, 1983 8:30 a.m. to 5:00 p.m.
Room: 415
Program: This meeting will review applications submitted for Humanistic Projects in Media, Division of General Programs, for projects beginning after April 1, 1984.

3. Date: October 11, 1983.
Time 8:30 a.m to 5:00 p.m.
Room: 415
Program: This meeting will review applications submitted for Humanistic Projects in Media, Division of General Programs, for projects beginning after April 1, 1984.

4. Date: October 13–14, 1983.
Time: October 13, 1983 8:30 a.m. to 5:00 p.m.; October 14, 1983 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications submitted for Humanistic Projects in Media, Division of General Programs, for projects beginning after April 1, 1984.

5. Date: October 20–21, 1983.
Time: October 20, 1983 8:30 a.m. to 5:00 p.m.; October 21, 1983 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications submitted for Humanistic Projects in Media, Division of General Programs, for projects beginning after April 1, 1984.

6. Date: October 27–28, 1983.
Time: October 27, 1983 8:30 a.m. to 5:00 p.m.; October 28, 1983 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications submitted for Humanistic Projects in Media, Division of General Programs, for projects beginning after April 1, 1984.

7. Date: October 4, 1983.
Time: 9:00 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Fellowships for Independent Study and Research applications in History, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1984.

8. Date: October 6–7, 1983.
Time: 8:30 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications submitted to Basic Research: Literary and Cultural Studies Panel, Division of Research Programs, for projects beginning after January 1, 1984.

9. Date: October 7, 1983.
Time: 9:00 a.m. to 5:30 p.m.
Room: 430.
Program: This meeting will review Fellowships for Independent Study and Research applications in Philosophy, Religion, and Social Sciences, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1984.

10. Date: September 30, 1983.
Time: 9:00 a.m. to 5:30 p.m.
Room: 430.
Program: This meeting will review Constitutional Fellowships applications submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1984.

The proposed meetings are for the purpose of panel rview, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 786-0322.

Stephen J. McCleary,

Advisory Committee Management Officer

[FR Doc. 83-25385 Filed 9-15-83; 8:45 am]

BILLING CODE 7536-01-M

Dance Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Dance Advisory Panel (Overview Section) to the National Council on the Arts will be held on October 4–6, 1983, from 9:00 a.m.–5:30 p.m. in Room M-07 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C.

A portion of this meeting will be open to the public on October 4–5 from 9:00 a.m.–5:30 p.m. and on October 6 from 11:00 a.m.–5:30 p.m. Topics for discussion will include FY 1985 guidelines, Mime, Dance Program Six-Year plan and other policy issues.

The remaining session of this meeting on October 6 from 9:00 a.m.–11:00 a.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants, and for discussion and development of confidential FY 1985 budgetary materials to be submitted to the Office of Management and Budget and the Congress. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of

section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

Dated: September 9, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-25359 Filed 9-15-83; 8:45 am]

BILLING CODE 7537-01-M

Literature Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Literature Advisory Panel (Creative Writing Fellowships) to the National Council on the Arts will be held on October 6–7, 1983, from 9:00 a.m.–6:00 p.m. and on October 8, 1983, from 9:00 a.m.–12:30 p.m. in Room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C.

A portion of this meeting will be open to the public on October 8 from 11:00 a.m.–12:30 p.m. for Fellowship Policy Discussion.

The remaining session of this meeting on October 6–7 from 9:00 a.m.–6:00 p.m. and on October 8 from 9:00 a.m.–11:00 a.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

Dated: September 9, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-25357 Filed 9-15-83; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Festivals Section) to the National Council on the Arts will be held on October 5–6, 1983 from 9:00 a.m.–5:30 p.m. in Room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C.

A portion of this meeting will be open to the public on October 6 from 2:00 p.m.–3:30 p.m. to discuss Policy/guideline review.

The remaining sessions of this meeting on October 5 from 9:00 a.m.–5:30 p.m.; October 6 from 9:00 a.m.–2:00 p.m.; and, October 6 from 3:30 p.m.–5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

Dated: September 9, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-25358 Filed 9-15-83; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Biotic Systems and Resources, Subpanel on Ecology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on Ecology of the Advisory Panel for Biotic Systems and Resources.

Date and Time: October 6 & 7, 1983—8:30 a.m. to 5:00 p.m. each day.

Place: Room 628, National Science Foundation, 1800 G St. NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. Nancy L. Stanton, Program Director, Ecology (202) 357–9734, Room 1140, National Science Foundation, Washington, D.C. 20550.

Purpose of subpanel: To provide advice and recommendations concerning support for research in ecology.

Agenda: Review and evaluation of research proposals and projects as part of the selection process of 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 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: September 13, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-25302 Filed 9-15-83; 8:45 am]

BILLING CODE 7555-01-M

Biotic Systems and Resources, Subpanel on Ecosystem Studies; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on Ecosystem Studies of the Advisory Panel for Biotic Systems and Resources.

Date and time: October 6 & 7, 1983—8:30 a.m. to 5:00 p.m. each day.

Place: Room 1141, National Science Foundation, 1800 G St. NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Robert G. Woodmansee, Program Director, Ecosystem Studies (202) 357–9596, Room 1140, National Science Foundation, Washington, D.C. 20550.

Purpose of subpanel: To provide advice and recommendations concerning support for research in ecosystem studies.

Agenda: Review and evaluation of research proposals and projects as part of the selection process of 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 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: September 13, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-25303 Filed 9-15-83; 8:45 am]

BILLING CODE 7555-01-M

Biotic Systems and Resources, Subpanel on Systematic Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on Systematic Biology of the Advisory Panel for Biotic Systems and Resources.

Date and Time: October 3 & 4, 1983—8:30 a.m. to 5:00 p.m. each day.

Place: Room 1141, National Science Foundation, 1800 G St. NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. Lloyd Knutson, Program Director, Systematic Biology (202) 357-9588, Room 1140, National Science Foundation, Washington, D.C. 20550.

Purpose of subpanel: To provide advice and recommendations concerning support for research in systematic biology.

Agenda: Review and evaluation of research proposals and projects as part of the selection process of 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 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: September 13, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-25301 Filed 9-15-83; 8:45 am]

BILLING CODE 7555-01-M

Physiology, Cellular and Molecular Biology Advisory Panel; Subpanel on Cellular Physiology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on Cellular Physiology of the Advisory Panel for Physiology, Cellular and Molecular Biology.

Date and time: October 3, 4, 5, 1983, starting at 9:00 a.m. to 6:00 p.m.

Place: Room 338, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Judith H. Willis, Program Director, Cellular Physiology Program, Room 332, National Science Foundation, Washington, D.C. 20550, telephone (202) 357-7377.

Purpose of subpanel: To provide advice and recommendations concerning support of research in cellular physiology.

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: 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 determinations by the Director, NSF July 6, 1979.

Dated: September 13, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-25298 Filed 9-15-83; 8:45 am]

BILLING CODE 7555-01-M

Physiology Cellular and Molecular Biology Advisory Panel; Subpanel on Developmental Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on Developmental Biology of the Advisory Panel for Physiology, Cellular and Molecular Biology.

Date and time: October 6, 7, 8, 1983, starting at 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: Closed.

Contact person: Dr. Clifton A. Poodry, Program Director, Developmental Biology Program, Room 332-H, National Science Foundation, Washington, D.C. 20550, telephone (202) 357-7989.

Purpose of subpanel: To provide advice and recommendations concerning support of research in developmental biology.

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: 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 determinations by the Director, NSF July 6, 1979.

Dated: September 13, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-25299 Filed 9-15-83; 8:45 am]

BILLING CODE 7555-01-M

Physiology, Cellular and Molecular Advisory Panel, Subpanel on Metabolic Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subpanel on Metabolic Biology of the Advisory Panel for Physiology, Cellular & Molecular Biology.

Date and time: October 6, 7 and 8, 9:00-5:00 p.m.

Place: Room 540, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550

Type of meeting: Closed.

Contact person: Dr. William van B. Robertson, Program Director, Metabolic Biology Program, Room 325 National Science Foundation, Wash., D.C. 20550 Telephone (202) 357-7987

Purpose of subpanel: To provide advice and recommendations concerning support for research in metabolic biology.

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 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: September 13, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-25300 Filed 9-15-83; 8:45 am]

BILLING CODE 7555-01-M

SECURITIES AND EXCHANGE COMMISSION

Agency Forms Submitted to OMB For Review

Agency Clearance Officer—Kenneth Fogash (202) 272-2142.

Upon written request, copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, Washington, D.C. 20549.

Extension

Rule 17j-1 [17 CFR 270.17j-17]
SEC File No. 270-239

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of approval rule 17j-1 under the Investment Company Act of 1940 which concerns the records required to be maintained and preserved by registered investment companies, or investment advisers or principal underwriters for such registered investment companies in connection with the administration of the code of ethics adopted pursuant to that rule.

The potential respondents include every affiliated person of or principal underwriter for a registered investment company, or any affiliated person of an investment adviser of or principal underwriter for a registered investment company.

Submit comments to OMB Desk Officer: Robert Veeder (202) 395-4814.

Dated: September 9, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-25376 Filed 9-15-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20171; SR-NYSE-83-8]

New York Stock Exchange, Inc.; Order Extending the Time for Conclusion of a Proceeding.

September 12, 1983.

On March 13, 1983, the Commission published notice [1] of a proposed rule change filed with the Commission by the New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, New York 10005, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [2] and Rule 19b-4 thereunder.[3] The NYSE's proposed rule change would extend its Registered Representative Rapid Response Service ("R4") for a year, at the same time expanding the program in a number of aspects.[4]

On June 9, 1983, the Commission instituted a proceeding to determine whether to approve or disapprove the NYSE's proposed rule change,[5] pursuant to Section 19(b)(2)(B) of the Act. The Commission indicated at that time that it was instituting the proceeding so that interested commentators would have an opportunity to discuss the important questions raised by the R4 program, and so that the Commission could examine R4 more closely, particularly in the context of the broader concerns regarding derivative execution systems for small orders. In this connection, the R4 release asked commentators specifically to address a number of questions concerning the operation and effects of R4.

Because of the complexity and difficulty of the questions raised by the R4 release, thoughtful comments have been, and continue to be, submitted to the Commission even after the conclusion of the original comment period. The Commission believes that these comments deserve careful attention before final action is taken to approve or disapprove the R4 program. Under the requirements of Section 19(b)(2)(B) of the Act, the R4 proceeding is due to be concluded by September 10, 1983 (180 days from the date of publication of notice of the R4 rule change); however, the Commission for good cause may extend the proceeding for up to sixty days. In view of the recent submission of detailed comments by several commentators and the need to consider these comments fully before taking action on the R4 program, the Commission finds good cause to extend the proceeding to determine whether to approve or disapprove the R4 system until October 31, 1983.

The Commission also believes that it is appropriate to extend concurrently the comment period on the R4 proceeding to October 1, 1983, to allow all commentators an equal opportunity to submit further comments on this proceeding. Persons desiring to submit written data, views, and arguments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Reference should be made to File No. SR-NYSE-83-8.

It is hereby ordered, pursuant to Section 19(b)(2) of the Act, that the time for conclusion of the proceeding to determine whether to approve or disapprove proposed rule change NYSE-83-8 be extended until October 31, 1983, and that the comment period be extended until October 1, 1983.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-25375 Filed 9-15-83; 8:45 am]

BILLING CODE 8010-01-M

[1] Securities Exchange Act Release No. 19573 (March 8, 1983), 48 FR 10788.

[2] 15 U.S.C. 78s(b)(1).

[3] 17 CFR 240.19b-4.

[4] The NYSE's R4, in present form, allows a registered representative in a participating broker-dealer firm to execute, in its office, an order of up to 299 shares in 30 stocks at the prevailing consolidated quotation, and then report the execution to the NYSE specialist in the stock who guarantees that price to the customer. On receiving this report, if the report is at the quotation then prevailing on the floor, the specialist is required to offer participation on the contra side of the trade to other existing interest at the quote price, including limit orders on the specialist's book and floor brokers. If the order is not at the then prevailing quotation, the specialist is responsible for the execution. The execution is then reported by the specialist to the consolidated transaction reporting system.

[5] Securities Exchange Act Release No. 19858 (June 9, 1983), 48 FR ("R4 Release").

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0350]

Quidnet Capital Corp.; Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Quidnet Capital Corporation (Quidnet Corp.), 909 State Street, Princeton, New Jersey 08540, a Federal Licenses under the Small Business Investment Act of 1958, as amended, has filed an application pursuant to Section 107.1004 of the SBA Rules and Regulations governing small business investment companies (13 CFR 107.1004 (1983)), for approval of a conflict of interest transaction.

Quidnet Capital Corp. desires to provide additional financing of $50,000 resulting in a total investment of $489,512 in Mercer County Racquetball Associates (MCRA), a portfolio concern. The purpose of providing additional financing is for working Capital.

The managing general partner of MCRA is Courtworks Associates, a limited partnership in which Quidnet Company owns a fifty (50) percent interest: Quidnet Company is considered to be an "Associate" of

Quidnet Corp., as that term is defined under Section 107.3 of the SBA Regulations since its general partners Messrs. Stephen Fillo and Reid White, are also the officers and shareholders in Quidnet Corp. Therefore, MCRA is also deemed to be an "Associate" of the Licensee. Consequently, the proposed transaction comes within the purview of § 107.1004(b)(1) of the Regulations which prohibits a licensee from providing financing to any of its Associates, except where a written exemption is granted by the SBA.

Notice is hereby given that any person may, not later than fifteen (15) days from the date of publication of this notice, submit written comments on the proposed transaction. Any such comments should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Princeton, New Jersey.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: September 9, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-25370 Filed 9-15-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Public Proceeding Regarding Defect Investigation; Brake Lines in Certain 1975–1980 Vehicles Imported by Volkswagen of America, Inc.

Pursuant to section 152 of the National Traffic and Motor Vehicle Safety Act of 1966 as amended (Pub. L. 93–492, 88 Stat. 1470; October 2, 1974), 15 U.S.C. 1412 (the Act), the Acting Associate Administrator for Enforcement, National Highway Traffic Safety Administration (NHTSA) has made an initial determination that 1975–1980 Volkswagen Rabbits and Sciroccos manufactured in Germany by Volkswagen A.G. and imported into the United States by Volkswagen of America, Inc., contain a safety-related defect in the service braking systems. A NHTSA investigation indicated that because the brake lines of these vehicles are routed through the passenger compartment of the vehicles, they have a tendency to experience corrosion, which can cause the brake lines to be weakened due to the formation of pinhole leaks, and ultimately, to rupture. Rupture of the brake line results in the reduction or complete loss of braking ability.

NHTSA will hold a public proceeding pursuant to section 152 of the Act at 10:00 a.m. on October 12, 1983, in Room 2230 of the Department of Transportation Headquarters, 400 Seventh Street SW., Washington, D.C. 20590, at which time Volkswagen of America, Inc., will be afforded an opportunity to present data, views and arguments regarding the initial determination of defect.

Interested persons are invited to participate in the hearing proceeding through written or oral presentations. Persons wishing to make oral presentations are requested to notify Ms. Joyce Tannahill, Office of Defects Investigation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Room 5326, Washington, D.C. 20590 (telephone [202] 426–2850) before close of business on October 5, 1983.

The agency's investigative file in this matter is available for public inspection during regular working hours (7:45 a.m. to 4:15 p.m.) in NHTSA's Technical Reference Library, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590.

(Sec. 152, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1412); delegations of authority at 49 CFR 1.51 and 49 CFR 501.81)

Issued on September 9, 1983.

George L. Parker,

Acting Associate Administrator for Enforcement.

[FR Doc. 83-25335 Filed 9-13-83; 3:08 pm]

BILLING CODE 4910-59-M

Public Proceeding Regarding Defect Investigation; Fuel Pump Electrical Circuit in Certain 1976–1982 Vehicles Manufactured and Imported by Volkswagen of America, Inc.

Pursuant to section 152 of the National Traffic and Motor Vehicle Safety Act of 1966 as amended (Pub. L. 93–492, 88 Stat. 1470; October 2, 1974), 15 U.S.C. 1412 (the Act), the Acting Associate Administrator for Enforcement, National Highway Traffic Safety Administration (NHTSA) has made an initial determination that 1977–1980 Rabbit; 1976–1982 Scirocco; 1980–1982 Jetta; 1976–1980 Dasher; 1980 Volkswagen Pick-up Trucks; 1980–1982 Volkswagen convertibles; 1976–1979 Audi Fox and 1980–1981 Audi 4000 vehicles manufacured or imported by Volkswagen of America and equipped with gasoline-powered fuel injected engines contain a safety-related defect in certain components of the fuel pump electrical circuit. A NHTSA investigation indicates that overheating or overload at the fuse panel connector for the electrical circuit that transmits power to the fuel pump (the A8 connector) can result in intermittent or continuous interruption of electrical power to the fuel pump, which may result in the vehicle stalling while being driven and/or electrical fires resulting in smoke or fumes entering the passenger compartments of these vehicles.

NHTSA will hold a public proceeding pursuant to section 152 of the Act at 10:00 a.m. on October 12, 1983, in Room 2230 of the Department of Transportation Headquarters, 400 Seventh Street SW., Washington, D.C. 20590, at which time Volkswagen of America, Inc. will be afforded an opportunity to present data, views and arguments regarding the initial determination of defect.

Interested persons are invited to participate in the proceeding through written or oral presentations. Persons wishing to make oral presentations are requested to notify Ms. Joyce Tannahill, Office of Defects Investigation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Room 5326, Washington, D.C. 20590 (telephone [202] 426–2850) before close of business on October 5, 1983.

The agency's investigative file in this matter is available for public inspection during regular working hours (7:45 a.m. to 4:15 p.m.) in NHTSA's Technical Reference Library, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590.

(Sec. 152, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1412); delegations of authority at 49 CFR 1.51 and 49 CFR 501.81)

Issued on September 9, 1983.

George L. Parker,

Acting Associate Administrator for Enforcement.

[FR Doc. 83-25336 Filed 9-13-83; 3:08 pm]

BILLING CODE 4910-59-M

DEPARTMENT OF TREASURY

Office of the Secretary

Public Information Collection Requirements Submitted to OMB for Review

On September 12, 1983 the Department of Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork

Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634–2179. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 309, 1625 "I" Street, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545–0195
Form Number: 5213
Type of Review: Existing Regulations
Title: Election to Postpone Determination

OMB Number: 1545–0172
Form Number: 4562
Type of Review: Existing Regulations
Title: Depreciation and Amortization
OMB Number: 1545–0193
Form Number: 4972
Type of Review: Existing Regulations
Title: Special 10-Year Averaging Method
OMB Number: 1545–0069
Form Number: 2440
Type of Review: Existing Regulations
Title: Disability Income Exclusion
OMB Number: 1545–0166
Form Number: 4255
Type of Review: Existing Regulations
Title: Recapture of Investment Credit

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512–0206
Form Number: ATF F 5110.41
Type of Review: Extension
Title: Registration of Distilled Spirits Plant
OMB Reviewer: Norman Frumkin (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Dated: September 12, 1983.

Rita A. DeNagy,

Departmental Reports, Management Office.

[FR Doc. 83-25200 Filed 9-15-83; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 181
Friday, September 16, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 AM (Eastern Time) Tuesday, September 20, 1983.

PLACE: Commission Conference Room No. 200 on the 2nd floor of the Columbia Plaza Office Building, 2401 E Street NW, Washington, 20506.

STATUS: Part will be open to the public and part will be closed to the public.

Matters To Be Considered

1. Announcement of Notation Votes.
2. Report on Commission Operations (Optional).
3. Freedom of Information Act Appeal No. 83-7-FOIA-105-SL, concerning a request for copies of a Title VII file.
4. Freedom of Information Act Appeal No. 83-7-FOIA-47-DT, concerning a request for access to an investigator's memorandum and a memo containing the legal advice of a regional attorney.
5. Proposed Certifications of Three 706 Agencies.
6. Proposed Semi-Annual Regulatory Agenda.

Closed

Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634-6748 at all times for information on these meetings.)

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634-6748.

This notice issued September 13, 1983.

[S-1297-83 Filed 9-13-83; 4:28 pm]

BILLING CODE 6570-06-M

2

FEDERAL COMMUNICATIONS COMMISSION

September 9, 1983.

Deletion of agenda item from September 9th open meeting.

The following item has been deleted at the request of the Office of Commissioner Rivera from the list of agenda items scheduled for consideration at the September 9, 1983 Open Meeting and previously listed in the Commission's Notice of September 2, 1983.

Agenda, Item No., and Subject

Common carrier, 4, title: In the Matter of American Television Relay, Inc. Refunds resulting from the findings and conclusions in Docket No. 19609. Summary: The Commission will consider an order responding to the remand by the U.S. Court of Appeals of an earlier Commission decision ordering refunds to certain customers of American Television Relay.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1307-83 Filed 9-14-83; 11:21 am]

BILLING CODE 6712-01-M

3

FEDERAL ENERGY REGULATORY COMMISSION

Notice of meeting.

September 13, 1983.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-4109), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: September 20, 1983, 10:00 a.m.

PLACE: 825 North Capitol Street, N.E., Washington, D.C. 20426, Room 9306.

STATUS: Closed.

Matters To Be Considered

(1) Cumberland Power Corporation.
(2) Clifton Power Corporation.
(3) Docket Nos. G-17529, RI71-154 and AR64-2, *et al.*, Ginther Warren & Company.
(4) Docket Nos. CI61-751 and AR64-2, *et al.*, *W.A. Stockard, et al.*
(5) Docket No. IN79-2, I.L. Morris, *et al.*
(6) Micon Energy Group, Ltd.
(7) Docket No. GP82-8-000, Davis Oil Company.
(8) Pioneer Production Company.
(9) Docket No. INB1-1, United Gas Pipeline Company.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, 202-357-8400.

[S-1296-83 Filed 9-13-83; 4:28 pm]

BILLING CODE 6717-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 40972, 9/12/83.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: September 14, 1983, 10:00 a.m.

CHANGE IN THE MEETING: The following items have been added to the agenda:

Item No., Docket No. and Company

CAP-39—QF83-219-000, QF83-223-000 and QF83-224-000, El Dorado County Water Agency and El Dorado Irrigation District
ER-8—EL80-7-000, Southeastern Power Administration v. Kentucky Utilities Company
CI-2—CI83-269-000, Tenneco Oil Company, Houston Oil & Minerals Corporation, Tenneco Exploration, Ltd., Tenneco Exploration II, Ltd., and TINCO, Ltd.

Kenneth F. Plumb,

Secretary.

[S-1302-83 Filed 9-14-83; 10:51 am]

BILLING CODE 6717-02-M

5

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10:00 A.M., Thursday, September 22, 1983.

PLACE: Board Room, 6th Floor, 1700 G St., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202-377-6970).

MATTERS TO BE CONSIDERED: Industry Conflicts of Interest, Accounting for Uncollectible Income.

No. 50, September 13, 1983.

[S-1301-83 Filed 9-13-83; 5:04 pm]

BILLING CODE 6720-01-M

6

FEDERAL HOME LOAN BANK BOARD

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 48, Page No. None at this time. Date Published—None at this time.

PLACE: Board Room, 6th Floor, 1700 G St., N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202–377–6970).

CHANGES IN THE MEETING: The bank board meeting scheduled for Thursday, September 22, 1983 at 10:00 a.m. has been changed to start at 12:00 p.m.

No. 51, Sept. 14, 1983.

[S-1308-83 Filed 9-14-83; 1:21 pm]

BILLING CODE 6720-01-M

7

FEDERAL HOME LOAN MORTGAGE CORPORATION

DATE AND TIME: September 21, 1983, 1:30 p.m.

PLACE: 1776 G Street, NW., Washington, D.C., Conference Room 4–G.

STATUS: Closed.

CONTACT PERSON FOR MORE INFORMATION: Alan B. Hausman, 1776 G Street, N.W., P.O. Box 37248, Washington, D.C. 20013, (202) 789–4763.

Matters To Be Considered

Closed—Minutes of July 25, 1983, Board of Directors' Meeting, Minute Entry.

Closed—President's Report.

Closed—Financial Report, Minute Entry.

Date sent to Federal Register: September 13, 1983.

[S-1311-83 Filed 9-14-83; 2:35 pm]

BILLING CODE 6720-02-M

8

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9:00 a.m., September 21, 1983.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

Matters To Be Considered

Portions open to the public:

1. Agreements Nos. 3868–30 and 3868–31: Modifications to the United States Atlantic and Gulf/Panama Freight Conference Agreement to provide for the filing of proportional rates and alternate port service.

2. Agreement No. T–4066: Terminal Lease between Atlantic Container Line, Ltd. and Barber Blue Sea Line/Barber West Africa Line.

3. Agreement No. 10414–3: Modification of the People's Republic of China/U.S.A. Rate Agreement to extend its term of approval and to provide for intermodal rate authority.

4. Petition for review of Finding of No Significant Environmental Impact for Agreements Nos. 10355–1 and 10402–1.

Portions closed to the public:

1. Agreement No. 10483: Agency agreement between Korea Marine Transport Company and Matson Agencies.

2. Activities of Philippine Express Corp.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523–3557.

[S-1309-83 Filed 9-14-83; 3:52 pm]

BILLING CODE 6730-01-M

9

FEDERAL RESERVE SYSTEM
(Board of Governors)

TIME AND DATE: Approximately 11:00 a.m., Wednesday, September 21, 1983, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

Matters To Be Considered

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: September 13, 1983.

James McAfee,

Associate Secretary of the Board.

[S-1300-83 Filed 9-13-83; 4:47 pm]

BILLING CODE 6210-01-M

10

FEDERAL RESERVE SYSTEM
(Board of Governors)

TIME AND DATE: 10:00 a.m., Wednesday, September 21, 1983.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

Matters To Be Considered

Summary Agenda: Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposed extension and revision of the Senior Loan Officer Opinion Survey on Bank Lending Practices (FR 2018).

2. Proposed extension and revision of Monthly Survey of Loan Commitments (FR 2039).

3. Proposed extension and revision of Report of Bank Holding Company Intercompany Transactions and Balances (FR Y–8).

4. Proposed extension and revision of Report of Intercompany Transactions for Foreign Banking Organizations and Their U.S. Bank Subsidiaries (FR Y–8f).

5. Proposed extension and revision of Report of Condition for Edge and Agreement Corporations (FR 2886b).

Discussion Agenda

6. Proposed Federal Reserve fee schedules for definitive securities safekeeping and noncash collection services. (Proposed earlier for public comment; Docket No. R–0475).

7. Publication for comment of Federal Reserve proposals regarding automated Clearing House (ACH) fee schedules, float elimination and pricing, and service issues.

8. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: September 13, 1983.

James McAfee,

Associate Secretary of the Board.

[S-1298-83 Filed 9-13-83; 4:47 pm]

BILLING CODE 6210-01-M

11

LEGAL SERVICES CORPORATION
Board of Directors Meeting.

TIME AND DATE: 8:00 A.M. to 6:00 P.M., Tuesday, October 4, 1983.

PLACE: GSA Central Office Auditorium, 18th and "F" Streets NW., 1st Floor, Washington, D.C. 20005.

STATUS OF MEETING: Open.

Matters to Be Considered

1. Approval of Agenda.
2. Approval of Minutes.
3. Report from President.
4. Report from Office of General Counsel:
   a. Final Review of Proposed Regulations:
   (1) Transfer of Funds (45 CFR Part 1627)—Proposed Regulation Published June 22, 1983.
   (2) Denial of Refunding (45 CFR Parts 1606 and 1625)—Proposed Regulation published August 15, 1983.
   (3) Eligibility (45 CFR Parts 1611)—Proposed Regulation Published August 29, 1983.
   b. Discussion of Regulations to be Published as Proposed Regulations

(1) Attorney Fees (45 CFR Part 1609).
(2) Priority Setting (45 CFR Part 1620).
5. Report from Office of Field Services:
a. Announcement of Instructions/ Guidelines—Published for Comment:
(1) Private Attorney Involvement.
(2) Fund Balance.
b. Discussion of Reginald Heber Smith Community Fellowship Program.
6. Report from Vice President of Finance:
a. 1983 Third Quarter Budget Review.
b. 1984 Budget.
c. 1985 Mark.
7. Needs Study Update.
8. Report from Office of Government Relations:
a. Authorization.
b. GAO Investigations.
9. Report from Office of Program Development.

CONTACT PERSON FOR MORE INFORMATION: LeaAnne Bernstein, Office of the President, (202) 272–4040.

Date issued: September 13, 1983.

LeaAnne Bernstein,

Corporate Secretary.

[S-1303-83 Filed 9-14-83; 11:01 am]

BILLING CODE 6820-35-M

12

POSTAL RATE COMMISSION

Meeting.

AGENCY HOLDING THE MEETING: Postal Rate Commission.

TIME AND DATE: Wednesday, September 14, 1983 at 2:00 p.m.

PLACE: Conference Room, Room 500, 2000 L Street NW., Washington, DC 20268.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Discussion of Request for Recusal of a Commissioner (Closed pursuant to 5 USC 552b(c)(10)).

CONTACT PERSON FOR MORE INFORMATION: Cyril J. Pittack, Acting Secretary, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20268, Telephone (202) 254–3880.

[S-1304-83 Filed 9-14-83; 11:20 am]

BILLING CODE 7715-01-M

13

POSTAL RATE COMMISSION

Meeting.

AGENCY HOLDING THE MEETING: Postal Rate Commission.

TIME AND DATE: Periodic meetings scheduled on short notice during business days in the period September 20–23, 1983.

PLACE: Conference Room, Room 500, 2000 L St., NW., Washington, DC 20268.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Discussion of matters in Docket No. 83–2, ZIP+4. (Closed pursuant to 5 U.S.C. 552b(c)(10)).

CONTACT PERSON FOR MORE INFORMATION: Cyril J. Pittack, Acting Secretary, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20268, Telephone (202) 254–3880.

[S-1305-83 Filed 9-14-83; 11:20 am]

BILLING CODE 7715-01-M

federal register

Friday
September 16, 1983

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being mnodified and their dates of publication in the **Federal Register** are listed with each State.

Arkansas:	
AR83-4038; AR83-4039	May 13, 1983
AR83-4049	July 15, 1983
New York:	
NY83-3043	Aug. 19, 1983
Ohio:	
OH83-2013	Feb. 25, 1983
Pennsylvania:	
PA81-3066	Oct. 23, 1981
PA81-3073	Oct. 2, 1981
PA82-3007	Feb. 26, 1982
Rhode Island:	
RI83-3042	Aug. 19, 1983
Washington:	
WA83-5110	June 3, 1983
Wisconsin:	
WI83-2068	Sept. 2, 1983

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Arkansas:	
AR83-4037 (AR83-4069)	May 13, 1983
California:	
CA 82-5118 (CA83-5118)	Aug. 20, 1982
CA 82-5122 (CA83-5119)	Sept. 3, 1982
Kentucky:	
KY 82-1053 (KY83-1061); KY82-1054 (KY 83-1063)	Oct. 1, 1982
Oklahoma:	
OK 83-4011 (OK83-4067); OK83-4012 (OK83-4068)	Jan. 14, 1983

Signed in Washington, D.C. This 9th Day of September 1983.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

DECISION #AR83-4038-Mod.#2 48FR21775-May 13, 1983 GARLAND, CLARK AND HOT SPRINGS COUNTIES, ARKANSAS	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos workers	$15.78	2.27
Bricklayers-Stonemasons:		
Hot Springs County	12.10	.75
Sprinkler fitters	14.57	3.23
DECISION #AR83-4039-Mod.#2 48FR21774-May 13, 1983 UNION & OUACHITA COUNTIES, ARKANSAS		
CHANGE:		
Asbestos workers	15.78	2.27
Sprinkler fitters	14.57	3.23
DECISION #AR83-4049-Mod.#3 48FR32450-July 15, 1983 SEBASTIAN, CRAWFORD AND WASHINGTON COUNTIES, ARKANSAS		
CHANGE:		
SEBASTIAN & CRAWFORD COS.:		
Asbestos workers	15.78	2.27
Bricklayers-Stonemasons	12.00	.69
Plumbers-Steamfitters	13.56	1.34
Sprinkler fitters	14.57	3.23

DECISION NO. NY83-3043 - MOD. #3 (48 FR 37801 August 19, 1983) Broome & Chenango Counties, New York	Basic Hourly Rates	Fringe Benefits
OMIT:		
Plumbers & Steamfitters		
Total project cost over $500,000	14.87	2.13
Total project cost under $500,000	11.41	2.13
ADD:		
Plumbers & Steamfitters	14.78	2.13

DECISION NO. OH83-2013 Mod # 5 (48 FR 8230 - February 25, 1983) Ashtabula, Cuyahoga, Lake, Lorain, Portage, Stark, & Summit Cos., Ohio	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ELECTRICIANS:		
Starke County:		
Residential Electricians (Applies to all units built primarily for family residence, not to exceed four (4) units, whether or not under the same roof and not exceeding two (2) stories, with the exception of a single family residence, which may be more than two stories)	$12.19	3.3% + 2.30
Building & All Other Residential Electricians	17.59	10.2% + 2.85

DECISION NO. PA81-3066 MOD. NO. 9 (46 FR 52082 - October 23, 1981) Cumberland, Dauphin, Perry, Juniata, New Cumberland Depot, in York County, Pennsylvania	Basic Hourly Rates	Fringe Benefits
CHANGE:		
LABORERS:		
Group 1	$10.15	1.43
Group 2	10.62	1.43
Group 3	9.55	1.43
Group 4	11.02	1.43

DECISION NO. PA81-3073 - Mod. #6 (46 FR 48853 - October 2, 1981) Northumberland County, Pennsylvania	Basic Hourly Rates	Fringe Benefits
Change:		
Laborers:		
South of Susquehanna River:		
Group 4	$11.02	$1.43
DECISION NO. PA82-3007 - Mod. #14 (47 FR 8529 - February 26, 1982) Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pennsylvania		
Change:		
Bricklayers:		
Other work:		
Zone 3	$15.02	$3.47

DECISION NO. RI83-3042 MOD. NO. 2 (48 FR 37809 - August 19, 1983) Statewide, Rhode Island	Basic Hourly Rates	Fringe Benefits
CHANGE:		
BUILDING CONSTRUCTION:		
Elevator Constructors	$17.464	3.00 +a+b
Elevator Constructors Helpers	70%JR	3.00 +a+b
HEAVY & HIGHWAY CONSTRUCTION:		
MARINE DIVERS	24.00	3.55

DECISION NO. WA83-5110- Mod #5 (48 FR 25108 - June 3, 1983) Statewide Washington	Basic Hourly Rates	Fringe Benefits
CHANGE:		
BRICKLAYERS; MARBLE SETTERS:		
Area 1	$16.13	$3.66
Area 6	16.76	3.26
Area 7	17.93	3.50
CARPENTERS:		
Area 3:		
Acoustical and Drywall Applicator, Automatic Nailing Machine, Carpenters, Form Strippers, Manhole Builders	16.96	3.27
Floor Layers and Finishers, Stationary Power Saw Operator	17.11	3.27
Millwright & Machine Erector	17.21	3.27
Certified Welders	17.36	3.27
Piledrivermen; Bridge, Dock, and Wharf Builders	17.06	3.27
Boomen	17.16	3.27
ELEVATOR CONSTRUCTOR MECHANICS:		
Area 1	19.735	a+3.00
GLAZIERS		
Area 6	15.06	2.03
SHEET METAL WORKERS:		
Area 3	18.39	3.54
TERRAZZO WORKERS; TILE SETTERS:		
Area 6	16.76	3.26
Area 7	16.86	3.43

DECISION NO. WI83-2068 - MOD.#1 (48 FR 40096 September 2, 1983) Milwaukee, Ozaukee, Waukesha, & Washington Counties, Wisconsin	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Sheetmetal Workers:		
Building	15.38	4.63
ADD:		
Residental	11.54	4.63

SUPERSEDEAS DECISION

STATE: ARKANSAS
DECISION NO. AR83-4069
COUNTY: PULASKI AND JEFFERSON
DATE: Date of Publication
SUPERSEDES DECISION NO. AR83-4037 dated May 13, 1983 in 48FR21773
DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$15.78	2.27
BOILERMAKERS	16.60	2.415
BRICKLAYERS-STONEMASONS	12.00	1.54
CARPENTERS:		
Carpenters	12.15	1.46
Millwrights-Piledrivermen	12.65	1.46
CEMENT MASONS	12.85	.64
ELECTRICIANS:		
Electricians	14.70	3%+2.35
Cable splicers	14.82	3%+2.35
ELEVATOR CONSTRUCTORS:		
Journeymen	13.19	2.69+A
Helpers	70%JR	2.69+A
Probationary helpers	50%JR	
GLAZIERS	9.70	.50
IRONWORKERS	13.20	2.21
LABORERS:		
Group I	8.55	1.45
Group II	8.80	1.45
Group III	8.95	1.45
Group IV	9.05	1.45
Group V	9.20	1.45
Group VI	9.45	1.45
Group VII	9.35	1.45
LINE CONSTRUCTION:		
Linemen-Operators	15.20	B
Cable splicers	15.32$	B
Groundmen	65%JR	B
Winch equipment B - 3-1/8% + 1.85	73%JR	B
MARBLE, TILE & TERRAZZO WORKERS	11.35	.80
PAINTERS:		
Painters, paperhangers, steam cleaners, sheetrock finishers and wall cover hangers	11.00	.63
Spray gun operators and sandblasterers	11.60	.63
All skeleton steel and all work on stage, structural steel over 30 feet high	11.25	.63
PLASTERERS	12.85	.64
ROOFERS	11.91	.30
SPRINKLER FITTERS	14.57	3.23
POWER EQUIPMENT OPERATORS:		
Group I	13.63	1.40
Group II	12.34	1.40
Group III	11.76	1.40
Group IV	9.67	1.40

	Basic Hourly Rates	Fringe Benefits
PLUMBERS-PIPEFITTERS: (Including the setting and erecting of all piping in heating-ventilating and air conditioning systems):		
Jefferson County	$14.67	1.98
Pulaski County:		
Within 10 miles radius of Pulaski County Courthouse	14.30	2.05
Over 10 miles from Pulaski County CH	14.60	2.05
SHEET METAL WORKERS: (Including the installation, dismantling, conditioning, adjustment, alteration, repairing & servicing of all air-veyor and air handling systems, testing and balancing of all air handling equipment and duct work)	14.08	3%+1.93

FOOTNOTES:
A. 6 mos. to 5 yrs. - 6%; over 5 yrs. 8% of basic hourly rate: plus seven paid holidays.

PAID HOLIDAYS:
New Years Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving and Christmas Day.

WELDERS--receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

LABORERS CLASSIFICATION DEFINITIONS

GROUP I - Construction laborer-concrete, wrecking, carpenters, drywall, mechanics, excavating, plumbers and electricians laborers, green cutter, blow pipe, and crete pump hose placer

GROUP II - Semi-skilled labor - pipelayers, concrete, clay and mechanical tool, cement mixer, wet or dry finishers and plasterers, mason tenders, mortar mixers, asphalt rakers and shovelers, creosote wood handlers, chuck tender

GROUP III - Skilled "A" - Steelform setters, curb and gutters, grout and cement mockers

GROUP IV - Skilled "B" - Swinging scaffold, barco, 90lb pavement breakers and burners

GROUP V - Nozzleman (gunite, grout, and sandblasters); concrete pump (boomel placer)

GROUP VI - Powderman and blaster GROUP VII - Wagon drill

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - Cranes, draglines, shovels and piledrivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 feet or over from the ground, blacksmith, mechanics

GROUP II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturers, all backhoes, tractor or truck type, all overhead and traveling cranes, or tractors with swinging boom attachments, gradalls, all above equipment irrespective of motive power, leverman (engineer), hydraulic or bucket dredges, irrespective of size

GROUP III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders, all sideboons, skytracks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers, central mixing plants, 10S and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power and dredge tender operator

GROUP IV - LIGHT EQUIPMENT OPERATORS: Oilerdriver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material. Lad-A-Vator, conveyor, batch plant, and mortar or concrete mixers, below 10S, and dump Euclid, pumpcrete, spray machine and pressure grout machine, air compressors, regardless of size, all equipment, welding machines light plants, pumps, all well point system de-watering and portable pumps, space heater, irrespective of size, and motive power, equipment greaser, oiler, asphalt distributor, and like equipment, safety boat operator and deckhand.

WELDERS--receive rate prescribed for craft performing operation to which welding is incidental.

UNLISTED classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

SUPERSEDEAS DECISION

STATE: CALIFORNIA

COUNTIES: Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura

DECISION NUMBER: CA83-5118 DATE: Date of Publication

Supersedes Decision No. CA82-5118 dated August 20, 1982 in 47 FR 36513

DESCRIPTION OF WORK: Building; Heavy (excluding Water Well Drilling); and Highway Projects; and Residential Projects (excluding Inyo and Mono Counties California); and Dredging

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$21.29	$3.88
BOILERMAKERS	21.39	3.96
BRICKLAYERS; STONEMASONS:		
Area 1	19.09	3.59
Area 2	17.19	4.11
Area 3	20.50	3.52
Area 4	17.65	4.00
Area 5	17.40	4.56
Area 6	17.72	4.46
Area 7	20.75	2.97
BRICK TENDERS	13.47	7.28
CARPENTERS:		
Area 1:		
Carpenters; Cabinet Installers; Insulation Installers	18.29	6.52
Saw Filers	18.37	6.53
Table Power Saw Operator	18.39	6.53
Shinglers; Bridge or Dock Carpenters; Derrick Bargeman and Rockslinger	18.42	6.53
Hardwood Floor Layer and Acoustical Installer	18.49	6.53
Pneumatic Nailer or Power Stapler	18.54	6.53
Piledrivermen	18.57	6.53
Millwrights	18.79	6.53
Wood Fence Builder (Residential)	12.70	6.53
Area 2:		
Carpenters; Cabinet Installers; Insulation Installers	16.29	6.53
Saw Filers	16.37	6.53
Table Power Saw Operator	16.39	6.53
Shinglers, Bridge or Dock Carpenters; Derrick Bargeman and Rockslinger	16.42	6.53
CARPENTERS: (Cont'd)		
Area 2: (Cont'd)		
Hardwood Floor Layer and Acoustical Installer	$16.49	$6.53
Pneumatic Nailer or Power Stapler	16.54	6.53
Piledrivermen	16.57	6.53
Millwrights	16.79	6.53
Wood Fence Builder (Residential)	10.70	6.53
CEMENT MASONS:		
Area 1:		
Cement Masons	18.56	6.35
Cement Floating and Troweling Machine Operators	18.81	6.35
Area 2:		
Cement Masons	16.56	6.35
Cement Floating and Troweling Machine Operators	16.81	6.35
DRYWALL INSTALLERS/ LATHERS	18.06	6.56
DIVERS:		
Diver, Wet	37.84	6.53
Diver, Stand-by	18.92	6.53
Diver, Tender	17.92	6.53
ELECTRICIANS:		
Area 1:		
Electricians	22.15	3.78+ 3%
Cable Splicers	22.60	3.78+ 3%
Sound Installers	16.47	1.46+ 3%
Utility Technicians	16.50	0.47+ 3%
Area 2:		
Electricians	20.15	4.55+ 3%

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	Basic Hourly Rates	Fringe Benefits
ELECTRICIANS: (Cont'd)		
Area 2: (Cont'd)		
Cable Splicers	$22.17	$4.55+ 3%
Residential Electricians	11.40	2.00+ 3%
Area 3:		
Electricians	22.97	4.62+ 3%
Cable Splicers	23.57	4.62+ 3%
Sound Technicians	16.95	2.25+ 3%
Area 4:		
Electricians	22.88	3.55+ 3%
Cable Splicers	23.93	3.55+ 3%
Area 5:		
Electricians	21.79	4.13+ 3%
Cable Splicers	22.29	4.13+ 3%
Area 6:		
Electricians	20.80	5.10+ 3%
Cable Splicers	21.30	5.10+ 3%
Area 7:		
Electricians	21.73	3.36+ 3%
Cable Splicers	23.90	3.36+ 3%
Residential Electricians	10.90	3.36+ 3%
Area 8:		
Electricians	22.20	3.18+ 3%
Cable Splicers	23.70	3.18+ 3%
Area 9:		
Electricians	23.11	4.47+ 3%
Cable Splicers	25.42	4.47+ 3%
Area 10:		
Electricians	25.70	3.18+ 3%
Cable Splicers	27.20	3.18+ 3%
Area 11:		
Electricians	23.90	4.55+ 3%
Cable Splicers	25.92	4.55+ 3%
ELECTRICIANS: (Cont'd)		
Area 11: (Cont'd)		
Residential Electricians	$12.40	$2.00+ 3%
ELEVATOR CONSTRUCTORS:		
Area 1:		
Mechanics	22.24	2.69+a
Helpers	15.57	2.69+a
Probationary Helpers	11.12	
Area 2:		
Mechanics	28.35	3.00+a
Helpers	19.845	3.00+a
Probationary Helpers	14.175	
GLAZIERS:		
Area 1	17.62	5.03
Area 2	17.87	3.15
IRONWORKERS:		
Fence Erectors	16.41	8.53
Structural, Ornamental, Reinforcing	17.30	8.53
IRRIGATION and LAWN SPRINKLERS	15.00	3%
LINE CONSTRUCTION:		
Area 1:		
Groundman	16.37	3.65+ 4%
Lineman	21.26	3.65+ 4%
Cable Splicers	21.56	3.65+ 4%
Area 2:		
Groundman	15.11	4.40+ 4%
Lineman	20.15	4.40+ 4%
Cable Splicers	22.17	4.40+ 4%
Area 3:		
Groundman	14.73	2.28+ 3%
Lineman; Equipment Operators	18.09	2.28+ 3%
Area 4:		
Lineman	19.32	4.47+ 3%
Area 5:		
Lineman	18.22	4.70+ 3%
Area 6:		
Groundman	13.17	3.78+ 3%
Lineman; Equipment Operators	17.56	3.78+ 3%

DECISION NO. CA83-5118	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION: (Cont'd)		
Area 7:		
Groundman	$16.30	$3.33+ 3%
Lineman; Equipment Operators	21.73	3.33+ 3%
Cable Splicers	23.90	3.33+ 3%
Area 8:		
Groundman	17.69	4.47+ 3%
Lineman; Equipment Operators	23.11	4.47+ 3%
Cable Splicers	25.42	4.47+ 3%
Area 9:		
Groundman	20.15	3.15+ 4%
Lineman; Equipment Operators	25.70	3.15+ 4%
Cable Splicers	27.20	3.15+ 4%
Area 10:		
Groundman	18.86	4.40+ 4%
Lineman	23.90	4.40+ 4%
Cable Splicers	25.92	4.40+ 4%
Area 11:		
Groundman	16.65	3.15+ 4%
Lineman; Equipment Operators	22.20	3.15+ 4%
Cable Splicers	23.70	3.15+ 4%
MARBLE SETTERS:		
Area 1	14.89	5.96
Area 2	18.50	2.95
MARBLE FINISHERS:		
Area 1	14.14	3.30
PAINTERS:		
Area 1:		
Brush; Painter Burners	18.37	4.67
Paperhangers	18.87	4.67

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	Basic Hourly Rates	Fringe Benefits
PAINTERS: (Cont'd)		
Area 1: (Cont'd)		
Sandblaster; Iron, Steel and bridge (Swing Stage)	$19.37	$4.67
Sheet Rock Tapers	19.37	4.67
Brush (Swing Stage); Spray	18.62	4.67
Steeplejack	20.02	4.67
Area 2:		
Brush	18.27	4.68
Brush Painter, Structural Steel; Paint Burner	18.39	4.68
Swing Stage, under 13 Stories; Sandblaster; Pressure Roller Operator; Paperhanger	18.52	4.68
Swing Stage, over 13 stories	18.64	4.68
Paste Machine Operator	18.77	4.68
Spray Painter; Steeplejack	19.52	4.68
Taper	19.31	4.68
Area 3:		
Brush	13.70	3.82
Brush or Roller (Swing Stage); Paperhangers; Tapers (Sheet Rock)	14.20	3.82
Spray; Sandblaster	14.70	3.82
Steeplejack	14.70	3.82
Area 4:		
Brush; Pot Tender Paperhangers; Paste Machine Operators; Iron and Steel	18.48	3.61
Spray; Taper; Sandblaster	18.73	3.61
Sign Painter	18.98	3.61
Iron and Steel Spray Painter	19.13	3.61
Steeplejack	19.23	3.61
Drywall Taper and Spray Texture	19.48	3.61
Parking Lot Striping Work and/or Highway Markers: Traffic Delineating Device Applicator	19.81	3.61
	13.41	1.60+ b

DECISION NO. CA83-5118	Basic Hourly Rates	Fringe Benefits
PAINTERS: (Cont'd)		
Parking Lot Striping Work and/or Highway Markers: (Cont'd)		
Wheel Stop Installer, Traffic Surface Sandblaster; Striper	$12.92	$1.60+b
Slurry Seal Operation:		
Mixer Operator	12.92	1.60+b
Squeegee Man; Applicator Operator and Shuttleman	11.45	1.60+b
Top Man	9.62	1.60+b
PLASTERERS:		
Area 1	18.59	4.905
Area 2	23.90	
Area 3	21.77	
Area 4	18.07	3.35
Area 5	19.62	5.17
Area 6:		
Plasterers	15.57	4.41
Nozzleman	15.695	4.41
PLASTERERS' TENDERS:		
Area 1	16.16	7.36
Area 2	12.75	6.10
Area 3	16.015	7.31
Area 4	14.14	7.16
Area 5	17.97	6.52
Area 6	16.25	6.10
PLUMBERS; STEAMFITTERS:		
Area 1	21.38	7.49
Area 2	18.14	5.53
Area 3	23.14	5.53
REFRIGERATION and AIR CONDITIONING:		
Area 1	19.89	7.85
ROOFERS:		
Area 1	14.54	5.16
Area 2	14.55	1.55
Area 3	16.20	4.00
Area 4	18.17	5.485
Area 5	17.055	2.435
SHEET METAL WORKERS:		
Area 1	20.35	4.16
Area 2	18.80	3.33
Area 3	18.12	4.62
Area 4	14.16	3.87
Area 5	20.08	4.28
Area 6	19.57	4.59
Area 7	23.80	3.33
SOFT FLOOR LAYERS:		
Area 1	18.45	3.94
Area 2	18.17	4.05
Area 3	15.57	3.49

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	Basic Hourly Rates	Fringe Benefits
SPRINKLER FITTERS:		
Area 1	$21.87	$3.23
Area 2	22.39	2.57
TERRAZZO WORKERS:		
Area 1	18.50	2.95
Area 2	17.00	4.80
TILE SETTERS:		
Area 1	18.50	2.95
Area 2	20.03	3.51
Area 3	15.89	3.95
Area 4	18.00	4.20
Area 5	16.60	1.90
TILE FINISHERS:		
Area 1	13.73	3.71
Area 2	12.80	3.30
LABORERS:		
Area 1:		
Group 1	14.82	7.53
Group 2	14.97	7.53
Group 3	15.17	7.53
Group 4	15.47	7.53
Group 5	15.67	7.53
TUNNEL LABORERS:		
Group 1	16.73	7.16
Group 2	16.85	7.16
Group 3	17.01	7.16
Group 4	17.29	7.16
Area 2:		
Group 1	12.82	7.53
Group 2	12.97	7.53
Group 3	13.17	7.53
Group 4	13.47	7.53
Group 5	13.67	7.53
GUNNITE LABORERS:		
Group 1	15.31	7.16
Group 2	14.36	7.16
Group 3	13.10	7.16
TUNNEL LABORERS:		
Group 1	14.73	7.16
Group 2	14.85	7.16
Group 3	15.01	7.16
Group 4	15.29	7.16
RESIDENTIAL LABORERS:		
Areas 1 and 2:		
Cleanup; Landscaping; Fencing	9.00	7.53
All Other Residential Laborers	10.00	7.53

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
DREDGING:		
(Hydraulic Suction Dredges):		
Leverman	$18.10	$6.42
Watch Engineer; Welder; Deckmate	17.52	6.42
Winchman (Stern Winch or Dredge)	16.97	6.42
Bargeman; Deckhand; Fireman; Oiler; Leveehand	16.43	6.42
Dozer	17.63	6.42
(Clamshell Dredges):		
Leverman	18.10	6.42
Wateh Engineer; Deckmate	17.52	6.42
Barge Mate	17.04	6.42
Bargeman; Deckhand; Fireman; Oiler	16.43	6.42
POWER EQUIPMENT OPERATORS:		
Group 1	16.25*	6.42
Group 2	16.53*	6.42
Group 3	16.82*	6.42
Group 4	16.96*	6.42
Group 5	17.18*	6.42
Group 6	17.29*	6.42
Group 7	17.41*	6.42
Group 8	17.58*	6.42
Group 9	17.71*	6.42

*When the home of any employee is over 30 road miles from the center of the job or project on Vandenberg Air Force Base, a rate of $22.00 per scheduled work day shall be added to the base pay.

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS:		
Group 1	$16.48*	$4.61
Group 2	15.65*	4.61
Group 3	16.62*	4.61
Group 4	16.71*	4.61
Group 5	16.74*	4.61
Group 6	16.76*	4.61
Group 7	16.80*	4.61
Group 8	16.81*	4.61
Group 9	16.86*	4.61
Group 10	16.89*	4.61
Group 11	16.94*	4.61
Group 12	16.96*	4.61
Group 13	17.01*	4.61
Group 14	17.26*	4.61
Group 15	17.51*	4.61
Group 16	17.61*	4.61
Group 17	17.71*	4.61
Group 18	18.01*	4.16
Group 19	18.51*	4.16

*When the home of an employee is over 30 road miles from the center of the job or project on Vandenberg Air Force Base, a rate of $20.00 per scheduled work day shall be added to the Base Pay.

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day

b. Employer contributes $.23 per hour to Holiday Fund plus $.14 per hour to Vacation Fund for the first year of employment, 1 year but less than 5 years $.34 per hour to Vacation Fund, 5 years but less than 10 years $.44 per hour to Vacation Fund, over 10 years $.54 per hour to Vacation Fund.

AREA DESCRIPTIONS

BRICKLAYERS; STONEMASONS:
Area 1: Imperial County
Area 2: Inyo, Kern, and Mono Counties
Area 3: Los Angeles County
Area 4: Riverside and San Bernardino Counties
Area 5: Santa Barbara and San Luis Obispo Counties
Area 6: Ventura County
Area 7: Orange County

CARPENTERS:
Area 1: Camp Roberts, Edwards Air Force Base, Naval Ordnance Test Station, Point Arguello and Vandenberg Air Force Base
Area 2: Remaining Counties

CEMENT MASONS:
Area 1: Camp Roberts, Edwards Air Force Base, Naval Ordnance Test Station, Point Arguello and Vandenberg Air Force Base
Area 2: Remaining counties

DIVERS:*
Shall receive a minimum of 8 hours pay for any day or part thereof.

ELECTRICIANS:
Area 1: Imperial County
Area 2: Kern County (Remainder of County)
Area 3: Los Angeles County
Area 4: Orange County
Area 5: Riverside County
Area 6: Inyo, Mono, and San Bernardino Counties
Area 7: San Luis Obispo County
Area 8: Santa Barbara (Remainder of County)
Area 9: Ventura County
Area 10: Point Arguello and Vandenberg Air Force Base
Area 11: China Lake Naval Ordnance Test Station and Edwards Air Force Base

ELEVATOR CONSTRUCTORS:
Area 1: Imperial and Inyo Counties; Kern County (south of Tehachapi Range); Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties
Area 2: Kern County (north of Tehachapi Range)

GLAZIERS:
Area 1: Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo, and Ventura Counties
Area 2: Imperial County

AREA DESCRIPTIONS (Cont'd)

IRONWORKERS:
Where the project is located 60 miles or more from the City Halls indicated below, the following amount shall be added to the Base Pay:
60 miles to 100 miles - $18.00 per day
100 miles and over - $24.00 per day

City Hall of San Francisco, Oakland, San Jose, Sacramento, Stockton, Fresno, Barkersfield, Eureka, Redding, Napa, Los Angeles, San Diego, San Bernardino, Ventura, and El Centro

LINE CONSTRUCTION:
Area 1: Imperial County
Area 2: Kern County (Remainder of County)
Area 3: Orange County
Area 4: Los Angeles County
Area 5: Inyo, Mono, and San Bernardino Counties
Area 6: Riverside County
Area 7: San Luis Obispo County
Area 8: Ventura County
Area 9: Point Arquello and Vandenberg Air Force Base
Area 10: China Lake Naval Ordnance Test Station and Edwards Air Force Base
Area 11: Santa Barbara (Remainder of County)

MARBLE SETTERS:
Area 1: Inyo and Mono Counties
Area 2: Imperial County

MARBLE FINISHERS:
Area 1: Imperial County

PAINTERS:
Area 1: Imperial, Orange, and Riverside Counties; Los Angeles County (Pomona Area); San Bernardino County (excluding western portion)
Area 2: Inyo County; Los Angeles County (except Pomona Area); Mono County; San Bernardino County (west of a line north of Trono including China Lake Area, Johannesburg, Boron, south including the Wrightwood Area); Kern County east of the Los Angeles Aqueduct)
Area 3: Kern County (except the portion lying east of the Los Angeles Aqueduct)
Area 4: San Luis Obispo, Santa Barbara, and Ventura Counties

PLASTERERS:
Area 1: Los Angeles and Orange Counties
Area 2: Imperial, Riverside, and San Bernardino Counties
Area 3: San Luis Obispo County
Area 4: Santa Barbara County
Area 5: Ventura County
Area 6: Kern, Inyo, and Mono Counties

PLASTERERS' TENDERS:
Area 1: Imperial, Inyo, Mono, Riverside, and San Bernardino Counties
Area 2: Kern County
Area 3: Los Angeles and Orange Counties
Area 4: San Luis Obispo and Santa Barbara Counties
Area 5: Ventura County

AREA DESCRIPTIONS (Cont'd)

PLASTERERS' TENDERS: (Cont'd)
Area 6: China Lake Naval Ordnance Test Station and Edwards Air Force Base

PLUMBERS; STEAMFITTERS:
Area 1: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties
Area 2: Inyo, Kern, and Mono Counties
Area 3: Edwards Air Force Base, Naval Weapons-Center and China Lake Naval Ordnance Test Center

REFRIGERATION and AIR CONDITIONING:
Area 1: Los Angeles and Orange Counties

ROOFERS:
Area 1: Imperial County
Area 2: Inyo, Kern, and Mono Counties
Area 3: Riverside and San Bernardino Counties
Area 4: Los Angeles, Orange, and Ventura Counties
Area 5: San Luis Obispo and Santa Barbara Counties

SHEET METAL WORKERS:
Area 1: Imperial County
Area 2: Kern County and all of Inyo and Mono Counties; Los Angeles County (that portion north of a straight line drawn between Gorman and Big Pines)
Area 3: Los Angeles County (Remaining portion)
Area 4: Orange County
Area 5: Riverside and San Bernardino Counties
Area 6: San Luis Obispo, Santa Barbara, and Ventura Counties
Area 7: Edwards Air Force Base and China Lake Naval Weapons Base

SOFT FLOOR LAYERS:
Area 1: Imperial County
Area 2: Los Angeles, Orange, Riverside, Santa Barbara, San Luis Obispo, San Bernardino, and Ventura Counties
Area 3: Kern, Inyo and Mono Counties

SPRINKLER FITTERS:
Area 1: Imperial, Inyo, Kern, and Mono Counties; Orange County (except Santa Ana); Riverside County, San Bernardino County (except Ontario); San Luis Obispo, Santa Barbara and Ventura Counties
Area 2: Los Angeles City and area within 25 miles and Pomona Area; Orange County (Santa Ana); San Bernardino County (Ontario); and Ventura County (Santa Paula, Point Mugu and Port Hueneme)

TERRAZZO WORKERS:
Area 1: Imperial County
Area 2: Remaining Counties

TILE SETTERS:
Area 1: Imperial County
Area 2: Los Angeles, Orange, and Ventura Counties
Area 3: San Luis Obispo and Santa Barbara Counties
Area 4: Riverside and San Bernardino Counties
Area 5: Inyo, Kern, and Mono Counties

AREA DESCRIPTIONS (Cont'd)

TILE FINISHERS:
Area 1: Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties
Area 2: Kern, Inyo, and Mono Counties

LABORERS:
Area 1: Point Arguello, Camp Roberts, Edwards Air Force Base, Naval Ordnance Test Center, Vandenberg Air Force Base
Area 2: Remainder of Counties

LABORERS
AREAS 1 and 2

Group 1: Cleaning and Handling of Panels Forms; Concrete Screeding for rough strike-off; Concrete, water curing; Demolition Laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of Shee-bolt Holes; Fire Watcher, Limber, Brush Loaders, Pilers and Debris Handlers; Gas, oil and/or water pipeline Laborer; Laborer, general or construction; Laborer, general cleanup; Laborer, landscaping; Laborer, jetting, temporary water and air lines; Material Hoseman (walls, slabs, floors, and decks); Rigging and Signaling; Scaler; Slip Form Raisers; Slurry Seal Crews (Mixer Operator, Applicator Operator, Squeegee Man, Shuttle Man, Top Man); Striper, Concrete or other paved surfaces; Tarman and Mortar Man; Tool Crib or Tool House Laborer; Traffid Delineating; Device Applicator; Window Cleaner; Wire Mesh, pulling all concrete pouring operations

Group 2: Asphalt Shoveler; Cement Dumper (on 1 yard or larger Mixer and handling bulk cement); Cesspool Digger and Installer, Chucktender; Chute Man, pouring concrete, the handling of the Chute from Ready Mix Trucks, such as walls, slabs, decks, floors, foundations, footings, curb, gutters, and sidewalks; Concrete Curer, Impervious Membrane and Form Oiler; Cutting Torch Operator (demolition); Fine Grader, highways and street paving, airport, runways, and similar type heavy construction; Gas, oil and/or water Pipeline Wrapper; Pot Tender and Form Man; Guinea Chaser; Headerboard Man, asphalt; Laborer, packing rod steel and pans; Power Broom Sweepers (small); Riprap Stonepaver, placing stone or wet sacked concrete; Roto Scraper and Tiller; Sandblaster (Pot Tender); Septic Tank Digger and Installer (Leadman); Tank Scaler and Cleaner; Tree Climber, Faller, Chain Saw Operator, Pittsburgh Chipper and similar type Brush Shredders; Underground Laborer, including Caisson Bellower

LABORERS (Cont'd)
AREAS 1 and 2 (Cont'd)

Group 3: Asphalt Raker, Luteman, Ironer and Asphalt Spreader Boxes (all types); Buggymobile Man; Concrete Core Cutter, Grinder or Sander; Concrete Cutting Torch; Concrete Saw Man, cutting, scouring old or new concrete; Driller, Jackhammer, 2½ ft. drill steel or longer; Dri Pak-it Machine; Gas, oil and/or water Pipeline Wrapper, 6" pipe and over, by any method, inside and out; Hydro Seeder and similar type; Impact Wrench Multi-plate; Kettlemen, Potmen and Men applying asphalt, Lay-kold, creosote, lime caustic and similar type materials ("applying" means applying, dipping, brushing or handling of such materials for pipe wrapping and waterproofing); Operators or pneumatic, gas, electric tools; Vibrating Machines, Pavement Breakers, Air Blasting, Come-alongs, and similar mechanical tools not separately classified herein; Pipelayer's Backup Man, coating, grouting, making of joints, sealing, caulking, diapering and including Rubber Gasket Joints, pointing and any and all other services; Rock Slinger; Rotary Scarifier or Multiple Head Concrete Chipping Scarifier; Steel Headerboard Man and Guideline Setter; Tampers; Barko, Wacker, and similar type; Trenching Machine, hand propelled

Group 4: Cribber, Shorer, Lagging, Sheeting and Trench Bracing, hand-guided Lagging Hammer; Head Rock Slinger; Laser Beam; Over-size Concrete Vibrator Operator, 70 lbs. and over; Pipelayer, including water, sewage, solid, gas or air; Prefabricated Manhole Installer; Sandblaster (Nozzleman), water blasting; Welding in connection with Laborers' work

Group 5: Blaster Powderman, all work of loading holes, placing and blasting of all powder and explosives of whatever type, regardless of method used for such loading and placing; Driller; All power drills, excluding Jackhammer, whether Core, Diamond, Wagon, Track, Multiple Unit, and any and all types of mechanical drills

GUNNITE

Group 1: Nozzlemen and Rodmen

Group 2: Gunmen

Group 3: Reboundmen

TUNNEL

Group 1: Batch Plant Laborers; Bull Gang Mucker, Trackman; Concrete Crew, including Rodders and Spreaders; Changehouseman; Dumpman; Dumpman (outside); Swamper (Brakeman and Switchman on tunnel work); Tunnel materials handling Man; Tool Man

Group 2: Cable Tender; Chuck Tender; Nipper; Steel Form Raiser and Setter's Tender; Vibratorman, Jackhammer, pneumatic tools (except Driller); Loading and unloading Agitator Cars; Pot Tender, using mastic or other materials

LABORERS (Cont'd)
TUNNEL (Cont'd)

Group 3: Blaster, Driller, Powderman; Chemical Grout Jetman; Cherry Pickerman; Grout Gunman; Grout Mixerman; Grout Pumpman; Jackleg Miner; Jumbo Man; Kemper and other pneumatic concrete Placer Operator; Miner, tunnel (hand or machine); Powderman (Primer HOuse); Primer Man; Shotcrete Man; Steel Form Raiser and Setter; Timberman; Retimber (wood or steel); Tunnel Concrete Finisher; Nozzleman; Operating Troweling and/or Grouting Machine; Sandblaster

Group 4: Shaft, Raise Miner; Diamond Driller

POWER EQUIPMENT OPERATORS

Group 1: Brakeman; Compressor (less than 600 C.F.M.); Engineer Oiler; Generator; Heavy Duty Repairman; Tender; Pump; Signalman; Switchman

Group 2: Compressor (600 C.F.M. or larger); Concrete Mixer, Skip type, Conveyor; Fireman; Hydrostatic Pump; Oiler Crusher (asphalt or concrete plant); Plant Operator; Generator, Pump or compressor; Rotary Drill Helper (Oilfield); Skiploader, wheel type up to 3/4 yard without attachments; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler

Group 3: A-Frame or Winch Truck; Elevator Operator (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Power driven Jumbo Form Setter; Ross Carrier (job site); Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (apshalt or concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge type Unloader and Turntable; Dinkey Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (Greaser Truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-Hammer-Areo Stomper; Power Sweeper; Roller (compacting); Screed (asphalt or concrete); Trenching Machine (up to 6 feet)

Group 5: Asphalt Plant Engineer; Backhoe (up to and including 3/4 yard); Batch Plant; Bit Sharpener; Concrete Joint Machine (canal and similar type); Concrete Planer; Deck Engine; Derrick Man (Oilfield type); Drilling Machine Operator (including water wells); Forklift (under 5 ton capacity); Hydrographic Seeder Machine (straw, pulp or seed); Machine Tool Operator; Maginnis Internal Full Slab Vibrator; Mechanic Berm, Curb or Gutter (asphalt or concrete); Mechanical Finisher (concrete-Clary, Johnson, Bidwell, or similar); Pavement Breaker (truck mounted); Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yards struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power driven hydraulic lifting device for concrete forms); Skip-loader (Crawler and wheel type, over 3/4 yard and up to and including 1½ yards); Stinger Crane (Austin-Western or similar type); Tractor, Bulldozer, Tamper Scraper (single engine, up to 100 HP, flywheel and similar types, up to and including D-5 and similar types); Tugger Hoist, 1 drum; Tunne' Locomotive (over 10 tons up to and including 30 tons); Welder-general

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt or Concrete Spreading (tamping or finishing); Asphalt Paving Machine (Barber Greene or similar type); Bridge Crane Operator; Cast-in-place Pipe Laying Machine; Combination Mixer and Compressor, (Gunite work); Compactor, self-propelled; Concrete Mixer - paving; Concrete Pump (truck mounted); Crane Operator up to and including 25 ton capacity) (Long-boom pay applicable); Crushing Plant; Drill Doctor; Elevating Grader; Forklift (over 5 tons); Grade Checker; Grade-all; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist Operator (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Mobile; Lift Slab Machine (Vagtborg and similar types); Loader (Athey, Euclid, Sierra and similar type); Material Hoist, Mucking Machine (1/4 yard rubber tired, rail or track or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding Caisson type); Rubber-tired Earth Moving Equipment (single engine, Caterpillar, Euclid, Athey, Wagon and similar types with any and all attachments, over 25 yards struck); Rubber-tired Scraper (self-loading paddle wheel type, John Deere, 1040 and similar single unit); Skip-loader (Crawler and wheel type, over 1½ yds., up to and including 6½ yds.); Surface Heaters and Planer; Trenching Machine (over 6 ft. depth capacity); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger than D-5-100 flywheel HP and over, or similar); Bulldozer, Tamper, Scraper and Push Tractor (single engine); Tractor (boot attachments); Traveling Pipe Wrapping, Cleaning and Bending Machine; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yd. and up to 5 cu. yds. M.R.C.) (Long-boom pay applicable); Self-propelled Curb and Gutter Machine

Group 7: Crane, over 25 ton up to and including 100 tons M.R.C. (Long boom pay applicable); Derrick Barge (Long boom pay applicable); Dual Drum Mixer; Heavy Duty Repairman, Welder combination; Hoist, Stiff-legs, Guy Derrick or similar type, up to and including 100 tons (Long boom pay applicable); Monorail Locomotive (diesel, gas or electric); Motor Patrol-blade Operator (single engine); Multiple Engine Tractor (Euclid and similar type, except Quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine, over 50 yds. struck); Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yards and up to 5 cu. yds. struck); Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds. M.R.C.) (Long boom pay applicable); Tower Crane Repairman; Tractor Loader (Crawler and wheel type, over 6½ yards); Welder, certified; Woods Mixer and similar Pugmill Equipment

POWER EQUIPMENT OPERATORS (Cont'd)

Group 8: Auto Grader; Automatic Slip Form; Crane-over 100 tons (Long-boom pay applicable); Hoist, Stiff Legs, Guy Derrick or similar types (capable of hoisting 100 tons or more) (Long boom pay applicable); Mass Excavator, less than 750 cu. yds.; Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol, multi-engine; Pipe Mobile Machine; Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar type, over 50 cu. yds. struck); Rubber-tired Self-loading Scraper (paddle wheel, auger type self-loading, 2 or more units); Rubber-tired Scraper, pushing one another without Push Cat. Push-pull (50¢ per hour additional to base rate); Tandem Equipment (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; High-line Cableway; Remote Controlled Earth Moving Equipment ($1.00 per hour additional to base rate); Wheel Excavator (over 750 cu. yds.)

TRUCK DRIVERS

Group 1: Warehouseman and Teamster

Group 2: Driver of vehicle or combinations of vehicles of 2 axles (including all vehicles less than 6 tons); Traffic Control Pilot Car, excluding moving heavy equipment permit load

Group 3: Truck mounted power Broom

Group 4: Drivers of vehicles or combination of vehicles of 3 axles

Group 5: Bootman; Cement Distributor; Fuel Truck; Road Oil Spreader Truck; Water Truck, 2 axle

Group 6: Dump, or less than 16 yards

Group 7: Transit-mix, under 3 yards, Dumpcrete, less than 6½ yards

Group 8: Truck Repairman Helper

Group 9: Water Truck, 3 or more axles

TRUCK DRIVERS (Cont'd)

Group 10: PB and similar type truck when performing within the Teamsters' jurisdiction; Pipeline and Utility working Truck including Winch, but limited to truck applicable to Pipeline and Utility work, where a composite crew is used; Slurry Driver; Truck Greaser and Tireman (50¢ per hour addition for Tireman)

Group 11: Transit-Mix, 3 yards or more; Dumpcrete, 6½ yards and over

Group 12: Driver or vehicle or combination of vehicles of 4 or more axles

Group 13: Dump, 16 yards but less than 25 yards

Group 14: A-Frame or Swedish Crane, or similar type of equipment Driver; Fork Lift Driver; Ross Carrier, highway

Group 15: All off-highway equipment within Teamsters' jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Dump, 25 yds. or more; Truck Repairman

Group 16: Truck Repairman Welder

Group 17: Low Bed Driver, 9 axle or over

Group 18: Water Pull, single engine with attachments

Group 19: Water Pull, twin engine with attachments

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: California COUNTY: San Diego
DECISION NUMBER: CA83-5119 DATE: Date of Publication
Supersedes Decision No. CA82-5122 dated September 3, 1982, in 47 FR 39075
DESCRIPTION OF WORK: Building Projects (including Residential Projects consisting of single family homes and apartments up to and including 4 stories); Heavy Projects (excluding Water Water Drilling); Highway Projects and Dredging

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$21.29	$3.88
BOILERMAKERS	21.39	3.96
BRICKLAYERS; STONEMASONS	19.09	3.59
BRICK, BLOCK and STONEMASONS' TENDERS	15.42	4.54
CARPENTERS:		
Carpenters	18.56	3.89
Piledriver	18.81	3.89
Millwrights; Pneumatic Nailer; Hardwood Floor-layers	19.16	3.89
CEMENT MASONS:		
Cement Masons	14.66	6.87
Color Work; Composition, Mastic or Epoxy; Finishing Machine; Curb Machine	14.96	6.87
DIVERS:		
Diver	42.17	3.89
Stand-by Divers	21.06	3.89
Tender	20.06	3.89
DRYWALL INSTALLERS/ LATHERS	19.90	3.23
DRYWALL FINISHERS	15.31	3.48
ELECTRICIANS:		
Electricians	22.15	3.78+ 3%
Cable Splicers	22.60	3.78+ 3%
Utility Technician	16.50	0.47+ 3%
Sound Installers	16.47	1.46+ 3%
ELEVATOR CONSTRUCTORS:		
Mechanics	22.24	2.69+ a
Helpers	15.57	2.69+ a
Probationary Helpers	11.12	
GLAZIERS	17.87	3.15
IRONWORKERS:		
Fence Erectors	$16.41	$8.53
Reinforcing; Ornamental; Structural	17.30	8.53
IRRIGATION and LAWN SPRINKLERS	15.00	39%
LINE CONSTRUCTION:		
Groundman	16.83	3.65+ 4%
Lineman	21.86	3.65+ 4%
Cable Splicers	22.16	3.65+ 4%
PAINTERS:		
Brush, Paint Burner	18.37	4.67
Brush (swing stage), Spray	18.62	4.67
Paperhangers, Spray (swing stage)	18.87	4.67
Sandblaster (swing stage); Iron, steel and bridge painters (swing stage); Iron, steel and bridge painter, Spray (swing stage)	19.37	4.67
Sandblaster; Iron, steel and bridge painter (groundwork); Iron, steel and bridge painters, Spray (groundwork); Riggers, climbing steel; Brush, climbing steel and bridge; Spray, climbing steel and bridge	19.12	4.67
Steeplejack	20.02	4.67
Taper	19.37	4.67

DECISION NO. CA83-5119

Page 2

	Basic Hourly Rates	Fringe Benefits
PAINTERS: (Cont'd)		
Parking Lot Work and/or Highway Markers:		
Traffic Delineating Device Applicator	$13.41	$1.60+b
Wheel StopInstaller; Striper; and Sandblaster	12.92	1.60+b
Slurry Seal Operation:		
Traffic Surface Protective Coating Applicator	13.41	1.60+b
Mixer Operator	12.92	1.60+b
Squeegee Man; Applicator Operator; and Shuttleman	11.45	1.60+b
Top Man	9.62	1.60+b
PLASTERERS	17.61	4.27
PLASTERERS' TENDERS	16.34	5.29
PLUMBERS; PIPEFITTERS; Steamfitters; Air Condition, Refrigeration	21.38	7.49
ROOFERS	14.54	5.16
SHEET METAL WORKERS	20.15	4.36
SOFT FLOOR LAYERS	18.45	3.94
SPRINKLER FITTERS	21.87	3.23
TILE, MARBLE, and TERRAZZO SETTERS	18.50	2.95
TILE, MARBLE, and TERRAZZO FINISHERS	14.14	3.30
LABORERS:		
Group 1	13.85	5.57
Group 2	14.15	5.57
TUNNEL LABORERS:		
Group 1	14.35	5.57
Group 2	14.15	5.57
Group 3	14.60	5.57
POWER EQUIPMENT OPERATORS:		
Group 1	$16.25	$7.24
Group 2	16.53	7.24
Group 3	16.82	7.24
Group 4	16.96	7.24
Group 5	17.18	7.24
Group 6	17.29	7.24
Group 7	17.41	7.24
Group 8	17.58	7.24
Group 9	17.71	7.24
DREDGING: (Hydraulic Suction Dredge):		
Leverman	18.10	6.41
Watch Engineer; Welder; and Deckmate	17.52	6.41
Winchman (Stern Winch or Dredge)	16.97	6.41
Bargeman; Deckhand; Fireman; Oiler; Leveehand	16.43	6.41
CLAMSHELL DREDGES:		
Leverman	18.10	6.41
Watch Engineers and Deckmate	17.52	6.41
Bargemate	17.04	6.41
Bargeman; Deckhand; Fireman; Oiler	16.43	6.41
TRUCK DRIVERS:		
Group 1	14.89	5.49
Group 2	15.19	5.49
Group 3	15.39	5.49
Group 4	15.59	5.49
Group 5	15.79	5.49
Group 6	17.79	5.49

RIGGERS; WELDERS - Receive rate prescribed for craft performing operation to which rigging or welding is incidental.

FOOTNOTES:
a. Employer contributes 8% of basic hourly rate for 5 years' service and 6% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Employer contributes $.34 per hour to Holiday Fund plus $.24 per hour to Vacation Fund for the first year of employment, 1 year but less than 5 years $.45 per hour to Vacation, 5 years but less than 10 years $.60 per hour to Vacation Fund, over 10 years $.80 per hour to Vacation Fund.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS

Group 1: Laborer (general construction); Asphalt Ironer - Spreader; Boring Machine Tender; Caulker; Cesspool Digger and Installer; Chocktender (except tunnels); Concrete Curer (Impervious Membrane and Form Oiler); Concrete Water curing, Cutting Torch Operator (demolition); Driller's Tender (Caisson) including Bellowers, Dri Pak-it Machine, Concrete Cutting Torch, Dry packing of concrete, plugging, filling of Shee Bolt Holes, Fine Grader on highways, streets and airport paving (sewer and drainage lines when employed); Form Blower; Gas and Oil Pipeline Laborer; Guinea Chaser; Jet Man; Landscape Gardener and Nursery Man; Laser Beam in connection with Laborers work; Packing Rod Steel and Pans; Pipelayer's Backup Man (coating, grouting, making of Joints, sealing, caulking, diapering and including Rubber Gasket Joints and pointing); Railroad work Laborer; Rigging and Signaling, Riprap Stonepaver; Sandblaster (Pot Tender); Scaler, Septic Tank Digger and Installer; Tank Scaler and Cleaner, Tool Shed Checker; Window Cleaner; Rebound Man (gunite industry); Housemover

LABORERS (Cont'd)

Group 2: Asphalt Raker; Buggymobile Man; Cement Dumper (on 1 yard or larger mixers and handling bulk cement); Concrete Saw Man (excluding tractor type, Roto-scraper, Chipping Hammer, Concrete Core Cutter and Concrete Grinder and Sander); Cribber - Shorer, Lagging and Trench Bracing, Hand-guided Lagging Hammer; Driller - All power Drills, including Jackhammer, whether Core, Diamond, Wagon, Track, Multiple Unit, and all types of Mechanical Drills without regard to the form of motive power; Driller (all other where drilling is for use of explosives); Gas and Oil Pipeline Wrapper (Pot Tender and Form Man); Gas and Oil Pipeline Wrapper (6 inch pipe and over); Operator and Tenders of pneumatic, gas and electric tools; Concrete Pumps; Vibrating Machines; Multi-plate Impact Wrench and similar mechanical tools not separately classified herein; Pipelayer (performing all services in the laying and installation of pipe from the point of receiving pipe until completion of the operation, including any and all forms of tubular material, whether Pipe, Metallic or Non-metallic, Conduit and any other stationary type of tubular device used for the conveying of substance or element, whether water, sewage, solid, gas, air or other products what-so-ever and without regard to the nature of material from which the tubular material is fabricated; Powderman; Blasters' Tenders; Prefabricated Manhole Installer; Rock Slinger; Sandblaster and Waterblaster (Nozzleman); Scaler (using Bos'n Chair, Safety Belt); Steel Headerboard Man; Tree Climber, using mechanical tools; Welding in connection with Laborer's work; Gun Man (gunite industry)

TUNNEL LABORERS

Group 1: Blasters; Drillers; Powdermen; Cherry Pickerman; Grout Gunmen; Kemper and other pneumatic Concrete Placer Operator Miners in short dry tunnels under streets, highways and similar places; Miners - tunnel (hand or machine); Powderman (tunnel work); Steel Form Raisers and Setters; Timbermen; Retimbermen - wood or steel

Group 2: Bull Gang Muckers (Trackman); Chucktender; Cabletender; Concrete Crew (includes Rodders and Spreaders); Dumpmen; Grout Crew; Tender for Steel Form Raisers and Setters; Muckers - Tunnel (hand or machine); Nipper; Swamper (Breakman and Switchman) on tunnel work; Vibratormen; Jackhammer; Pneumatic tools (except Driller); Mutli-plate Impact Wrench

Group 3: Powdermen - Primer House (Licensed on tunnel work); Shaft and Raise Miner; Shifters; Blasters (licensed) all work of whatevertype regardless of method used for such loading and placing

POWER EQUIPMENT OPERATORS

Group 1: Brakeman; Compressor Operator; Engineer Oiler; Generator; Pump; Signalman; Switchman; Ditchwitch; Elevator Operator (inside); Forklift (under 5 tons);

Group 2: Concrete Mixer (skip type); Conveyor; Fireman; Hydrostatic Pump; Plant Operator; Generator, Pump or Compressor; Rotary Drill Tender (oilfield); Skiploader - wheel type up to 3/4 yd. without attachments; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Concrete Pump Oiler (truck mounted)

Group 3: Pord Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power driven Jumbo Form Setter; Stationary Pipe Wrapping and Cleaning Machine; Gradall Oiler; Surge Tank and Weight Master (Hot Plant); Trencher Oiler (foundations); Truck Crane Oiler

Group 4: Asphalt Plant Fireman; Boring Machine; Chip Spreading Machine; Concrete Pump Operator; Dinkey Locomotive or Motorman (10 ton); Helicopter Hoist; Highline Cableway Signalman; Power Sweeper; Trenching Machine (up to 6 ft.); Concrete Pump Operator, truck mounted; Helicopter Radioman

Group 5: A-frame Winch Truck Operator; Asphalt Plant or Concrete Batch Plant Operator (where commercial power is not used, no less than one Generator Operator is required); Asphalt Spreading Machine Operator (Spreader Bar and similar); Bit Sharpener; Boxman or Mixerman (asphalt or concrete); Concrete Joint Machine Operator (canal and similar type); Concrete Planer Operator; Derrickman (oilfield type); Drilling Machine Operator (including water wells); Equipment Greaser (Mobile and Grease Rack); Forklift Operator (over 5 ton capacity); Hydro-hammer - Aero Stomper; Hydrographic Seeder Machine Operator (straw, pulp, or seed); Machine Tool Operator; Maginnis Internal Full Slab Vibrator; Mechanical Finisher Operator (Concrete-Clary-Johnson-Bidwell or similar); Pavement Breaker Operator (truck mounted, oiler required); Road Oil Mixing Machine Operator; Roller Operator; Ross Carrier Operator (jobsite); Self-propelled Tar Pipelining Machine Operator; Skiploader Operator (wheel or track type over 3/4 yd. up to and including 1½ yds.); Skiploader - Ford Ferguson up to 3/4 yd. with drag attachments; Slip Form Pump Operator (power driven hydraulic lifting device for concrete forms); Screed Operator; Stinger Crane (Austin-Western or similar type); Traveling Pipe Wrapping, Cleaning and Bending Machine Operator; Truck type Loader; Tugger Hoist (1 drum)

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt or Concrete Plant Engineer; Asphalt or Concrete Spreading Operator (tamping or finishing); Asphalt Paving Machine Operator (Barber Green or similar type); Automatic Curb Machine; Belt Splicer or Vulcanizer; BHL Lima Road Pactor; Wagner Pactor or similar Operator; Bridge Crane Operator; Bridge type Unloader and Turntable Operator; Cast-in-place Laying Machine; Combination Mixer and Compressor Operator (Gunite work); Concrete Mixer; Concrete Mixer Operator - paving (Oiler required); Crane Operator (up to and including 25 ton capacity)(Oiler required)(Long Boom Pay applicable); Crushing Plant Operator (Oiler required)(where commercial power is not used, no less than one Generator Operator is required); Deck Engine Operator; Drill Doctor; Elevating Grade Operator; Gradall Operator (Oiler required); Grade Checker; Grouting Machine Operator; Guard Rail Post Driver Operator; Heavy Duty Repairman; Hoist Operator (single drum - Buck Hoist - Chicago Boom and similar type); Hoist Operator (2 or 3 drum); Holman Belt Loader and similar type (when two or more are working together an additional employee shall be required); LeTourneau Blob Compactor or similar type; Lift Mobile Operator (Oiler required); Lift Slab Machine Operator (Vagtborg and similar types); Material Hoist Operator (1 drum); Mucking Machine Operator (1/4 yd.) (Oiler required)(rubber-tired, rail or track type); Pile Driver Operator (Oiler required); Pneumatic Concrete Placing Machine Operator (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun Operator; Polar Gantry Crane Operator; Rotary Drill Operator (excluding Caisson type)(Oiler required); Rubber-tired Earth Moving Equipment Operator (single engine - Caterpillar, Euclid, Athey Wagon - Water Pulls and similar types with any and all attachments up to 50 cu. yds. struck); Rubber-tired Scraper Operator (self-loading paddle wheel type - John Deere 104 and similar single unit); Skiploader Operator (wheel or track type, over 1½ yds. up to and including 6½ yds.); Stinger Crane (Austin-Western-Pettibone or similar type) (over 5 tons); Surface Heaters and Planer Operator; Tractor Compressor Drill Combination Operator; Tractor Operator (Bull Dozer, Tamper, Scraper, and Push Tractor, single engine); Trenching Machine Operator (over 6 ft. depth capacity - manufacturers rating) (Oiler required); Tunnel Locomotive Operator (10 to 30 tons); Universal Equipment Operator (Shovel, Backhoe, Dragline, Clamshell, up to and including 1 cu. yd. M.R.C.) (Oiler required) (Long Boom Pay applicable); Welder (general)

POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Automatic Lineas Tension Machine (2 Operator required); Crane Operator (over 25 tons, up to and including 100 ton M.R.C.) (Long Boom Pay applicable) (Oiler required); Derrick Barge Operator (Oiler required, up to 100 tons) (over 100 tons, Fireman or Oiler required); Dual Drum Mixer (Oiler required); Hoist Operator (2 or 3 drum with boom attachment); Hoist Operator (Stiff Leg, Guy Derrick or similar type up to 100 ton capacity) (Oiler required, Long Boom pay applicable); Loader Operator (Athey, Euclid, Sierra or similar type); Monorail Locomotive Operator (diesel, gas, or electric); Motor Patrol - Blade Operator; Multiple Engine Tractor Operator (Euclid and similar type, except Quad 9 Cat); Pre-stressed Wrapping Machine Operator (2 Operators required); Rubber-tired Earth Moving Equipment Operator (multiple engine, Euclid, Caterpillar and similar type up to 50 cu. yds. struck); Tractor Loader Operator (Crawler and wheel type over 6½ yds.); Tractor Operator (boom attachments) (over 40 ft. boom, Oiler required); Tower Crane Operator (two Operators required); Tower Crane Repairman; Universal Equipment Operator (Shovel, Backhoe, Dragline, Clamshell, over 1 cu. yd. M.R.C.); Welder - certified; Welder-Heavy Duty Repairman Combination; Woods Mixer Operator and other similar Pugnill Equipment

Group 8: Auto Grader Operator (one Grade Checker and one additional employee required); Automatic Slip Form Operator (Grade Checker and one additional employee required); Crane Operator (over 100 tons, two Operators required, Long Boom Pay applicable); Mass Excavator Operator (two or more Operators and Oiler required, less than 750 cu. yds.); Mechanical Finishing Machine Operator; Mobile Form Traveler Operator; Motor Patrol Operator (multi-engine); Pipe Mobile Machine Operator (two Operators required); Rubber-tired Earth Moving Equipment Operator (multi-engine, Euclid, Caterpillar, and similar type over 50 cu. yds. struck); Rubber-tired Scraper Operator (pushing one another without Push Cat, Push Pull - $.50 per hour additional to base rate); Rubber-tired Self Loading Scraper Operator (paddle wheel - Auger type Self Loading, 2 or more units); Polar Crane Operator; Tandem Equipment Operator (2 units only); Tandem Tractor Operator (Quad 9 or similar type); Tunnel Mole Boring Machine Operator

Group 9: Canal Liner or Trimmer Operators (not less than four (4) employees required - Oiler, Welder - Mechanic and Grade Checker); Helicopter Pilot; Highline Cableway Operator; Remote Controlled Earth Moving Equipment Operator (no one Operator shall operate more than two pieces of earth moving equipment at one time) ($1.00 per hour additional to base rate); Wheel Excavator Operator (over 750 cu. yds. per hour, two Operators and one Oiler and two Heavy Duty Repairmen required)

TRUCK DRIVERS

Group 1: Traffic Control, also Swampers and Pickups

Group 2: 2 axle Dumps; 2 axle Flatbed; Bunkerman; Concrete Pumping; Industrial Lift; Warehouseman; Forklift, under 15,000 lbs.

Group 3: 3 axle Dump; 3 axle Flatbed; 2 axle Water Trucks; Erosion Control Nozzleman; Dumpcrete, less than 6½ yds.; Forklift 15,000 lbs. and over; Prell; Pipeline working Truck Driver; Road Oil Spreader; Cement Distributor or Slurry Driver; Bootman; Ross Carrier

Group 4: Off-road Dump, under 35 tons; 4 axle but less than 7 axle; Lowbed and Trailer; Transit Mix, under 8 yds.; 3 axle Water Trucks; Erosion Control; Grout Mixer; Dumpcrete 6½ yds. and over; Dumpsters; DW 10's, 20's and over; Fuel Truck and Dynamite; Winch, 2 axle; Truck Greaser

Group 5: Off-road Dump, 35 tons and over; 7 axle or more; Transit Mix, 8 yds. and over; A-frame or Swedish Cranes; Tireman; Water Pull Tankers; Welder; Winch Truck, 3 axle or more

Group 6: Truck Repairman

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: KENTUCKY
COUNTIES: ALLEN, BALLARD, BUTLER, CALDWELL, CALLOWAY, CARLISLE, CHRISTIAN, CRITTENDEN, DAVIESS, EDMONSON, FULTON, GRAVES, HANCOCK, HENDERSON, HICKMAN, HOPKINS, LIVINGSTON, LOGAN, LYON, MCCRACKEN, MCLEAN, MARSHALL, MUHLENBERG, OHIO, SIMPSON, TODD, TRIGG, UNION, WARREN, AND WEBSTER.
DECISION NUMBER: KY83-1061 DATE: DATE OF PUBLICATION
Supersedes Decision Number KY82-1053, dated October 1, 1982, in 47 FR 43521.
DESCRIPTION OF WORK: HEAVY & HIGHWAY CONSTRUCTION PROJECTS.

HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits
CARPENTERS	$11.70	1.98
CEMENT MASONS	14.97	
ELECTRICIANS	15.84	13.84+.85
IRONWORKERS	15.84	2.20
LABORERS:		
GROUP I	10.25	2.00
GROUP II	10.50	2.00
GROUP III	10.55	2.00
GROUP IV	11.15	2.00
MILLWRIGHTS	12.05	1.35
PAINTERS:		
Brush & Roller	15.45	1.90
Sandblast & Power tools & Spray	16.45	1.90
PILEDRIVERMEN	11.95	1.98
PLUMBERS & PIPEFITTERS	17.51	2.13
POWER EQUIPMENT OPERATORS - HEAVY CONSTRUCTION PROJECTS INCLUDING BRIDGES ACROSS COMMERCIALLY NAVIGABLE RIVERS:		
CLASS A	14.77	2.18
CLASS B	11.54	2.18
CLASS C	11.14	2.18
CLASS D (50¢ above CLASS A Rate)		
POWER EQUIPMENT OPERATORS - HIGHWAY CONSTRUCTION PROJECTS:		
CLASS A	13.47	2.18
CLASS B	11.05	2.18
CLASS C	11.43	2.18
CLASS D	10.79	2.18
TRUCK DRIVERS:		
Driver - single axle dump & flat bed trucks	12.83	55.00a
Driver - semi-trailer or pole trailer when used to pull building materials or equipment	12.83	55.00a
Driver - dump truck tanden axle	12.83	55.00a
Driver - Euclid and other heavy earth moving equipment and low boy	$12.84	55.00a
Driver - winch truck and A-Frame truck when used in transporting materials & Hoss carrier	12.84	55.00a
Driver - Fork lift truck when used to transport building materials	12.84	55.00a
Truck mechanic	12.76	55.00a
Truck helper	12.48	55.00a
Greaser, tire changer and mechanic helper	12.53	55.00a
Driver of distributors	12.83	55.00a
Driver on mixer trucks (all types)	12.83	55.00a
Driver on pavement breakers	12.84	55.00a
Mobile batch truck helper	12.48	55.00a

FOOTNOTE a: Per week per employee. Pension Fringe Benefit applies to employees who have been employed a minimum of twenty (20) work days within any ninety (90) consecutive day period for that employer.

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the Labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

CLASSIFICATION DEFINITIONS - LABORERS:

GROUP I - General laborers, asphalt plant laborers, concrete laborers, asphalt laborers, storm & sanitary sewer laborers, carpenter tenders, cement mason tenders, mesh handlers & placers, landscaping & seeding, planters & tree-trimmers, sign, guard rail & fence installers, grade checkers, aging & curing of concrete, truck spotters & dumpers, batch truck dumpers, rip-rap & grouters, dredging laborers, right-of-way laborers, wrecking & demolition laborers, drill helpers, & hand digging & hand back filling.
GROUP II - Wagon drills, jack hammers, paving breakers, chain saw, concrete saw, paving joint machine, vibrator operator, power driven Georgia buggy or wheelbarrow, sand blaster & concrete chipper, brickmason tenders & mortar mixers, green concrete cutting, pipe layers, joint makers, batter board man (sanitary & storm sewer), dry cement handlers, concrete rubbers, walk-behind tamper machine, walk-behind trenching machine, operator & deckhand scow man, burner & welder.
GROUP III - Powderman & blasters, side rail setters (including rail paved ditches), tunnel laborers (free air), gunnite operators & mixer man, gunnite nozzleman, asphalt luteman & rakeman, air tract driller (all types), grout pump operator.
GROUP IV - Tunnel blasters, tunnel muckers (free air), miners & drillers (free air), caisson workers (free air).

CLASSIFICATION DEFINITIONS - POWER EQUIPMENT OPERATORS, HEAVY CONSTRUCTION PROJECTS:

CLASS A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant op., clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching & trenching machine, dragline, dredge engineer, elevator (hoisting building material), elevating grader & all types of loaders, hoe-type machine, hoisting engine, locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, mechanic welder, orangepeel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-Frame winch truck, concrete paver, grade-all, hoist (two or more drums), hyster, pumprete, Hoss carrier, side-boom, tail boom, rotary drill, mucking machine, rock spreader attached to equipment, scoopmobile, hydrocrane, back filler, gurries, subgrader, ReCal loader, tower cranes (French, German, and other types).
CLASS B - All air compressors (over 900 cu. ft. per min or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tugger, tractor (50 HP & over), bull float, finish machine, outboard motor boat, well points, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, joint sealing machine, mechanic helper, whirley oiler, tractair & road widening trencher, grout pump, electric vibrator, compactor, self-propelled compactor, throttlevalve, elevator (one drum or bunk hoist), power sweeper (riding type), core drill & caisson drill helper (truck mounted).
CLASS C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 HP), vibrator, oiler, concrete saw, burlap & curing machine, hydro-seeder, power form handling equipment, deckhand steerman, hydraulic post driver, core drill & caisson drill helper (truck or skid mounted).
CLASS D - Operators on cranes with booms one hundred fifty feet (150') & over (including jib).

SUPERSEDEAS DECISION

STATE: KENTUCKY
COUNTIES: ANDERSON, BATH, BOURBON, BOYD, BOYLE, BRACKEN, BRECKINRIDGE, BULLITT, CARROLL, CARTER, CLARK, ELLIOTT, FAYETTE, FLEMING, FRANKLIN, GALLATIN, GRAYSON, GRANT, GREENUP, HARDIN, HARRISON, HENRY, JEFFERSON, JESSAMINE, LARUE, LEWIS, MADISON, MARION, MASON, MEADE, MERCER, MONTGOMERY, NELSON, NICHOLAS, OLDHAM, OWEN, ROBERTSON, ROWAN, SCOTT, SHELBY, SPENCER, TRIMBLE, WASHINGTON, & WOODFORD.
DECISION NUMBER: KY83-1062 DATE: DATE OF PUBLICATION
Supersedes Decision Number KY82-1055, dated October 1, 1982, in 47 FR 43519.
DESCRIPTION OF WORK: HEAVY & HIGHWAY CONSTRUCTION PROJECTS.

	Basic Hourly Rates	Fringe Benefits
CARPENTERS	$11.66	2.13
CEMENT MASONS	13.14	3.32
CEMENT MASONS ON SUSPENDED SCAFFOLD	13.39	3.32
ELECTRICIANS	16.44	3%+2.69
IRONWORKERS	13.50	4.72
LABORERS:		
GROUP I	10.25	2.00
GROUP II	10.50	2.00
GROUP III	10.55	2.00
GROUP IV	11.15	2.00
PAINTERS:		
Brush	11.07	1.13
Spray	11.52	1.13
Bridges	13.07	1.13
PILEDRIVERMEN	11.91	2.13
PIPEFITTERS	17.25	3.22
PLUMBERS	15.98	3.55
POWER EQUIPMENT OPERATORS - HEAVY CONSTRUCTION PROJECTS INCLUDING BRIDGES ACROSS COMMERCIALLY NAVIGABLE RIVERS:		
CLASS A	14.77	2.13
CLASS B	11.94	2.18
CLASS C	11.14	2.18
CLASS D (50¢ above CLASS A RATE)		
POWER EQUIPMENT OPERATORS - HIGHWAY CONSTRUCTION PROJECTS:		
CLASS A	13.47	2.18
CLASS B	11.25	2.13
CLASS C	11.43	2.18
CLASS D	10.79	2.13
TRUCK DRIVERS:		
Driver - single axle dump & flat bed trucks	12.34	71.50a
Driver - semi-trailer or pole trailer when used to pull building material & equipment	12.34	71.50a
Driver - dump truck, tandem axle	12.34	71.50a
TRUCK DRIVERS (Cont'd):		
Driver - Euclid & other heavy earth moving equipment & low boy	$12.44	71.50a
Driver - Winch truck & A-Frame truck when used in transporting materials & Rose Carrier	12.44	71.50a
Driver - fork lift truck when used to transport building materials	12.44	71.50a
Truck mechanic	12.34	71.50a
Greaser, tire changer, & mechanic helper	12.16	71.50a
Mobile batch truck helper & truck helper	12.05	71.50a
Driver of distributors	12.34	71.50a
Driver on pavement breakers	12.44	71.50a
Driver on mixer trucks (all types)	12.37	71.50a

FOOTNOTE 'a': Per week per employee who has been employed a minimum of twenty (20) work days within any ninety (90) consecutive day period for that employer.

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

CLASSIFICATION DEFINITIONS - POWER EQUIPMENT OPERATORS, HIGHWAY CONSTRUCTION PROJECTS:

CLASS A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick boat, ditching and trenching machine, dragline, elevator (when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine (two or more drums), locomotive, motor scraper, bulldozer, mechanic, orangepeel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-frame winch truck, concrete paver, grade-all, hoist (two or more drums), hyster, pumpcrete, Rose carrier, side boom, rotary drill (5" and over), mucking machine, rock spreader attached to equipment, scoopmobile, HeCal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurries, subgrader, tailboom and dredge engineer.

CLASS B - All air compressors (over 900 cu. ft. per min.), bituminous mixer, concrete mixer (under 21 cu. ft.), elevator (one drum or buck hoist), welding machine, form grader, grout pump, roller (rock), tractor (50 HP or over), bull float, finish machine, outboard motor boat, electric vibrator compactor/self-propelled compactor, boom type tamping machine, truck crane oiler, switchman or brakeman, mechanic helper, whirley oiler, trenchair and road widening trencher, joint sealing machine, rotary drill (under 5"), throttle valve man, tugger, well points, flexplane, fireman, and hoist (one drum).

CLASS C - Greaser on grease facilities servicing heavy equipment.

CLASS D - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 HP), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand oiler, and hydraulic post driver.

CLASSIFICATION DEFINITIONS - LABORERS:

GROUP I - General laborers, asphalt plant laborers, concrete laborers, asphalt laborers, storm & sanitary sewer laborers, carpenter tenders, cement mason tenders, mesh handlers & placers, landscaping & seeding, planters & tree-trimmers, sign, guard rail & fence installers, grade checkers, aging & curing of concrete, truck spotters & dumpers, batch truck dumpers, rip-rap & grouters, dredging laborers, right-of-way laborers, wrecking & demolition laborers, drill helpers, & hand digging & hand back filling.

GROUP II - Wagon drills, jack hammers, paving breakers, chain saw, concrete saw, paving joint machine, vibrator operator, power driven Georgia buggy or wheelbarrow, sand blaster & concrete chipper, bricklayer tenders & mortar mixers, green concrete cutting, pipe layers, joint makers, batter board man (sanitary & storm sewer), dry cement handlers, concrete rubbers, walk-behind tamper machine, walk-behind trenching machine, operator & deckhand scow man, burner & welder.

GROUP III - Powderman & blasterr, side rail setters (including rail paved ditches), tunnel laborers (free air), gunnite operators & mixer man, gunnite nozzleman, asphalt luteman & rakeman, air tract driller (all types), grout pump operator.

GROUP IV - Tunnel blasters, tunnel muckers (free air), miners & drillers (free air), caisson workers (free air).

CLASSIFICATION DEFINITIONS - POWER EQUIPMENT OPERATORS, HEAVY CONSTRUCTION PROJECTS:

CLASS A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant op., clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching & trenching machine, dragline, dredge engineer, elevator (hoisting building material), elevating grader & all types of loaders, hoe-type machine, hoisting engine, locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, mechanic welder, orangepeel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-Frame winch truck, concrete paver, grade-all, hoist (two or more drums), hyster, pumpcrete, Ross carrier, side-boom, tail boom, rotary drill, mucking machine, rock spreader attached to equipment, scoopmobile, hydrocrane, back filler, gurries, subgrader, KeCal loader, tower cranes (French, German, and other types).

CLASS B - All air compressors (over 900 cu. ft. per min or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tugger, tractor (50 HP & over), bull float, finish machine, outboard motor boat, well points, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, joint sealing machine, mechanic helper, whirley oiler, tractair & road widening trencher, grout pump, electric vibrator, compactor, self-propelled compactor, throttlevalve, elevator (one drum or buck hoist), power sweeper (riding type). core drill & caisson drill helper (truck mounted).

CLASS C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 HP), vibrator, oiler, concrete saw, burlap & curing machine, hydro-seeder, power form handling equipment, deckhand steerman, hydraulic post driver, core drill & caisson drill helper (truck or skid mounted).

CLASS D - Operators on cranes with booms one hundred fifty feet (150') & over (including jib).

CLASSIFICATION DEFINITIONS - POWER EQUIPMENT OPERATORS, HIGHWAY CONSTRUCTION PROJECTS:

CLASS A - Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick boat, ditching and trenching machine, dragline, elevator (when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine (two or more drums), locomotive, motor scraper, bulldozer, mechanic, orangepeel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-frame winch truck, concrete paver, grade-all, hoist (two or more drums), hyster, pumpcrete, Ross carrier, side boom, rotary drill (5" and over), mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurries, subgrader, tailboom and dredge engineer.

CLASS B - All air compressors (over 900 cu. ft. per min.), bituminous mixer, concrete mixer (under 21 cu. ft.), elevator (one drum or buck hoist), welding machine, form grader, grout pump, roller (rock), tractor (50 HP or over), bull float, finish machine, outboard motor boat, electric vibrator compactor/self-propelled compactor, boom type tamping machine, truck crane oiler, switchman or brakeman, mechanic helper, whirley oiler, tractair and road widening trencher, joint sealing machine, rotary drill (under 5"), throttle valve man, tugger, well points, flexplane, fireman, and hoist (one drum).

CLASS C - Greaser on grease facilities servicing heavy equipment.

CLASS D - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 HP), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand oiler, and hydraulic post driver.

STATE: KENTUCKY

COUNTIES: ADAIR, BARREN, BELL, BREATHITT, CASEY, CLAY, CLINTON, CUMBERLAND, ESTILL, FLOYD, GARRARD, GREEN, HARLAN, HART, JACKSON, JOHNSON, KNOTT, KNOX, LAWRENCE, LAUREL, LEE, LESLIE, LETCHER, LINCOLN, MCCREARY, MAGOFFIN, MARTIN, MENIFEE, METCALFE, MONROE, MORGAN, OWSLEY, PERRY, PIKE, POWELL, PULASKI, ROCKCASTLE, RUSSELL, TAYLOR, WAYNE, WHITLEY, AND WOLFE.

DECISION NUMBER: KY83-1063 DATE: DATE OF PUBLICATION

Supersedes Decision Number KY82-1054, dated October 1, 1982, in 47 FR 43548.

DESCRIPTION OF WORK: HEAVY & HIGHWAY CONSTRUCTION PROJECTS

	Basic Hourly Rates	Fringe Benefits
CARPENTERS	$12.40	1.85
CEMENT MASONS	11.35	1.75
ELECTRICIANS	15.65	3%+1.00
IRONWORKERS:		
Structural	12.50	1.85
Reinforcing	12.30	1.85
LABORERS:		
Laborers, general & Steam jenny	10.45	1.85
Sand blade operator, Batch truck dumper, Deck hand or Scow man	10.70	1.85
Power driven tool operator of following: wagon drill, chain saw, jack hammer, concrete saw, sand blaster, concrete chipper, pavement breaker, vibrator, power wheel barrow, power buggy	10.80	1.85
Sewer pipe layer, bottom man, dry cement handler, concrete handler, concrete rubber, mason tender	10.80	1.85
Asphalt lute and rakeman, Side rail setter	10.85	1.85
Gunnite nozzleman	10.95	1.85
Tunnel laborer (free air)	11.00	1.85
Tunnel mucker (free air)	11.05	1.85
Tunnel miner, blaster and driller (free air)	11.40	1.85
Caisson worker	11.95	1.85
Powderman	12.05	1.85
Drill operator of percussion type drills which are both powered and propelled by an independent air supply	13.25	1.85
PAINTERS:		
Guard rail	10.00	1.75
Structural	13.20	1.75
PILEDRIVERMEN	11.15	1.75
PLUMBERS & PIPEFITTERS	15.63	2.00
POWER EQUIPMENT OPERATORS:		
CLASS A	$13.80	1.85
CLASS B	11.55	1.85
CLASS C	11.90	1.85
CLASS D	11.31	1.85
TRUCK DRIVERS:		
Drivers, 3 tons and under	11.03	1.85
Drivers, over 3 tons	11.24	1.85
Drivers, truck mounted rotary drill	11.24	1.85
Drivers, semi-trailer or pole trailer	10.90	1.85
Drivers, dump truck, tandem axle	10.90	1.85
Drivers, Euclid and other heavy earth moving equipment and low boy	11.81	1.85
Drivers, winch truck and A-frame when used in transporting material	10.80	1.85
Truck mechanic	11.00	1.85
Truck helper	10.70	1.85
Tire changer and truck mechanic helper	11.03	1.85
Drivers of distributors	10.90	1.85
Drivers on pavement breakers	11.05	1.85
Drivers on mixer trucks (all types)	10.95	1.85
Greaser on greasing facilities	11.90	1.85
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).		

POWER EQUIPMENT OPERATORS CLASSIFICATIONS DEFINITIONS:

CLASS A - Auto patrol, batcher plant, bituminous paver, cable way, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge engineer, elevator (regardless of ownership when used for hoisting building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine, locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, orangepeel bucket, piledriver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, well points, winch truck, push dozer, grout pump, high lift, fork lift (regardless of lift height), all types of boom cats, multiple operator, core drill, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hyster, material pump, pumpcrete, Ross Carrier, sheep foot, side boom, throttle valve man, rotary drill, power generator, mucking machine, rock spreader attached to equipment, scoopmobile, HeCal loader, tower cranes (French, German and other type), hydrocrane, tugger, backfiller gurries, subgrader, electric vibrator compactor, welder burner.

CLASS B - All air compressors (200 cu. ft. per minute or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tractor (50 H.P. and over), bull float, finish machine, outboard motor boat, flexplane, fireman, boom type tamping machine, truck crane oiler, switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair and road widening trencher.

CLASS C - Greaser on grease facilities servicing heavy equipment.

CLASS D - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 H.P.), vibrator, oiler, air compressors (under 200 cu. ft. per minute capacity), concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand oiler, hydraulic post driver.

SUPERSEDEAS DECISION

STATE: OKLAHOMA

COUNTIES: Adair,Atoka,Bryan,Cherokee, Coal,Craig,Creek,Delaware,Haskell, Hughes,Latimer,LeFlore,McIntosh, Mayes,Muskogee,Nowata,Okfuskee, Okmulgee,Osage,Ottawa,Pawnee, Pittsburg,Pushmataha,Rogers,Sequoyah, Tulsa,Wagoner,Washington

DECISION NO. OK83-4067

DATE: Date of Publication

SUPERSEDES DECISION NO. OK83-4011, dated January 14, 1983

DESCRIPTION OF WORK: BUILDING PROJECTS (excluding single family homes and apartments up to and including 4 stories); Heavy Construction within the City of Muskogee; and Water and Sewer Treatment Plant Construction in Tulsa County, Oklahoma.

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
Area I	$17.16	$2.76
Area II	16.45	2.33
BOILERMAKERS	16.40	2.645
BRICKLAYERS-STONEMASONS:		
Area I	16.60	1.75
Area II	15.48	2.08
Area III	14.84	2.04
Area IV	15.31	1.54
Area V	15.90	
Area VI	14.50	1.23
CARPENTERS - AREA I		
Carpenters	12.00	1.55
Millwrights, Piledrivermen	13.35	1.55
CARPENTERS - AREA II		
Carpenters	12.98	.75
Millwrights, piledrivermen	14.43	.75
CARPENTERS - AREA III		
Carpenters	12.05	1.15
Piledrivermen	12.675	1.15
CARPENTERS - AREA IV		
Carpenters	14.18	1.62
Millwrights	14.48	1.62
Piledrivermen	14.38	1.72
CARPENTERS - AREA V		
Carpenters	13.00	
Millwrights	16.10	
Piledrivermen	16.00	
CARPENTERS - AREA VI		
Carpenters	12.28	1.48
Millwrights, Piledrivermen	12.78	1.48
CARPENTERS - AREA VII		
Carpenters	12.70	1.10
Millwrights, Piledrivermen	14.38	1.10
CARPENTERS - AREA VII (Cont'd)		
Power Saw Operator	$12.95	$1.10
CARPENTERS - AREA VIII		
Carpenters	12.42	1.10
Millwrights, Piledrivermen	12.67	1.10
CEMENT MASONS:		
Area I	10.80	
Area II	13.83	.75
Area III	15.14	.76
POWER TOOL OPERATOR:		
Area I	11.05	
Area II	14.08	.75
Area III	15.54	.76
ELECTRICIANS:		
Area I - Zone I	14.55	4%+.80
Zone II	14.95	4%+.80
Area II	15.40	3.8% +2.20
Area III	17.10	9%+.80
Area IV	15.15	3%+ 1.58
CABLE SPLICERS:		
Area I - Zone I	14.95	4%+.80
Zone II	15.35	4%+.80
Area II	15.65	3.8%+ 2.20
Area III	18.81	9%+.80
ELEVATOR CONSTRUCTORS:		
Area I		
Journeymen	15.40	2.69+a
Helpers	70%JR	2.69+a
Probationary Helper	50%JR	
Area II		
Journeymen	14.665	2.465 +a

DECISION NO. OK83-4067

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	Basic Hourly Rates	Fringe Benefits
ELEVATOR CONSTRUCTION (Cont'd)		
Area II (Cont'd)		
Helpers	70%JR	2.465+a
Probationary Helper	50%JR	
GLAZIERS		
Area I	14.00	.30
Area II	15.04	
Area III	14.68	1.96
IRONWORKERS		
Area I	15.59	2.92
Area II	14.60	2.37
LABORERS - AREA I		
Group I	10.65	1.00
Group II	10.95	1.00
LABORERS - AREA II		
Group I	9.65	1.00
Group II	9.95	1.00
LABORERS - AREA III		
Group I	9.25	1.00
Group II	9.55	1.00
LABORERS - AREA IV		
Group I	9.30	1.00
Group II	9.55	1.00
PAINTERS - AREA I		
Brush,Sheetrock hand-tools	14.70	.90
Highwork & Stage	15.10	.90
Spray, & Sandblasting, Sheetrock Power Tools	15.70	.90
Hot & Bituminous	16.00	.90
PAINTERS - AREA II		
Brush & Roller	9.90	1.03
Brush,Roller (Strl. Steel)	10.15	1.03
Spray	10.55	1.03
Swing State, Bosun Chair	10.15	1.03
Taping & Bedding (hand tools)	10.20	1.03
Sandblasting	10.25	1.03
PAINTERS - AREA III		
Brush,Roller,Tapers & Paperhangers	12.72	.60
Spray,Steamclean, Sandblast & Pot Tenders	13.22	.60
PLASTERERS - AREA I	15.45	.01
AREA II	12.50	.39
AREA I	$16.62	2.83
AREA II	17.25	2.35
AREA III	16.64	2.27
AREA IV		
Mechanical Contracts under $150,000.00	14.00	2.55
Mechanical Contracts $150,000.00 & over	15.50	2.55
AREA V	15.20	2.25
ROOFERS	13.40	1.39
SHEET METAL WORKERS		
AREA I	16.15	2.66
AREA II	16.58	3%+1.85
SOFT FLOOR LAYERS		
AREA I	13.45	2.03
AREA II	13.47	1.88+b
SPRINKLER FITTERS	16.17	2.83
LATHERS - AREA I	14.25	1.74
AREA II	12.42	1.10
TILE LAYERS,TERRAZZO WORKERS & MARBLE MASONS		
AREA I	15.84	1.30
AREA II	14.58	2.70
TILE & MARBLE FINISHERS		
AREA I	12.75	
AREA II	12.26	1.70
TERRAZZO FINISHERS		
AREA I	13.60	
AREA II	12.26	1.70
TERRAZZO FLOOR MACHINE		
AREA I	13.90	
AREA II	12.45	1.70
TERRAZZO BASE MACHINE		
AREA I	14.30	
AREA II	12.78	1.70
LINE CONSTRUCTION (except Braden,Pocola & Spiro Townships in LeFlore Co.)		
Linemen	16.24	3%+.65
Cable Splicers	17.54	3%+.65
Hole Digger Operator & Heavy Equipment Op. (pole or cat equivalent)	14.41	3%+.65
Jack Hammerman	11.50	3%+.65

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION (except Braden, Focola & Spiro Townships in LeFlore Co.) (Cont'd)		
Line Truck (winch op.)	$12.69	3⅛%+.65
Powderman	13.99	3⅛%+.65
Groundman	10.31	3⅛%+.65
Truck Driver (flat bed ton & half & under)	10.96	3⅛%+.65
POWER EQUIPMENT OPERATORS:		
Group I	15.75	2.18
Group II	15.25	2.18
Group III	14.75	2.18
Group IV	14.50	2.18
Group V	14.25	2.18
Group VI	14.00	2.18
Group VII	13.75	2.18
Group VIII	12.75	2.18
Group IX	13.35	2.18
TRUCK DRIVERS:		
AREA I		
Group I	12.80	
Group II	12.85	
Group III	12.95	
AREA II		
Group I	10.43	
Group II	10.53	
Group III	10.63	
Group IV	10.58	
Group V	10.73	

Basic Hourly Rates	Fringe Benefits

CLASSIFICATION AREAS, GROUPS AND DEFINITIONS AS FOLLOWS:

ASBESTOS WORKERS:
AREA I - Coal, Atoka and Bryan Counties
AREA II - Remaining Counties

BRICKLAYERS - STONEMASONS:
AREA I - Wagoner, Cherokee, Adair, Muskogee, Sequoyah, Haskell, LeFlore, Latimer and Pushmataha Counties
AREA II - Hughes, Coal, Atoka and Bryan Counties
AREA III - Creek, Tulsa, Rogers, Mayes, Craign, Ottawa and Delaware Counties
AREA IV - Okfuskee, Okmulgee, McIntosh and Pittsburg Counties
AREA V - Osage, Washington and Nowata Counties
AREA VI - Pawnee County

CARPENTERS - MILLWRIGHTS & PILEDRIVERMEN:
AREA I - Okmulgee, Okfuskee, Pittsburg, Latimer, LeFlore, the western part of McIntosh County - the line running straight south from the east line of Okmulgee County, Haskell County south of Highway #9 and north one-half of Atoka County
AREA II - Pushmataha, Bryan and south one-half of Atoka County
AREA III - Coal and Hughes County
AREA IV - Tulsa, Rogers, Mayes, Creek, Craig and Delaware Counties
AREA V - Washington, Nowata and Eastern two-thirds of Osage County
AREA VI - Muskogee, Wagoner, Adair, Cherokee, Sequoyah, Eastern part of McIntosh and Haskell County north of Highway #9
AREA VII - Pawnee and western one-third of Osage County
AREA VIII - Ottawa County

CEMENT MASONS - POWER TOOL OPERATORS:
AREA I - Western one-third of Osage County
AREA II - Pawnee County west of a line running due north from the western boundary of Creek County
AREA III - Remaining Counties

ELECTRICIANS - CABLE SPLICERS:
AREA I - Cherokee, Adair, Muskogee, Sequoyah, McIntosh, Haskell, LeFlore, Latimer, Atoka and Pushmataha Counties
ZONE I - 30-mile radius from Post Office of the City of Muskogee
ZONE II - Area outside Zone 1
AREA II - Osage and Pawnee Counties west of Highway #18
AREA III - Bryan County
AREA IV - Washington, Nowata, Craign, Ottawa, Rogers, Mayes, Delaware, Creek, Tulsa, Wagoner, Okmulgee, Okfuskee, Hughes, Pittsburg, Coal, Osage and Pawnee east of Highway #18

CLASSIFICATION AREAS, GROUPS AND DEFINITIONS (CONT'D):

ELEVATOR CONSTRUCTORS:
AREA I - Osage, Washington, Nowata, Craig, Ottawa, Rogers, Mayes, Delaware, Pawnee, Creek, Tulsa, Wagoner, Cherokee, Adair, Okmulgee, Muskogee, and Sequoyah Counties
AREA II - Remaining Counties

GLAZIERS:
AREA I - Hughes, Coal, Atoka and Bryan Counties
AREA II - Ottawa and that portion of Craig County east of Vineta
AREA III - Remaining Counties

IRONWORKERS:
AREA I - Bryan County
AREA II - Remaining Counties

LABORERS:
AREA I - Creek, Tulsa, Nowata, Craig, Ottawa, Rogers, Mayes, Delaware, Washington and Okmulgee Counties
AREA II - Wagoner, Cherokee, Adair, Muskogee, Sequoyah, Okfuskee, McIntosh, Haskell, LeFlore Counties
AREA III - Hughes, Pittsburg, Latimer, Coal, Atoka, Pushmataha and Bryan Counties
AREA IV - Osage, and Pawnee Counties
GROUP I - All digging and dirt work, firing of salamanders and portable space heaters; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing concrete; handling of lumber, steel, cement and distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of building and all structures; cleaning and clearing of debris; loading and unloading of materials, hoist or cages, except when the man is directly tending lathers, masons, or plasterers; water boys, when used; carpenter tender.
GROUP II - All machine tool operators; all sewer and drain tile layers and handling at the ditch, excluding distribution; oprs. of water pumps up to 4 inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers; mortar mixers, hod carriers and dry mixers; high work over 30 ft. from the ground or floors; cement finisher laborer; work on swinging scaffold; all kettle & potmen, tank cleaning, all pipe doping treating & wrapping, including all men working with dope; mortar & plaster mixing machine, pump-crete machines, and gunite mixing machines including placing of concrete; handling creosoted or treated materials, liquid acids, or like materials, when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies; all laborers screening sand, running sand drier, and feeding oper. sandblasterer, except nozzle; and cutting torch oprs. in connection with laborers work; concrete greader.

CLASSIFICATION AREAS, GROUPS AND DEFINITIONS (CONT'D):

LATHERS:
AREA I - Atoka, Coal and Hughes
AREA II - Ottawa County

PAINTERS:
AREA I - Pawnee, Osage, Washington, Nowata, Rogers, Mayes, Creek, Tulsa, Okfuskee, Okmulgee, Wagoner, Cherokee, Adair, Muskogee, Sequoyah, McIntosh, Haskell, Pittsburg, Latimer, LeFlore, and Pushmataha
AREA II -Hughes, Coal, Atoka and Bryan Counties
AREA III - Craig, Ottawa and Delaware Counties

PLASTERERS:
AREA I - Adair, Cherokee, Craig, Creek, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Rogers, Tulsa, Wagoner, Washington, and the northern and western portions of Sequoyah County north and west of a line running southwesterly from the northeastern corner of Sequoyah County including the town of Sallisaw.
AREA II - LeFlore County and the southern and eastern portions south and east of a line running wouthwesterly from the northeast corner of Sequoyah County

PLUMBERS - PIPEFITTERS:
AREA I - Ottawa, Delaware, Craig, Mayes, Nowata, Rogers, Tulsa, Creek and Osage and Pawnee Counties east of Highway #18
AREA II - Adair, Cherokee, Haskell, Latimer, LeFlore, McIntosh, Muskogee, Okfuskee, Okmulgee, Pittsburg, Sequoyah and Wagoner Counties
AREA III - Hughes, Coal, Atoka, Pushmataha and Bryan Counties
AREA IV - Osage and Pawnee Counties west of Highway #18
AREA V - Washington County

SHEET METAL WORKERS:
AREA I - Hughes and Coal Counties
AREA II - Remaining Counties

SOFT FLOOR LAYERS:
AREA I - Hughes, Coal, Atoka and Bryan Counties
AREA II - Remaining Counties

TILE LAYERS & TERRAZZO WORKERS:
AREA I - Bryan County
AREA II - Remaining Counties

TILE & TERRAZZO FINISHERS - TERRAZZO FLOOR MACHINE - TERRAZZO BASE MACHINE:
AREA I - Bryan County
AREA II - Remaining Counties

CLASSIFICATION AREAS, GROUPS AND DEFINITIONS (CONT'D):

POWER EQUIPMENT OPERATORS:
GROUP I - All crane type equipment with 300' of boom or over (including jib).
GROUP II - All crane type equipment with 200-300' of boom (including jib).
GROUP III - All crane type equipment with 100-200' of boom (including jib, all tower cranes and all crane type equipment of 3 cu. yards or more).
GROUP IV - Side boom (booms 30' and over); Guy Derrick
GROUP V - Heavy duty mechanic, welder; crane-hook and overhead monorail; whirley; panel board batch plant operator; pile-driver engineer, dragline, shovel; clamshell; backhoe (3/4 yd. & over); gradall; hydro crane, cherry picker; hoists while operating 2 or more drums; hoists while doing stack and chimney work (1 or 2 drums); power driven hole digger (with 30' & longer mast); motor patrol (blade); side boom (under 30').
GROUP VI - Fork lift (35' and over); dozer (engine hp 65 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; loader operator or hi-lift (engine hp 65 or over); asphalt lay machine; tail boom; conveyor-multiple, panel board control; power driven hole digger with less than 30' mast; trenching machine; concrete pump-boom type; roller & compactors with dozer blade.
GROUP VII - Locomotive engineer; boring machine; tug boat; mixer 18 cu. ft. and over; sand barge; dredging machine; tugger; hoist-when operating one drum; welding machine, 3 to 6; air compressor, 3 to 500 cu. ft. & under; air compressor, over 500 cu. ft. (1); pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment, generator plant engineers, Diesel elec.; winch truck with A-frame; roller all types; outside elevator or building type of personnel hoist; concrete buster/or tamper; heaters under jurisdiction of operating engineers; firemen; boiler operator, crushing plants; oiler distributor; pulvi-mixer; farmer tractor-with or without attachments; batch plant operator (portable); conveyor operator-duel, continuous or belt bulk handling; screed op.; concrete pump; form grader; screening plant; well point pump op.; signal man or large whirleys when and if required; operator for rotary drilling machines when operated from console or machines.
GROUP VIII - Permanent elevator - building type (automatic); concrete mixer, with hopper less than 18 cu. ft.; air compressor, 500 cu. ft. and under (1 or 2); welding machine (1 or 2); pump (1 or 2); fuelman; truck crane oiler driver or crane oiler; conveyor operator-single continuous belt bulk handling; asphalt lay machine back end man.
GROUP IX - Greaser and tilt top trailer operator.

CLASSIFICATION AREAS, GROUPS AND DEFINITIONS (CONT'd):

TRUCK DRIVERS:
AREA I - Osage, Washington, Nowata, Craig, Ottawa, Pawnee, Rogers, Creek, Tulsa, Okmulgee, Okfuskee and Mayes and Wagoner Counties west of Highway #69.
GROUP I - Truck drivers, including pick-up, 1½ tons or 2½ yards up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake body or bus driver.
GROUP II - 3 tons or 4 yards up to but not including 4 tons or 6 yards.
GROUP III - Ready mix concrete truck; tractor-trailer and similar equipment.
AREA II - Bryan, Atoka, Pushmataha, Coal, Hughes, Pittsburg, Latimer, LeFlore, McIntosh, Haskell, Sequoyah, Muskogee, Cherokee, Adair, Delaware, and Mayes and Wagoner Counties east of Highway #69.
GROUP I - Pick-up, 1½ tons or 2½ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses.
GROUP II - 3 tons or 4 yards and up to but not including 4 tons or 6 yards.
GROUP III - 5 tons or 6 yards and over including heavy equipment such as pole truck, winch trucks, euclids, Mississippi wagons, semi-dumps, turner pulls, or other heavy material moving equipment; tractor trailer drivers and similar equipment, such as tractors, ten wheelers
GROUP IV - Ready-mix concrete trucks up to but not including 3 yards.
GROUP V - Ready-mix concrete trucks up to but not including 3 yards and over

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

FOOTNOTES:
a - 6 months to 5 years 6%; over 5 years 8% of basic hourly rate plus seven paid holidays - A through G.
b - 6 paid holidays - A through E plus G

PAID HOLIDAYS:
A - New Year's Day; B - Memorial Day; C - Independence Day; D - Labor Day; E - Thanksgiving Day; F - Friday after Thanksgiving Day; G - Christmas Day

SUPERSEDES DECISION

STATE: OKLAHOMA

COUNTIES: Alfalfa,Beckham, Blain,Caddo, Canadian,Carter,Cleveland,Comanche, Cotton,Custer,Dewey,Ellis,Garfield, Garvin,Grady,Grant,Greer,Harmon,Harper, Jackson,Jefferson,Johnston,Kay,Kingfisher,Kiowa,Lincoln,Logan,Love, McClain,Major,Marshall,Murray,Noble, Oklahoma,Payne,Pontotoc,Pottawatomie, Roger Mills,Seminole,Stephens,Tillman, Washita,Woods and Woodward.

DECISION NO. OK83-4068

DATE: Date of Publication

SUPERSEDES DECISION NO. OK83-4013, dated January 14, 1983.

DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including four stories); water and sewage treatment plants and water sewage utility lines on the plant site in Canadian, Cleveland and Oklahoma Counties, Oklahoma.

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
AREA I	$15.20	2.37
AREA II	16.45	2.33
AREA III	17.16	2.76
BOILERMAKERS	16.40	2.645
BRICKLAYERS, STONEMASONS:		
AREA I	15.48	2.23
AREA II	15.65	
AREA III	13.18	2.17
AREA IV	15.48	2.08
AREA V	14.50	1.23
AREA VI	14.74	2.15
AREA VII	15.48	1.67
CARPENTERS - AREA I		
Carpenters	13.75	1.74
Millwrights	14.25	1.74
Piledrivermen	14.25	1.74
Power saw operator	14.25	1.74
CARPENTERS - AREA II		
Carpenters	10.95	1.74
Millwrights	14.25	1.74
Piledrivermen	14.25	1.74
Power saw operator	14.25	1.74
CARPENTERS - AREA III		
Carpenters	11.05	1.64
Millwrights	14.35	1.64
Piledrivermn	14.35	1.64
CARPENTERS - AREA IV		
Carpenters	12.30	1.40
Millwrights	14.35	1.64
Piledrivermen	14.35	1.64
CARPENTERS - AREA V		
Carpenters	$14.65	
Millwrights	14.90	
Piledrivermen	14.90	
Power saw operator	14.90	
CARPENTERS - AREA VI		
Carpenters	12.05	$1.15
Piledrivermen	12.875	1.15
CARPENTERS - AREA VII		
Carpenters	12.45	1.49
Piledrivermen	12.95	1.49
Power saw operator	12.575	1.49
CARPENTERS - AREA VIII		
Carpenters	12.45	1.37
Millwrights	12.95	1.37
Piledrivermen	12.95	1.37
Power saw operator	12.80	1.37
CARPENTERS - AREA IX		
Carpenters	11.70	1.00
Millwrights	12.525	1.00
Piledrivermen	12.525	1.00
Power saw operator	11.95	1.00
CARPENTERS - AREA X		
Carpenters	12.70	1.10
Millwrights	14.38	1.10
Piledrivermen	14.38	1.10
Power saw operator	12.95	1.10
CARPENTERS - AREA XI		
Carpenters	12.98	.75
Millwrights	14.43	.75
Piledrivermen	14.43	.75
CEMENT MASONS - AREA I		
Cement Masons	$10.80	
Power tool operator	11.50	
CEMENT MASONS - AREA II		
Cement Masons	15.14	.76
Power tool operator	15.54	.76
CEMENT MASONS - AREA III		
Cement Masons	13.83	.75
Power tool operator	14.08	.75
ELECTRICIANS		
AREA I - ZONE I	15.60	9%+ 1.05
ZONE II	15.85	9%+ 1.05
ZONE III	16.10	9%+ 1.05
AREA II	15.40	3.8%+ 2.20
AREA III - ZONE I	14.05	3%+ 1.30
ZONE II	14.25	3%+ 1.30
AREA IV	17.10	9%+.80
AREA V	15.15	1.58
CABLE SPLICERS		
AREA I - ZONE I	15.85	9%+ 1.05
ZONE II	16.10	9%+ 1.05
ZONE III	16.35	9%+ 1.05
AREA II	15.65	3.8%+ 2.20
AREA IV	18.81	9%+.80
ELEVATOR CONSTRUCTORS		
Journeymen	14.665	2.465 +a
Helpers	70%JR	2.465 +a
Probationary helper	50%JR	
GLAZIERS	15.72	.30
IRONWORKERS		
AREA I	14.60	2.37
AREA II	13.125	2.95
AREA III	13.90	3.00
AREA IV	15.59	2.92
AREA V	15.29	1.14

	Basic Hourly Rates	Fringe Benefits
LABORERS - AREA I		
GROUP I	$10.65	$1.00
GROUP II	10.90	1.00
LABORERS - AREA II		
GROUP I	8.95	1.00
GROUP II	9.20	1.00
LABORERS - AREA III		
GROUP I	9.10	1.00
GROUP II	9.35	1.00
LABORERS - AREA IV		
GROUP I	9.30	1.00
GROUP II	9.55	1.00
LABORERS - AREA V		
GROUP I	9.25	1.00
GROUP II	9.55	1.00
LABORERS - AREA VI		
GROUP I	5.35	
GROUP II	6.59	
LATHERS		
AREA I	14.25	1.74
AREA II	13.85	1.64
MARBLE MASONS, TILE SETTERS & TERRAZZO WORKERS	16.25	1.30
MARBLE & TILE FINISHERS	12.75	
TERRAZZO FINISHERS	13.60	
TERRAZZO FLOOR MACHINE MAN	13.90	
TERRAZZO BASE MACHINE MAN	14.30	
PAINTERS - AREA I		
Brush & Roller	9.90	1.03
Brush & Roller (Strl. steel)	10.15	1.03
PAINTERS - AREA I		
Spray	10.55	1.03
Swing, stage, bosun chair	10.15	1.03
Taping & Bedding (hand tools)	10.20	1.03
Sandblasting	10.25	1.03
PAINTERS - AREA II		
Brush	13.05	2.28
Spray under 30 ft.	13.55	2.28
Spray over 30 ft.	14.05	2.28
Paper hanging	14.05	2.28
Tapers using machine tools	13.55	2.28

	Basic Hourly Rates	Fringe Benefits
PLASTERERS		
AREA I	$15.60	$ .01
AREA II	14.20	
PLUMBERS - AREA I		
Mechanical contracts under $150,000	14.00	2.55
Mechanical contracts of $150,000 and over	15.50	2.55
PLUMBERS - AREA II	16.64	2.27
ROOFERS	13.40	1.30
SHEET METAL WORKERS	16.15	2.66
SOFT FLOOR LAYERS	13.45	2.03
SPRINKLER FITTERS	16.17	2.83
LINE CONSTRUCTION		
Linemen	16.24	3½%+.65
Cable splicers	17.54	3½%+.65
Hole digger operator, heavy equipment opr.	14.41	3½%+.65
Line truck driver (winch operator)	12.69	3½%+.65
Jackhammerman	11.50	3½%+.65
Powderman	13.99	3½%+.65
Groundman	10.31	3½%+.65
Truck driver (flat bed, ton-half & under)	10.96	3½%+.65
POWER EQUIPMENT OPERATORS		
GROUP I	15.75	2.18
GROUP II	15.25	2.18
GROUP III	14.75	2.18
POWER EQUIPMENT OPERATORS		
GROUP IV GROUP IV	14.50	2.18
GROUP V	14.25	2.18
GROUP VI	14.00	2.18
GROUP VII	13.75	2.18
GROUP VIII	12.75	2.18
GROUP IX	13.35	2.18
TRUCK DRIVERS - AREA I		
GROUP I	9.70	
GROUP II	9.40	
AREA II		
GROUP I	12.80	
GROUP II	12.85	
GROUP III	12.95	
AREA III		
GROUP I	10.43	
GROUP II	10.53	
GROUP III	10.63	
GROUP IV	10.58	
GROUP V	10.73	

Basic Hourly Rates	Fringe Benefits

CLASSIFICATION AREAS, GROUPS AND DEFINITIONS AS FOLLOWS:

ASBESTOS WORKERS:
- AREA I — Harper, Ellis, Roger Mills, Beckham, Greer and Harmon Counties
- AREA II — Kay County
- AREA III — Remaining Counties

BRICKLAYERS - STONEMASONS:
- AREA I — Logan, Payne, Canadian, Oklahoma, Cleveland and McClain Counties
- AREA II — Harper, Woods, Alfalfa, Grant, Ellis, Woodward, Major, Garfield, Blaine and Kingfisher Counties
- AREA III — Harmon, Jackson, Tillman, Comanche, Cotton and Jefferson Counties
- AREA IV — Lincoln, Pottawatomie, Seminole, Pontotoc, Johnston and Marshall Counties
- AREA V — Kay and Noble Counties
- AREA VI — Caddo, Grady, Stephens, Garvin, Murray, Carter and Love Counties
- AREA VII — Roger Mills, Beckham, Greer, Dewey, Custer, Washita and Kiowa Counties

CARPENTERS - MILLWRIGHTS - PILEDRIVERMEN - POWER SAW OPERATORS:
- AREA I — Oklahoma, Logan, Canadian, Kingfisher, Pottawatomie, and Lincoln County south of the Turner Turnpike
- AREA II — Dewey, Custer, Washita and Blaine Counties
- AREA III — Caddo and Grady Counties
- AREA IV — Alfalfa, Grant, Major and Garfield Counties
- AREA V — Cleveland and McClain Counties
- AREA VI — Love, Murray, Carter, Pontotoc, Seminole, Johnston, Garvin and Marshall County west of highway #99
- AREA VII — Beckahm, Jefferson, Comanche, Cotton, Greer, Harmon, Jackson, Kiowa, Stephens and Tillman Counties
- AREA VIII — Payne County, Northern Half of Lincoln County and Noble County east of Interstate 35 and south of Black Bear Creek
- AREA II — Woodward. Woods, Harper, Ellis and Roger Mills Counties
- AREA I — Kay and Noble Counties north of Black Bear Creek and west of Interstate #35
- AREA XI — Marshall County east of highway #99

CEMENT MASONS - POWER TOOL OPERATOR:
- AREA I — Kay County
- AREA II — Johnston and Marshall Counties
- AREA III — Ellis, Roger Mills, Beckham, Dewey, Custer, Grady, Carter, Oklahoma, Logan McClain, Washita, Blaine, Caddo, Kingfisher, Canadian, Cleveland, Garvin, Lincoln, Payne, Noble, Woodward Murray, Harper, Major, Woods, Alfalfa, Grant Garfield, Harmon, Greer, Kiowa, Jackson, Tillman, Comanche, Cotton, Stephens, Jefferson and Love Counties

CLASSIFICATION AREAS, GROUPS AND DEFINITIONS (CONT'D):

ELECTRICIANS - CABLE SPLICERS:

AREA I	Oklahoma, Cleveland, Canadian, Grady, McClain, Garvin, Carter, Murray, Johnston, Pontotoc, Seminole, Pottawatomie, Lincoln, Logan, Kingfisher, Garfield, Grant, Alfalfa, Major, Blaine, Caddo, Washita, Custer, Dewey, Woodward, Woods, Harper, Ellis, Roger Mills, Beckham, Love and that portion of Payne County which is closer to Oklahoma City than Tulsa
ZONE I	The area within the twelve mile radius of the Main Post Office located in one of the cities listed as follows: Ada, Alva, El Reno, Enid, Moore, Arapahoe, Tecumseh, Norman, Midwest City, Ardmore, Oklahoma City, Stillwater, Sulphur and Tuttle Counties
ZONE II	The area between the twelve mile radius of the Zone I Post Office, except where Zone II intercepts another Zone I area
ZONE III	The area outside Zone I and Zone II
AREA II	Kay and Noble Counties
AREA III:	
ZONE I	Comanche, Jackson and Stephens Counties
ZONE II	Harmon, Greer, Kiowa, Tillman, Cotton and Jefferson
AREA IV	Marshall County
AREA V	That portion of Payne County closer to Tulsa than Oklahoma City

IRONWORKERS:

AREA I	Blaine, Caddo, Canadian, Carter, Cleveland, Comanche, Custer, Dewey, Garfield, Garvin, Grady, Johnston, Kingfisher, Kiowa, Lincoln, Major, Logan, McClain, Murray, Noble, Oklahoma, Pontotoc, Pottawatomie, Roger Mills, Seminole, Stephens, Washita, Woodward, and western Payne County to a line due north of state highway #177 and #33
AREA II	Beckham, Greer, Harmon, Jackson, Tillman, Cotton, Jefferson and Love Counties
AREA III	Harper and Ellis Counties
AREA IV	Marshall County
AREA V	Alfalfa, Grant, Kay, and Woods Counties

LABORERS:

AREA I	Logan, Canadian, Oklahoma, Lincoln, Cleveland and Pottawatomie Counties
AREA II	Harper, Woods, Alfalfa, Grant, Ellis, Woodward, Major, Garfield, Dewey, Blaine and Kingfisher Counties
AREA III	Roger Mills, Custer, Beckham, Washita, Caddo, Grady, McClain, Harmon, Greer, Kiowa, Comanche, Stephens, Garvin, Tillman, Cotton, Jefferson, Murray, Carter, Love and Marshall Counties
AREA IV	Kay, Noble and Payne Counties
AREA V	Seminole, Pontotoc and Johnston Counties
AREA VI	Jackson County

CLASSIFICATION AREAS, GROUPS AND DEFINITIONS (CONT'D):

LABORERS (CONT'D):

GROUP I - All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages of stock piling only; wheeling and placing concrete; handling of lumber, steel, cement and distribution of materials; all cleaning, including cleaning windows; wrecking and razing of building and all structures; cleaning when the manis directly tendering, lathers, masons or plasters; common laborers.

GROUP II - All machine tools operators; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to 4 inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 ft. from the ground or floors; cement finishers laborer; work on swinging scaffold; all kettle and potmen, tank cleaning, all pipe doping treating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-crete machines, and gunite mixing machines including concrete, creosoted or treated materials, liquid acids, or like materials, when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or plants; all laborers screening sand, running sand drier, and feeding operator sand blasterer, except nozzle; and cutting torch operators in connection with laborers' work; concrete grader.

LATHERS:

AREA I	Oklahoma, Logan, Canadian, Kingfisher, Custer, Washita, Blaine, Pottawatomie, Dewey, Beckham, Caddo, Cleveland, Ellis, Garvin, Grady, Johnston, McClain, Murray, Noble, Pontotoc, Roger Mills, Seminole, Woodward, Lincoln County south of Turner Turnpike and Payne County up to and including the city of Cushing.
AREA II	Alfalfa, Grant, Garfield and Major Counties

PAINTERS:

AREA I	Harmon, Greer, Kiowa, Jackson, Tillman, Comanche, Cotton, Stephens, Jefferson, Carter, Love, Pontotoc, Johnston and Marshall Counties
AREA II	Remaining Counties

PLASTERERS:

AREA I	Ellis, Roger Mills, Beckham, Greer, Harmon, Jackson, Dewey, Custer, Washita, Kiowa, Tillman, Blaine, Caddo, Comanche, Cotton, Kingfisher, Canadian, Grady, Stephens, Jefferson, Logan, Oklahoma, Cleveland, McClain, Gargin, Murray, Carter, Love, Payne, Lincoln, Johnston and Marshall Counties
AREA II	Pontotoc, Pottawatomie and Seminole Counties

PLUMBERS - PIPEFITTERS

AREA I	Kay County
AREA II	Remaining Counties

CLASSIFICATION AREAS, GROUPS AND DEFINITIONS (CONT'D):

POWER EQUIPMENT OPERATORS:

GROUP I	All crane type equipment with 300' of boom or over (including jib)
GROUP II	All crane type equipment with 200-300' of boom (including jib)
GROUP III	All crane type equipment with 100-200' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more
GROUP IV	Side boom (booms 30' and over); Guy Derrick
GROUP V	Heavy duty mechanic; welder; crane-hook and overhead monorail; whirley; panel board batch plant operator; piledriver engineer; dragline, shovel; clamshell; backhoe (3/4 yd. and over); gradall; hydro crane; cherry picker; hoists while operating 2 or more drums; hoists while doing stack and chimney work (1 or 2 drums); power driven hole digger (with 30' and longer mast); motor patrol (blade); side boom (under 30')
GROUP VI	Fork lift (35' and over); dozer (engine hp 65 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; loader operator or hi-lift (engine hp 65 or over); asphalt lay machine; tail boom; conveyor-multiple, panel board control; power driven hole digger with less than 30' mast; trenching machine; concrete pump-boom type; roller and compactors with dozer blade
GROUP VII	Locomotive engineer; boring machine; tug boat; mixer 18 cu. ft. and over; sand barge; dredging machine; tugger; hoist-when operating one drum; welding machine, 3 to 6; air compressor, 3 to 500 cu. ft. and under; air compressor, over 500 cu. ft. (1); pumps, battery, 3 to 6; fork-lift bobcat and similar equipment; generator plant engineers, Diesel elec.; winch truck with A-frame; roller all types; outside elevator or building type of personnel hoist; concrete buster/or tamper; heaters under jurisdiction of operating engineers; firemen; boiler operator; crushing plants, oiler distributor, pulvimixer; farmer tractor with or without attachments; batch plant operator (portable); conveyor operator-duel, continuous or belt bulk handling; screed operator; concrete pump; form grader; screening plant; well point pump operator; signal man on large whirleys when and if required; operator for rotary drilling machines when operated from console or machines

CLASSIFICATION AREAS, GROUPS AND DEFINITIONS (CONT'D):

POWER EQUIPMENT OPERATORS CONT'D):

GROUP VIII	Permanent elevator - building type (automatic); concrete mixer, with hopper less than 18 cu. ft.; air compressor, 500 cu. ft. and under (1 or 2); welding machine (1 or 2); pump (1 or 2); fuelman; truck crane oiler driver or crane oiler; conveyor operator-single continuous belt bulk handling; asphalt lay machine back end man
GROUP IX	Greaser and tilt top trailer operator

TRUCK DRIVERS:

AREA I	Alfalfa, Beckham, Blaine, Caddo, Carter, Canadian, Cleveland, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Jackson, Jefferson Johnston, Kingfisher, Kiowa, Logan, Love, Major, McLain, Murray, Oklahoma, Pontotoc, Pottawatomie, Payne, Roger Mills, Seminole, Stephens, Tillman, Washita, Wood and Woodward Counties
GROUP I	Truck drivers for heavy equipment such as lowboys, heavy winch and floats, heavy earth moving equipment such as dump trucks and euclids
GROUP II	Truck drivers and swampers, such as dump trucks, flat beds, stakebodies, and 3/4 and ½ ton pick-up trucks
AREA II	Kay, Noble and Lincoln Counties
GROUP I	Truck drivers, including pick-up, 1½ tons or 2½ yards up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake body or bus driver
GROUP II	3 tons or 4 yards up to but not including 4 tons or 6 yards
GROUP III	Ready mix concrete truck; tractor trailer and similar equipment
AREA III	Marshall County
GROUP I	Pick-up, 1½ tons or 2½ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, state bodies and buses
GROUP II	3 tons or 4 yards and up to but not including 4 tons or 6 yards
GROUP III	5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, turner pulls, or other heavy material moving equipment; tractor trailer drivers and similar equipment, such as tractors, ten wheelers
GROUP IV	Ready-mix concrete trucks up to but not including 3 yards
GROUP V	Ready-mix concrete trucks 3 yards and over

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

FOOTNOTES

a - 6 mos. to 5 yrs. 6%; over 5 years 8% of basic hourly rate plus seven paid holidays - A through G.

PAID HOLIDAYS:

A - New Year's Day; B - Memorial Day; C - Independence Day; D - Labor Day; E - Thanksgiving Day; F - Friday after Thanksgiving Day; G - Christmas Day.

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federal register

Friday
September 16, 1983

Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Remining

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 701, 816 and 817

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Remining

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is issuing final rules providing environmental performance standards for remining operations. These new rules supplement the existing rules for new mining operations and add requirements applicable only to remining operations. The standard is these rules also cover the surface effects of underground mining when remining previously mined areas. In addition, the new rules contain definitions of certain technical terms associated with both types of operations.

EFFECTIVE DATE: October 17, 1983.

FOR FURTHER INFORMATION CONTACT: Raymond Aufmuth, Division of Engineering Analysis, Office of Surface Mining, Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240; 202–343–4022.

SUPPLEMENTARY INFORMATION:

I. Background
II. Discussion of Comments and Rules Adopted
III. Procedural Matters

I. Background

Remining operations now constitute a substantial segment of all surface coal mining operations in the United States. This development is attributable to the decreasing amount of virgin lands available for mining and to technological advances making coal recovery at greater depths economically profitable.

Remining operations offer several distinct advantages. First, these activities ensure that recovery of coal reserves is maximized. Second, remining minimizes the adverse environmental impacts of preexisting mining on areas left unclaimed or inadequately reclaimed. Third, reclamation conducted during remining may decrease the expenditure of tax dollars required to reclaim previously mined lands under the Abandoned Mine Lands Reclamation Program established by Title IV of the Act.

On January 7, 1982 (47 FR 928) and June 25, 1982 (47 FR 27734), the Office of Surface Mining proposed permit and performance standards for remining previously mined areas and for reprocessing coal mine waste. The January 7, 1982, proposal dealt specifically with the requirement to reclaim highwalls affected by remining, while the June 25, 1982, rulemaking would have provided additional standards applicable to all remining and reprocessing operations. On November 12, 1982 (47 FR 51316), an interim final rule was issued applicable to remining of steep slope areas. The interim final rules issued on November 12, 1982, as well as other aspects of the June 25, 1982, proposal were considered in OSM's "Final Environmental Impact Statement, OSM–EIS–1: Supplement" on the permanent program regulations.

This rulemaking finalizes portions of the June 25, 1982, proposal and reissues the November 12, 1982, interim final rule as a final rule. For a more complete discussion of the problem of remining and the legal bases for these rules, interested persons should consult the preamble to the January 7, 1982, proposal (47 FR 928); the interim final rule on steep slope remining issued on November 12, 1982 (47 FR 51316); and the June 25, 1982, proposed remining rules (47 FR 27734).

The June 25, 1982, notice announced an open-ended comment period on the proposed remining rules (47 FR 27734). On July 13, 1982, OSM announced (47 FR 30266) that the public comment period on the proposal would close at 5 P.M. on August 25, 1982. Because several persons had proposed to offer testimony on various OSM regulatory reform proposals at the Congressional oversight hearings of September 9 and 10, 1982, the public comment period was reopened to permit the transcripts of those hearings to be placed in the Administrative Record (47 FR 39201). The comment period closed on September 10, 1982.

Throughout the development of these rules, OSM has solicited public comments and recommendations. Following publication of the proposed rules, OSM made provisions to hold public hearings and public meetings upon request. Severals public meetings on the proposed rules were conducted by OSM . Notations concerning these meetings are available for review in the Administrative Record at the Office of Surface Mining (OSM), U.S. Department of the Interior, 1100 L St., NW., Room 5315, Washington, D.C. A public hearing on the proposed remining rules was originally scheduled for August 4, 1982, but was cancelled when no persons wishing to testify appeared.

II. Discussion of Comments Received and Rules Adopted

OSM received comments on the proposed rules from industry, citizens, environmental groups, and other government agencies. OSM has reviewed each comment carefully and taken commenters' suggestions into consideration in writing these final rules.

Section 701.5—Definitions

Adverse Physical Impact

The proposed rule would have added a new definition to § 701.5 for the term "adverse physical impact." Under the proposal, "adverse physical impact" was defined to mean, with respect to a highwall, actions that cause or can reasonably be expected to cause sloughing of material, subsidence, instability or an increase in wind or water erosion of the highwall. As a result of commenters' suggestions, OSM has modified the definition of "adverse physical impact" in the final rule to mean, with respect to a highwall created or impacted by remining, conditions, such as sloughing of material, subsidence, instability, or increased erosion of highwalls, which occur or can be expected to occur as a result of remining and which pose threats to property, public health, safety, or the environment. The final rule also uses the phrase "increased erosion," rather than "increased wind or water erosion," for simplicity, but without change in meaning.

One commenter suggested that the term "can reasonably be expected to cause" in the proposed definition, be replaced by the word "may", but offered no rationale for this change. OSM has rejected this suggestion and retained the term "can." "Can" is the proper word in this context, connoting a physical possibility of occurrence.

Another commenter claimed that limiting the proposed definition to impacts "that * * * can reasonably be expected" would weaken the definition of "adverse physical impact." This aspect of the proposed definition was alleged to be at odds with the agency's position in *Miami Springs Properties, Inc. v. OSM*, 2 IBSMA 399 (December 23, 1980) that augering, by its very nature, should be presumed to cause adverse physical impacts on highwalls. The commenter suggested that the definition be revised to treat "actions that * * * may potentially cause negative impacts on highwalls" as adverse physical impacts.

OSM has rejected the commenter's suggestion. The reference to condition-

which can reasonably be expected to occur, rather than all "potentially negative impacts," provides a more realistic measure and is in accord with decisions of the Interior Board of Surface Mining Appeals (the Board) in *Cedar Coal Co. v. OSM*, 1 IBSMA 145 (April 20, 1979), and *Miami Springs Properties v. OSM*, 2 IBSMA 399 (December 23, 1980). Further, the commenter is incorrect in regard to the agency's position with respect to *Miami Springs*. The issue before the Board in *Miami Springs* was the propriety of the motion to dismiss granted by the Administrative Law Judge (ALJ) on the ground that the permittee's augering operations resulted in an adverse physical impact upon the orphan highwall. In its appeal, OSM argued only that it had presented sufficient evidence of the adverse impact to the highwall caused by the permittee's activities so as to make the ALJ's dismissal of the case below erroneous. The Board noted that a permittee could not be required to eliminate a preexisting highwall completely unless his mining activities caused an adverse physical impact to the highwall. The Board then remanded the case to the ALJ for an evidentiary hearing to determine whether any adverse physical impacts had occurred to the orphan highwall as a result of the permittee's auger mining of the coal seam at the base of the highwall. However, the case against the permittee was subsequently dismissed on rehearing after the ALJ found that no adverse physical impact had occurred. Thus, *Miami Springs* indicates that an operator may be required to eliminate only that portion of a preexisting highwall adversely physically impacted by his mining activities. The final rule simply defines an adverse physical impact more precisely.

A commenter found the proposed definition incorrect by describing an "adverse physical impact" as the cause, rather than the result of an action that affects or may affect the highwall. OSM agrees and the language of the final definition has been revised to state that an "adverse physical impact" includes "conditions which occur or can reasonably be expected to occur as a result of * * *."

Two commenters argued that the proposed reference to "sloughing of material" should not be included in the final definition of "adverse physical impact," since all highwalls, both natural as well as man-made, deteriorate to some degree over time, regardless of whether or not they are remined. One commenter claimed that current operators would be discouraged from remining preexisting highwalls if sloughing of material from such highwalls could be considered an "adverse physical impact" for which backfilling would be required under proposed § 816.109(a)(1). Another commenter warned that remining of preexisting highwalls by auger mining would be prohibited unless the current operator could stabilize such highwalls to the satisfaction of the regulatory authority so long as sloughing of material from such highwalls would be defined as an "adverse physical impact."

The suggestion to delete sloughing of material as a condition which could be an adverse physical impact is rejected.

Sloughing of material from highwalls may pose a threat to public safety and property and should be covered by the definition. However, OSM agrees with the commenters on the need for a distinction between adverse and nonadverse physical impacts. Accordingly, the final definition is qualified by the addition of language providing that "conditions * * * which pose threats to property, public health, safety, or the environment" shall be considered adverse physical impacts. Sloughing normally involves only minor spalling of rock or soil from an exposed excavation. Nevertheless, sloughing of certain lithologic units (e.g., poorly indurated siltstones, claystones, or shales) as well as sloughing of some solid or residual soils which have been undercut may have adverse effects. Based on these facts, OSM retained the reference to sloughing of material in the final definition as an impact of remining which may adversely affect the physical stability of the preexisting highwall.

A commenter also objected to the proposed definition of "adverse physical impact" for suggesting that auger mining or underground face-ups on preexisting benches would be presumed to have such an effect on the structural integrity of highwalls in all instances, and sought clarification on this point.

OSM recognizes that conditions which affect or may affect highwalls are not necessarily adverse physical impacts, and the final definition is revised to reflect this fact. Thus, auger remining and underground faceup areas on preexisting benches are defined as adverse physical impacts on the highwall only when threats to property, public health, safety, or the environment are posed by the operation or could reasonably be expected to occur as a result of the remining. In the absence of site-specific information, it is not possible to state definitively that all auger mining or underground face-ups will result in such adverse impacts.

One commenter urged OSM to delete the proposed reference to "subsidence" from the definition of "adverse physical impact" because subsidence has no impact on the highwall and is already regulated by §§ 817.121–817.126.

OSM disagrees with the commenter and has included subsidence in the final definition as one of the physical impacts of remining which may adversely affect the preexisting highwall. The term "subsidence," as used in the context of remining, refers to situations where the highwall can collapse or subsidence impacts could occur on the surface above the highwall. Highwall collapse and subsidence have occurred or can be expected to occur in many cases above areas of auger and underground mining as a result of insufficient webbing or remining pillar support. Because larger masses or blocks of material may fall from highwalls affected by subsidence, collapses of highwalls in areas of retrogressive mass failures can be more severe than highwall collapses caused by weathering, jointing and fracturing, stratigraphic characteristics or some combination of these factors.

One commenter found the "adverse physical impact" concept applicable to conditions on remined areas, such as revegetation and surface and ground water quality. He recommended that the definition of "adverse physical impact" be expanded to cover any surface impact from post-mining conditions worse than those which existed prior to remining. Another commenter noted that other factors, in addition to highwalls, are causes of environmental problems which should be addressed in OSM's remining rules.

These comments raise issues outside the scope of the present rulemaking. The final definition of "adverse physical impact" covers only the negative impacts of remining preexisting highwalls. This is consistent with Sections 515 (b)(3), (d)(2), (d)(3), 201, and 102 which are relied on as the sources of authority for final § 816.106 and the *Cedar Coal* and *Miami Springs* Board decisions.

Highwall Remnant

The final rule defines the term "highwall remnant" to mean that portion of highwall that remains after backfilling and grading of a remining permit area. Under the proposed definition, a "highwall remnant" referred to an engineered cut slope designed to be incorporated into the final grade of a reclaimed remining site and the portion of stabilized highwall that remains after

backfilling and grading of a remining permit area when it is demonstrated that sufficient spoil is available to eliminate the highwall.

Two commenters suggested that OSM modify the proposed definition of "highwall remnant" to refer only to the portion of the stabilized highwall that remains after backfilling and grading of a remining permit area when it is demonstrated that sufficient spoil is not available to eliminate the highwall.

OSM has accepted the comment, in part, and omitted the proposed reference to "an engineered cut slope designed to be incorporated into the final grade of a reclaimed remining site" from the final definition. However, the commenter's proposed qualifier ("when it is demonstrated that sufficient spoil is not available to eliminate the highwall") has been rejected, since a highwall remnant could exist both where the operation did not cause an adverse physical impact on the highwall and where there is insufficient spoil available to eliminate the highwall.

A commenter objected to the term "stabilized highwall" in the proposed definition, because it implied that the remining operator would be responsible for stabilizing the entire remaining highwall. He favored the deletion of this term from the final definition of "highwall remnant," arguing that the operator should be required to stabilize only the area of the highwall disturbed by his remining operation.

This comment has been accepted. The reference to "stabilized highwall" was included in the proposed definition of "highwall remnant" to indicate that the operator is responsible for stabilizing the remaining highwall to prevent hazards to the environment and to public health or safety, even when there is insufficient spoil reasonably available to backfill the highwall completely. However, a highwall could be a highwall remnant whether or not an operator was required to take steps to stabilize the highwall. Applicable performance standards for stabilizing highwall remnants are more appropriately included in §§ 816.106 and 817.106. Under final § 816.106(a)(4), stabilization efforts are required for highwalls created or impacted by the remining operation. Additionally, the current operator is required to stabilize any preexisting highwall remnant that will not be adversely impacted by his remining operation under final § 816.106(b)(2).

Two commenters found the statement in the preamble allowing blending, shaving, stairstepping, or laying back of the preexisting highwall inconsistent with the proposed definition of "highwall remnant," which omitted any references to these methods for conveying upslope runoff safely or minimizing sloughing. They claimed that remining operations should not be allowed to shave, blend, or layback preexisting highwalls since these activities would introduce additional suspended solids on the disturbed areas.

OSM disagrees with the commenters' position. To the extent that highwall remnants may remain, the final rules allow remining operators to blend, shave, stairstep, or lay back preexisting highwalls. For steep-slope operations, such disturbances above the highwall which may be necessary to facilitate such blending or shaving are permissible if approved under Section 515(d)(3) of the Act. In any event, remining operations are required to comply with the performance standards for protection of the hydrologic balance contained in §§ 816.41–816.57 and §§ 817.41–817.57. No change in these requirements is made by this final rule.

Previously Mined Area

The proposed rule would have defined the term "previously mined area" as any lands from which coal was extracted by, or which were affected by, earlier surface coal mining operations. The final definition provides that "previously mined area" means land disturbed or affected by earlier coal mining operations that was not reclaimed in accordance with the requirements of 30 CFR Chapter VII.

A commenter contended that lands reclaimed to the requirements of the permanent performance standards of Part 816 should not be included in the definition of "previously mined area" or covered by the proposed remining rules. According to the commenter, only lands *not* reclaimed to the permanent performance standards of Part 816 should be treated as "previously mined area[s]" and addressed in the remining rules.

OSM has accepted the commenter's suggestion and has added the phrase "that were not reclaimed in accordance with the requirements of this chapter" to the final definition of "previously mined area." Accordingly, final § 816.106 applies only to remining of lands *not* reclaimed to meet the performance standards of Chapter VII. Remining operations on lands reclaimed to the performance standards of Chapter VII must comply with the general backfilling and grading requirements of §§ 816.102–816.107.

OSM requested and received comments on whether the definition of "previously mined area" should include sites of unpermitted operations which failed to meet the reclamation standards of OSM's permanent program. Several commenters believed that the definition should cover unpermitted operations which failed to meet the permanent program's standards for reclamation.

Asserting that current operators should not be penalized for the failure of previous operators to obtain permits to mine such areas, one commenter urged that areas of unpermitted operations should be covered in OSM's definition to ensure uniform application of the final definition among the States. Another commenter argued that the final definition should encompass both areas of permitted and nonpermitted operations since the environment would be affected by surface mining activities, regardless of whether or not they were conducted pursuant to a permit. Two commenters contended that the definition should be interpreted to cover very old unpermitted sites, which had been mined prior to the existence of any performance standards for reclamation. They alleged that any other interpretation of "previously mined area" would be inconsistent with the objective of the remining rules for elimination or reduction of old problem sites.

A commenter criticized the proposal to make the definition of "previously mined area" under § 701.5 consistent with the scope of lands "eligible" for reclamation with Abandoned Mine Land (AML) Fund monies under 30 CFR Part 870. According to the commenter, this approach would compound the serious deficiencies in Section 404 of the Act by allowing thousands of acres of previously mined lands to go unreclaimed.

In response to the commenters' concerns, OSM has modified the language of the definition to treat all lands which were disturbed or affected by earlier coal mining operations and improperly reclaimed as previously mined areas. This final definition covers all areas previously mined but not reclaimed in accordance with the requirements of Chapter VII, including those lands where bond forfeitures have occurred or which were mined by unpermitted operations.

One commenter found the proposed definition of "previously mined area" vague and claimed that it could be interpreted to cover all subsequent cuts on areas where initial cuts had been made prior to the Act's effective date, thereby allowing later operations unjustifiable exemptions from the approximate original contour (AOC) requirement. Because remining usually occurs in areas where there has been a period of inactivity, the commenter thought the term "previously mined

area" should apply only to "areas which were mined or mining processes [sic] prior to August 3, 1977, and on which all mining has ceased." The commenter felt his suggested definition would be consistent with the definition of "previously mined area" under the AML rules. Another commenter recommended that the definition of "previously mined area" be clarified to cover mining operations which were previously abandoned as well as continued operations of ongoing mines.

OSM disagrees that the definition of "previously mined area" is vague and has rejected the suggestion that the definition "previously mine area" be limited only to lands mined prior to August 3, 1977, and which were inactive for some period of time prior to remining. However, neither the proposal nor the final definition allows ongoing operations variances from the requirements for backfilling and grading or AOC restoration in areas not adversely impacted by past mining. In the case of any coal mine developed on or after May 3, 1978, the effective date of the interim regulatory program, reclamation in accordance with the Act's standards is required. This rule does not relieve the continuing obligations of former operators with regard to any site. Thus, there is no unjustifiable exemption from the approximate original contour operation.

Nevertheless, the final rule recognizes that there may have been some mining which occurred after August 3, 1977 that was not reclaimed in accordance with the requirements for return to AOC. Such operations could include unpermitted mines; mines exempt under Section 528 of the Act; and mines in existence between August 3, 1977, and May 3, 1978, or which qualified for the special exemption of § 710.12. Thus, while the AML program established by Title IV of the Act establishes the overall objective of reclamation of abandoned mined lands, the basis for this final rule is not limited to lands eligible for funding under that program. Furthermore, inclusion of lands disturbed and improperly reclaimed since the Act was enacted in the definition of "previously mined area" will not result in damage to the environment because in every instance where sufficient spoil is reasonably available, highwalls must be eliminated.

One commenter suggested that the proposed definition of "previously mined area" be modified to include both surface and underground, as well as coal and noncoal, mining operations so that the adverse environmental effects of deep mines in Appalachia and old clay mines, quarries and sand and gravel pits in Pennsylvania could be ameliorated by remining.

OSM found this suggestion unnecessary since underground coal mining operations are already included in the scope of the final definition adopted for "previously mined area." This is consistent with Section 701(28) of the Act and § 701.5, which define "surface coal mining operations" to include surface impacts of underground mining activities. Noncoal areas are beyond the scope of this rulemaking and have not been included under the definition of "previously mined area." Remining of unreclaimed noncoal sites by subsequent coal mining operations is likely to occur on only the most limited basis. Thus, no special consideration has been given to such sites under the final rule. If the provisions of 30 CFR 785.13 could be met, consideration of such special conditions can be made under the experimental practices provisions of Section 711 of the Act.

Another commenter suggested that the definition of "previously mined area" cover unreclaimed areas where the overburden has been removed and other disturbed areas which have not been reclaimed, such as tipples, construction sites, and storage areas.

OSM agrees with the commenter's interpretation of the proposed definition. The reference to "lands from which coal was extracted by or which were affected by * * *." in the proposed definition has been replaced by the phrase, "lands disturbed or affected by * * *" in the final definition. This change is intended to make it clear that "previously mined area" includes unreclaimed areas where overburden has been removed and other disturbed areas which have not been reclaimed. Surface coal mining operations can cause physical disturbance to lands in some situations even if no coal is actually extracted from those lands. Roads, buildings, conveyors, stockpiles, and other facilities on abandoned and unreclaimed mine sites should be considered "previously mined areas."

Reasonably Available Spoil

Numerous commenters discussed their interpretation of the term "reasonably available spoil" which was included in the preamble to the proposed rules (47 FR 27740, June 25, 1982). The proposal defined the term as "spoil that is generated by the mining operation and other spoil located in the permit site that is accessible and available for use and that when rehandled will not cause a hazard to the public safety or significant damage to the environment." In response to these comments, the final rule includes a definition of the term "reasonably available spoil" in § 701.5. The definition of reasonably available spoil was included in § 826.12(b) of the November 12, 1982, interim final rule. Except as indicated below, the discussion of the definition and response to comments in the November 12, 1982, **Federal Register** notice continue to be applicable to the definition included in § 701.5 of this final rule.

Several commenters feared the definition in the preamble to the proposal would not be binding and urged OSM to define "reasonably available spoil" in the rules. They claimed that remining would not be cost-effective if the proposed definition could be construed as a requirement for operators to obtain spoil from borrow pits on or off the permit area. Some commenters contended that OSM should require operators to use spoil in the permit area that was created, disturbed, rehandled, or affected by remining for backfilling material.

As indicated above, the suggestion to include the definition of "reasonably available spoil" in § 701.5 has been accepted. This definition treats spoil and suitable coal mine waste materials generated by the remining operation or other spoil or suitable coal mine waste material located in the permit area that is accessible and available for use and that when rehandled will not cause a hazard to public safety or significant damage to the environment, as "reasonably available spoil."

One commenter recommended that "reasonably available spoil" be defined as "spoil which is generated as a direct result of the coal extraction process and [which] could not require any additional disturbance beyond that which is necessary to achieve the maximum economic recovery of the coal being mined." The commenter argued that his definition would eliminate the need to use borrow pits, take into consideration the economics of coal recovery, and minimize unnecessary disturbances to the surrounding environment.

No change in the rule has been made based on this comment. Section 515(b)(1) of the Act requires that all surface coal mining operations be conducted to maximize fuel resource recovery and minimize land to be reaffected in the future by mining. This requirement is already recognized in § 816.59 of OSM's regulations and need not be repeated in the definition of reasonably available spoil. All spoil or suitable coal mine waste generated by the remining operation is to be considered reasonably available.

However, spoil in addition to that generated by the remining operation need only be used if it is accessible and available for use. Thus, the definition should not impose an undue burden on operators to use spoil in addition to that necessary to achieve the maximum economic recovery of the coal.

A commenter recommended that coal mine waste be included as reasonably available spoil for backfilling. OSM previously rejected this suggestion in the interim final rule (47 FR 51317, November 12, 1982), since OSM's rules existing at that time precluded the disposal of coal mine waste in the backfill. On May 24, 1983 (48 FR 23356), the rules for backfilling and grading in §§ 816.102 and 817.102 were revised to allow disposal of coal mine waste in mined-out areas in accordance with §§ 816.81–816.83. For this reason, this comment has been accepted in the final rule and the phrase "and suitable coal mine waste material" has been added to the final definition of "reasonably available spoil."

One related provision in Part 816 should be noted. In response to a comment, § 816.106(a)(1) requires the permit area to encompass all reasonably available spoil in the immediate vicinity of the remining operation. This will ensure that permit area boundaries are not manipulated so as to allow the operation to avoid its reclamation obligations.

Remining

Under the definition proposed for addition to § 701.5, the term "reminimg" meant conducting surface coal mining and reclamation operations which affect previously mined areas. No comments were received on the proposed definition, and it has been adopted as final in § 701.5.

Reprocessing

According to the proposed definition, "reprocessing" meant processing coal mine waste to remove the marketable coal. The final rule does not include standards applicable specifically to reprocessing and therefore the final rule does not add a definition of "reprocessing" to § 701.5. A definition of reprocessing and specific standards for reprocessing operations are unnecessary because reprocessing operations involving the extraction of coal are surface coal mining operations under 30 CFR 700.5 and Section 701(28) of the Act. Thus, the standards of the permanent regulatory program already apply to reprocessing. To the extent that this final rule is applicable, reprocessing on previously mined areas is included in the final definition of the term "remining."

One commenter believed that "reprocessing" should be redefined to include extraction and processing of coal waste since both activities would be covered under § 780.34(d) of the proposed rules. OSM did not accept suggestion for the reasons stated above.

Proposed § 780.34—Permit Requirements

The final rules do not adopt proposed § 780.34, which would have set forth permit application requirements for various types of surface remining and reprocessing operations. The information required in permit applications for surface remining and reprocessing operations under the proposed rule was duplicative of the information required in the reclamation plan segment of permits for surface coal mining and reclamation operations under Subchapter G.

One commenter advocated close scrutiny by the regulatory authority of applications for permits to remine sites near populated or aesthetically sensitive areas seeking variances under proposed § 816.109. Another commenter contended that the plans and analyses required in remining permit applications should be described generally to provide the regulatory authority sufficient flexibility to evaluate proposed operations on a site-specific basis. A commenter recommended that the following provisions be specified in the rule to ensure maximum coal recovery on each remining site and limit the potential for abuse of variances by remining operators: (1) A requirement that remining permit applications contain data on the applicant's use of the best technology currently available to demonstrate that the deepest possible cut will be taken; and (2) a requirement that approval of the remining permit application be contingent on such a demonstration of maximum coal recovery.

These comments were rejected. There is no basis to include special standards for mining near populated or aesthetically sensitive areas applicable solely to remining operations. Additionally, §§ 779.24, 779.25, 780.11, 780.14, and 780.18 for surface mines, and equivalent requirements for underground mines, will provide the regulatory authority with information necessary to evaluate whether the mine will be in compliance with the requirements of §§ 816.59 and 817.59 for coal recovery.

Commenters questioned whether the proposed rule would require a special, distinct permit to be obtained for a remining operation conducted in conjunction with a larger mining operation. One commenter suggested that the informational requirements of proposed § 780.34(a) be applied only to applications for permits to remine areas where the volume of spoil available is insufficient to eliminate the highwall or return the remined area to AOC. Under this scheme, applications for permits to conduct remining on areas where sufficient spoil is available would be treated as ordinary surface mining permit applications and exempt from compliance with the informational requirements of proposed § 780.34(a). OSM was urged to delete the cross-reference to § 816.109 performance standards from proposed § 780.34(a) and to specify in the final rule the maps, cross-sections, and other drawings required in the remining permit application.

The final rules do not require a separate permit for a remining operation. Rather, the final rules treat remining operations the same as all other operations for permitting purposes.

One commenter viewed the phrase "on the outslope" in proposed § 780.34(a)(2) and (4) as evidence of OSM's belief that most, if not all, remining would occur in the Eastern Appalachian coal region. He advocated deletion of the phrase to ensure that the final rules would apply to remining in all coal regions, including the West and Midwest where outslopes are nonexistent. A commenter suggested that proposed § 780.34(a)(2) be revised to require remining permit applications to contain maps showing the extent of preexisting highwalls and spoil "which will be affected by remining." Commenters felt the phrase "that may be impacted by the proposed operation" should be added after the word "spoil" in proposed § 780.34(a)(2) and (4) to clarify that a remining permit would cover only areas affected by the proposed operation. Commenters also suggested that proposed § 780.34(a)(4) be modified to require that permit applications analyze the effects of the proposed operation on "preexisting spoil which will be affected by remining, * * *." OSM's use of the term "analysis" in proposed § 780.34(a)(4) was criticized for implicitly requiring a permit applicant to make certain volumetric calculations to determine the effects of his proposed remining operation on preexisting highwalls. Because it would be impossible for applicants to determine such effects, a commenter argued that the permit application should be required only to "describe" the effects of the proposed

remining operation on preexisting highwalls.

One commenter, claiming proposed § 780.34(a)(4) was intended to limit or prevent offsite environmental damage, recommended that permit applications also be required to "*[d]escribe the measures to be taken to prevent or minimize any adverse impact that remining may have on the highwalls.*" Another commenter claimed that a description of mitigation measures and design specifications should be required in a permit application upon a showing that "*additional* adverse impacts cannot be prevented" pursuant to proposed § 780.34(4). Commenters also recommended that OSM add a provision to the new rule exempting applications from the informational requirements of § 780.34(b) and (c), as proposed, unless their analytical contents demonstrate the existence of additional adverse impacts.

One commenter thought that volumetric calculations of available spoil should be a function of the regulatory authority under the AML Program unless the remining permit application showed a specific intent to achieve approximate original contour.

Another commenter recommended that § 780.34(b)(5) of the proposed rule be revised to require a showing of "the *approximate* postmining surface contour" since it would be virtually impossible for operators to show the exact postmining surface contour in applications for remining permits.

The final rules do not distinguish between remining operations in different parts of the country. OSM has determined that the existing permitting rules require sufficient information and analyses to meet applicable requirements for remining operations. Thus, there is no need to require special maps, specifications, or special permits limited to the remining operation. An applicant has the flexibility under the existing rules to include special maps and plans for remining as appropriate. OSM disagrees with the commenter who suggested that volumetric calculations are not possible or that it is not possible to estimate postmining surface contours. In fact, such calculations are routinely used by the coal industry. Under this rule, the permit applicant must provide a written demonstration to the regulatory authority that the volume of reasonably available spoil is insufficient to completely cover the highwall if the applicant wishes the standards of § 816.106(a) to apply to his or her operation.

One commenter objected to the phrase "created by remining" in proposed § 780.34(b)(1) on the ground that it could be interpreted to require the remining permit applicant to show *all* of the highwalls which would be created during his proposed operation, including highwalls which he might backfill completely. The commenter suggested that the objectionable language be replaced in the final rule by the phrase "proposed to remain after remining" to make it clear that permit applicantions must show only portions of the preexisting highwall which would not be eliminated by the proposed remining operation.

OSM agrees that it is not necessary to provide a special description of highwalls which would be backfilled completely beyond the normal permitting requirements.

One commenter favored deletion of proposed § 780.34(b)(7) from the final rule on the ground that the impact of the proposed remining operation on a lower seam intersecting the preexisting highwall would already have been included in the remining permit application pursuant to proposed § 780.34(a)(4). Commenter found the requirements in proposed § 780.34(b)(8) unnecessary since spoil on the outslope affected by remining would be considered part of the permit area and covered in the reclamation plan segment of the permit application.

OSM agrees that the reclamation plan requirements of Part 780 are sufficient to cover the items included in proposed § 780.34 and therefore has not adopted the proposed rule.

One commenter suggested that proposed § 780.34(c) be omitted from the final rule to discourage remining by auger mining. Because auger mining allegedly renders remaining coal deposits inaccessible by any other remining method, the commenter asserted that the proposed requirements for auger remining permit applications would not enable such operations to achieve maximum resource recovery. Another commenter recommended that the final rule adopted by OSM require auger remining permit applications to include the information specified in proposed § 780.34(b) in addition to the data required by proposed § 780.34(c).

A commenter favored deletion of proposed § 780.34(c)(2) from the final rule on the theory that measures to mitigate the adverse physical impacts of the proposed auger remining operation on the stability of a preexisting highwall would already be required in the permit application under proposed § 780.34(a)(4). Commenters detected a typographical error in § 780.34(c)(2)(ii), as proposed by OSM. One commenter, who questioned the meaning of "substance" in the proposed requirement for mitigating measures "to counteract the potential effects of substance [sic] to structures or facilities both during and after mining," suggested that the reference be changed to "subsidence" in the final rule. One commenter found the language of proposed § 780.34(c)(3) ambiguous and recommended that the provisions be revised to require the permit application to "[s]how the plan for the reclamation of areas *from which* preexisting spoil *will be* removed or borrow areas from which material will be utilized to backfill auger-mined preexisting highwalls to achieve stability." Another commenter thought the requirement would be unnecessary since any area affected by the auger remining operation would be part of the permit area and covered by the reclamation plan segment of the permit application.

The final rules do not attempt to encourage or discourage auger mining. Such operations will be fully described under the existing permitting requirements.

Several commenters objected to the informational requirements of proposed § 780.34(d), and urged OSM to minimize the burdens on applicants for reprocessing permits. Other commenters believed that proposed § 780.34(d) would perpetuate economic disincentives to coal mine waste reprocessing by imposing more permit application requirements on these operations than those required of full-scale mining operations under the previous rules. As noted by these commenters, refuse piles are leased from large mining concerns by small operators who do not have the capital to finance reprocessing permits and often cannot wait for permit approval because of fluctuations in the market price of recoverable coal. They recommended that OSM adopt permit application requirements for reprocessing refuse piles identical to requirements for coal exploration permit applications under the previous rules.

Commenters also suggested that an exception be added to the rule granting the regulatory authority discretion to fashion reclamation requirements for lands previously disturbed by coal refuse piles based partly on the permit applicant's ability to make a profit on the proposed extraction operation. Under the commenters' suggested rule, approval would be required for the permit application of any reprocessing operation which would not produce more environmental harm than the preexisting refuse pile.

In the final rule, OSM has not adopted special performance standards for

reprocessing. Therefore, special permitting provisions for such operations included in the proposal are not applicable to the final rule.

Final § 816.106

Final § 816.106 contains requirements for backfilling and grading of previously mined areas. It is adopted from proposed § 816.109. The final rule replaces the interim final rule issued on November 12, 1982, with a new section incorporating the requirements of that interim rule. The analysis included in the preamble of the November 12, 1982, **Federal Register** notice continues to be applicable to this rulemaking and is incorporated by reference unless otherwise noted. The interim rule was applicable only to steep slope contour remining operations. This rule is not so limited. The legal bases for this rule are discussed in the preambles to the interim final rule (47 FR 51316, November 12, 1982) and the proposed rule (47 FR 27734, June 25, 1982). Interested persons are referred to those **Federal Register** notices for additional information.

In the November 12, 1982, final rule, OSM deferred response to several issues related to remining of previously mined areas (see 47 FR 51316). These included: (1) Applicability of the rules to first-cut mining, auger mining, second-cut mining with sufficient spoil available to achieve AOC, and non-steep-slope mining; and (2) recommendations of other methods to assure maximum coal recovery. As discussed below, this final rule includes standards for second-cut remining applicable to steep-slope areas and non-steep slope areas. Standards applicable to auger mining of previously mined areas were included in a separate rulemaking (48 FR 19314, April 28, 1983). Operations that have sufficient spoil available to achieve AOC are required to comply with the full requirements of §§ 816.102-816.107 unless the operation will not cause an adverse physical impact on the highwall. This exception is discussed under § 816.106(b) below.

This preamble discussion refers to § 816.106 for surface mining activities. Unless otherwise indicated, it applies equally to § 817.106 for underground mining activities.

The initial paragraph of final § 816.106 states that remining operations on previously mined areas containing a preexisting highwall must comply with the requirements of §§ 816.102-816.107, except as provided in § 816.106. This provision is intended to clarify the scope of requirements for operations addressed in the remining rules. The final rule allows a limited exception from the requirements of complete highwall elimination and AOC restoration for the remining of previously mined areas where the remining operation does not result in an adverse physical impact on the preexisting highwall or where the volume of reasonably available spoil is insufficient for complete backfilling and grading of the reaffected or enlarged preexisting highwall.

One commenter claimed that the exception provided in proposed § 816.109(a) would be inconsistent with OSM's responsibility to balance the nation's energy needs against the need to protect the environment from the harmful effects of surface coal mining operations. OSM disagrees with the commenter's claim. The requirement of total elimination of highwalls under the previous regulations made remining of abandoned highwalls uneconomic in most situations or required the unnecessary act of disturbing virgin areas to obtain spoil for highwall reclamation in others.

On many abandoned sites, spoil generated by the previous mining operation has been dumped over the side of a mountain and is not reasonably available to the remining operation as backfill material. So long as total reclamation of the preexisting highwall was required, the operator was compelled to sustain the high costs of retrieving the necessary fill material from borrow pits outside the immediate mining area or hauling old spoil from remote areas to the remining site. Under the circumstances, thousands of miles of abandoned highwalls remained unreclaimed.

Partial reclamation through remining of abandoned highwalls will produce improvements in the existing environment. For this reason, OSM has chosen to encourage remining of previously mined areas by granting these operations a limited exception from the requirements of complete highwall elimination and restoration to premining AOC in final § 816.106(a). The final rule allows an operator, using the equipment presently available, to remine an unreclaimed highwall "to the maximum extent technically practical." It requires that all of the available overburden from his remining operation be used for reclaiming the bench, together with other reasonably available material located in the permit area.

Final § 816.106 has several purposes. First, it is intended to promote the recovery of remaining coal reserves of importance to the Nation's present and future energy needs; second, it is intended to effectuate at least partial rehabilitation of abandonded benches which were not fully reclaimed by the earlier mining operation; and third, it is intended to minimize unnecessary disturbances of the environment by the creation of borrow areas to effectuate highwall elimination. Without the limited exception provided in final § 816.106(a) for remining of previously mined areas, there is little likelihood that the thousands of miles of unreclaimed highwalls would be reclaimed without utilization of the AML Fund or other methods of subsidization. This final rule attempts to remove a portion of the regulatory and economic impediments to achieve a net environmental improvement. Thus, final § 816.106(a) is consistent with OSM's responsibilities under Section 102 of the Act. As addressed more fully in the earlier preambles referenced above, Congress did not consider the ramifications on remining of previously mined areas in adopting the highwall elimination requirement.

Two commenters found proposed § 816.109 objectionable for allowing operators conducting remining on fully reclaimed lands to evade compliance with the Act's requirements for complete highwall elimination and restoration to premining AOC.

Final § 816.106 allows an exception from AOC restoration for remining areas which were inadequately reclaimed and in which highwalls were left by the previous mining operation. It does not authorize operators to evade compliance with the Act's requirements on fully reclaimed lands. Operators remining fully reclaimed areas are required to comply with the general performance standards, including complete highwall elimination and AOC restoration, as specified in §§ 816.102-816.017.

A commenter contended that performance standards for mining sites which were unpermitted prior to the effective date of the Act (August 3, 1977) should be less stringent than performance standards for remining areas of new or continuing operations. Accordingly, he recommended that performance standards for remining operations which were unpermitted before August 3, 1977 and cannot meet the full reclamation requirements of the Act should be left to the discretion of the regulatory authority.

OSM has rejected the commenter's recommendation. Mining operations in existence since the effective date of the interim regulatory program are required to comply with the performance standards for restoration to premining AOC and elimination of highwalls in Sections 515 (b)(3), (d)(2), and (d)(3) of the Act. OSM is required to adopt regulations implementing these

provisions. Section 816.109(a), as finally adopted, allows a limited exception from the highwall elimination and restoration to premining AOC requirements. However, this limited variance is in accord with the Act's intent and objectives. It would not be consistent with the objectives of the Act or the requirements of Section 501(b) requiring OSM to establish permanent program regulations to include no regulations applicable to such operations in the final rule.

Final § 816.106(a) (Proposed § 816.109(a)(1))

Final § 816.106(a) allows remining operations an exception from the AOC restoration requirement in § 816.102(a)(1) and the complete highwall elimination requirement in § 816.102(a)(2) upon submission of a written demonstration to the regulatory authority that the volume of all reasonably available spoil is insufficient to backfill the reaffected or enlarged highwall completely. This provision was proposed in § 816.109(a)(1). In response to remarks from commenters, OSM has revised the language of the proposed rule in final § 816.106(a). The final rule states that the requirements of § 816.102 (a)(1) and (a)(2) shall not apply to remining operations where the volume of all reasonably available spoil is demonstrated in writing to the regulatory authority to be insufficient to completely backfill the reaffected or enlarged highwall. Under final § 816.106(a), the remining operator is required to eliminate the highwall to the maximum extent technically practical in accordance with the criteria specified in Paragraphs (a)(1)–(a)(5) of § 816.106.

Proposed § 816.109(a)(1) stated that the remining operation was required to conduct backfilling and grading in accordance with §§816.101–816.103 in order to eliminate the remaining highwall to the maximum extent practical. Two commenters objected to the cross-reference in the proposed rule because they implied that operators would be required to eliminate highwalls completely and backfill remined areas to premining AOC. One commenter suggested that proposed § 816.109(a)(1) be deleted from the final rule. Another commenter advised OSM to add the phrase "except for the requirements to restore to approximate original contour and eliminate the highwall" after the cross-referenced sections in the proposed rule.

In response to the commenters' suggestions, final § 816.106(a) was rewritten to state that the requirements of § 816.102 (a)(1) and (a)(2) regarding the elimination of highwalls shall not apply to remining operations where the volume of all reasonably available spoil is demonstrated in writing to be insufficient to completely backfill the reaffected or enlarged highwall. The final rule should make it clear that restoration to premining AOC is not required of remining operations whenever there is insufficient spoil reasonably available for complete highwall elimination. The introductory language of § 816.106 explains that the provisions of §§ 816.102–816.107 do apply to remining operations except as specified in § 816.106.

One commenter thought the term "practical" in proposed § 816.109(a) was ambiguous and should be defined since the rule otherwise could be misinterpreted to allow incomplete reclamation based on changed economic conditions or the insolvency of the operator. Commenters also recommended that the rule require remining operators to use the best technology currently available (BTCA) in eliminating remaining highwalls to the maximum extent practical. One of these commenters suggested that the BTCA concept would ensure that the economic conditions of the particular operator would not be considered as a justification for incomplete reclamation. A number of commenters advised OSM to replace the term "practical" in the proposed rule with the word "possible." One commenter warned that the proposed requirement for elimination of "the remaining highwall to the maximum extent *practical*" would result in incomplete restoration of hundreds of miles of highwalls. Another commenter contended that the term "possible" would reflect OSM's intention to comply with Section 102 (d), (f), and (h) of the Act more accurately than would the reference to "practical" in proposed § 816.109(a).

OSM agrees that neither external economic conditions nor insolvency of the operator should be used in determining whether a specific remining proposal will satisfy the highwall elimination standard in final § 816.106(a). Accordingly, OSM has revised the final rule to require the operator to eliminate the highwall to the maximum extent *technically* practical. The phrase "technically practical" will accommodate the commenters' concern without opening the rule to extreme interpretations in situations where it may be "theoretically possible" to cover the highwall only through the use of extraordinary technological measures. The Act does not require operators to employ extraordinary means to eliminate the highwall in remining situations where there is insufficient spoil for complete backfilling. Final § 816.106(a) is intended to require operators to eliminate only that portion of the highwall which can be eliminated through standard backfilling and grading techniques using presently available equipment.

A commenter also suggested that the preamble to the final rule include examples of the criteria States should use to determine whether highwall elimination is economically feasible, given the possibility for disputes to arise over the unreasonably high costs of backfilling and grading.

This suggestion has been rejected. Under final § 816.106(a), the operator will be responsible for highwall elimination to the maximum extent technically practical. Such a determination will be made based upon standard engineering practices available and not general economic considerations.

A commenter asked whether proposed § 816.109(a)(1) would make any distinction between preexisting highwalls and highwalls created during the remining process.

Final § 816.106 applies only to previously mined areas which contain a preexisting highwall. In response to the comment, clarifying language has been included in the first sentence of § 816.106 and in § 816.106(a). Final § 816.106(a) does not distinguish a reaffected preexisting highwall from a highwall enlarged during the remining operation. This includes second cuts where the face of the highwall may be new but which is really an enlargement of the preexisting highwall. The final rule requires elimination of the highwall to the maximum extent technically practical. In situations where the bench is reaffected and a larger highwall is made by remining, final § 816.106(a) will result in every foreseeable case in the operator covering at least an amount of highwall equal to that newly created and as much of the preexisting highwall as is technically practical.

Proposed § 816.109(a)(2)

As proposed, § 816.109(a)(2) provided that the person who conducts the surface coal mining and reclamation operation shall demonstrate to the regulatory authority with a certification from a qualified registered professional engineer that the minimum static safety factor for stability of the backfill is at least 1.3. The general requirement for the postmining slope to achieve a minimum long-term static safety factor of 1.3 is included in final § 816.102(a)(3), which is applicable to remining

operations. For this reason, it is unnecessary in § 816.106 and has been removed from the final rule as redundant.

A commenter alleged that determinations of the static safety factor for backfill stability would be expensive, time-consuming, and unnecessary for any remining operation using a 4:1 slope. Under these circumstances, he suggested that remining operators should have the option of showing the regulatory authority that the backfill slope has an established history of long-term stability, in lieu of being required to demonstrate a minimum static safety factor for backfill stability of at least 1.3.

This suggestion has been rejected. As indicated in the final backfilling and grading rule (48 FR 23359, May 24, 1983), the 1.3 safety factor is appropriate to meet the stability requirements of the Act in Section 515 (b)(3), (b)(4) and (d)(2). The basis for establishing the 1.3 safety factor is discussed in the preamble to the previous rules at 44 FR 15228 (March 13, 1979). These reasons are equally applicable to remining operations and justify applying the same requirements to postmining slopes of remining operations.

Commenters claimed that the certification requirement provided in proposed § 816.109(a)(2) would not guarantee stability of the backfill. One commenter suggested that the rule be revised to require operators to submit to the regulatory authority calculations of the minimum static safety factor along with the certification. Another commenter challenged the cost-effectiveness of the proposed requirement that certification be obtained from a qualifed, registered professional engineer. He contended that the operator's own employees would be better qualified, more experienced and, in some cases, the only personnel available to make the safety factor determination, but failed to cite any proof in support of his contentions.

The final rules impose the same requirements for backfill stability on remining operations as on all other operations. The same factors are relevant, whether or not a specific certification is required. For certain kinds of structures, such as impoundments, siltation structures, stream diversions, etc., OSM has imposed certification requirements to provide added assurance that the environment will be protected. Such a requirement is not considered necessary for achieving the stability of the postmining slope of the backfilled area. This comports with previous § 816.102(a)(2) which did not contain a certification requirement. Certification alone does not guarantee backfill stability, although a State may determine that certification of the backfill is appropriate under a State program. Additionally, it should be noted that profiles of the final surface configuration are required to be certified by a qualified registered professional engineer under Section 507(b)(14) of the Act.

A commenter recommended that determinations of safety factors be required for backfill stability only in unusual circumstances. Since highway fills as steep as 2h to 1v are routinely designed without calculations of safety factors during the design process, the commenter believed it would be unreasonable to require determinations of safety factors to be made for embankments well above the design requirements.

OSM disagrees. Calculation of safety factors is the standard engineering practice used to assess the stability of earth and rockfill structures. This requirement is retained to satisfy OSM's responsibilities under Sections 515 and 201 of the Act.

Highway fills using 2:1 slopes are routinely constructed without calculations of safety factors only after the fill materials have been tested and have been determined compatible with previous stability determinations. Where geotechnical testing indicates the materials are inappropriate for 2:1 slopes, flatter slopes are used for highway fills. Since the operator is required to ensure the stability of the backfill, the 1.3 safety factor provides an appropriate standard.

Final § 816.106(a)(1) (Proposed § 816.109(a)(3))

Final § 816.106(a)(1) requires that all spoil generated by the remining operation and any other reasonably available spoil be used to backfill the area. The final rule was proposed in § 816.109(a)(3) which stated that all spoil generated by the mining operation and other reasonably available spoil shall be used to backfill the area so as to eliminate the highwall to the maximum extent practical. As discussed above, the proposed phrase "to the maximum extent practical" has been replaced with the phrase "to the maximum extent technically practical." Final § 816.106(a)(1) also requires that spoil in the immediate vicinity of the remining operation be included within the permit area as "reasonably available spoil" for the purpose of the rule.

One commenter protested OSM's use of the phrase "all reasonably available spoil" in the proposed rule on the ground that the regulatory authority could construe that term any way it desired. He warned that remining projects would be scrapped if regulatory authorities could ignore the costs involved in moving any spoil, regardless of its reasonableness or availability. Other commenters recommended that the terms "reasonably available spoil" in the proposed rule be replaced by the phrases "spoil affected by remining" or "spoil from the remining operation" in the final rule. They believed that operators should be required to use old spoil affected by remining as well as new spoil created by the operation for backfilling the highwall.

Other commenters contended that proposed § 816.109(a)(3) would require operators to haul old spoil or borrowfill located outside the permit area to the remining site for backfilling the remined highwall. Increases in the size of the permit area and the amount of the performance bond resulting from the borrow requirement of proposed § 816.109(a)(3) were alleged to be economic disincentives to remining operations. Another commenter found the highwall elimination requirement in proposed § 816.109(a)(3) inconsistent with the objective of reclamation on the ground that it would be economically infeasible for most remining operators to restore preexisting benches to AOC without creating borrow pits on unmined areas to make up the deficit of available spoil. Because remining would improve the stability of unreclaimed benches, the commenter urged that remining operators be responsible only for partial backfilling and grading of preexisting highwalls. Another commenter thought it would be inconsistent with congressional intent to require borrowing from virgin areas to cover preexisting highwalls.

Under final § 816.106(a), AOC restoration is not required of remining operations where the volume of all reasonably available spoil is insufficient to backfill the highwall completely. Instead, the final rule requires that all spoil generated by the remining operation and any other reasonably available spoil located in the permit area be used to eliminate the highwall to the maximum extent technically practical. Under final § 816.106(a)(1), spoil in the immediate vicinity of the remining operation must be included in the permit area and included in determining what constitutes "reasonably available spoil." This provision is in accord with the objectives of the Act and should not impose an undue burden on remining

operations. One commenter was incorrect in asserting that the use of borrow pits is required by final § 816.106(a)(1).

Final § 816.106(a)(1) should eliminate the necessity to create borrow pits, since the elimination of the reaffected or enlarged highwall to the maximum extent technically practical may be accomplished with only the spoil which is reasonably available. Environmental degradation from borrow pits on unmined areas could exceed the benefits of reclaiming preexisting highwalls through remining.

Some of the commenters appeared to misunderstand the meaning of the term "spoil." Under § 701.5, spoil is defined as overburden that has been removed during surface coal mining operations. It does not include undisturbed material in virgin areas. As stated earlier, "reasonably available spoil" is defined in § 701.5 to include spoil and suitable coal mine waste material generated by the remining operation or other spoil or suitable coal mine waste material located in the permit area that is accessible and available for use and that when rehandled will not cause a hazard to public safety or significant damage to the environment.

Two commenters argued that remining operators should be required to use only spoil moved or relocated during road construction, but not the entire depth of spoil on which a road is constructed during mining. Another commenter contended that an operator should not be required to use spoil from areas adjacent to the remining operaton just because it may not be on the downslope. According to the commenter, requiring the operator to do so would only serve to reduce the amount of material available to reclaim the abandoned area when either remining or AML reclamation occurs there.

OSM disagrees with the commenters' positions. The final rule provides only a limited exception to the highwall elimination requirements and provides that spoil generated by remining as well as preexisting spoil in the immediate vicinity of the operation must be used for backfilling unless its rehandling will cause a hazard to public safety or significant damage to the environment. Such a requirement is consistent with the Act's intent to eliminate highwalls to minimize safety, environmental, and aesthetic problems due to unreclaimed highwalls. The exception provided for remining should be a narrow one and should ensure that the highwall is removed to the maximum extent technically practical.

A commenter discussed the possibility of using excess spoil from adjacent mining operations to assist in highwall elimination. On April 29, 1982 (47 FR 18553), OSM issued a final rule that allows disposal of excess spoil on preexisting benches. This was repromulgated on July 19, 1983 (48 FR 32910). Such spoil could be used as appropriate for eliminating highwalls created by a remining operation. Under both rules, the regulatory authority has the flexibility to allow excess spoil created at another location to be used in the reclamation of the remining operation. However, final § 816.106(a)(1) does not require that spoil from another mining operation be used to reclaim the highwall at the remining site unless both operations are within the same immediate vicinity and the spoil from the other operations is legally, as well as physically, available.

Final § 816.106(a)(2) (Proposed § 816.109(a)(4))

Final § 816.106(a)(2) requires that backfill be graded to a slope which is compatible with the approved postmining land use and which provides adequate drainage and long-term stability. This provision was proposed as § 816.109(a)(4). The word "approved" was added to the final rule to ensure that the language of final § 816.106(a)(3) is consistent with references to the "approved postmining land use" in §§ 816.133 and 817.133.

Three commenters suggested that a minimum of 4 feet of nontoxic material should be required to cover the coal seam on any remining site where reasonably available spoil is insufficient. No rationale was offered for this suggestion.

OSM rejects the commenters' suggestion as unnecessary for typical surface mining operations. The final rule requires that remining operations on previously mined lands comply with the § 816.102(f). Under § 816.102(f), exposed coal seams, acid and toxic-forming materials, and combustible materials exposed, used, or produced during mining must be adequately covered with nontoxic and noncombustible material or treated to control the impact on surface and ground water in accordance with § 816.41, to prevent sustained combustion, and to minimize adverse effects on plant growth and the approved postmining land use. This requirement is independent of the exception that allows the incomplete elimination of highwalls because of insufficient reasonably available spoil. There is no exception from the provisions of § 816.102(f).

A separate standard, however, applies to auger mining, where exposed auger holes have historically posed potential water-quality problems and where the quantity of spoil generated by mining is small. This provision, requiring 4 feet of cover over exposed coal seams, is discussed in the final auger mining rule (48 FR 19321, April 28, 1983).

Final § 816.106(a)(3) (Proposed § 816.109(a)(5))

Final § 816.106(a)(3) requires that any remnant of the highwall be stable and not pose a hazard to the public health and safety or to the environment. This provision was proposed in § 816.109(a)(5) which stated that any remaining highwall shall be made stable and not pose a hazard to the public health or safety or to the environment. The word "made" is deleted from the language of the final rule. This change was made for editorial purposes and to recognize that all highwall remnants may not have been created by the remining operation. OSM has replaced the term "remaining highwall" in proposed § 816.109(a)(5) with the term "highwall remnant" in final § 816.106(a)(3) since that term is defined in final § 701.5.

Proposed § 816.109(a)(5) also required the operator to demonstrate the stability of the highwall remnant to the satisfaction of the regulatory authority. This provision is included in final §816.106(a)(3) as proposed.

One commenter took issue with the proposed rule for requiring current operators to ensure the long-term stability of highwalls they had not created. He argued that current operators should be responsible only for ensuring the stability of highwall disturbances which they create and that the regulatory authority should use monies from the State Abandoned Mine Lands Reclamation Funds to pay the costs of ensuring the long-term stability of any remaining highwalls.

OSM disagrees. The issue of financing the stabilization of highwall remnants with monies from the AML Fund is beyond the scope of the present rulemaking. Further, an operator who wishes to remine a previously mined area should ensure that the mining does not result in a condition which would pose a hazard to the public health and safety or to the environment. Under final § 816.106(a)(3), the operator is required to ensure that any portion of the highwall which remains after backfilling and grading of the remining permit area does not pose threats to the environment or public safety. Such a requirement is clearly in accordance with the objectives of the Act.

Final § 816.106(a)(4) (Proposed § 816.109(a)(6))

Final § 816.106(a)(4) requires that spoil placed on the outslope during previous mining operations not be disturbed if such disturbances will cause instability of the remaining spoil or otherwise increase the hazard to the public health and safety or to the environment. This provision was proposed in § 816.109(a)(6), which prohibited the disturbance of spoil placed on the outslope during previous mining operations if such disturbances will cause instability of the remaining spoil or increase the potential for damage to the environment and/or danger to public health and safety.

OSM replaced the phrase "potential for damage" in the proposed rule with the word "hazard" in final § 816.106(a)(4). OSM also added the term "otherwise" before the word "increase" in final § 816.106(a)(4) to indicate that the remining operator is liable for contributing adverse physical impacts to preexisting damages. The reference to "the environment and/or danger to public health and safety" in proposed § 816.109(a)(6) is replaced by a reference to "the public health and safety or to the environment" in final § 816.106(a)(4). This revision was made for editorial purposes and no substantive change is intended.

Several commenters suggested that the phrase "on the outslope" contained in proposed § 816.109(a)(6) be deleted from the language of the final rule to apply the provisions to all preexisting spoil. OSM has rejected this suggestion. Paragraph (a)(4) of the final rule is intended to recognize the special problems associated with spoil placed on the outslope from previous mining operations. Operators should not have difficulty ensuring the stability of spoil left on the bench from such previous operations. Additionally, such spoil would have to be used only if it were reasonably available; that is, it must be accessible and available for use and, when rehandled, not create a hazard. The phrase "on the outslope" was retained in final § 816.106(a)(4) to make it clear that operators are to give special consideration to the reclamation of such previously mined spoils.

Several commenters favored the proposed restriction against the use of preexisting spoil as a means of avoiding increased probability of significant offsite damage resulting from slides and erosion. They urged OSM to include an absolute prohibition in the final rule, since spoil retrieval from the outslope could endanger equipment operators and since there would be no assurance that outslopes disturbed during spoil retrieval could be effectively reclaimed by remining operators.

This suggestion has not been accepted. If there is a safety hazard associated with the handling of preexisting spoil on the outslope in a particular remining operation, final § 816.106(a)(4) will apply. Potential risks in particular operations is not an adequate basis in this instance for general prohibitions. Also, the possibility that remining activities would disturb vegetation on preexisting spoil is insufficient justification for prohibiting the disturbance of such material altogether during remining. In many cases, spoil remaining from previous mining can be reclaimed. Under such circumstances, use of such spoil to reclaim the reaffected highwall is in accord with the objectives of the Act. When preexisting spoil is adversely impacted by remining, the operator is liable for mitigating those impacts under final § 816.106(a)(4). Under Part 816, all disturbed areas, including outslopes from which preexisting spoil is removed, must be reclaimed.

Proposed § 816.109(a)(7)

No comments were received on proposed § 816.109(a)(7), which would have provided that surface drainage from a remining or reprocessing operation shall not be discharged into spoil placed on the outslope by previous mining operations unless such drainage will not cause erosion or decrease stability. The proposed restriction on discharge of surface drainage was considered redundant of other provisions of the remining rules and other provisions of Part 816. Thus it is not included in final § 816.106 to avoid unnecessary repetition.

Under final § 816.106(a)(2), all persons conducting remining operations on previously mined areas are required to grade the backfill to a slope which is compatible with the approved postmining land use and which provides adequate drainage and long-term stability. Final § 816.106(b)(1) prescribes the same general performance standard for grading the backfill in situations where remining does not have an adverse physical impact on the preexisting highwall. Final § 816.95(a) requires that all surface areas, including spoil piles be stabilized and protected from erosion. (48 FR 1160, January 10, 1983.) Taken together, these provisions establish that the operator is responsible for preventing discharges into preexisting spoil on the outslope if surface drainage from the remining operation will cause erosion or decrease stability.

Proposed § 816.109(b)

Proposed § 816.109(b) would have provided that preexisting spoil and coal mine waste moved to allow access to the coal shall be backfilled and graded in the new location in accordance with §§ 816.101–816.103. This requirement was not restated in final § 816.106 since the same requirements apply directly under the backfilling and grading provisions of §§ 816.102–816.107.

Two commenters recommended that § 816.109(b) of the proposed rule be incorporated into proposed §816.109(a) since both requirements would apply to remining sites where insufficient spoil is reasonably available for highwall elimination. Preexisting spoil and suitable waste materials are covered under § 816.106(a) when they are reasonably available.

A commenter claimed that §816.109(b) could be construed as authority for operators to remove preexisting spoil from the remining site and place it in an area for permanent disposal of excess spoil. Because preexisting spoil on the remining site is not excess spoil, the commenter recommended that proposed § 816.109(b) be narrowed to allow for temporary storage of such spoil in another location in anticipation of its later use for backfilling the remined highwall. The commenter also suggested that the final rule include a provision allowing remining operators to move preexisting spoil to another location for highwall elimination there.

Proposed § 816.109(b) was not intended to allow reasonably available spoil to be disposed of as excess spoil rather than to be used for backfilling the highwall under final § 816.106(a). However, final § 816.106 does not preclude an operator from removing preexisting spoil from the remining site to another location for temporary storage (assuming that applicable requirements of Part 816 for temporary storage are also met). Nevertheless, operators are required to return the preexisting spoil to the remining site for use in backfilling the highwall.

Proposed § 186.109(c)

Proposed § 816.109(c) provided that each highwall remnant shall be protected from runoff from the area upslope from the highwall and from the highwall itself. This requirement has not been adopted in the final rule.

Commenters urged OSM to delete the proposed provision from the final rule, given the absence of statutory authority for the requirement that highwall remnants be protected from runoff. Commenters claimed that no technology

could stop runoff from springs and seeps without destroying aquifers intercepted by previous mining operations. They feared that any structure built to divert runoff from above the highwall would direct the runoff into stress cracks, which had been formed in the rock upslope of the highwall edge as a result of excessive blasting during prior mining, thereby causing instability in highwalls which had existed for 20 to 30 years without the protection of permanent diversion ditches. According to commenters, the utility of the proposed rule would also be questionable, since the measures required of remining operations could create additional watershed problems and jeopardize the safety of miners working on the highwall. Commenters claimed that highwalls would remain stable in most situations and recommended that the rule be revised to protect the backfill from erosion and resultant instability. One commenter recommended revision of the proposed rule to provide that "[e]ach highwall remnant shall be protected from *erosion due to* runoff from the area upslope from the highwall and from the highwall itself." [Emphasis added.]

OSM agrees that it is not possible to stop runoff from areas above the highwall. Under the final rule the highwall remnant must be stable, adequate drainage over the backfill must be provided, and the reclaimed area must be compatible with the postmining land use. These standards provide the regulatory authority the flexibility to determine the measures which will be required to direct or convey runoff across the remining site.

Proposed § 816.109(d)

OSM has not adopted proposed § 816.109(d) which would have stated that remining operations in a previously mined area that had been reclaimed to the performance standards of Part 816 were required to reclaim the area to the performance standards of Part 816. This provision is unnecessary for the reasons described below and because the provisions of Part 816 apply by their own terms.

One commenter advocated deletion of proposed § 816.109(d) from the final rule on the ground that the remining rules should not be applicable to areas where the performance standards of Part 816 previously had been met. Another commenter recommended that proposed § 816.109(d) be moved to Paragraph (b) of the proposed rule to clarify that complete highwall elimination would be required of remining operations in areas previously reclaimed to the standards of Part 816 and that proposed § 816.109(a) would allow variances from this requirement only for remining operations on previously mined areas not reclaimed to the standards of Part 816.

OSM agrees that the special remining rules of § 816.106 should not apply to areas where the performance standards of 30 CFR Chapter VII have previously been met. In response to the commenters' concerns, the definition of "previously mined area" was revised to include only those areas which were not reclaimed to the standards of Chapter VII and proposed § 816.109(d) was eliminated from the final rule. Although remining is allowed on areas which were previously reclaimed in accordance with the requirements of Part 816, operations on these areas are required to comply with the performance standards of Part 816, including total elimination of highwalls and complete AOC restoration.

Final § 816.106(b) (Proposed § 816.109(e))

Proposed § 816.109(e) provided that the standards of Paragraphs (a)(1) through (a)(6) of proposed § 816.109 shall not apply if the remining operation will not cause an adverse physical impact on the preexisting highwall. OSM replaced the proposed rule with clarifying language in final § 816.106(b). The final rule states that the requirement of § 816.102 (a)(1) and (a)(2) requiring the elimination of highwalls shall not apply to remining operations that will not cause an adverse physical impact on the preexisting highwall. AOC does not have to be restored only insofar as the unaffected preexisting highwall does not have to be eliminated. Under final § 816.106 (b)(1), these remining operations are required to grade the backfill to a slope which is compatible with the approved postmining land use and which provides adequate drainage and long-term stability. Final § 816.106 (b)(2) also provides that any remnant of the highwall shall be stable and not pose a hazard to the public health and safety or to the environment.

Proposed § 816.109(e) was viewed as a deterrent to remining by commenters who interpreted this section to allow variances from the requirements of restoration to premining AOC and complete backfilling only for remining operations which would not cause any adverse physical impact to the preexisting highwall. Because the environmental benefits of post-remining reclamation would exceed the adverse impacts of remining in almost all cases, the commenters suggested that the exemption be extended to operations which would have an adverse physical impact on the preexisting highwall to encourage remining.

The commenters misunderstood the proposal. Final § 816.106(b) provides an exception from the requirements for highwall elimination and return to AOC that is independent of the provision of § 816.106(a). Final § 816.106(a) allows an exception from the requirements of restoration to premining AOC and complete highwall elimination for any remining operation previously mined areas where the volume of reasonably available spoil is insufficient for completely backfilling a reaffected or enlarged highwall. This exception applies to remining operations which will cause an adverse physical impact on the preexisting highwall. Remining operations which will not cause an adverse physical impact on the preexisting highwall are not subject to § 816.106(a); rather, they are exempt from the highwall elimination requirement under final § 816.106(b).

Commenters found proposed § 816.109(e) deficient for failing to indicate clearly the extent of the remining operators' responsibility for mitigating adverse impacts on the preexisting highwalls, including those created by previous mining operations. They claimed that remining would remain an impractical method of reclamation so long as an operator could be held liable for not preventing all adverse impacts on the area surrounding the site of his remining operation. To encourage remining, they recommended that the word "additional" be inserted before the term "adverse physical impact" in proposed § 816.109(e) and that the proposed reference to "preexisting highwall" be replaced by the phrase "surrounding area" in the final rule.

Two other commenters alleged that remining operators should be responsible only for additional contributions to preexisting impacts, and recommended that a specific prohibition against further degradation of the discharges indentified in proposed § 780.34(b) be added to the language of proposed § 816.109(e).

OSM agrees that the extent of the operators' responsibility for correcting the adverse impacts of remining was unclear from the language of the proposed rule. To eliminate the commenters' concerns, proposed § 816.109(e) was replaced by final § 816.106(b) which specifies the particular mitigation measures required of any remining operation that will not cause an adverse physical impact on the preexisting highwall. Further, the final rule does not impose a burden on

operators to reclaim surrounding areas undisturbed by the remining operation. It addresses only reclamation of preexisting highwalls and not other possible preexisting conditions. The proposal did not extend any special requirements to such areas, and the reclamation responsibility for surrounding areas will depend upon whether or not they are disturbed by the remining operation.

One commenter claimed that the operator should be prohibited from disturbing spoil placed on the outslope during previous mining operations when remining will not adversely impact the preexisting highwall. He suggested that proposed § 816.109(e) be reworded as follows to make the operator responsible for stabilizing preexisting spoil on the outslope even if the preexisting highwall will not be adversely affected by his remining operation:

> If the remining operation will not cause an adverse physical impact on the preexisting highwall, the standards of Paragraphs (a)(1) through (a)(5) shall not apply *with respect to the preexisting highwall.* [Emphasis added.]

The particular standard of concern to the commenter was proposed in the context of determining whether preexisting spoil should be considered reasonably available to cover a reaffected highwall. This suggestion for a general prohibition is rejected as beyond the scope of OSM's authority for the present rulemaking.

Final § 816.106(b) is based on the Board's decisions in *Cedar Coal Co,* 1 IBSMA 145, 154–156 (1979) and *Miami Springs Properties,* 2 IBSMA 399, 403–405 (1980). These cases do not authorize OSM to require disturbance of otherwise undisturbed areas where there would be no adverse physical impact on a highwall.

A commenter advised OSM to add a specific provision to proposed § 816.109(e) requiring the operator to demonstrate to the regulatory authority's satisfaction that remining will not cause any adverse physical impact on the preexisting highwall. This suggestion was rejected as unnecessary. In those situations where an operator asserts that the proposed remining operation will have no adverse physical effect on a preexisting highwall, proof that the remining operation will not have any adverse physical impact on the preexisting highwall would be submitted as part of the operator's reclamation plan for the provisions of § 816.106(b) to apply.

Proposed § 816.109(f)

Proposed § 816.109(f) provided that remining operations on steep slopes shall be conducted in accordance with 30 CFR Part 826. Several commenters recommended that the cross-reference to Part 826 in the proposed rule be replaced with a cross-reference to § 816.107 in view of the fact that OSM proposed to remove requirements for steep slope remining operations from Part 826 and place them in a new § 816.107. (47 FR 26780 June 21, 1982)

The final rule deletes proposed § 816.109(f) from final § 816.106 as unnecessary. The additional performance standards for steep slope operations that are contained in § 816.107 apply by their own terms and need not be cross-referenced. Also, the provisions of final § 816.106 will apply to remining operations on steep slopes.

Final § 816.107(e) became the temporary location for the November 12, 1982, interim final rule on steep slope remining upon the removal of Part 826 (48 FR 23356, May 24, 1983). With the adoption of § 816.106, final § 816.107(e) is unnecessary and thus is removed in this rulemaking. In this context, § 816.107(a) is revised to include reference to § 816.106.

Proposed § 816.109(g)

Proposed § 816.109(g) provided standards applicable to auger remining. Final performance standards for remining by auger mining are included in Part 819 and were addressed in a separate rulemaking. Interested persons should consult the preamble to § 819.19(b)(1–5) for a thorough explanation of the backfilling and grading performance standards applicable to remining of previously mined areas by auger mining. [48 FR 19314 April 28, 1983.]

One commenter suggested that the format of proposed § 816.109 be revised to treat auger mining as part of remining since augering on a previously mined area would be covered under the definition proposed for remining. This suggestion was rejected. Specific requirements for auger mining are fully covered in Part 819 and need not be repeated in Part 816.

Proposed § 816.109(h)

Proposed § 816.109(h) provided that each reprocessing operation conducted by an operator shall comply with all performance standards of Part 816. After considering remarks from several commenters, the proposal was not adopted. The applicability of Part 816 to reprocessing is clear under the definition of "surface coal mining operation" in § 700.5 and need not be repeated.

Commenters questioned the source of OSM's statutory authority to regulate reprocessing activities, relying primarily on the absence of any specific reference to "reprocessing" in the definition of "surface coal mining operations" under Section 701(28) of the Act. They suggested that proposed § 816.109(h) be deleted from the final rule or that the statutory basis of OSM's regulatory jurisdiction over reprocessing operations be specified in the preamble to the final rule.

OSM's authority to regulate reprocessing operations is based on Section 701(28) of the Act. Coal reclamation processes are among the activities covered by the definition of "surface coal mining operations" in Section 701(28) of the Act. *Devil's Hole, Inc. v. USA,* No. 80–4553 (E.D. Pa. Sept. 16, 1982).

Two commenters believed that proposed § 816.109(h) should not be included in a section of the rule allowing variances from the performance standards of Part 816. They claimed the proposed rule should be clarified and placed in a completely separate section of the final rules. One commenter conceded that the proposed rules would relax performance standards for remining operations but argued that those requirements would not ease the burdens imposed on coal reprocessing operations by the existing regulations. Another commenter claimed that reprocessing operations should be subject to compliance with minimum performance standards for reclamation. Commenters also contended that proposed § 816.109(h) failed to take into account the unique characteristics of reprocessing operations originating from underground mines. Since this class of operations lacks depressed haulage inclines, final cuts, and old spoil areas common to operations originating from surface mines, the commenters noted that reprocessing operations originating from underground mines would be compelled to affect previously undisturbed land adjacent to the site to accomplish reclamation as required under Part 816. Given the prohibitive costs of reclaiming these sites, the commenters suggested that OSM treat reprocessing operations originating from underground mines as underground mines, and that OSM use its discretion under Section 516 (b)(10) and (d) of the Act to vary permitting, performance, and bonding requirements for these operations.

OSM rejected the commenters' suggestions. Section 701.5 defines

surface mining activities to include recovery of coal from a deposit that is not in its original location. This applies to reprocessing. Therefore, the requirements for underground mines are inapplicable.

One commenter recommended that coal waste reprocessing operations be required to cover all residual materials by a minimum of 4 feet of overburden and soil to minimize the potential for future toxic problems and achieve effective revegetation and ground cover.

OSM rejected the commenter's suggestion. Among other provisions, § 816.102(f) includes performance standards for cover or treatment of acid- or toxic-forming materials; §§ 816.81–816.83 provide standards for the disposal of coal mine waste; and §§ 816.41–816.57 provide requirements for protection of the hydrologic balance. These standards are applicable to reprocessing and should alleviate the commenter's concerns.

Responses to Other Comments on the Proposed Rule.

Several commenters discussed the relationship between the abandoned mine land reclamation provisions of Title IV of the Act and the environmental performance standards of Title V. One commenter characterized OSM's proposed rules as an apparent attempt to make remining operators responsible for the sort of reclamation projects which should be done under State Abandoned Mine Lands (AML) Programs. A commenter claimed that Section 404 of the Act should be amended to allow the Secretary and the States to spend AML monies on lands abandoned, both before and after passage of the Act, wherever the need is greater. OSM disagrees with both commenters' positions. The final rule does not require an operator to remine previously mined areas. It merely provides standards for reclamation if remining does occur. The extension of Title IV to cover mine lands abandoned after the passage of the Act on August 3, 1977 is an issue beyond the scope of the present rulemaking and is not authorized by the Act.

One commenter recommended that operations for reprocessing coal waste from underground mines be classified as AML projects under Title IV of the Act when minimal environmental controls are implemented by these operations. Another commenter suggested that monies from the AML Program be used by the regulatory authority to compensate remining operators for any mitigation measures they would be required to take with respect to preexisting highwalls which they did not create. A commenter added that operators should be required to replace only spoil disturbed by remining and that replacement of any other spoil should be the responsibility of the regulatory authority under the State's AML Program. The issue of subsidizing remaining activities with monies from the AML Fund is also beyond the scope of this rulemaking. However, activities that are surface coal mining operations are governed by Title V of the Act.

Commenters claimed that potential responsibility for permanent treatment of preexisting pollutant discharges would discourage remining operations. To promote remining as a means of reclamation, one commenter suggested that the following provision be added to proposed § 816.109:

> The operator when remining or reprocessing previously mined areas shall be exempt from the effluent limitations of § 816.42 of the subchapter where there has been a prexisting discharge not made substantially worse by the remining or reprocessing and the operator meets the other requirements of this section.

Because acid drainage would be reduced by coal removal through remining and by revegetation during reclamation of the remined area, other commenters contended that remining activities would bring environmental improvements over preexisting conditions and produce results similar to reclamation projects under the AML Program. They recommended the following provision for addition to § 816.109(a) of the proposed rule as a stimulus to remining operations:

> (8) Preexisting poor quality surface or ground water discharges and background conditions identified in § 780.34(a)(2) (or § 780.34(b)) shall not be further degraded after remining.

Under the commenters' recommended language, preexisting discharges and background conditions which did not meet effluent limitations would be allowed to remain during and after remining if they were unaffected by the remining operation.

These suggestions were not included in the final rule since they exceed the scope of the present rulemaking.

A commenter recommended that a specific requirement for placement of any new spoil on the solid portion of existing benches be added to the final remining rule. OSM did not accept this recommendation. Sections 816.102 and 816.106 provide for the backfill of remined areas. Under these requirements the area must be returned to AOC with elimination of highwalls unless the exception of § 816.106 is applicable. Under these sections the backfill must be stable. The regulatory authority will have the flexibility to require that it be placed only on the solid portion of the bench if necessary to meet this requirement.

Final § 817.106

Final § 817.106 specifies backfilling and grading performance standards for remining conducted as an underground coal mining operation which are identical to those required of remining conducted as a surface coal mining operation. For the provisions established by this rulemaking, there are no distinct differences between surface mining activities and underground mining activities that require differing treatment in Part 817. With the addition of Section 516 of the Act, the sources of authority for § 817.106 are the same as those for § 816.106. Interested persons should consult the preamble of final § 816.106 for explanation of the requirements applicable to remining conducted as an underground coal mining or reclamation operations under final § 817.106.

III. Procedural Matters

Executive Order 12291 and Regulatory Flexibility Act

The Department of the Interior (DOI) has examined these proposed rules according to the criteria of Executive Order 12291 (February 17, 1981). OSM has determined that these are not major rules and do not require a regulatory impact analysis since they will impose minor costs on the coal industry and coal consumers. In addition, the final rules emphasize the use of performance standards instead of design criteria, thereby allowing operators to utilize the most cost-effective means of achieving compliance.

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the Department determined that these rules will not have a significant economic impact on a substantial number of small entities. The final rules allow small coal operators increased flexibility in meeting performance standards and should ease the regulatory burdens, especially for small coal mining operators in Appalachia.

National Environmental Policy Act

OSM analyzed the impacts of these final rules in the "Final Environmental Impact Statement OSM EIS–1: Supplement," pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1968 (NEPA) (42 U.S.C. 4332(2)(C)). The final supplement is available in OSM's Administrative Record in Room 5315, 1100 L Street NW.,

Washington, D.C., or by mail request to Mark Boster, Chief, Branch of Environmental Analysis, Room 134, Interior South Building, U.S. Department of the Interior, Washington, DC 20240. This preamble serves as the record of decision under NEPA. The final rule is different from the draft final rules published in Volume III of the final EIS in that several paragraphs have been reorganized and additional clarifying language was added to the rule. These revisions do not change the EIS analysis.

Federal Paperwork Reduction Act

The information collection requirements in 30 CFR Parts 816 and 817 were approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3507 and assigned clearance numbers 1029-0047 and 1029-0048. This approval is codified under the new §§ 816.10 and 817.10. The information required by 30 CFR Parts 816 and 817 would be used by the regulatory authority in monitoring and inspecting surface and underground mining activites to ensure that they are conducted in a manner which preserves and enhances environmental and other values under the Act. The information required by 30 CFR Parts 816 and 817 is mandatory.

Agency Approval

Section 516(a) of the Act requires that, with regard to rules directed toward the surface effects of underground mining, OSM obtain written concurrence from the head of the department which administers the Federal Mine Safety and Health Act of 1977, the successor to the Federal Coal Mine Health and Safety Act of 1969. In accordance with this requirement, OSM obtained the written concurrence of the Assistant Secretary for Mine Safety and Health, U.S. Department of Labor.

List of Subjects

30 CFR Part 701

Coal mining, Law enforcement, Surface mining, Underground mining.

30 CFR Part 816

Coal mining, Environmental protection, Reporting requirements, Surface mining.

30 CFR Part 817

Coal mining, Environmental protection, Reporting requirements, Underground mining.

Accordingly, 30 CFR Parts 701, 816, and 817 are amended as set forth herein.

Dated: September 12, 1983.

Larry D. Cardwell,

Acting Deputy Assistant Secretary, Energy and Minerals.

PART 701—PERMANENT REGULATORY PROGRAM

1. Section 701.5 is amended by adding, in alphabetical order, the definitions of "adverse physical impact," "highwall remnant," "previously mined area," "reasonably available spoil," and "remining" to read as follows:

§ 701.5 Definitions.

* * * * *

Adverse physical impact means, with respect to a highwall created or impacted by remining, conditions, such as sloughing of material, subsidence, instability, or increased erosion of highwalls, which occur or can reasonably be expected to occur as a result of remining and which pose threats to property, public health, safety, or the environment.

* * * * *

Highwall remnant means that portion of highwall that remains after backfilling and grading of a remining permit area.

* * * * *

Previously mined area means land disturbed or affected by earlier coal mining operations that was not reclaimed in accordance with the requirements of ths chapter.

* * * * *

Reasonably available spoil means spoil and suitable coal mine waste material generated by the remining operation or other spoil or suitable coal mine waste material located in the permit area that is accessible and available for use and that when rehandled will not cause a hazard to public safety or significant damage to the environment.

* * * * *

Remining means conducting surface coal mining and reclamation operations which affect previously mined areas.

* * * * *

PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES

§ 816.102 [Amended]

2. Section 816.102(k)(3)(iii) is revised by removing the reference to § 816.107(e) and inserting a reference to § 816.106 in its place.

3. Section 816.106 is added to read as follows:

§ 816.106 Backfilling and grading: Previously mined areas.

Remining operations on previously mined areas that contain a preexisting highwall shall comply with the requirements of §§ 816.102-816.107 of this chapter, except as provided in this section.

(a) The requirements of § 816.102 (a)(1) and (a)(2) requiring the elimination of highwalls shall not apply to remining opertions where the volume of all reasonably available spoil is demonstrated in writing to the regulatory authority to be insufficient to completely backfill the reaffected or enlarged highwall. The highwall shall be eliminated to the maximum extent technically practical in accordance with the following criteria:

(1) All spoil generated by the remining operation and any other reasonably available spoil shall be used to backfill the area. Reasonably available spoil in the immediate vicinity of the remining operation shall be included within the permit area.

(2) The backfill shall be graded to a slope which is compatible with the approved postmining land use and which provides adequate drainage and long-term stability.

(3) Any highwall remnant shall be stable and not pose a hazard to the public health and safety or to the environment. The operator shall demonstrate, to the satisfaction of the regulatory authority, that the highwall remnant is stable.

(4) Spoil placed on the outslope during previous mining operations shall not be disturbed if such disturbances will cause instability of the remaining spoil or otherwise increase the hazard to the public health and safety or to the environment.

(b) The requirements of § 816.102 (a)(1) and (a)(2) requiring the elimination of highwalls shall not apply to remining operations that will not cause an adverse physical impact on the preexisting highwall. Such remining operations shall comply with the following:

(1) The backfill shall be graded to a slope which is compatible with the approved postmining land use and which provides adequate drainage and long-term stability.

(2) Any highwall remnant shall be stable and not pose a hazard to the public health and safety or to the environment.

§ 816.107 [Amended]

4. In § 816.107, paragraph (a) is revised by removing the reference to § 816.102 and inserting §§ 816.102-

816.106 in its place and paragraph (e) is removed.

PART 817—PERFORMANCE PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES

§ 817.102 [Amended]

5. Section 817.102(k)(2) is revised by removing the reference to § 816.107(e) and inserting § 816.106 in its place.

6. A new § 817.106 is added to read as follows:

§ 817.106 Backfilling and grading: Previously mined areas.

Remining operations on previously mined areas that contain a preexisting highwall shall comply with the requirements of §§ 817.102-817.107 of this chapter, except as provided in this section.

(a) The requirements of § 817.102 (a)(1) and (a)(2) requiring that elimination of highwalls shall not apply to remining operations where the volume of all reasonably available spoil is demonstrated in writing to the regulatory authority to be insufficient to completely backfill the reaffected or enlarged highwall. The highwall shall be eliminated to the maximum extent technically practical in accordance with the following criteria:

(1) All spoil generated by the remining operation and any other reasonably available spoil shall be used to backfill the area. Reasonably available spoil in the immediate vicinity of the remining operation shall be included within the permit area.

(2) The backfill shall be graded to a slope which is compatible with the approved postmining land use and which provides adequate drainage and long-term stability.

(3) Any highwall remnant shall be stable and not pose a hazard to the public health and safety or to the environment. The operator shall demonstrate, to the satisfaction of the regulatory authority, that the highwall remnant is stable.

(4) Spoil placed on the outslope during previous mining operations shall not be disturbed if such disturbances will cause instability of the remaining spoil or otherwise increase the hazard to the public health and safety or to the environment.

(b) The requirements of § 817.102 (a)(1) and (a)(2) requiring the elimination of highwalls shall not apply to remining operations that will not cause an adverse physical impact on the preexisting highwall. Such remining operations shall comply with the following:

(1) The backfill shall be graded to a slope which is compatible with the approved postmining land use and which provides adequate drainage and long-term stability.

(2) Any highwall remnant shall be stable and not pose a hazard to the public health and safety or to the environment.

§ 817.107 [Amended]

7. In § 817.107, paragraph (a) is revised by removing the reference to § 817.102 and inserting §§ 817.102–817.106 in its place and paragraph (e) is removed.

(Pub L. 95–87, 30 U.S.C. 1201 *et seq.*)

[FR Doc. 83-25284 Filed 9-15-83; 8:45 am]

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Friday
September 16, 1983

Part IV

Department of the Interior

Bureau of Land Management

Onshore Oil and Gas Operations; Implementation of the Federal Oil and Gas Royalty Management Act of 1982; Proposed Rule

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3160

Onshore Oil and Gas Operations; Implementation of the Federal Oil and Gas Royalty Management Act of 1982

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking would revise the existing regulations by adding new provisions pertaining to operations on onshore Federal and Indian (except Osage) oil and gas leases to implement those portions of the Federal Oil and Gas Royalty Management Act of 1982 which apply to onshore field operations. This proposed rulemaking does not address those portions of the Federal Oil and Gas Royalty Management Act pertaining to onshore leasing, Outer Continental Shelf operations or revenue accountability, except to the extent that the onshore leasing revenue accountability provisions affect or interact with field operations.

DATE: Comments should be submitted by October 31, 1983. Comments received or postmarked after that date may not be considered in the decisionmaking process on the final rulemaking.

ADDRESS: Comments should be sent to: Director (140), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT:
Mr. Gerald R. Daniels, (703) 860–7535, (FTS) 928–7535
or
Mr. Robert C. Bruce, (202) 343–8735

SUPPLEMENTARY INFORMATION: The principal authors of this proposed rulemaking are Eddie R. Wyatt, Gerald R. Daniels, Gilbert O. Lockwood and Stephen H. Spector, all of the Washington Office of the Bureau of Land Management, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

On January 12, 1983, the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701) was signed into law. The Federal Oil and Gas Royalty Management Act is a comprehensive Act dealing with royalty management for oil and gas leases on the Outer Continental Shelf and on Federal and restricted Indian lands onshore. Operations on leases within the Osage Indian Reservation in Oklahoma were excepted from the Act. In addition to purely revenue accountability and Outer Continental Shelf operational matters, the Act also deals with onshore field operations requirements; inspections; cooperation with States and Indian Tribes; duties of lessees, operators, other interest owners in leases, and transporters and purchasers of oil and gas; and reinstatement of onshore leases terminated by operation of law.

On December 3, 1982, and February 7, 1983, the Secretary of the Interior issued orders which abolished the Mineral Management Board and consolidated onshore minerals management functions of the Department of the Interior (48 FR 8983, March 2, 1983). By this action, the Secretary delegated authority to administer onshore minerals operations to the Director, Bureau of Land Management, and to administer revenue accountability functions to the Director, Minerals Management Service. Thus, the proposed rulemaking that would implement the Federal Oil and Gas Royalty Management Act will be promulgated by both the Bureau of Land Management and the Minerals Management Service under various appropriate sections of 43 CFR Group 3000 and 30 CFR Parts 202 et seq. Sections 221.1 through 221.99, 221.104 and 221.117 of Title 30 CFR Part 221 were recently redesignated as Title 43 CFR Part 3160 and §§ 221.100—221.123 (exclusive of §§ 221.104 and 221.117) were recently redesignated as 30 CFR Part 202, et seq. Therefore, those portions of the Act affecting Outer Continental Shelf leases, purely revenue accountability matters, and onshore Federal oil and gas lease reinstatement, will be addressed in separate rulemakings.

Proposed amendments of and additions to Title 43 CFR Part 3160 are as follows:

The Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701) is added to the authority citations. The Indian Mineral Development Act of 1982 (Pub. L. 97–382) has also been added to the authority citations though it has little effect on this rulemaking.

The definitions in section 3 of the Federal Oil and Gas Royalty Management Act are at variance with definitions appeariung in § 3160.0–5 of the existing regulations. Therefore, the definition for "leased land, leasehold" has been removed and six others have been added or amended, i.e., "authorized representative," "Federal lands," "lease," "lease site," "lessee," and "person."

The inspection responsibilities and authority to enter into cooperative agreements, to delegate authority to States and to contract the inspection functions, as set forth in sections 101(b)(1), 202(a), 205(a), and 301(c) of the Federal Oil and Gas Royalty Management Act, have been incorporated by adding a new § 3161.3.

The inspection authorities in section 108 (b) and (c) of the Federal Oil and Gas Royalty Management Act were incorporated by redesignating the first paragraph of § 3162.1 as (a) and adding new paragraphs (b) and (c).

The requirement and procedures for 5th business day reporting of new or resumed production appearing in section 102(b)(3) of the Federal Oil and Gas Royalty Management Act have been incorporated by revising existing paragraph (c) of § 3162.4–1. The recordkeeping and retention requirements for well and facility records and production records appearing in sections 103(a) and 103(b) of the Act have been incorporated by adding a new paragraph (d) to § 3162.4–1.

The requirement to provide facility diagrams appearing at paragraph (b) of § 3162.7–2 and paragraph (b) of § 3162.7–3 have been removed since they are duplicated by paragraph (d) of § 3162.7–4.

The requirement for transporters to possess documentation of their removal of oil from a lease and to maintain records of their removal of oil or gas from a lease, the authority for inspectors to stop trucks both on and off a lease to verify the possession of the oil removal documentation, and the records retention period for this type of record, as required by sections 102(c)(1), 102(c)(2), 108(a)(1), 108(a)(2), and 103(b) of the Federal Oil and Gas Royalty Management Act, have been incorporated by revising paragraph (c) of § 3162.7–1.

The expanded royalty obligaton for lost or wasted oil or gas appearing in section 308 of the Federal Oil and Gas Royalty Management Act has been incorporated by adding a new sentence to paragraph (d) of § 3162.7–1.

Site security regulations and plans required by section 102(b)(1) were the subject of separate, earlier rulemaking under 30 CFR 221.37 (48 FR 31798, July 11, 1983) and now appear at § 3162.7–4 in the existing regulations.

Protection of trade secrets, proprietary, and other confidential information which would be provided to States and Indian Tribes under section

203(a), the wrongful disclosure provision of section 203(b) the Federal Oil and Gas Royalty Management Act, and the protection of confidential information provided to States and Indian Tribes required by section 203(c) of the Act have been incorporated by adding new paragraphs (e), (f), and (g) to § 3162.8.

Specific authority to assess civil and criminal penalties for violation of any requirement of the Federal Oil and Gas Royalty Management Act, any mineral leasing law, any rule or regulations issued under those laws or the terms or conditions of any lease or permit issued thereunder and the procedures for assessing the civil and criminal penalties appearing in sections 109 and 110 of the Act have been incorporated by revising the existing general language of § 3163.4 redesignated as § 3163.4–1(a), specifically adding § 3163.4–1(b) for civil penalties under the Act, and adding § 3163.4–2 for criminal penalties. Existing assessment and penalty regulations were promulgated on October 27, 1982 (47 FR 47748), under authority of the Mineral Leasing Act of 1920 and other mineral leasing laws. A new § 3163.4–1(b)(9) has been added to incorporate section 304(a) of the Act. Section 304(a) of the Act directs that civil penalties under section 109 of the Act are to be in addition to any other assessments for noncompliance and penalties under any other law. The public is requested to carefully study these new sections and submit their specific comments as to the relationship between the existing penalties and those provided for in the Act.

The Bureau of Land Management has prepared a preliminary listing of violations which may be encountered during the inspection of operational activities. This listing will be used as an internal document to guide Bureau personnel in applying the provisions of §§ 3163.4–1 (d)(1), (d)(2) and (d)(3) of the proposed rulemaking (i.e., categorizing individual violations as being of minor, moderate or major gravity). This preliminary listing is considered comprehensive, but not all inclusive. A copy of this preliminary listing may be obtained upon request to either of the persons listed earlier in this preamble as contacts for further information. The public may submit comments as to the appropriateness of the gravity attached to each violation in the preliminary listing. These comments will be carefully reviewed as part of the decisionmaking process on the finalization of the final listing. The final listing will be made part of the Bureau's Manual.

A new § 3163.6 has been added to implement the provisions appearing at section 112 of the Federal Oil and Gas Royalty Management Act to recognize the specific authority for the Attorney General of the United States to bring civil action for violations of the Act.

Provisions pertaining to payment of assessments and administrative penalties appearing at § 3163.5 (a) and (b) have been amended to incorporate the payment provisions in section 109 of the Federal Oil and Gas Royalty Management Act.

Since section 109 of the Federal Oil and Gas Royalty Management Act prescribes a review procedure for civil penalties separate and apart from normal appeal procedures, the appeal processes described in § 3163.4 referring to 43 CFR 4 and 25 CFR 2 are conditioned accordingly.

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291. Even though the proposed rule establishes new and substantial penalties for violation of law, regulations, lease terms or directives, the cost or economic effect will be minimal or non-existent so long as lessees and operators comply with the existing requirements. Cooperative agreements with States or Indian Tribes, delegations of authority to the States or contractor performed inspections will have no economic effect or cost to industry as this rule only addresses who may be authorized to conduct various regulatory activities.

The Department of the Interior has also determined that this rulemaking will not have a significant economic effect on a substantial number of small entities and does not require a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.). If there are no violations, no penalties will be assessed. There will be no economic effect on small entities because of State and Indian Tribe inspection activities if operations are in order. The additional authorities and responsibilities of the Secretary of the Interior will have no effect on small entities.

The proposed rulemaking does not impose any additional recordkeeping or reporting requirements on any entity. The information collection requirements have been approved by the Office of Management and Budget and assigned clearance numbers 1004–0134, 1004–0135, 1004–0136, 1004–0137, and 1004–0138.

It is hereby determined that this proposed rulemaking does not constitute a major Federal action significantly affecting the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

List of Subjects in 43 CFR Part 3160

Government contracts, Mineral royalties, Oil and gas exploration, Oil and gas production, Public lands—minerals resources, Indian lands—minerals resources, Reporting and recordkeeping requirements.

Under the Authority of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701) and Executive Order 12291 (46 FR 13193), it is proposed to amend Part 3160, Group 3100, Subchapter C, Chapter II of Title 43 of the Code of Federal Regulations as set forth below:

PART 3160—ONSHORE OIL AND GAS OPERATIONS

1. The authority citation for Part 3160 is amended by adding the phrase "the Federal Oil and Gas Royalty Management Act of 1982 [30 U.S.C. 1701]; and the Indian Mineral Development Act of 1982 [25 U.S.C. 2102]."

§ 3160.0–5 [Amended]

2. Section 3160.0–5 is amended by:

A. Adding the term *Authorized Representative* to read:

Authorized Representative. Any entity or individual authorized by the Secretary to perform duties by cooperative agreement, delegation, or contract.

B. Adding the term *Federal Lands* to read:

Federal Lands. All lands and interests in lands owned by the United States which are subject to the mineral leasing laws, including mineral resources or mineral estates reserved to the United States in the conveyance of a surface or nonmineral estate.

C. Revising the term *Lease* to read:

Lease. Any contract, profit-share arrangement, joint venture, or other agreement issued or approved by the United States under a mineral leasing law that authorizes exploration for, extraction of, or removal of oil or gas.

D. Removing the term *Leased Lands, Leasehold;*

E. Adding the term *Lease Site* to read:

Lease Site. Any lands, including the surface of a severed mineral estate, on which exploration for, or extraction and removal of, oil or gas is authorized pursuant to a lease.

F. Revising the term *Lessee* to read:

Lessee. The party authorized by or through a lease or an approved assignment thereof, to explore for, develop, and produce oil and gas on the lease site in accordance with the lease terms, regulations, and law. For convenience of reference throughout this part, the term lessee also refers to and includes the owners of approved operating rights and designated operators.

G. Adding the term *Person* to read:

Person. Any individual, firm, corporation, association, partnership, consortium or joint venture.

3. A new section 3161.3 is added to read:

§ 3161.3 Inspections.

(a) The authorized officer shall establish procedures to ensure that each lease site or cooperative agreement site which is producing or is expected to produce significant quantities of oil or gas in any 1 year or which has a history of noncompliance with applicable provisions of law or regulations, lease terms, orders or directives shall be inspected at least once annually.

(b) In accomplishing the inspections, the authorized officer may utilize Bureau Personnel, may enter cooperative agreements with States or Indian Tribes, may delegate the inspection authority to any State, or may contract with non-Federal Governmental entities. Any cooperative agreement, delegation, or contractual arrangement shall not be effective without concurrence of the Secretary and shall include applicable provisions of the Federal Oil and Gas Royalty Management Act.

§ 3162.1 [Amended]

4. Section 3162.1 is amended by designating the existing paragraph as paragraph (a) and adding new paragraphs (b) and (c) to read:

(b) The lessee shall permit properly identified authorized representatives to enter upon, travel across and inspect lease sites and records normally kept on the lease pertinent thereto without advance notice. Such permission shall include access to secured facilities on such lease sites for the purpose of making any inspection or investigation for determining whether there is compliance with the mineral leasing laws, the regulations in this part, and any applicable orders, notices or directives.

(c) For the purpose of making any inspection or investigation, the Secretary or his authorized representative shall have the same right to enter upon or travel across any lease site as the lessee or operator has acquired by purchase, condemnation or otherwise.

§ 3162.4-1 [Amended]

5. Section 3162.4-1 is amended by:

A. Revising paragraph (c) to read:

(c) Not later than the 5th business day after any well begins production anywhere on a lease site or allocated to a lease site, or resumes production in the case of a well which has been off production for more than 90 days, the operator shall notify the authorized officer by letter or sundry notice, Form 9-331, or orally to be followed by a letter or sundry notice, of the date on which such production has begun or resumed.

B. Adding a new paragraph (d) to read:

(d) All records and reports required by this section shall be maintained for so long as the lease remains in effect or for 6 years, which ever is greater. In addition, if the Secretary, or his/her designee notifies the recordholder that the Department of the Interior has initiated or is participating in an audit or investigation involving such records, the records shall be maintained until the Secretary, or his/her disgnee, releases the recordholder from the obligation to maintain such records.

§ 3162.7-1 [Amended]

6. Section 3162.7-1 is amended by revising paragraphs (c) and (d) to read:

(c) Any person engaged in transporting by motor vehicle any oil from any lease site, or allocated to any such lease site, shall carry on his/her person, in his/her vehicle, or in his/her immediate control, documentation showing at a minimum: the amount, origin, and intended first destination of the oil. Any person engaged in transporting any oil or gas by pipline from any lease site, or allocated to any lease site, shall maintain documentation showing, at a minimum, the amount, origin, and intended first destination of such oil or gas. On any lease site, any authorized representative who is properly identified may stop and inspect any motor vehicle that he/she has probable cause to believe is carrying oil from or allocated to such lease site to determine whether the driver possesses proper documentation for the load of oil. Any authorized representative who is properly identified and who is accompanied by an appropriate law enforcement officer, or an appropriate law enforcement officer alone, may stop and inspect any motor vehicle which is not on a lease site if he/she has probable cause to believe the vehicle is carrying oil from a lease site, or allocated to a lease site to determine whether the driver possesses proper documentation for the load of oil. Any records generated under this section shall be maintained for 6 years from the date they were generated, or if notified by the Secretary, or his designee, that such records are involved in an audit or investigation, the records shall be maintained until the recordholder is released by the Secretary from the obligation to maintain them.

(d) The lessee shall conduct operations in such a manner as to prevent avoidable loss of oil and gas. A lessee shall be liable for royalty payments on oil or gas lost or wasted from a lease site, or allocated to a lease site, when such loss or waste is due to negligence on the part of the lessee of such lease, or due to the failure of the lessee to comply with any regulation, order or citation issued pursuant to this part.

§ 3162.7-2 [Amended]

7. Section 3162.7-2 is amended by removing from the beginning of the first paragraph the figure "(a)" and by removing paragraph (b) in its entirety.

§ 3162.7-3 [Amended]

8. Section 3162.7-3 is amended by removing from the beginning of the first paragraph the figure "(a)" and by removing paragraph (b) in its entirety.

§ 3162.8 [Amended]

9. Section 3162.8 is amended by adding new paragraphs (e), (f) and (g) to read:

(e) Trade secrets, proprietary and other confidential information obtained pursuant to this part shall be made available to States and Indian Tribes upon their request for the purpose of conducting an investigation if:

(1) such State or Indian Tribe consents in writing to restrict the dissemination of the information to those who are directly involved in an investigation under a cooperative agreement approved by the Secretary, and who need to know;

(2) such State or Indian Tribe accepts liability for wrongful disclosure;

(3) in the case of a State, such State demonstrates that such information is essential to the conduct of an investigation or to litigation; and

(4) in the case of an Indian Tribe, such Tribe demonstrates that such information is essential to the conduct of an investigation and waives sovereign immunity by express consent for wrongful disclosure by such Tribe.

(f) The United states shall not be liable for the wrongful disclosure by any

individual, State, or Indian Tribe of any information provided to such individual, State, or Indian Tribe pursuant to any cooperative agreement or a delegation.

(g) Whenever any individual, State or Indian Tribe has obtained possession of information pursuant to a cooperative agreement or any individual or State has obtained possession of information pursuant to a delegation of authority, the individual shall be subject to the same provisions of law with respect to the disclosure of such information as would apply to an officer or employee of the United States or of any Department or agency thereof and the State or Indian tribe shall be subject to the same provisions of law with respect to the disclosure of such information as would apply to the United States or any Department or agency thereof. No State or State officer or employee who receives trade secrets, proprietary information or other confidential information under this Act may be required to disclose such information under State Law.

§ 3163.3 [Amended]

10. Section 3163.3 is amended by amending paragraph (e) by inserting immediately prior to the figure "$100" the phrase "or a production facility,".

§ 3163.4 [Amended]

11. Section 3163.4 is amended by removing all after the title and by adding new section 3163.4–1 and 3163.4–2 to read:

§ 3163.4–1 Administrative penalties.

(a) *Mineral Leasing Act* (1) Whenever a lessee fails to comply with any provisions of the lease, the regulations in this part, applicable orders or notices, or any other appropriate orders of the authorized officer or his/her representative, the authorized officer shall give the lessee notice in writing to remedy any defaults or violations.

(2) Failure by the lessee to complete the necessary remedial action within the time and in the manner prescribed by the notice may:

(i) Subject the lessee to a penalty of not more than $1,000 per day for each day the violation continues beyond the date specified in the notice;

(ii) Subject the lease to cancellation proceedings pursuant to subpart 3108 of this title for Federal leases or provisions of Title 25 CFR Parts 211, 212, 213, and 227 for Indian leases; or

(iii) Result in both a penalty and lease cancellation proceeding.

(3) A notice of proposed penalty shall be issued and served by personal service by an authorized officer or by "Certified Mail." Any person may designate a representative to receive any notice on their behalf. Any person authorized by the lessee to submit reports, notices, affidavits, records, or other information required by regulations in this part or who is authorized by the lessee to conduct or supervise operations subject to regulations in this part may receive the notices. If no designation pertaining to that lease has been filed, the notice shall be served as previously described. A person charged with a violation under this paragraph (a) shall have 30 days after receipt of notice to either request a hearing or pay the proposed penalty. Hearings under this subpart shall be held by the appropriate State Director whose findings shall be conclusive unless an appeal is taken pursuant to Part 4 of this title.

(b) *Federal Oil and Gas Royalty Management Act* (1) In addition to any penalty imposed under paragraph (a) of this section whenever a lessee fails or refuses to comply with any applicable requirements of the Federal Oil and Gas Royalty Management Act, any mineral leasing law, any rule or regulation thereunder, or the terms of any lease or permit issued thereunder, the authorized officer shall notify the lessee in writing of the violation, unless the violation was discovered and reported to the authorized officer by the liable person. If the violation is not corrected within 20 days of such notice or report, or such longer time as the authorized officer may agree to in writing, the lessee shall be liable for a civil penalty of up to $500 per violation for each day such violation continues, dating from the date of such notice or report.

(2) If the violation specified in paragraph (1) of this paragraph is not corrected within 40 days of such notice or report, or a longer period as the authorized officer may agree to in writing, the lessee shall be liable for a civil penalty of not more than $5,000 per violation for each day the violation continues, dating from the date of such notice or report.

(3) Whenever a transporter fails to permit inspection of proper documentation by any authorized representative, as provided in § 3162.7–1(c) of this title, the transporter shall be liable for a civil penalty of up to $500 per day for the violation, dating from the date of notice of the failure to permit inspection and continuing until the proper documentation is provided.

(4) Any person who:

(i) Fails or refuses to permit lawful entry or inspection authorized by § 3162.1(b) of this title; or

(ii) Knowingly or willfully fails to notify the authorized officer by letter or Sundry Notice, Form 9–331, or orally to be followed by a letter or Sundry Notice, not later than the 5th business day after any well begins production, or resumes production in the case of a well which has been off of production for more than 90 days, from a well located on a lease site, or allocated to a lease site, of the date on which such production began or resumed; shall be liable for a civil penalty of up to $10,000 per violation for each day such violation continues.

(5) Any person who:

(i) Knowingly or willfully prepares, maintains or submits false, inaccurate or misleading reports, notices, affidavits, records, data or other written information required by this part; or

(ii) Knowingly or willfully takes or removes, transports, uses or diverts any oil or gas from any Federal or Indian lease site without having valid legal authority to do so; or

(iii) Purchases, accepts, sells, transports or conveys to another any oil or gas knowing or having reason to know that such oil or gas was stolen or unlawfully removed or diverted from a Federal or Indian lease site; shall be liable for a civil penalty of up to $25,000 per violation for each day such violation continues.

(6) No civil penalty under paragraph (b) of this section shall be assessed until the person charged with a violation has been given the opportunity for a hearing on the record. Notice of the proposed civil penalty shall be by personal service by the authorized officer or by certified mail. Any person may designate a representative to receive any notice on their behalf. Any person who is authorized by the lessee or operator to submit reports, notices, affidavits, records, data or other information required by this part or who is authorized by the lessee or operator to conduct or supervise operations subject to regulations in this part may receive the notices. If no designation has been filed, the notice shall be served as previously described. A person charged with a violation and who is served with a proposed civil penalty under paragraph (b) of this section shall have 30 days after receipt of notice to either request a hearing on the record or to pay the proposed civil penalty. Hearings under this part shall be held by the appropriate State Director whose findings shall be conclusive unless an appeal is taken pursuant to Part 4 of this title.

(7) On a case-by-case basis, the Secretary may compromise or reduce civil penalties under paragraph (b) of this section. In compromising or reducing the amount of a civil penalty

under paragraph (b) of this section, the Secretary shall state on the record the reasons for his/her determinations. The amount of any civil penalty under this paragraph, as finally determined, may be deducted from any sums owing by the United States to the person charged.

(8) Any person who has requested a hearing in accordance with paragraph (b)(6) of this section and who is aggrieved by a final order of the Secretary under this section may seek review of such order in the United States District Court for the judicial district in which the alleged violation occurred. Review by the district court shall be on the administrative record only and not de novo. Such an action shall be barred unless filed within 90 days after the Secretary's final order.

(9) Civil penalties provided by this section shall be supplemental to, and not in derogation of, any other penalties or assessments for noncompliance in this title.

(c) If any person fails to pay an assessment of a civil penalty under paragraph (b) of this section after the order making the assessment has become a final order, and if such person does not file a petition for judicial review in accordance with this subpart, or, after a court in an action brought under this subpart has entered a final judgment in favor of the Secretary, the court shall have jurisdiction to award the amount assessed plus interest from the date of the expiration of the 90-day period provided by paragraph (b)(8) of this section. Judgment by the court shall include an order to pay.

(d) The common drilling, production and abandonment related violations are categorized into 3 noncompliance ranges. The category for any violation is the gravity level to be used for that violation. The inspector may, based on individual circumstances, upgrade the enforcement category level. The Director shall establish a detailed list of potential violations. The violations shall be either:

(1) A minor violation does not affect the safety of the workplace, nor does it degrade the environment or affect the amount of royalty income; or

(2) A moderate violation, if left uncorrected, may eventually affect the safety of the workplace, degrade the environment and/or affect royalty income; or

(3) A major violation has the immediate potential to affect the safety of the workplace, degrade the environment and/or affect the royalty income.

(e) Determination of Penalty Amount for paragraphs (a) and (b) of this section are as follows:

(1) The amount of the administrative penalty proposed shall be based upon the formula set forth in this subsection. The formula is based on 2 criteria: i.e., the gravity of the violation; and the lessee's or transporter's history of previous violations;

(2) The appropriate number of penalty points shall be assigned to each criterion using the appropriate tables as denoted and the 2 numbers shall then be totaled, and the point accumulation converted into a dollar per day amount by using Penalty Conversion Table A, B, C or D, as appropriate, and the amounts added, if necessary.

(3) Table I—Gravity of the Violation:

Classification	Penalty points
Minor violations	11
Moderate violations	41
Major violations	71

(4) Table II—Lessee's or Transporter's Violations:

Minor violations	Number × ½ =	
Moderate violations	Number × 2 =	
Major violations	Number × 5 =	

Total—(rounded down to the next lowest number) (maximum of 29).

History of previous violations standards. History is based on the number of violations issued in a preceding 36-month period beginning February 1, 1983. The history of previous violations may account for a maximum of 29 penalty points. The penalty points shall be calculated on an operator-by-operator and lease-by-lease basis and, in the case of transporters, on a transporter-by-transporter basis within the jurisdictional area of each Bureau of Land Management District Office.

(5) Penalty Conversion Table—A:

(i) The following penalty conversion table is for the violations not corrected within the time allowed under paragraph (a) of this section and shall be used to convert the accumulation of penalty points from Tables I and II to the appropriate per day proposed monetary assessment.

PENALTY CONVERSION TABLE—A

Points	Penalty/ dollars per day
40	150
41	157
42	164
43	171
44	178
45	185
46	193
47	201
48	209
49	217
50	225
51	234
52	243
53	252
54	261
55	270
56	280
57	290
58	300
59	310
60	320
61	331
62	342
63	353
64	364
65	375
66	387
67	399
68	411
69	423
70	435
71	450
72	465
73	565
74	500
75	515
76	531
77	547
78	563
79	579
80	595
81	612
82	629
83	646
84	663
85	680
86	698
87	716
88	734
89	752
90	770
91	790
91	790
92	810
93	830
94	850
95	870
96	896
97	822
98	948
99	974
100	1000

(ii) In order to focus particularly on serious violations, while also considering an operator's past compliance history, no dollar penalty shall be proposed for violations totaling less than 40 penalty points.

(6) Penalty Conversion Table—B (Lessees):

The following penalty conversion tables are for violations not corrected by the 20th day under paragraph (b)(1) of this section, or by the 40th day under paragraph (b)(2) of this section or such other time period as the authorized officer may specify and shall be used to convert the accumulation of penalty points from Tables I and II above to the appropriate dollar per day proposed penalty. This civil penalty is in addition to any penalty assessed under paragraph (a).

PENALTY CONVERSION TABLE—B

Points	Not corrected in 20 days—penalty/ dollars per day	Not corrected in 40 days—penalty/ dollars per day
40	75	750
41	79	790
42	82	820
43	86	860
44	89	890
45	93	930
46	97	970
47	101	1,010
48	105	1,050
49	109	1,090
50	113	1,130
51	117	1,170
52	122	1,220
53	126	1,260
54	131	1,310
55	135	1,350
56	140	1,400
57	145	1,450
58	150	1,500
59	156	1,560
60	160	1,600
61	166	1,660
62	171	1,710
63	177	1,770
64	182	1,820
65	188	1,880
66	194	1,940
67	200	2,000
68	206	2,060
69	212	2,120
70	218	2,180
71	225	2,250
72	233	2,330
73	243	2,430
74	250	2,500
75	258	2,580
76	266	2,660
77	274	2,740
78	282	2,820
79	290	2,900
80	298	2,980
81	306	3,060
82	315	3,150
83	323	3,230
84	332	3,320
85	340	3,400
86	349	3,490
87	358	3,580
88	367	3,670
89	376	3,760
90	385	3,850
91	395	3,950
92	405	4,050
93	415	4,150
94	425	4,250
95	435	4,350
96	448	4,480
97	461	4,610
98	474	4,740
99	487	4,870
100	500	5,000

(7) Penalty Conversion Table B (Transporters):

The amount of the proposed civil penalty for failure of a transporter to permit inspection of proper documentation required by paragraph (b)(3) of this section shall be determined by formula based on the following criteria: i.e., the violation shall be considered a major violation (see Table I); and the transporter's history of previous violations (see Table II). Penalty points shall be assigned to each criterion and the 2 numbers shall then be totaled, and the point accumulation coverted to a dollar per day amount by using the first column of "Penalty Conversion Table—B."

(8) Penalty Conversion Table—C:

(i) The amount of the proposed civil penalty for violation of paragraph (b)(4) of this section shall be determined by the formula based on the following criteria: i.e., the specific violation (Table III); and the lessee's history of previous violations (Table II).

(ii) Penalty points shall be assigned to each criterion and the 2 numbers shall then be totaled, and the point accumulation converted to a dollar per day amount by using "Penalty Conversion Table—C."

TABLE III—TYPE OF VIOLATION

Violation	Penalty points
Fails to permit entry upon the leasehold	70
Fails to permit inspection	60
Knowingly or willfully fails to notify after well begins or resumes production by the 5th business day thereafter	65

(iii) The following penalty conversion table shall be used to convert the accumulation of penalty points from Tables II and III to the appropriate per day proposed monetary penalty.

PENALTY CONVERSION TABLE—C

Points	Penalty/ dollars per day
60	3,600
61	3,720
62	3,840
63	3,970
64	4,100
65	4,220
66	4,360
67	4,490
68	4,620
69	4,760
70	4,900
71	5,040
72	5,180
73	5,330
74	5,480
75	5,630
76	5,780
77	5,930
78	6,080
79	6,240
80	6,400
81	6,560
82	6,720
83	6,880
84	7,060
85	7,220
86	7,400
87	7,570
88	7,740
89	7,920
90	8,100
91	8,280
92	8,460
93	8,650
94	8,840
95	9,030
96	9,220
97	9,410
98	9,600
99	9,800
100 and above	10,000

(9) Penalty Conversion Table—D:

(i) The amount of the proposed civil penalty for violations of paragraph (b)(5) of this section shall be determined by the formula based on the following criteria: i.e., the specific violation (Table IV); and the lessee's history of previous violations (Table II).

(ii) Penalty points shall be assigned to each criterion and the 2 numbers shall then be totaled, and the point accumulation converted to a dollar per day amount by using "Penalty Conversion Table—D."

TABLE IV—TYPE OF VIOLATION

Violation	Penalty points
Knowingly or willfully prepares, maintains or submits false or misleading written information	70
Knowingly or willfully prepares, maintains or submits inaccurate written information	60
Knowingly or willfully diverts oil or gas from any lease without having legal authority to do so	70
Accepts, sells, transports or conveys to another any oil or gas knowing or having reason to know that such oil or gas was stolen or unlawfully removed or diverted	70

(iii) The following penalty conversion table shall be used to convert the accumulation of penalty points from Tables II and IV to the appropriate per day proposed monetary penalty.

PENALTY CONVERSION TABLE—D

Points	Penalty/ dollars per day
60	9,000
61	9,300
62	9,600
63	9,925
64	10,250
65	10,550
66	10,900
67	11,225
68	11,550
69	11,900
70	12,250
71	12,600
72	12,950
73	13,325
74	13,700
75	14,075
76	14,450
77	14,825
78	15,200
79	15,600
80	16,000
81	16,400
82	16,800
83	17,225
84	17,650
85	18,050
86	18,500
87	18,925
88	19,350
89	19,800
90	20,250
91	20,700
92	21,150
93	21,625
94	22,100
95	22,575
96	23,050
97	23,525
98	24,000
99	24,500
100 and above	25,000

§ 3163.4–2 Criminal penalties.

Any person who commits an act for which a civil penalty is provided in § 3163.4–1(b)(5) of this title shall, upon conviction, be punished by a fine of not more than $50,000 or by imprisonment for not more than 2 years or both.

12. Section 3163.5 is amended by revising the title and paragraphs (a) and (b) to read:

§ 3163.5 Assessments and administrative penalties.

(a) Assessments made under § 3163.3 of this title are due upon issuance and shall be paid within 30 days of receipt of "Certified Mail" written notice or personal service, as directed by the authorized officer in the notice. Failure to pay assessed damages timely will be subject to late payment charges as prescribed under Title 30 CFR Group 202.

(b) Administrative penalties under § 3163.4–1 of this title shall be paid within 30 days of completion of any final order of the Secretary or the final order of the Court.

* * * * *

13. A new § 3163.6 is added to read as follows:

§ 3163.6 Injunction and specific performance.

(a) In addition to any other remedy under this part or any mineral leasing law, the Attorney General of the United States or his designee may bring a civil action in a district court of the United States to:

(1) restrain any violation of the Federal Oil and Gas Royalty and Management Act or any mineral leasing law of the United States; or

(2) compel the taking of any action required by or under the Act or any mineral leasing law of the United States.

(b) A civil action described in paragraph (a) may be brought only in the United States district court of the judicial district wherein the act, omission or transaction constituting a violation under the Act or any other mineral leasing law occurred, or wherein the defendant is found or transacts business.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

August 9, 1983.

[FR Doc. 83-25330 Filed 9-15-83; 8:45 am]

BILLING CODE 4310-84-M

federal register

Friday
September 16, 1983

Part V

Department of Labor

Mine Safety and Health Administration

Air Quality Standards; Extension of Comment Period

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 55, 56, and 57

Air Quality Standards; Extension of Comment Period

AGENCY: Mine Safety and Health Administration.

ACTION: Notice to Extend Period for Public Comment.

SUMMARY: The Mine Safety and Health Administration (MSHA) is extending the period for public comment regarding the Agency's review of the metal and nonmetal standards for air quality in 30 CFR Parts 55/56/57.5.[1] Due to requests from the public, MSHA is extending the time for commenting on this preproposal draft.

DATE: Written comments on the air quality standards must be received on or before November 7, 1983.

ADDRESS: All comments should be sent to: Mine Safety and Health Administration, Office of Standards, Regulations and Variances, Room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203.

SUPPLEMENTARY INFORMATION: On July 6, 1983, MSHA made available preproposal draft revisions to the standards for air quality at metal and nonmetal mines (30 CFR Parts 55/56/57.5). The availability of the draft was announced in the **Federal Register** (48 FR 31171). The comment period was scheduled to close on September 6, 1983, but was subsequently extended to October 6, 1983 (48 FR 36789). Due to further requests from the public, MSHA is extending the time for commenting on this preproposal draft. The comment period is extended to November 7, 1983. All interested members of the mining community are encouraged to submit comments prior to this date.

Dated: September 13, 1983.

Thomas J. Shepich,

Deputy Assistant Secretary for Mine Safety and Health.

[FR Doc. 83-25168 Filed 9-15-83; 8:45 am]

BILLING CODE 4510-43-M

[1] Standards that uniformly appear in 30 CFR Parts 55, 56, 57 are referred to in this document as "55/56/57."

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