

# federal register

OK  
Thursday  
September 22, 1983

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## Selected Subjects

**Administrative Practice and Procedure**  
Immigration and Naturalization Service

**Aircraft**  
Federal Aviation Administration

**Aviation Safety**  
Federal Aviation Administration

**Bridges**  
Coast Guard

**Citizenship and Naturalization**  
Immigration and Naturalization Service

**Investments**  
National Credit Union Administration

**Marine Safety**  
Coast Guard

**Marketing Agreements**  
Agricultural Marketing Service

**Meat and Meat Products**  
Agriculture Department

**Radio Broadcasting**  
Federal Communications Commission

**Reporting and Recordkeeping Requirements**  
Coast Guard  
Minerals Management Service

**Television Broadcasting**  
Federal Communications Commission

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## Selected Subjects

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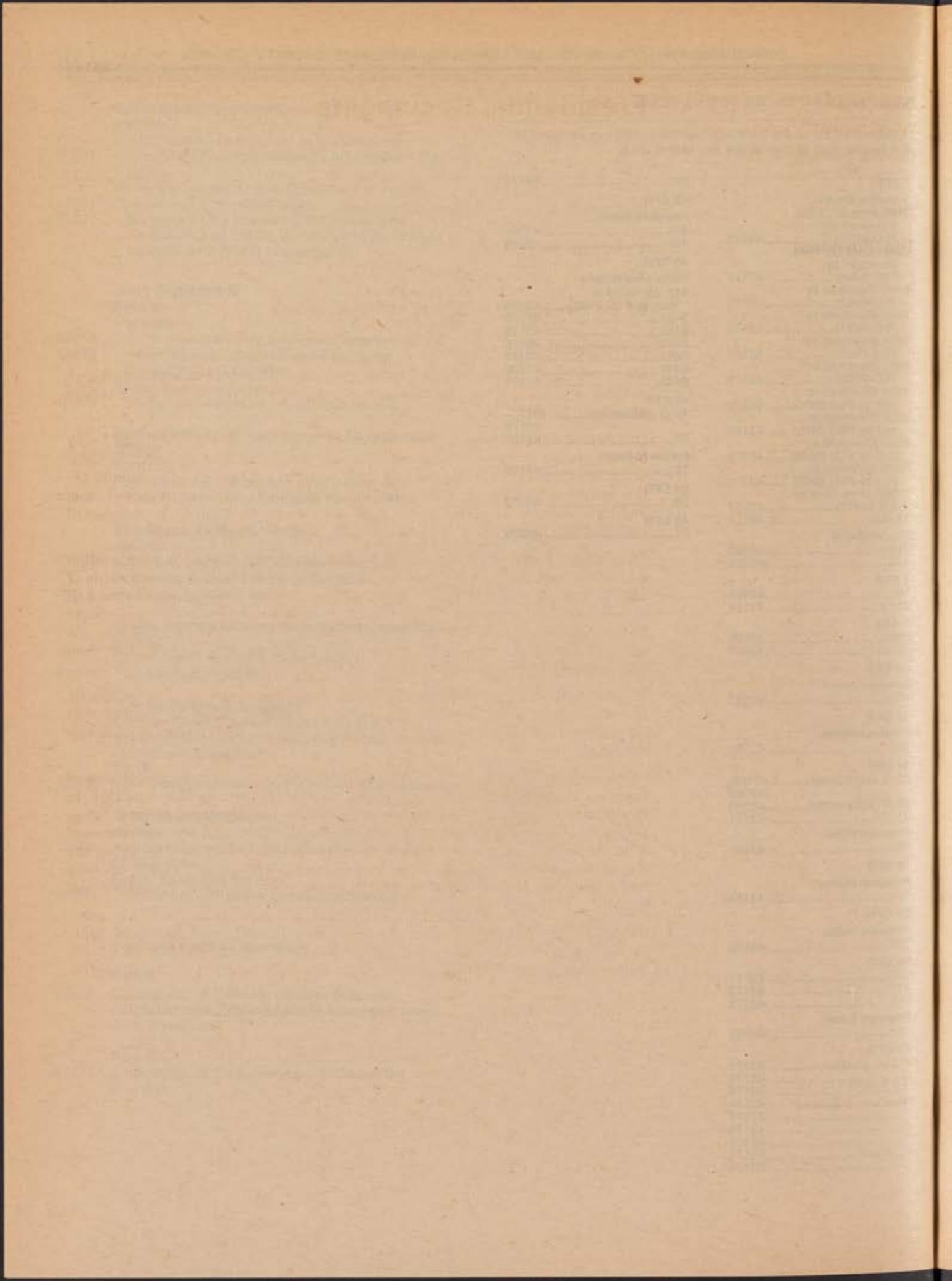
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# Presidential Documents

Title 3—

Proclamation 5100 of September 19, 1983

The President

Veterans Day, 1983

By the President of the United States of America

## A Proclamation

None among us deserve more respect than the millions of patriotic men and women who have worn our Nation's uniform to preserve America's freedom and world peace.

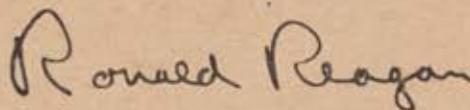
Our Armed Forces veterans have earned a special day in which you and I may focus on their heroic accomplishments. For their unselfish devotion to duty, Congress established Veterans Day as a national expression of gratitude. On this historic occasion, our hearts and minds should be with our living veterans and their deceased comrades who have contributed so much to the defense of our country's ideals.

From Valley Forge when our Nation was in its infancy, to the Vietnam conflict where our men and women in uniform served and died for the human rights of others, through war and peace, these valiant citizens have answered the call to service with honor and dignity. They are indeed worthy of a formal tribute from a grateful Nation. Special consideration is due to those veterans who are sick and disabled. There is no better tangible expression of our affection than by remembering to visit them at home or in our hospitals.

In order that we pay meaningful tribute to those men and women who proudly served in our Armed Forces, Congress has provided (5 U.S.C. 6103(a)) that November 11 shall be set aside each year as a legal public holiday to honor America's veterans.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Friday, November 11, 1983, as Veterans Day. In recognition of their valor, I urge all Americans to join with me in a fitting salute to our veterans, and I call upon Federal, State, and local government officials as well as private citizens to mark Veterans Day by displaying the flag of the United States, and I ask those Government officials to support fully and personally its observance by appropriate ceremonies throughout the country.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of Sept., 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.



Proceedings of the Association

Continued on the reverse side

Volume 10, No. 1

At the meeting of the Association at ...

1. ...

The first meeting of the Association was held on ...

The second meeting was held on ...

The third meeting was held on ...

The fourth meeting was held on ...

The fifth meeting was held on ...

The sixth meeting was held on ...

James H. ...

...

## Presidential Documents

Proclamation 5101 of September 20, 1983

### National Cystic Fibrosis Week, 1983

By the President of the United States of America

#### A Proclamation

Cystic fibrosis is one of the most common fatal genetic diseases among children in the United States. In spite of its prevalence, however, the disease remains a mystery in many ways. Its underlying cause is elusive, as is a method for identifying carriers who have no symptoms. Even in victims of cystic fibrosis, the disease manifests itself in many different ways, often masquerading as other conditions, and thus confounds diagnosis.

Through the combined efforts of the Federal government's National Institutes of Health, private voluntary agencies, and researchers at medical centers and universities across the country, we are making inroads toward explaining the mysteries of cystic fibrosis. While the disease once was almost invariably fatal in infancy and early childhood, innovations in diagnosis and treatment over the past 20 years have virtually doubled the average age of survival of its victims. For example, half of the children born with cystic fibrosis can now expect to live to age 21.

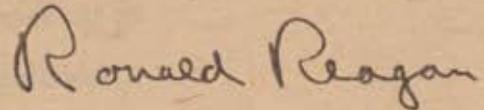
But this good news brings with it new hurdles. While people with cystic fibrosis are embarking on careers and assuming societal responsibilities to a greater extent than ever before, they do so in the shadow of a disease that remains progressively debilitating.

Therefore, the challenge remains to identify the cause of this disease and ultimately, we hope, to prevent it. Scientists are uncovering in greater and greater detail the metabolic defects involved in cystic fibrosis. By focusing on the unique physiology of people with the disease, researchers are getting closer to being able to identify its cause. In this effort, public awareness of the hallmarks and treatment of cystic fibrosis and of the importance of continuing scientific research are critical.

To enhance the public's awareness of this disease, the Congress of the United States, by Senate Joint Resolution 131, has designated the week of September 18 through September 24, 1983 as "National Cystic Fibrosis 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 18, 1983, as National Cystic Fibrosis Week, and I call upon the people of the United States to observe that week by focusing attention on cystic fibrosis and the continuing efforts to clarify the causes of the disease and improve the treatment of its victims.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th 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.

A handwritten signature in dark ink that reads "Ronald Reagan". The signature is written in a cursive style with a large, prominent "R" at the beginning.

[FR Doc. 83-26108

Filed 9-21-83; 11:07 am]

Billing code 3195-01-M

## Presidential Documents

Executive Order 12441 of September 20, 1983

### Amending the Generalized System of Preferences

By virtue of the authority vested in me as President by the Constitution and statutes of the United States of America, including Title V of the Trade Act of 1974 (19 U.S.C. 2461 *et seq.*) as amended, and Section 604(a) of the Trade Act of 1974 (19 U.S.C. 2483(a)), in order to modify the limitations on preferential treatment for eligible articles from countries designated as beneficiary developing countries and to make technical corrections to provisions of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), it is hereby ordered as follows:

**Section 1.** The article description in item 153.05 of the TSUS is modified by deleting therefrom "and blackberry".

**Sec. 2.** Annex II of Executive Order No. 11888 of November 24, 1975, as amended, listing articles that are eligible for benefits of the GSP when imported from any designated beneficiary developing country is further amended by deleting TSUS item 304.58 and by inserting in numerical sequence TSUS item 544.41.

**Sec. 3.** Annex III of Executive Order No. 11888, as amended, listing articles that are eligible for benefits of the GSP when imported from all designated beneficiary countries except those specified in General Headnote 3(c)(iii) of the TSUS, is further amended by deleting item 544.41 therefrom.

**Sec. 4.** General Headnote 3(c)(iii) of the TSUS, listing articles that are eligible for benefits of the GSP except when imported from the beneficiary countries listed opposite those articles, is modified—

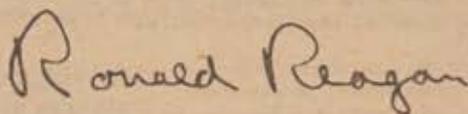
(a) by deleting "544.41 . . . Mexico";

(b) by inserting "Hong Kong" in addition to Taiwan and Republic of Korea opposite item 678.50; and

(c) by deleting "Taiwan" opposite TSUS item 688.43 and inserting in lieu thereof "Hong Kong".

Sec. 5(a). The amendments made by Sections 1 and 4(b) of this Order are effective with respect to articles both: (1) imported on and after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on or after the third day following publication of this Order in the Federal Register.

(b) The other amendments made by this Order are effective with respect to articles both: (1) imported on or after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on or after March 31, 1983.



THE WHITE HOUSE,  
September 20, 1983.

[FR Doc. 83-26109

Filed 9-21-83; 11:08 am]

Billing code 3195-01-M

# Rules and Regulations

Federal Register

Vol. 48, No. 185

Thursday, September 22, 1983

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

### Office of the Secretary

#### 7 CFR Part 16

#### Restriction of Importation of Meat From New Zealand

**AGENCY:** Foreign Agricultural Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This rule amends Subpart A of Part 16 of Title 7 of the Code of Federal Regulations to limit the importation of certain meats from New Zealand during calendar year 1983. This rule is necessary to carry out the voluntary agreement entered into by New Zealand with the United States pursuant to Section 204 of the Agricultural Act of 1956, as amended.

**EFFECTIVE DATE:** September 22, 1983. See **SUPPLEMENTARY INFORMATION.**

**FOR FURTHER INFORMATION CONTACT:** John E. Riesz (FAS), (202) 447-8031, Dairy, Livestock and Poultry Division, FAS, USDA, Room 6616 South Building, Washington, D.C. 20250.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and Executive Order 11539, as amended, the Office of the United States Trade Representative has negotiated an agreement with the Government of New Zealand whereby that country has voluntarily agreed to a limitation on the quantity of certain meats exported from it to the United States during calendar year 1983. The Secretary of Agriculture, with the concurrence of the Secretary of State and the United States Trade Representative, is authorized to issue regulations to carry out such agreement and to request the Commissioner of Customs to implement such action.

Having obtained the concurrences of the Secretary of State and the United States Trade Representative, I am hereby issuing these regulations to implement the agreement with New Zealand. The definition of meat in the regulations encompasses the Tariff Schedules of the United States (TSUS) items which are the subject of the voluntary agreement. In order to prevent circumvention of the import limitations, the definition also includes meat that would fall within such definition but for processing in Foreign-Trade Zones, territories, or possessions of the United States. In addition, transshipment restrictions are imposed which prevent the entry or withdrawal from warehouse for consumption of meat from New Zealand unless exported from that country as direct shipments or on through bills of lading or, if processed in Foreign-Trade Zones, territories, or possessions of the United States, shipped as direct shipments or on through bills of lading from such areas.

#### Effective Date

Meat released under the provisions of Sections 448(b) and 484(a)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1448(b) (immediate delivery), and 19 U.S.C. 1484(a)(1)(A) (entry)), prior to September 22, 1983, shall not be denied entry.

The action taken herewith has been determined to involve foreign affairs functions of the United States. Therefore, this regulation falls within the foreign affairs exception of Executive Order 12291 and the notice, public participation and effective date provisions of 5 U.S.C. 553. Further, the provisions of the Regulatory Flexibility Act do not apply to this rule since the notice of proposed rulemaking provisions of 5 U.S.C. 553 do not apply.

#### List of Subjects in 7 CFR Part 16

Meat and meat products, Imports.

#### PART 16—[AMENDED]

Accordingly, Subpart A of Part 16 of Title 7 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 16 reads as follows:

Authority: Sec. 204, Pub. L. 540, 84th Cong., 70 Stat. 200, as amended (7 U.S.C. 1854), and Executive Order 11539 (35 FR 10733) as amended by Executive Order 12188 (45 FR 989).

2. Section 16.4 is revised to read as follows:

#### § 16.4 Transshipment restrictions.

During calendar year 1983, no meat of New Zealand origin may be entered or withdrawn from warehouse for consumption in the United States unless (1) it is exported into the Customs Territory of the United States as a direct shipment or on a through bill of lading from the country of origin or, (2) if processed in Foreign-Trade Zones, territories, or possessions of the United States, it is exported into the Customs Territory of the United States as a direct shipment or on a through bill of lading from the Foreign-Trade Zone, territory, or possession of the United States in which it was processed.

3. Section 16.5 is revised to read as follows:

#### § 16.5 Quantitative restrictions.

*Imports from New Zealand.* During calendar year 1983, no more than 364.5 million pounds of meat exported from New Zealand in the form in which it would fall within the definition of meat in TSUS 106.10, 106.22, 106.25, 107.55, or 107.62 may be entered or withdrawn from warehouse for consumption in the United States, whether shipped directly or indirectly from New Zealand to the United States.

Issued at Washington, D.C., this 19th day of September 1983.

John H. Block,  
Secretary.

[FR Doc. 83-25905 Filed 9-21-83; 8:45 am]

BILLING CODE 3410-10-M

## Agricultural Marketing Service

### 7 CFR Part 908

[Valencia Orange Reg. 318]

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

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period September 23-September 29, 1983. Such action is needed to provide for orderly marketing

of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

**EFFECTIVE DATE:** September 23, 1983.

**FOR FURTHER INFORMATION CONTACT:**

William J. Doyle, 202-447-5975.

**SUPPLEMENTARY INFORMATION:**

#### Findings

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

This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendation and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982-83. The marketing policy was recommended by the committee following discussion at a public meeting on February 22, 1983. The committee met again publicly on September 20, 1983 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges is good.

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

necessary to effectuate the declared policy of the Act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

#### List of Subjects in 7 CFR Part 908

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

1. Section 908.618 is added as follows:

#### § 908.618 Valencia orange regulation 318.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period September 23, 1983 through September 29, 1983, are established as follows:

- (1) District 1: 462,000 cartons;
- (2) District 2: 588,000 cartons;
- (3) District 3: Unlimited cartons.

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

Dated: September 21, 1983.

Charles R. Brader,  
Director, Fruit and Vegetable Division,  
Agricultural Marketing Service.

[FR Doc. 83-26147 Filed 9-21-83; 12:51 pm]

BILLING CODE 3410-02-M

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### 8 CFR Part 103

#### Powers and Duties of Service Officers; Availability of Service Records

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule transfers appellate jurisdiction formerly held by Immigration and Naturalization Service regional commissioners and overseas district directors to the Associate Commissioner, Examinations.

The centralization of appeals in the Central Office is expected to result in a more expeditious appeals procedure with uniform, consistent decisions.

**DATE:** Effective: October 3, 1983.

**FOR FURTHER INFORMATION CONTACT:**

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

For Specific Information: Lawrence J. Weinig, Supervisory Immigration Examiner, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, Telephone: (202) 633-2680.

**SUPPLEMENTARY INFORMATION:** The present Immigration and Naturalization Service appeals process splinters the appellate authority for 25 categories of administrative decisions and responsibility for certification among four regional offices as well as district offices overseas. This results in inconsistent decisions and widely differing, often unacceptable processing times.

The centralization of appeals in the Central Office is expected to result in a more expeditious appeals procedure with uniform, consistent decisions. It will also enable the Service to make additional precedent decisions available as guidance to the public.

Appeals which remain pending on the effective date of this rule will be processed in accordance with procedures in effect at the time of filing the appeal, unless the appellate authority is advised otherwise by the Central Office.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the rule is limited to a matter relating to agency management or personnel.

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

This order is not a rule within the definition of Section 1(a) of E.O. 12291 because it relates to agency organization, management, or personnel.

#### List of Subjects in 8 CFR Part 103

Administrative practice and procedure, Authority delegation (Government agencies), Appeals, Archives and records, Certification, Fees.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended to read as follows:

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

1. Section 103.1 is revised by amending paragraphs (f), (l), and (n) to read as follows:

#### § 103.1 Delegation of Authority.

• • • • •  
(f) Associate Commissioner for Examinations.

(1) Under the direction of the Executive Associate Commissioner, the Associate Commissioner for Examinations is delegated authority and

responsibility for program planning; development, coordination, counseling, and staff direction of Adjudication and Naturalization, Inspections, Refugees, Asylum and Parole, and Outreach programs and general direction to and supervision of:

- (i) Assistant Commissioner for Adjudication and Naturalization.
- (ii) Assistant Commissioner for Inspections.
- (iii) Assistant Commissioner for Refugees, Asylum Parole.
- (iv) Director for Outreach Program, and
- (v) Chief, Administrative Appeals Unit.

(2) In addition, the Associate Commissioner, Examinations exercises appellate jurisdiction over decisions on:

- (i) Breaching of bonds under § 103.6(e) of this part;
- (ii) Third and sixth preference petitions under § 204.1(c) of this title except when the denial of the petition is based upon lack of a certification by the Secretary of Labor under section 212(a)(14) of the Act;
- (iii) Indochinese refugee applications for adjustment of status under § 245.2(a)(4) and (e) of this title;
- (iv) Revoking approval of certain petitions under § 205.3 of this title;
- (v) Applications for permission to reapply for admission to the United States after deportation or removal under § 212.2 of this title;
- (vi) Applications for waiver of certain grounds of excludability under § 212.7(a) of this title;
- (vii) Applications for waiver of the two-year foreign residence requirement under § 212.7(c) of this title;
- (viii) Petitions for approval of schools under § 214.3 of this title;
- (ix) Proceedings by immigration judges to withdraw the approval of petitions by schools, as provided in § 214.4(j) of this title;
- (x) Petitions for temporary workers or trainees and fiancées or fiancés of U.S. citizens under § 214.2 of this title;
- (xi) Applications for issuance of reentry permits under § 223.1 of this title;
- (xii) Applications for refugee travel documents under § 223a.4 of this title;
- (xiii) Applications for benefits of section 13 of the Act of September 11, 1957, as amended, under § 245.3 of this title;
- (xiv) Adjustment of status of certain resident aliens to nonimmigrants under § 247.12(b) of this title;
- (xv) Applications to preserve residence for naturalization purposes under § 316a.21(c) of this title;
- (xvi) Applications for certificates of citizenship under § 341.8 of this title;

(xvii) Administration cancellation of certificates, documents, and records under § 342.8 of this title;

(xviii) Applications for certificates of naturalization or repatriation under § 343.1 of this title;

(xix) Applications for new naturalization or citizenship papers under § 343a.1(c) of this title;

(xx) Applications for special certificates of naturalization under § 343b.11(b) of this title;

(xxi) Applications by organizations to be listed on the Service listing of free legal services program and removal therefrom under Part 292a of this title;

(xxii) Petitions to classify Amerasians under Pub. L. 97-359 as the children of United States citizens;

(xxiii) Revoking approval of certain petitions, as provided in § 214.2 of this title;

(xxiv) Orphan petitions under § 204.1(b) of this title; and

(xxv) Applications for advance processing of orphan petitions under § 204.1(b)(3) of this title.

\* \* \* \* \*

(l) *Regional Commissioners.* Under the general supervision of the Commissioner and direction of the Deputy Commissioner, regional commissioner are delegated the authority and responsibility for the activities of the Service within their respective regional areas including authority to:

(1) Settle tort claims of \$2500 or less under 28 U.S.C. 2672; and

(2) Compromise, suspend, or terminate collection of claims of the United States not exceeding \$20,000 exclusive of interest under 31 U.S.C. 951 and 952.

\* \* \* \* \*

(n) *District Directors.* District directors within the United States are under the direction of their respective regional commissioners. District directors who are assigned overseas are under the direction of the Executive Associate Commissioner. District directors are delegated the authority and responsibility to grant or deny any application or petition submitted to the Service, to initiate any authorized proceeding in their respective districts, and to exercise the authorities under §§ 242.1(a), 242.2(a), and 242.7 of this title without regard to geographical limitations. District directors, acting district directors, and deputy district directors are delegated authority to conduct the proceeding provided for in § 252.2 of this title.

\* \* \* \* \*

2. Section 103.4 is revised to read as follows:

#### § 103.4 Certifications.

The Commissioner or the Deputy Commissioner, may direct that any case or classes of cases be certified for decision. Regional commissioners, district directors and officers in charge in districts 33, 35, and 37 may certify their decisions to the appellate authority designated in this chapter when the case involves an unusually complex or novel question of law or fact. The alien or other party affected shall be given notice on Form I-290C of such certification and of his right to submit a brief within 10 days from receipt of the notice. Cases within the appellate jurisdiction of the Service shall be certified only after an initial decision has been made. Decisions for which no appeal procedure exists may be certified to the Commissioner in the same manner as decisions over which the Commissioner holds appellate authority. In cases within § 3.1(b) of this chapter, the decision of the officer to whom certified, whether made initially or upon review, shall constitute the base decision of the Service from which an appeal may be taken to the Board in accordance with the applicable parts of this chapter. The decision of the Service officer to whom the case has been certified shall be in writing and a copy thereof shall be served upon the applicant, petitioner, or other party affected, or his attorney or representative of record.

(Sec. 103 of the Immigration and Nationality Act, as amended; 8 U.S.C. 1103)

Dated: September 16, 1983.

Alan C. Nelson,  
*Commissioner of Immigration and Naturalization.*

[FR Doc. 83-25687 Filed 9-21-83; 8:45 am]  
BILLING CODE 4410-10-M

#### 8 CFR Part 316a

#### International Organization Immunities Act Designations; Residence, Physical Presence and Absence

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule

**SUMMARY:** This final rule adds the African Development Bank, African Development Fund and the International Fertilizer Development Center to the list of organizations determined to be International Organizations under the International Organization Immunities Act. These Organizations are eligible to confer constructive residence for naturalization purposes for their overseas employees.

**EFFECTIVE DATE:** February 8, 1983, as to the African Development Bank, and March 14, 1977 as to the African Development Fund, and International Fertilizer Development Center.

**FOR FURTHER INFORMATION CONTACT:**

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

For Specific Information: Thomas E. Cook, Immigration Examiner, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, Telephone: (202) 633-5014

**SUPPLEMENTARY INFORMATION:** Section 316(b) of the Immigration and Nationality Act, 8 U.S.C. 1427(b), allows for certain absences abroad by lawful permanent residents of the United States to preserve residence and be counted towards the residence requirements for naturalization. Employment overseas by a public international organization, of which the United States is a member by treaty or statute, qualifies for constructive resident benefit when the alien was not employed until after being lawfully admitted for permanent residence. 8 CFR 316a.4 lists those public international organizations which qualify under the International Organization Immunities Act. Absences abroad in the employment of these organizations will be counted as constructive residence in establishing the residence requirements for naturalization, provided all conditions of 8 U.S.C. 1427(b), which list the requirements for naturalization, are satisfied.

The African Development Bank, African Development Fund and the International Fertilizer Development Center have been designated by executive order as public international organizations of which the United States is a member by Statute.

The Department of the Treasury has requested that the African Development Bank and African Development Fund be added to the existing list pursuant to Executive Orders 12403 and 11977. The Service has determined that the International fertilizer Development Center should be added to the list pursuant to Executive Order 11977.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because this amendment merely adds to the present listing of recognized public international organizations.

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

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

**List of Subjects in 8 CFR Part 316a**

Citizenship and naturalization, International organizations.

**PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE**

Accordingly, Chapter 1 of Title 8 of the Code of Federal Regulations is amended as follow:

**§ 316a.4 [Amended]**

1. In § 316a.4 the listing of international organizations is amended by adding in alphabetical sequence, "African Development Bank (E.O. 12403, February 8, 1983)", "African Development Fund (E.O. 11977, March 14, 1977)", and "International Fertilizer Development Center (E.O. 11977, March 14, 1977)".

(Sec. 316 of the Immigration and Nationality Act, as amended; 8 U.S.C. 1427)

Dated: September 16, 1983.

Andrew J. Carmichael, Jr.,  
Associate Commissioner, Examinations,  
Immigration and Naturalization Service.

[FR Doc. 83-25801 Filed 9-21-83; 8:45 am]

BILLING CODE 4410-10-M

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 21**

[Docket No. 23681; SC No. 23-ACE-5]

**Special Conditions; Fairchild Model SA227 Series Airplanes to Type Certificate No. A5SW**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final Special Conditions.

**SUMMARY:** These Special Conditions are issued to Fairchild Aircraft Corporation to become a part of the type certification basis for new Fairchild Aircraft Corporation (Fairchild) Model SA227 series airplanes to be added to Type Certificate No. A5SW. These new models are derivatives of the Fairchild Aircraft Corporation Model SA227-AT Airplane for which special conditions were established as a part of the type certification basis. Special conditions

are prescribed in the absence of appropriate requirements for the type certification of turbopropeller-powered airplanes pursuant to Part 3 of the Civil Air Regulations (CAR) and to assure a level of safety equivalent to that intended by these airworthiness standards for reciprocating engine-powered airplanes. The Fairchild Model SA227 series airplanes to be added to Type Certificate No. A5SW are basically the type certificated SA227-AT airplane with different make and model of turbopropeller engines installed or other airplane improvements. A Notice of Proposed Special Conditions, Notice No. SC-83-3-CE, was published in the Federal Register on July 7, 1983 (48 FR 31234) and no comments were received in response to this notice

**EFFECTIVE DATE:** October 24, 1983.

**FOR FURTHER INFORMATION CONTACT:** J. Robert Ball, Aerospace Engineer, Regulations and Policy Office (ACE-110), Aircraft Certification Division, Central Region, Federal Aviation Administration, Room 1656, Federal Office Building, 801 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-5688.

**SUPPLEMENTARY INFORMATION:**

**Type Certification Basis**

The type certification basis for the Fairchild Aircraft Corporation Model SA227 series airplanes to be added to Type Certificate No. A5SW is as follows: Part 3 of the Civil Air Regulations, effective May 15, 1956, as amended by Amendments 3-1 through 3-8; § 23.511 of the Federal Aviation Regulations (FAR) per Amendment 23-7, effective September 14, 1969; § 23.175(d) of the FAR, per Amendment 23-14, effective December 20, 1973; Amendment C of Special Federal Aviation Regulations (SFAR) No. 41 including paragraph 4(c) and the compartment interior requirements of § 25.853 (a), (b), (b-1), (b-2), and (b-3) of the FAR in effect on September 26, 1978; Part 36 of the FAR, Appendix F, as amended by Amendments 36-1 through 36-6; SFAR No. 27, effective February 1, 1974, as amended by Amendments 27-1 through 27-4; and the Special Conditions adopted by this rulemaking action.

**Background**

On October 2, 1981, Fairchild Aircraft Corporation, P.O. Box 32486, San Antonio, Texas 78284, submitted an application to amend Type Certificate No. A5SW to add a new model airplane, Model SA227-PT, in the normal category. Type Certificate No. A5SW covers the Fairchild Model SA227-AT

airplane, approved May 8, 1981, and other similar airplanes. The new model airplane, Fairchild Model SA227-PT, is a derivative of the Fairchild Model SA227-AT airplane and differs from the Fairchild Model SA227-AT only with respect to the make and model of turbopropeller engines installed.

Fairchild Aircraft Corporation has indicated to the FAA their intent to make available additional models of airplanes similar to the Fairchild Models SA227-AT and SA227-PT airplanes. Therefore, the FAA issued Notice No. SC-83-3-CE on July 7, 1983, proposing Special Conditions applicable to the Fairchild Model SA227 series airplanes to be added to Type Certificate No. A5SW to preclude numerous issuances of identical Special Conditions for type certification of the Fairchild Model SA227 series airplanes to be added to Type Certificate No. A5SW.

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

The Fairchild Model SA227-AT is a pressurized, low wing, twin turbopropeller-powered airplane type certificated in the normal category and limited to 12,500 pounds maximum certificated takeoff weight and a maximum seating capacity not to exceed 18 occupants. The Fairchild Model SA227-AT airplane also has an authorized increase in maximum takeoff weight to 14,500 pounds when compliance with SFAR No. 41, as amended, is shown.

The Fairchild Model SA227-AT airplane included novel or unusual design features for an airplane type certificated to the airworthiness standards of Part 3 of the CAR. The airworthiness standards of Part 3 of the CAR, which are the type certification basis for the Fairchild Model SA227-AT airplane, did not contain adequate or appropriate safety standards for a turbopropeller-powered, normal category airplane. Subsequently, Special Conditions were developed to assure a level of safety for the Fairchild Model SA227-AT airplane equivalent to that provided by the airworthiness standards of Part 3 of the CAR. The Special Conditions developed were added as a

part of the type certification basis for the Fairchild Model SA227-AT airplane.

Since the Fairchild Model SA227 series airplane to be added to Type Certificate No. A5SW are derivative models of the Fairchild Model SA227-AT airplane and differ only in the make and model of turbopropeller engines or other airplane improvements, the FAA issued Notice No. SC-83-3-ACE (48 FR 31234; July 7, 1983) proposing Special Conditions to become a part of the type certification basis for the Fairchild Aircraft Corporation Model SA227 series airplanes to be added to Type Certificate No. A5SW because of the same novel or unusual design features.

#### Discussion of Comments

There were no comments received by the FAA in response to Notice No. SC-83-3-ACE published in the Federal Register on July 7, 1983. The closing date for comments to the notice was August 8, 1983.

#### List of Subjects in 14 CFR Part 21

Air transportation, Aircraft, Aviation safety, Safety.

#### Adoption of the Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, Special Conditions No. 23-ACE-5 are adopted for the Fairchild Aircraft Corporation Model SA227 series airplanes to be added to Type Certificate No. A5SW, as follows:

#### Airframe Items

##### Item No.

##### 1. Engine Torque Effects

a. In addition to the conditions specified in subparagraphs (1) and (2) of paragraph 3.195(a) of CAR 3, the limit engine torque corresponding to takeoff power and propeller speed, multiplied by a factor accounting for propeller control system malfunction, including quick feathering, must be considered to act simultaneously with lg level flight loads. In the absence of a rational analysis, a factor of 1.6 must be used.

b. The limit torque must be obtained by multiplying the mean torque by a factor of 1.25.

##### 2. Unsymmetrical Loads Due to Engine Failure

The airplane must be designed for the unsymmetrical loads resulting from the failure of the critical engine. The airplane must be designed for the following conditions, in combination with a single malfunction of the propeller drag limiting system, considering the probable pilot corrective action on the flight controls:

a. At speeds between  $V_{MC}$  and  $V_D$ , the loads resulting from the power failure because of fuel flow interruption are considered to be limit loads.

b. At speeds between  $V_C$  and  $V$ , the loads resulting from the disconnection of the engine

compressor from the turbine or from loss of the turbine blades are considered to be ultimate loads.

c. The time history of the thrust decay and drag build up occurring as a result of the prescribed engine failure must be substantiated by test or other data applicable to the particular engine-propeller combination.

d. The timing and magnitude of the probable pilot corrective action must be conservatively estimated, considering the characteristics of the particular engine-propeller-airplane combination.

Pilot corrective action may be assumed to be initiated at the time maximum yawing velocity is reached, but not earlier than 2 seconds after the engine failure. The magnitude of corrective action may be based on the control forces specified in CAR 3.212 except that lower forces may be assumed where it is shown by analysis or tests that these forces can control the yaw and roll resulting from the prescribed engine failure conditions.

#### 3. Gyroscopic Loads

Each engine mount and its supporting structure must be designed for the gyroscopic loads that result, with the engines at maximum continuous r.p.m., under either of the following conditions:

a. The conditions prescribed in CAR 3.191(b) and 3.218; or

b. All possible combinations of the following:

(1) A yaw velocity of 2.5 radians per second.

(2) A pitch velocity of 1 radian per second.

(3) A normal load factor of 2.5.

(4) Maximum continuous thrust.

#### 4. Flutter and Vibration Prevention Measures

In addition to the requirements of CAR 3.311, the dynamic evaluation for the airplane must include:

a. The significant elastic, inertia, and aerodynamic forces associated with the rotations and displacements of the plane of rotation of the propeller; and

b. Engine-propeller-nacelle stiffness and damping variation appropriate to the particular configuration.

Note.—An acceptable method for showing compliance with the foregoing requirement is:

(1) Run a two-degree of freedom (pitch and yaw) NASA-Type Whirl-Mode Analysis, including variations in inertia, stiffness, damping, or equivalent functions.

(2) Supplement this by experimental stiffness measurements of the propeller-engine system on the flight airplane.

(3) Demonstrate an adequate separation of the propeller whirl and wing mode frequencies, or a very low degree of mode coupling between propeller whirl and wing modes.

(4) If adequate frequency separation of low degree of coupling is demonstrated under (3), the wing flutter may be investigated independently of propeller whirl modes.

#### Systems Items

##### 5. Oxygen System

a. For maximum certificated altitudes up to and including 25,000 feet, the following apply:

(1) If the airplane can safely descend to a flight altitude of 15,000 feet or less within four minutes, supplemental breathing oxygen must be provided for at least one crewmember and any one passenger.

(2) If the airplane cannot safely descend to a flight altitude of 15,000 feet or less within four minutes, supplemental breathing oxygen systems must be installed and an oxygen dispensing unit provided for each occupant.

b. For a maximum certificated altitude above 25,000 feet, a supplemental breathing oxygen system must be installed and an oxygen dispensing unit provided for each occupant.

#### 6. Engine Bleed Air for Cabin Use

It must be shown by fault analysis and tests as necessary, that air supplied to the cabin will not be harmful to occupants under any probable failure or malfunction and all probable airplane operating conditions.

#### Propulsion Items

##### 7. Components

Powerplant operating characteristics must be investigated in flight to determine that no adverse characteristics, such as compressor stall, surge, or flameout are present to a hazardous degree during normal and emergency operation of the airplane and the engine.

##### 8. Engines

The engine installations must not result in vibration characteristics of the engine exceeding those established in accordance with the type certification of the engine.

##### 9. Control of Engine Rotation

If means are provided for feathering each turbopropeller engine in flight, means must be provided for unfeathering each propeller. Complete stoppage need not be provided if continued rotation does not jeopardize the safety of the airplane.

##### 10. Engine and Propeller Control Systems

Engine and propeller control systems, including blade pitch control mechanisms, emergency protective features, and other devices intended to coordinate engine and propeller functions must be investigated to assure that no single failure or malfunction will cause a hazardous condition which would preclude continued safe flight. Failure or malfunction of the engine, propeller, and their control systems must not result in propeller drag in excess of that for which the aircraft is designed.

##### 11. Propeller Reversing Systems

Reversing systems intended for ground operation only must be such that no single failure or malfunction of the system under all probable conditions of airplane operation will result in unwarranted reverse thrust. Failure of structural elements need not be considered if occurrence of such failures is shown to be extremely remote.

##### 12. Propeller Reversing Controls

Propeller reverse thrust controls must incorporate a means to prevent their inadvertent movement to a reverse position. The means provided must incorporate a positive lock or stop at the flight idle position and must require a separate and distinct operation by the crew in order to displace the control from the flight regime position.

##### 13. Fuel System—General

The fuel system must provide for continuous flow of fuel to the engine in normal operation without interruption of fuel flow due to depletion of fuel in tanks other than the main tanks.

##### 14. Fuel Flow Rate for Pump Systems

a. The fuel flow rate of engine fuel pump systems must be 125 percent of the fuel flow required to develop the standard sea level atmospheric condition takeoff power selected and included as an operating limitation in the Airplane Flight Manual.

b. The ability of the system to provide at least 100 percent of the fuel flow required by the engines must be demonstrated when the airplane is in the operating condition, including attitude and altitude, which represents the most adverse condition from the standpoint of fuel feed for which the airplane is designed.

##### 15. Fuel Tank Tests

The fuel tanks, as mounted in the airplane, must be demonstrated by tests to withstand the greater of the following pressures without failure or leakage:

- 3.5 p.s.i.
- 125 percent of the maximum air pressure developed in the tank.
- The pressure equivalent to the hydrostatic head developed during maximum limit acceleration of the aircraft with full tanks.

d. Compliance with CAR 3.441(a)(2) may be shown by analysis or tests.

##### 16. Fuel Pump and Pump Installation

###### a. Main Pumps.

(1) Any fuel pump that is required for proper engine operation or to meet the fuel system requirements, except as provided in paragraph b., Emergency Pumps, of this section, must be considered a main pump.

(2) Provision must be made to permit the bypass of all positive displacement fuel pumps except fuel injection pumps approved as part of the engine.

b. Emergency Pumps. Emergency pumps must be provided and immediately available to permit supplying all engines with fuel in case of failure of any one main fuel pump.

##### 17. Fuel Strainer

a. The fuel strainer or filter must be of adequate capacity, commensurate with operating limitations, to ensure proper engine operation with the fuel contaminated to a degree, with respect to particle size and density, which can be reasonably expected to occur in service. The degree of fuel filtering must not be less than that established for the engine in accordance with the type certification of the engine.

b. When filters, screens, or strainers susceptible to icing are incorporated in the fuel system, a means must be provided to automatically maintain fuel flow in the event ice particles accumulate or restrict flow by clogging the filter or screen.

##### 18. Cooling Tests.

The following temperature corrections apply:

a. A maximum atmospheric temperature of not less than 100° F at sea level conditions must be established by the applicant as a

limitation on the operation of the airplane. The temperature lapse rate is considered to be 3.6° F per thousand feet of altitude above sea level until a temperature of -69.7° F is reached; above this altitude, the temperature is considered to be constant at -69.7° F.

b. The temperatures of all powerplant components and engine fluids for which temperature limits have been established must be corrected by adding the difference between the maximum ambient atmospheric temperature and the temperature of the ambient air at the time of the first occurrence of maximum component or fluid temperature recorded during the cooling tests, unless a more rational correction is shown to be applicable.

##### 19. Cooling Test Procedure

Compliance with the provisions of CAR 3.581 must be established for the takeoff, climb, en route, and landing stages of flight which correspond with the applicable performance regulations. The cooling tests must be conducted with the airplane in the configuration and operated under the conditions which are critical relative to cooling during each stage of flight.

a. For all stages of flight, temperatures must be stabilized under conditions from which entry is made into the stage of flight for which a test is conducted, except when the entry condition normally is not one during which component and engine fluid temperatures would stabilize. In such case, operation through the full entry condition must be conducted prior to entry into the stage of flight for which the test is conducted in order to allow temperatures to attain their natural level at the time of entry. In particular, the takeoff cooling tests must be preceded by a period during which the powerplant component and engine fluid temperatures are stabilized with the engine at ground idle. A temperature is considered stabilized when its rate of change is less than 2° F per minute.

b. Cooling tests for each stage of flight must be conducted until one of the following conditions is fulfilled:

- Component and engine fluid temperatures stabilize;
- The stage of flight is completed; or
- An operation limitation is reached.

##### 20. Induction System—General

The engine air inlet ducts must be located or protected so as to minimize the ingestion of foreign matter during takeoff, landing including reversing of propellers, and taxiing.

##### 21. Induction System De-Icing and Anti-Icing Provisions

The airplane must be capable of operating throughout the flight power range without the accumulation of ice in the air induction system which might adversely affect engine operation or cause a serious loss of power and/or thrust in the continuous maximum or intermittent maximum icing conditions defined in Appendix C of Part 25 of the FAR. Means to indicate the functioning of the powerplant ice protection systems must be provided.

**22. Induction System Ducts**

The design of the engine air inlet duct must be such as to assure that flammable fluids will not leak or be carried into the engine intake in case of failure or malfunction of any flammable fluid-carrying components on or near the engine.

**23. Exhaust System—General**

Exhaust systems must be constructed and arranged in such a manner as to assure the safe disposal of exhaust gases and/or any fire through or around the exhaust system, without the existence of a hazard, or adverse effects on the aircraft. Low spots or pockets in the exhaust system must be drained overboard so as to clear the airplane in normal ground and flight attitudes. In addition, these drains must prevent accumulation of fuel after the failure of an attempted engine start.

**24. Powerplant Fire Protection**

An acceptable means must be provided to assure prompt detection by the crew of fire in the engine compartment.

**25. Powerplant Instruments**

In addition to the powerplant instruments required by CAR 3.655(b), the following must be provided:

- Exhaust gas temperature or turbine inlet temperature indicator for each engine.
- A fuel flowmeter must be provided if fuel flow is required to be maintained within established limits by the pilot.
- An indicator to indicate to the pilot the power output of each engine.
- Position indicating means for each propeller to indicate to the pilot when the propeller blade angle is below the flight low-pitch position. The source or indication must sense blade position directly.

**26. Air Start Envelope**

An air start envelope and air start procedure must be established and included in the Airplane Flight Manual.

**27. Lightning Strike Protection**

The fuel and vent systems must be designed to provide protection against the ignition, from lightning strikes or other sources, of flammable vapors occurring in the fuel tanks or the vent systems.

**Flight Test Items****28. Definition of Stalling Speeds**

In addition to the requirements of CAR 3.82 and 3.83, the stall speeds must not be less than those which would be obtained at zero thrust.

**29. Takeoff**

In addition to the requirements of CAR 3.84, the speed at a height of 50 feet above the level takeoff surface must not be less than the speed at which compliance with CAR 3.85(a) is shown.

**30. Normal Climb**

In addition to the requirements of CAR 3.85 at standard temperature, it must be shown that the airplane can achieve a steady angle of climb of at least 1:25 at standard temperature plus 40°F at a pressure altitude of 5,000 feet.

**31. Inoperative Engine Climb**

In addition to the requirement of CAR 3.85(b), the following applies: The climb performance capability in terms of "Gradient of Climb" must be determined for all combinations of weight, altitude, and ambient temperatures for which approval is requested. For takeoffs at altitudes of 5,000 feet and below, the maximum takeoff weight may be varied to that which provides a minimum steady gradient, at 5,000 feet, of not less than the following:

- 1.2% (or a gradient equal to  $.02V_{SO}^2$  if greater) at an ambient temperature at 5,000 feet of 41°F.  $V_{SO}$  is in units of miles per hour.
- 0.6% (or a gradient equal to  $.01V_{SO}^2$  if greater) at an ambient temperature at 5,000 feet of 81°F.  $V_{SO}$  is in units of miles per hour.
- The variation in the minimum climb gradients of a and b above must vary linearly between the temperatures of 41°F and 81°F. This variation in minimum gradient of climb must apply for the maximum operational temperature approved for the airplane.

The applicant must provide sufficient information in the Airplane Flight Manual so that the above requirements can be met in service.

**32. Balked Landing Climb**

In addition to meeting the requirement of CAR 3.85(c) at standard temperature, the steady climb performance must not be less than zero at standard temperature plus 40°F at a pressure altitude of 5,000 feet, and with a climb speed not in excess of  $1.4V_{SO}$ .

**33. Landing**

a. In addition to meeting the requirements of CAR 3.86, the landing distance must be obtained in accordance with procedures established by the applicant. Such procedures must include all changes in the airplane configuration; i.e., power, speed, drag devices, etc., except that immediately prior to reaching the 50-foot altitude point, a steady gliding approach must have been maintained, with a calibrated airspeed of at least  $1.3V_{SO}$ . Allowances must be made for time delays in the execution of the procedures as may be reasonably expected to occur during service.

b. In addition to, or in lieu of, the use of wheel brakes, the use of other braking means may be used in determining the landing distances, provided such braking means have been proven to be safe and reliable.

c. If the characteristics of a device (e.g., the propellers), dependent upon operation of any of the engines, noticeably increase the landing distances when the landing is made with an engine inoperative, the landing distance must be determined with the critical engine inoperative.

**34. Longitudinal Control and Lateral and Directional Control**

In lieu of CAR 3.744 requirements regarding maximum continuous power, the following applies: Maximum continuous power selected by the applicant is an operating limitation for use during climb.

**35. Trim Requirements**

In lieu of the CAR 3.112(a)(1) requirement, the following applies: Lateral and directional trim in level flight at a speed of  $0.9V_H$  or  $V_{MO}$

if lower, with the landing gear and wing flaps retracted.

In lieu of the CAR 3.112(a)(2)(i) requirement: During a climb with maximum continuous power as selected by the applicant as an operating limitation at a speed between  $V_X$  and  $1.4V_{S1}$ .

In lieu of the CAR 3.112(a)(2)(ii) requirement, the following applies: During a glide with power off at a speed not in excess of  $1.4V_{S1}$ :

- With landing gear extended and wing flaps retracted.
- With landing gear extended and wing flaps fully extended under the most forward center of gravity position approved with the maximum authorized weight.
- With landing gear extended and wing flaps fully extended under the most forward center of gravity position approved regardless of weight.

In lieu of the CAR 3.312(a)(2)(iii) requirement, the following applies: During level flight at any speed from  $0.9V_H$  or  $V_{MO}$  if lower, to  $V_X$  or  $1.4V_{S1}$  with landing gear and wing flaps retracted.

In lieu of the CAR 3.112(b)(1) requirement, the following applies: The other engine operating at maximum continuous power as selected by the applicant as an operating limitation.

**36. Static Longitudinal Stability**

In addition to CAR 3.114(b) the following applies: Except for showing compliance with CAR 3.115(c) the airspeed must return to  $\pm 7.5\%$  or  $\pm 10$  knots, whichever is less.

**37. Climb Stability**

In lieu of the CAR 3.115(b)(4) requirement, the following applies: Maximum power selected by the applicant as an operating limitation for use during climb at the best rate of climb speed, except that the speed need not be less than  $1.4V_{S1}$ .

**38. Cruise Stability**

In lieu of the CAR 3.115(c) requirement, the following applies: The stick force curve shall have a stable slope for a speed range of  $\pm 50$  knots from the trim speed, except that the speeds need not exceed  $V_{FC}/M_{FC}$  or  $1.4V_{S1}$ , nor speeds that require a stick force of more than 50 pounds. This speed range must be considered to begin at the outer extremes of the friction band with:

- Landing gear retracted.
- Wing flaps retracted.
- Maximum cruising power as selected by the applicant is an operating limitation except that the power need not exceed that required at  $V_{MO}/M_{MO}$ .
- Maximum takeoff weight.
- The airplane trimmed for level flight with the power specified by the applicant in accordance with subparagraph c of this paragraph.

**39. Maximum Operating Limit Speed  $V_{MO}/M_{MO}$** 

In lieu of the CAR 3.739 and 3.740 requirement, the following applies: The maximum operating limit speed,  $V_{MO}/M_{MO}$ , as established by the applicant, is the speed which must not be deliberately exceeded in any regime of flight, except where a higher speed is authorized for flight tests (maximum

for flight characteristics  $V_{FC}/M_{FC}$  which lies at least midway between  $V_{MO}/M_{MO}$  and  $V_D/M_D$  or  $V_{DF}/M_{DF}$ .

a. The maximum operating limit speed must not exceed the design cruising speed  $V_C$  and must be sufficiently below  $V_D/M_D$  or  $V_{DF}/M_{DF}$  to make it highly improbable that the latter speeds will be inadvertently exceeded in flight.

b. The speed  $V_{MO}/M_{MO}$  must not exceed  $0.8V_D/M_D$  or  $0.8V_{DF}/M_{DF}$  unless flight demonstrations involving upsets as specified by the Administrator indicate a lower speed margin will not result in speeds exceeding  $V_D/M_D$  or  $V_{DF}/M_{DF}$ . Atmospheric variations, horizontal gusts, system and equipment errors, and airframe production variations must be taken into account.

#### 40. Maximum Operating Altitude

In addition to the operating limitations of CAR 3.778, the following applies: A maximum certificated altitude to which operation is permitted must be determined as limited by flight, structural, powerplant, functional, or equipment characteristics.

#### 41. Airspeed Indicator

In lieu of the CAR 3.757 requirements, the following applies:

a. The following markings must be made—

(1) The maximum operating speed,  $V_{MO}/M_{MO}$ —a radial red line.

(2) The normal operating range—a green arc with the lower limit at  $V_{SI}$  as determined in CAR 3.82 and the Special Condition Item No. 28 applicable to CAR 3.82 at maximum weight with landing gear and wing flaps retracted, and the upper limit at the maximum operating speed,  $V_{MO}/M_{MO}$ .

b. When the maximum operating speed,  $V_{MO}/M_{MO}$ , varies with altitude, means must be provided which will indicate the appropriate limitations to the pilot throughout the operating altitude range.

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

Issued in Kansas City, Missouri, on September 9, 1983.

John E. Shaw,  
Acting Director.

[FR Doc 83-25801 Filed 9-21-83; 8:45 am]

BILLING CODE 4910-15-M

#### 14 CFR Part 21

[Docket No. 23662; SC No. 23-ACE-6]

#### Special Conditions; Fairchild Model SA227 Series Airplanes To Type Certificate No. A8SW

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Special Conditions.

SUMMARY: These Special Conditions are issued to Fairchild Aircraft Corporation to become a part of the type certification

basis for new Fairchild Aircraft Corporation (Fairchild) Model SA227 series airplanes to be added to Type Certificate No. A8SW. These new models are derivatives of the Fairchild Aircraft Corporation Model SA227-AC airplane for which special conditions were established as a part of the type certification basis. Special conditions are prescribed in the absence of appropriate requirements for the type certification of turbopropeller-powered airplanes pursuant to Part 23 of the Federal Aviation Regulations (FAR) and to assure a level of safety equivalent to that intended by these airworthiness standards for reciprocating engine-powered airplanes. The Fairchild Model SA227 series airplanes to be added to Type Certificate No. A8SW are basically the type certificated SA227-AC airplane with different make and model of turbopropeller engines installed or other airplane improvements. A Notice of Proposed Special Conditions, Notice No. SC-83-4-CE, was published in the Federal Register on July 7, 1983 (48 FR 31236) and no comments were received in response to this notice.

EFFECTIVE DATE: October 24, 1983.

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

#### SUPPLEMENTARY INFORMATION:

##### Type Certification Basis

The type certification basis for the Fairchild Aircraft Corporation Model SA227 series airplanes to be added to Type Certificate No. A8SW is as follows: Part 23 of the Federal Aviation Regulations, effective February 1, 1965, as amended by Amendments 23-1 through 23-6; Special Federal Aviation Regulations (SFAR) No. 23; § 23.175(d) of Amendment 23-14 of the FAR, effective December 20, 1973; Amendment C of Special Federal Aviation Regulations (SFAR) No. 41 including paragraph 4.(c) and the compartment interior requirements of § 25.853 (a), (b), (b-1), (b-2), and (b-3) of the FAR in effect on September 26, 1978; Part 36 of the FAR, Appendix F, by Amendments 36-1 through 36-6; SFAR No. 27, effective February 1, 1974, as amended by Amendments 27-1 through 27-4; and the Special Conditions adopted by this rulemaking action.

##### Background

On May 21, 1981, Fairchild Aircraft Corporation, P.O. Box 32486, San

Antonio, Texas 78284, submitted an application to amend Type Certificate No. A8SW to add a new model airplane, Model SA227-PC, in the normal category. Type Certificate No. A8SW covers the Fairchild Model SA227-AC airplane, approved May 8, 1981, and other similar airplanes. The new model airplane, Fairchild Model SA227-PC, is a derivative of the Fairchild Model SA227-AC airplane and differs from the Fairchild Model SA227-AC only with respect to the make and model of turbopropeller engines installed.

Fairchild Aircraft Corporation has indicated to the FAA their intent to make available additional models of airplanes similar to the Fairchild Models SA227-AC and SA227-PC airplanes. Therefore, the FAA issued Notice No. SC-83-4-CE on July 7, 1983, proposing Special Conditions applicable to the Fairchild Model SA227 series airplanes to be added to Type Certificate No. A8SW to preclude numerous issuances of identical Special Conditions for type certification of the Fairchild Model SA227 series airplanes to be added to Type Certificate No. A8SW.

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

The Fairchild Model SA227-AC is a pressurized, low wing, twin turbopropeller-powered airplane type certificated in the normal category and limited to 12,500 pounds maximum certificated takeoff weight and a maximum seating capacity not to exceed 16 occupants. The Fairchild Model SA227-AC airplane also has an authorized increase in maximum takeoff weight to 14,500 pounds when compliance with SFAR No. 41, as amended, is shown.

The Fairchild Model SA227-AC airplane included novel or unusual design features for an airplane type certificated to the airworthiness standards of Part 23 of the FAR. The airworthiness standards of Part 23 of the FAR, which are the type certification basis for the Fairchild Model SA227-AC airplane, did not contain adequate or appropriate safety standards for a turbopropeller-powered, normal

category airplane. Subsequently, Special Conditions were developed to assure a level of safety for the Fairchild Model SA227-AC airplane equivalent to that provided by the airworthiness standards of Part 23 of the FAR. The Special Conditions developed were added as a part of the type certification basis for the Fairchild Model SA227-AC airplane.

Since the Fairchild Model SA227 series airplanes to be added to Type Certificate No. A8SW are derivative models of the Fairchild Model SA227-AC airplane and differ only in the make and model of turbopropeller engines or other airplane improvements, the FAA issued Notice No. SC-83-4-ACE (48 FR 31236; July 7, 1983) proposing Special Conditions to become a part of the type certification basis for the Fairchild Aircraft Corporation Model SA227 series airplanes to be added to Type Certificate No. A8SW because of the same novel or unusual design features.

#### Discussion of Comments

There were no comments received by the FAA in response to Notice No. SC-83-4-ACE published in the Federal Register on July 7, 1983. The closing date for comments to the notice was August 8, 1983.

#### List of Subjects in 14 CFR Part 21

Air transportation, Aircraft, Aviation safety, Safety.

#### Adoption of the Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, Special Conditions No. 23-ACE-8 are adopted for the Fairchild Aircraft Corporation Model SA227 series airplanes to be added to Type Certificate No. A8SW, as follows:

#### Airframe Items

##### 1. Engine Torque Effects

a. In addition to the conditions specified in § 23.361 of the FAR, the following applies: The limit engine torque corresponding to takeoff power and propeller speed, multiplied by a factor accounting for propeller control system malfunction including quick feathering, must be considered to act simultaneously with lg level flight loads. In the absence of a rational analysis, a factor of 1.6 must be used.

b. The limit torque must be obtained by multiplying the mean torque by a factor of 1.25.

##### 2. Unsymmetrical Loads Due to Engine Failure

The airplane must be designed for the unsymmetrical loads resulting from the failure of the critical engine. The airplane must be designed for the following conditions in combination with a single malfunction of the propeller drag limiting system,

considering the probable pilot corrective action on the flight controls:

a. At speeds between  $V_{MC}$  and  $V_D$ , the loads resulting from the power failure because of fuel flow interruption are considered to be limit loads.

b. At speeds between  $V_{MC}$  and  $V_C$ , the loads resulting from the disconnection of the engine compressor from the turbine or from loss of the turbine blades are considered to be ultimate loads.

c. The time history of the thrust decay and drag build up occurring as a result of the prescribed engine failure must be substantiated by test or other data applicable to the particular engine-propeller combination.

d. The timing and magnitude of the probable pilot corrective action must be conservatively estimated, considering the characteristics of the particular engine-propeller-airplane combination.

Pilot corrective action may be assumed to be initiated at the time maximum yawing velocity is reached, but not earlier than 2 seconds after the engine failure. The magnitude of corrective action may be based on the control forces specified in § 23.397 of the FAR except that lower forces may be assumed where it is shown by analysis or tests that these forces can control the yaw and roll resulting from the prescribed engine failure conditions.

##### 3. Gyroscopic Loads

Each engine mount and its supporting structure must be designed for the gyroscopic loads that result, with the engines at maximum continuous r.p.m., under either of the following conditions:

a. The conditions prescribed in §§ 23.351 and 23.423 of the FAR.

b. All possible combinations of the following:

- (1) A yaw velocity of 2.5 radians per second.
- (2) A pitch velocity of 1 radian per second.
- (3) A normal load factor of 2.5.
- (4) Maximum continuous thrust.

##### 4. Flutter and Vibration Prevention Measures

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

- a. The significant elastic, inertia, and aerodynamic forces associated with the rotations and displacements of the plane of rotation of the propeller; and
- b. Engine-propeller-nacelle stiffness and damping variation appropriate to the particular configuration.

Note.—An acceptable method for showing compliance with the foregoing requirement is:

(1) Run a two-degree of freedom (pitch and yaw) NASA-Type Whirl-Mode Analysis, including variations in inertia, stiffness, damping or equivalent functions.

(2) Supplement this by experimental stiffness measurements of the propeller-engine system on the flight airplane.

(3) Demonstrate an adequate separation of the propeller whirl and wing mode frequencies, or a very low degree of mode coupling between propeller whirl and wing modes.

(4) If adequate frequency separation or low degree of coupling is demonstrated under (3), the wing flutter may be investigated independently of propeller whirl modes.

#### Systems Items

##### 5. Oxygen System

a. For maximum certificated altitudes up to and including 25,000 feet, the following apply:

(1) If the airplane can safely descend to a flight altitude of 15,000 feet or less within four minutes, supplemental breathing oxygen must be provided for at least one crewmember and any one passenger.

(2) If the airplane cannot safely descend to a flight altitude of 15,000 feet or less within four minutes, supplemental breathing oxygen systems must be installed and an oxygen dispensing unit provided for each occupant.

b. For a maximum certificated altitude above 25,000 feet, a supplemental breathing oxygen system must be installed and an oxygen dispensing unit provided for each occupant.

##### 6. Engine Bleed Air for Cabin Use

It must be shown by fault analysis and tests as necessary, that air supplied to the cabin will not be harmful to occupants under any probable failure or malfunction and all probable airplane operating conditions.

#### Propulsion Items

##### 7. Components

Powerplant operating characteristics must be investigated in flight to determine that no adverse characteristics, such as compressor stall, surge, or flameout are present to a hazardous degree during normal and emergency operation of the airplane and the engine.

##### 8. Engines

The engine installations must not result in vibration characteristics of the engine exceeding those established in accordance with the type certification of the engine.

##### 9. Control of Engine Rotation

If means are provided for feathering each turbopropeller engine in flight, means must be provided for unfeathering each propeller. Complete stoppage need not be provided if continued rotation does not jeopardize the safety of the airplane.

##### 10. Engine and Propeller Control Systems

Engine and propeller control systems including blade pitch control mechanisms, emergency protective features, and other devices intended to coordinate engine and propeller functions must be investigated to assure that no single failure or malfunction will cause a hazardous condition which would preclude continued safe flight. Failure or malfunction of the engine, propeller, and their control systems must not result in propeller drag in excess of that for which the aircraft is designed.

##### 11. Propeller Reversing Systems

Reversing systems intended for ground operation only must be such that no single failure or malfunction of the system under all probable conditions of airplane operation

will result in unwarranted reverse thrust. Failure of structural elements need not be considered if occurrence of such failures is shown to be extremely remote.

#### 12. Propeller Reversing Controls

Propeller reverse thrust controls must incorporate a means to prevent their inadvertent movement to a reverse position. The means provided must incorporate a positive lock or stop at the flight idle position and must require a separate and distinct operation by the crew in order to displace the control from the flight regime position.

#### 13. Fuel System-General

The fuel system must provide for continuous flow of fuel to the engine in normal operation without interruption of fuel flow due to depletion of fuel in tanks other than the main tanks.

#### 14. Fuel Flow Rate for Pump Systems

a. The fuel flow rate of engine fuel pump systems must be 125 percent of the fuel flow required to develop the standard sea level atmospheric condition takeoff power selected and included as an operating limitation in the Airplane Flight Manual.

b. The ability of the system to provide at least 100 percent of the fuel flow required by the engines must be demonstrated when the airplane is in the operating condition, including attitude and altitude, which represents the most adverse condition from the standpoint of fuel feed for which the airplane is designed.

#### 15. Fuel Tank Tests

The fuel tanks, as mounted in the airplane, must be demonstrated by tests to withstand the greater of the following pressures without failure or leakage:

- 3.5 p.s.i.
- 125 percent of the maximum air pressure developed in the tanks.
- The pressure equivalent to the hydrostatic head developed during maximum limit acceleration of the aircraft with full tanks.
- Compliance with § 23.965 of the FAR may be shown by analysis or tests.

#### 16. Fuel Pump and Pump Installation

##### a. Main Pumps.

(1) Any fuel pump that is required for proper engine operation or to meet the fuel system requirements except as provided in paragraph b, Emergency Pumps, of this section, must be considered a main pump.

(2) Provision must be made to permit the bypass of all positive displacement fuel pumps except fuel injection pumps approved as part of the engine.

##### b. Emergency Pumps.

Emergency pumps must be provided and immediately available to permit supplying all engines with fuel in case of failure of any one main fuel pump.

#### 17. Fuel Strainer

a. The fuel strainer or filter must be of adequate capacity, commensurate with operating limitations, to insure proper engine operation with the fuel contaminated to a degree, with respect to particle size and density, which can be reasonably expected to

occur in service. The degree of fuel filtering must not be less than that established for the engine in accordance with the type certification of the engine.

b. When filters, screens or strainers susceptible to icing are incorporated in the fuel system, a means must be provided to automatically maintain fuel flow in the event ice particles accumulate or restrict flow by clogging the filter or screen.

#### 18. Cooling Tests

The following temperature corrections apply:

a. A maximum atmospheric temperature of not less than 100°F at sea level conditions must be established by the applicant as a limitation on the operation of the airplane. The temperature lapse rate is considered to be 3.6°F per thousand feet of altitude above sea level until a temperature of -69.7°F is reached, above this altitude the temperature is considered to be constant at -69.7°F.

b. The temperatures of all powerplant components and engine fluids for which temperature limits have been established must be corrected by adding the difference between the maximum ambient atmospheric temperature and the temperature of the ambient air at the time of the first occurrence of maximum component or fluid temperature recorded during the cooling tests, unless a more rational correction is shown to be applicable.

#### 19. Cooling Test Procedure

Compliance with the provisions of § 23.1041 of the FAR must be established for the takeoff, climb, en route, and landing stages of flight which correspond with the applicable performance regulations. The cooling tests must be conducted with the airplane in the configuration and operated under the conditions which are critical relative to cooling during each stage of flight.

a. For all stages of flight, temperatures must be stabilized under conditions from which entry is made into the stage of flight for which a test is conducted, except when the entry condition normally is not one during which component and engine fluid temperatures would stabilize. In such case, operation through the full entry condition must be conducted prior to entry into the stage of flight for which the test is conducted in order to allow temperatures to attain their natural level at the time of entry. In particular, the takeoff cooling tests must be preceded by a period during which the powerplant component and engine fluid temperatures are stabilized with the engine at ground idle. A temperature is considered stabilized when its rate of change is less than 2°F per minute.

b. Cooling tests for each stage of flight must be conducted until one of the following conditions is fulfilled:

- Component and engine fluid temperatures stabilize;
- The stage of flight is completed; or
- An operation limitation is reached.

#### 20. Induction system-General

The engine air inlet ducts must be located or protected so as to minimize the ingestion of foreign matter during takeoff, landing including reversing of propellers, and taxiing.

#### 21. Induction System De-icing and Anti-icing Provisions

The airplane must be capable of operating throughout the flight power range without the accumulation of ice in the air induction system which might adversely affect engine operation or cause a serious loss of power and/or thrust in the continuous maximum or intermittent maximum icing conditions defined in Appendix C of Part 25 of the FAR. Means to indicate the functioning of the powerplant ice protection systems must be provided.

#### 22. Induction System Ducts

The design of the engine air inlet duct must be such as to assure that flammable fluids will not leak or be carried into the engine intake in case of failure or malfunction of any flammable fluid-carrying components on or near the engine.

#### 23. Exhaust System-General

Exhaust systems must be constructed and arranged in such a manner as to assure the safe disposal of exhaust gases and/or any fire through or around the exhaust system, without the existence of a hazard, or adverse effects on the aircraft. Low spots or pockets in the exhaust system must be drained overboard so as to clear the airplane in normal ground and flight attitudes. In addition, these drains must prevent accumulation of fuel after the failure of an attempted engine start.

#### 24. Powerplant Fire Protection

An acceptable means must be provided to assure prompt detection by the crew of fire in the engine compartment.

#### 25. Powerplant Instruments

In addition to the powerplant instruments required by § 23.1305 of the FAR, the following must be provided:

- Exhaust gas temperature or turbine inlet temperature indicator for each engine.
- A fuel flowmeter must be provided if fuel flow is required to be maintained within established limits by the pilot.
- An indicator to indicate to the pilot the power output of each engine.
- Position indicating means for each propeller to indicate to the pilot when the propeller blade angle is below the flight low pitch position. The source or indication must sense blade position directly.

#### 26. Air Start Envelope

An air start envelope and air start procedures must be established and included in the Airplane Flight Manual.

#### 27. Lighting Strike Protection

The fuel and vent systems must be designed to provide protection against the ignition, from lightning strikes or other sources, of flammable vapors occurring in the fuel tanks or the vent systems.

#### Flight Test Items

##### 28. Definition of Stalling Speeds

In addition to the requirements of § 23.49 of the FAR, the stall speeds must not be less

than those which would be obtained at zero thrust.

#### 29. Takeoff

In addition to the requirements of § 23.51 of the FAR, the speed at a height of 50 feet above the level takeoff surface must not be less than the speed at which compliance with § 23.65 of the FAR is shown.

#### 30. Normal Climb

In addition to the requirements of § 23.65 of the FAR, at standard temperature the airplane must achieve a steady angle of climb of at least 1:25 at standard temperature plus 40°F at a pressure altitude of 5,000 feet.

#### 31. Inoperative Engine Climb

In addition to the requirement of § 23.87 of the FAR, the following applies: The climb performance capability in terms of "Gradient of Climb" must be determined for all combinations of weight, altitude, and ambient temperatures for which approval is requested. For takeoffs at altitudes of 5,000 feet and below, the maximum takeoff weight may be varied to that which provides a minimum steady gradient, at 5,000 feet, of not less than the following:

- 1.2% (or a gradient equal to  $.02V_{SO}^2$  if greater) at an ambient temperature at 5,000 feet of 41°F.  $V_{SO}$  is in units of miles per hour.
- 0.6% (or a gradient equal to  $.01V_{SO}^2$  if greater) at an ambient temperature at 5,000 feet of 81°F.  $V_{SO}$  is in units of miles per hour.

c. The variation in the minimum climb gradients of a and b above must vary linearly between the temperatures of 41°F and 81°F. This variation in minimum gradient of climb must apply for the maximum operational temperature approved for the airplane.

The applicant must provide sufficient information in the Airplane Flight Manual so that the above requirements can be met in service.

#### 32. Balked Landing Climb

In addition to meeting the requirement of § 23.77 of the FAR at standard temperature, the steady climb performance must not be less than zero at standard temperature plus 40°F at a pressure altitude of 5,000 feet, and with a climb speed not in excess of  $1.4V_{SO}$ .

#### 33. Landing

a. In addition to meeting the requirements of § 23.75 of the FAR, the landing distance must be obtained in accordance with procedures established by the applicant. Such procedures must include all changes in the airplane configuration; i.e., power, speed, drag devices, etc., except that immediately prior to reaching the 50-foot altitude point, a steady gliding approach must have been maintained, with a calibrated airspeed of at least  $1.3V_{SO}$ . Allowances must be made for time delays in the execution of the procedures as may be reasonably expected to occur during service.

b. In addition to, or in lieu of, the use of wheel brakes, the use of other braking means may be used in determining the landing distances, provided such braking means have been proven to be safe and reliable.

c. If the characteristics of a device (e.g., the propellers), dependent upon operation of any

of the engines, noticeably increase the landing distances when the landing is made with an engine inoperative, the landing distance must be determined with the critical engine inoperative.

#### 34. Longitudinal Control and Lateral and Directional Control

In lieu of § 23.1521 of the FAR requirements regarding maximum continuous power, the following applies:

Maximum continuous power selected by the applicant is an operating limitation for use during climb.

#### 35. Trim Requirements

In lieu of the requirement of § 23.161(b) of the FAR, the following applies: Lateral and directional trim in level flight at a speed of  $0.9V_H$  or  $V_{MO}$  if lower, with the landing gear and wing flaps retracted.

In lieu of the § 23.161(c)(1) and (c)(2) of the FAR requirement: During a climb with maximum continuous power as selected by the applicant as an operating limitation at a speed between  $V_X$  and  $1.4V_{S1}$ .

In lieu of the § 23.161(c)(3), (c)(4), and (c)(5) of the FAR requirement, the following applies: During a glide with power off at a speed not in excess of  $1.4V_{S1}$ .

a. With landing gear extended and wing flaps retracted.

b. With landing gear extended and wing flaps fully extended under the most forward center of gravity position approved with the maximum authorized weight.

c. With landing gear extended and wing flaps fully extended under the most forward center of gravity position approved regardless of weight.

In lieu of the § 23.161(c)(6) of the FAR requirement, the following applies: During level flight at any speed from  $0.9V_H$  or  $V_{MO}$  if lower, to  $V_X$  or  $1.4V_{S1}$ , with landing gear and wing flaps retracted.

In lieu of the § 23.161(d) of the FAR requirement, the following applies: The other engine operating at maximum continuous power as selected by the applicant as an operating limitation.

#### 36. Static Longitudinal Stability

In addition to the requirements of § 23.173 of the FAR, the following applies: Except for showing compliance with § 23.175(b) of the FAR, the airspeed must return to  $\pm 7.5\%$  or  $\pm 10$  knots, whichever is less.

#### 37. Climb Stability

In lieu of the § 23.175(a)(4) of the FAR requirement, the following applies: Maximum power selected by the applicant as an operating limitation for use during climb at the best rate of climb speed, except that the speed need not be less than  $1.4V_{S1}$ .

#### 38. Cruise Stability

In lieu of the § 23.175(b) of the FAR requirement, the following applies: The stick force curve shall have a stable slope for a speed range of  $\pm 50$  knots from the trim speed except that the speeds need not exceed  $V_{FC}/M_{FC}$  or  $1.4V_{S1}$ , nor speeds that require a stick force of more than 50 pounds. This speed range must be considered to begin at the outer extremes of the friction band with:

- Landing gear retracted.

b. Wing flaps retracted.

c. Maximum cruising power as selected by the applicant is an operating limitation except that the power need not exceed that required at  $V_{MO}/M_{MO}$ .

d. Maximum takeoff weight.

e. The airplane trimmed for level flight with the power specified by the applicant in accordance with subparagraph c of this paragraph.

#### 39. Maximum Operating Limit Speed $V_{MO}/M_{MO}$

In lieu of the requirement of § 23.1505 of the FAR, the following applies: The maximum operating limit speed,  $V_{MO}/M_{MO}$ , as established by the applicant, is the speed which must not be deliberately exceeded in any regime of flight except where a higher speed is authorized for flight tests.

a. The maximum operating limit speed must not exceed the design cruising speed  $V_C$  and must be sufficiently below  $V_H/M_H$  or  $V_{DF}/M_{DF}$  to make it highly improbable that the latter speeds will be inadvertently exceeded in flight.

b. The speed  $V_{MO}/M_{MO}$  must not exceed  $0.8V_D/M_D$  or  $0.8V_{DF}/M_{DF}$  unless flight demonstrations involving upsets as specified by the Administrator indicate a lower speed margin will not result in speeds exceeding  $V_D/M_D$  or  $V_{DF}/M_{DF}$ .

Atmospheric variations, horizontal gusts, system and equipment errors, and airframe production variations must be taken into account.

#### 40. Maximum Operating Altitude

In addition to the operating limitations of § 23.1583 of the FAR, the following applies: A maximum certificated altitude to which operation is permitted must be determined as limited by flight, structural, powerplant, functional, or equipment characteristics.

#### 41. Airspeed Indicator

In lieu of the § 23.1545 of the FAR requirements, the following applies:

a. The following markings must be made—

- (1) The maximum operating speed,  $V_{MO}/M_{MO}$ —a radial red line.

- (2) The normal operating range—a green arc with the lower limit at  $V_{S1}$  as determined in § 23.49 of the FAR and the Special Condition applicable to § 23.49 of the FAR at maximum weight with landing gear and wing flaps retracted, and the upper limit at the maximum operating speed,  $V_{MO}/M_{MO}$ .

b. When the maximum operating speed,  $V_{MO}/M_{MO}$ , varies with altitude means, must be provided which will indicate the appropriate limitations to the pilot throughout the operating altitude range.

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

Issued in Kansas City, Missouri, on September 9, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-25960 Filed 9-21-83; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 83-CE-62-AD; Amendment 39-4725]

**Airworthiness Directives; Piper Models PA-60-600 (Aerostar 600), PA-60-601 (Aerostar 601), PA-60-601P (Aerostar 601P) and PA-60-602P (Aerostar 602P) Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment revises Airworthiness Directive (AD) 83-14-07, Amendment 39-4686, as amended by Amendment 39-4720, applicable to Piper Models PA-60-600 (Aerostar 600), PA-60-601 (Aerostar 601), PA-60-601P (Aerostar 601P) and PA-60-602P (Aerostar 602P) airplanes by allowing normal use of wing flaps when Piper Kit No. 764 969V is installed. Additional data is now available to the FAA which shows that when this kit is installed the airplane is controllable during power on stalls with wing flaps extended for and aft CG limit of 166.0. This revision makes available an alternate means of compliance with the AD for those operators who do not desire to comply with the restriction required in the original AD.

**DATE:** Effective date: September 28, 1983.

**Compliance:** Within the next 25 hours time-in-service after the effective date of this AD, unless already accomplished.

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

**FOR FURTHER INFORMATION CONTACT:** Curtis Jackson, ACE-120A, Atlanta Aircraft Certification Office, 1075 Inner Loop Road, College Park, Georgia 30337, Telephone (404) 763-7407.

**SUPPLEMENTARY INFORMATION:** AD 83-14-07, Amendment 39-4686, (48 FR 32553, 32554) applicable to Piper Models PA-60-600 (Aerostar 600), PA-60-601 (Aerostar 601), PA-60-601P (Aerostar 601P) and PA-60-602P (Aerostar 602P) airplanes prohibits use of wing flaps for all operations and limits the aft CG to 166.0 inches. Subsequent to the issuance of this AD, additional data became available to the FAA which showed that when an aft CG limit of 163.0 is used, the

airplane is controllable during power on stalls with wing flaps extended. Therefore, the FAA revised AD 83-14-07 by Amendment 39-4720 (48 FR 39451, 39452) by adding an alternate means of compliance which limited the aft CG to 163.0 inches and did not prohibit use of flaps. Subsequent to the revision by Amendment 39-4720, additional data became available to the FAA which showed that when Piper Kit No. 764 969V was installed, the airplane is controllable during power on stalls with wing flaps extended for an aft CG limit of 166.0. Therefore, the FAA is again revising AD 83-14-07 by adding another alternate means of compliance which requires installation of the Piper modification and does not prohibit use of flaps. This amendment provides an option which may be used at the operator's discretion. It imposes no additional burden on any person and is relieving in nature. Therefore, notice and public procedure hereon are unnecessary and not in the public interest and good cause exists for making this Amendment effective in less than 30 days.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### Adoption of the Amendment

#### PART 39—(AMENDED)

Accordingly and pursuant to the authority delegated to me by the Administrator, AD 83-14-07, Amendments, 39-4686, (48 FR 32554) and 39-4720 (48 FR 39451, 39452) and § 39.13 of the Federal Aviation Regulations (14 CFR § 39.13) is revised as follows:

1. Add the word "or" following paragraph (b).

2. Add a new paragraph (c) which reads as follows:

(c) Install Piper Kit 764 969V. This kit includes FAA approved AFM/POH Supplement for applicable airplane models.

3. Add note following paragraph (c) which reads as follows:

**Note.**—Piper Kit 764 969V is not applicable on aircraft with aerodynamic and/or power increase modification(s).

This amendment becomes effective on September 28, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

**Note.**—The FAA has determined that this document involves an amendment that is relieving in nature and does not impose any additional burden on any persons. Therefore, (1) it is not a major rule under Executive Order 12291, and (2) it is not a "significant

rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation. I certify it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act because it is relieving in nature and because it involves few, if any, small entities.

Issued in Kansas City, Missouri, on September 12, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-25852 Filed 9-21-83; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 83-CE-47-AD; Amdt. 39-4691]

**Airworthiness Directives; Piper Model PA-38-112 Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Correction of final rule.

**SUMMARY:** This action corrects Airworthiness Directive (AD) 83-14-08, Amendment 39-4691 (48 FR 33247, 33248), applicable to Piper Model PA-38-112 airplanes. This correction is necessary because the serial numbers of the affected airplanes were inadvertently omitted from the applicability statement and a wrong part number was cited for the applicable Piper kit in paragraph (c) when the AD was issued and published in the Federal Register.

**EFFECTIVE DATE:** September 27, 1983.

**FOR FURTHER INFORMATION CONTACT:** N. Glenn, Flight Test Section, ANE-176, New York Aircraft Certification Office, Room 202, 181 South Franklin Avenue, Valley Stream, New York 11581; Telephone (516) 791-7144.

**SUPPLEMENTARY INFORMATION:** Subsequent to the issuance of AD 83-14-08, Amendment 39-4691 (48 FR 33247, 33248), applicable to Piper Model PA-38-112 airplanes, the FAA found that the serial numbers of the affected airplanes were inadvertently omitted from the applicability statement and an incorrect part number was cited for the applicable Piper kit in paragraph (c) of the AD when it was published in the Federal Register. Therefore, action is taken herein to make these corrections. Since this action is clarifying in nature, notice and public procedure thereon are not considered necessary.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

In FR Doc. 83-19495 (48 FR 33247, 33248), appearing on page 33247 in the Federal Register of July 21, 1983, make the following corrections:

1. Restate the applicability statement to read as follows:

"Piper: Applies to Model PA-38-112 (S/Ns 38-78A0001 through 38-79A0582) airplanes certificated in any category."

2. Correct the kit part number referenced in paragraph (c) to read "P/N 763-930."

(Sec. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and Sec. 11.69 of the Federal Aviation Regulations (14 CFR Sec. 11.69))

Issued in Kansas City, Missouri, on September 12, 1983.

John E. Shaw,

Acting Director, Central Region.

(FR Doc. 83-2585) Filed 9-21-83; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

(Airspace Docket No. 83-AWA-11)

#### Airspace, Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

**SUMMARY:** This action corrects Federal Register Document 83-20410 that was published in the Federal Register on July 28, 1983 (48 FR 34247). An error was noted in the description of V-26 that was extended from Grand Junction, CO, Gunnison, CO, via Montrose, CO. This action corrects that description.

**EFFECTIVE DATE:** September 29, 1983.

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

#### SUPPLEMENTARY INFORMATION:

##### History

Federal Register Document 83-20410 was published in the Federal Register on July 28, 1983, that amended the descriptions of several VOR Federal Airways in the vicinity of Denver, CO. V-26 was extended to Gunnison, CO; however, Grand Junction, CO, was inadvertently omitted from the description. This action corrects that omission.

#### List of Subjects in 14 CFR Part 71

VOR Federal Airways, Aviation safety.

#### Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, Federal Register Document 83-20410, as published in the Federal Register on July 28, 1983, (48 FR 34247) is corrected as follows:

#### V-26 [Amended]

By deleting the words "From Grand Junction, CO; via" and substituting the words "From Gunnison, CO, via Montrose, CO, 13 miles, 112 MSL, 131 MSL; Grand Junction, CO;" and by deleting the words "Philip, SD; 56 miles, 35 MSL, Pierre, SD, including a north alternate; Huron, SD;" and substituting the words "Philip, SD; Pierre, SD; Huron, SD;" (Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.69)

**Note.**—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 28, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on September 6, 1983.

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

(FR Doc. 83-2585) Filed 9-21-83; 8:45 am]

BILLING CODE 4910-13-M

#### Coast Guard

#### 33 CFR Part 100

[CGD3-83-46]

#### Regatta: Chrysler Laser Classic 200, New York Harbor, New York

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** Special Local Regulations are being adopted for The Chrysler Laser Classic 200 sponsored by the New York Offshore Powerboat Association. This power boat race will be held within New York Harbor and adjacent coastal waters on September 24, 1983. This regulation is needed to provide for the

safety of participants and spectators on navigable waters during the event.

**DATES:** This regulation becomes effective on September 24, 1983 at 10:00 a.m. and terminates the same day at 3:00 p.m. In case of postponement, the approved rain date will be September 25, 1983 and this regulation will be effective for the same period on September 25, 1983.

**FOR FURTHER INFORMATION CONTACT:** LTJG D. R. Cilley, (212) 668-7974.

**SUPPLEMENTARY INFORMATION:** On August 29, 1983 the Coast Guard published an Advance Notice of Proposed Rule Making in the Federal Register for this regulation (48 FR 39083). Interested parties were requested to submit their comments directly to the Third Coast Guard District Boating Safety Office on Governors Island, New York. One letter was received before the September 7, 1983 deadline. This comment will be discussed later in this regulation. This regulation is being made effective in less than 30 days from the date of publication. Based on the comments received and further Coast Guard review several major changes have been made to the ideas proposed in the Advance Notice of Proposed Rule Making for the purpose of improving the overall safety of the event. Following normal rule making procedure would have been impracticable. The application to hold a marine event was received on August 12, 1983. There was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

#### Drafting Information

The drafters of this Final Rule are LTJG D. R. Cilley, Project Officer, Boating Safety Office, and Ms. MaryAnn Arisman, Project Attorney, Third Coast Guard District Legal Office.

#### Discussion of Regulations

The Chrysler Laser Classic 200 is sponsored by the New York Offshore Powerboat Association. This power boat race will be held within New York Harbor and adjacent coastal waters. The event is scheduled to start at 11:00 a.m. and run until 2:00 p.m. Proceeds from this American Powerboat Association sanctioned race are to go the Statue of Liberty/Ellis Island Restoration Project. Nearly 60 power boats in 5 classes will race around a course designed to give the residents of each of the New York City boroughs a spectacular view of power boat racing. The course will take racers from the lower Hudson River out of New York

Harbor under the Verrazano Narrows Bridge, keeping to the west of Ambrose Channel. The course will then run to the vicinity of Romer Shoal and then head out on an offshore leg to Ambrose Light. The power boats will return along the same route back into the harbor, through Buttermilk Channel up into the East River. At Hell's Gate the racers will round Mill Rock and proceed back down the East River. The powerboats will pass back through Buttermilk Channel, around Governors Island and back to the finish line in the lower Hudson River. Some of the power boats will make several laps of this course, while others will make shorter loops by not taking the offshore legs. The Coast Guard will set up a network of safety patrol vessels using boats provided by the sponsor, local authorities and Coast Guard resources. A large spectator fleet is expected despite the late date of the event. In order to provide for the safety of life and property the Coast Guard will restrict recreational vessel movement in the vicinity of the race course within New York Harbor and out to the vicinity of Sandy Hook. The East River and Buttermilk Channel will be closed to all vessel traffic for the duration of the event.

#### Discussion of Comments

In response to our Advance Notice of Proposed Rule Making several important considerations were brought forth and incorporated in this Final Rule. One comment suggested that the East River be closed to both recreational and commercial traffic during the event. The Coast Guard consulted local marine interests and determined that the overall safety of the event would be significantly increased without causing severe disruption to commercial traffic if the East River was closed during the event. Coast Guard Captain of the Port, New York may allow commercial traffic in this area on request if conditions permit. A second major concern centered on the large amount of debris in New York Harbor which make these waters very dangerous to powerboats traveling at high speeds. The Army Corps of Engineers has been contacted, and they intend to supply the Coast Guard information as to the most likely location for debris to collect within the harbor. This information will be passed to the racers so that appropriate caution is exercised in these high risk areas.

#### List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water).

## Regulations

### PART 100—[AMENDED]

In consideration of the foregoing, part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary § 100.35-312 to read as follows:

#### § 100.35-312 Chrysler Laser Classic 200, New York Harbor, New York.

(a) *Regulated Areas.* (1) East River Section—The entire East River from the Triborough Bridge south, including: Hell's Gate, Buttermilk Channel and the waters adjacent to the Battery, south of Manhattan, bounded on the west by a line from New York City Fire Boat Pier Alpha to the southwestern tip of Governors Island and on the east by the Brooklyn shoreline.

(2) New York Harbor to Sandy Hook Section—A one half mile wide strip within the Upper New York Bay, bordered on the north by a line connecting New York City Fire Boat Pier Alpha and the Conrail Terminal Tower at the Tide Water Basin, south through the Upper Bay bounded on the west by the New York Harbor Upper Bay Transit Lane buoy line and on the east by Federal Anchorage No. 21 (Bay Ridge) buoy line. The one half mile strip continues south through The Narrows, extending past the Verrazano Narrows Bridge. At this point, the strip widens and is bounded by a line which proceeds from the coordinates 40°36'16" N, 74°03'03" W on a course of 184° magnetic to 40°34'37" N, 74°02'43" W; then on a course of 104° magnetic to 40°34'37" N, 74°01'49" W; then on a course of 358° magnetic to 40°36'28" N, 74°02'27" W under the Verrazano Narrows Bridge. The southern boundary of this section is approximated by a line connecting Norton Point Lighthouse and the southern tip of Hoffman Island.

(b) *Effective Dates.* This regulation shall be effective from 10:00 a.m. to 3:00 p.m. on September 24, 1983. These times may be modified by the Coast Guard Patrol Commander (Coast Guard Captain of the Port, New York). In case of postponement, the approved rain date will be September 25, 1983 and this regulation will be effective for the same time period on September 25, 1983.

(c) *Special Local Regulations.* (1) The East River Section as defined above shall be closed to all vessel traffic, both commercial and recreational during the effective period. No vessel may transit or remain in this area without the express permission of the Coast Guard Patrol Commander.

(2) The New York Harbor to Sandy Hook Section as defined above shall be

closed to all recreational vessels. Commercial vessels shall be allowed to transit this area and shall use extreme caution while in this area.

(3) The sponsor shall provide approximately 35 patrol (sweep) vessels to assist in the patrolling of this event. Each vessel will fly a distinctive flag provided by the sponsor as a means of identification.

(4) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. When signaled, the operator of a vessel shall stop immediately and then proceed as directed by Coast Guard patrol personnel.

(5) The Coast Guard Patrol Commander for this event is the U.S. Coast Guard Captain of the Port, New York.

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

Dated: September 14, 1983.

W. E. Caldwell,

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

[FR Doc. 83-25865 Filed 9-21-83; 8:45 am]

BILLING CODE 4910-14-M

### 33 CFR Part 117

[CCGD9 83-04]

#### Drawbridge Operation Regulations; Manitowoc River, Wisconsin

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** At the request of the City of Manitowoc, Wisconsin, and Soo Line Railroad Company, the Coast Guard is revising the regulations governing the Eighth Street, mile 0.3, Tenth Street, mile 0.5, and Soo Line Railroad, mile 0.9, bridges over the Manitowoc River, Manitowoc, Wisconsin, by permitting the owners of these bridges to remove bridgetenders during periods of time when navigation on the Manitowoc River is negligible with a requirement that the bridges will open on signal upon receipt of an advance notice. This change is being made because of a decrease in requests for opening these draws between the hours of 10:30 p.m. and 4:30 a.m. during the navigation season and at all times during the winter months. This action will relieve the bridge owners of the burden of having a person constantly available to open the draws while providing for the reasonable needs of navigation.

**EFFECTIVE DATE:** This amendment becomes effective on October 24, 1983.

**FOR FURTHER INFORMATION CONTACT:** Robert W. Bloom, Jr., Chief, Bridge Branch, Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199. Telephone (216) 522-3993.

**SUPPLEMENTARY INFORMATION:** On April 7, 1983, the Coast Guard published a Proposed Rule in the Federal Register (FR 15165-15166) concerning this amendment and on May 16, 1983, a correction (FR 21975). The Commander, Ninth Coast Guard District, also published this proposal as a Public Notice dated 25 April 1983. Interested parties were given until May 23, 1983, and May 24, 1983, on both documents, to submit comments.

#### Drafting Instructions

The principal persons involved in drafting this amendment are: Robert W. Bloom, Jr., Chief, Bridge Branch, Ninth Coast Guard District, and LCDR J. A. Blocher, Assistant Legal Officer, Ninth Coast Guard District.

#### Discussion of Comments

Three comments were received from the Public Notice and Federal Register. One commenter is in total support of the proposal. One commenter requested that the 12-hour advance notice period in (a)(2) and (b)(2) be reduced to four hours or even two hours because of unpredictable departure and return trips of vessels being tested. The 12-hour advance notice does not restrict waterway users from requesting that the bridge owners man the bridges for the entire period when the testing and trials of vessels take place. Arrangements can be made with the bridge owners for any special openings that may be required. It was pointed out, by the bridge owners, that the twelve hour advance notice period is during the winter months when ice forms in the counter-weight pits and must be jackhammered out in order to open the draws. The Coast Guard has determined that the twelve-hour advance notice is reasonable and will be retained as proposed in (a)(2) and (b)(2). One commenter is concerned that the removal of bridgetenders from 10:30 p.m. to 4:30 a.m. would close the Manitowoc River to vessels seeking shelter from rough weather and vessels in distress. This commenter also suggested to have the bridges operated by a roving bridgetender. The City of Manitowoc is in the process of constructing a small boat harbor, to be completed for use in the summer of 1984, outside the three bridges, thus expanding the use of the Manitowoc River as a harbor of refuge and furnishing dockage for mariners without transiting through the draws of the

bridges. The use of a roving bridgetender would not be acceptable. Because of the close proximity of the Eighth and Tenth Street bridges, the bridgetender would be unable to see smaller boats when he is stationed at only one bridge.

It would also be difficult for large vessels to hold between bridges while the bridgetender travels from bridge to bridge.

#### Economic Assessment and Certification

This final regulation has previously been determined to be non-major under Executive Order 12291, and also to be nonsignificant under the Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5 of 5-22-80). The final regulation has previously been certified under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.), at 48 FR 15165 (April 7, 1983). No information has been received which changes those determinations and certifications. An economic evaluation has not been conducted. Since this rule will allow the owners of the bridges to only remove bridgetenders during periods of time when navigation on the river is negligible, small entities in the area will not be economically impacted.

#### List of Subjects in 33 CFR Part 117

Bridges.

#### Regulations

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.650 to read as follows:

#### § 117.650 Manitowoc River, Wisconsin, bridges.

(a) The draws of the Eighth Street bridge, mile 0.3, and Tenth Street bridge, mile 0.5, both at Manitowoc shall open on signal except that:

(1) From April 1 through October 31, Monday through Friday, the bridges need not open from 6:50 a.m. to 7 a.m., 7:50 a.m. to 8 a.m., 11:55 a.m. to 12:10 p.m. and 12:45 p.m. to 1 p.m., except federal holidays. From 10:30 p.m. to 4:30 a.m. the draws shall open on signal if at least a 6 hour notice is given.

(2) From November 1 through March 31 the draws shall open on signal if at least a 12 hour advance is given.

(3) The opening signals for these bridges are: Eighth Street—one prolonged blast followed by one short blast. Tenth Street—two short blasts followed by one prolonged blast. When signal is given by car ferry or other large

vessel to pass either of the two bridges, the remaining bridge shall open promptly so that such vessels shall not be held between the two bridges.

(b) The draw of the Soo Line Railroad Company bridge, mile 0.9, at Manitowoc shall open on signal except that:

(1) From April 1 through October 31 between the hours of 10:30 p.m. and 4:30 a.m., the draws shall open on signal if at least a 6 hour advance notice is given.

(2) From November 1 through March 31 the draw shall open on signal if at least a 12 hour advance notice is given.

(3) Opening signal for this bridge is two short blasts followed by one prolonged blast.

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

Dated: September 9, 1983.

J. R. Kirkland,

Captain, U.S. Coast Guard, Commander, 9th Coast Guard District, Acting.

[FR Doc. 83-25804 Filed 9-21-83; 9:45 am]

BILLING CODE 4910-14-M

#### 33 CFR Part 146

[CGD 82-023a]

#### Casualty Reporting Requirements

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends Part 146 regarding casualty reporting requirements and adopts the interim final rule which amended the written reporting requirements for marine casualties, injuries and loss of life on Outer Continental Shelf (OCS) facilities, vessels and other units engaged in OCS activities. This rule specifically provides for the use of a single new casualty reporting form which replaces Forms CG-2692 and CG-924E. The effect of this rule will be to reduce the paperwork burden on the public and improve the Coast Guard's analysis of accidents and casualties.

**EFFECTIVE DATE:** September 22, 1983.

**FOR FURTHER INFORMATION CONTACT:** LCDR Tony E. Hart, Office of Merchant Marine Safety, (202) 426-6251, 7:00 am to 3:30 pm Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The interim final rule was published on pages 35736-35741 of the Federal Register of August 16, 1982. The period for comments extended from August 16, 1982 until January 1, 1983. A total of 7 comments were received; 5 of which were from business and 2 from federal agencies.

Two commenters pointed out inaccuracies in the instruction section of

the new reporting form. These errors which referred to the wrong block numbers in the data section of the form have been corrected.

Another comment suggested that the requirement to record a person's time in the industry (Block 33A) may result only in an estimate being given. While we seek the most accurate information available, we recognize that on occasion an estimate will be the best information available.

Paragraph 2.F. of the instructions for completion of Form CG-2692 has also been revised to reflect a recent change to 46 CFR 4.05-1 which amended the vessel casualty reporting requirements. That amendment was published on pages 15125-15127 of the April 7, 1983 Federal Register. It eliminated from casualty reporting requirements the consideration of certain costs associated with the repair of a vessel sustaining damage as the result of a marine casualty.

Another commenter pointed out that when a marine casualty is reported in narrative form as allowed by 33 CFR 146.35(b)(1), the narrative should contain the information required by the Form CG-2692. We agree with this suggestion and 33 CFR 146.35(b)(1) has been amended to reflect such requirement.

Another commenter indicated that it would be desirable to request whether an "unsafe act" or "hazardous condition" were factors in the casualty. We agree that his information will be beneficial in determining the cause of the casualty and in taking action to prevent recurrences. However, we feel that the Coast Guard investigating officer, during the investigation, can develop a more objective determination as to whether either of these factors was present.

One comment expressed concern that, in instances, the reporting requirements overlap the Minerals Management Service (MMS) requirements, and would result in some dual reports of a single incident. The Coast Guard and MMS recognize this possibility and are coordinating the casualty reporting system for Outer Continental Shelf activities in order to minimize duplication of effort and to collect useful information.

One commenter suggested limiting an operator's responsibility to report accidents and provide information only for the operator's employees. Information and reports of accidents on a contractor's employees would be required to be submitted by the contractor. We do not concur with this suggestion. While we recognize that an accident involving a contract employee will necessitate some research by the

operator of an offshore facility, we also believe that the operator can provide the most complete and accurate information regarding the accident.

Since the new form has been in use since August 16, 1982, and there are no substantive changes from the interim final rule, this rule is effective upon publication. A new revision to Form CG-2692 which incorporates the changes noted above is being printed and distributed to Coast Guard field units. Until this revised form becomes available to the public, Form CG-2692 (Rev. 6-82) may still be used.

#### Regulatory Analysis

The Coast Guard has evaluated this amendment under Executive Order 12291 and the Department of Transportation's "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (DOT Order 2100.5 dated May 22, 1980), and has determined that it is neither a major nor a significant rulemaking. This final rule continues the interim rule issued on August 16, 1982. The evaluation of that rule indicated an expected annual reduction in reports by approximately 400, and an annual savings of \$8,000. Since a report is required only when an accident occurs, the impact on individual entities is negligible. Therefore it is certified as having no significant economic impact on a substantial number of small entities. Accordingly, a full regulatory evaluation has not been prepared. In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), the reporting or recordkeeping provisions of this regulation have been submitted to the Office of Management and Budget (OMB). OMB Control Number 2115-0003 has been assigned.

#### Environmental Impact

The Coast Guard has considered the impact of this revision upon the environment and concluded that the action represents changes in administrative matters only and has no impact upon the environment. Consequently, no environmental impact statement is required.

#### List of Subjects in 33 CFR Part 146

Outer Continental Shelf, Marine safety, Vessels, Reporting and recordkeeping requirements.

In consideration of the foregoing, Part 146 of Title 33 Code of Federal Regulations is amended to read as follows:

#### PART 146—OPERATIONS

1. By revising § 146.35(b) to read as follows:

##### § 146.35 Written report of casualty.

- (b) The written report required by paragraph (a) of this section may be—
- (1) In narrative form if all appropriate parts of Form CG-2692 are addressed;
  - (2) On Form CG-2692 for casualties resulting in property damage, personnel injury, or loss of life.

(Approved by the Office of Management and Budget under OMB Control Number 2115-0003)

Authority: Sec. 4, 67 Stat. 462 (43 U.S.C. 1333) as amended; sec. 22 of sec. 208, Pub. L. 95-372, 92 Stat. 656 (43 U.S.C. 1348); 49 CFR 1.46(z).

Dated: June 9, 1983.

L. N. Hein,

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

[FR Doc. 83-25887 Filed 9-21-83; 8:45 am]

BILLING CODE 4910-14-M

#### DEPARTMENT OF THE INTERIOR

##### National Park Service

36 CFR Parts 1, 2, 3, 4, 5, 6, 7, 9, 12, and 13

##### General and Special Regulations for Areas Administered by the National Park Service

AGENCY: National Park Service, Interior.  
ACTION: Final rule; delay in effective date.

**SUMMARY:** On June 30, 1983, the National Park Service published two final rules containing regulations for areas administered as part of the National Park System. These rules provide guidance and controls for public use and recreation activities such as camping, fishing, boating, hunting and winter sports. This notice delays the effective date of those final regulations from October 3 to December 19, 1983, to allow for the promulgation of additional special regulations to implement certain sections of those rules.

**EFFECTIVE DATE:** The effective date of the regulations published June 30, 1983, is changed from October 3 to December 19, 1983.

**FOR FURTHER INFORMATION CONTACT:** Tom Ritter, Chief, Division of Visitor Services, National Park Service, Washington, D.C. 20240, telephone (202) 343-3227.

**SUPPLEMENTARY INFORMATION:** On June 30, 1983, the National Park Service published final regulations for areas

administered as part of the National Park System (48 FR 30252 and 48 FR 30291). These rules provide guidance and controls for public use and recreation activities such as camping, fishing, boating, hunting and winter sports. Certain provisions of these rules require the promulgation of special rules before they can be implemented. For example, aircraft use and snowmobiling may only be conducted on National Park System lands at locations designated through the rulemaking process. For park areas whose enabling legislation authorizes hunting on a discretionary basis, special regulations are required to implement a hunting program. Since these activities are currently taking place in some park areas, the National Park Service is delaying the effective date of its final rules to allow for these special regulations to be published as proposed rulemaking in the Federal Register. The expected publication date is October 17, 1983.

Dated: September 15, 1983

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks

[FR Doc. 83-25775 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-70-M

#### Bureau of Land Management

#### 43 CFR Public Land Order 6461

[OR-35904]

#### Oregon; Revocation of Executive Order No. 5203

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Land Order.

**SUMMARY:** This order revokes an Executive order which withdrew 40 acres of land for classification in aid of legislation. The land has been conveyed out of Federal ownership and will not be restored to surface entry, mining or mineral leasing. Thus, the effect of this order is record clearing only.

**EFFECTIVE DATE:** October 20, 1983.

**FOR FURTHER INFORMATION CONTACT:** Champ C. Vaughan, Jr., Oregon State Office, 503-321-6905.

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

1. Executive Order No. 5203 of October 8, 1929, which withdrew the following described land in aid of legislation, is hereby revoked:

#### Willamette Meridian

T. 4 S., R. 1 E.,  
Sec. 13, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

The area described contains 40 acres in Clackamas County.

2. The land has been conveyed from Federal ownership and will not be restored to operation of the public land laws, including the mining and mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

September 14, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-25619 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-84-M

#### 43 CFR Public Land Order 6462

[OR-35905]

#### Oregon; Revocation of Executive Order of December 27, 1859

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Land Order.

**SUMMARY:** This order revokes an Executive order which withdrew 32.99 acres of land for use by the U.S. Coast Guard for lighthouse purposes. The land has been conveyed out of Federal ownership, and thus will not be restored to surface entry, mining or mineral leasing. The effect of this order is record clearing only.

**EFFECTIVE DATE:** October 21, 1983.

**FOR FURTHER INFORMATION CONTACT:** Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

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

The Executive Order of December 27, 1859, which withdrew the following described land for use by the U.S. Coast Guard for lighthouse purposes, is hereby revoked:

#### Willamette Meridian

T. 22 S., R. 13 W.,  
Sec. 12, lot 3.

The area contains 32.99 acres in Douglas County.

2. The land has been conveyed from Federal ownership without reservations and will not be restored to operation of the public land laws, including mining and mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director,

Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208,  
September 15, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-25821 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-84-M

#### 43 CFR Public Land Order 6463

[OR-36191, OR-36192, OR-36193]

#### Oregon; Revocation of Executive Order Nos. 5190, 5694, and 5838

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Land Order.

**SUMMARY:** This order revokes three Executive orders which withdrew 362.11 acres of land for classification in aid of legislation. The lands have been conveyed out of Federal ownership and will not be restored to surface entry, mining or mineral leasing. Thus, the effect of this order is record clearing only.

**EFFECTIVE DATE:** October 20, 1983.

**FOR FURTHER INFORMATION CONTACT:** Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

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

1. Executive Order Nos. 5190, 5694 and 5838 of September 11, 1929, August 25, 1931, and April 18, 1932, which withdrew the following described lands for classification in aid of legislation, are hereby revoked:

#### Willamette Meridian

T. 2 S., R. 6 W.,

Sec. 33, SE $\frac{1}{4}$ .

T. 3 S., R. 6 W.,

Sec. 3, lots 3 and 4;

Sec. 10 NE $\frac{1}{4}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Sec. 15, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

The area described contains 362.11 acres in Yamhill County.

4. The lands have been conveyed from Federal ownership and will not be restored to operation of the public land laws, including the mining and mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau

of Land Management, P.O. Box 2965,  
Portland, Oregon 97208.  
September 14, 1983.

Garrey E. Carruthers,  
*Assistant Secretary of the Interior.*

[FR Doc. 83-25820 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-84-M

#### 43 CFR Public Land Order 6464

[OR-22030 (WASH)]

#### Washington; Revocation of Executive Order of September 22, 1866

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Land Order.

**SUMMARY:** This order revokes an Executive order which withdrew 1,898.74 acres of public land for use by the Department of the Army for military purposes. The surface and subsurface estates totaling 1,893.44 acres have been conveyed from Federal ownership and will not be opened to surface entry, mining, or mineral leasing. The balance of 5.30 acres is included in an existing Coast Guard withdrawal and will not be restored to surface entry or mining. The 5.30 acres have been and remain open to mineral leasing.

**EFFECTIVE DATE:** October 20, 1983.

**FOR FURTHER INFORMATION CONTACT:** Champ C. Vaughn, Jr., Oregon State Office, 503-231-6905.

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

1. The Executive Order of September 22, 1866, which withdrew the following described lands for use by the Department of the Army for military purposes, is hereby revoked:

##### Willamette Meridian

###### Fort Worden

T. 31 N., R. 1 W.,  
Sec. 25, lot 1;  
Sec. 26, lots 1, 2, and 3;  
Sec. 35 lots 1, 2, and 9, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

###### Deception Pass

T. 34 N., R. 1 E.,  
Sec. 22, lot 3;  
Sec. 23, lots 1 to 8, inclusive, and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 24, lot 5;  
Sec. 25, lots 1, 2, 3, and 4, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 26, lots 1 to 10, inclusive, and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 27, lots 1 and 2;  
Sec. 34, lots 1 and 2;  
Sec. 35, lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and NW $\frac{1}{4}$ .  
T. 34 N., R. 2 E.,  
Sec. 20, lot 3;  
Sec. 28, lots 3, 4, and 5;

Sec. 29, lots 1 and 2;  
Sec. 30, lots 2 to 6 inclusive, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 32, lot 6;  
Sec. 33, lot 1.

The areas described aggregate 1,898.74 acres in Island, Jefferson, and Skagit Counties.

2. Part of lot 1, sec. 25, and part of lot 3, sec. 28, R. 31 N., R. 1 W., are withdrawn for use by the U.S. Coast Guard for lighthouse purposes and remain closed to operation of the public land laws, including the United States mining laws, but not the mineral leasing laws.

3. Both the surface and subsurface of the lands described in paragraph 1, except as provided in paragraph 2, have been conveyed from Federal ownership and will not be restored to operation of the public land laws, including the mining and mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.  
September 14, 1983.

Garrey E. Carruthers,  
*Assistant Secretary of the Interior.*

[FR Doc. 83-25822 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-84-M

#### 43 CFR Public Land Order 6465

[OR-19235, OR-19474, OR-36070]

#### Oregon; Revocation of Executive Order Nos. 9000 and 9042, Partial Revocation of Executive Order No. 8651

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Land Order.

**SUMMARY:** This order revokes two Executive orders that withdrew 1,280 acres of public land and a third as to 45,989.14 acres of withdrawn public land, all of which comprised the Boardman Bombing Range. The surface and subsurface estates have been conveyed out of Federal ownership and will not be restored to surface entry, mining or mineral leasing. Thus, the effect of this order is record clearing only.

**EFFECTIVE DATE:** October 20, 1983.

**FOR FURTHER INFORMATION CONTACT:** Champ C. Vaughn, Jr., Oregon State Office, 503-231-6905.

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

1. Executive Order Nos. 9000 and 9042 of December 26, 1941, and January 26, 1942, respectively, as modified by Executive Order No. 9526 of February 28, 1945, and Public Land Order No. 417 of October 14, 1947, which withdrew public lands for the Boardman Bombing Range, for use by the Department of the Navy, are hereby revoked in their entirety. Executive Order No. 8651 of January 23, 1941, as modified by Executive Order No. 9526, and Public Land Order No. 417, which also withdrew lands for the Boardman Bombing Range, is hereby revoked in part. The affected lands are described below:

##### Willamette Meridian

T. 2 N., R. 24 E.,  
Secs. 1 to 24, inclusive.  
T. 3 N., R. 24 E.,  
Secs. 1 to 36, inclusive.  
T. 4 N., R. 24 E.,  
Secs. 20 and 22;  
Sec. 25, S $\frac{1}{2}$ ;  
Sec. 26, S $\frac{1}{2}$ ;  
Secs. 27 to 36, inclusive.

The areas described aggregate 47,269.14 acres in Morrow County.

2. The land has been conveyed from Federal ownership and will not be restored to operation of the public land laws, including the mining and mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operation, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

September 14, 1983.

Garry E. Carruthers,  
*Assistant Secretary of the Interior.*

[FR Doc. 83-25823 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-84-M

#### 43 CFR Public Land Order 6466

[A-18805]

#### Arizona; Partial Revocation of Reclamation Withdrawals

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Land Order.

**SUMMARY:** This order revokes six Secretarial orders insofar as they affect 2,388 acres withdrawn for the Colorado River Survey, Colorado River Storage Project, and Yuma Project. Approximately 2,388 acres have been identified by the State of Arizona under the State Indemnity Lieu Selection Program and will remain closed to surface entry and mining. The lands

have been and will remain open to the mineral leasing laws.

**EFFECTIVE DATE:** September 22, 1983.

**FOR FURTHER INFORMATION CONTACT:** Mario L. Lopez, Arizona State Office, 602-261-4774.

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

1. The six Secretarial Orders dated July 2, 1902, August 26, 1902, January 31, 1903, August 1, 1903, October 22, 1919, and March 14, 1929, which withdrew lands for the Colorado River Survey, Colorado River Storage Project, and Yuma Project, are hereby revoked insofar as they affect the following described lands:

*Gila and Salt River Meridian, Arizona*

T. 5 S., R. 21 W.,

Sec. 18, lots 1, 2, 3, 4, E $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ ;

Sec. 19, lot 4, E $\frac{1}{2}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;

Sec. 20;

Sec. 29, N $\frac{1}{2}$ ;

Sec. 30, lot 1, N $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$

NE $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 5 S., R. 22 W.,

Sec. 13, E $\frac{1}{2}$ E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ ,

E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ,

E $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 24, N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The areas described aggregate approximately 2,388 acres in Yuma County.

2. All of the lands described in paragraph 1 have been classified for State Selection purposes and will not be open to other appropriation under the public land laws, including the mining laws. All of the lands described in paragraph 1 have been and will remain open to applications and offers under the mineral leasing laws.

Inquiries concerning the public lands should be addressed to the Arizona State Director, Bureau of Land Management, U.S. Department of the Interior, 2400 Valley Bank Center, Phoenix Arizona 85073.

September 14, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-25818 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-84-M

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MM Docket No. 83-236; RM-4324]

**FM Broadcast Station in Panama City Beach, Florida; Changes Made in Table of Assignments**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule

**SUMMARY:** Action taken herein assigns Channel 261A to Panama City Beach, Florida, as that community's first FM assignment, in response to a petition filed by Community Service Broadcasters.

**DATE:** Effective: November 14, 1983.

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

**FOR FURTHER INFORMATION CONTACT:** Mark N. Lipp, Mass Media Bureau, (202) 634-8530.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

**Report and Order; Proceeding Terminated**

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Panama City Beach, Florida); MM Docket No. 83-236, RM-4324.

Adopted: August 29, 1983.

Released: September 13, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the Notice of Proposed Rule Making, 48 FR 14673, published April 5, 1983, proposing the assignment of Channel 261A to Panama City Beach, Florida, as its first FM channel in response to a petition filed by Community Service Broadcasters ("petitioners"). Petitioner submitted information in support of the Notice and reaffirmed its interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements. No opposing comments were received.

2. The Commission has determined that the public interest would be served by assigning Channel 261A to Panama City Beach, Florida, since it could provide a first FM service to that community.

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective November 14,

1983, § 73.202(b) of the Commission's Rules IS AMENDED with respect to the following community: \*

City	Channel No.
Panama City Beach, Florida	261A

4. It is further ordered, That this proceeding is terminated.

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

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-25785 Filed 9-21-83; 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Part 73**

[MM Docket No. 83-269; RM-4319]

**FM Broadcast Stations in Blackfoot, Idaho; Changes Made in Table of Assignments**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** Action taken herein substitutes Class C FM Channel 247 for Channel 249A at Blackfoot, Idaho, and modifies the Class A license of Station KBLI-FM, in response to a petition filed by Western Communications, Inc. The assignment could provide Blackfoot with its first Class C FM station.

**DATE:** Effective: November 14, 1983.

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

**FOR FURTHER INFORMATION CONTACT:** Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

**Report and Order; Proceeding Terminated**

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Blackfoot, Idaho); MM Docket No. 83-269, RM-4319.

Adopted: August 29, 1983.

Released: September 13, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration its Notice of Proposed Rule Making, 48 FR 14678, published April 5, 1983, proposing the substitution of Class C FM Channel 247 for Channel

249A at Blackfoot, Idaho, and modification of the license of Station KBLI-FM, Blackfoot, to specify operation on Channel 247. The Notice was issued in response to a petition filed by Western Communications, Inc. ("petitioner"), licensee of Station KBLI-FM. Supporting comments were filed by the petitioner in which it reaffirmed its intent to file for the channel, if assigned.

2. We believe the public interest would be served by the substitution of Class C Channel 247 for Channel 249A at Blackfoot since it could provide service to a wider coverage area in that region. Additionally, we have authorized, *infra*, a modification of the license for Station KBLI-FM since there have been no other expressions of interest in the Class C channel. See *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective November 14, 1983, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended as follows:

City	Channel No.
Blackfoot, Idaho	247

4. It is further ordered, That, pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Station KBLI-FM is modified to specify operation on Channel 247 in lieu of Channel 249A, subject to the following conditions:

(a) At least 30 days before operating on Channel 247, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301):

(b) Upon grant of the construction permit, program tests may be conducted in accordance with § 73.1620.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

5. It is further ordered, That the Secretary shall send a copy of this Order by certified mail, return receipt requested, to Western Communications, Inc., Radio Station KBLI-FM, 75 East Judicial Street, Blackfoot, Idaho 83221, and to Lester W. Spillane, Esq., Law Offices of Lester W. Spillane, 465

California Street, Suite 504, San Francisco, California 94104.

6. It is further ordered, That this proceeding is terminated.

7. For further information concerning the above, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

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

Federal Communications Commission.

Roderick K. Porter:

Chief, Policy and Rules Division; Mass Media Bureau.

[FR Doc. 83-35706 Filed 9-21-83; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 83-411; RM-4378; RM-4505]

#### FM Broadcast Stations in Kankakee and Crete, Illinois; Kentland, Indiana; Changes Made in Table of Assignments

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** Action taken herein assigns Channel 224A to Kankakee, Illinois, as that community's second FM service, in response to a petition filed by Edward J. and Joseph F. Wilk, Channel 272A is reassigned from Kankakee to Crete, Illinois, to reflect its actual use there. Additionally, Channel 269A is assigned to Kentland, Indiana, as that community's first local aural service, in response to a counterproposal filed by Stephen C. Bower.

**DATE:** Effective: November 15, 1983.

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

**FOR FURTHER INFORMATION CONTACT:** Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

#### Report and Order; Proceeding Terminated

In the Matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Kankakee and Crete, Illinois; Kentland, Indiana; MM Docket No. 83-411, RM-4378, RM-4505.

Adopted: September 7, 1983.

Released: September 16, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the Notice of Proposed Rule Making, 48 FR 20963, published May 10, 1983, in response to a petition

<sup>1</sup> This community has been added to the caption.

filed by Edward J. and Joseph F. Wilk ("petitioners"), proposing the assignment of FM Channel 224A to Kankakee, Illinois, as that community's second FM service. Additionally, the Notice proposed the reassignment of Channel 272A from Kankakee to Crete, Illinois, to reflect its actual use there.<sup>2</sup> Supporting comments were filed by petitioners reaffirming their intention to apply for the channel, if assigned.

2. In response to the Notice, a counterproposal was submitted by Stephen C. Bower ("Bower"), advocating that FM Channel 224A be assigned to Kentland, Indiana, as that community's first local aural service.<sup>3</sup>

3. Reply comments in response to the counterproposal were filed by petitioners. Comments in support thereof were filed by Mid-America Audio-Video, Inc. ("Mid-America"), licensee of AM Station WKAN, Kankakee, Illinois, to which the petitioners responded.<sup>4</sup>

4. Bower contends that there is a greater need for an assignment to Kentland since that community has no local aural service, nor a daily newspaper. Further, Bower asserts that the nearest radio facility to Kentland is located in Watseka, Illinois, approximately 14 miles away. If Channel 224A is assigned to Kentland, Bower indicates it could provide service to an estimated 5,410 persons as well as present an opportunity for residents to obtain timely information and local news and weather reports. Therefore, Bower urges that Channel 224A be assigned to Kentland, and indicates that if so assigned, he will apply for authority to construct and operate a station there.

5. In response to the counterproposal, petitioners assert that if Channel 224A is assigned to Kankakee, it could provide reception service to an estimated 97,433 persons. Further, petitioner claims that Channel 224A is the only channel available to Kankakee, while either Channel 240A or 269A is available to Kentland to satisfy that community's desire for service. Petitioner adds that Channel 240A at Kentland would require a site restriction, while Channel

<sup>2</sup> Channel 272A, assigned to Kankakee, Illinois, is currently being used at Crete, Illinois, under the former 10-mile rule, § 73.203(b).

<sup>3</sup> Public Notice of the counterproposal was given on June 23, 1983, Report No. 1412.

<sup>4</sup> Petitioners' response to reply comments was submitted after the close of the pleading cycle, and is not valid since Commission procedures do not contemplate such a filing (see § 1.415 of the Commission's Rules). Moreover it contains no new information to assist us in the resolution of this proceeding. Thus we do not find sufficient justification to give consideration thereto.

289A could be assigned consistent with the minimum mileage separation requirements. Therefore, petitioner concludes that the most efficient use of the FM spectrum would be to assign Channel 224A to Kankakee and 289A to Kentland.

6. Mid-America, noting that it would be subject to economic competition from the eventual licensee of the proposed Kankakee proposal, advocates the assignment of FM Channel 224A to Kentland, Indiana, since it lacks any local aural service. Mid-America asserts that since Kankakee has a fulltime FM station (WBYG), a fulltime AM station (WKAN) and an educational FM station (WKOC), the fair, efficient, and equitable distribution of broadcast facilities would be better served by providing a first local aural service to Kentland.

7. As a preliminary matter, we note that Mid-America's support of the Kentland proposal is premised on its fear of economic harm stemming from a fragmentation of advertising revenue that an additional Kankakee assignment could create. However, such concern is not an appropriate matter at this level. Rather, the issue should be raised at the application stage. See, *Bend, Oregon*, 46 FR 62858, published December 29, 1981, and cases cited therein.

8. A staff engineering study reveals that Channel 224A cannot be assigned to both Kankakee, Illinois, and Kentland, Indiana, since the distance between the communities is approximately 32 miles, whereas a separation of 85 miles is required pursuant to Section 73.207 of the Commission's Rules. Channel 224A is the only channel available to Kankakee, while Kentland has two other channels available for assignment, i.e., 240A and 269A. Therefore, we have determined that the public interest would be better served by the assignment of Channel 224A to Kankakee, Illinois, as its second FM channel, and Channel 289A to Kentland, Indiana, as a first FM channel. Both assignments can be made consistent with the minimum mileage separation requirements.

9. We believe the above determination is consistent with the Commission's policy favoring competition through the authorization of additional broadcast services, and is consistent with the mandate of Section 307(b) of the Communications Act of 1934, as amended, to provide a fair, efficient and equitable distribution of radio services among the various communities.

10. Finally, we have reassigned Channel 272A from Kankakee to Crete to reflect its actual use there.

11. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective November 15, 1983, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended as follows:

City	Channel No.
Crete, Illinois	272A
Kankakee, Illinois	224A and 260
Kentland, Indiana	269A

12. It is further ordered, That this proceeding is terminated.

13. For further information concerning the above, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-25786 Filed 9-21-83 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 83-244; RM-4307]

#### TV Broadcast Station in Milwaukee, Wisconsin; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF television Channel 58 to Milwaukee, Wisconsin, in response to a petition filed by Harry C. Powell, Jr., as its ninth TV assignment.

DATE: Effective: November 15, 1983.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

#### List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order; Proceeding Terminated

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations, (Milwaukee, Wisconsin); MM Docket No. 83-244, RM-4307.

Adopted: September 7, 1983.

Released: September 16, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the Notice of Proposed Rule Making, 48 FR 14699, published April 5, 1983, in response to a petition filed by Harry C. Powell, Jr. ("petitioner"). The Notice proposed assigning UHF television Channel 58 to Milwaukee, Wisconsin, as its ninth television assignment. Supporting comments were filed by the petitioner and by Gary R. George, both stating their intention to apply for Channel 58, if assigned. No oppositions to the proposal were filed.

2. Canadian concurrence in the assignment of UHF television Channel 58 to Milwaukee, Wisconsin, has been obtained.

3. Milwaukee (population 636,212),<sup>1</sup> seat of Milwaukee County (population, 964,988) is located on Lake Michigan, approximately 127 kilometers (80 miles) north of Chicago, Illinois. It presently has 6 commercial channel assignments.

4. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective November 15, 1983, the Television Table of Assignments, § 73.606(b) of the Rules, is amended with respect to the community listed below:

City	Channel No.
Milwaukee, Wisconsin	4-, 6, *10+, 12, 18-, 24+, 30, *36, and 58.

5. It is further ordered, That this proceeding is terminated.

6. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-25786 Filed 9-21-83; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 83-494; RM-4394]

#### Fil Broadcast in Trempealeau, Wisconsin; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

<sup>1</sup> Population data are taken from the 1980 U.S. Census, Advance Reports.

**ACTION:** Final rule.

**SUMMARY:** This action assigns Channel 288A to Trempealeau, Wisconsin, in response to a petition filed by Greater Trempealeau Broadcasting Company. The assignment could provide a first FM service to Trempealeau.

**DATE:** Effective: November 15, 1983.

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

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

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

**Report and Order; Proceeding Terminated**

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Trempealeau, Wisconsin); MM Docket No. 83-494, RM-4394.

Adopted: September 7, 1983.

Released: September 16, 1983.

By the Chief, Policy and Rules Division.

1. In response to a petition filed by Greater Trempealeau Broadcasting Company ("petitioner"), the Commission adopted a Notice of Proposed Rule Making, 48 FR 27580, published June 16, 1983, proposing the assignment of Channel 288A to Trempealeau, Wisconsin, as its first FM assignment. Petitioner filed comments indicating that it would file an application to construct and operate on Channel 288A, if assigned.

2. The proposed assignment of Channel 288A to Trempealeau can be made in conformity with the minimum distance separation requirements, provided the transmitter site is located approximately 4.9 miles southwest of the city. This restriction is necessary to avoid short-spacing to Station WCFW(FM) (Channel 288A) at Chippewa Falls, Wisconsin.

3. The Commission has determined that the public interest would be served by assigning Channel 288A to Trempealeau, Wisconsin, since it could provide a first FM broadcast service to that community.

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective November 15, 1983, the FM Table of Assignments § 73.202(b) of the Rules, is amended, with respect to the community listed below:

City	Channel No.
Trempealeau, Wisconsin	288A

5. It is further ordered, That this proceeding is terminated.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. (Secs. 4, 303, 48 stat., as amended, 1066, 1062; 47 U.S.C. 154, 303)

Federal Communications Commission.  
Roderick K. Porter,  
Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-23767 Filed 9-21-83; 9:45 am]

BILLING CODE 6712-01-M

**47 CFR Part 97****Amateur Radio Service Rules; Waiver**

**AGENCY:** Federal Communications Commission.

**ACTION:** Rule Waiver.

**SUMMARY:** This document grants a rule waiver to permit retransmission by any licensed amateur radio operator of Space Shuttle audio and video communications on amateur radio frequencies for the exclusive use of licensed amateur radio operators. The waiver is necessary in order to obviate individual waiver requests for each scheduled Space Shuttle flight. By this rule waiver, amateur radio operators will gain experience in establishing *ad hoc* radio links and networks to carry the Space Shuttle information to amateur radio licensees, thereby increasing their technical skills for handling disaster and emergency communication

**EFFECTIVE DATE:** September 22, 1983.

**FOR FURTHER INFORMATION CONTACT:** Maurice J. DePont, Private Radio Bureau, Washington, D.C. 20554, (202) 632-4964.

**List of Subjects in 47 CFR Part 97**

Radio.

**Order**

In the matter of waiver of section 97.113 of the Rules to Permit Retransmissions of Space Shuttle Communications on amateur radio frequencies for use of amateur radio licensees.

Adopted: September 6, 1983; released: September 12, 1983.

By the Chief, Private Radio Bureau:

1. By letter of July 27, 1983, the Jet Propulsion Laboratory Amateur Radio Club (JPLARC), Pasadena, California, requested a waiver of § 97.113 on its own behalf and on behalf of all other

amateur radio clubs associated with National Aeronautics and Space Administration (NASA) space centers, NASA laboratories and NASA prime contractors. JPLARC states that the purpose of the waiver is to permit manual retransmission on amateur radio frequencies of aural radiocommunications from Space Shuttle spacecrafts during their regularly scheduled flights. JPLARC also requested that the waiver specifically indicate that the retransmission is for the use of licensed radio amateur operators only. JPLARC said that the retransmission would make use of the NASA public affairs information channel, and that permission to retransmit this audio line had been obtained from NASA Headquarters. A similar request, for a general waiver of Section 97.113 was received on August 11, 1983, from the Kettering Medical Center Amateur Radio Club (KMCARC) Kettering, Ohio. It differed from the request from JPLARC to the extent that KMCARC asked also for permission to retransmit the video that is supplied from the space craft and from NASA mission control.

2. Amateur radio operators have a tremendous interest in space communications and in the space program. Retransmission of Space Shuttle communications affords amateur radio licensees a unique opportunity to become better informed about space communications and to feel a sense of participation in the United States space program. Further, retransmission of the Space Shuttle communications gives amateur radio operators experience in setting up *ad hoc* links and networks of amateur stations around the country in order to carry the Shuttle information to interested amateurs. This experience would be invaluable in the event of a natural disaster or emergency in which similar communications links were required.

3. We agree with JPLARC that we should so circumscribe any authority that we grant so as to preclude commercial interests from using Space Shuttle communications. Accordingly, we will limit the terms of the waiver to specify that the retransmitted communications are for the exclusive use of amateur radio operators.

4. We believe that the requests have merit and are in keeping with our statutory mandate to provide for experimental uses of radio frequencies, and to encourage the larger and more effective use of radio in the public interest. In addition, granting this general rule waiver for the duration of the Space Shuttle flights will obviate the

filing of individual waiver requests each time a flight is scheduled. Accordingly, the waiver requests of JPLARC and KMCARC are granted and will apply to any licensed amateur radio operator that complies with the following:

(a) The provisions of § 97.113 are waived to permit retransmission, by any licensed amateur radio operator, of communications from a station in a radio service other than the Amateur Radio Service, i.e., communications between the Space Shuttle and its

associated earth stations operating on frequencies allocated to the U.S. Government.

(b) Permission for the retransmission of Space Shuttle communications must be obtained from NASA prior to any such retransmission.

(c) Both audio and video communications from the Space Shuttle may be retransmitted.

(d) The retransmitted communications are for the exclusive use of licensed

radio amateur operators only and may not be used by other persons.

(e) This waiver will continue in effect for the duration of Space Shuttle flights launched under the auspices of NASA.

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

Federal Communications Commission,

**Robert S. Foosaner,**

*Chief, Private Radio Bureau.*

[FR Doc. 83-25784 Filed 9-21-83; 8:45 am]

**BILLING CODE 6712-01-M**

# Proposed Rules

Federal Register

Vol. 48, No. 185

Thursday, September 22, 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 ENERGY

### Office of Conservation and Renewable Energy

#### 10 CFR Part 430

[Docket Nos.: CE-CP-CA003 and CE-CP-OR005]

#### Energy Conservation Program for Consumer Products; Cancellation of Public Hearing

**AGENCY:** Conservation and Renewable Energy Office, Energy.

**ACTION:** Cancellation of Public Hearings in California and Oregon.

**SUMMARY:** The Department of Energy is cancelling the public hearings scheduled for September 20, 1983, at 333 Market Street, Internal Revenue Service, San Francisco, California, and for September 23, 1983, at the Edith Green Wendell Wyatt Federal Building, 1220 Southwest Third Avenue, Portland, Oregon. These hearings had been scheduled in connection with DOE's proposal to grant California's and Oregon's petitions for exemption from Federal preemption of each State's regulation pertaining to energy use or energy efficiency for clothes dryers and/or kitchen ranges and ovens (48 FR 34858, August 1, 1983). Although DOE did not receive sufficient interest to hold either hearing, the respondents wishing to testify have been notified and provided the opportunity to appear at the Washington, D.C., hearing on September 30, 1983, 9:00 a.m., at the Forrestal Building, Room 1E-245, 1000 Independence Avenue, SW., Washington, D.C.

#### FOR FURTHER INFORMATION CONTACT:

Michael J. McCabe, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE-113, Room GH-068, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-9127.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-33, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-9513;

U.S. Department of Energy, Conservation and Renewable Energy, Office of Hearings and Dockets, Room GB-025, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-9319.

**SUPPLEMENTARY INFORMATION:** On August 1, 1983 (48 FR 34858), DOE issued a notice of proposed rulemakings and hearings on granting California's and Oregon's petitions for exemption from Federal preemption of each State's regulation pertaining to clothes dryers and/or kitchen ranges and ovens. In the August 1983 proposal, the Department also proposed granting the petitions from Federal preemption from New York, Wisconsin and Minnesota concerning State laws for clothes dryers and/or kitchen ranges and ovens. A public hearing was scheduled to be held in each State and in Washington, D.C. to provide interested persons an opportunity to comment on the proposed rules. In the Notice of Proposed Rulemakings DOE stated that it might consolidate any or all of the hearings if the Department did not receive sufficient interest concerning a particular hearing. DOE is cancelling the California and Oregon hearings for this reason. DOE has contacted each speaker and has provided each person the opportunity to present testimony at the hearing to be held in Washington, D.C.

Issued in Washington, D.C., September 19, 1983.

Howard S. Coleman,  
Principal Deputy Assistant Secretary,  
Conservation and Renewable Energy.

[FR Doc. 83-29106 Filed 9-21-83; 10:45 am]

BILLING CODE 6450-01-M

## NATIONAL CREDIT UNION ADMINISTRATION

### 12 CFR Part 703

#### Investments and Deposits

**AGENCY:** National Credit Union Administration.

**ACTION:** Proposed rules.

**SUMMARY:** As part of its established policy of reviewing its regulations at regular intervals, the National Credit Union Administration (NCUA) is proposing to modify its regulations governing Federal credit union investments and deposits. The proposal would eliminate certain outdated or otherwise unnecessary regulations concerning investments by Federal credit unions in certificates of deposit issued by other financial institutions and concerning loans by Federal credit unions to nonmember credit unions. The proposal requests comment on whether and to what extent NCUA should regulate Federal credit union involvement with money finders and deposit brokers. Also, the proposal would revise and clarify existing regulations concerning general investment activities.

**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:** Robert M. Fenner, Director, or Steven R. Bisker, Senior Attorney, Department of Legal Services at the above address. Telephone (202) 357-2030.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 14, 1982, the NCUA Board issued an Advance Notice of Proposed Rulemaking concerning 12 CFR Part 703. (See, 47 FR 30497.) The Advance Notice requested public comment on whether NCUA should remove or modify the regulations presently in place governing the manner in which a Federal credit union may deposit or invest its funds. These regulations are in three sections addressing, respectively, investments by Federal credit unions in certificates of deposit issued by other financial institutions (§ 703.1), investments by Federal credit unions in loans to nonmember credit unions (§ 703.2) and general rules concerning certain prohibited or restricted investment activities (§ 703.3). The Board received approximately 70 comments on the Advance Notice. In general, the comments focused on the third section of the regulation and supported the retention of many of its provisions.

As more fully discussed below, this proposal would retain, but restructure and clarify, the provisions of the third section. The proposed rule would eliminate many of the provisions of the first two sections. Certain of these provisions impose requirements that either no longer serve a valid purpose or involve matters that are more properly decided as a matter of business judgment by individual Federal credit unions. Other provisions are merely repetitious of the Federal Credit Union Act (12 U.S.C. 1751 *et seq.*, the "Act").

As proposed, revised Part 703 would consist of four sections. The first section (section 703.1) is new and contains a statement of the scope of the rule. This section is designed to enhance the reader's ability to understand and apply Part 703. The remaining three sections are largely a restructuring and clarification of the third section of the present rule, which as previously indicated either prohibits or restricts certain specific investment activities (activities that are either illegal or raise safety and soundness concerns). Specifically, section 703.2 is a list of definitions of key words used in the rule, section 703.3 sets out certain authorized but restricted activities, and section 703.4 is a list of prohibited activities. These proposed changes are also designed to enhance the ability of Federal credit union officials and employees to understand and comply with the rules.

The remainder of this *Supplementary Information* discussion is in three major parts. The first analyzes the major proposed changes from the present rules. The second describes and explains the proposed section on authorized but restricted activities. The third analyzes and explains the proposed section on prohibited activities.

#### Analysis of Proposed Changes to Current Rule

##### Section 703.1 *Certificates of Deposit.*

One important aspect of Federal credit union investment in certificates of deposit issued by other financial institutions is the manner in which such investments are made, i.e., the extent to which Federal credit unions utilize the services of and rely on the advice of outside parties in making such investments. In this connection the current rule (at § 703.1(a)(1)) requires that a Federal credit union (FCU) investment in a certificate of deposit (CD) be made by the FCU "itself." This rule was promulgated several years ago, apparently in response to two isolated instances where funds placed through a

broker were diverted away from the intended purchase of CD's and into illegal investments. The rule now appears unnecessary, inasmuch as it addresses practices that were rare, that are already proscribed by fiduciary responsibilities that exist under other provisions of law, and that can be avoided by careful business practices. Further, the rule has not prevented FCU's from accepting the advice of a "money finder" or other third party. More substantial losses have been incurred by FCU's in recent years as a result of relying on the advice of such third parties. Also, the rule does not prevent FCU's from purchasing CD's through brokers if the purchase arrangement is structured such that the broker is legally acting as the agent of the FCU. Accordingly, the "itself" rule as presently structured appears to serve no useful purpose and it is proposed that it be eliminated.

The Board is, however, concerned with respect to the role of brokers and money finders. Recent history has shown that Federal credit unions may suffer substantial losses when they forego independent financial analysis and rely solely on the advice of third parties who receive fees from the institutions for which they obtain deposits. Also, other regulators have expressed concerns with respect to brokered CD programs that increased the exposure of their insurance funds. Further, the Board is aware of limited instances where Federal credit unions have utilized brokers to raise funds. For these reasons, the Board is interested in receiving comment on the money broker issue. Specifically, the Board request comment concerning the extent of Federal credit union utilization of third parties in investing in deposits of other financial institutions, the negative aspects of such third party involvement with Federal credit union operations, the contribution that brokers may provide to the efficiency of federal credit union operations, and the extent, if any, to which the National Credit Union Administration should regulate Federal credit union involvement in such activity.

With two exceptions, the remaining provisions of § 703.1 are proposed to be eliminated as they are simply repetitive of relevant provisions of the Act. The exceptions are: First, Section 107(7)(d) and 107(8) of the Act, taken together, authorize Federal credit unions to invest in deposits in federally insured depository institutions, and in certain other institutions "operating in accordance with the laws of the state in which the Federal credit union does

business." To implement the quoted language, it is necessary to define those states in which a Federal credit union "does business." In this connection § 703.3(c) of the proposed rule would carry over language from the current rule which essentially covers any state where the Federal credit union maintains an office, suboffice or other manned or electronic station. Second, the existing prohibition on "kickbacks" has been modified, and included as a prohibited activity in proposed § 703.4(f) (see further explanation in the discussion of prohibited activities below).

##### Section 703.2 *Investment in loans to nonmember credit unions.*

This section is proposed to be eliminated in its entirety. Several of the sections are simply restatements of provisions of the Act. Other sections contain requirements, such as loan documentation requirements, that need not be dictated by regulation. Rather, these are the types of practices that represent business decisions to be made by each FCU's board of directors. Also, the limitation in § 703.2(a)(3) that loans and lines of credit have a maturity not exceeding one year is proposed to be deleted. Federal credit unions have come to recognize the need for asset-liability and liquidity management. The proposed change is based on the notion that FCU's themselves are best suited to determine the appropriate maturity on loans or lines of credit, within the limits of the Act.

##### Section 703.3 *Investment Activities.*

Section 703.3 prohibits certain speculative investment transactions, such as standby commitments and futures contracts, and places restrictions on certain other types of transactions. Section 703.3 was put in place in July, 1979, in response to, and in order to prevent a recurrence of, substantial losses by a number of Federal credit unions as a result of participation in unregulated transactions in the government securities market.

The vast majority of the comments received on the Advance Notice of Proposed Rulemaking supported the retention of most of the provisions in § 703.3. In general, the commenters indicated that regulation of the investment activities covered by this section does not unduly inhibit FCU investments and is not restricting FCU's from achieving a market rate of return. In light of the essential unregulated markets for the investments contemplated by this section, the commenters believed it to be prudent to

retain most of this section for safety and soundness reasons. As previously indicated, the proposed rule restructures section 703.3 into the three main sections of the new part 703—definitions (§ 703.2), authorized activities (§ 703.3), and prohibited activities (§ 703.4). The substance of the definitions is unchanged, except that the list has been enlarged to include definitions of the terms "Federal funds," "Yankee dollar deposits," "Eurodollar deposits," and "Bankers' acceptances."

#### Authorized Activities—Proposed New § 703.3

##### *General Rule*

Section 703.3(a) of the proposed rule would authorize a Federal credit union to contract for the purchase or sale of any security permitted for investment by Federal credit unions pursuant to the Act, so long as the delivery of the security is to be made within 30 days and the price of the security reflects the market price prevailing at the time the agreement to purchase is made. These limitations are designed to prevent unwarranted exposure to changes in market conditions over time. Certain conditional exceptions, also carried over from the present rule, are proposed as explained below.

##### *Cash Forward*

A cash forward is an agreement to purchase or sell a particular security at an agreed upon price within a specified time in the future. Under certain circumstances, it may be necessary or appropriate for a Federal credit union to enter into a purchase or sale agreement that involves delivery and acceptance at a date later than the 30 days allowed by the general rule. For example, secondary market organizations such as the Government National Mortgage Association, in lining up investors for mortgage backed securities, may find it necessary to obtain investor commitments more than 30 days in advance of delivery. Section 703.3(b) of the proposed rule would accommodate this, by carrying over from the current rule authorization to enter into cash forward agreements if delivery and acceptance are mandatory and take place within 120 days from the date of the agreement.

##### *Repurchase Transactions*

A repurchase transaction is a transaction in which a bank, broker/dealer, or other party, "sells" securities to an investor (in our case a Federal credit union) with an agreement to "repurchase" the securities at an established time and at a fixed price.

While such an arrangement is in common parlance referred to as a sale and repurchase, it is more functionally equivalent to a short term loan that is collateralized by the securities. (The difference between the sale price and the repurchase price represents interest on the loan.)

Inasmuch as Federal credit unions may generally make loans only to members, and considering that the bank or other party to a repurchase transaction is not likely to be a member, it is necessary for such a transaction to have legal characteristics of a purchase of (or in other words an investment in) the security in order for a Federal credit union to participate. Also, the underlying security must of course be one, such as a government security, that Federal credit unions are permitted by the FCU Act to invest in.

The proposed rule, § 703.2(d) in what is essentially a carry-over from the existing rule, recognizes this by distinguishing between "loan-type" and "investment-type" repurchase transactions. A repurchase transaction qualifies as an investment if there is some clear indication of ownership by the FCU of the securities, such as a transfer of the securities to the FCU or a third party custodian or, in the case of a "book/entry" transaction (where ownership is recorded with a local Federal Reserve Bank) a book-entry notation of the FCU's ownership. This should facilitate the availability of repurchase transactions with local banks or other reputable dealers as an additional cash management tool for Federal credit unions.

##### *Reverse Repurchase Transactions*

A reverse repurchase transaction is a transaction whereby a Federal credit union borrows funds for a fixed period and pledges securities (normally U.S. Government securities) owned by it as collateral. As with all borrowing, a reverse repurchase transaction is subject to Section 107(9) of the Act (12 U.S.C. 1757(9)) which provides that aggregate borrowings by a Federal credit union may not exceed 50 percent of its paid-in and unimpaired capital and surplus. Section 107(9) also provides that FCU borrowing must be in accordance with such rules and regulations as prescribed by the NCUA Board.

The proposed § 703.3(e) eliminates the requirement from the current rule that the funds borrowed through a reverse repurchase transaction not be invested in credit union service organizations. (Investments in such organizations are authorized by section 107(7)(I) of the Act (12 U.S.C. 1757(7)(I)) and are subject to

the limitations of § 701.27 of the NCUA's regulation (12 CFR 701.27).) This limitation was originally included in the rule because the investments authorized by section 107(7)(I) are not readily marketable and because investments in such organizations were, at that time, designed for capitalization rather than return on investment. The Board believes that these types of investment decisions should be made by an FCU's board of directors rather than dictated by regulation and, therefore, proposes to eliminate this limitation.

The proposed rule also eliminates the provision of the present rule establishing that the maximum amount of funds that may be borrowed under a reverse repurchase transaction for investment or deposit is 10 percent of paid-in and unimpaired capital and surplus. The purpose of this limitation was to ensure that FCU's liquidity would not be impaired by borrowing and investing the borrowed funds in permissible investments or deposits. It is the Board's view that liquidity management is a function that FCU boards are particularly sensitive to and one that is best served by providing FCU's with needed flexibility.

Finally with respect to reverse repurchase transactions, proposed § 703.3(e) would retain the requirement of the current § 703.3(b)(6) that any security collateralizing the reverse repurchase transaction or any investment or deposit made with the borrowed reverse repurchase funds have a maturity date not later than the settlement date (i.e., the "resale" date) for the reverse repurchase transaction. Prior to the promulgation of this rule, the practice of borrowing with short term maturities and investing with long term maturities had caused significant losses for FCU's and ultimately resulted in losses to the National Credit Union Share Insurance Fund ("NCUSIF"). Before the current rule imposed this limitation, FCU's attempted to arbitrage using reverse repurchase transactions. FCU's were successful until money market conditions resulted in inverted yield curves (short term rates higher than long term rates), leaving FCU's with long term investments (GNMA's etc.) paying low rates and short term borrowings funding these investments at high interest rates. This resulted in a negative arbitrage position and produced substantial losses for those FCU's involved in such activities. Speculative activities of this nature are not consistent with sound credit union management and place the ultimate risk on the NCUSIF. For these reasons, and based on the comments received in

response to the advance notice of proposed rulemaking, the board is proposing to retain this limitation in the rule.

#### Federal Funds

A "sale" of "Federal funds" by a Federal credit union is simply a short term transfer of funds to a financial institution in which an FCU is legally authorized to make deposits pursuant to section 107(8) of the Act (12 U.S.C. 1757(8)) with the financial institution agreeing to repay the funds plus interest at a market rate to the FCU one or more business days later. Presently, the authority for Federal funds sales is provided in NCUA Interpretive Ruling 61-2, 48 FR 14887, March 3, 1981. For purposes of simplicity and uniformity the Board proposes to codify the authority in § 703.3(f) of the proposed rule.

#### Yankee Dollar Deposits

Yankee dollar deposits are deposits in United States branches of foreign banks and in United States subsidiaries (of foreign banks) chartered under state law. If the branch or subsidiary is FDIC or FSLIC insured, or is a state bank, trust company or mutual savings bank operating in accordance with the laws of the state in which the FCU maintains a facility (defined in proposed § 703.3(n)), investment in a deposit in such an institution (a "Yankee dollar deposit") is authorized pursuant to the plain language of sections 107(7)(D) and 107(8) of the Act. The proposed regulation, at § 703.3(g), clarifies these points.

#### Eurodollar Deposits

Eurodollar deposits are dollar denominated deposits in branches of United States banks located outside the United States or foreign banks or branches located outside the United States. It is NCUA's current position that such deposits are not authorized for Federal credit unions. The Board has concluded, however, that it may authorize such deposits in cases where the parent bank is a financial institution in which investment by a Federal credit union is authorized pursuant to sections 107(7)(D) and 107(8) of the Act. Accordingly, § 703.3(h) of the proposed rule would, if adopted, authorize such deposits.

The Board is, however, concerned with respect to risk factors involved in Eurodollar deposits—credit risk, liquidity/rate risk, country (sovereign) risk, and general risk associated with the increased operational complexity of Eurodollar transactions. In light of these factors, the Board requests comment on whether Eurodollar deposits, if

authorized, should be considered risk assets for purposes of the reserve requirements imposed by section 116 of the FCU Act (12 U.S.C. 1762).

#### Prohibited Activities—Proposed § 703.4

##### Standby Commitments

Standby commitments are prohibited by the current rule. Commenters on the advance notice of proposed rulemaking generally agreed that because of the speculative nature of standby commitments, this prohibition should be continued. Typically, a standby commitment works as follows. An investor is given a specified sum of up-front money in consideration for the investor's agreement to "stand by" to purchase certain securities at some future date and at a specified price, if called on to do so. Prior to the rule prohibiting this type of transaction, FCU's entering into standby commitments gambled that the market price of the securities (primarily government securities, e.g. GNMA's) would increase and, therefore, they would not be called on to purchase the securities at the agreed on price since those prices would be below market. If all worked well, an FCU would be able to generate income (the up-front fee) without having to invest any of its funds. Such speculative transactions resulted, however, in significant losses to many FCU's when, instead of the price of the securities rising, the prices fell (i.e., interest rates rose, causing the price of the securities to fall) and FCU's were required to purchase the securities pursuant to the standby commitment at the contract price which was well above the market price. Most FCU's did not have readily available funds to purchase the securities and were therefore forced to borrow. They borrowed the funds by way of reverse repurchase transactions. As interest rates continued to rise the value of their securities continued to fall (since their securities carried lower interest rates) and the spread between borrowed funds (the reverse repurchases) and the income generated from the purchased securities grew ever wider resulting in large losses. These losses were not limited to the FCU's involved but instead resulted in costs to the NCUSIF when the FCU's were liquidated or provided with special assistance. In light of these considerations, the proposed rule generally prohibits Federal credit union involvement in standby commitments.

It should be noted, however, that FCU's are not prohibited from selling their members' consumer and mortgage loans by way of standby commitments entered into with third parties. Under

these arrangements an FCU could make mortgage loans at established rates and in turn be assured that a third party would purchase those loans at a predetermined standby commitment price. Section 703.2(a) facilitates this activity by excluding loans to members from the definition of security.

##### Futures Contracts

A futures contract is a standardized agreement offered on one of the futures exchanges to buy or sell an underlying investment at an established future date and at a specified price. Futures contracts can have utility under certain circumstances as an asset liability management tool. For example, institutions with a high proportion of fixed rate mortgage loans or other long-term assets may wish to use futures contracts to ensure a future cost of funds that is consistent with its expected return on assets. Use of futures contracts for such purposes is complex and generally not well understood. Other uses of futures contracts are speculative in nature. For these reasons, and because credit unions generally would not appear to have a need to engage in futures contracts, the current rule's prohibition against futures contracts is carried over in proposed § 703.4(b). The NCUA Board welcomes comments, however, on whether and to what extent it would be appropriate to permit investments in futures contracts.

##### Adjusted Trading

Adjusted trading is a practice in which an investor sells a security at an inflated price above the market price and simultaneously purchases a security at an inflated price. The principal purpose of the transaction is to hide or defer losses. The losses are deferred and are not recorded in the accounting period during which they are incurred. The adjusted trade is a misrepresentation of the balance sheet and, therefore, is not in accordance with "full and fair disclosure" required by § 702.3 of the NCUA rules and regulations (12 CFR 702.3). Section 703.4(c) of the proposed rule continues the prohibition of this practice contained in the current rule.

##### Short Sales

A short sale involves the sale of a security not owned at the time of the sale. The seller is speculating that at some time before delivery of the security is required the price of the security will fall, thereby enabling the seller to purchase the security at a price below the price that he will in turn be able to sell it for pursuant to the short sale. The

practice of engaging in short sales is considered speculative and unsafe and unsound. The proposed rule, at § 703.4(d), carries over the present rule's prohibition against short sales.

#### Bankers' Acceptances

Bankers' Acceptances ("BA's") are negotiable time drafts created originally to finance foreign trade and, more recently, used to provide working capital for businesses. BA's are drawn on (usually against a line of credit) and accepted by a bank that, by accepting the draft, assumes an irrevocable obligation to make payment on the draft at maturity (the drawer has a contingent liability).

It does not appear that BA's are within the scope of investments authorized by the FCU Act. The proposed rule, § 703.4(e), reflects this prohibition. BA's are considered to be evidences of indebtedness of the drawer. Inasmuch as FCU's are of course authorized to make loans to members, the rule is not intended to prohibit the purchase of a BA where the FCU's member is the drawer.

#### Kickbacks

Section 703.4(f) of the proposed rule would prohibit the receipt of pecuniary benefits by an FCU's directors, officials, committee members, employees or relatives of such individuals in connection with the making of an investment or deposit by the FCU. It is the intent of this provision to ensure that investment and deposit decisions are made strictly in the best interests of the FCU and its members and not the personal interests of those individuals involved in the investment decision.

The proposal to add a prohibition against kickbacks is not based on specific instances of abuse. Indeed, the Board is confident that such practices generally do not take place in credit unions. A general prohibition against kickbacks was not included in the previous rule inasmuch as it was assumed that any isolated instances could be addressed by NCUA, using its cease and desist and other statutory enforcement powers, as unsafe and unsound practices. Recent court decisions affecting comparable powers of the other financial regulators have, however, called into question the utility of this approach by suggesting that a practice is unsafe and unsound only if it threatens the financial viability of the institution (*See, Gulf Federal Savings and Loan Assoc. v. FHLBB*, 651 F.2d 259 (5th Cir. 1981)). Accordingly, it appears that it may be in the interests of the NCUSIF and Federal credit unions generally to establish a regulatory

prohibition, thus ensuring NCUA's ability to correct any abuses.

#### Interpretive Ruling and Policy Statement 79-4—Investments

The purpose of IRPS 79-4 was to elaborate on the provisions of the current § 703.3 and to establish accounting procedures to be used in conjunction with the investments authorized by the rule. The accounting procedures have since been incorporated into the *Accounting Manual for Federal Credit Unions*. In light of that change and the clarifications contained in the proposed rule, the Board proposes to, and requests comment on whether it should, repeal IRPS 79-4.

#### Regulatory Procedures

The NCUA Board has determined and certifies that the proposed amendments, if adopted, will not have a significant economic impact on a substantial number of small credit unions because the rule would increase their management flexibility, increase their competitive positions and reduce their paperwork burdens. A regulatory flexibility analysis is not required. 5 U.S.C. 603(a), 604(a).

Inasmuch as the proposed rule would reduce burdens and a delay would cause unnecessary harm, the NCUA Board finds that full and separate consideration of all the requirements of the Financial Regulation Simplification Act is impracticable. Most of these policies, however, have been considered by the Board as set forth in the above discussion.

#### List of Subjects in 12 CFR Part 703

Credit unions, Investments.

Dated: September 7, 1983.

Rosemary Brady,

Secretary of the Board.

Accordingly, it is proposed that 12 CFR Part 703 be revised to read as set forth below:

#### PART 703—INVESTMENT AND DEPOSIT ACTIVITIES

Sec.	
703.1	Scope.
703.2	Definitions.
703.3	Authorized activities.
703.4	Prohibited activities.

Authority: 12 U.S.C. 1757 (7) (8), and 1766 (a).

##### § 703.1 Scope.

Sections 107(7) and 107(8) of the Federal Credit Union Act (12 U.S.C. 1757(7), 1757(8)) set forth those securities, deposits, and other obligations in which Federal credit

unions may invest. Included are securities issued or fully guaranteed by the United States Government or any of its agencies, shares of central credit unions and any federally insured credit union, accounts in other federally insured financial institutions, and other specified investments. This part interprets several of the provisions of sections 107(7) and 107(8) and places certain limits on the types of transactions that Federal credit unions may enter into in connection with the purchase and sale of authorized securities. This part does not apply to investments in loans to members, which are governed by § 701.21 (12 CFR 701.21). Also, other sections of NCUA's regulations affect certain specific investments. For example, investments in credit union service organizations are regulated by § 701.27 (12 CFR 701.27), and investments in fixed assets are regulated by § 701.36 (12 CFR 701.36).

##### § 703.2 Definitions.

For purposes of this part:

(a) *Security* means any security, obligation, account, deposit, or other item authorized for investment by a Federal credit union pursuant to section 107(7) or 107(8) of the Act other than loans to members.

(b) *Standby commitment* means a commitment to purchase or sell a security at a future date, whereby the buyer is required to accept delivery of the security at the option of the seller.

(c) *Cash forward agreement* means an agreement to purchase or sell a security with delivery and acceptance being mandatory and at a future date in excess of thirty (30) days from the trade date.

(d) *Repurchase transaction* means a transaction in which a Federal credit union agrees to purchase a security from a vendor and to resell the same or an identical security to that vendor at a later date. A repurchase transaction may be of two types:

(1) *Investment-type repurchase transaction* means a repurchase transaction where the Federal credit union purchasing the security takes physical possession of the security, or receives written confirmation of the purchase and a custodial or safekeeping receipt from a third party under a written bailment for hire contract, or is recorded as the owner of the security through the Federal Reserve Book-Entry System;

(2) *Loan-type repurchase transaction* means any repurchase transaction that does not qualify as an investment-type repurchase transaction.

(e) *Reverse repurchase transaction* means a transaction whereby a Federal credit union agrees to sell a security to a purchaser and to repurchase the same or an identical security from that purchaser at a future date and at a specified price.

(f) *Futures contract* means a contract for the future delivery of commodities, including certain government securities, sold on commodities exchanges.

(g) *Trade date* means the date a Federal credit union originally agrees, whether orally or in writing, to enter into the purchase or sale of a security.

(h) *Settlement date* means the date originally agreed to by a Federal credit union and a vendor for settlement of the purchase or sale of a security.

(i) *Maturity date* means the date on which a security matures, and shall not mean the call date or the average life of the security.

(j) *Adjusted trading* means any method or transaction used to defer a loss whereby a Federal credit union sells a security to a vendor at a price above its current market price and simultaneously purchases or commits to purchase from the vendor another security at a price above its current market price.

(k) *Bailment for hire contract* means a contract whereby a third party, bank, or other financial institution for a fee agrees to exercise ordinary care in protecting the securities held in safekeeping for its customers.

(l) *Short sale* means the sale of security not owned by the seller.

(m) *Market price* means the last established price at which a security is sold.

(n) *Facility* means the home office of a Federal credit union or any suboffice thereof, including but not necessarily limited to a wire service, telephonic station, or mechanical teller station.

(o) *Federal funds transaction* means a short term or open-ended transfer of funds to a financial institution specified in section 107(8) of the Federal Credit Union Act. The transfer is considered the sale of Federal funds.

(p) *Yankee Dollar deposit* means a deposit in a United States branch of a foreign bank licensed to do business in the state in which it is located, or a deposit in a state chartered, foreign controlled bank.

(q) *Eurodollar deposit* means a deposit in a foreign branch of a United States depository institution.

(r) *Bankers' Acceptance* means a time draft drawn on and accepted by a bank.

#### § 703.3 Authorized Activities.

(a) A Federal credit union may contract for the purchase or sale of a security provided that:

(1) The delivery of the security is to be made within thirty (30) days from the trade date; and

(2) The price of the security at the time of purchase is the market price.

(b) A Federal credit union may enter into a cash forward agreement to purchase or sell a security, provided that:

(1) The period from the trade date to the settlement date does not exceed one hundred and twenty (120) days;

(2) If the credit union is the purchaser, it has written cash flow projections evidencing its ability to purchase the security;

(3) If the credit union is the seller, it owns the security on the trade date; and

(4) The cash forward agreement is settled on a cash basis at the settlement date.

(c) A Federal credit union may invest in deposit accounts of those financial institutions enumerated in sections 107(7) and 107(8) of the Federal Credit Union Act, provided that, in the case of institutions the accounts of which are not insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, such institutions are operating in accordance with the laws of a state in which the Federal credit union maintains a facility.

(d) A Federal credit union may enter into an investment-type repurchase transaction provided the purchase price of the security obtained in the transaction is at or below the market price. A repurchase transaction not qualifying as an investment-type will be considered a loan-type repurchase transaction subject to the limitations of section 107(5) of the Act.

(e) A Federal credit union may enter into a reverse repurchase transaction, provided that any security purchased with the funds obtained from the transaction or any security collateralizing the transaction has a maturity date not later than the settlement date for the reverse repurchase transaction. A reverse repurchase transaction is a borrowing transaction subject to the limitations of section 107(9) of the Act.

(f) A Federal credit union may sell Federal funds to a financial institution specified in section 107(8) of the Act provided that the interest or other consideration received from the financial institution is at the market rate for Federal funds transactions and that the transaction has an overnight maturity or the credit union is able to require repayment at any time.

(g) A Federal credit union may invest in Yankee Dollar deposits provided that the financial institution in which the

deposit is placed is insured by either the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or is a State bank, trust company, or mutual savings bank operating in accordance with the laws of the state(s) in which the Federal credit union maintains a facility.

(h) A Federal credit union may invest in Eurodollar deposits provided the financial institution in which the deposit is placed is insured by either the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or is a State bank, trust company, or mutual savings bank operating in accordance with the laws of the state(s) in which the Federal credit union maintains a facility.

#### § 703.4 Prohibited Activities.

(a) A Federal credit union may not enter into a standby commitment to purchase or sell a security.

(b) A Federal credit union may not buy or sell a futures contract.

(c) A Federal credit union may not engage in adjusted trading.

(d) A Federal credit union may not engage in a short sale.

(e) A Federal credit union may not invest in bankers' acceptance.

(f) A Federal credit union's directors, officials, committee members, employees, and immediate family members of such individuals, may not receive pecuniary consideration in connection with the making of an investment or deposit by the Federal credit union.

[FR Doc. 83-25063 Filed 9-21-83; 9:45 am]

BILLING CODE 7535-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 83-NM-57-AD]

**Airworthiness Directives; British Aerospace Aircraft Group Model HS/BH/DH 125 Series 1A, 400A, F400B, 600A, and 700A Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposed an airworthiness directive (AD) that would require a change of the source of direct current electrical supply for the fuel computers on certain British Aerospace Aircraft Group, Hatfield-Chester Division Model HS/BH/DH 125 series 1A, 400A, F400B, 600A, and 700A

airplanes. This change would prevent the loss of both fuel computers due to a single fuse failure. If both fuel computers fail the flight crew will be unable to determine the amount of available fuel.

**DATES:** Comments must be received no later than November 8, 1983.

**ADDRESSES:** The applicable service information and copies may be obtained from British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, D.C. 20041, or may also be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

**FOR FURTHER INFORMATION CONTACT:** Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2530.

**SUPPLEMENTARY INFORMATION:**

**Comments invited**

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

**Availability of NPRM'S**

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 83-NM-57-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

**Discussion:** The manufacturer has determined that failure of a single fuse could result in the loss of both fuel computers if their source of direct power is from the PE2 busbar. If both computers should fail, the status of available fuel and location of the fuel becomes indeterminable. The Civil Aviation Authority of the United

Kingdom has classified British Aerospace Aircraft Group, Hatfield-Chester Division 125 Series Service Bulletin 24-225-(2747) as mandatory. The service bulletin prescribes that the electrical power supply to No. 1 and No. 2 engine fuel computers be transferred from the PE2 busbar supply to the PE busbar. This entails moving fuses and rewiring of the aircraft associated electrical circuits.

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require transferring the power supply to the fuel computers from the PE2 busbar to the PE busbar.

It is estimated that 45 U.S. registered airplanes will be affected by this AD, that it will take approximately 8 manhours to accomplish the required actions, and that the average labor cost will be \$35 per manhour. The kit materials are estimated at \$500 per airplane. Based on these figures, the total cost impact of this AD on the U.S. operators is estimated to be \$35,100. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few small entities within the meaning of the Regulatory Flexibility Act would be affected.

**List of Subjects in 14 CFR Part 39**

Aviation safety, Aircraft.

**The Proposed Amendment**

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

**British Aerospace Aircraft Group:** Applies to all Model HS 125 airplanes series 1A through 700 as listed in British Aerospace 125 series service bulletin 24-225-(2747), certificated in all categories. Compliance is required as indicated, unless already accomplished.

To prevent power being lost to both fuel computers by a single fuse failure, accomplish the following:

1. Modify the fuel computers direct current power supply electrical circuits within the next 500 hours time in service or one year, whichever occurs first after the effective date of this AD, in accordance with paragraph 2, Accomplishment Instructions, of British Aerospace Aircraft Group, Hatfield-Chester Division HS 125 Series Service Bulletin 24-225-(2747) dated October 17, 1980.

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

3. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the

accomplishment of inspections and/or modifications required by this AD.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.85)

**Note.**—For the reasons discussed earlier in the preamble, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Seattle, Washington on September 9, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-25866 Filed 9-21-83; 8:45 am]

BILLING CODE 4910-13-M

**FEDERAL TRADE COMMISSION**

**16 CFR Part 13**

[Dkt. 8986]

**Jim Walter Corp., et al.; Proposed Consent Agreement with Analysis To Aid Public Comment**

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed Consent Agreement.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices, and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require a leading manufacturer of shell housing and construction materials, and its wholly-owned subsidiary, among other things, to timely divest to a Commission-approved buyer the asphalt roofing plants located in Wilmington, Ill., Philadelphia, Pa., Chester, W. Va., and Memphis, Tenn., including their adjacent felt mills. Should any of the plants not be divested within 15 months of the effective date of the order, a trustee appointed by the Commission will effect divestiture of the remaining plant or plants. The consent agreement would require the companies to cooperate with the trustee in the discharge of his/her duties and compensate him/her for the reasonable value of his/her services, including expenses. Further, for a period of ten years, the companies are prohibited from acquiring any asphalt

roofing plant in 41 specified states without prior Commission approval.

**DATE:** Comments must be received on or before November 21, 1983.

**ADDRESS:** Comments should be directed to: FTC/S, Office of the Secretary, Washington, D.C. 20580.

**FOR FURTHER INFORMATION CONTACT:** FTC/CS-5, David W. Long, Washington, D.C. 20580 (202) 254-7001.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's Rules of Practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, have been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

#### List of Subjects in 16 CFR Part 13

Asphalt roofing materials, Trade practices.

#### Agreement Containing Consent Order

The agreement herein, by and among Jim Walter Corporation, a corporation, by its duly authorized officer, and The Celotex Corporation, a corporation, by its duly authorized officer, hereafter sometimes referred to as respondents, and their attorney, and counsel for the Federal Trade Commission ("Commission"), is entered into in accordance with the Commission Rule 3.25 governing consent order procedures. In accordance therewith the parties hereby agree that:

1. Respondent Jim Walter Corporation (hereafter "JWC") is a publicly-held corporation incorporated and operating under the laws of the State of Florida, with its principal place of business at 1500 North Dale Mabry Highway, Tampa, Florida 33607.

2. Respondent The Celotex Corporation is a wholly-owned subsidiary of JWC, incorporated under the laws of the State of Delaware. Its principal place of business is 1500 North Dale Mabry Highway, Tampa, Florida 33607.

3. Respondents have been served with a copy of the amended complaint issued by the Commission charging them with violation of Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act,

as amended, 15 U.S.C. 45, and have filed answers to said amended complaint denying said charges.

4. Respondents admit all the jurisdictional facts set forth in the Commission's amended complaint in this proceeding.

5. Respondents waive:

(a) Any further procedural steps;  
(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of the law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim under the Equal Access to Justice Act.

6. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of its agreement and so notify the respondents, in which event it will take such action as it may consider appropriate, or issue and serve its decision, in disposition of the proceeding.

7. This agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in the amended complaint issued by the Commission.

8. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25(f) of the Commission's Rules, the Commission may without further notice to respondents, (1) issue its decision containing the following order in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to order to respondents' addresses as stated in this agreement shall constitute service. Respondents waive any right they might have to any other manner of service. The amended complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order

or in the agreement may be used to vary or to contradict the terms of the order.

9. Respondents have read the amended complaint and the order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

#### Order

For the purpose of this Order the following definitions shall apply:

1. "Respondents" means Jim Walter Corporation ("JWC"), a corporation incorporated under the laws of the State of Florida, with its principal place of business at 1500 North Dale Mabry Highway, Tampa, Florida 33607, The Celotex Corporation ("Celotex") (a wholly-owned subsidiary of JWC), a corporation incorporated under the laws of the State of Delaware with its principal place of business at 1500 North Dale Mabry Highway, Tampa, Florida 33607, their subsidiaries, successors and assigns, and their officers, directors and agents.

2. "Plants" means the asphalt roofing plants owned by Celotex, together with all properties and assets thereof, including their adjacent felt mills, if any, and all additions and improvements thereto, that are located at:

- (a) Wilmington, Illinois;
- (b) Philadelphia, Pennsylvania;
- (c) Chester, West Virginia; and
- (d) Memphis, Tennessee;

*provided, however,* that the term "plants" does not include those assets or properties disposed of by respondents in the ordinary course of the business of operating or renovating such facilities for the manufacture of asphalt roofing products; and *provided further* that the term "plants" does not include such properties or assets as would otherwise be part of a plant, where the eligible person acquiring a plant elects, in its sole discretion, but subject to the approval of the Commission, not to acquire those properties or assets.

3. "Person" means any individual, corporation, partnership, joint venture, trust, unincorporated association, or other business or legal entity.

4. "Asphalt Roofing Plant" means a plant for the manufacture of "asphalt roofing products" as such products are defined in Paragraphs I(1)(a)-(d) of the Amended Complaint.

5. "Eligible Person" means any person or persons approved in advance by the

Commission who has the capacity and intention to operate the plant(s) to be acquired as a facility or facilities for the manufacture of asphalt roofing products.

6. "Commission" means the Federal Trade Commission.

7. "Director" means the Director of the Commission's Bureau of Competition.

8. "Relevant Market" means the Continental United States with the exception of the states of California, Oregon, Washington, Arizona, Nevada, Utah and Idaho.

## I

It is ordered that, within twenty-four months of the effective date of this Order, respondents, either directly or through the trustee provided in Paragraphs II and III below, shall divest the plants located at Wilmington, Illinois; Philadelphia, Pennsylvania; Chester, West Virginia; and Memphis, Tennessee, either separately or in any combination, to one or more eligible persons in such a way as to reasonably ensure that the plants can be operated by the eligible person or persons as a facility or facilities for the manufacture of asphalt roofing products. The divestiture or divestitures shall be absolute and unconditional and on terms and conditions approved in advance by the Commission. Nothing in this Order shall be deemed to prohibit respondents from accepting and enforcing a bona fide lien, mortgage, deed of trust or other form of security interest received by respondents to secure full payment of the consideration for which the plants are divested. If respondents, by enforcement or settlement of any such bona fide lien, mortgage, deed of trust or other form of security interest, reacquire ownership, possession or control of any of the plants, within three years from the date of divestiture, they shall promptly notify the Director in writing, and shall dispose of any such plant or plants in accordance with the terms of this Order as if this Order were reissued on the date of such reacquisition.

## II

It is further ordered that any plants not divested by respondents within fifteen months from the effective date of this Order shall be subject to divestiture by a trustee to be appointed by the Commission in accordance with the following procedures: (a) If any plants remain to be divested at the end of twelve months following the effective date of this Order, respondents and the Directors or his designee shall promptly begin negotiations to identify mutually acceptable candidates for trustee; (b) respondents and the Director shall

submit the name of one or more mutually acceptable candidates (or if respondents and the Director fail to agree, the names of their separate candidates), to the Commission no later than the end of the fourteenth month following the effective date of this Order; (c) such nominations shall be accompanied by a proposed trust agreement and such other information as may be helpful to the Commission's determination; and (d) the Commission will then appoint the trustee from among the candidates nominated by respondents and the Director. Promptly upon the appointment of the trustee, respondents shall execute a trust agreement consistent with the provisions of this Order and subject to approval by the Director, that transfers to the trustee all rights and powers necessary to permit him to divest the remaining plant or plants in accordance with the terms of this Order. The trustee shall be charged to attempt diligently and in good faith to effect divestiture of the plant or plants in any manner consistent with the terms of this Order as quickly as possible within nine months from the date of the execution of the trust agreement. Pending divestiture of the plant or plants, respondents shall be permitted to continue to manage the plant or plants for their own accounts. Upon divestiture of one or more plants, and after deducting his/her fees and expenses, as provided in this Order and the trust agreement, the trustee shall pay to respondents any remaining proceeds. If the trustee is unable to divest a plant or plants within such nine-month period, then respondents are relieved from the provisions of this Order requiring divestiture of such plant or plants; provided, however, that if divestiture is delayed by reason of a disagreement between or among respondents, the trustee and the Commission concerning the interpretation or implementation of this Order, the nine-month period for divestiture by the trustee shall be extended day-for-day by the number of days such disagreement remains unresolved. If the trustee resigns or fails or ceases to act diligently, the Commission may appoint a substitute trustee to divest the plant or plants in accordance with the terms of this Order. The appointment of a trustee shall not preclude the Commission from seeking any remedy that may be available to it for any failure by respondents to undertake their obligations set forth in Paragraphs II through VIII of this Order.

## III

It is further ordered that if a trustee is appointed:

A. Respondents shall compensate the trustee for the reasonable value of his/her services necessary to effect the divestiture of the plant or plants.

B. Respondents shall reimburse the trustee for the reasonable value of all expenditures and other obligations incurred by the trustee that are reasonably related to his/her efforts to divest the plant or plants.

C. Respondents shall provide the trustee with such access to their books and records as may be necessary for the trustee to ascertain such facts as are reasonably related to his efforts to divest the plant or plants.

D. Respondents shall empower the trustee to disclose information respecting the plant to plants to potential acquirers so that they evaluate the plant or plants being offered, and shall allow inspection of the plants by prospective acquirers. With respect to such information designated by the respondents as proprietary or confidential, the trustee shall secure an agreement from each person to whom disclosure is made to hold confidential any information disclosed and to use the information solely for the purpose of evaluating plant or plants and not to employ it for any business or competitive purpose.

E. Respondents shall make available to the trustee their employees who have knowledge of the history, characteristics and operating potential of the plant or plants so that the trustee may ascertain such facts as are reasonably related to his efforts to divest the plant or plants. The trustee shall give reasonable notice to the respondents of any request for access to their personnel who, at the sole election of respondents, may be accompanied by attorneys representing the respondents at any meeting with the trustee.

F. The trustee shall be authorized to retain independent legal counsel and other persons for purposes of discharging the functions set forth above. Respondents shall reimburse the trustee for the reasonable value of all expenses so incurred.

G. Respondents shall cooperate with the trustee in the discharge of his/her duties and shall provide all evidence of transfer, consents and related documents as may be necessary to divest any plant or plants approved for divestiture by the Commission.

H. If respondents and the trustee are unable to resolve a dispute regarding the reasonable value of his/her services or the reasonableness of an expenditure or obligation incurred by the trustee in connection with his/her efforts to divest the plant or plants, then the respondents

and the trustee shall submit the dispute to the Commission for resolution. The trust agreement shall recite that the Commission's determination of the reasonable value of the trustee's services or the reasonableness of expenditures and other obligations incurred by the trustee shall be binding upon respondents and the trustee.

#### IV

It is further ordered that pending the divestitures required by this Order, respondents shall not cause, and shall use their best efforts to prevent, any deterioration of the plants that may impair the marketability of any such plans, normal wear and tear excluded. Respondents may, but shall not be required to, make capital expenditures for the improvement of the plants. Nothing in this Order shall prevent respondents from operating or not operating the plants or furloughing employees at the plants in a manner consistent with normal business practice, comparable to the manner in which they operate or furlough at their other asphalt roofing plants, pending the divestitures required by this Order.

#### V

It is further ordered that for a period of ten years from the date of this Order, respondents shall not directly or indirectly acquire, through purchase, lease or other transaction that would confer ownership, possessory interest or control, any asphalt roofing plant located in the relevant market, without the prior approval of the Commission. The provisions of this Paragraph shall not apply to the reacquisition by respondents of any plant or plants through the enforcement of any bona fide lien, mortgage, deed of trust, or other form of security interest as provided in Paragraph I.

#### VI

It is further ordered that respondents and the trustee, if a trustee is appointed, shall within ninety days from the effective date of this Order and every ninety days thereafter until the divestitures required by this Order are completed, submit in writing to the Commission a verified report setting forth in detail the manner and form in which respondents or the trustee, as applicable, intend to comply, are complying, and have complied with the terms of this Order and such additional information relating thereto as the

Commission may from time to time reasonably require.

#### VII

It is further ordered that respondents notify the Commission at least thirty days prior to effecting any proposed change in corporate respondents which may affect compliance with the obligations arising out of this Order, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporations.

#### VIII

It is further ordered that respondents shall, upon written request of the Director made to respondents at their principal offices for the purpose of securing compliance with this Order, and for no other purpose, permit duly authorized representatives of the Commission, subject to any legally recognized privilege:

(1) reasonable access during the office hours of respondents, which may have counsel present, to those books, ledgers, accounts, correspondence, memoranda, and other records and documents in respondents' possession or control which relate materially and substantially to any matter contained in this Order; and

(2) an opportunity, subject to the reasonable convenience of respondents, to interview officers or employees of respondents, who may have counsel present, regarding such matters.

The foregoing provision shall not be interpreted to provide any access for the Commission to records relating to any of the business activities of respondents other than those relevant to the plants subject to this Order.

This Agreement Containing Consent Order in duplicate originals is hereby entered into by respondents, by their duly authorized officers and their attorney, and counsel for the Commission.

#### Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Jim Walter Corporation ("JWC") and its wholly-owned subsidiary, The Celotex Corporation ("Celotex").

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days,

the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The amended complaint in this matter was issued by the Commission on June 15, 1982, and alleges that respondent's 1972 acquisition of Panacon Corporation violated Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act. The amended complaint alleged that the effects of the acquisition may be substantially to lessen competition in two lines of commerce in two sections of the country. The two alleged lines of commerce (or "relevant product markets") are (1) asphalt roofing products, and (2) asphalt roofing products and elastomeric roofing materials. The two alleged sections of the country (or "relevant geographic markets") are (1) the 41 states east of the Rocky Mountains (the Continental United States except the States of California, Oregon, Washington, Arizona, Nevada, Utah, and Idaho) and (2) a 26-state area stretching from Texas to Maine.

In settlement of the charges of the amended complaint, the proposed consent order provides that:

1. JWC and Celotex ("respondents") are required to divest four asphalt roofing plants either separately or in any combination to a person or persons approved by the Commission within 24 months of the effective date of the order. The plants are located at Wilmington, Illinois; Philadelphia, Pennsylvania; Chester, West Virginia; and Memphis, Tennessee. The terms of the acquisition agreement(s) between respondents and the acquiring person or persons are subject to the prior approval of the Commission;

2. If respondents have not effected the divestiture of all of the plants within 15 months of the effective date of the order, the Commission will appoint a trustee who shall have full authority to effect the divestiture of any remaining plant or plants; and

3. Respondents are prohibited for a period ten years from the effective date of the order from acquiring any interest in an asphalt roofing plant located in the alleged 41-state market without the prior approval of the Commission.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of

the agreement and proposed order or to modify in any way their terms.

Benjamin I. Berman,  
Acting Secretary.

[FR Doc. 83-25857 Filed 9-21-83; 8:45 am]  
BILLING CODE 6750-01-M

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### 30 CFR Part 250

#### Oil and Gas Sulphur Operations on the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Proposed rule.

**SUMMARY:** This proposed rule requires that a separate monthly report of operations for each lease must be made on Form 9-152 and filed with the Minerals Management Service (MMS) on or before the 25th day of the succeeding month. The existing rule requires that the report be filed by the 20th day of the succeeding month. The designation of the 25th day rather than the 20th day will eliminate the excessive number of resubmissions of reports because the original report contained preliminary data.

**DATE:** Comments must be received on or postmarked by October 24, 1983.

**ADDRESSES:** Written comments must be mailed or hand delivered to: U.S. Department of the Interior, Minerals Management Service, Offshore Rules and Operations Division, Room 6A110, 12203 Sunrise Valley Drive, Mail Stop 646, Reston, Virginia 22091; Attention: David A. Schuenke. Copies of all written comments submitted will be available for review at the same address.

**FOR FURTHER INFORMATION CONTACT:** Mr. David A. Schuenke; Chief, Branch of Rules, Orders, and Standards; telephone (703) 860-7916, (FTS) 928-7916.

**SUPPLEMENTARY INFORMATION:** Lessees are currently required to file a monthly report of operations on or before the 20th day of the succeeding month. This report is a basic status report. In many cases, the 20th day requirement does not allow adequate time to accumulate the necessary production data. As a result, either extensions of time are granted or operators file a report with preliminary data that must later be corrected. This is a frequent occurrence and causes duplicative work for the lessee and for the Government. The proposed change will allow for additional time to accumulate the necessary data, thereby eliminating the need for the majority of the resubmissions of corrected reports.

The MMS has determined that submission of the required report by the 25th day will be adequate for the Government's purpose for which the report is intended. The report provides basic information on production for purposes of determining royalty as well as determining diligence requirements under 30 CFR 250.35.

The Department of the Interior (DOI) has determined that this document is not a major rule under Executive Order 12291. Conversely, the proposed amendment will result in a cost reduction to the industry through a reduction in paperwork. The DOI certifies that this rule will not have any significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This is because the development and production of oil and gas on the Outer Continental Shelf is a highly complex and costly undertaking which is generally beyond the capacity of small entities. This rule is not likely to result in an annual effect on the economy of \$100 million or more, a major increase in costs to consumers or others, or significant adverse effects.

#### Paperwork Reduction Act

The information collection requirements contained in 30 CFR 250.93 and collected on Form 9-152 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq. and assigned clearance number 1010-0012.

#### Draft Information

This document was drafted by John V. Mirabella, Offshore Rules and Operations Division, Minerals Management Service.

#### List of Subjects in 30 CFR Part 250

Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Investigations, Mineral royalties, Oil and gas reserves, Penalties, Pipelines, Public lands/mineral resources, Reporting and recordkeeping requirements.

Dated: August 8, 1983.

Robert E. Beldt,

Acting Director, Minerals Management Service.

#### PART 250—[AMENDED]

For the reasons set out in the preamble, Part 250 of Chapter II of Title 30 of the Code of Federal Regulations is proposed to be amended as follows.

#### § 250.93 [Amended]

Section 250.93 is amended by removing the words "before the 20th day of the succeeding month" and inserting in their place the words "before the 25th day of the succeeding month."

(43 U.S.C. 1334)

[FR Doc. 83-25804 Filed 9-21-83; 8:45 am]  
BILLING CODE 4310-MR-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 110

[CCGD8-83-01]

#### Anchorage Regulations; Lower Mississippi River

AGENCY: Coast Guard, DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is withdrawing proposed rules for an anchorage area on the Mississippi River near Oneida, Louisiana called the Belmont Anchorage due to adverse public comment and lack of compelling need.

**FOR FURTHER INFORMATION CONTACT:** LT M. W. Brown, Project Officer c/o Commander, Eighth Coast Guard District (mps), Rm. 1341, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130, (504) 589-6901.

**SUPPLEMENTARY INFORMATION:** In January of 1982, the New Orleans-Baton Rouge Steamship Pilots Association requested that an anchorage be established near Oneida, Louisiana. In April of 1982, a temporary anchorage, designated the Belmont Anchorage was established, for evaluation on a trial basis. The limits of the anchorage were an area 1.7 miles in length along the left descending bank of the river from mile 153.3 to mile 155.0 above Head of Passes. From mile 153.3 to mile 154.5 the area has a width of 700 feet as measured 100 feet riverward of the Belmont Revetment. From mile 154.5 to mile 155.0 the area has a width of 1100 feet as measured from shore. After a year's evaluation the Coast Guard initiated rulemaking action to make the anchorage permanent in a Notice of Proposed Rulemaking published in 48 FR 15489 dated Monday, April 11, 1983. A public hearing was held on the matter on May 12, 1983 in Convent, Louisiana approximately 2 miles from the proposed anchorage. The Coast Guard has received numerous comments on the proposed anchorage, the overwhelming

amount of which has been negative. Virtually all of the negative comments address a perceived noise problem in the vicinity of Manresa House, a religious retreat location. The Coast Guard does not concur with the purported causal factor that those comments indicate. However, the projected need for increased anchorage space in the Convent area has not occurred and the Coast Guard is withdrawing the proposed rule at this time.

The anchorage is a temporary one at this time and will be dis-established on 30 September 1983.

#### Discussion of Comments

A total of 248 comments were received; 5 in favor of the anchorage, 241 opposed to the anchorage, and 2 neutral. 222 of the commentors expressed concern over the possibility of adverse effects that the anchorage would have on the Manresa House of Retreats. The fear was that the anchorage would cause noise that would disturb the retreatants at Manresa as such retreats are conducted in silence. Several commentors mentioned that the noise level has increased since the temporary anchorage was established in April 1982.

There was also a fear on the part of these commentors that the anchorage would contribute to the economic development of the area with an attendant increase in vehicular traffic in the area around Manresa House. This increase economic development, it was feared, would have an adverse effect as it would disturb the perceived tranquil setting of the Manresa House with an attendant adverse effect on the Retreats themselves. The Coast Guard believes that the anchorage will have virtually no effect on Manresa House. The anchorage is approximately one mile downriver and around a bend from the Retreat House. It is screened from view by a levee and trees and cannot be observed by anyone using the Retreat House. The noise level of a vessel lying at anchor is insufficient to be readily discernible to anyone at Manresa. In addition, the intervening screen of trees would serve to absorb the bulk of any noise.

The recent increase in noise that the commentors have noticed is not attributable to the anchorage. Instead, the Coast Guard believes that it is caused by two midstream loading operations and associated barge fleeting activity located approximately 1 mile upriver of the Retreat House. These two midstream loading facilities handle bulk commodities and were permitted in 1961. One of the facilities has been in

operation for some time and saw an increase in the tempo of operations in the beginning of 1982, while the other commenced operations approximately coincident with the establishment of the temporary anchorage. Midstream loading activity is a relatively noisy operation with the sounds of heavy equipment, towboats maneuvering barges, and clamshell buckets striking the hulls of barges. The vast bulk of the economic development and increased vehicular traffic in the area around Manresa House is a result of those two facilities. The Belmont Temporary Anchorage was established to service those two facilities as well as additional new and existing facilities further upriver. Many of the commentors incorrectly believe that the anchorage caused the increased activity. In fact the opposite is true. Regardless of whether the Belmont Anchorage is in existence or not, the facilities will continue to operate.

Thirty commentors expressed concern over the possible adverse effects that the anchorage could have on the Oak Alley Plantation and other historic properties in the area. The specific concerns were that the soot from vessel smokestacks would damage an extensive stand of oak trees at the Oak Alley Plantation and that a vessel anchorage immediately across the river would be somehow inconsistent with the historic character of the area. The Coast Guard has found that the anchorage would not have any adverse effects on the vegetation in the area. The State of Louisiana, Department of Natural Resources, Division of Air Quality conducted a survey in September 1982 after the temporary anchorage had been in existence for 6 months and again in August 1983 after the temporary anchorage had been in active use for over a year. In neither survey was any damage attributable to vessel emissions noted. The Coast Guard also does not believe that the anchorage would have any effect on the historic character of the Oak Alley Plantation or any of the other plantation sites in the area. The anchorage is located on the opposite bank, and slightly upriver from the Oak Alley Plantation as opposed to directly across the river as some commentors believed. It is largely screened from view by the levee and vegetation from Oak Alley. Vessels of all classes transit the river passing the plantation. The Coast Guard feels that the small visible portion of vessels lying at anchor will have little visual impact on the plantation, certainly less than the automobiles, motorcycles, and trucks routinely traveling on the highway and

occasionally on the levee between the Oak Alley Plantation and the river. As the other plantation sites are located further downriver and on the same bank as Oak Alley, there would be no effect on those sites either.

The Louisiana State Historic Preservation Officer (SHPO) recommended that a Finding of Adverse Effect be issued for the proposed anchorage and requested that the matter be referred to the National Council on Historic Preservation for their comment. The Coast Guard does not concur with SHPO's recommendation for the reasons stated above. Since the Proposed Rule is being withdrawn, however, there is no need to refer it to the National Council.

Three commentors requested the preparation of an Environmental Impact Statement. The Coast Guard conducted an Environmental Assessment of the project to determine whether or not it would have any significant effects on the environment. As a result of that assessment, the Coast Guard found that there would be no significant effects. Therefore, an Environmental Impact Statement is not needed and was not prepared.

Eleven commentors were opposed to the anchorage but gave no reasons.

Five commentors supported the proposal. These commentors felt that there would be a positive economic benefit as there would be less "dead time" at facilities.

In addition, one of the commentors felt that there would be a safety benefit because there would be less crowding at anchorages further downriver and there would be additional space for emergency anchoring due to weather conditions or vessel casualties. This commentor also provided usage data for the anchorages between New Orleans and the proposed anchorage. The usage data indicates that the occupancy percentage of all anchorages over the last several months has tended to remain fairly constant at approximately 84%. The Coast Guard has projected that without the Belmont Anchorage, the occupancy percentage would be approximately 79%. The current economic situation has caused a general decrease in cargo movements. Facilities are operating at reduced capacity, and there is less need for holding anchorages for vessels waiting to load. While the Coast Guard acknowledges that the permanent establishment of the anchorage could have a positive benefit, there is no compelling need, either from an economic or safety standpoint to establish the anchorage at this time. The Coast Guard feels that there is adequate general anchorage space at the present

time to accommodate the needs of safe navigation and commercial interests.

#### Conclusion

The Coast Guard has concluded that the establishment of the anchorage would cause no significant adverse effects. The Coast Guard has also concluded that there is insufficient need during the present state of the economy to warrant the establishment of a permanent anchorage.

Notice of Proposed Rulemaking CCGD8-83-01 (48 FR 15489) is withdrawn. No further rulemaking on this subject is under consideration, however, the matter may be re-opened should the need for additional anchorages occur.

#### Drafting Information

The principal persons involved in drafting this notice are LT M. W. BROWN, c/o Commander, Eighth Coast Guard District (mps) and LCDR R. W. BRUCE, Project Counsel c/o Commander, Eighth Coast Guard District (dl), 500 Camp St., New Orleans, LA 70130, (504) 689-7901.

Dated September 13, 1983.

W. H. Stewart,

Rear Admiral, U.S. Coast Guard.

[FR Doc. 83-25866 Filed 9-21-83; 8:45 am]

BILLING CODE 4910-14-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[A-6-FRL 2439-3]

#### Revision to New Mexico Amended Regulation No. 707—Permits, Prevention of Significant Deterioration and Additional Procedures

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed approval.

**SUMMARY:** This action proposes approval of a revision to the New Mexico State Implementation Plan (SIP) for Air Quality Control Regulation No. 707. Permits, Prevention of Significant Deterioration (PSD) and additional procedures and conditions, to be submitted by the State of New Mexico. The proposed approval is based on review of a draft revision submitted on June 27, 1983, by the New Mexico Environmental Improvement Division (NMEID). Revisions are anticipated prior to final submittal from the Governor to incorporate EPA's comments which were submitted to the State on July 6, 1983, and July 19, 1983. The intended effect of this action is to

provide for the State to implement the PSD program.

**DATES:** Comments must be received on this proposed action on or before October 24, 1983.

**ADDRESSES:** Written comments should be submitted to the address below: Environmental Protection Agency, Region 6, Air and Waste Management Division, Air Branch, Technical Section, 1201 Elm Street, Dallas, Texas 75270.

Copies of the State's submittal are available for inspection during normal business hours at the address above and at the following location: New Mexico Environmental Improvement Division, Health and Environmental Department, Air Quality Bureau, P.O. Box 968, Crown Building, Santa Fe, New Mexico 87503-0968.

**FOR FURTHER INFORMATION CONTACT:** George I. Kennedy, Technical Section, Air Branch, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270 (214) 767-1594.

**SUPPLEMENTARY INFORMATION:** On December 20, 1980, the State of New Mexico requested delegation of the technical and administrative review portion of the EPA PSD program, including authority for source inspection for compliance. PSD delegation was granted on February 16, 1982, subject to certain conditions, and a notice published in the *Federal Register* on March 16, 1982 (47 FR 11318). EPA will rescind this delegation upon approval of the PSD SIP revision, and the State will assume the PSD program, including enforcement of EPA issued PSD permits.

On June 27, 1983, the NMEID submitted a draft PSD SIP revision to EPA for review. EPA had previously reviewed a draft revision based on the requirements of 40 CFR 51.24 *et seq.* and developed an evaluation report.<sup>1</sup> This evaluation report is available for inspection during normal business hours at the EPA Region 6 office and the other address listed above.

The draft PSD SIP revision does not meet all the requirements of 40 CFR 51.24 *et seq.* On July 6, 1983, EPA submitted comments to the State on requirements which must be incorporated in the PSD SIP to assure federal approvability. The requirements which must be incorporated are:

1. The State must provide the legal authority for the New Mexico Environmental Improvement Division to act for the Governor in granting Class I variances or change the regulation to conform to 40 CFR 51.24(p) (5) and (6).

<sup>1</sup> EPA Review of New Mexico PSD SIP Revision, dated June 27, 1983.

2. 40 CFR 51.24(i) requires that permit requirements be met before a source "begins actual construction". The State's Regulation 707 Section C.1. (Source Obligation) needs to be changed to use this terminology.

3. 40 CFR 51.24(b)(9) defines "commence" in terms of "actual on-site construction of the source, to be completed within a reasonable time". The State's Regulation 707, Section P.13. (Definitions—Commence) needs to be changed to add this terminology.

4. 40 CFR 51.24(i)(4) exempts fugitive emissions in calculating the potential to emit for any source which does not belong to any of the 27 categories and is not "any other stationary source category which, as of August 7, 1980, is being regulated under Section 111 or 112 of the Act". The State's Regulation 707, Section P.29(b)(ii). (Definitions—Potential to emit) refers to sources which "have been regulated" under Section 111 or 112 of the Act. This terminology needs to be changed to agree with 40 CFR 41.24.

5. 40 CFR 51.24(a)(5) requires public hearings for any plan revision. The State's procedures and conditions Section 4 (Plan Assessment) must be changed to delete the phrase "if so desired by any party" which limits public hearings.

6. 40 CFR 51.24(k) requires that the owner or operator shall demonstrate that allowable emission increases from the source or modification, in conjunction with all other applicable emission increases or reductions (including secondary emissions) would not cause or contribute to an air pollution violation. The State's Regulation 707 Section F.2. (Ambient Impact Requirements) could be changed to move the phrase (including secondary emissions) from after the allowable emission to follow the applicable increases or reductions, to agree with 40 CFR 51.24(k).

7. 40 CFR 51.24(p)(7) provides that emissions for variances should not exceed the maximum allowable increases over baseline on 24 hours exposure for more than 18 days, not necessarily consecutive. The State's Regulation 707, Section O.6. and 7. (Additional Requirements For Sources Impacting Federal Class I Areas) needs to be changed to add the terminology "not necessarily consecutive".

In a separate letter dated, July 19, EPA commented that the following requirement must also be incorporated:

8. 40 CFR 51.24(m)(1) (iii) and (iv) requires the application to contain certain monitoring data. The State's Regulation 707 Section I.3. (Monitoring

Requirements) needs to be changed to make the submittal of the monitoring data mandatory and automatically included in each application.

EPA proposes to approve the State's PSD program provided the State makes the required changes. Final action will not be taken until the revised regulation and conditions for the PSD program are submitted by the State.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have 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.

This notice of proposed rulemaking is issued under the authority of Section 110, 301(a) and Part C of the Clean Air Act, 42 U.S.C. 7410, 7601(a) and Part C Subpart 1.

#### Lists of Subjects in 40 CFR Part 52

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

Dated: August 2, 1983

Frances E. Phillips,  
Regional Administrator.

[FR Doc. 83-25856 Filed 9-21-83; 8:45 am  
BILLING CODE 8560-50-M

#### 40 CFR Part 465

[OW-FRL 2438-8]

#### Coil Coating Point Source Category; Effluent Limitations Guidelines Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection Agency.

ACTION: Notice of Data Availability and Request for Comment; Analytical Methodology for Oil and Grease.

SUMMARY: EPA has obtained additional data and information to support comments made on the proposed effluent limitations guidelines, pretreatment standards and new source performance standards for the canmaking subcategory of the coil coating category, proposed under the authority of the Clean Water Act. EPA is making these data and information available for public inspection and comment. EPA also is specifying an analytical method for oil and grease for the coil coating category.

DATES: Comments must be submitted by October 7, 1983.

ADDRESSES: Send comments to Ms. Mary L. Belefski, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Attention: EGD Docket Clerk. The supporting information is available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear), (PM-213). The comments will be made available as they are received. The EPA public information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Technical information may be obtained from Mr. Ernst P. Hall, at (202) 382-7126.

SUPPLEMENTARY INFORMATION: The EPA proposed effluent limitations guidelines, pretreatment standards, and new source performance standards for the canmaking point source subcategory of the coil coating category on February 10, 1983 (48 FR 8268). The comment period closed on May 20, 1983. EPA received over 330 individual comments on this proposal from 14 different commenters.

Of particular interest, the Can Manufacturers Institute and the U.S. Brewers' Association jointly submitted new data on the flows, influent and effluent characteristics, and control costs for two-piece aluminum draw and iron canmaking facilities.

CMI/USBA submitted additional data in July 1983, and August 1983, in response to an EPA request. EPA is now considering these new data in the process of developing a final regulation. The non-confidential portions of these data are available for inspection in the EPA Public Information Reference Unit.

Following proposal of the regulation, EPA made engineering visits to 4 canmaking plants to verify information used at proposal. After considering the nature and content of all submitted comments, the Agency collected additional information to fill certain data gaps and clarify comments. Engineering visits were made to 13 canmaking plants, to verify previously submitted information, and to determine the flow characteristics of wastewater streams from canmaking operations. Additionally, the Agency collected influent and samples at seven of these plants and effluent samples at six plants. Trip reports from these visits and most of the results of these chemical analyses are available for public inspection in the EPA Information Reference Unit. Copies of additional analytical data will be made available as they are received.

Under authority of Section 308 of the Federal Water Pollution Control Act we requested specific additional information and data from eleven companies to clarify and support their individual comments, and to clarify previously submitted data. These requests for additional information and for clarification focused on specific aspects of the performance of individual canmaking plants, including flow characteristics, production figures, and correction of anomalous data. Responses have been received from seven of the eleven companies. Copies of the requests for information and the non-confidential responses are available for public inspection in the EPA Public Information Reference Unit, and copies of responses from the remaining companies will be made available as they are received.

In summary, the following information is being placed in the public record for this rulemaking: trip reports from seventeen visited plants; chemical analysis data collected by EPA from seven sampled plants; EPA's requests for additional data and clarifications; company responses to these requests; and additional sampling, analysis, and control cost data submitted jointly by the Can Manufacturers Institute and the U.S. Brewers' Association. In addition, summary tables reflecting updated flow and production data and preliminary evaluation of treatment performance data will be included in the public record.

Some data in these trip reports and in responses to EPA's requests for additional data and clarifications have been designated as confidential by affected companies. In accordance with EPA's regulations protecting against disclosure of confidential information (40 CFR Part 2), this confidential information will not be available for public inspection.

Our preliminary analysis of the new data and information indicates the following:

(a) The new information appears to support the original subcategorization of the industry into a single subcategory, in which effluent limitations apply to the manufacture of can bodies which are washed. No data was submitted that appears to support any other subcategorization.

(b) New data was submitted that demonstrate that chromating surface treatment operations are much less prevalent in the industry than was believed at the time of proposal, although these data indicate that chromating surface treatment operations continue to be used. Sampling and

analysis data also show that significant levels of chromium frequently appear in untreated wastewaters, probably as the result of corrosion by acid solutions of the chromium-containing alloys used in canwasher construction. As a result, EPA does not intend to change the approach to regulating chromium that the proposed regulations included.

(c) A number of commenters presented information to illustrate that canwashers are more complex than originally presented by EPA in the development document supporting the proposed regulation. These new data appear to support the contention that canwashers are in fact more complex than presented in the proposed development document. EPA described a simplified or generic version of canwashers to present a generalized picture of the process and did not intend this simplified illustration to be a definition of the process complexity. The Agency plans to provide a more complete discussion of the operation of canwashers in the final development document. A preliminary analysis of this new information does not appear to support a significant alteration of the proposed regulatory scheme.

(d) The new information includes new and updated data on current water use practices and on achievable flow reductions from canwashers. Several errors have been corrected in the original data collection portfolios submitted by canmaking companies. Preliminary analysis of these flow rate figures indicates that some adjustments of flow rates in the final regulation may be appropriate. While analysis is not yet complete, EPA currently anticipates higher flow rates at the BAT, PSES, PSNS, and NSPS levels than were used at proposal.

(e) Additional information submitted by commenters and collected by EPA through additional sampling and analysis appears to support EPA's conclusion that oil removal followed by lime and settle treatment is the most appropriate model technology on which to base limitations and standards for this subcategory. The available data indicate that systems using dissolved air flotation as the primary solids removal device are less likely to meet the pollutant concentration basis of the proposed regulation than properly operated lime and settle treatment systems.

(f) EPA is evaluating new data submitted on the treatment effectiveness of end-of-pipe treatment technologies in use at canmaking plants sampled by CMI/USBA and EPA. At properly designed and operated facilities, for the

removal of oil and grease, these new data appear to generally support the treatment effectiveness values used to calculate the proposed limits and standards. Likewise, at properly designed and operated lime and settle end-of-pipe treatment facilities the levels of other regulated pollutants are consistent with the concentration basis of the proposed regulation. These new data also appear consistent with the treatment effectiveness values in the combined metals data base (CMDB) and support using the CMDB for treatment effectiveness. For the treatment effectiveness for the pollutant aluminum, the Agency is considering analytical data collected for the aluminum forming category.

(g) New data indicate that while the use of soluble synthetic oils is increasing, a majority of canmaking plants still use emulsifiable natural oils. As a result, the inclusion of oil and grease and total toxic organics (TTO) limitations in the regulation for the industry continues to appear appropriate.

#### *Analytical Methodology for Oil and Grease*

Several commenters presented data indicating that the analytical method usually used for oil and grease (40 CFR 136.3(a) Parameter No. 90, Oil and Grease: 14th ed. *Standard Methods Method 502A*) picked up interferences which are peculiar to wastewaters in the coil coating category. These interferences are not a problem when Method 502E is used. EPA recognizes this interference problem and proposes to include in the final regulation an oil and grease analytical method equivalent of Method 502E using the Method 502A extraction procedure for oil and grease analysis in the coil coating category. EPA intends to authorize this method for use in establishing compliance with the previously promulgated coil coating regulation 40 CFR Part 465 47 FR 54232 (December 1, 1982) as well as for the proposed canmaking effluent limitations and standards. The Agency specifically requests comments on this approach.

Copies of this new information and data are available for public inspection in the EPA Public Information Reference Unit. Comments are solicited only on the new data and on the preliminary analysis outlined above. These comments must be received by EPA on or before October 7, 1983 to ensure their consideration.

Dated September 16, 1983.

Steven Schatzow,  
Acting Assistant Administrator for Water.

[FR Doc. 83-25855 Filed 9-21-83; 8:45 am]

BILLING CODE 6550-60-48

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 83-995; RM-4507]

#### TV Broadcast station Phoenix, Arizona; Proposed changes in Table of Assignments

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This action proposes the assignments of UHF Television Channel 45 to Phoenix, Arizona, as that community's seventh commercial television allocation. United Television, Inc. had originally petitioned to dereserve UHF Television Channel \*39 at Phoenix.

**DATES:** Comments must be filed on or before November 7, 1983, and reply comments on or before November 22, 1983.

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

**FOR FURTHER INFORMATION CONTACT:** D. David Weston, Mass Media Bureau (202) 634-6530.

#### List of Subjects in 47 CFR Part 73

Television broadcasting.

#### Notice of Proposed Rule Makings

In the Matter of Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Phoenix, Arizona); MM Docket No. 83-995, RM-4507.

Adopted: July 21, 1983.

Released: September 23, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed June 13, 1983, by United Television, Inc. ("petitioner") seeking the amendment of § 73.606(b), the Television table of Assignments, by removing the reservation from UHF Television Channel \*39 at Phoenix, Arizona, in order to assign a seventh commercial television channel there. If the reservation is removed, petitioner states that it will promptly apply for the channel and operate a commercial station thereon.

2. Phoenix (population 764,911,<sup>1</sup> seat of Maricopa County (population 1,506,030), is currently served by six commercial and one noncommercial television station.<sup>2</sup> Petitioner states that Phoenix is a "rapidly growing Sunbelt city" and has "experienced a 56% increase in population during the past decade." Petitioner further states that Phoenix is the center of the largest metropolitan area in Arizona with a "SMSA population in excess of 1.5 million."

3. We believe that petitioners has demonstrated the need for another commercial television channel at Phoenix. However, we do not believe that the public interest would be served by deleting the educational reservation of Channel \*39, especially since another channel can be assigned to Phoenix that can satisfy both the demonstrated need and petitioner's expressed interest to "construct and operate . . . a new commercial broadcast channel for Phoenix." The Commission's staff has performed an engineering study which indicates that Channel 45 can be assigned to Phoenix in compliance with the spacing requirements of § 73.610 of the Rules. We propose, therefore, to solicit comments on the desirability of that assignment to Phoenix, Arizona.

4. Although petitioner has sought dereservation of Channel \*39, he has also stated he was aware of the Commission's "disinclination to remove a reservation when an alternate channel is available for commercial use, absent unusual circumstances." Petitioner, therefore, advanced a number of arguments purporting to demonstrate that "the excessively long-term vacancy of Channel \*39 presents unusual circumstances that merit removal of the reservation." However, in past cases, the fact that a channel has been vacant for a long period of time has not been a sufficient showing by itself where another channel exists which could be assigned to accommodate the commercial interest.<sup>3</sup> Thus we shall propose to assign Channel 45 to accommodate the expressed interest for a commercial station at Phoenix.

5. The proposed assignment meets all spacing requirements of our Rules. However, since Phoenix, Arizona, is within 320 kilometers (199 miles) of the

U.S.-Mexican border, coordination with the Mexican government is required before the assignment of Channel 45 to Phoenix can be adopted.

6. In view of the fact that there has been a demonstrated need and interest for a seventh commercial television allocation to Phoenix, Arizona, the Commission believes it is appropriate to seek comments on the proposal to amend the Television Table of Assignments (Section 73.606(b) of the Commission's Rules) with respect to the following community:

City	Channel No.	
	Present	Proposed
Phoenix, Arizona	3+, 5-, *8+10-, 15-, 21 33, and *39.	3+, 5-, *8+10-, 15-, 21 33, *39, and 45

7. 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.

8. Interested parties may file comments on or before November 7, 1983, and reply comments on or before November 22, 1983, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on the petitioner(s) of this proceeding at the following address: United Television, Inc., c/o Hogan & Hartson, 815 Connecticut Avenue, Washington, D.C. 20008.

9. 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 TV Table of Assignments, § 73.606(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 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact D. David Weston, 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 TV Table of Assignments, Section 73.606(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

<sup>1</sup> Population figures are taken from the 1980 U.S. Census Advance Report.

<sup>2</sup> The six commercial television stations licensed to Phoenix, Arizona are: KTVK (Channel 3); KPHO-TV (Channel 5); KTSP-TV (Channel 10); KNXV-TV (Channel 15); KPAZ-TV (Channel 21); KTVW-TV (Channel 33) and one noncommercial television station: KAET-TV (Channel \*8).

<sup>3</sup> See *Houston, Texas*, 50 R.R. 2d 1420 (1982); and *Vancouver, Washington*, 46 R.R. 3d 1498 (1980).

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 Rule 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 filed 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 § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

**6. Public Inspection of Filings.** All filings made in this proceeding will be available for examination 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. 83-25783 Filed 9-21-83; 8:45 am]

BILLING CODE 6712-01-M

# Notices

Federal Register

Vol. 48, No. 185

Thursday, September 22, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Land and Resources Management Plan, Ashley National Forest; Daggett, Duchesne, Summit, Uintah, Utah, and Wasatch Counties, Utah, and Sweetwater County, Wyoming; Revised Notice of Intent To Prepare an Environmental Impact Statement

This Notice revises a previously issued Notice of Intent published in the Federal Register dated November 4, 1980, pages 73115 and 73116.

This Notice is being issued because 36 CFR 219.17 is being revised to allow the reevaluation of roadless areas during the Forest planning process. Public participation in the reevaluation permits data collection and analysis activities to proceed pending release of the final regulations.

The results of the reevaluation of roadless areas will be included in the Environmental Impact Statement and Ashley National Forest Land and Resource Management Plan.

The proposed revision to 36 CFR 219.17 (issued 4/18/83) will allow further evaluation of the following Forest roadless areas inventoried in the second Roadless Area Review and Evaluation (RARE II) and in the Vernal Planning Unit Land Use Plan.

The first steps involving initial public participation, inventory, and analysis of the management situation have been completed. The scoping for the roadless area reevaluation portion of the land management planning process will be initiated by explaining the roadless area reevaluation to all individuals interested and wanting to become involved in the planning process for the Forest. Significant issues relating to reevaluation will be identified and included with those issues already identified for the Forest.

Detailed information on the roadless areas and reevaluation processes will be available for individuals and organizations requesting the information.

The Ashley National Forest Plan will select from a range of alternatives which will include at least:

(1) The "no-action" alternative, which represents continuation of present levels of activity.

(2) One or more alternatives which represent levels of activity that will result in elimination of all backlogs of needed treatment for restoration of renewable resources and ensure that a major portion of planning intensive multiple-use and sustained-yield management procedures are operating on an environmentally sound basis.

(3) One or more alternatives formulated to resolve the identified major public issues and management concerns, including roadless areas.

The Draft Environmental Impact Statement and proposed Land and Resource Management Plan for the Ashley National Forest are scheduled for a draft review by January 1985. The final documents are scheduled for filing with the Environmental Protection Agency in August 1985.

During the reevaluation process, current management and protection policies and activities in the roadless areas will be continued. Wilderness values will be protected in the areas recommended in RARE II for Wilderness, and management for other uses will continue in areas recommended for non-Wilderness.

J. S. Tixier, Regional Forester, Intermountain Region, USDA Forest Service, is the responsible official for the Forest Management Plan and Environmental Impact Statement. James N. Craig, Ashley Forest Supervisor, is responsible for preparation of the Forest Plan and Environmental Impact Statement.

Written comments, suggestions, and/or requests for information during this process should be sent to: Forest Planner, Ashley National Forest, Suite 1150, 1680 West Highway 40, Vernal, Utah 84078, phone (801) 789-1181.

Dated: September 13, 1983.

Richard K. Griswold,  
Director, Planning and Budget.

[FR Doc. 83-25627 Filed 9-21-83; 8:45 am]  
BILLING CODE 3410-11-M

#### Land and Resource Management Plan; Dixie National Forest; Washington, Iron, Garfield, Kane, Wayne, and Piute Counties, Utah; Revised Notice of Intent To Prepare an Environmental Impact Statement

This notice revises a previously issued Notice of Intent published in the Federal Register dated November 21, 1980, page 22095.

This notice is being issued because 36 CFR 219.17 is being revised to allow the reevaluation of roadless areas during the Forest planning process. Public participation in the reevaluation permits data collection and analysis activities to proceed pending release of the final regulations.

The results of the reevaluation of roadless areas will be included in the Environmental Impact Statement and Dixie National Forest Land and Resource Management Plan.

The first steps involving initial public participation, inventory, and analysis of the management situation have been completed. The scoping for the roadless area reevaluation portion of the land management planning process will be initiated by explaining the roadless area reevaluation to all individuals interested and wanting to become involved in the planning process for the Forest. Significant issues relating to reevaluation will be identified and included with those issues already identified for the Forest.

Detailed information on the roadless areas and reevaluation processes will be available for individuals and organizations requesting the information. In addition, there will be public involvement activities to further explain, discuss, and gather information about the roadless areas and reevaluation process.

The Dixie National Forest Plan will select from a range of alternatives which will include at least:

(1) The "no-action" alternative, which represents continuation of present levels of activity.

(2) One or more alternatives which represent levels of activity that will result in elimination of all backlogs of needed treatment for restoration of renewable resources and ensure that a major portion of planning intensive multiple-use and sustained-yield management procedures are operating on an environmentally sound basis.

(3) One or more alternatives formulated to resolve the identified major public issues and management concerns, including roadless areas.

The Draft Environmental Impact Statement and proposed Land and Resource Management Plan for the Dixie National Forest are scheduled for a draft review by February 1985. The final documents are scheduled for filing with the Environmental Protection Agency in August 1985.

During the reevaluation process, current management and protection policies and activities in the roadless areas will be continued. Wilderness values will be protected in the areas recommended in RARE II for Wilderness, and management for other uses will continue in areas recommended for non-Wilderness.

J. S. Tixier, Regional Forester, Intermountain Region, USDA Forest Service, is the responsible official for the Forest Management Plan and Environmental Impact Statement. Ed Fournier, Forest Supervisor, is responsible for preparation of the Forest Plan and Environmental Impact Statement.

Written comments, suggestions, and/or requests for information during this process should be sent to Al Schuldt, Forest Planner, Dixie National Forest, P.O. Box 580, Cedar City, Utah, 84720, phone (801) 586-2421.

Dated: September 13, 1983.

Richard K. Griswold,  
Director, Planning and Budget.

[FR Doc. 83-35828 Filed 9-21-83; 8:45 am]

BILLING CODE 3410-11-M

**Land and Resource Management Plan; Fishlake National Forest; Beaver, Garfield, Iron, Juab, Millard, Sanpete, Sevier, and Wayne Counties, Utah; Revised Notice of Intent To Prepare an Environmental Impact Statement**

This Notice revises a previously issued Notice of Intent published in the Federal Register dated August 7, 1980, page 52434, and revised in the Federal Register dated January 23, 1981, page 7418.

This Notice is being issued because 36 CFR 219.17 is being revised to allow the reevaluation of roadless areas during the Forest planning process. Public participation in the reevaluation permits data collection and analysis activities to proceed pending release of the final regulations.

The results of the reevaluation of roadless areas will be included in the Environmental Impact Statement and Fishlake National Forest Land and Resource Management Plan.

The first steps involving initial public participation, inventory, and analysis of the management situation have been completed. The scoping for the roadless area reevaluation portion of the land management planning process will be initiated by explaining the roadless area reevaluation to all individuals interested and wanting to become involved in the planning process for the Forest. Significant issues relating to reevaluation will be identified and included with those issues already identified for the Forest.

Detailed information on the roadless areas and reevaluation processes will be available for individuals and organizations requesting the information. In addition, there will be briefing meetings held during October at Salt Lake City and locations near the Forest to further explain, discuss, and gather information about the roadless areas and reevaluation process. Specific dates and locations will be published in the local newspaper prior to any public meeting.

The Fishlake National Forest Plan will select from a range of alternatives which will include at least:

(1) The "no-action" alternative, which represents continuation of present levels of activity.

(2) One or more alternatives which represent levels of activity that will result in elimination of all backlogs of needed treatment for restoration of renewable resources and ensure that a major portion of planning intensive multiple-use and sustained-yield management procedures are operating on an environmentally sound basis.

(3) One or more alternatives formulated to resolve the identified major public issues and management concerns, including roadless areas.

The Draft Environmental Impact Statement and proposed Land and Resource Management Plan for the Fishlake National Forest are scheduled for a draft review by December 1984. The final documents are scheduled for filing with the Environmental Protection Agency in July 1985.

During the reevaluation process, current management and protection policies and activities in the roadless areas will be continued. Wilderness values will be protected in the areas recommended in RARE II for Wilderness, and management for other uses will continue in areas recommended for non-Wilderness.

J. S. Tixier, Regional Forester, Intermountain Region, USDA Forest Service, is the responsible official for the Forest Management Plan and Environmental Impact Statement. J. Kent Taylor, Forest Supervisor, is responsible

for preparation of the Forest Plan and Environmental Impact Statement.

Written comments, suggestions, and/or requests for information during this process should be sent to Andrew E. Godfrey, Forest Planner, Fishlake National Forest, 115 East 900 North, Richfield, Utah, 84701, phone (801) 896-4491.

Dated: September 13, 1983.

Richard K. Griswold,  
Director, Planning and Budget.

[FR Doc. 83-35828 Filed 9-21-83; 8:45 am]

BILLING CODE 3410-11-M

**Land and Resource Management Plan; Salmon National Forest; Lemhi, Valley, Idaho Counties, Idaho; Revised Notice of Intent To Prepare an Environmental Impact Statement**

This Notice revises a previously issued Notice of Intent published in the Federal Register dated October 9, 1980, pages 67115 and 67116.

This Notice is being issued because 36 CFR 219.17 is being revised to allow the reevaluation of roadless areas during the Forest planning process. Public participation in the reevaluation permits data collection and analysis activities to proceed pending release of the final regulations.

The results of the reevaluation of roadless areas will be included in the Environmental Impact Statement and Salmon National Forest Land and Resource Management Plan.

The first steps involving initial public participation, inventory, and analysis of the management situation have been completed. The scoping for the roadless area reevaluation portion of the land management planning process will be initiated by explaining the roadless area reevaluation to all individuals interested and wanting to become involved in the planning process for the Forest. Significant issues relating to reevaluation will be identified and included with those issues already identified for the Forest.

Detailed information on the roadless areas and reevaluation processes will be available for individuals and organizations requesting the information. In addition, there will be open houses held at the following locations to further explain, discuss, and gather information about the roadless areas and reevaluation process: Leadore Ranger Station in Leadore, Idaho, from 2 p.m. to 9 p.m., Wednesday, November 16, 1983; North Fork Ranger Station, North Fork, Idaho, from 2 p.m. to 9 p.m., Thursday, November 17, 1983; Salmon National Forest Supervisor's Office,

Salmon, Idaho, from 2 p.m. to 9 p.m., Friday, November 18, 1983, and from 10 a.m. to 5 p.m., Saturday, November 19, 1983.

The Salmon National Forest Plan will select from a range of alternatives which will include at least:

(1) The "no-action" alternative, which represents continuation of present levels of activity.

(2) One or more alternatives which represent levels of activity that will result in elimination of all backlogs of needed treatment for restoration of renewable resources and ensure that a major portion of planning intensive multiple-use and sustained-yield management procedures are operating on an environmentally sound basis.

(3) One or more alternatives formulated to resolve the identified major public issues and management concerns, including roadless areas.

The Draft Environmental Impact Statement and proposed Land and Resource Management Plan for the Salmon National Forest are scheduled for a draft review by September 1985. The final documents are scheduled for filing with the Environmental Protection Agency in April 1986.

During the reevaluation process, current management and protection policies and activities in the roadless areas will be continued. Wilderness values will be protected in the areas recommended in RARE II for Wilderness, and management for other uses will continue in areas recommended for non-Wilderness.

J. S. Tixier, Regional Forester, Intermountain Region, USDA Forest Service, is the responsible official for the Forest Management Plan and the Environmental Impact Statement. Richard T. Hauff, Forest Supervisor, is responsible for preparation of the Forest Plan and Environmental Impact Statement.

Written comments, suggestions, and/or requests for information during this process should be sent to Richard T. Hauff, Forest Supervisor, Attention Roy S. Verner, Forest Planner, Salmon National Forest, P.O. Box 729, Salmon, Idaho 83467, phone (208) 756-2215.

Dated: September 13, 1983.

Richard K. Griswold,  
Director, Planning and Budget.

[FR Doc. 83-25829 Filed 9-21-83; 8:45 am]

BILLING CODE 3410-11-M

### Soil Conservation Service

#### City of Browning Watershed, Montana; Deauthorization Federal Funding

**AGENCY:** Soil Conservation Service, USDA.

**ACTION:** Notice of Intent to Deauthorize Federal Funding.

**SUMMARY:** Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR Part 622), The Soil Conservation Service gives notice of the intent to deauthorize Federal funding for the City of Browning Watershed project, Glacier County, Montana.

**FOR FURTHER INFORMATION CONTACT:** Glen H. Loomis, State Conservationist, Soil Conservation Service, P.O. Box 970, Bozeman, Montana 59715, telephone 406-587-5271 Ext. 4322.

**SUPPLEMENTARY INFORMATION:** A determination has been made by Glen H. Loomis that the proposed works of improvement for the City of Browning project will not be installed. The sponsoring local organizations have concurred in this determination and agree that Federal funding should be deauthorized for the project. Information regarding this determination may be obtained from Glen H. Loomis, State Conservationist, at the above address and telephone number.

No administrative action on implementation of the proposed deauthorization will be taken until 60 days after the date of this publication in the *Federal Register*.

[Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable]

Dated: September 12, 1983

Glen H. Loomis,  
State Conservationist.

[FR Doc. 83-25806 Filed 9-21-83; 8:45 am]

BILLING CODE 3410-16-M

#### Cheshire Flood Prevention RC&D Measure Plan, Connecticut; Record of Decision, Availability

**AGENCY:** Soil Conservation Service, USDA.

**ACTION:** Notice of Availability of a Record of Decision.

**SUMMARY:** Philip H. Christensen, responsible Federal official for projects administered under the provisions of Pub. L. 87-703, (16 U.S.C. 590 a-f, q.) in

the State of Connecticut, is hereby providing notification that a record of decision to proceed with the installation of the Cheshire Flood Prevention RC&D measure plan is available. Single copies of this record of decision may be obtained from Philip H. Christensen at the address shown below.

**FOR FURTHER INFORMATION CONTACT:** Philip H. Christensen, State Conservationist, Soil Conservation Service, RT 44 Mansfield Professional Park, Storrs, Connecticut 06268, telephone (203) 429-9361.

[Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable]

Dated: September 13, 1983.

Philip H. Christensen,  
State Conservationist.

[FR Doc. 83-25808 Filed 9-21-83; 8:45 am]

BILLING CODE 3410-16

#### St. Mary's City Historic Site Critical Area Treatment & Public Water-Based Recreation Development RC&D Measure, Maryland; Environmental Impact

**AGENCY:** Soil Conservation Service, USDA.

**ACTION:** Notice of a Finding of No Significant Impact.

**SUMMARY:** Pursuant to Section 103(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the St. Mary's City Historic Site Critical Area Treatment and Public Water-Based Recreation Development RC&D Measure, St. Mary's County, Maryland.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gerald R. Calhoun, State Conservationist, Soil Conservation Service, 4321 Hartwick Road, College Park, Maryland 20740, telephone 301-344-4180.

**SUPPLEMENTARY INFORMATION:** The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Gerald R. Calhoun, State Conservationist, has determined that the preparation and review of an

environmental impact statement are not needed for this project.

The measure concerns a plan for public water-based recreation development and critical area treatment adjacent to St. Mary's River and St. Ingoes Creek. The planned works of improvement include development of a trail system, wharfs, picnic shelters, restroom facilities, and related water-based recreational amenities, plus vegetative stabilization of an eroding bank and beach.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and various Federal, State, and local agencies and interested parties. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Gerald R. Calhoun. A limited number of copies of the FONSI are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the Federal Register.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: September 13, 1983.

Gerald R. Calhoun,

State Conservationist.

[FR Doc. 83-25807 Filed 9-21-83; 8:45 am]

BILLING CODE 3410-16-M

## OFFICE OF THE FEDERAL INSPECTOR OF THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

### Final Rate Base Determinations; Final Determination Regarding Proposed Scope Change

**AGENCY:** Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

**ACTION:** Final determinations.

**FOR FURTHER INFORMATION CONTACT:** Mr. J. Richard Berman, (202) 275-1100.

Take notice that on September 7, 1983, the Office of the Federal Inspector (OFI) issued the following reports: (1) Final Determination for Approving in Part and Disallowing in Part Expenditures Claimed for Inclusion in Rate Base by Northern Border Pipeline Company; (2) Final Determination Allowing in Part and Disallowing in Part Northern Border Pipeline Company's Request for Change in Scope for Costs Resulting from South

Dakota Public Utility Commission Action; and (3) Final Determination for Approving in Part and Disallowing in Part Expenditures Claimed for Inclusion in Rate Base by Alaskan Northwest Natural Gas Transportation Company.

Copies of these reports are available upon request from the OFI.

Dated: September 19, 1983.

John T. Rbett,

Federal Inspector.

[FR Doc. 83-25803 Filed 9-21-83; 8:45 am]

BILLING CODE 6119-01-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Carbon Steel Wire Rod From Brazil; Final Determination of Sales at less Than Fair Value

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of Final Determination of Sales at Less than Fair Value.

**SUMMARY:** We have determined that carbon steel wire rod from Brazil is being sold, or is likely to be sold, in the United States at less than fair value. The United States International Trade Commission (ITC) will determine within 45 days of publication of this notice whether these imports are materially injuring, or are threatening to materially injure, a United States Industry.

**EFFECTIVE DATE:** September 22, 1983.

**FOR FURTHER INFORMATION CONTACT:** John R. Brinkmann, Jr., Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 377-4929.

#### SUPPLEMENTARY INFORMATION:

##### Case History

On September 30, 1982, we received a petition filed by counsel for Atlantic Steel Company, Continental Steel Corporation, Georgetown Steel Corporation, Georgetown Texas Steel Corporation, and Raritan River Steel Company on behalf of the domestic wire rod industry. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports from Brazil of carbon steel wire rod are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are materially injuring, or are threatening to materially injure, a

United States industry. The petitioners also alleged that "critical circumstances" exist, as defined in section 733(e) of the Act.

After reviewing the petition, we determined that it contained sufficient grounds to initiate an antidumping investigation. We notified the ITC of our action and initiated the investigation of October 20, 1982 (47 FR 47452). On November 15, 1982, the ITC found that there is a reasonable indication that imports of carbon steel wire rod are materially injuring a United States industry. We determined this case to be "extraordinarily complicated," as defined in section 733(c) of the Act. Therefore, we extended the period for making our preliminary determination by 50 days, until April 28, 1983 (48 FR 7610).

Questionnaires were presented to the Companhia Siderurgica Da Guanabara (CONSIGUA) and Companhia Siderurgica Belgo-Mineira (Belgo-Mineira) on October 27, 1982. The responses were received in December, 1982. Verifications were conducted at the Brazilian offices of COSIGUA and Belgo-Mineira on January 27-28 and January 24-25, 1983, respectively.

On May 4, 1983, we determined that there is a reasonable basis to believe or suspect that carbon steel wire rod from Brazil is being, or is likely to be, sold in the United States at less than fair value and that critical circumstances do exist (48 FR 20106).

Our notice of the preliminary determination provided interested parties an opportunity to submit views orally and in writing. There were no requests by interested parties for a public hearing. On June 22, 1983, we published a notice extending the period for making the final determination until no later than September 16, 1983, at the request of the exporters who accounted for a significant proportion of exports of this merchandise in accordance with section 735(a)(2)(A) of the Act (48 FR 28519). The Department has decided not to enter into a suspension agreement proposed by the respondents.

#### Scope of Investigation

The merchandise covered by this investigation is carbon steel wire rod, a coiled, semi-finished, hot-rolled, carbon steel product of approximately round solid cross section, not under 0.20 inch nor over 0.74 inch in diameter, not tempered, not treated, not partly manufactured, and valued over 4 cents per pound. Wire rod is currently classifiable under item 607.17 of the *Tariff Schedules of the United States (TSUS)*.

The period of investigation for carbon steel wire rod from Brazil sold in the United States is from February 1 to July 31, 1982. COSIGUA and Belgo-Mineira are the only known Brazilian producers who export the subject merchandise to the United States. We examined 100 percent of United States sales made during the period of investigation.

#### 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.

Since we found that the Brazilian home market prices were constantly adjusted upward to reflect the high rate of inflation in Brazil during the period of investigation, we calculated, for each United States sale, a foreign market value based on home market sales which occurred immediately prior to and subsequent to the date of the United States sale. For four of the five United States sales, foreign market value was based on a weighted-average of home market sales occurring 15 days before and 15 days after the appropriate United States sale. The remaining United States sale occurred on February 2, the second day of the period of investigation. For that sale, we calculated foreign market value based on home market sales occurring February 1 through 15. We then made our fair value comparisons using the appropriate foreign market value.

#### United States Price

As provided in section 772(b) of the Act, we used the purchase price of the carbon steel wire rod to represent the United States price because the merchandise was sold to unrelated purchasers prior to its importation into the United States.

**COSIGUA:** We calculated the purchase price for COSIGUA based on the f.o.b., packed, Brazilian port price from a company related to COSIGUA to an unrelated European company which acts as a distributor for resale to United States purchasers. In each of its United States sales transactions, COSIGUA knew at the time of sale to the unrelated European company that the merchandise was destined for a United States company. We made deductions for Brazilian inland freight and port costs.

**Belgo-Mineira:** We calculated the purchase price for Belgo-Mineira based on the f.o.b., packed, Brazilian port price from Belgo-Mineira to an unrelated European company, who in turn sold the merchandise to a United States trading company. In each of Belgo-Mineira's

United States sales transactions, Belgo-Mineira knew at the time of the sale that the merchandise was destined for a United States company. We made deductions for Brazilian inland freight and port costs.

#### Foreign Market Value

In accordance with section 773(a)(1) of the Act, we calculated foreign market value based on home market sales of COSIGUA and Belgo-Mineira. In calculating foreign market value, we made currency conversions from Brazilian cruzeiros to United States dollars in accordance with § 353.56(a)(1) of the Commerce Regulations using the certified daily exchange rates.

**COSIGUA:** The home market sales reported by COSIGUA and used in our calculation of foreign market value were of carbon steel wire rod of an AISI category identical to the wire rod sold by COSIGUA in the United States. All home market sales reported by COSIGUA were to unrelated companies. We calculated the foreign market value for COSIGUA by deducting freight costs from the packed c & f prices. Since wire rod sold in both the United States and the home market was sold in the identical packed condition, no adjustments were made for packing. In accordance with § 353.15(c) of the Commerce Regulations, an adjustment was made for differences between commissions on sales to the United States and indirect selling expenses in the home market used as offsets to United States commissions.

COSIGUA requested that we make adjustments for the cost of warranty service, bad debt, technical services, level of trade differences and an "economic correlation adjustment" for net inflation. We did not allow the adjustments for warranty service, bad debt and technical services since they were not directly related to the sales under consideration, as required by § 353.15 of the Commerce Regulations.

The level of trade adjustment claimed by COSIGUA was to compensate for differences in levels of trade existing between the United States market and the home market for sales of wire rod. Pursuant to § 353.19 of the Commerce Regulations, the deduction was disallowed because COSIGUA did not establish the differences in the selling costs associated with sales at different levels of trade in the home market.

COSIGUA claimed we should make the "economic correlation" adjustment to home market prices to compensate for the high Brazilian inflation rate and for the alleged failure of the government of Brazil to devalue the Brazilian cruzeiro at rates consistent with domestic

inflation. They further alleged that the combination of these circumstances creates an artificially high foreign market value when the cruzeiro-based foreign market value is converted to U.S. dollars at the official rate of exchange.

Under § 353.15 of the Commerce Regulations, the Department of Commerce (the Department) will make reasonable allowances for bona fide differences in circumstances of the sale compared to the extent we are satisfied that the amount of any price differential between the U.S. and domestic market is wholly or partly due to such differences. In this case, respondents have not demonstrated that any price differential is due to the requirement that they convert proceeds from their U.S. sales into cruzeiros at the official exchange rate. We have no evidence that respondents do not take into account the economic effect of inflation and currency exchange controls when setting prices in either market. In this instance, we would expect that respondent's price would incorporate the effect of the official exchange rate in setting its price to U.S. customers in order to ensure an equitable return in real cruzeiros on U.S. sales.

COSIGUA also claimed a circumstance of sale adjustment for subsidies which we preliminarily determined existed in an earlier countervailing duty investigation of carbon steel wire rod from Brazil (47 FR 30550). We have not allowed this adjustment. The applicability of adjusting for export subsidies is discussed in the "Respondents' Comments" section of this notice.

**Belgo-Mineira:** Belgo-Mineira had no home market sales of wire rod which were identical in physical characteristics to the AISI category wire rod sold to the United States. Accordingly, the home market sales we used to value were of "similar" merchandise, as defined in section 771(16)(b) of the Act. The home market sales reported by Belgo-Mineira were to both related and unrelated customers. Pursuant to § 353.22(b) of the Commerce Regulations, we found sales to Belgo-Mineira's related customers to be at prices comparable to those at which such or similar merchandise was sold to customers unrelated to Belgo-Mineira. Therefore, we used sales to both related and unrelated customers in our calculation of foreign market value.

Home market prices were based on the f.o.b. packed prices to both related and unrelated purchasers. An adjustment was made to home market prices to account for differences between the U.S. and home market cost

of packing. Adjustments were made for differences in credit costs and warranty expenses, in accordance with § 353.15 of the Commerce Regulations.

We did not allow an adjustment requested by Belgo-Mineira for technical services, since we found it was not directly related to the sales under consideration as required by § 353.15 of the Commerce Regulations. We also disallowed an adjustment claimed for export subsidies. The question of adjusting for export subsidies is discussed in the "Respondents' Comments" section of this notice. A quantity discount adjustment claimed by Belgo-Mineira under § 353.14 of the Commerce Regulations was not allowed because Belgo-Mineira was unable to demonstrate that the discounts were justified based on cost savings or that they had been granted with respect to 20 percent or more of sales of such or similar merchandise in the home market during a period of at least six months.

#### Verification

In accordance with section 776(a) of the Act, we verified the information used in making this determination. We were granted access to the books and records of COSIGUA and Belgo-Mineira.

We used standard verification procedures, including examination of accounting records, financial records, and selected documents containing relevant information.

#### Results of Investigation

We made fair value comparisons on all the reported carbon steel wire rod sold in the United States by the two Brazilian companies during the investigative period. We have found that the foreign market value exceeded the United States price on 100 percent of the merchandise sold. These margins range from 51.50 percent to 70.57 percent. The overall weighted-average margin on all carbon steel wire rod is 63.51 percent.

#### Respondents' Comments

##### Belgo-Mineira—Comment 1

Belgo-Mineira's home market prices of wire rod do not reflect commercial reality when they are translated into dollars at the official rate of exchange, since the official exchange rate is controlled by the Brazilian government and does not reflect those economic conditions in Brazil by which the cruzeiro selling price of wire rod is determined. Therefore, the Department should determine foreign market value based on the prices of wire rod sold by Belgo-Mineira in third countries.

#### DOC Position

Under § 353.4 of the Commerce Regulations the home market is considered viable and the appropriate basis for foreign market value when it has been determined that the quantities of such or similar merchandise sold in the home market constitutes at least five percent of the quantity sold for exportation to countries other than the United States. In this case, home market sales meet this test. The currency conversion issue posed by Belgo-Mineira is irrelevant to this determination.

##### Belgo-Mineira—Comment 2

The Commerce Department should have permitted an adjustment to account for the fact that under government of Brazil Resolution 331, Belgo-Mineira is entitled to receive from Brazilian banks the cruzeiro equivalent of the sales price for export sales up to 150 days before exportation. On the particular sales in question, Belgo-Mineira received its cash payment 10 days in advance of the date of shipment and the date from which the terms of payment to the export customer were to commence. Specifically, Belgo-Mineira claims the Department made three errors in calculating U.S. credit costs.

(1) The Department deducted as a directly-related credit cost for each U.S. sale, the interest charged to Belgo-Mineira by the banks for the entire term of Belgo-Mineira export financing under Resolution 331 (i. e. from 10 days before shipment until actual receipt by the bank of payment from the purchaser). Instead, the Department should have deducted only that amount of the interest cost incurred between receipt of the 10 days' advance payment and the date specified in the terms of sale (date of shipment).

(2) With regard to the 10 day's advance payment, the Department should have considered the benefit arising to Belgo-Mineira from the advance having been obtained at preferential interest rates. Since the advanced funds make it unnecessary to borrow operating funds at the higher commercial rates, the producers receive a net "benefit" equal to the difference between the preferential rate paid and the commercial rate they would have paid had the funds been borrowed at market rates.

(3) The Department should not have deducted from the U.S. price the interest charged Belgo-Mineira by the bank as a penalty for the purchaser's late payment.

#### DOC Position

The Department's position on the circumstance of sale adjustment for differences in credit costs is that where actual credit costs are known, the adjustment must be based on the credit costs actually experienced by a respondent company, as verified through the corporate books and records. Where available, the actual interest expenses paid will be used to compute credit costs. Furthermore, we consider the credit expense associated with a particular sale to commence from the time the debt obligation for that sale is assumed and to terminate when the debt has been paid in full.

In the case of Belgo-Mineira, the Department was able to obtain the actual interest expense for each U.S. sale from the time the debt obligation to the bank commenced (10 days prior to shipment) until the indebtedness was terminated (when the purchaser actually paid the bank). This includes the late payment penalty in as much as it is a cost associated with the extension of credit. With regard to Belgo-Mineira's claim for a benefit arising from the 10-day advance, the Department considers the "benefit" of not borrowing at market rates as a theoretical or imputed value and, as such, it does not represent the actual cost of extending credit in U.S. sales.

##### Belgo-Mineira—Comment 3

Belgo-Mineira and (in its preliminary determination comments) COSIGUA claim that the Commerce Department should grant an adjustment for differences in circumstances of sale to account for subsidies received on exports to the United States. (On September 21, 1982, the Department of Commerce and the government of Brazil concluded a suspension agreement pursuant to section 704 of the Act under which the government of Brazil agreed to impose an export tax equal to the net subsidy amount on all shipments of carbon steel wire rod shipped from Brazil to the United States on or after October 20, 1982 (47 FR 42399)). They argue that these subsidies represent a direct reduction in the cost of exporting and are, therefore, directly related to the sales of wire rod to the United States. They further claim that the Department should make an adjustment since the imposition of the export tax did not take effect until after the investigative period. In support of their arguments, respondents point to *Certain Iron Metal Casting from India*, where the Department adjusted for export subsidies.

*DOC Position*

We do not consider subsidies received by respondents to be a circumstance of sale for which an adjustment is allowable under § 353.15 of the Commerce Regulations, because we do not find that the subsidies received necessarily create a price differential for wire rod in the two markets compared. It is possible, as respondents claim, that the U.S. prices are reduced as a result of the subsidies. It is equally possible, however, that the subsidies had the effect of increasing the respondents' revenues without affecting U.S. prices. Respondents have not demonstrated that subsidies received had an effect of the U.S. or home market selling price of wire rod.

We further note that the Act does allow adjustments to U.S. price for export taxes or countervailing duties, but not in the context of this case. Section 772(d)(1)(D) of the Act provides for increasing purchase price by the amount of any countervailing duty imposed on merchandise to offset an export subsidy. This provision does not apply in this case since countervailing duties were not imposed on the sales in question. Section 772(d)(2)(B) allows purchase price to be reduced by the amount, if included in such price, of export taxes, except those levied on the export of merchandise to the United States specifically intended to offset the subsidy received. This provision does not apply because the export taxes imposed by Brazil under the suspension agreement fall under the exception. Further, export taxes were not imposed on sales subject to the investigation. The fact that section 772(d) specifically addresses those situations when the Department is required to make an adjustment for export subsidies in its antidumping calculations indicates that Congress did not intend that an adjustment to U.S. price be made for export subsidies in this case.

The case of *Certain Iron Metal Casting from India* used by respondents in support of their argument is distinguishable. In *Casting*, foreign market value was based on third country sales from India to Canada. Since both export sales to Canada and to the U.S. received the benefit from the same export subsidies, comparability existed before the Department made the statutorily mandated adjustment of an increase to U.S. price for the amount of countervailing duties imposed. To reestablish comparability, the Department increased the Canadian price in an amount equal to the amount of the countervailing duties.

*Belgo-Mineira—Comment 4*

Unless the Commerce Department adjusts foreign market value to reflect the amount of subsidies received on exports, it will be imposing both countervailing and antidumping duties on the same merchandise in violation of U.S. obligations under the General Agreement on Tariffs and Trade (GATT).

*DOC Position*

The GATT prohibits double counting for the imposition of dumping duties to offset export subsidies already subject to countervailing duties. There is no double counting in this case since countervailing duties were not imposed on exports of carbon steel wire rod to the United States during the period of investigation. Further, the export tax imposed on wire rod under the suspension agreement did not go into effect until after the period of investigation.

*Belgo-Mineira—Comment 5*

The Department should grant a quantity adjustment under § 353.14 of the Commerce Regulations for the differences in the quantities sold by Belgo-Mineira in the two markets. Belgo-Mineira claims that it qualifies for a quantity discount allowance based on the fact that it grants a discount to one customer in the home market based on the cumulative quantity of wire rod (some of which was not subject to this investigation) purchased by that customer each month, even though that customer's purchases of the product under investigation did not meet the criteria of allowances in § 353.14(b)(1).

*DOC Position*

A quantity discount may be applied to the sales in the home market when the criteria of allowances under § 353.14 of the Commerce Regulations have been met.

In the preliminary determination we noted that we did not allow the quantity discount because Belgo-Mineira had not met the prerequisites in § 353.14(b). Specifically, over a six-month period Belgo-Mineira had not (1) granted quantity discounts of at least the same magnitude with respect to 20 percent of such or similar merchandise sold in the home market, or (2) demonstrated cost savings specifically attributable to production of the different quantities involved. We affirm this position. Further, we note that the claimed quantity discounts are not directly linked to individual sales, but are based on the customer's past and anticipated aggregate purchases. In order for

§ 353.14(b) to be applied to sales under consideration, the quantity discount offered must first meet the threshold test of being directly contingent upon the quantity purchased in that particular sale.

*Belgo-Mineira—Comment 6*

If the Department refuses to grant an adjustment for difference in quantities, an equivalent adjustment should be made for difference in levels of trade under § 353.19 of the Commerce Regulations between wire rod is sold to distributors in the U.S. and to end users in the home market. The fact that Belgo-Mineira makes large volume sales of carbon and specialty steel wire rod to a single company at a discounted price is in itself a reliable measurement of the price differential that would be provided to the home market distributors if any were to purchase the material under investigation.

*DOC Position*

As noted in our response to Belgo-Mineira Comment 5, the home market sales referred to by Belgo-Mineira are discounted based on the customer's past and anticipated aggregate purchases of all types of wire rod. We are not allowing an adjustment under § 353.19 because the respondent did not quantify the cost differential of selling at different levels of trade in the home market.

*Petitioner's Comments**Petitioners—Comment 1*

The adjustment to foreign market value for credit cost differences is based on findings which show that the respondents have received substantial subsidies not investigated in the earlier countervailing duty case of carbon steel wire rod from Brazil. Specifically, both Belgo-Mineira and COSIGUA benefited from financing on their export transactions by receiving from the Bank of Brazil advance payment on their export accounts receivable at preferential terms.

*DOC Position*

We investigated the export financing referred to by the petitioners in the aforementioned countervailing duty investigation, and found that it did not constitute an export subsidy. It is therefore not reflected in the export tax currently imposed by the government of Brazil pursuant to the suspension agreement in that investigation. We determined that the terms of the export financing were not controlled by the government of Brazil, but were based on commercial considerations by the bank.

The Department's Office of Compliance, which monitors the suspension agreement, has been advised of all facts obtained in this investigation relating to the export financing used by Belgo-Mineira and COSIGUA. In the event that the circumstances of the export financing mechanism have changed since the countervailing duty investigation, any such changes will be taken into account in the monitoring of that agreement.

#### Affirmative Determination of Critical Circumstances

Counsel for petitioners alleged that imports of carbon steel wire rod from Brazil present "critical circumstances." Under section 735(a)(3) of the Act, critical circumstances exist when the Department determines that: (1) There have been massive imports of the merchandise under investigation over a relatively short period; and (2) there is a history of dumping in the United States or elsewhere of the merchandise under investigation, or the person by whom, or for whose account, the merchandise was imported know or should have known that the exporter was selling the merchandise under investigation at less than its fair value.

In determining whether there have been massive imports over a relatively short period, we considered the following factors: recent import penetration levels; changes in import penetration since the date of the ITC's preliminary affirmative determination of injury; whether imports have surged recently; whether recent imports are significantly above the average calculated over the several years (1980-1982); and whether the patterns of imports over that three-year period may be explained by seasonal swings. Based upon our analysis of the information, we determine that imports of the products covered by this investigation are massive over a relatively short period (November 1982 through February 1983).

Therefore, we proceeded to consider whether there is a history of dumping of carbon steel wire rod from Brazil in the U.S. or elsewhere. We reviewed past antidumping findings of the Department of the Treasury as well as past Department of Commerce antidumping orders. There have been no past United States antidumping determinations on carbon steel wire rod from Brazil. We also reviewed the antidumping actions of other countries made available to us through the Antidumping Code Committee established by the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade. We found no history of dumping of this product from Brazil.

We then considered whether the person by whom, or for whose account, this product was imported knew or should have known that the exporter was selling this product at less than its fair value. It is the Department's position that this test is met where margins calculated on the basis of responses to the Department's questionnaire are sufficiently large that the importer knew or should have known that prices for sales to the United States (as adjusted according to the antidumping law) were significantly below home market sales prices. In this case, the margin calculated on the basis of responses to the Department's questionnaire is sufficiently large, even though there is no corporate relationship between the exporters and importers, that the importer knew or should have known that the merchandise was being sold in the United States at less than fair value.

For the reasons described above, we determine that critical circumstances do exist with respect to carbon steel wire rod from Brazil.

#### Final Determination

Based on our investigation and in accordance with section 735(a) of the Act, we determine that carbon steel wire rod from Brazil is being sold in the United States at less than fair value within the meaning of section 731 of the Act.

#### Continuation of Suspension of Liquidation

Liquidation will continue to be suspended on all entries of carbon steel wire rod from Brazil that are entered into the United States, or withdrawn from warehouse, for consumption. The United States Customs Service will continue to require the posting of a cash deposit or bond in amounts based on the following weighted-average margins for carbon steel wire rod from Brazil. The security amounts established in our preliminary determination of May 4, 1983, are no longer in effect.

Manufacturers, producers and exporters	Weighted-average margins (percent)
COSIGUA	49.61
Belgo-Mineira	78.49
All other manufacturers, producers, and exporters	63.51

#### ITC Notification

We are notifying the ITC and making available to it all non-privileged and non-confidential information relating to this determination. We will allow the ITC access to all privileged and

confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration. If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If the ITC determines that such injury does exist, we will issue an antidumping duty order directing Customs officers to assess an antidumping duty on carbon steel wire rod from Brazil entered, or withdrawn from warehouse, for consumption after the suspension of liquidation, equal to the amount by which the foreign market value exceeds the United States price.

This determination is being published pursuant to section 735(d) of the Act (19 U.S.C. 1673(d)).

Dated: September 16, 1983.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

[FR Doc. 83-2882 Filed 9-21-83; 8:45 am]

BILLING CODE 3510-25-M

#### Final Determination of Sales at Less Than Fair Value; Carbon Steel Wire Rod From Trinidad and Tobago

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Determination of Sales at Less than Fair Value: Carbon Steel Wire Rod from Trinidad and Tobago.

SUMMARY: We have determined that carbon steel wire rod from Trinidad and Tobago is being sold, or is likely to be sold, in the United States at less than fair value. The United States International Trade Commission (ITC) will determine within 45 days of publication of this notice whether these imports are materially injuring, or are threatening to materially injure, a U.S. industry.

FOR FURTHER INFORMATION CONTACT: John R. Brinkmann, Jr. or Mary Jenkins, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 377-4929 or 377-1756.

#### SUPPLEMENTARY INFORMATION:

##### Case History

On September 30, 1982, we received a petition filed by counsel for Atlantic Steel Company, Continental Steel

Corporation, Georgetown Texas Steel Corporation, and Raritan River Steel Company on behalf of the domestic wire rod industry. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports from Trinidad and Tobago of carbon steel wire rod are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are materially injuring, or are threatening to materially injure, a United States industry. The petitioners also alleged that "critical circumstances" exist, as defined in section 733(e) of the Act.

After reviewing the petition, we determined that it contained sufficient grounds to initiate an antidumping investigation. We notified the ITC of our action and initiated the investigation on October 20, 1982 (47 FR 47453). On November 15, 1982, the ITC found that there is a reasonable indication that imports of carbon steel wire rod are materially injuring, or threatening to materially injure, a United States industry. Pursuant to section 733(c)(1)(A) of the Act, we subsequently postponed the preliminary determination by 50 days until no later than April 28, 1983 (48 FR 7610).

A questionnaire was presented to the Iron and Steel Company of Trinidad and Tobago (ISCOTT) on November 1, 1982. The response was received on December 15, 1982. A verification was conducted at the Port of Spain and Port Lisa offices of ISCOTT from February 7-11, 1983.

On May 4, 1983, we determined there is a reasonable basis to believe or suspect that carbon steel wire rod from Trinidad and Tobago is being, or is likely to be, sold in the United States at less than fair value (48 FR 20109).

Our notice of the preliminary determination provided interested parties an opportunity to submit views orally and in writing.

On July 20, 1983, in accordance with ISCOTT's request, a public hearing was held. On June 22, 1983, we published a notice extending the period for making the final determination until no later than September 16, 1983, at the request of the sole exporter of this merchandise in accordance with section 735(a)(2)(A) of the Act (48 FR 28520).

#### Scope of Investigation

The merchandise covered by this investigation is carbon steel wire rod, a coiled, semi-finished, hot-rolled, carbon steel product of approximately round solid cross section, not under 0.20 inch nor over 0.74 inch in diameter, not

tempered, not treated, not partly manufactured, and valued over 4 cents per pound. Wire rod is currently classifiable under item 607.17 of the *Tariff Schedules of the United States (TSUS)*.

The period of investigation for carbon steel wire rod from Trinidad and Tobago sold in the United States is from April 1 to September 30, 1982. ISCOTT is the only known Trinidad and Tobago producer who exports the subject merchandise to the United States. We examined 100 percent of the sales made during the period of investigation.

#### 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(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price, because the merchandise was sold to unrelated purchasers prior to its importation into the United States.

We calculated the purchase price based on the c.i.f., duty-paid, delivered, packed price to unrelated U.S. customers. We made deductions for United States and foreign inland freight, ocean freight, marine insurance, United States duties and United States port costs. We made additional deductions, where appropriate, for U.S. warehousing expenses.

#### Foreign Market Value

In accordance with section 773(a)(1) of the Act, we calculated foreign market value based on home market sales of ISCOTT. We have made comparisons of "such or similar" merchandise based on grade categories selected by Commerce Department industry experts, according to section 771(16)(B) of the Act. We calculated the foreign market value for ISCOTT based on ex-mill packed prices. Since wire rod sold in both the United States and the home market was sold in the identical packed condition, no adjustments were made for packing. An adjustment was made for differences between commissions on sales to the United States and indirect selling expenses in the home market used as an offset to United States commissions in accordance with § 353.15(c) of the Commerce Regulations. In accordance with § 353.15(b) of the Commerce Regulations, an adjustment was made for differences in credit costs on all sales to reflect the cost of credit from the time the merchandise is sold until

payment is received from the customer. In the preliminary determination the cost of credit had been calculated from the date of shipment. A further adjustment was made for differences in post sale warehousing costs in accordance with § 353.15 of the Commerce Regulations.

#### Verification

In accordance with section 776(a) of the Act, we verified the information used in making this determination. We were granted access to the books and records of ISCOTT.

We used standard verification procedures, including examination of accounting records, financial records, and selected documents containing relevant information.

#### Results of Investigation

We made fair value comparisons on all the reported carbon steel wire rod sold in the United States by ISCOTT during the investigative period. We have found that the foreign market value exceeded the United States price on 95 percent of the merchandise sold. These margins ranged from 0 percent to 88.5 percent. The overall weighted-average margin on all carbon steel wire rod is 9.79 percent.

#### Respondent's Comments

##### Comment 1

Respondent argues that the Department should have allowed a "circumstances of sale" adjustment for ISCOTT's post sale warehousing expenses as these expenses were directly related to the sale of wire rod in the home market during the period of investigation.

##### DOC Position

In our preliminary determination we noted that while ISCOTT did carefully allocate wire rod to specific customer orders in its production and inventory control records, the merchandise was never set aside as sold and therefore remained available to meet the general inventory needs and sales commitments of ISCOTT.

We have considered all information submitted regarding our preliminary determination on this issue. We determine that ISCOTT has demonstrated that its customers consider the after-sale storage of wire rod sold as a condition of sale. It also established that, with minor exceptions, the merchandise sold and awaiting pickup by a customer is maintained for that customer's account in ISCOTT's inventory control system. However, in calculating the price differential in the

two markets compared, the Department used an actual weighted-average standing time in inventory for sales made during the period of investigation rather than the average post-sale standing time in computation employed by ISCOTT. Also we did not include in our calculations data used by ISCOTT pertaining to sales of wire rod in categories ASTM 60 and BS 4449 because these categories were determined by Departmental industry experts not to constitute "such or similar" merchandise within the meaning of section 771(16)(b) of the Act. Finally, the interest expense carrying costs claimed by ISCOTT was included in our calculation of credit expense and not in the post-sale warehousing adjustment.

#### Comment 2

ISCOTT argues that the Department's recognition of, and adjustment for, warehousing expenses on certain U.S. sales provides a basis for the Department to make the claimed post-sale warehousing adjustment in the home market.

#### DOC Position

We have determined that ISCOTT has satisfactorily established that warehousing expenses in the U.S. market are directly related to storage of carbon steel wire rod shipped pursuant to a specific order and awaiting delivery to specific U.S. customers. As such, these expenses are incurred in bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States and are a necessary deduction from U.S. price under § 353.10(d) of the Commerce Regulations. The Department's position with regard to home market warehousing is stated in our response to comment 1.

#### Comment 3

Respondent argues that the Department's application of the antidumping law in this case unfairly discriminates against ISCOTT's position as a company in a developing nation.

#### DOC Position

Section 773(a)(4)(B) of the Act, and § 353.15 of the Commerce Regulations provide the authority and standards by which we make adjustments for differences in "circumstances of sale." Firms of all nations must meet the standards for which such adjustments may be made. Where we have not allowed an adjustment claimed by ISCOTT, we determined that the claimed adjustment did not meet the

standards established under § 353.15 of the Commerce Regulations.

#### Comment 4

Respondent argues that the Department's calculation comparing commissions in the U.S. market and home market indirect selling expenses as an offset to commissions on a per unit basis fails to make proper allowances for differences in selling expenses. ISCOTT proposed that the Department calculate the offset adjustment by comparing the total amount of sales commissions in the U.S. market with the total actual selling expenses in the home market.

#### DOC Position

Our method of comparing commissions and indirect selling expenses on a per unit basis makes reasonable allowances for differences in such expenses between the two markets. We have consistently applied this practice in interpreting § 353.15(c) of the Commerce Regulations.

#### Comment 5

ISCOTT claims that the Department used incorrect values in preliminarily computing the offset allowance to U.S. commissions because the Department failed to consider revised U.S. commission figures submitted by ISCOTT, as well as additional sales commission expenses attributed by the Department to ISCOTT's U.S. marketing service agency.

#### DOC Position

We have adjusted our calculations of U.S. commission expenses to reflect the revised commission figures as well as the direct selling expenses associated with the U.S. marketing service agency. The offset allowance has also been adjusted to reflect these changes.

#### Comment 6

Respondent argues that the Department improperly denied ISCOTT's "circumstances of sale adjustment" for the advertising expense by ISCOTT for magazine advertising and for a paper holder made of wire rod which displayed ISCOTT's logo.

#### DOC Position

We consider advertising expenses which are an assumption of a purchaser's cost to be allowable as a "circumstance of sale adjustment." We have determined that the advertising adjustment claimed by ISCOTT is aimed at ISCOTT's home market customers, rather than those firms which purchase from ISCOTT's customers. ISCOTT's advertising points out to its home

market customers the advantages of purchasing wire rod from ISCOTT by describing the component materials contained in the wire rod and the process by which the rod is manufactured. Such advertising is beneficial to ISCOTT and not to ISCOTT's home market customers. Therefore, a "circumstance of sale adjustment" is not allowable under § 353.15 of the Commerce Regulations.

#### Comment 7

Respondent argues that an allowance should be made for technical service expenses as a "circumstance of sale" adjustment.

#### DOC Position

We have verified that the claimed technical expenses are not directly related to specific sales during the period of investigation. Therefore, they are now allowable as an adjustment under § 353.15 of the Commerce Regulations.

#### Comment 8

Respondent argues that the Department improperly disregarded supplementary payments received by ISCOTT for differences between mill weight and scale weight on certain U.S. sales. These supplementary payments made by the customer for the actual amount of wire rod received should have been used to increase the unit price in the Department's calculation of U.S. price.

#### DOC Position

Mill weight is ISCOTT's registered weight of the carbon steel wire rod sale prior to shipment to the United States. Scale weight is the registered weight of the shipment at the U.S. port of entry. In this case, the supplemental payments made by the U.S. customer were based on the additional quantities noted in the scale weight adjustment and on the same unit price as originally contracted for. The only adjustment required in this instance would be to the total quantity sold and the total selling price and not to the unit price as claimed by ISCOTT. Therefore, we have adjusted our figures to reflect total volume and quantity of merchandise actually purchased.

#### Comment 9

Respondent argues that the Department did not adjust the U.S. price in one sale, where an overpayment was made by customer and the excess payment had not been refunded or credited to the customer's account. Further, the Department did not adjust the United States price in a second sale

where a post-sale price increase was negotiated when the customer requested a change in the ultimate destination of the shipment.

#### DOC Position

We have adjusted United States price to reflect the requested adjustments.

#### Comment 10

Respondent argues that the Department improperly calculated inland freight cost by multiplying the distance traveled by two, because two trucks are normally used in transporting the wire rod. The distance traveled as reflected by ISCOFF's freight calculation is the total distance traveled by all trucks.

#### DOC Position

We have determined that the distance factor in ISCOFF's calculation is the total distance traveled by all trucks. Therefore, we have accepted ISCOFF's inland freight calculation for the final determination.

#### Petitioners' Comments

##### Petitioners—Comment 1

ISCOFF's claimed adjustment for post-sale warehousing is not allowable under § 353.15 of the Commerce Regulations. ISCOFF's expenses are not incurred after a sale is made but are more accurately characterized as general operating expenses that do not relate directly to the sales under investigation. Furthermore, the data on which the adjustment is based are computed from averages and estimates only and do not sufficiently reflect actual costs incurred in connection with the specific sales under investigation. Finally, the interest expenses included by ISCOFF as an element of its post-sale warehousing costs are in reality financing costs and have nothing to do with warehousing. However, these financial costs should not be considered in the adjustment for differences in credit costs because the credit cost adjustment is limited to the time between the date the customer's obligation to pay arises (no earlier than date of delivery) and the date of actual payment.

#### DOC Response

We stated earlier in this notice and our response to Petitioner's Comment 5, that we have granted a post-sale warehouse adjustment to ISCOFF. As noted, we determined that after-sale warehousing was a condition of sale and that the merchandise sold and awaiting pickup by the customer is maintained in ISCOFF's inventory control system. We did base the

adjustment allowed on the *actual* standing time in inventory (weight-averaged) of merchandise (subject to this investigation) sold during the period of investigation.

We did not include in our calculation of carrying costs for post-sale warehousing the interest expense claimed by ISCOFF. We did consider the interest expense associated with standing time in inventory of products sold in both markets as a credit expense, as we consider credit expenses associated with a particular sale to commence at the time of sale or production of the merchandise, whichever occurs later. Accordingly, we are allowing this adjustment under § 353.15 of the Commerce Regulations, and have provided for the adjustment in our calculation of credit costs and post-sale warehousing.

#### Negative Determination of Critical Circumstances

Counsel for petitioners alleged that imports of carbon steel wire rod from Trinidad and Tobago present "critical circumstances." Under section 735(a)(3) of the Act, critical circumstances exist when there is a reasonable basis to believe or suspect that: (1) There is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation; or the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than its fair value; and that (2) there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

We reviewed past antidumping findings of the Department of Treasury as well as past Department of Commerce antidumping orders to determine whether there is a history of dumping of carbon steel wire rod from Trinidad and Tobago in the United States or elsewhere. There have been no past United States antidumping determinations on carbon steel wire rod from Trinidad and Tobago. We also reviewed the antidumping actions of other countries made available to us through the Antidumping Code Committee established by the Agreement on Implementation of Article VI of the General Agreement of Tariffs and Trade. We found no history of dumping of this product from Trinidad and Tobago.

We then considered whether the persons by whom, or for whose account, this product was imported knew or

should have known that it was being sold at less than its fair value. We have no evidence that importers had such knowledge. Nor is the margin sufficiently large in and of itself to warrant that importers should have known that this product was being sold at less than fair value—particularly where, as here, importers and exporters are unrelated companies.

Therefore, for the reasons described above, we determine that critical circumstances do not exist with respect to carbon steel wire rod from Trinidad and Tobago.

#### Final Determination

Based on our investigation and in accordance with section 735(a) of the Act, we have reached a final determination that carbon steel wire rod from Trinidad and Tobago is being sold in the United States at less than fair value within the meaning of section 731 of the Act.

#### Continuation of Suspension of Liquidation

Liquidation will continue to be suspended on all entries of carbon steel wire rod that are entered into the United States, or withdrawn from warehouse, for consumption. The United States Customs Service will continue to require the posting of a cash deposit or bond in amounts based on the weighted-average margin of 9.79 for carbon steel wire rod from Trinidad and Tobago. The security amounts established in our preliminary determination of May 4, 1983, are no longer in effect.

#### ITC Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this determination. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

If the ITC determines that material injury or the threat of material injury does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If, however, the ITC determines that such injury does exist, we will issue an antidumping order directing Customs officers to assess an antidumping duty

on carbon steel wire rod from Trinidad and Tobago, entered, or withdrawn from the warehouse, for consumption after the suspension of liquidation, equal to the amount by which the foreign market value of the merchandise exceeds the United States price. This determination is being published pursuant to section 735(d) of the Act (19 U.S.C. 1673(d)).

Dated: September 16, 1983.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

[FR Doc. 83-25881 Filed 9-21-83; 8:45 am]

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[A-588-029]

### Fish Netting of Man-Made Fibers From Japan; Final Results of Administrative Review of Antidumping Finding

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of Final Results of Administrative Review of Antidumping Finding.

**SUMMARY:** On December 27, 1982, the Department of Commerce published the revised preliminary results of its administrative review of the antidumping finding on fish netting of man-made fibers from Japan. The review covers 74 of the 81 known manufacturers, exporters, and third-country resellers of this merchandise to the United States and various time periods through May 31, 1980.

Interested parties were given an opportunity to submit oral or written comments on the revised preliminary results. At the request of certain importers and exporters, we held a public hearing on January 28, 1983.

As a result of our analysis of the comments received and because of mathematical errors, the Department has changed the weighted-average margins for 51 firms. The margins remain the same as those presented in the revised preliminary results for all other exporters.

**EFFECTIVE DATE:** September 21, 1983.

**FOR FURTHER INFORMATION CONTACT:** Laurie Lucksinger or Susan M. Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-1130.

**SUPPLEMENTARY INFORMATION:**

#### Background

On May 5, 1981, the Department of Commerce ("the department") published in the *Federal Register* (46 FR 25118-20) the preliminary results of its administrative review of the antidumping finding on fish netting of

man-made fibers from Japan (37 FR 11560, June 6, 1972). On December 27, 1982, we published our revised preliminary results in the *Federal Register* (47 FR 57546). The Department has now completed that administrative review.

#### Scope of the Review

Imports covered by the review are shipments of fish netting of man-made fibers, currently classifiable under items 355.4520 and 355.4530 of the Tariff Schedules of the United States Annotated.

The review covers 74 of 81 known manufacturers, exporters, and third-country resellers of Japanese fish netting of man-made fibers to the United States for various periods through May 31, 1980.

#### Analysis of Comments Received

We invited interested parties to submit written comments or request a hearing on our revised preliminary results. At the request of certain importers and exporters, we held a public hearing on January 28, 1983. Several other companies submitted written comments.

*Comment 1:* Morishita Fishing Net Mfg. Co., Ltd., Mitsui & Co., Ltd., Trans-Pacific Trading Co., Ltd., Seattle Marine & Fishing Supply Co., Nordby Supply Co., Lummi Supply Co., Redden Net Co., Fisheries Supply Co., Nets, Inc., Tacoma Marine Supply Co., Astoria Marine, Englund Marine Supply Co., and Nichimen Corp., argue that the petitioner's submission of "Cost of Production Differences in fish Netting", submitted in January 1983 after the hearing, is untimely and, further, the cost differences submitted, lack any evidentiary support.

*Department's Position:* The Department agrees that the study lacked evidentiary support. Therefore, we have not used the data in completing our analysis.

*Comment 2:* Momoi Fishing Net Mfg. Co., Ltd. argues that its dumping margin percentage for the period April 1978 through May 1980, which the Department based on the best information available because the Department considered Momoi's submission untimely, should be adjusted downward. Momoi contends that the Department's rejection of Momoi's response as untimely is contrary to the principles of the Trade Agreements Act of 1979 and the General Agreement on Tariffs and Trade.

*Department's Position:* We notified all parties on July 28, 1981, that companies that failed to respond or provided inadequate responses to questionnaires

prepared prior to 1980 by the Customs Service would be allowed to supplement those responses. Companies that failed to respond to questionnaires prepared by the Department were considered untimely and would not be allowed to respond further. Momoi's response for the period April 1978 through May 1980, submitted in October 1981, was in response to a questionnaire prepared by the Department. Therefore, we consider that response untimely and will not use it.

*Comment 3:* Momoi argues that in some instances we included sales with contract dates outside our review period and that in some others we made incorrect comparisons. Additionally, it argues that we should use a weighted-average home market price when comparing purchase prices of a certain group of U.S. sales to foreign market values.

*Department's Position:* For Momoi, there were 89 sales with sale dates prior to September 1, 1976. These fall outside the 1976-78 review period and we have now excluded them. Several U.S. sales were not compared to the home market sales closest to the date of the U.S. sales. We have corrected that error and made new comparisons. However, there were no margins on the original comparisons, so our results did not change. We were unable to use a weighted-average price for one group of home market sales, as requested, because Momoi submitted no data on the quantities sold. We used the sale with the highest price in that group of sales as the best information available. We could not agree to Momoi's request that four U.S. sales be compared with home market sales closer in date to the U.S. sale date than the home market sales chosen by us. The comparison merchandise Momoi wanted us to use does not fall within the specification range of such or similar merchandise.

*Comment 4:* Momoi claims that its sales of braided netting were to a related purchaser and therefore the sales should be considered exporter's sales price sales. In addition, the firm claims that we should use a home market sale more contemporaneous than our choice for one of the U.S. related party transactions.

*Department's Position:* The Department agrees with the use of the suggested more contemporaneous home market sale for the transaction in question. Its use for comparison results in no margin on that sale. However, due to a clerical error, we excluded the original margin calculated but included its sales values in the weighted-average

margin calculation. Thus, there is no effect on the cash deposit rate.

With respect to the use of exporter's sales price for sales made to Momoi U.S.A. Corporation, the Department could not determine from the response of Momoi Fishing Net Manufacturing Co., Ltd. for September 1978 through March 1978 whether the use of exporter's sales price or purchase price was appropriate for these sales. We will attempt to establish the validity of the claim for use of exporter's sales price in our next administrative review.

**Comment 5:** Momoi believes that salmon gill netting should be considered a subclass of fish netting covered by the finding, and that we should revoke the finding with respect to salmon gill netting. Momoi argues that there were no less than fair value sales of this subclass for at least two years.

**Department's Position:** Absent exceptional circumstances, the Department does not calculate weighted-average margins for and will not revoke findings or orders for subdivisions of the class or kind of merchandise covered even in the event of the elimination of margins for that subclass.

**Comment 6:** Nichimo suggests that the ITA method for choosing particular home market sales for comparison with U.S. sales enables companies to stagger sales and escape dumping duties through timing of sales in both markets. Nichimo suggests that the Department use an average of home market sales occurring around the U.S. sale date.

**Department's Position:** In this review, the Department has made price comparisons based on individual contemporaneous sales of similar merchandise. Depending on the number of sales in the reviews, we will consider using weighted-average home market prices.

**Comment 7:** Nichimo argues for adjustments to the foreign market value for merchandise differences in yarn, both in price and grade, and an adjustment for quantity differences due to the large order size in U.S. sales.

**Department's Position:** Nichimo did not provide sufficient substantiation for the requested adjustments.

**Comment 8:** Several importers argue that the Department's use of the best information available for assessment and cash deposit purposes when manufacturers fail to respond to our questionnaire is fundamentally unsound and unfair. A trading company has no control over the timely submission of responses to our questionnaire by a netting manufacturer.

**Department's Position:** The

Department has clear statutory authority to use the best information available to establish assessment and cash deposit rates when a firm fails to respond to our questionnaire. A manufacturer which does not respond to our questionnaire cannot immunize sales from the use of best evidence merely by selling through a trading company.

**Comment 9:** Several importers question the Department's method for determining the best information available for assessment and cash deposit purposes. Specifically, they believe that the best information available for years of non-response should be the highest rate for responding firms with shipments in those specific years.

**Department's Position:** The Department establishes a new "best information" rate for each period of time it reviews. A company which is first unresponsive in one period will be assigned the rate for assessments in that period and for deposit of estimated antidumping duties in the subsequent period. If the company continues to be unresponsive in periods subsequent to the first period, it will receive its previous rate or a new best information rate if the latter is higher than its previous rate. The Department recognizes no unfairness in this procedure when applied to sales by companies which do not cooperate in our reviews.

**Comment 10:** Several importers argue that the Department should consider revocation requests submitted after publication of the revised preliminary results.

**Department's Position:** In order that all parties can comment on revocation requests, the Department ordinarily couples tentative determinations to revoke with preliminary results notices. The administrative procedures for the period between a preliminary and final determination provide the most efficient and fair method of deciding revocation issues.

**Comment 11:** American Netting Manufacturers Organization argues that the Department should deny Monoi's request for a partial revocation on salmon gill netting because there is doubt that there are no sales at less than fair value for at least a two-year period for such merchandise. Further, the petitioner contends that, even if there are no sales at less than fair value, salmon gill netting should not be the subject of a partial revocation.

**Department's Position:** We agree. See Comment 5.

**Comment 12:** On January 28, 1983, the International Trade Commission instituted an injury review under section

751(b) of the Tariff Act of 1930 ("the Tariff Act") on salmon gill netting provided for in item 355.45 of the Tariff Schedules of the United States. American Netting Manufacturers Organization states that the Department can only provide the ITC with the results of its administrative review for the period through May 1980, the period covered by the Department's review, even though the ITC is looking at a more recent period in its investigation.

**Department's Position:** This comment is moot because on June 8, 1983, the ITC published a determination in the Federal Register (48 FR 26541) that an industry in the United States would be materially injured by imports of salmon gill netting if the antidumping finding were revoked or modified.

**Comment 13:** American Netting Manufacturers Organization argues that we should not accept Momoi's questionnaire response for the period April 1, 1978 through May 31, 1980 because it is untimely.

**Department's Position:** We agree. See Comment 2.

**Comment 14:** The petitioner submitted a study of "Cost of Production Differences in Fish Netting" to assist the Department in adjusting the price of similar merchandise sold in the home market to account for differences in merchandise.

**Department's Position:** We maintain that the petitioner's study was unsupported and have not used it. See Comment 1.

**Final Results of the Review:** After analysis of all of the comments received, we determine that the following margins exist:

	Time period	Margin (percent)
Manufacturer/Exporter: Amikan Fishing Net Mfg. Co., Ltd.	12/01/78-05/31/79 06/01/79-05/31/80	0.53
Amisho Kabushiki Kaisha, Ltd.	05/01/71-05/31/80	4.30
Anita Company, Ltd.	09/01/76-12/31/76 01/01/77-05/31/80	8.08 18.30
Arai Gomi K.K.	05/01/71-05/31/80	4.30
Daisi Housing Co., Ltd.	01/01/76-08/31/76 09/01/76-12/31/76 01/01/77-05/31/80	4.30 8.08 18.30
Fukuda Shoten Fukui Fishing Net Co., Ltd.	05/01/71-05/31/80 04/01/78-05/31/79 06/01/79-05/31/80	4.30 2.41 1.94
Hakodate Seimo Sengu Co., Ltd.	10/01/76-05/31/79 06/01/79-05/31/80	1.66 0.88
Hakodate Seimo Sengu Co., Ltd./ Mitsui & Co., Ltd.	09/01/76-09/30/76 10/01/76-05/31/79 06/01/79-05/31/80	8.08 1.66 0.88
Hashimoto Sangyo Co.	05/01/71-08/31/76 09/01/76-12/31/76 01/01/77-05/31/80	4.30 8.08 18.30
Hiraga Fishing Net Mfg. Co., Ltd.	05/01/71-03/31/80	4.30

	Time period	Margin (percent)
Hiraga Fishing Net Mfg. Co., Ltd./Sanyo Enterprises Co., Ltd.	05/01/71-08/31/76 09/01/76-12/31/78 01/01/77-05/31/80	4.30 8.08 18.30
Hiraga Fishing Net Mfg. Co., Ltd./Yamada Trading Co., Ltd.	01/01/77-05/31/80	
Hirata Spinning Co., Ltd.	04/01/78-05/31/80	6.78
Hirata Spinning Co., Ltd./Nichimen Co., Ltd.	04/01/75-08/31/78 09/01/76-12/31/76 01/01/77-05/31/80	4.30 8.08 18.30
Hirose Tankichi Shoten	05/01/71-05/31/80	4.30
Iweda General Kogyo	09/01/76-12/31/78 01/01/77-05/31/80	8.08 18.30
Iwosen K.K.	05/01/71-08/31/78 09/01/76-12/31/78 01/01/77-05/31/80	4.30 8.08 18.30
I.K.K. International Corp.	01/01/79-05/31/80	6.78
Inagaki Fishing Net Mfg. Co., Ltd.	09/01/76-05/31/80	4.30
Inagaki Fishing Net Mfg. Co., Ltd./Nichimen Co., Ltd.	09/01/76-05/31/80	0.002
Itoh-Soni Mfg. Co., Ltd.	05/01/71-05/31/80	
Itoh-Soni Mfg. Co., Ltd./Yamada Trading Co., Ltd.	01/01/77-05/31/80	
Japan Marine Material Co., Ltd.	01/01/79-05/31/80	6.78
Japan Mds., Ltd.	06/01/73-06/31/76 09/01/76-12/31/78 01/01/77-05/31/80	4.30 8.08 18.30
Kanematsu Trading, Ltd.	01/01/80-05/31/80	1.94
Kasumi Fishing Net Mfg. Co., Ltd.	05/01/71-08/31/76 09/01/76-12/31/78 01/01/77-05/31/80	4.30 8.08 18.30
Kasumi Fishing Net Mfg. Co., Ltd./Sanyo Enterprises Co., Ltd.	05/01/71-08/31/76 09/01/76-12/31/78 01/01/77-05/31/80	4.30 8.08 18.30
Kataoka Seimo Co., Ltd./Horioka Seimo Co., Ltd./K.Y. Corp.	05/01/71-05/31/80	( <sup>1</sup> )
Kinoshita Fishing Net Mfg. Co., Ltd.	04/01/79-05/31/80	4.30
Kinoshita Fishing Net Mfg. Co., Ltd./Nissho-Iwai Corp.	04/01/79-05/31/80	
Kyoto Netting Co., Ltd.	04/01/78-05/31/80	6.78
Makino	05/01/71-08/31/78 09/01/76-12/31/78 01/01/77-05/31/80	4.30 8.08 18.30
Manhei & Co.	06/01/73-08/31/76 09/01/76-12/31/78 01/01/77-05/31/80	4.30 8.08 18.30
Miye Seimo Co., Ltd.	04/01/79-05/31/80	0.11
Miye Seimo Co., Ltd./Nichimen Co., Ltd.	07/01/73-08/31/78 09/01/76-12/31/78 01/01/77-05/31/80	4.30 8.08 18.30
Moriol Fishing Net Mfg. Co., Ltd.	09/01/76-09/31/78 04/01/78-05/31/80	8.08 8.08
Moribun Shoten	05/01/71-05/31/80	
Moririn Co., Ltd.	05/01/71-08/31/78 09/01/76-12/31/78 01/01/77-05/31/80	4.30 8.08 18.30
Morishita Fishing Net Mfg. Co., Ltd.	06/01/73-08/31/76 09/01/76-12/31/78 01/01/77-05/31/80	4.30 8.08 18.30
Morishita Fishing Net Mfg. Co., Ltd./Mitsui & Co., Ltd.	09/01/76-12/31/78 01/01/77-05/31/80	8.08 18.30
Morishita Fishing Net Mfg. Co., Ltd./Nissho-Iwai Corp.	04/01/78-05/31/79 06/01/79-05/31/80	0.52 0.52
Nagaura Seimosho Co., Ltd.	05/01/71-05/31/80	4.30

	Time period	Margin (percent)
Nakazawa Gyomo Co., Ltd.	07/01/78-05/31/80	6.78
Nichimo Co., Ltd.	09/01/76-05/31/79 06/01/79-05/31/80	6.78
Nikka (Mitsui)	07/01/75-08/31/78 09/01/76-09/30/78 10/01/76-05/31/79 06/01/79-05/31/80	4.30 8.08 1.66 0.88
Nippon Kenmo Co., Ltd.	01/01/77-05/31/80	18.30
Nitto Seimo Co., Ltd.	04/01/78-05/31/80	( <sup>1</sup> )
Ogura Trading Co., Ltd.	09/01/76-05/31/80	( <sup>1</sup> )4.30
Ohmi Netting Co., Ltd.	09/01/76-05/31/80	
Ohmi Netting Co., Ltd./Mitsui & Co., Ltd.	09/01/76-05/31/80	
Ono Trading Co., Ltd.	04/01/79-05/31/80	1.678
Onu Netting Co., Ltd.	09/01/76-12/31/78 01/01/77-05/31/80	8.08 18.30
Osada Fishing Net Co., Ltd.	09/01/76-05/31/80	4.30
Osada Fishing Co., Ltd./Nichimen Co., Ltd.	04/01/76-05/31/80	
Sakakura Net Kogyosho	09/01/76-12/31/78 01/01/77-05/31/80	8.08 18.30
Shindo Kogyo, K.K.	09/01/76-12/31/78 01/01/77-05/31/80	8.08 18.30
Shinwa Trading Co., Ltd.	07/01/78-05/31/80	
Taito Seiko Co., Ltd.	09/01/76-12/31/78 01/01/77-05/31/80	8.08 18.30
Taiyo Gyogyo K. K.	01/01/80-05/31/80	6.78
Tame Bussan Co., Ltd.	07/01/78-05/31/80	6.78
Tecnets Co.	05/01/71-05/31/80	
Toyama Fishing Net Mfg. Co., Ltd.	04/01/78-05/31/80	
Toyonon Co., Ltd.	04/01/78-05/31/80	6.78
Wako Boeki K.K. (Wako Trading)	05/01/71-05/31/80	
Watanabe Chozen Shoten	09/01/76-12/31/78 01/01/77-05/31/80	8.08 18.30
Yagi Fishing Net Co., Ltd.	05/01/71-08/31/78 09/01/76-12/31/78 01/01/77-05/31/80	4.30 8.08 18.30
Yamagen	05/01/71-08/31/78 09/01/76-12/31/78 01/01/77-05/31/80	4.30 8.08 18.30
Yamaji Fishing Net Co., Ltd.	02/01/76-08/31/78 09/01/76-12/31/78 01/01/77-05/31/80	4.30 8.08 18.30
Third-Country Reseller (Canada):		
Abco Acadia	07/01/78-05/31/80	6.78
Atlantic Netting, Rope & Twine, Ltd.	01/01/77-05/31/80	18.30
Bay Bulls Trading Co., Ltd.	01/01/80-05/31/80	1.94
Dennis Ross	07/01/78-05/31/80	6.78
Gourock Division, Wire Rope Ind., Ltd.	07/01/74-08/31/78 09/01/76-12/31/78 01/01/77-05/31/80	4.30 8.08 18.30
Industrial Marine Products, Ltd.	01/01/72-08/31/78 09/01/76-12/31/78 01/01/77-05/31/80	4.30 8.08 18.30
John Leckie, Ltd.	01/01/76-08/31/78 09/01/76-12/31/78 01/01/77-05/31/80	4.30 8.08 18.30
J.P. Forge, Ltd.	01/01/76-08/31/78 09/01/76-12/31/78 01/01/77-05/31/80	4.30 8.08 18.30
Maxwell Calder	07/01/78-05/31/80	6.78
Prince Rupert Fisherman's Co-operative Ass'n	01/01/79-05/31/80	6.78
Puretic Supplies Co., Ltd.	01/01/75-06/31/78 09/01/76-12/31/78 01/01/77-05/31/80	4.30 8.08 18.30

<sup>1</sup>No shipments during the period.

The Department shall determine, and the U.S. Customs Service shall assess,

dumping duties on all appropriate entries with purchase dates during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for in section 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties, based upon the most recent of the above margins shall be required on all shipments of Japanese fish netting of man-made fiber from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. Because the weighted-average margins for Inagaki Fishing Net Mfg. Co., Ltd./Nichimen Co., Ltd. and Miye Seimo Co., Ltd. are less than 0.50 percent and therefore *de minimis* for cash deposit purposes, the Department waives the deposit requirement for future shipments from these firms. For future entries from a new exporter not covered in this administrative review, whose first shipments occurred after May 31, 1980 and who is unrelated to any covered firm, a cash deposit of 1.94 percent shall be required. These deposit requirements and waivers shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review immediately.

We will examine exports by Moribun Shoten made during the period June 1, 1980 through December 27, 1982, the date of our tentative determination to revoke with regard to Moribun Shoten, in our next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(b)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: September 13, 1983.

Judith Hippler Bello,  
Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-25075 Filed 9-21-83; 8:45 am]

BILLING CODE 3510-25-M

**National Oceanic and Atmospheric Administration**

(Modification No. 1 to Permit No. 408)

**Marine Mammal Permit Application; Aquarium of Niagara Falls**

Notice is hereby given that pursuant to the provision of § 216.33 of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), and Section C-4e of the Public Display Permit No. 408 issued to the Aquarium of Niagara Falls, 701 Whirlpool Street, Niagara Falls, New York 14301 on March 23, 1983 (48 FR 13066), that permit is modified as follows:

Section A is modified by adding:  
"2. The Permit Holder is authorized to take a fourth Atlantic bottlenose dolphin (*Tursiops truncatus*) by the means described in the application."

This modification became effective on September 15, 1983.

This Permit, as modified, and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Services, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, Duval Building, St. Petersburg, Florida 33702; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: September 15, 1983.

R. B. Brumsted,

*Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.*

[FR Doc. 83-25625 Filed 9-21-83; 8:45 am]

BILLING CODE 3510-22-M

**National Technical Information Service****Intent to Grant Exclusive Patent License; Spark Instruments and Academics, Inc.**

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Spark Instruments and Academics, Inc., having a place of business at Iowa City, Iowa, an exclusive right to manufacture, use and sell products embodied in the invention, "Truck Dynamometer," U.S. Patent Application 6-422,304 (dated September 23, 1982). The patent rights in this invention have been assigned to the United States of America, as

represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101-4.1. The proposed license may be granted unless, within sixty days form the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151.

Dated: September 13, 1983.

Douglas J. Campion,

*Program Coordinator, Office of Government Inventions and Patents, U.S. Department of Commerce, National Technical Information Service.*

[FR Doc. 83-25832 Filed 9-21-83; 8:45 am]

BILLING CODE 3510-04-M

**COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS****Changes in Officials of the Government of India Authorized To Issue Export Visas for Certain Cotton, Wool and Man-Made Fiber Textile Products From the Dominican Republic**

September 16, 1983.

The Government of the Dominican Republic has notified the United States Government that Ernesto Trejo is replacing Silvestre Pena as an official authorized to issue export visas. Arturo Peguero Almanzar has also been authorized by the Government of the Dominican Republic to issue export visas for textile and apparel products exported to the United States. The purpose of this notice is to advise the public of this change in officials. A complete list of officials currently authorized to issue these documents follows this notice.

Walter C. Lenahan,

*Chairman, Committee for the Implementation of Textile Agreements.*

**Officials Authorized by the Government of the Dominican Republic To Issue Export Visas for Certain Cotton, Wool and Man-Made Fiber Textile and Apparel Products Exported to the United States**

Arturo Peguero Almanzar  
Susana Cabrera  
Luis Ma. Kalaff  
Alvaro Messina  
Angel Vasquez Perdomo

Ernesto Trejo

[FR Doc. 83-25796 Filed 9-21-83; 8:45 am]

BILLING CODE 3510-25-M

**DEPARTMENT OF DEFENSE****Office of the Secretary****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.

**New****Economic Profile of Laramie County, Wyoming.**

The economic profile survey data will be gathered from a cross section of Laramie County businesses and supplied to an econometric computer model which will forecast specific economic impacts for Laramie County.

All small businesses or organizations within the Laramie County, WY area: 217 responses, 217 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 Lt. Rhonda Lambert, AFRCE-BMS/DEV, Norton AFB CA 92409, (714) 382-6408.

September 19, 1983.

M. S. Healy,

*OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 83-25799 Filed 9-21-83; 8:45 am]

BILLING CODE 3510-01-M

**Department of the Army****Army Science Board; Closed Meeting**

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Dates of meeting: Tuesday-Friday, 11-14 October 1983.

Times: 0830-1700 hours, both days (Closed).

Place: The Pentagon, Washington, D.C.  
 Agenda: The Army Science Board Ad Hoc Subgroup on Near Term Implementation of "How to Fight" will meet for classified briefings and discussions as a follow-on to the 1983 ASB Summary Study on the Army Future Development Goal. The subgroup's task is to determine necessary procurement adjustments in the 1985 budget to bring off fully-integrated Air-Land Battle capabilities by the end of 1986. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The Army Science Board Administrative Officer, Sally A. Warner, may be contacted for further information at (202) 695-3039 or 697-9703.

Sally A. Warner,

Administrative Officer.

[FR Doc. 83-25879 Filed 9-21-83; 8:45 am]

BILLING CODE 3710-08-M

**Army Science Board; Closed Meeting**

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Dates of meeting: Wednesday and Thursday, October 12-13, 1983.

Times: 0800-1715 hours, October 12, 1983 (Closed); 0815-1530 hours, October 13, 1983 (Closed).

Place: Fort Carson, Colorado and North American Air Defense Command (NORAD), Colorado.

Agenda: The Army Science Board will hold its Fall General Membership Meeting to present and receive briefings as follows:

Wednesday, 12 October 1983

—Morning Session: Command Overview of Fort Carson, 1981 Summer Study-Technology Thrusts, Implementation of Technology Thrusts.

—Afternoon Session: Executive Review Board Meeting, Implementation of Technology Thrusts (cont'd), 1983 Summer Study Briefing on Army Future Development Goal, 1983 Summer Study

Briefing on Acquiring Army Software, Test Instrumentation Needs for the 90's, and Open Discussion.

Thursday, 13 October 1983

—Morning Session: ASB Business, Balanced Protection for Individual Soldier, Army Use of Smoke, NORAD/Space Command/NCMC Briefings.

—Afternoon Session: NORAD Tour at Cheyenne Mountain Installation.

This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The Army Science Board Administrative Officer, Sally A. Warner, may be contacted for further information at (202) 695-3039 or 697-9703.

Sally A. Warner,

Administrative Officer.

[FR Doc. 83-25895 Filed 9-21-83; 8:45 am]

BILLING CODE 3710-08-M

**Army Science Board; Closed Meeting**

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Dates of meeting: Wednesday-Friday, 19-21 October 1983.

Times: 0830-1700 hours, both days (Closed).

Place: The Pentagon, Washington, D.C.  
 Agenda: The Army Science Board Ad Hoc Subgroup on Near Term Implementation of "How to Fight", a follow-on to the ASB 1983 Summer Study on the Army Future Development Goal, will meet for continued classified briefings and discussions in order to determine necessary procurement adjustments in the 1985 budget to bring off fully-integrated AirLand Battle capabilities by the end of 1986. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The Army Science Board Administrative Officer, Sally A. Warner, may be contacted for further information at (202) 695-3039 or 697-9703.

Sally A. Warner,

Administrative Officer.

[FR Doc. 83-25896 Filed 9-21-83; 8:45 am]

BILLING CODE 3710-08-M

**Army Science Board; Closed Meeting**

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Dates of meeting: Thursday and Friday, 20 and 21, October 1983.

Times: 0830-1700 hours, both days (Closed).

Place: The BDM Corporation, McLean, Virginia.

Agenda: The Army Science Board Ad Hoc Subgroup on Intelligent Robotics will meet for briefings and discussions of proprietary information relative to this study effort on robotics applications for the U.S. Army. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraphs (1 and 4) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The proprietary and nonproprietary matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The Army Science Board Administrative Officer, Sally A. Warner, may be contacted for further information at (202) 695-3039 or 697-9703.

Sally A. Warner,

Administrative Officer.

[FR Doc. 83-25897 Filed 9-21-83; 8:45 am]

BILLING CODE 3710-08-M

**Army Science Board; Closed Meeting**

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of meeting: Wednesday & Thursday, 9 & 10 November 1983.

Times: 0900-1700 hours, 9 November 1983 (Closed); 0900-1500 hours, 10 November 1983 (Closed).

Place: The BMD Program Office, Crystal City, Virginia.

Agenda: The Army Science Board Ad Hoc Subgroup on Ballistic Missile Defense Follow-On will meet for classified briefings and discussions on advanced BMD concepts. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The Army Science Board Administrative Officer, Sally A. Warner, may be contacted for further information at (202) 695-3039 or 697-9703.

Sally A. Warner,

Administrative Officer.

[FR Doc. 83-25898 Filed 9-21-83; 8:45 am]

BILLING CODE 3710-08-M

**Department of the Army, Corps of Engineers**

**Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Proposed Small Navigation Project Located at Cooley Canal, Lucas County, OH**

**AGENCY:** U.S. Army Engineer District, Buffalo, DOD.

**ACTION:** Notice of Intent to prepare a Draft Environmental Impact Statement (DEIS).

**Proposed Action:** The proposed action would involve measures to improve the entrance to Cooley Canal from Lake Erie.

**Alternative Considered:** Two alternatives will be evaluated. These two are:

a. Plan 2—This plan consists of removing a deteriorated steel sheetpile and timber jetty; excavating a portion of the existing pier to provide a 100-foot wide channel entrance; dredging the navigation channel to a 6-foot depth and extending it lakeward to the 6-foot LWD contour; and constructing two rubblemound jetties, in an arrowhead configuration, at the mouth of the canal. Approximately 20,200 cubic yards of material would be dredged/excavated and would require disposal.

b. No Action Alternative—This alternative would mean no Federal involvement in navigation improvements on the canal.

**Scoping Process:** A Reconnaissance Report was completed in 1982 and agency coordination was initiated. Scoping of the DEIS will include continued coordination with interested local, State, and Federal agencies, as well as other interested parties. Scoping meetings are not planned at this time. Interested parties are urged to participate actively in the scoping process by submitting their concerns to the Buffalo District as soon as possible.

Significant issues to be addressed in the DEIS include, but are not limited to: aesthetics, aquatic habitat, Cedar Point National Wildlife Refuge, fish and wildlife resources, marina capacity, recreation, water quality, and possible beneficial uses of dredged/excavated material.

**Availability:** The DEIS is expected to be available for public and agency review in January 1984.

**Address:** Questions about the proposed action and DEIS can be answered by Mr. William E. Butler, U.S. Army Engineer District, Buffalo, 1776 Niagara Street, Buffalo, New York, 14207.

Dated: September 13, 1983.

**Robert R. Hardiman,**  
Colonel, Corps of Engineers, District Engineer.

[FR Doc. 83-25830 Filed 9-21-83; 9:45 am]

**BILLING CODE 3710-GP-M**

**Department of the Navy**

**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 20-21, 1983, from 9 a.m. to 5 p.m. each day, at 2000 North Beauregard Street, Alexandria, Virginia. 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 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact Commander R. Robinson Harris, Executive Secretary of the CNO Executive Panel Advisory Committee, 2000 North Beauregard Street, Room 392, Alexandria, Virginia 22311. Phone (202) 694-8422.

Dated: September 19, 1983.

**F. N. Otlie,**  
Lieutenant Commander, JAGC, U.S. Navy,  
Alternate Federal Register Liaison Officer.

[FR Doc. 83-25778 Filed 9-21-83; 8:45 am]

**BILLING CODE 3810-AE-M**

**DEPARTMENT OF EDUCATION**

**National Advisory Committee on Accreditation and Institutional Eligibility; Public Meeting**

**AGENCY:** National Advisory Committee on Accreditation and Institutional Eligibility.

**ACTION:** Notice of public meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a public meeting of the National Advisory Committee on Accreditation and Institutional Eligibility. This notice also describes the functions of the Committee. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of its opportunity to attend and to participate.

**DATE:** October 18-19, 1983.

**ADDRESS:** Sheraton National Hotel, Columbia Pike and Washington Boulevard, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Richard J. Rowe, Director, Eligibility and Agency Evaluation Staff, Office of Postsecondary Education, 400 Maryland Avenue, S.W. (Room 3030 ROB-3), U.S. Department of Education, Washington, D.C. 20202, Telephone: (202) 245-9873.

**SUPPLEMENTARY INFORMATION:** The National Advisory Committee on Accreditation and Institutional Eligibility is authorized by Section 1205 of the Higher Education Act as amended by Pub. L. 96-374 (20 U.S.C. 1145). The Committee advises the Secretary of Education regarding his responsibility to publish a list of nationally recognized accrediting agencies and associations, State agencies recognized for the approval of public postsecondary vocational education, and State agencies recognized for the approval of nurse education.

The Committee also advises the Secretary of Education regarding policy affecting both recognition of accrediting and approval bodies, and institutional eligibility for participation in Federal funding programs. The meeting on October 18-19, will be open to the public. The meeting will be held at the Sheraton National Hotel. The Committee will review petitions by the following accrediting and State approval agencies relative to initial or continued recognition by the Secretary of Education. The Committee will also hear presentations by representatives of these petitioning agencies and interested third parties. The agencies having petitions pending before the Committee are:

**Petitions for Recognition as Nationally Recognized Accrediting Agencies and Associations**

*A. Petitions for Initial Recognition*

Commission on Opticianry Accreditation.

American Medical Association, Committee on Allied Health Education and Accreditation in cooperation with:

Joint Review Committee on Education in Electroencephalographic Technology;  
Joint Review Committee on Educational Programs for the EMT-Paramedic;

Joint Review Committee for Perfusion Education;

Joint Review Committee on Education in Diagnostic Medical Sonography;

Joint Review Committee on Educational Programs for the Ophthalmic Medical Assistant; and National Association of Schools of Dance.

#### B. Petitions for Continued Recognition

American Podiatry Association, Council on Podiatry Education, American Medical Association, Committee on Allied Health Education and Accreditation in cooperation with: American Association of Blood Banks, Subcommittee on Accreditation; Joint Review Committee on Education for the Surgical Technologist; and Joint Review Committee on Education in Radiologic Technology.

#### C. Request for Expansion of Scope of Recognition and Interim Report

Council for Non-Collegiate Continuing Education, Accrediting Commission.

Petition for Recognition as a State Agency for the Approval of Public Postsecondary Vocational Education

#### A. Petition for Continuation of Recognition

Oklahoma State Board of Regents. A portion of this meeting will be used by the Advisory Committee to make final recommendations to the Secretary on agencies reviewed under a special procedure. The list of agencies and a description of the procedure were published in the Federal Register on August 25, 1983.

Requests for oral presentations before the Committee should be submitted in writing to Richard J. Rowe (address as above). Requests should include the names of all persons seeking an appearance, the organization they represent, and the purpose for which the presentation is requested. Requests must be received on or before October 5, 1983. Time constraints may limit oral presentations. However, all written materials will be considered by the Advisory Committee.

A record will be made of the proceedings of the meeting and will be available for public inspection at the office of the Eligibility and Agency Evaluation Staff, Office of Postsecondary Education, 400 Maryland Avenue, S.W. (Room 3030 ROB-3), U.S. Department of Education, Washington,

D.C. 20202, (202-245-9873) from the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 83-25858 Filed 9-21-83; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### Office of the Secretary

#### Proposed Subsequent Arrangement; European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the supply of the following material:

Contract Number WC-EU-171, for 299.8 grams of uranium enriched to 93.16% in U-235, and 68.5 grams of uranium enriched to 93.13% in U-235. The material is to be sent to the United Kingdom Atomic Energy Authority, then to the Energy Research Foundation of the Netherlands, and will then be returned to the U.S. New Brunswick Laboratory. The material is to be used to evaluate the non-destructive analysis capability of these laboratories.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: September 16, 1983.

George J. Bradley, Jr.,  
Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-25868 Filed 9-21-83; 8:45 am]

BILLING CODE 6450-01-M

#### Proposed Subsequent Arrangement; Government of Switzerland

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement"

under the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the supply of the following material: Contract Number WC-SD-18, the loan of 1,800 kilograms of uranium metal, depleted in the isotope U-235, for use at the European Center for Nuclear Research, Geneva, Switzerland as a detector of sub-atomic particles in the Large Electron Positron.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: September 16, 1983.

George J. Bradley, Jr.,  
Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-25868 Filed 9-21-83; 8:45 am]

BILLING CODE 6450-01-M

## Energy Information Administration

### Agency Forms Under Review by the Office of Management and Budget

**AGENCY:** Energy Information Administration, DOE.

**ACTION:** Notice of submission of request for clearance to the Office of Management and Budget.

**SUMMARY:** Under provisions of the Paperwork Reduction Act (44 U.S.C., Chapter 35), Department of Energy (DOE) notices of proposed collections under review will be published in the Federal Register on the Thursday of the week following their submission to the Office of Management and Budget (OMB). Following this notice is a list of the DOE proposals sent to OMB for approval since Thursday, September 22, 1983. The listing does not contain information collection requirements contained in regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act.

Each entry contains the following information and is listed by the DOE sponsoring office: (1) The form number; (2) Form title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response

obligation, i.e., mandatory, voluntary, or required to obtain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to fill out the form; and (9) A brief abstract describing the proposed collection.

**DATES:** Last Notice published Thursday, August 25, 1983.

**FOR FURTHER INFORMATION CONTACT:**

John Gross, Director, Forms Clearance and Burden Control Division, Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000

Independence Ave., NW., Washington, DC 20585, (202) 252-2308  
 Jefferson B. Hill, Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-7340  
 Vartkes Broussalian, Federal Energy Regulatory Commission Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-3087

**SUPPLEMENTARY INFORMATION:** Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about

the items on this list should be directed to the OMB reviewer; as shown in "For Further Information Contact." If you anticipate commenting on a form, but find that time to prepare these comments will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, D.C. September 13, 1983.

**Yvonne M. Bishop,**

*Director, Statistical Standards, Energy Information Administration.*

**DOE FORMS UNDER REVIEW BY OMB**

Form No.	Form title	Type of request	Response frequency	Response obligation	Respondent description	Estimated number of respondents	Annual respondent burden	Abstract
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
EIA-7A (Supp.)	Coal Production Report (Supplement)	New	Biennial	Mandatory	Coal mining operations producing 100,000 or more short tons of coal annually.	1,800	5,400	Form EIA-7A (Supplement) will collect information on coal shipments, production, and preparation. The data will be published in the report titled Coal Production.

[FR Doc. 83-25460 Filed 9-21-83; 8:45 am]

**BILLING CODE 6450-01-M**

**Office of Energy Research**

**Energy Research Advisory Board; Materials R&D Panel; Open Meeting**

Notice is hereby given of the following meeting:

Name: Materials R&D Panel of the Energy Research Advisory Board (ERAB).

Date and time: October 7, 1983 from 8 a.m. to 4 p.m.

Place: U.S. Department of Energy, 1000 Independence Avenue, SW., Room 4A-110, Washington, DC 20585.

Contact: William Woodard, U.S. Department of Energy, Office of Energy Research (ER-8), 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: 202/252-8933.

**Purpose of the Parent Board:**

To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

**Tentative Agenda:**

- Discussion of Initial Working Draft Report on DOE's Materials R&D Report.
  - Public comment (10 minute rule).
- Public Participation:** The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact William Woodard at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is

empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

**Transcripts:** Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on September 19, 1983.

**J. Ronald Young,**

*Director for Management, Office of Energy Research.*

[FR Doc. 83-25870 Filed 9-21-83; 8:45 am]

**BILLING CODE 6450-01-M**

**FEDERAL DEPOSIT INSURANCE CORPORATION**

**Information Collection Submitted to OMB for Review**

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980

Title of Information Collection: Consolidated Reports of Condition and Income (Insured State Nonmember Banks).

Background: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it

has submitted to the Office of Management and Budget a form SF-83, "Request for OMB Review," for the information collection system identified above.

**ADDRESS:** Written comments regarding the submission should be addressed to Judy McIntosh, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503 and to John Keiper, Federal Deposit Insurance Corporation, Washington, D.C. 20429.

**FOR FURTHER INFORMATION CONTACT:**

Requests for a copy of the submission should be sent to John Keiper, Federal Deposit Insurance Corporation, Washington, D.C. 20429, telephone (202) 389-4351.

**SUMMARY:** The proposed information collection pertains to a revision to the Consolidated Reports of Condition and Income (Call Reports) filed by insured state nonmember commercial banks. The proposed revision affects the Call Reports that will be filed as of December 31, 1983.

The revision consists of the addition of two items of information to a new memorandum schedule at the end of the Call Report forms. These items are:

Aggregate amount of all extensions of credit to all executive officers, principal shareholders, and their related interests; and Number of executive officers and principal shareholders to whom the amount of all extensions of credit by the reporting bank

(including extensions of credit to related interests) equals or exceeds the lesser of five percent of equity capital or \$500,000.

The proposal to include these two items of information in the December 31, 1983 Call Report is being made to coincide with the proposed elimination of FFIEC Form 003 "Report on Ownership of the Reporting Bank and on Indebtedness of its Executive Officers and Principal Shareholders to the Reporting Bank and to its Correspondent Banks."

It is estimated that this collection of information will increase the combined annual Call Reports burden by 36,448 hours for respondents. However, the elimination of the form FFIEC 003 will decrease the annual reporting burden by 70,664 hours resulting in a net burden decrease for insured state nonmember commercial banks of 34,216 hours annually.

Dated: September 13, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 83-25806 Filed 9-21-83; 8:45 am]

BILLING CODE 6714-01-M

## FEDERAL MARITIME COMMISSION

[Agreements Nos. 9848-11 and 10320-6]

### Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreements Nos. 9848-11 and 10320-6 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required.

Agreement No. 9848-11, between Delta Steamship Lines, Inc. (Delta), Companhia de Navegacao Lloyd Brasileiro (LB) and Companhia Maritima Nacional (CMN), covers the southbound trade from U.S. Gulf Coast ports to Brazilian ports. Agreement No. 10320-6, between Delta, LB, CMN, Empresa Lineas Maritimas Argentinas S.A., A. Bottacchi S.A. de Navegacion C.F.I.E.L., Transportacion Maritima Mexicana S.A., A/S Ivarans Rederi and Cylanco S.A., covers the northbound trade from Brazilian ports to U.S. Gulf ports.

This Finding of No Significant Impact (FONSI) will become final within 20 days of publication of this notice in the

Federal Register unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

Agency: Federal Maritime Commission (Commission).

Proposed Action: Agreements Nos. 9848-11 and 10320-6.

Responsible Official: Edward R. Meyer, Director, Office of Energy and Environmental Impact, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573 (202) 523-5835.

### Finding of No Significant Impact (FONSI)

Pursuant to the National Environmental Policy Act of 1969 (NEPA), the Federal Maritime Commission's Office of Energy and Environmental Impact (OEEI) has assessed the environmental impacts of Agreements Nos. 9848-11 and 10320-6.

Agreement No. 9848-11, between Delta Steamship Lines, Inc. (Delta), Companhia de Navegacao Lloyd Brasileiro (LB) and Companhia Maritima Nacional (CMN), covers the southbound trade from U.S. Gulf Coast ports to Brazilian ports. Agreement No. 10320-6, between Delta, LB, CMN, Empresa Lineas Maritimas Argentinas S.A., A. Bottacchi S.A. de Navegacion C.F.I.E.L., Transportacion Maritima Mexicana S.A., A/S Ivarans Rederi and Cylanco S.A., covers the northbound trade from Brazilian ports to U.S. Gulf ports.

The Amendments to the Agreements, among other things, extend the Agreements for an additional three years and reduce the minimum number of required sailings.

The attached impact assessment for these agreements indicates that no significant adverse effects on the use of energy or the quality of the human environment will result from the Commission's approval, disapproval or modification of the agreements.

The OEEI therefore concludes that preparation of an environmental impact statement is not required under section 4332(2)(c) of NEPA.

The FONSI will become final within 20 days of publication of the Notice of Availability in the Federal Register unless a petition for review is filed pursuant to 46 CFR 547.6(b).

## FEDERAL MARITIME COMMISSION, OFFICE OF ENERGY AND ENVIRONMENTAL IMPACT

Environmental Assessment on  
Agreement Nos. 9848-11 and 10320-6

I. Need for action. The parties desire to amend Agreement Nos. 9848-11 and 10320-6.

II. Alternatives. The alternatives before the Commission are that it may approve, disapprove or modify the agreement.

### III. IMPACTS

	Degree of environmental impact		
	Not applicable	Insignificant	Significant
A. Energy:			
1. Terminal Operations, including:			
a. Vessels at dockside (Auxiliary plant).		X	
(1) New calls at port.	X		
(2) Shifting berths.	X		
b. Stevedoring and cranes (loading/off-loading).		X	
c. Circulation of vehicles, including trucks, forklifts, packers, etc.		X	
d. Maintenance/repair shops, office spaces, and utilities (boilers, diesel).		X	
2. Vessels underway (piloting, berthing, etc.).		X	
B. Air quality:			
1. Vessels at dockside.		X	
2. Stevedoring and cranes.		X	
3. Circulation of vehicles.		X	
4. Maintenance shops and utilities.		X	
5. Storage Tanks (other than diesel oil).		X	
6. Vessels underway (piloting and berthing).		X	
C. Noise pollution:			
1. Vessels at dockside (auxiliary machinery).		X	
2. Stevedoring and cranes (loading/off-loading).		X	
3. Circulation of vehicles.		X	
4. Maintenance shops.		X	
5. Vessels underway.		X	
D. Hazardous cargoes (other than contained).		X	
E. Water quality:			
1. Benthic dredging (impacts on turbidity).	X		

## III. IMPACTS—Continued

	Degree of environmental impact		
	Not applicable	Insignificant	Significant
2. Vessels underway (piloting and berthing).		X	
3. Landfill.	X		
F. Biological:			
1. Terrestrial habitat (birds, animals, plants).	X		
2. Marine habitat (fish, invertebrates, mammals).		X	
G. Socio-economic:			
1. Employment and income.	X		
2. Population growth.	X		
H. Recreation	X		
I. Cultural and archeological.	X		
J. Land use.		X	

K. Other Comments: The Amendments to the Agreements, among other things, extend the Agreements for an additional three years and reduce the minimum number of required sailings.

Sources(s): (a) Agreement Nos. 9848-11 and 10320-6 including related Memorandum of Justification.

[FR Doc. 83-25781 Filed 9-21-83; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 83-41]

#### Wilmington Stevedores, Inc. v. the Port of Wilmington, Delaware; Filing of Complaint and Assignment

Notice is given that a complaint filed by Wilmington Stevedores, Inc. against the Port of Wilmington, Delaware was served September 13, 1983. Complainant alleges that respondent has violated sections 17 and 18 of the Shipping Act, 1916, in connection with establishment of rules concerning responsibility for loss and damage to persons and property.

This proceeding has been assigned to Administrative Law Judge Charles E. Morgan. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.81. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are

necessary for the development of an adequate record.

Francis C. Hurney,  
Secretary.

[FR Doc. 83-25782 Filed 9-21-83; 8:45 am]

BILLING CODE 6730-01-M

#### FEDERAL RESERVE SYSTEM

##### Formation of Bank Holding Companies; High Tech Bancorp

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 application 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 the 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 San Francisco (Harry W. Green, Vice President), 101 Market Street, San Francisco, California 94105:

1. *High Tech Bancorp, Los Gatos, California*; to become a bank holding company by acquiring 100 percent of the voting shares of High Tech National Bank, Los Gatos, California. Comments on the application must be received not later than October 17, 1983.

2. *Western Independent Bancshares, Inc., Auburn, Washington*; to become a bank holding company by acquiring 95 percent of the voting shares of Auburn Valley Bank, Auburn, Washington. Comments on this application must be received not later than October 17, 1983.

Board of Governors of the Federal Reserve System, September 16, 1983.

James McAfee,  
Associate Secretary of the Board.

[FR Doc. 83-25780 Filed 9-21-83; 8:45 am]

BILLING CODE 6210-01-M

#### GENERAL SERVICES ADMINISTRATION

Office of Information Resources Management

##### Federal Telecommunication Standards

AGENCY: Office of Information Resources Management, GSA.

ACTION: Notice of adoption of standard.

SUMMARY: The purpose of this notice is to announce the adoption of a Federal Telecommunication Standard (FED-STD). FED-STD 1026,

"Telecommunications: Interoperability and Security Requirements for Use of the Data Encryption Standard in the Physical Layer of Data Communication" is approved by the General Services Administration and will be published.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Fenichel, Office of Technology and Standards, National Communications System, telephone (202) 692-2124.

##### SUPPLEMENTARY INFORMATION:

1. The General Services Administration (GSA) is responsible, under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On August 14, 1972, the Administrator of General Services designated the National Communications System (NCS) as the responsible agent for the development of telecommunication standards for NCS interoperability and the computer-communication interface.

2. On July 2, 1980 and on June 26, 1981, notices were published in the *Federal Register* (45 FR 45041 and 46 FR 33146, respectively) that a proposed draft Federal Telecommunications Standard entitled "Telecommunications: Interoperability and Security Requirements for Use of the Data Encryption Standard in the Physical Layer of Data Communications" was being proposed for Federal use. The proposed draft standard was changed as a result of comments received. On February 22, 1982, NCS submitted the revised draft standard for further review by those persons who had previously submitted comments.

3. The written comments submitted by interested parties and other material relevant to this proposed standard were reviewed by NCS. The resulting detailed justification document, including an analysis of the written comments received, was presented by NCS for technical and policy approval by the Director, Office of Science and Technology Policy (OSTP), Executive

Office of the President. The justification package, as approved by OSTP, was presented to GSA by NCS with a recommendation for adoption of the standard. These data are a part of the public record and are available for inspection and copying at the Office of Technology and Standards, National Communications System, Washington, D.C. 20305.

4. The approved standard contains four sections. Sections 1 and 2 provide information regarding description, objectives, application, definitions and referenced documents. Sections 3 and 4 provide the technical requirements of the standard. Sections 1 and 2 are provided as an attachment to this notice.

5. Interested parties may purchase the standard, including the technical requirements, from GSA, acting as agent for the Superintendent of Documents. Copies are for sale at the GSA Specifications Unit (WFSIS), Room 6039, 7th and D Streets, S.W., Washington, D.C. 20407; telephone (202) 472-2205.

Dated: September 12, 1983.

Francis A. McDonough,

Acting Assistant Administrator, Office of Information Resources Management.

#### Federal Standard 1026

*Announcing the Standard for Telecommunications: Interoperability and Security Requirements for Use of the Data Encryption Standard in the Physical Layer of Data Communication*

Date: August 4, 1983.

Federal Standards in the "telecommunications" area are developed by the Office of the Manager, National Communications System. These Federal Standards are approved and issued by the General Services Administration pursuant to the Federal Property and Administrative Services Act of 1949, as amended. Name of Standard: Telecommunications: Interoperability and Security Requirements for Use of the Data Encryption Standard in the Physical Layer of Data Communications.

*Description.* This standard specifies interoperability and security related requirements for using encryption at the Physical Layer of the ISO Open Systems Interconnection (OSI) Reference Model in telecommunication systems conveying Automatic Data Processing (ADP) and/or narrative text information. The algorithm used for encryption is the Data Encryption Standard (DES), described in Federal Information Processing Standards Publication 46.

Requirements contained in this standard relate to the interoperation of Physical Layer Data Encryption Equipment, or their interoperation with associated Data Terminal Equipment or Data Circuit-terminating Equipment. Additional security requirements, not directly related to interoperability, are contained in Federal Standard 1027.

#### Objectives

*Interoperability.* To facilitate the interoperation of Government data communication facilities and systems that require cryptographic protection using the Data Encryption Standard (DES) algorithm.

*Security.* To prevent the disclosure of plaintext.

*Application.* This standard applies to all DES cryptographic components, equipment, systems, and services procured or leased by Federal departments and agencies for encryption of ADP and/or narrative text information in the Physical Layer of data communications using the Data Encryption Standard (DES) algorithm. Encryption of video signal and facsimile documents is not within the scope of this standard. Guidance to facilitate the application of this standard, with respect to degradation of security by improper implementation or use, will be provided for in a revision to Federal Property Management Regulation 41 Code of Federal Regulations 101-35.3.

*Definitions.* The following definitions, conventions, and terminology apply to this standard. Further definitions are contained in Federal Standard 1037.

(a) Ciphertext: Encrypted data.

(b) Data Encryption Equipment (DEE): DES Cryptographic Equipment used in data communications. This equipment may be integrated into Data Terminal Equipment, Data Circuit-terminating Equipment, or be stand-alone.

(c) DES: The Data Encryption Standard algorithm specified in Federal Information Processing Standards Publication 46.

(d) DES Cryptographic Equipment: Equipment embodying one or more DES devices and associated controls, interfaces, power supplies, alarms and the related hardware, software and firmware used to encrypt, decrypt, authenticate, and perform similar operations on information.

(e) DES Device: The electronic hardware part of subassembly which implements just the DES algorithm specified in Federal Information Processing Standards Publication 46, and which is validated by the National Bureau of Standards.

(f) DES Key Variable: The 64 bits used to key DES Data Encryption Equipment. Eight bits are used for parity checking and 56 bits are used by DES devices for encryption and decryption.

(g) Initializing Vector (IV): A vector used in defining the starting point of an encryption process within a DES device.

(h) Narrative Text: Text for which the semantic content is not changed by Automatic Data Processing (ADP) equipment (e.g., record or narrative traffic).

(i) Plaintext: Unencrypted data.

(j) Service Data Unit: The unit of data provided as input to a given layer of the ISO Open Systems Interconnection Reference Model from the next higher layer.

#### Referenced Documents

(a) Federal Information Processing Standards Publication 46: Data Encryption Standard. (Copies of this standard are available from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.)

(b) Federal Information Processing Standards Publication 81: DES Modes of Operation. (Copies of this standard are available from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.)

(c) Federal Standard 1011: Telecommunications: Character Structure and Character Parity Sense for Serial-By-Bit Data Communication in the American National Standard Code for Information Interchange. (Copies of this standard are available from the General Services Administration Specifications Unit (WFSIS), Room 6039, 7th and D Streets, S.W., Washington, D.C. 20407.)

(d) Federal Standard 1027: Telecommunications: General Security Requirements for Equipment Using the Data Encryption Standard. (Copies of this standard are available from the General Services Administration Specification Unit (WFSIS), Room 6039, 7th and D Streets, S.W. Washington, D.C. 20407.)

(e) International Standard 7498: Open Systems Interconnection Reference Model. This document is available from the American National Standards Institute (ANSI), 1430 Broadway, New York, New York 10018.

[FR Doc. 83-25871 Filed 9-21-83; 8:45 am]

BILLING CODE 6820-25-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Centers for Disease Control

## Epidemiologic Study of Workers Exposed To Ethylene Oxide; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and will be open to the public for observation and participation, limited only by the space available:

Date: October 14, 1983.

Time: 9:00 a.m. to 4:00 p.m.

Place: Room 3409, Federal Office Building, 550 Main Street, Cincinnati, OH 45202.

Purpose: To discuss the protocol for an epidemiologic study of workers exposed to ethylene oxide. Viewpoints and suggestions from industry, organized labor, academia, other government agencies, and the public are invited.

Additional information may be obtained from: Kyle Steenland, Ph.D., Division of Surveillance, Hazard Evaluations, and Field Studies, National Institute for Occupational Safety and Health Centers for Disease Control, 4676 Columbia Parkway, Cincinnati, OH 45226, telephones: FTS: 684-2761, Commercial: 513/684-2761.

Dated: September 13, 1983.

William H. Foego,

Acting Director, Centers for Disease Control.

[FR Doc. 83-25877 Filed 9-21-83; 8:45 am]

BILLING CODE 4160-19-M

## Immunization Practices Advisory Committee; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.

Dates: October 18-19, 1983.

Place: Conference Room 207, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333.

Time: 8:30 a.m.

Type of Meeting: Open.

Contact Person: Jeffrey P. Koplan, M.D., Executive Secretary of Committee Centers for Disease Control (1-2047), 1600 Clifton Road, N.E., Atlanta, Georgia, 30333, telephones: FTS: 236-3751, Commercial: 404/329-3751.

Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents.

Agenda: The Committee will review and discuss its recommendations on vaccine usage for adult immunizations, *Haemophilus influenzae*, hepatitis B immune globulin, varicella-zoster immune globulin, yellow

fever, hepatitis B vaccine, Japanese B encephalitis, pertussis, and smallpox; and will consider other matters of relevance among the Committee's objectives.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: September 14, 1983.

William H. Foego,

Director, Centers for Disease Control.

[FR Doc. 83-25878 Filed 9-21-83; 8:45 am]

BILLING CODE 4160-19-M

## In-Respirator Mask Monitoring Methods; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and will be open to the public for observation and participation, limited only by the space available:

Date: October 6, 1983.

Time: 9:00 a.m. to 4:00 p.m.

Place: Appalachian Laboratory for Occupational Safety and Health, Room 203, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Purpose: To discuss and review a project entitled "In-Respirator Mask Monitoring Methods." Viewpoints and suggestions from industry, organized labor, academia, other government agencies, and the public are invited.

Additional information may be obtained from: Mary Lynn Wobkenberg, Division of Physical Sciences and Engineering, National Institute for Occupational Safety and Health Centers for Disease Control, 4676 Columbia Parkway, Cincinnati, Ohio 45226, telephones: FTS: 684-4266, Commercial: 513/684-4266.

Dated: September 16, 1983.

William W. Foego,

Director, Centers for Disease Control.

[FR Doc. 83-25879 Filed 9-21-83; 8:45 am]

BILLING CODE 4160-19-M

## Food and Drug Administration

## Consumer Participation; Open Meetings

AGENCY: Food and Drug Administration.  
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings:

Detroit District Office, chaired by Alan Hoeting, District Director. The

topic to be discussed is Direct-to-Consumer Advertising of Prescription Drug Products.

DATE: Wednesday, October 5, 1983, 1 p.m.

ADDRESS: 349 South Walnut St., Bloomington, IN 47401.

FOR FURTHER INFORMATION CONTACT: Lilyan M. Goossens, Consumer Affairs Officer, Food and Drug Administration, 575 North Pennsylvania St., Rm. 693, Indianapolis, IN 46204, 317-269-6500.

Detroit District Office, chaired by Alan Hoeting, District Director. The topic to be discussed is Direct-to-Consumer Advertising of Prescription Drug Products.

DATE: Wednesday, October 19, 1983, 9 a.m.

ADDRESS: French Lick Springs Hotel, French Lick, IN 47232.

FOR FURTHER INFORMATION CONTACT: Lilyan M. Goossens, Consumer Affairs Officer, Food and Drug Administration, 575 North Pennsylvania St., Rm. 693, Indianapolis, IN 46204, 317-269-6500.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: September 16, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-25812 Filed 9-19-83; 12:40 pm]

BILLING CODE 4160-01-M

## Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.  
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following national consumer exchange meeting chaired by Mark Novitch, Acting Commissioner of Food and Drugs.

DATE: Tuesday, October 18, 1983, 2 to 4 p.m.

ADDRESS: Hubert Humphrey Building Auditorium, 200 Independence Ave. SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Alexander Grant, Associate Commissioner for Consumer Affairs (HFE-1), Food and Drug Administration, 5600 Fishers Lane, Rm. 16-85, Rockville,

MD 20857, 301-443-5006; TTY 301-443-1818.

**SUPPLEMENTARY INFORMATION:** The purpose of this meeting is for consumers and FDA officials to exchange views and to relay information on vital health and policy issues. Proposed discussion at this meeting will focus on prescription drug use and the elderly, with specific attention to two subtopics: (1) Clinical Guidelines for Drugs in the Elderly and (2) Post-marketing Surveillance.

Dated: September 16, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-25813 Filed 9-19-83; 12:49 pm]

BILLING CODE 4100-01-M

[Docket No. 83N-0300]

**Embryostat (Oxytetracycline Powder); Drugs for Veterinary Use; Drug Efficacy Study Implementation; Revocation of Agency Concurrence With Conclusion of National Academy of Sciences/National Research Council**

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is revoking its 1969 concurrence with the conclusion of the National Academy of Sciences/National Research Council (NAS/NRC), Drug Efficacy Study Group that use of Pfizer's Embryostat (oxytetracycline hydrochloride (OTC HCl) for intrauterine infusion) in cows is probably effective for treating mild endometritis leading to repeat breeder syndrome. The revocation is based upon certain recent publications that were unavailable at the time the drug was reviewed for effectiveness by NAS/NRC.

**EFFECTIVE DATE:** September 22, 1983.

**FOR FURTHER INFORMATION CONTACT:** Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV-135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913

**SUPPLEMENTARY INFORMATION:** Pfizer, Inc., 235 East 42d St., New York, NY 10017, is the former sponsor of new animal drug application (NADA) 11-081 for Embryostat. The product consisted of a single dose vial containing 100 milligrams (mg) of OTC HCl powder for dissolving in 10 milliliters (mL) of water for infusion into cows for treating certain genital tract infections. The NADA was originally approved July 18, 1958.

In the Federal Register of April 15, 1969 (34 FR 6494), the Commissioner of Food and Drugs announced the conclusions of the National Academy of Sciences/National Research Council (NAS/NRC) Drug Effectiveness Study Implementation (DESI) review regarding effectiveness of Embryostat. The notice stated that NAS/NRC concluded, and FDA concurred, (1) That the drug was probably effective for treating cows for mild endometritis leading to repeat breeder syndrome, but the drug was ineffective at the recommended dosage of 100 mg OTC HCl for other forms of endometritis, cervicitis, and vaginitis; (2) That the label should be changed to conform to this information; (3) And that the label should also state that the product is effective only against organisms sensitive to OTC HCl.

The notice was published to inform holders of NADA's of the findings of the findings of (NAS/NRC) and FDA and to inform all interested persons that such articles to be marketed must be the subject of approved NADA's and comply with all other requirements of the Federal Food, Drug, and Cosmetic Act (the act). Holders of NADA's were provided 6 months from publication to the notice to submit adequate documentation in support of the labeling used.

On April 9, 1970, Pfizer responded to the NAS/NRC notice by submitting a supplemental NADA which provided for a revised package insert. The agency informed Pfizer by letters of May 27, 1970 and March 17, 1971, that its supplement was incomplete because of certain labeling deficiencies. When Pfizer did not respond, the agency published Federal Register of April 3, 1971; 36 FR 6446) a notice of opportunity for a hearing (NOOH) on a proposal to withdraw approval of NADA 11-081. The NOOH provided Pfizer 30 days to file a written appearance either requesting or declining a hearing. Again, Pfizer did not respond.

The agency construed the lack of a response as an election by the firm not to avail itself of an opportunity for a hearing. Consequently, the agency published a notice of withdrawal of approval in the Federal Register of August 19, 1971 (36 FR 16130).

Recently available publications indicate that 100 mg of OTC HCl is probably not effective for use in cows to treat mild endometritis leading to repeat breeder syndrome. In a 1978 study, Kendrick determined that OTC could not be detected in uterine tissue after intrauterine infusion of 600 mg of OTC (6x the Embryostat dosage) in 30 mL of water (Ref. 1). Zemjanis made the following statement in a 1980 article

(Ref. 3, p. 209): "The value of intrauterine therapy [antimicrobial] for treatment of conception failure [mild endometritis] is as controversial as the role of infection in the etiology of the problem . . . it must be understood that success in the treatment if uterine infections can be expected only if and when: (1) The causative agent is susceptible to the drug used, (2) the drug is used in effective concentrations, and (3) the entire endometrium and the rest of the internal tubular tract are exposed to the drug." He recommended (p. 210) that if antibiotics are to be used intrauterine, then a dose of 1/2 of the systemic dose be infused and that the volume of the infusion be 20 to 40 mL.

The 100 mg dose of OTC HCl rated probably effective by NAS/NRC is only 1/2 of the systemic dose and therefore is much lower than the dose now recommended for intrauterine antibiotic therapy (Refs. 1, 2, 3). Additionally, the 10 mL volume used for the Embryostat infusion is 1/2 to 1/4 that recommended by Dr. Zemjanis (Ref. 3) and as such is insufficient to expose the entire tubular tract to the drug. Even if these two deficiencies were corrected, information concerning OTC's failure to penetrate the endometrium (Ref. 1) raises serious questions as to its effectiveness.

Based upon the foregoing new information, the agency hereby revokes its concurrence with NAS/NRC's conclusion that use in cows of 100 mg OTC HCl per single dose vial is probably effective for treating mild endometritis leading to repeat breeder syndrome. NADA's for drugs identical or similar to Embryostat for the same conditions of use must be supported by complete data based on adequate and well-controlled effectiveness studies and safety studies as required by section 512(b) of the act in order to be eligible for approval.

The following references have been added to Docket Number 83N-0300 and are on file in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen in that office from 9 a.m. to 4 p.m., Monday through Friday:

(1) Kendrick, J. W., "Dairy Cattle Fertility—The Cause, Prevention and Treatment of Uterine Disease," Report to the California Milk Advisory Board, August, 1978.

(2) Masera, J., B. K. Gustafsson, M. M. Afiefy, C. M. Stowe, and G. P. Bergt. "Disposition of Oxytetracycline in the Bovine Genital Tract: Systemic vs. Intrauterine Administration," *Journal of the American Veterinary Medicine Association*, 176:1099-1102, 1980.

(3) Zemjanis, R., "Repeat-breeding or Conception Failure in Cattle," *Current*

*Therapy in Theriogenology*, edited by David A. Morrow (W. B. Saunders Co., 1980) pp. 205-213.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b)) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10).

Dated: September 15, 1983.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-25015 Filed 9-21-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83D-0001]

### Raw Breaded Shrimp; Microbiological Defect Action Levels

AGENCY: Food and Drug Administration.  
ACTION: Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is republishing the notice announcing the availability of the Compliance Policy Guide 7108.25, which establishes defect action levels for microbiological contamination occurring during processing of raw breaded shrimp. The notice, which published in the *Federal Register* of September 8, 1983 (48 FR 40563), was incorrectly signed. These action levels are based on the results of a survey that FDA conducted in 1978-1979 of 31 raw breaded shrimp processors, all of which were operating according to current good manufacturing practice regulations. Compliance with the new action levels will be determined on the basis of samples of raw shrimp, prior to processing, and of finished, unfrozen shrimp product collected from the manufacturer.

**DATE:** Comments, data, and information may be submitted by September 24, 1984.

**ADDRESS:** Written comments, data, and information on the action levels and requests for single copies of Compliance Policy Guide 7108.25 and the background document for the guide may be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Raymond W. Gill, Bureau of Foods (HFF-312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-3092.

**SUPPLEMENTARY INFORMATION:** Current good manufacturing practice regulations (21 CFR Part 110) were developed as general guides for determining whether

foods for human consumption are safe and are prepared, packed, and held under sanitary conditions. Because some filth such as microbial contamination may occur naturally in foods or may be unavoidable even when current good manufacturing practice is used, FDA, in instances where the contamination does not pose a health hazard to consumers, may establish defect action levels as a basis for regulatory action.

To measure objectively the extent to which microbial contamination of raw breaded shrimp can be attributed to the manufacturing process, FDA, in 1978-1979, conducted a survey of shrimp breeding processors that were following current good manufacturing practice in their operations. During the survey, the agency carried out 59 in-plant inspections of 31 breaded shrimp processors. During the inspections, subsamples from various points along the processing line were collected and then analyzed for aerobic plate counts, coliform, *Escherichia coli*, and *Staphylococcus aureus*. FDA evaluated the survey data and used them to develop regulatory criteria that could be used as an objective measure of compliance with current good manufacturing practice regulations. These regulatory criteria are the microbiological defect action levels for raw breaded shrimp set forth in Compliance Policy Guide 7108.25. The full text of that guide is as follows:

**Subject:** Raw Breaded Shrimp—Microbiological Defect Action Levels

**Background:** Insanitary practices and processing conditions in food plants usually result in an increase in the number of microorganisms in the food being processed. To determine the extent to which an increase in the level of microorganisms could be attributed to the manufacturing process for breaded shrimp, a survey was conducted in FY '78 of 31 shrimp breeder plants that were determined to be utilizing current good manufacturing practices in their operations. The results of that survey were used as a basis for establishing microbiological criteria that could be used to objectively evaluate compliance with current good manufacturing practice regulations.

**Regulatory Action Guidance:** Microbiological criteria specified in this Guide are based on a statistically designed plan involving the collection of subsamples at the beginning and end of the breaded shrimp manufacturing process. The raw shrimp collected from the first location on the processing line are considered "stock" shrimp. When frozen, raw shrimp are used for

processing, samples of stock shrimp should be collected after thawing.

The criteria in this Guide do not apply to breaded shrimp that are precooked by the processor.

To determine compliance with these criteria, in-plant sampling during inspection of the shrimp breeding operation should include the following:

A. Duplicate subsamples of stock shrimp collected four times a day for each of two days at intervals appropriately spaced to cover the plant's production day (16 subs).

B. Duplicate subsamples of finished product collected prior to freezing four times a day for each of two days at intervals appropriately spaced to cover the plant's production day (16 subs).

C. Representative subsamples of raw materials other than shrimp used in processing the breaded shrimp.

Each subsample shall be analyzed for aerobic plate count (35° C), *Escherichia coli* (MPN) and *Staphylococcus aureus* (direct plating) according to AOAC, 13th Edition (1980), Chapter 46. The results of analysis of the stock shrimp and the finished product shrimp will be used to determine whether the actionable criteria in this Guide have been met. The results of analysis of the representative subsamples of raw materials other than shrimp should be reviewed to determine whether any of them are a potential source of contamination found in the finished product raw breaded shrimp.

The following represent criteria for recommending legal action to the Division of Regulatory Guidance (HFF-310).

Actionable if one or more of the following conditions are met:

1. **Aerobic Plate Counts (35° C)**—The mean log of 16 units of finished product breaded shrimp collected prior to freezing is greater than 5.00 (i.e., geometric mean greater than 100,000/g) and exceeds the mean log of 16 units of stock shrimp by more than twice the standard error of their difference (2 SED).

2. ***Escherichia coli***—The mean log of 16 units of finished product breaded shrimp collected prior to freezing is greater than 0.56 (i.e., geometric mean greater than 3.6/g) and exceeds the mean log of 16 units of stock shrimp by more than twice the standard error of their difference (2 SED).

3. ***Staphylococcus aureus***—The mean log of 16 units of finished product breaded shrimp collected prior to freezing is greater than 2.00 (i.e., geometric mean greater than 100/g) and exceeds the mean log of 16 units of stock shrimp by more than twice the standard error of their difference (2 SED).

Compliance with the microbiological defect action levels above was achieved by 100 percent of the 31 plants from which samples were collected during the 1978 survey. All of those plants were using current good manufacturing practice in their operations. Thus, FDA expects that all shrimp manufacturers following current good manufacturing practice can readily comply with the action level criteria above.

In accordance with the revised procedure for establishing and evaluating all new defect action levels (published in the Federal Register of September 21, 1982 (47 FR 41637)), FDA invites interested persons to submit any relevant data and information showing why the levels should be revised. These defect action levels will remain in effect until FDA has evaluated all the available data and has published its decision in the Federal Register.

A copy of Compliance Policy Guide 7108.25, as set forth above, and a copy of the background document for the guide have been filed with the Dockets Management Branch under the bracketed docket number above. Requests for single copies of these documents and written comments on the microbiological defect action levels for raw breaded shrimp should be sent to the Dockets Management Branch (address above).

FDA, the U.S. Department of Agriculture, and the National Marine Fisheries Service are currently funding a study by the National Academy of Sciences (NAS) of microbiological criteria for foodstuffs. On the basis of this study, NAS will make recommendations to the Federal agencies on the development of such criteria. FDA intends to review the defect action levels announced in this notice after receiving the results of the NAS study to determine whether any changes in these levels are appropriate based on those recommendations.

Dated: September 15, 1983.

Joseph P. Hille,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-25814 Filed 9-21-83; 8:45 am]

BILLING CODE 4160-01-M

**Hess & Clark, Inc.; Nitrofurazone/Furaladone; Withdrawal of Approval of NADA's**

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is withdrawing approval of three new animal drug applications (NADA's) sponsored by

Hess & Clark, Inc., providing for use of products containing nitrofurazone/furaladone. The firm requested the withdrawal of approval.

**EFFECTIVE DATE:** October 3, 1983.

**FOR FURTHER INFORMATION CONTACT:** David N. Scarr, Bureau of Veterinary Medicine (HFV-214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 303-443-3183.

**SUPPLEMENTARY INFORMATION:** Hess & Clark, Inc., 7th and Orange Sts., Ashland, OH 44805, is sponsor of NADA 8-324, NFZ Mix with sodium Arsanilate (nitrofurazone and sodium arsanilate) for prevention of coccidiosis and for growth stimulation in chickens (approved February 6, 1952); NADA 8-410, Dr. Hess Nitrofurazone AR (nitrofurazone and arsanilic acid) for prevention and control of coccidiosis and for growth stimulation in chickens (approved April 16, 1952); and NADA 8-529, Dr. Hess Necrono Solution (nitrofurazone aqueous suspension) for control of enteritis in young pigs caused by *S. choleraesuis* (approved July 15, 1952).

Approval of these NADA's had not been codified in the Code of Federal Regulations. The products are among several that were the subject of a notice of opportunity for hearing published in the Federal Register of August 17, 1978 (41 FR 34899). In its submission of August 17, 1982, to the Bureau of Veterinary Medicine, Hess & Clark requested withdrawal of approval of the NADA's under 21 CFR 514.115(d) because the products are no longer being marketed. In addition Hess & Clark waived the opportunity for hearing and rescinded any request for hearing that is now in effect.

Section 514.115(d) of the animal drug regulations (21 CFR 514.115(d)) allows the voluntary withdrawal of an approved NADA. Section 514.115(d) normally does not apply if the holder of the application whose withdrawal has been requested already has been afforded an opportunity for hearing on a proposal to withdraw approval of the NADA. In this case, however, Hess & Clark's request is being granted because of the extended time interval which has elapsed since the notice of opportunity for hearing was published. The Bureau of Veterinary Medicine has determined that the public interest will be served and that the sponsor's interests will not be prejudiced by the withdrawal.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) 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 5.84), and in accordance with § 514.115) *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA's and all supplements for Hess & Clark's NADA 8-324 NFZ Mix with Sodium Arsanilate, NADA 8-410 Dr. Hess Nitrofurazone AR, and NADA 8-529 Dr. Hess Necrono Solution, is hereby withdrawn, effective October 3, 1983.

Dated: September 14, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-25816 Filed 9-21-83; 8:45 am]

BILLING CODE 4160-01-M

**Health Resources and Services Administration**

**Maternal and Child Health Research Grants Review Committee; Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of November 1983:

Name: Maternal and Child Health Research Grants Review Committee.

Date and Time: November 2-4, 1983, 9:00 a.m.—5:00 p.m.

Place: Conference Room L, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open on November 2, 1983, 9:00 a.m. to 10:00 a.m.

Closed for remainder of meeting.

Purpose: The Committee is charged with the review of all research grant applications in the program areas of maternal and child health administered by the Bureau of Health Care Delivery and Assistance.

Agenda: The open portion of the meeting will cover opening remarks by the Director, Division of Maternal and Child Health, who will also report on program issues, Congressional activities and other topics of interest to the field of maternal and child health. The meeting will be closed to the public on November 2, 1983, from 10:00 a.m. for the remainder of the meeting for the review of research grant applications. The closing is in accordance with the provision set forth in section 552b(c)(6), Title 5 U.S. Code, and the Determination by the Administrator, Health Resources and Services Administration, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact GONTRAN LAMBERTY, Dr. P.H., Executive Secretary, Maternal and Child Health Research Grants Review Committee, Room 6-17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone: 301 443-2190.

Agenda items are subject to change as priorities dictate.

Dated: September 19, 1983.

Jackie E. Baum,

*Advisory Committee Management Officer,  
Health Resources and Services  
Administration.*

[FR Doc. 83-25865 Filed 9-21-83; 8:45 am]

BILLING CODE 4160-15-M

### National Advisory Council on the National Health Service Corps; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of October 1983:

Name: National Advisory Council on the National Health Service Corps.

Date and Time: October 5-7, 1983, 1:00 p.m.

Place: Conference Room 1604 on October 5 and 7, 101 Marietta Towers, Atlanta, Georgia. NHSC sites in and near Atlanta on October 6.

All meetings will be open to the public. No transportation will be provided for the public on Thursday, October 6.

Purpose: The Council will advise and make appropriate recommendations on the National Health Service Corps (NHSC) program as mandated by legislation. It will also review and comment on proposed regulations promulgated by the Secretary under provisions of the legislation.

Agenda: The agenda will include discussions of: The National Health Service Corps program in Region IV, the 1984 Placement Policy, retention status, the reimbursement policy and the 1984 legislative proposal.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact Ms. Charlotte Walch, or Mr. Billy Sandlin, National Health Service Corps, Health Resources and Services Administration, Room 6-40, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone: (301) 443-5493.

Agenda items are subject to change as priorities dictate.

Dated: September 19, 1983.

Jackie E. Baum,

*Advisory Committee Management Officer,  
Health Resources and Services  
Administration.*

[FR Doc. 83-25864 Filed 9-21-83; 8:45 am]

BILLING CODE 4160-15-M

### Public Health Service

#### National Toxicology Program; National Toxicology Program Board of Scientific Counselors; Amended Meeting

This announcement amends the notice published in the Federal Register of September 9, 1983 (48 FR 40787). The meeting of the National Toxicology Program (NTP) Board of Scientific Counselors, U.S. Public Health Service, will be held in the Conference Center, Section B, Building 101, National Institute of Environmental Health Sciences, on September 27, 1983.

The meeting will be open to the public from 8:30 a.m. to adjournment (4 p.m. to 5 p.m.) on September 27. The agenda will include the topics scheduled for the morning of September 27 in the original notice as well as an overview of NTP programs. Agenda topics having to do with scientific programs at the National Center for Toxicological Research (NCTR) scheduled for the afternoon of September 27 and for September 28 are cancelled and will be rescheduled at an upcoming NTP Board of Scientific Counselors meeting.

For inquiries and amended program information contact the Executive Secretary, Dr. Larry G. Hart, Office of the Director, National Toxicology Program, P.O. Box 12233, Research Triangle Park, North Carolina 27709, telephone (919) 541-3971, FTS 629-3971.

Dated: September 19, 1983.

David P. Rall,

*Director, National Toxicology Program.*

[FR Doc. 83-25863 Filed 9-21-83; 8:45 am]

BILLING CODE 7140-01-M

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

[A 17003]

#### Applications; Airport Lease; Arizona

September 14, 1983.

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C 211-214) Vince Silvestri, 4430 Euclid, Las Vegas, Nevada 89121, has applied for an airport lease for the following land:

#### MOUNT DIABLO BASE & MERIDIAN; SHASTA COUNTY, CALIFORNIA

Parcel No.	Case No.	Legal description	Acres	Bidding procedure
1.....	CA 14247	T 32 N, R 8 W, Sec. 12: SE 1/4 SE 1/4	40	Competitive.
2.....	CA 14248	T 30 N, R 3 W, Sec. 5: E 1/4 of Lot 2 in NE 1/4	43.79	Do.
3.....	CA 14249	T 30 N, R 3 W, Sec. 9: SE 1/4 NW 1/4	40	Do.
4.....	CA 14250	T 34 N, R 1 W, Sec. 21: SE 1/4 NW 1/4	40	Modified Competitive.
5.....	CA 14251	T 31 N, R 2 W, Sec. 8: NW 1/4 NE 1/4	40	Competitive.
6.....	CA 14252	T 31 N, R 2 W, Sec. 22: E 1/4 NW 1/4	80	Do.

Gila and Salt River Meridian, Arizona

T. 39 N., R. 16 W.,

Sec. 5, Lots 2 and 3.

Containing 78.85 acres.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws, except leasing under the mineral leasing laws.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Arizona Strip District Office, 198 E. Tabernacle, St. George, Utah 84770.

Mario L. Lopez,

*Chief, Branch of Lands and Minerals  
Operations.*

[FR Doc. 83-25836 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-84-M

#### Redding Resource Area—Realty Action for Sale of Public Lands in Shasta County, California

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of realty action; sale of public lands.

**SUMMARY:** The following described land has been examined, and through the development of land use planning decisions based on public input, resource considerations, regulations, and Bureau policies, it has been determined that the proposed sale of these parcels is consistent with the Federal Land Policy and Management Act (FLPMA) of October 21, 1976. Each parcel will be separately offered for sale on December 16, 1983 at no less than the appraised fair market value. The BLM solicits and will accept bids on these lands; and may accept or reject any and all bids, or withdraw any land from sale at any time, if in the opinion of the Authorized Officer, consummation of the sale would not be in the best interest of the United States.

Unsold parcels will be reoffered competitively on January 16, 1984. Parcels failing to sell at these two competitive sales will be offered over-the-counter at the Redding Area Office until August 23, 1985.

## MOUNT DIABLO BASE &amp; MERIDIAN; SHASTA COUNTY, CALIFORNIA—Continued

Parcel No.	Case No.	Legal description	Acres	Bidding procedure
7.	CA 14253	T 31 N, R 2 W; Sec. 22: SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	Do.
8.	CA 14254	T 30 N, R 1 W; Sec. 26: SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	Do.
9.	CA 14255	T 30 N, R 1 W; Sec. 2: Lot 10.	40	Modified Competitive.
10.	CA 14256	T 30 N, R 1 W; Sec. 4: Lots 1, 2, 3, 4	60.60	Competitive.
11.	CA 14257	T 30 N, R 2 E; Sec. 18: Lot 1.	40.70	Do.
12.	CA 14258	T 31 N, R 8 W; Sec. 12: NE $\frac{1}{4}$ NE $\frac{1}{4}$	40	Do.
13.	CA 14259	T 31 N, R 7 W; Sec. 10: NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	Do.
14.	CA 14260	T 31 N, R 7 W; Sec. 20: SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	Do.
15.	CA 14261	T 31 N, R 1 E; Sec. 8: S $\frac{1}{2}$ S $\frac{1}{2}$	160	Do.
16.	CA 14262	T 33 N, R 2 W; Sec. 11: Lots 3, 9	16.66	Modified Competitive.
17.	CA 14263	T 33 N, R 2 W; Sec. 11: Lot 8.	0.14	Do.
18.	CA 14264	T 33 N, R 2 W; Sec. 11: Lot 10	0.09	Competitive.
19.	CA 14265	T 32 N, R 5 W; Sec. 12: NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	Modified Competitive.
20.	CA 14266	T 32 N, R 5 W; Sec. 11: N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	5	Competitive.
21.	CA 14267	T 32 N, R 5 W; Sec. 3: Lot 15.	0.06	Modified Competitive.
22.	CA 14268	T 32 N, R 5 W; Sec. 3: Lot 16.	0.13	Do.
23 (a).	CA 14269	T 32 N, R 5 W; Sec. 20: Lots 12, 21	41.29	Do.
23 (b).	CA 14269	T 32 N, R 5 W; Sec. 20: Lots 16, 17, 18, 19, 20, 22, 23, 24.	22.67	Competitive.
24.	CA 14270	T 32 N, R 5 W; Sec. 15: Lot 3.	0.38	Do.
25.	CA 14271	T 32 N, R 5 W; Sec. 15: Lot 4.	0.08	Do.
26.	CA 14272	T 32 N, R 5 W; Sec. 15: Lot 5.	0.01	Do.
27.	CA 14273	T 32 N, R 5 W; Sec. 22: W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$	5	Do.
28.	CA 14274	T 32 N, R 5 W; Sec. 14: N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	7.5	Do.
29.	CA 14275	T 32 N, R 5 W; Sec. 14: Lots 8, 12, 13	8.36	Do.
30.	CA 14276	T 32 N, R 5 W; Sec. 14: Lot 18	0.32	Do.
31.	CA 14277	T 32 N, R 5 W; Sec. 14: Lots 22, 26, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	10.34	Do.
32.	CA 14278	T 31 N, R 5 W; Sec. 14: Lots 4, 5, 6	17.31	Do.
33.	CA 14279	T 31 N, R 5 W; Sec. 10: SW $\frac{1}{4}$	160	Modified Competitive.
34.	CA 14280	T 33 N, R 7 W; Sec. 22: Lot 17	1.92	Competitive.
35.	CA 14281	T 30 N, R 5 W; Sec. 6: Lots 1, 2, 3, 4	158.79	Modified Competitive.
36.	CA 14282	T 33 N, R 6 W; Sec. 7: Lots 4, 6	14.74	Competitive.
37.	CA 14283	T 33 N, R 6 W; Sec. 7: Lots 7, 8	24.59	Do.
38.	CA 14284	T 31 N, R 6 W; Sec. 7: Lot 16.	11.57	Do.
39.	CA 14285	T 31 N, R 6 W; Sec. 29: S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	10	Do.
40.	CA 14286	T 32 N, R 5 W; Sec. 31: Lots 24, 25, 26	12.39	Modified Competitive.
41.	CA 14287	T 32 N, R 5 W; Sec. 31: Lot 28	4.54	Do.
		Total	1,359.66	

Detailed information concerning the sale, including the environmental assessment and land report are available for review at the Redding Resource Area Office, 355 Hemsted Drive, Redding, California 96002.

Those tracts identified for sale by modified competitive bidding will include designation of a bidder. The designated bidder will have the right to meet the highest apparent bid for the affected parcel. Refusal or failure to meet the highest bid, at the time of the sale, shall constitute a waiver of this provision.

Disposal of the subject lands are consistent with planning system decisions and by so implementing, meet FLPMA disposal criteria, i.e., the tract is difficult or uneconomic to manage, the tract is not required for any other Federal purpose or the tract will provide important benefits such as expansion of communities and/or economic development.

Sale terms and conditions are as follow:

1. A right to construct ditches and canals will be reserved to the United States.
2. All mineral rights will be reserved to the United States; however, under

Section 209 of FLPMA, the successful bidder may apply to purchase the mineral rights.

3. Title will be issued by a patent subject to all prior existing rights.

4. All bidders must be United States citizens: corporations must be authorized to own real property in the State of California; political subdivisions of the State and State instrumentalities must be authorized to hold property. Proof of meeting these requirements shall accompany bids.

5. Upon disqualification of an apparent high bidder, the next high bid will be honored. Bids will only be considered if they are made for at least the fair market value of the land, and bids must include all of the land in the parcel, except Parcel #23. Parcel #23 will be sold as two separate tracts to assure equitable considerations (see land parcel list), a portion by competitive bidding and the remainder by modified competitive bidding procedures.

6. The BLM will reject or accept any and all offers, or withdraw any land or interest in land from sale, if in the opinion of the Authorized Officer consummation of the sale would not be in the best interest of the United States.

Parcels failing to sell at the December 18, 1983 sale will be continued on January 16, 1984 at the same location and time. Any parcels unsold after the January 16, 1984 date, will be available "over-the-counter" at the Redding Resource Area Office until August 23, 1985. However, the availability for sale will not preclude the parcel from being considered for other actions.

7. A reservation for existing encumbrances (i.e., rights-of-way, oil and gas leases, etc.) will be incorporated into each patent for the following tracts: 2, 3, 5, 6, 7, 8, 9, 10, 11, 14, 15, 23, 27, 28, 34, 35, and 38.

8. A reservation to restrict developments in the floodplain will be incorporated into each patent for the following tracts: 9, 13, 23, 34, 35, 38, 40, and 41.

9. A covenant will be inserted in the patent for each of the following tracts to restrict development and maintain, restore, and protect the floodplain, wetland, and riparian values: 8 and 11.

10. The following parcels will be offered for sale by means of modified competitive bidding, if the mining claimants are willing to relinquish their claims: 19, 21, 22, 23(a), 33, 35, 40, and 41. The mining claimant will be the designated bidder.

11. The following parcels will be offered for sale by means of modified competitive bidding: Parcels 4, 9, 16, 17, and 23(a). The contiguous landowner will be the designated bidder.

The above-described land will be separately offered for sale by sealed and oral bids. The sealed bids will be opened at 10:00 a.m. on December 15, 1983 at the Redding Resource Area Office, Bureau of Land Management, 355 Hemsted Drive, Redding, California 96002. Sealed bids shall be considered only if received at the above address prior to 10:00 a.m. on December 15, 1983. Each sealed bid shall be accompanied by certified check, postal money order, bank draft or cashier's check made payable to the Department of Interior—BLM for not less than one-fifth of the bid. The sealed bid envelopes must be marked on the front lower left corner "Redding Resource Area, December 1983, Land Sale, Parcel Number —." The sealed bids shall be opened and publicly declared at the beginning of the oral bidding. If two or more qualified sealed bids for the same amount are received and no oral bids are received, then the apparent successful bidder will be determined by drawing.

Oral bidding will begin at 9:00 a.m. on December 16, 1983 at the Redding Resource Area Office or another designated location. The person

declared to have entered the highest qualifying oral bid shall submit payment of not less than one-fifth of the bid in cash or as specified above, immediately following the close of the sale.

The successful bidder, whether such bid is a sealed or oral bid, shall submit the remainder of the full purchase price within 30 days of the sale date. Failure to submit the balance of the full bid within the above specified time limit shall result in cancellation of the sale and the deposit shall be forfeited. The next high bid will then be honored.

**DATE:** For a period of 45 days from the date of publication of this notice, interested parties may submit comments.

**ADDRESS:** Comments and suggestions should be sent to: State Director, California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

Comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination for the Bureau of Land Management.

**FOR FURTHER INFORMATION CONTACT:** Robert J. Bainbridge, (916) 246-5325, Robert J. Bainbridge, Redding Area Manager.

[FR Doc. 83-25837 Filed 9-21-83; 8:45 am]  
BILLING CODE 4310-84-M

[C-34321]

#### Realty Action-Exchange; Public Lands in Routt County, Colorado

The following described public lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Sixth Principal Meridian  
T.5N., R. 84W.,  
Sec. 34, E $\frac{1}{2}$ SE $\frac{1}{4}$ .  
Containing 80 acres.

In exchange for these lands, the Federal government will obtain non-federal lands in Routt County from Intrawest Bank of Denver, c/o Mr. J. Rodney Uhrich, P.O. Box 5808, 633 Seventeenth Street, Denver, Colorado 80217, described as follows:

Sixth Principal Meridian  
T.4N., R. 84W.,  
Sec. 17, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$   
Containing 100 acres.

**Note.**—Part of this parcel may be dropped from consideration depending upon final appraisal.

The purpose of the exchange is to obtain non-federal lands for use in Federal programs. The exchange conforms with the Bureau planning for the land involved. The public interest will be well served by making the exchange. The values of the lands to be exchanged are approximately equal and the acreage will be adjusted and/or money will be used to equalize values upon completion of the final appraisal of the lands.

The terms and conditions applicable to the exchange are:

1. The exchange involves surface and mineral estates.
2. The reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

Additional information about the exchange, including the environmental assessment, is available for review at the bureau of Land Management District Office, 455 Emerson Street, Craig, Colorado 81625.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, 455 Emerson Street, Craig, Colorado 81625. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: September 13, 1983.

Lee Carie,  
District Manager.

[FR Doc. 83-25840 Filed 9-21-83; 8:45 am]  
BILLING CODE 4310-84-M

[Serial No. I-201931]

#### Idaho; Conveyance of Public Lands Blaine County

September 14, 1983.

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), a patent was issued to Rodney G. Murphy, 1612 Bennett Avenue, Burley, Idaho 83318, for the following described public land:

Bosie Meridian, Idaho  
T. 2 S., R. 17 E.,  
Sec. 1, lots 74 and 75.  
Containing 0.442 acres.

The purpose of this notice is to inform the public and interested State and local

governmental officials of the conveyance.

Louis B. Bellesi,  
Deputy State Director for Operations.

[FR Doc. 83-25845 Filed 9-21-83; 8:45 am]  
BILLING CODE 4310-84-M

#### Idaho Falls District Advisory Council; Meeting

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Meeting of the Idaho Falls District Advisory Council.

**SUMMARY:** The Idaho Falls District Advisory Council will meet November 2, 1983. Notice of this meeting is in accordance with Pub. L. 91-463, Pub. L. 94-579, Pub. L. 95-514 and 43 CFR Part 1780. The meeting will begin at 9 a.m. at the BLM District Office, 940 Lincoln Road in Idaho Falls.

The Council will consider four topics:

1. Environmental assessment on the proposed Egins-Hamer (Poleline) Road.
2. Land disposal program.
3. Proposed prescribed burns on the Edie Bench.
4. Proposed withdrawal review on the Blackfoot Reservoir.

The meeting is open to the public. Interested persons may make oral statements to the Council between 11:30 a.m. and noon, or may file written statements for the Council's consideration. Statements should address agenda items. Depending on the number of persons wanting to make oral statements, a per-person time limit may be established.

Summary minutes of the meeting will be kept in the District Office and will be available for public inspection and reproduction during business hours (7:45 a.m. to 4:30 p.m.) at least 30 days after the meeting.

**FOR FURTHER INFORMATION CONTACT:** Julia Corbett, (208) 529-1020.

Dated: September 16, 1983.

O'dell A. Frandsen,  
District Manager.

[FR Doc. 83-25835 Filed 9-21-83; 8:45 am]  
BILLING CODE 4310-84-M

[Serial No. I-20193E]

#### Idaho; Conveyance of Public Lands Blaine County

September 15, 1983.

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), a patent was issued to Ross E. Davis, Buhl, Idaho, for the following-described public land:

**Boise Meridian, Idaho**

T. 2 S., R. 17 E.,  
Sec. 1, lot 78.  
Containing 0.393 acre.

The purpose of this notice is to inform the public and interested State and local governmental officials of the conveyance.

Louis B. Bellesi,  
Deputy State Director for Operations.

[FR Doc. 83-25838 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-84-M

**[Serial No. I-19182]****Idaho; Conveyance of Public Lands Lemhi County**

September 15, 1983.

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), a patent was issued to William B. Swahlen and Marian H. Swahlen, Salmon, Idaho, for the following-described public land:

**Boise Meridian, Idaho**

T. 21 S., R. 23 E.,  
Sec. 14, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
Containing 40.00 acres.

The purpose of this notice is to inform the public and interested State and local governmental officials of the conveyance.

Louis B. Bellesi,  
Deputy State Director for Operations.

[FR Doc. 83-25839 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-84-M

**[Serial No. I-19181]****Idaho; Conveyance of Public Lands Lemhi County**

September 15, 1983.

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), a patent was issued to William B. Swahlen and Marian H. Swahlen, Salmon, Idaho, for the following-described public land:

**Boise Meridian, Idaho**

T. 21 N., R. 23 E.,  
Sec. 10, W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$   
Containing 120.00 acres.

The purpose of this notice is to inform the public and interested State and local governmental officials of the conveyance.

Louis B. Bellesi,  
Deputy State Director for Operations.

[FR Doc. 83-25840 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-84-M

**[Serial No. I-20193H]****Idaho; Conveyance of Public Lands Blaine County**

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), a patent was issued to Henry J. Stark, Rupert, Idaho, for the following-described public land:

**Boise Meridian, Idaho**

T. 2 S., R. 17 E.,  
Sec. 1, lot 77.  
Containing 0.313 acre.

The purpose of this notice is to inform the public and interested State and local governmental officials of the conveyance.

Louis B. Bellesi,  
Deputy State Director for Operations.

[FR Doc. 83-25841 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-84-M

**[Serial No. I-20200B]****Idaho; Conveyance of Public Lands, Blaine County**

September 13, 1983.

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), a patent was issued to James E. Montgomery, Jr., Hailey, Idaho, for the following-described public land:

**Boise Meridian, Idaho**

T. 1 S., R. 18 E.,  
Sec. 31, lot 18.  
Containing 0.07 acre.

The purpose of this notice is to inform the public and interested State and local governmental officials of the conveyance.

Louis B. Bellesi,  
Deputy State Director for Operations.

[FR Doc. 83-25842 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-84-M

**[I-19676]****Realty Action; Competitive Sale of Public Lands in Cassia County, Idaho**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The following described land has been examined and through the development of land use decisions based on public input, it has been determined that the sale of the tract is consistent with section 203(a)(1) of the Federal Land Policy and Management Act of 1976. The lands will be offered for sale at public auction for no less than

the appraised fair market value and any bids for less than such value will be rejected as required by FLPMA. Both sealed and oral bids will be accepted.

Legal Description	Acres
T. 13 S., R. 25 E., B.M., Sec. 24: SW $\frac{1}{4}$ NW $\frac{1}{4}$	40

Upon publication of this Notice in the Federal Register, the land described above will be segregated from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws, for a period of two years, or until the lands are sold. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the Federal Register prior to the expiration of the two-year period.

The lands will be subject to the following reservations when patented:

1. A right-of-way is reserved for ditches and canals constructed under the authority of the United States, Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. A right-of-way is reserved to the United States for existing road I-03499 and for the existing county road located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 24, T. 13 S., R. 25 E.

3. All mineral rights are reserved to the United States pursuant to 43 CFR 2711.5-1.

4. All valid existing rights.

In addition, the patent is subject to the following conditions:

The successful bidder agrees that he takes the real estate subject to the existing grazing use of the South Cotterel Grazing Association, which consists of the following Permittees:

Permittee	Grazing authorization No.	Expiration date
Richard S. Anderson	2304	Feb. 28, 1989.
Blackjack Ranch, Inc.	2306	Do.
Chimney Rock Ranches	2302	Do.
Albert J. Cottle	2322	Do.
Lee G. Dimond	2339	Do.
Derrahl V. Holmes	2415	Do.
David O. Hutchinson	2307	April 30, 1984.
George A. Kelley	2353	Feb. 28, 1989.
Norman Bros.	2311	Feb. 28, 1991.
Merlin W. Ottley	2374	Feb. 28, 1989.
Wallace Sears	2300	Do.
Simplot Industries	2381	Do.
Charles R. Ward	2490	Do.
Wayne Whitaker	2376	Do.

The Permittee's rights to graze domestic livestock on the real estate according to the conditions and terms of their grazing authorizations shall cease on the expiration dates listed above.

The successful bidder is entitled to receive annual grazing fees from the Permittees in an amount not to exceed

that which would be authorized under the Federal grazing fee published annually in the Federal Register.

**DATES:** The public auction will be held on November 23, 1983 at 1:30 p.m.

**ADDRESSES:** The public auction will be held at the Burley District Office, 200 South Oakley Highway, Burley, Idaho 83318. Additional information concerning the land, terms and conditions of the sale, and bidding instructions may be obtained from Nick Cozakos, District Manager at the above address, or by calling (208) 678-5514.

**SUPPLEMENTARY INFORMATION:** For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: September 15, 1983.

Jimmie L. Pribble,  
Acting District Manager.

[FR Doc. 83-25843 Filed 9-21-83; 8:45 am]  
BILLING CODE 4310-84-M

[I-20103]

### Realty Action, Exchange, Public Lands in Cassia County, Idaho

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Notice.

**SUMMARY:** The following described lands have been examined and identified as suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

#### Legal Description

Boise Meridian, Idaho

T. 10 S., R. 26 E.,

Sec. 5: W $\frac{1}{2}$  Lot 4, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ .

Sec. 6: Lots 1, 2, 3, and 4 (less 6 acres in I-86).

Totaling 229.02 acres of public land.

In exchange for these lands the Federal Government will acquire the following described lands from Bruce Newcomb:

#### Legal Description

Boise Meridian, Idaho

T. 9 S., R. 26 E.,

Sec. 33: S $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$

T. 10 S., R. 26 E.,

Sec. 4: That portion of the N $\frac{1}{2}$ SE $\frac{1}{4}$  lying north of I-86

Totaling 227.85 acres of private land.

The purpose of this exchange is to acquire privately-owned lands which are chiefly valuable for wildlife habitat, livestock grazing, and access. The public interest will be well served by making the exchange which is consistent with local governmental planning and zoning regulations and with Federal programs and planning. The values of the lands to be exchanged are approximately equal. If necessary, the acreage will be adjusted, or money will be paid, not to exceed 25% of the total value of the public lands, to equalize the values upon completion of the final appraisal of the lands.

The terms and conditions applicable to the public lands are:

1. A reservation to the United States for rights-of-way for ditches and canals pursuant to the Act of August 30, 1900, 26 Stat. 391; 43 U.S.C. 945.

2. All minerals are reserved to the United States.

3. The lands are subject to valid existing rights.

No reservations or conditions exist on the private lands to be conveyed to the United States.

The publication of this notice in the Federal Register will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. As provided by the regulations of 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed and shall be returned to the applicant. The segregation will terminate as provided by the noted regulation.

Detailed information concerning the exchange, including the environmental analysis and the record of public discussions, is available for review at the Burley District Office, 200 S. Oakley Highway, Burley, Idaho 83318.

For a period of 45 days interested parties may submit comments to the Burley District Office, Bureau of Land Management, Route 3, Box 1, Burley, Idaho 83318.

Dated: September 15, 1983.

Nick James Cozakos,  
District Manager.

[FR Doc. 83-25849 Filed 9-21-83; 8:45 am]  
BILLING CODE 4310-84-M

### Miles City District Advisory Council; Meeting

September 13, 1983.

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Miles City District Advisory Council will be held November 2, 1983. The meeting will begin at 10:00 a.m. in the conference room at the Miles city district, Bureau of Land Management Office, Highway 10-12 at Garryowen Road, Miles City, Montana.

The agenda is as follows:

1. Landpattern Adjustment Policy
2. Resource Management Plans

The meeting is open to the public. The public may make oral statements before the Advisory Council or file written statements for the council's consideration. Depending upon the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the Bureau of Land Management District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

For further information, contact District Manager, Miles City District, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301.

Robert A. Teegarden,

Associate District Manager.

[FR Doc. 83-25847 Filed 9-21-83; 8:45 am]  
BILLING CODE 4310-84-M

[U-16145]

### Utah; Proposed Reinstatement of Terminated Oil and Gas Lease

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97-451), a petition for reinstatement of oil and gas lease U-16145 for lands in Carbon County, Utah, was timely filed and required rentals and royalties accruing from May 1, 1983, the date of termination, have been paid.

The lessee has agreed to new lease terms for rentals and royalties at rates of \$5 per acre and 18%, respectively. The \$500 administrative fee has been paid and lessee has agreed to reimburse the Bureau of Land Management for the cost of publishing this Notice.

Having met all the requirements for reinstatement of lease U-16145 as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective November 1, 1983,

subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

W. R. Papworth,

Deputy State Director, Operations.

September 15, 1983.

[FR Doc. 83-25843 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-84-M

[U-14654]

### Utah; Proposed Reinstatement of Terminated Oil and Gas Lease

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97-451), a petition for reinstatement of oil and gas lease U-14654 for lands in Grand County, Utah, was timely filed and required rentals and royalties accruing from May 1, 1981, the date of termination, have been paid.

The lessees have agreed to new lease terms for rentals and royalties at rates of \$5 per acre and 16%, respectively. The \$500 administrative fee has been paid and lessees have agreed to reimburse the Bureau of Land Management for the cost of publishing this Notice.

Having met all the requirements for reinstatement of lease U-14654 as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective November 1, 1983, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

W. R. Papworth,

Deputy State Director, Operations.

September 15, 1983.

[FR Doc. 83-25844 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-84-M

[U 48793]

### Realty Action; Exchange of Public Lands in Box Elder County, Utah

AGENCY: Bureau of Land Management, Salt Lake District, Interior.

ACTION: Notice of realty action.

SUMMARY: The following described public lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

#### SELECTED LANDS

	Acres
Township 6 North, Range 9 West	
Sec. 7: Lots 1-4 (All)	102.12
Sec. 8: Lots 1-4, S $\frac{1}{2}$ S $\frac{1}{2}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ (All)	306.12
Sec. 9: Lots 1-5, W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ (All)	213.22
Sec. 10: Lots 1-2 (All)	34.66
Sec. 15: Lot 1 (All)	8.83
Sec. 16: Lots 1-6, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ (All), surface only	311.15
Sec. 17: All	640.00
Sec. 18: All	640.00
Sec. 19: All	640.00
Sec. 20: N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$	560.00
Sec. 21: Lots 1-4, 8-11, S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$	185.24
Sec. 22: Lots 1, 2, 5, 6, 8, 9, 11, 12	132.09
Sec. 23: Lot 1 (All)	2.30
Sec. 26: Lots 1-7, W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ (All)	323.53
Sec. 27: All	640.00
Sec. 28: All	640.00
Sec. 29: N $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$	560.00
Sec. 30: All	640.00
Sec. 31: All	640.00
Sec. 32: All, surface only	640.00
Sec. 33: All	640.00
Sec. 34: All	640.00
Sec. 35: Lots 1, 2 W $\frac{1}{2}$ NE NE $\frac{1}{4}$ , W $\frac{1}{2}$ , SE $\frac{1}{4}$ (All)	614.23
Township 6 North, Range 10 West	
Sec. 7: Lots 1-4 (All)	74.94
Sec. 8: Lot 1 (All)	1.15
Sec. 13: Lots 1-4, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ (All)	537.80
Sec. 14: Lots 1-5, N $\frac{1}{2}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ S $\frac{1}{2}$ (All)	339.70
Sec. 15: Lots 1-4, SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ , SE $\frac{1}{4}$ (All)	355.60
Sec. 17: Lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ (All)	595.38
Sec. 18: Lots 1-4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ (All)	630.44
Sec. 19: Lots 1-4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ (All)	631.92
Sec. 20: All	640.00
Sec. 21: All	640.00
Sec. 22: All	640.00
Sec. 23: All	640.00
Sec. 24: All	640.00
Sec. 25: All	640.00
Sec. 26: All	640.00
Sec. 27: All	640.00
Sec. 28: All	640.00
Sec. 29: All	640.00
Sec. 30: Lots 1-4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ (All)	633.20
Sec. 31: Lots 1-4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ (All)	634.40
Sec. 33: All	640.00
Sec. 34: All	640.00
Sec. 35: All	640.00
Township 6 North, Range 11 West	
Sec. 12: Lots 1-4, S $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ (All)	195.56
Sec. 13: All	640.00
Sec. 24: All	640.00
Sec. 25: All	640.00
Total	24,623.56

In exchange for these lands, the Federal Government will acquire scattered tracts of non-Federal land in Box Elder and Tooele Counties, Utah from the State of Utah described as follows:

#### OFFERED LANDS

	Acres
Township 6 North, Range 11 West	
Sec. 16: All	640.00
Sec. 32: All	640.00
Township 8 North, Range 11 West	
Sec. 2: Lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ (All)	640.54
Sec. 16: All	640.00
Sec. 32: NW $\frac{1}{4}$	160.00
Township 6 North, Range 12 West	
Sec. 2: Lots 1-12, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ (All)	913.32
Sec. 16: All	640.00
Sec. 32: All	640.00
Sec. 36: All	640.00
Township 4 North, Range 13 West	
Sec. 16: All	640.00

#### OFFERED LANDS—Continued

	Acres
Township 4 North, Range 14 West	
Sec. 16: All	640.00
Township 2 North, Range 15 West	
Sec. 2: Lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ (All)	640.28
Sec. 16: All	640.00
Sec. 32: All	640.00
Sec. 36: All	640.00
Township 2 South, Range 14 West	
Sec. 32: All	640.00
Sec. 36: All	640.00
Township 2 South, Range 15 West	
Sec. 32: W $\frac{1}{2}$	320.00
Sec. 36: All	640.00
Township 3 South, Range 15 West	
Sec. 2: Lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ (All)	640.80
Sec. 15: All	640.00
Sec. 32: All	640.00
Sec. 36: All	640.00
Township 2 South, Range 16 West	
Sec. 32: All	640.00
Sec. 36: All	640.00
Township 9 South, Range 16 West	
Sec. 31: N $\frac{1}{2}$ SE $\frac{1}{4}$	80.00
Sec. 32: All	640.00
Township 10 South, Range 16 West	
Sec. 32: SW $\frac{1}{4}$	160.00
Township 2 South, Range 17 West	
Sec. 32: All	640.00
Sec. 36: All	640.00
Township 2 South, Range 18 West	
Sec. 36: All	640.00
Township 3 South, Range 18 West	
Sec. 2: Lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ (All)	645.60
Sec. 16: All	640.00
Sec. 32: All	640.00
Sec. 36: All	640.00
Township 3 South, Range 19 West	
Sec. 2: Lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ (All)	640.00
Sec. 16: All	640.00
Sec. 32: All	640.00
Sec. 36: All	640.00
Township 4 South, Range 19 West	
Sec. 2: Lots 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ (All)	641.44
Sec. 16: All	640.00
Sec. 32: All	640.00
Sec. 36: All	640.00
Total	25,961.98

The offered lands are located mainly within the Wendover and Hill Air Force Base Bombing and Gunnery Ranges in Box Elder and Tooele Counties, Utah. The selected lands are at Lakeside, Utah, west of the Great Salt Lake in Box Elder County, Utah. The exchange benefits the State of Utah by consolidating their land holdings into a manageable block outside the bombing range. The exchange also benefits the Federal Government by eliminating state inholdings in the military areas west of the Great Salt Lake. There are no existing land uses or plans that are in conflict with this disposal. The value of the lands to be exchanged is approximately equal.

The terms and conditions applicable to the exchange are:

1. A reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. A reservation of those rights for a railroad line and associated purposes as have been granted to the Southern

Pacific Railroad Company under serial numbers SL 050940 and SL 051068.

3. A reservation of those rights for a communication facility as have been granted to the Department of Army under serial number U31832.

4. A reservation of those rights for an existing county road from Interstate Highway 80 to Lakeside.

5. A reservation of those rights for existing BLM oil and gas leases U 34842, U 38864, U38867, U 38900, U 38901, U38902, U 38903, U 39111, U 39112, U 39113, U 39114, U 44947, and U 48494 held by various parties as outlined in the environmental assessment.

6. The publication of this notice in the Federal Register will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. As provided by the regulations of 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed and shall be returned to the applicant.

Detailed information concerning the exchange, including the environmental analysis and the record of public discussions, is available for review at the Salt Lake District Office, 2370 South 2300 West, Salt Lake City, Utah

For a period of 45 days interested parties may submit comments to the Salt Lake District Office, Bureau of Land Management, 2370 South 2300 West, Salt Lake City, Utah 84119.

C. Wayne Richards,  
Bear River Resource Area Manager,  
September 14, 1983.

[FR Doc. 83-25834 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-84-M

#### Realty Action—Exchange; Public Lands; Riverside County, California

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Realty Action—Exchange of Public Lands in Riverside County.

**SUMMARY:** The following described lands, including the surface and subsurface estates, have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

- T. 3 S., R. 2 W.,  
Section 4, San Bernardino Base Meridian,  
Lots 1, 2, 3, 4, 7, and 8 (253.38 acres).
- T. 2 S., R. 2 W.,  
Section 34, San Bernardino Base Meridian,  
SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$   
(360 acres).

Total 613.38 acres

In exchange for these lands the Federal Government will acquire the surface estate of a parcel of non-Federal land in Riverside County from the County of Riverside described as follows:

T. 6 S., R. 9 E.,  
Section 36 San Bernardino Base Meridian  
(640 acres).

The purpose of the exchange is to acquire County of Riverside land for inclusion in the Mecca Hills Recreation Area located in the Southern California Desert. The exchange is consistent with the Bureau's land use planning for the lands involved. The public interest will be well served by making the exchange.

An appraisal has been completed and the land being exchanged will be of equal value or otherwise will be equalized by the payment of money to the Federal Government not to exceed 25 per centum of the total value of the land transferred out of Federal ownership.

Lands transferred from the United States will be subject to the following reservations, terms and conditions:

1. The reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).
2. A right-of-way, 50 feet in width, in Section 34 for gas pipeline purposes granted to Southern California Gas Company.
3. A right-of-way, 400 feet in width, in Section 4 for highway purposes granted to the State of California Department of Transportation.

Upon publication of this Notice of Realty Action in the Federal Register, the public lands will be segregated from all appropriations under the public land laws, including the mining laws, except exchanges and mineral leasing for a period of two (2) years or upon issuance of patent or other documents of conveyance to such lands, whichever occurs first.

Detailed information concerning the exchange, including the Environmental Assessment Record/Land Report, Cultural Resources Report and Mineral Report are available for review at the California Desert District Office, 1695 Spruce Street, Riverside, California 92507.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, California Desert District Office of the Bureau of Land Management, 1695 Spruce Street, Riverside, California 92507. Any adverse comments will be evaluated by the District Manager, and forwarded to the

California State Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: September 12, 1983.

Gerald E. Hillier,  
District Manager.

[FR Doc. 83-25833 Filed 9-21-83; 8:45 am]  
BILLING CODE 4310-84-M

(F-14923-A and F-14923-B)

#### Baan o yeel kon Corporation; Alaska Native Claims Selection

In accordance with Department regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)) (ANCSA), will be issued to Baan o yeel kon Corporation for approximately 85,428 acres. The lands involved are in the vicinity of Rampart, Alaska:

Fairbanks Meridian, Alaska (Unsurveyed)

T. 9 N., R. 11 W.	T. 7 N., R. 13 W.
T. 10 N., R. 11 W.	T. 8 N., R. 13 W.
T. 7 N., R. 12 W.	T. 9 N., R. 13 W.
T. 8 N., R. 12 W.	T. 10 N., R. 13 W.
T. 9 N., R. 12 W.	T. 8 N., R. 14 W.
T. 10 N., R. 12 W.	T. 8 N., R. 15 W.
T. 6 N., R. 13 W.	

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the Tundra Times. For information on obtaining copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until October 24, 1983 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

State of Alaska, Department of Natural Resources, Division of Technical Services, Title Administration, Pouch 10-7035, Anchorage, Alaska 99510

Baan o yeel kon Corporation, P.O. Box 74558, Fairbanks, Alaska 99707

Doyon, Limited, Land Department, Doyon Building, 201 First Avenue, Fairbanks, Alaska 99701

B. LaVelle Black,  
Section Chief, Branch of ANCSA  
Adjudication

[FR Doc. 83-25792 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-04-M

[F-19155-9]

#### Doyon, Limited; Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)) (ANCSA), will be issued to Doyon, Limited for approximately 201,986 acres. The lands involved are in the vicinity of Rampart, Alaska:

#### Fairbanks Meridian, Alaska (Unsurveyed)

T. 7N., R. 11W.	T. 9N., R. 13W.
T. 9N., R. 11W.	T. 6N., R. 14W.
T. 8N., R. 12W.	T. 8N., R. 14W.
T. 8N., R. 12W.	T. 10N., R. 14W.
T. 10N., R. 12W.	T. 7N., R. 15W.
T. 7N., R. 13W.	

Aggregating approximately 201,986 acres.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the TUNDRA TIMES upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, and agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until October 24, 1983 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska

State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

State of Alaska, Title Administration, Division of Technical Services, Department of Natural Resources, Pouch 10-7035, Anchorage, Alaska 99510

Doyon, Limited, Land Department, Doyon Building, 201 First Avenue, Fairbanks, Alaska 99701

B. LaVelle Black,  
Section Chief, Branch of ANCSA  
Adjudication

[FR Doc. 83-25792 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-04-M

[F-19155-8]

#### Doyon, Limited; Alaska Native Claims Selection

In accordance with departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)) (ANCSA), will be issued to Doyon, Limited for approximately 117,651 acres. The lands involved are within:

#### Fairbanks Meridian, Alaska (Unsurveyed)

T. 1 N., R. 31 E.	T. 1 S., R. 31 E.
T. 2 N., R. 32 E.	T. 3 S., R. 31 E.
T. 1 N., R. 33 E.	T. 2 S., R. 32 E.
	T. 3 S., R. 33 E.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the Tundra Times upon issuance of the decision. For information on how to obtain copies, contact Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR, Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the

Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until October 24, 1983, to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Doyon, Limited, Land Department,  
Doyon Building, 201 First Avenue,  
Fairbanks, Alaska 99701

State of Alaska, Department of Natural Resources, Division of Technical Services, Title Administration, Pouch 10-7035, Anchorage, Alaska 99510

B. LaVelle Black,

Section Chief, Branch of ANCSA  
Adjudication.

[FR Doc. 83-25794 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-84-M

(F-19155-11)

#### Doyon, Limited; Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976) (ANCSA)), will be issued to Doyon, Limited, for approximately 237,580 acres. The lands involved are within Kateel River Meridian, Alaska:

T. 6 N., R. 20 E.

T. 8 N., R. 20 E.

T. 10 N., R. 20 E.  
T. 7 N., R. 21 E.  
T. 9 N., R. 21 E.  
T. 6 N., R. 22 E.  
T. 10 N., R. 22 E.

T. 7 N., R. 23 E.  
T. 9 N., R. 23 E.  
T. 8 N., R. 24 E.  
T. 8 N., R. 24 E.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the FAIRBANKS DAILY NEWS-MINER upon issuance of the decision. For information on how to obtain copies, contact Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until October 24, 1983 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Doyon, Limited, Land Department,  
Doyon Building, 201 First Avenue,  
Fairbanks, Alaska 99701

B. LaVelle Black,

Section Chief, Branch of ANCSA  
Adjudication.

[FR Doc. 83-25795 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-84-M

(F-14853-A and F-14853-B)

#### Fairbanks Meridian; Alaska Native Claims Selection

In accordance with departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)) (ANCSA), will be issued to Hungwitchin Corporation for approximately 73,324 acres. The lands involved are within

##### Fairbanks Meridian, Alaska (Unsurveyed)

T. 1 N., R. 31 E.	T. 1 S., R. 32 E.
T. 2 N., R. 31 E.	T. 2 S., R. 32 E.
T. 1 N., R. 32 E.	T. 1 S., R. 33 E.
T. 2 N., R. 32 E.	T. 2 S., R. 33 E.
T. 1 N., R. 33 E.	T. 3 S., R. 33 E.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the Tundra Times upon issuance of the decision. For information on how to obtain copies, contact Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR, Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service of certified

mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until October 24, 1983 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Title Administration, Division of  
Technical Services, Alaska  
Department of Natural Resources,  
Pouch 10-7035, Anchorage, Alaska  
99510

Hungwitchin Corporation, Box 85, Eagle,  
Alaska 99738

Doyon, Limited, Land Department,  
Doyon Building, 201 First Avenue,  
Fairbanks, Alaska 99701

B. LaVelle Black,  
Section Chief, Branch of ANCSA  
Adjudication.

[FR Doc. 83-25791 Filed 9-21-83; 8:45 am]  
BILLING CODE 4310-64-M

[F-14867-A and F-14867-B

#### K'oyitl'ots'ina, Limited; Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976) (ANCSA)), will be issued to K'oyitl'ots'ina, Limited, for approximately 59, 895 acres. The lands involved are within Kateel River Meridian, Alaska:

T. 6 N., R. 21 E.  
T. 8 N., R. 21 E.  
T. 7 N., R. 22 E.  
T. 8 N., R. 22 E.  
T. 9 N., R. 22 E.

T. 10 N., R. 22 E.  
T. 10 N., R. 23 E.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the FAIRBANKS DAILY NEWS-MINER upon issuance of the decision.

For information on how to obtain copies, contact Bureau of Land Management, Alaska State Office, 701 C Street, box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file and appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until October 24, 1983 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

K'oyitl'ots'ina, Limited, 1514 Cushman,  
Room 206, Fairbanks, Alaska 99701  
Doyon, Limited, Land Department,  
Doyon Building, 201 First Avenue,  
Fairbanks, Alaska 99701.

B. LaVelle Black,  
Section Chief, Branch of ANCSA  
Adjudication.

[FR Doc. 83-25790 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-64-M

#### Camping Stay Limit Established; Yuma District, Arizona, and California Desert District, California

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Establishment of camping stay limit for campgrounds and undeveloped public lands in the Yuma District, Arizona and California, and the California Desert District, California.

**SUMMARY:** Persons may camp within designated campgrounds or on public lands not closed to camping within the Yuma District, Arizona and California, and the California Desert District, California for a period of not more than fourteen days of continuous occupation. On the fifteenth day, campers must move outside of a twenty-five (25) mile radius of the previous location. Under special circumstances, the authorized officer may give written permission for extensions to the fourteen day camping limit.

**EFFECTIVE DATE:** October 15, 1983.

#### FOR FURTHER INFORMATION CONTACT:

David Mensing, Outdoor Recreation  
Planner, California Desert District,  
Bureau of Land Management, (714)  
351-6402

or

Hal Hallett, Outdoor Recreation  
Planner, Yuma District, Bureau of  
Land Management, (602) 726-6300

**SUPPLEMENTAL INFORMATION:** This camping stay limit is being established in order to assist the Bureau in reducing the incidence of unauthorized long-term occupancy being conducted under the guise of camping, both within campgrounds and on undeveloped public lands. Long-term visitor areas have been established within the Yuma District and California Desert District to provide for long-term occupancy.

Authority for this stay limit is contained in CFR Title 43, Chapter II, Part 8365.1-2.

Dated: September 9, 1983.

Gerald E. Hillier,

California Desert District Manager.

Dated: September 16, 1983.

J. Darwin Snell

Yuma District Manager.

[FR Doc. 83-25873 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-84-M

[M 46372-C]

### Montana; Conveyance of Public Land

September 16, 1983.

**AGENCY:** Bureau of Land Management, Montana State Office, Interior.

**ACTION:** Notice of Conveyance of Public Land in Lewis and Clark County, Montana.

**SUMMARY:** Notice is hereby given that pursuant to Section 203 of the Act of October 21, 1976 (43 U.S.C. 1713 (1976)), the following described land was conveyed to David E., Seena R., Glen A. and David J. Walker:

Principal Meridian, Montana

T. 14 N., R. 3 W.,  
Sec. 34, lot 15.

The area described contains 0.05 acre.

The purpose of this notice is to inform state and local governmental officials and other interested parties of the conveyance of the land to the Walkers.

Edgar D. Stark,

Chief, Lands and Adjudication Section.

[FR Doc. 83-25872 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-84-M

### Regional Coal Team Meeting; Green River-Hams Fork Region Colorado and Wyoming

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public notice.

**SUMMARY:** This notice advises the public that the Regional Coal Team for the Green River-Hams Fork Federal Coal Production Region will meet to: (1) Review and analyze public comments on the Draft Environmental Impact Statement for Round II leasing in this coal region; (2) review the results of public hearings on the Draft EIS held in the Region; (3) consider the need for revising tract ranking and selection and give the EIS team appropriate direction for the final EIS; (4) allow public comment on the inclusion of Indian Springs tract in the preferred leasing alternative; (5) consider other pending issues in this coal region, including but not limited to Small Business Administration set-asides, public body

set-asides, and industry tract exploration activities.

**DATE:** The Regional Coal Team will meet October 20, 1983 at 10:00 a.m.

**ADDRESS:** Travelodge North, 200 West 48th Avenue, Denver, CO 80216.

**FOR FURTHER INFORMATION CONTACT:** Ken Smith, Bureau of Land Management, Colorado State Office—CO-821, 1037 20th Street, Denver, CO 80202, (303) 234-2855.

**SUPPLEMENTAL INFORMATION:** Material concerning the Round II coal leasing effort in this region including the Draft EIS and tract profile delineation documents can be obtained from the Colorado State Office, Bureau of Land Management at the above address.

Comments on the Regional Coal Team's Agenda may be submitted to Ken Smith.

September 16, 1983.

George C. Francis,

State Director, Colorado.

[FR Doc. 83-25874 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-84-M

### Uinta-Southwestern Utah Regional Coal Leasing; Regional Coal Team Meeting

**ACTION:** Notice of regional coal team meeting.

**SUMMARY:** This notice is to advise the public that the Regional Coal Team (RCT) for the Uinta-Southwestern Utah Federal Coal Production Region will meet to make final RCT recommendation to the Secretary of Interior concerning Round II competitive coal lease consideration. The RCT will make recommendation on: (1) specific tracts for lease sale; (2) special leasing opportunities; (3) the lease sale schedule.

**DATE:** The Regional Coal Team will meet on October 18, 1983, starting at 10:00 a.m.

**ADDRESS:** Any comments on the agenda items should be addressed to Edward F. Spang, Chairman, Regional Coal Team, Nevada State Director, Bureau of Land Management, P.O. Box 12000, Federal Building, 300 Booth Street, Reno, Nevada 89520.

The Regional Coal Team Meeting will be in Room No. 128 at the Salt Palace, 100 South West Temple Street, Salt Lake City, Utah.

**FOR FURTHER INFORMATION CONTACT:** Max Nielson, Coal Project Manager, Uinta-Southwest Utah Region, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah, telephone (801) 524-5326.

**SUPPLEMENTARY INFORMATION:** The RCT will meet on October 18, 1983, at 10:00 a.m. in the Salt Palace. The RCT will make final recommendation at this meeting to the Secretary of Interior on Round II leasing. Opportunity will be provided for public comment on any of the issues being considered. A verbatim transcript will be kept of the meeting which will be available with payment of a copy fee.

Material concerning the Round II potential lease sale including the Final EIS and information on potential lease tracts can be obtained by contacting the Bureau of Land Management Public Room at the Utah State Office 14th floor, University Club Building, 136 East South Temple, Salt Lake City, Utah.

Roland Robison,

State Director, Utah.

[FR Doc. 83-25875 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-84-M

### Minerals Management Service

#### Report on Outer Continental Shelf Oil and Gas Blowouts, 1979-1982 Open-File Report 83-562

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of availability of report on blowouts.

**SUMMARY:** The report presents data on the 31 blowouts which occurred on the Outer Continental Shelf (OCS) from 1979 through 1982. The information is also compared with data for earlier periods.

Sixteen blowouts occurred while drilling 4,449 wells. Only one blowout occurred during the production of 1,171 million barrels of oil and oil condensate and 19 trillion cubic feet of natural gas. Twenty fatalities occurred, and one mobile drilling vessel and two platform rigs were destroyed. Nineteen blowouts (61 percent) were controlled within a day. Only one blowout required a relief well to regain control. No identifiable environmental damage was caused by the 65 barrels of oil lost into the environment during two of the blowouts.

The rate of drilling blowouts per wells started has been decreasing since 1978; however, the number of blowouts occurring during completion and workover operations had increased in recent years. The time required to regain control of a blowout has been decreasing. The amount of oil spilled during nondrilling operations has decreased to less than one-tenth of what it was during the early 1970's and to less than one one-thousandths of the amount lost during the late 1960's. During the

past 12 years, 12,167 wells have been drilled without an oilspill of one barrel or more occurring as a result of a blowout.

**ADDRESSES:** Copies of the report may be obtained from the Offshore Rules and Operations Division, Minerals Management Service, 12203 Sunrise Valley Drive, Mail Stop 646, Reston, Virginia 22091.

**FOR FURTHER INFORMATION CONTACT:** Mark Fleury or Margaret Murphy at (703) 860-7564.

Dated: September 9, 1983.

Andrew V. Bailey,

*Acting Associate Director for Offshore Minerals Management.*

[FR Doc. 83-25817 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-MR-M

## National Park Service

### Indiana Dunes National Lakeshore Advisory Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held at 10 a.m., CDT, on Wednesday, October 12, 1983, at the Indiana Dunes National Lakeshore Visitor Center at U.S. Highway 12 and Kemil Road, Chesterton, Indiana.

The Commission was established by the Act of November 5, 1966, 80 Stat. 1309, 16 U.S.C. 460u-7, as amended by the Act of October 18, 1976, 90 Stat. 2530, 2533, to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Indiana Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. John R. Schnurlein (Chairperson)  
Mr. Ronald Benz  
Ms. Anna R. Carlson  
Mr. R. M. Gacki  
Mr. James Holland  
Ms. Lynne Kaser  
Mr. James H. Lahey  
Mr. William L. Lieber  
Ms. Celia Nealon  
Ms. Gail H. Harris  
Dr. John A. Rackauskas  
Dr. John Tucker  
Mr. Norman E. Tufford

Matters to be discussed at this meeting include:

1. Chairman's Quarterly Report.
2. Status of land protection.

### 4. Quarterly Status Report of 1983 Operations.

The meeting will be open to the public. Any member of the public may file with the Commission prior to the meeting a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Dale B. Engquist, Superintendent, Indiana Dunes National Lakeshore, 1100 North Mineral Springs Road, Porter, Indiana 46304, telephone 219-926-7561.

Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the office of the Indiana Dunes National Lakeshore located at 1100 North Mineral Springs Road, Porter, Indiana.

Dated: September 12, 1983.

Randall R. Pope,

*Acting Regional Director, Midwest Region.*

[FR Doc. 83-25777 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-70-M

### Virgin Islands National Park and Buck Island Reef National Monument Virgin Islands; Availability of General Management Plans/Development Concept Plans/Environmental Assessments and Public Meetings

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the National Park Service, U.S. Department of the Interior, has prepared environmental assessments for the proposed General Management Plans/Development Concept Plans for the Virgin Islands National Park and Buck Island Reef National Monument.

The environmental assessments consider the overall use, preservation, management and development of the above two areas. The proposal and two alternatives (no action and further expansion of visitor services) were considered in the assessment for Virgin Islands National Park. The proposal and a "no action" alternative were considered in the assessment for Buck Island Reef National Monument.

A limited number of copies are available upon request to:

Regional Director, Southeast Region,  
National Park Service, 75 Spring  
Street, SW, Atlanta, Georgia 30303,  
Telephone: (404) 221-5835, FTS 242-  
5835

Superintendent, Virgin Islands National  
Park, Box 7789, St. Thomas, Virgin  
Islands 00801, Telephone: (809) 775-  
2050

Public reading copies will be available for review at the above locations as well

as the following locations:

Office of Public Affairs, National Park  
Service, U.S. Department of the  
Interior, 18th & C Streets, NW.,  
Washington, D.C. 20240  
Christiansted National Historic Site, Old  
Customs House, Christiansted, St.  
Croix, Virgin Islands 00820  
Cruz Bay Public Library, Cruz Bay, St.  
John, Virgin Islands 00830  
Florence A. Williams Public Library, 40-  
50 King Street, Christiansted, St.  
Croix, Virgin Islands 00820  
Cruz Bay Visitor Center, Virgin Islands  
National Park, Cruz Bay, St. John,  
Virgin Islands 00830  
Red Hook Headquarters Office, Virgin  
Islands National Park, NPS Dock, St.  
Thomas, Virgin Islands 00801  
Enid M. Daa Public Library, 20  
Dronningens Gade, Charlotte Amalie,  
St. Thomas, Virgin Islands 00801  
Public Library, Fredericksted, St. Croix,  
Virgin Islands 00840

In addition, as part of the Service's program for public participation in planning, public meetings to consider the material in the assessments will be held at the following locations and times:

September 28, 1983, at 7:30 p.m. Virgin  
Islands Legislature, Senate  
Conference Room, Charlotte Amalie,  
St. Thomas, VI 00801  
*Open House*, 1-3 p.m. Call 775-2050 for  
location.  
September 29, 1983, at 7:30 p.m.  
Territorial Court Room, Boulon  
Center, Cruz Bay, St. John, VI 00830  
*Open House*, 1-4 p.m. Territorial Court  
Room  
September 30, 1983, 7:30 p.m. Virgin  
Islands Legislature, Senate  
Conference Room, Christiansted, St.  
Croix, VI 00820  
*Open House*, 1-3 p.m. Commandant's  
Quarters, Fort Christiansvaern,  
Christiansted, St. Croix, VI 00820

Public comments on the assessments and their alternatives are solicited. Written and oral comments will be received for consideration at the meetings. In addition, written comments will be received by the Regional Director and Superintendent at the addresses listed above until October 15.

Dated: September 9, 1983.

W. Thomas Brown,  
*Acting Regional Director, Southeast Region.*

[FR Doc. 83-25776 Filed 9-21-83; 6:45 am]

BILLING CODE 4310-70-M

**Office of Surface Mining Reclamation and Enforcement****Intent to Prepare a Draft Environmental Impact Statement for the Proposed East Gillette Mine, Campbell County, Wyoming (Federal Coal Leases W-0313663, 0311610, W-0312311)****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, intends to prepare an environmental impact statement (EIS) on the mining and reclamation plan submitted by the Kerr-McGee Coal Corporation to OSM and the State of Wyoming for the proposed East Gillette 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 in making a decision on Kerr-McGee Coal Corporation's application for a permit and mining plan approval for surface mining of coal east of the city of Gillette, Wyoming.

**DATES:** Written comments or statements on the scope of the EIS must be received no later than 5 p.m. MDT, October 24, 1983.

**ADDRESSES:** Written comments or statements should 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.

Copies of the mining plan and permit application are available for review at the above as well as at: the OSM Casper Field Office, Freden Building, 935 Pendell Boulevard, 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 East Gillette mine is a proposed surface coal mine to be located approximately 4 miles east of Gillette, Wyoming. Using truck and shovel mining methods, Kerr-McGee Coal Corporation plans to cover 256 million tons of coal at a maximum rate of 12.3 million tons per year for approximately 25 years. The mining operations will disturb approximately 2,602 acres of State and privately owned lands. The coal to be mined is owned by

the Federal Government and is leased to Kerr-McGee Coal Corporation.

Historical and present land use of the land to be affected by mining and associated disturbances is livestock grazing and wildlife habitat. The land will be restored to these uses. The East Gillette mine has mutual boundaries with four other mining operations. They are Cities Service's Dry Fork mine on the north, the Carter Mining Company's South Rawhide mine on the west, Wyodak Resources Development Corporation on the south and east, and Kerr-McGee Coal Corporation's Clovis Point mine on the east.

In 1977, the U.S. Geological Survey issued a draft EIS on the proposed East Gillette mine. A final EIS was never issued on this 1977 mining plan. The OSM has received a permit application filed in accordance with the Surface Mining Control and Reclamation Act of 1977 and the mining plan filed in accordance with the Mineral Leasing Act. The EIS will evaluate environmental impacts associated with approval, disapproval, or approval with conditions as well as other alternatives identified during scoping review.

Dated: September 15, 1983.

Dean Hunt,

Acting Director, Office of Surface Mining.

[FR Doc. 83-25862 Filed 9-21-83; 8:45 am]

BILLING CODE 4310-05-M

**INTERSTATE COMMERCE COMMISSION****Section 5b Application No. 2; Western Railroads Agreement**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Application by Western Railroad Traffic Association (WRTA) for approval of regional freight bureau transfers dismissed because approval not required. Employee complaints concerning labor protective conditions will be considered in a separate proceeding.

**SUMMARY:** The Interstate Commerce Commission has decided that the WRTA does not need prior Commission approval to transfer to Chicago, IL, the headquarters of its: (1) Southwestern Freight Bureau of St. Louis, MO, and (2) North Pacific Coast Freight Bureau and Pacific Southcoast Freight Bureau of San Francisco, CA. Prior approval is unnecessary because: (1) It is not required by statute; (2) the moves will not materially or substantively affect the various freight bureaus' responsibilities or operations; (3) there is no present or potential harm to the public interest; and

(4) there is no activity, relating to the proposed transfers, which requires insulation from the antitrust laws.

**DATE:** The decision is effective on September 22, 1983.

**FOR FURTHER INFORMATION CONTACT:** Louis E. Gitomer, (202) 275-7245.

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T. S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (D.C. Metropolitan area) or toll free 800-424-5403.

**DATED:** September 9, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Cradison. Chairman Taylor concurred in part, and dissented in part. He would not have severed the employee complaint.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 83-25862 Filed 9-21-83; 8:45 am]

BILLING CODE 7035-01-M

**DEPARTMENT OF JUSTICE****Drug Enforcement Administration****Importation of Controlled Substances; Applications**

On October 9, 1981, the Acting Administrator of the Drug Enforcement Administration published in the Federal Register, 46 FR 51093, a final order disposing of matters which were the subject of Docket No. 80-39. Circumstances which arose subsequent to those matters being referred to the Administrative Law Judge, caused the Acting Administrator to decline to grant Penick's application pending their resolution. Accordingly, the acting Administrator ordered the extension of Penick's registration in accordance with the provisions of 21 CFR 1301.47. On August 26, 1983, these areas of concern were resolved to the satisfaction of the parties involved.

Notice is hereby given that on February 25, 1983, Penick Corporation, 158 Mount Olivet Avenue, Newark, New Jersey 07114, made application to the Drug Enforcement Administration to be registered as an importer of the basic class of controlled substances listed below:

Drug	Schedule
Drug	II
Raw Opium (9500)	II
Poppy Straw (Opium Plant Form) (9759)	II
Concentrate of Poppy Straw (9670)	II

Any other applicant, and any other person who is presently registered with the Drug Enforcement Administration as a bulk importer of these substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1311.42 and in the form prescribed by 21 CFR 1316.47.

Any such comments or objections may be addressed to the Acting Administrator, Drug Enforcement Administration, 1405 I Street NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than October 24, 1983.

Dated: September 16, 1983.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 83-25901 Filed 9-21-83; 8:45 am]

BILLING CODE 4410-09-M

#### Manufacture of Controlled Substances; Notice of Application

On October 9, 1981, the Acting Administrator of the Drug Enforcement Administration published in the Federal Register, 46 FR 51093, a final order disposing of matters which were the subject of Docket No. 80-39.

Circumstances which arose subsequent to those matters being referred to the Administrative Law Judge, caused the Acting Administrator to decline to grant Penick's application pending their resolution. Accordingly, the Acting Administrator ordered the extension of Penick's registration in accordance with the provisions of 21 CFR 1301.47. On August 26, 1983, these areas of concern were resolved to the satisfaction of the parties involved.

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on February 25, 1983, Penick Corporation, 158 Mount Olivet Avenue, Newark, New Jersey 07114, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic class of controlled substances listed below:

Drug	Schedule
Pholcodine	I
LAAM	I
Codeine	II
Dihydrocodeine	II
Oxycodone	II
Diphenoxylate	II
Hydrocodone	II
Pethidine (meperidine)	II
Methadone	II
Methadone-Intermediate	II
Morphine	II
Thebaine	II

Drug	Schedule
Opium Extracts	II
Opium Fluid Extracts	II
Opium Tinctures	II
Opium Powders	II
Opium Granulated	II
Mixed Alkaloids of Opium	II
Concentrate of Poppy Straw	II
Phenazocine	II
Fentanyl	II

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Acting Administrator, Drug Enforcement Administration, 1405 I Street, Northwest, Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), must be filed not later than October 24, 1983.

Dated: September 16, 1983.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 83-25900 Filed 9-21-83; 8:45 am]

BILLING CODE 4410-09-M

#### Office of Juvenile Justice and Delinquency Prevention

##### Habitual Serious and Violent Juvenile Offender Program

**AGENCY:** Office of Juvenile Justice and Delinquency Prevention (OJJDP), Justice.  
**ACTION:** Notice of issuance of guideline for a new program initiative.

**SUMMARY:** This guideline announces a new OJJDP program initiative entitled the Habitual and Violent Juvenile Offender Program.

Office of Juvenile Justice and Delinquency Prevention Program Announcement Habitual Serious and Violent Juvenile Offender Program.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) pursuant to Section 224(a)(12) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, is sponsoring a Habitual Serious and Violent Juvenile Offender Program.

It is expected that a jurisdiction will apply for funding under either the Habitual Serious and Violent Juvenile Offender Program or Operation Hardcore, but not both. A jurisdiction having both a serious and violent juvenile recidivist problem and a juvenile gang problem must make a

selection between these two program initiatives.

#### Guideline—Habitual Serious and Violent Juvenile Offender Program OJJDP

##### A. Background

##### 1. Problem Addressed

As stated in the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, "juveniles account for almost half the arrests for serious crimes in the United States today" and the 1980 Amendments require that "particular attention be given to the areas of sentencing, providing resources necessary for informed dispositions and rehabilitation." In response, the Habitual Serious and Violent Juvenile Offender Program aims to target those youth who exhibit a repetitive pattern of serious delinquent behavior for more intensive prosecutorial and correctional intervention. The goals of this initiative are reducing the propensity to sustain a criminal lifestyle and to increase public security.

This program design builds upon lessons learned from the Law Enforcement Assistance Administration's Career Criminal Program which sought to intensify prosecutorial efforts of those adult defendants who appeared to have established a consistent, serious and violent pattern of criminal behavior. This programmatic design reflected an approach which was both continuous and consistent in addressing the career offender.

The suggested rehabilitative approach for the habitual delinquent is comprised of key components derived from the most promising correctional programs for serious and violent juvenile offenders. While this program design allows for considerable local discretion in determining how best to enhance the existing juvenile correctional system, the following three critical treatment requirements are specified for adjudicated target youth: individualized needs assessments, provision of individualized treatment, and utilization of continuous case management for successful community reintegration.

Various research studies have shown that a very small percentage of the juvenile population accounts for majority of juvenile crime. For example, the 1958 Philadelphia birth cohort study (Wolfgang, Figlio and Tracy) recently indicated that 7.5 percent of the males in the cohort had more than five police contacts and these youth accounted for 61 percent of all arrests and the majority of serious crime. The present technology

of prediction is not sufficiently advanced to allow for accurate early identification of individual delinquents who will pursue long-term criminal careers. It is known that certain high risk factors are associated with a youth's continued involvement in crime, with the strongest predictor of future criminal activity being that of past delinquent behavior. Research suggests that those youth who repeatedly come into contact with the juvenile justice system experience inconsistency in the sanctioning and treatment process, which may partially account for failure of rehabilitative efforts. This program's focus on vertical prosecution and continuous case management is intended to increase the consistency of the juvenile justice system in holding a youth accountable for his actions. It is this small group of serious juvenile offenders who repeatedly victimize the community, that require the most intensive resources of the entire justice system in order to protect the public as well as enhance the likelihood of successful rehabilitation efforts.

## II. Results Sought

(a) Expedient prosecution and treatment of juvenile offenders whose juvenile histories indicated repeated commission of serious and violent delinquent acts. These delinquent acts include robbery, burglary in the first degree, chronic breaking and entering, forcible sexual offenses, aggravated assault and recidivist homicide;

(b) Reduction of number of pre hearing or pre trial release or bond decisions made without knowledge of the juvenile's delinquent history because juvenile records, court or police, are unavailable to the prosecutor. In conjunction with this, prosecutors are strongly urged to obtain and employ these records to the maximum extent possible in the prosecution and dispositional process;

(c) Reduction of pre trial, trial and dispositional delays;

(d) Restriction or elimination of charge or sentence bargaining;

(e) Reduction in the number of dismissals for reasons other than on the merits of the case by:

(1) Ensuring that all evidence collected by law enforcement authorities is done in an admissible manner, and

(2) Enhancing and improving methods for obtaining the cooperation of victims and witnesses.

(f) Development of treatment and rehabilitative initiatives to foster reintegration into society (e.g. continuous case management, enhanced

diagnosis and treatment for recidivist offenders).

## III. Program Strategy

(a) Projects funded under this program initiative are expected to expedite the preparation and presentment of habitually serious and violent juvenile offender cases where these offenders frequently commit robbery, first degree burglary, forcible sexual offenses, aggravated assault and recidivist homicide. A major assumption underlying this programmatic approach is a commitment to prosecute on a priority basis those cases which meet a jurisdiction's habitual serious and violent juvenile offender case selection criteria and to develop treatment modes directed at rehabilitation and reintegration. (Note: While a jurisdiction seeking funding must propose this threshold selection criteria to OJJDP, at a minimum *one* prior juvenile adjudication for a serious offense is necessary for qualification under this program).

Note that funds awarded under this program cannot be used to pursue transfer to the adult system unless a provision exists under State law which permits the adult system to waive/transfer back the juvenile to the juvenile system for treatment following disposition.

In response to this strategy, the following elements must be included in all projects. Plans for their development and a schedule for implementation must be thoroughly discussed in the application.

### (a) Prosecutor

(1) Screen and evaluate all juvenile arrests and delinquency petitions to identify habitual serious and violent cases in accordance with predetermined and uniformly applied case selection criteria;

(2) Assignment of experienced prosecutors to these cases;

(3) Individualized case preparation (vertical prosecution—initiating prosecutor remains with the case throughout entire process);

(4) A policy of limited or no charge and sentence bargaining;

(5) Enhanced victim witness coordination and notification at each critical stage of the prosecution process;

(6) Representation of the state at all critical stages in the juvenile justice process; and,

(7) A quantitatively trained program analyst should be assigned to the project to collect and analyze project data for assessment of project performance.

### (b) Courts

(1) Priority case docketing; and  
(2) Expedient preparation of pre-sentence investigation reports.

### (c) Corrections

(1) Development implementation of an enhanced diagnostic assessment process for determination of individual youth's treatment needs in one or more of the following general areas:

- physical health,
- mental health,
- individual behavioral and social problems,
- family involvement and background,
- educational status,
- vocational status,
- recreational and leisure time activities,
- life skills for community living, and
- existing community resources.

(2) Development of goal-oriented treatment plans and provision of individualized services which respond to the needs identified in the diagnostic assessment;

(3) Utilization of the concept of continuous case management to ensure individualized advocacy and care for each youth, continuity of treatment, and a primary focus on community reintegration.

### (d) Victims and Witnesses

(1) Victims are informed of the availability of public or private programs that provide victim counseling, treatment, or support;

(2) Victims are informed of compensation for which they may be entitled under law;

(3) Prosecutors shall consult victims for their views on scheduling changes and/or continuances affecting their appearances or attendance at judicial proceedings;

(4) Prosecutors shall consult with victims for their views on the proposed terms of any negotiated plea and, notify the court of the victim's views if the victim disagrees with the terms of the plea; and,

(5) Prosecutors shall ensure that victims have the opportunity at the time of sentencing to inform the court in writing and in person of the circumstances of the crime and the full impact that the defendant's crime has had on them and their families.

## IV. Eligibility

Applications are invited from state and local prosecutors offices having jurisdiction over juvenile matters in jurisdictions where there is a high

incidence of serious and violent crime defined by UCR reports. These are:

Alabama	Missouri
Birmingham	Kansas City
Arizona	St. Louis
Phoenix	Nevada
California	Las Vegas
Long Beach	New Jersey
Los Angeles	*Newark
*Oakland	New Mexico
Sacramento	Albuquerque
San Francisco	New York
San Jose	Buffalo
San Diego	New York
Colorado	Ohio
Denver	Cincinnati
Connecticut	Cleveland
Hartford	Columbus
District of Columbia	Dayton
Washington	Toledo
Florida	Oklahoma
Jacksonville	Oklahoma City
Miami	Oregon
Tampa	Portland
Georgia	Pennsylvania
Atlanta	Philadelphia
Illinois	Pittsburgh
Chicago	Tennessee
Indiana	Memphis
Indianapolis	Nashville
Louisiana	Texas
New Orleans	Dallas
Maryland	Fort Worth
Baltimore	*Houston
Massachusetts	San Antonio
*Boston	Washington
Michigan	Seattle
Detroit	Wisconsin
Flint	Milwaukee
Minnesota	Puerto Rico
Minneapolis	*San Juan

#### V. Deadline for Submission of Applications

One (1) original and two (2) copies of

\* Based on 1979 data; 1980 not yet available.

the application must be delivered to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Room 786, 633 Indiana Avenue, N.W., Washington, D.C. 20531 by 5:30 p.m. on December 19, 1983 or, applications may be mailed to the above address by either certified or registered mail return receipt. Date of receipt is evidenced by the U.S. Postal Service Postmark on the original receipt from the U.S. Postal Service. The necessary forms for applications may be secured by writing to OJJDP.

*Intergovernmental Review of Federal Programs.* On July 14, 1982, the President signed Executive Order 12372, "Intergovernmental Review of Federal Programs," to provide State and local governments increased and more effective opportunities to influence Federal actions affecting their jurisdictions. Final regulations (28 CFR Part 30) implementing the Order for the Department of Justice were published in the *Federal Register* on June 24, 1983 (48 FR 29238). The Order and the regulations, which become effective September 30, 1983, permit States to establish a state process for the review of Federal programs and activities, to select which programs (from a previously published list) they wish to review proposed Federal programs and activities, and to make their views known to the Department through a State "single point of contact" (SPOC). The Order and the implementing regulations revoke the former A-95 clearance process.

Applicants for this program must submit a copy of their application to the State "Single Point of Contact," if one has been established and if the State has selected this program to be covered in its review process. Applications must be submitted to the SPOC for review and comment at the same time they are submitted to OJJDP. Under the regulations, the State process has up to sixty (60) days to review and comment. The review period shall begin on the date the application is due to OJJDP.

Since this guideline will be published

prior to the identification of State single point of contact, applicants should write \* \* \* Benjamin Shapiro, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

#### VI. Application Requirements

All applications must include the following information in Part IV of the application form (Standard Form 424).

(a) A profile of the local juvenile crime problem (UCR's, victimization data where available) serious and violent juvenile crime rates; prosecutor caseloads, adjudication rates by offense, current juvenile detention center and secure facility capabilities;

(b) An indication of the number expressed in percentages of the jurisdiction's total serious and violent crime committed by repeat juvenile offenders;

(c) A description of each component of the juvenile justice system including a system flow chart from point of arrest to trial to disposition with estimated elapsed time between key events;

(d) Evidence of cooperation and support from all parts of the juvenile justice system (police, prosecutor, courts, bail or pretrial agencies, and corrections agencies). Applicants should candidly discuss real and potential impediments to such cooperation and furnish a strategy to remedy the situation;

(e) The proposed project case selection criteria to be used to select cases into the project and the means by which the prosecutor will ensure adherence to and uniform application of the criteria;

(f) A description of the jurisdiction's proposed processing of these cases and how this procedure will vary from current practice and the additional resources required by this proposed approach;

(g) A description and discussion of all statutes, court rules and administrative directives pertinent to the program [e.g. habitual offender statutes, speedy trial rules, and especially, provisions for transfer/waiver to the adult system and waive-back provisions to the juvenile system, if any;

(h) Anticipated impact of this program upon both the juvenile justice and adult criminal justice systems, how this anticipated impact may create difficulties for either or both systems, and anticipated action to be taken to alleviate these difficulties; and

(i) Anticipated benefits to accrue to both systems from this program with emphasis on the juvenile system.

(j) A description of the focus on the rehabilitative component, the funds to be awarded and the agency designated to implement this component. The actual proposal may be submitted 60 days following grant award for successful applicants;

(k) A project implementation plan which provides for major milestones and activities from start-up to project completion for the two-year program;

(l) A one-year detailed budget supported by narrative with a second year summary budget.

#### VII. Dollar Range, Number and Duration of Awards

(1) Award of up to six grants is anticipated.

(2) Period for this program is two years and projects may receive a continuation grant award if performance in this first budget year is determined to be successful.

(3) Grants to state or local prosecutor offices may range from \$250,000 to \$300,000, portion of which is to be allocated to the jurisdiction's Department of Corrections for the Juvenile Court for enhancement of rehabilitative services.

#### VIII. Criteria for Selection

Applications will be reviewed and decisions made on a comparative basis of the following criteria. In review of the applications the selection criteria will be consistently applied to each application. Specific criteria may be weighted.

(1) Anticipated impact on results sought;

(2) Incidence of serious and violent juvenile crime;

(3) Documentation of serious and violent juvenile crime problem and the ability to collect and analyze information necessary to identify serious and violent juvenile recidivist offenders;

(4) Prosecutors shall consult with victims for their views on the proposed

terms of any negotiated plea and, notify the court of the victim's views if the victim disagrees with the terms of the plea; and,

(5) Prosecutors shall ensure that victims have the opportunity at the time of sentencing to inform the court in writing and in person of the circumstances of the crime and the full impact that the defendant's crime has had on them and their families;

(6) Strong commitment to the program at the policy level of the prosecutorial agency as evidenced by letters of commitment;

(7) The quality of the project implementation plan;

(8) A forecast of the jurisdiction's ability to assume the costs of the project following two one-year grant awards.

#### Victims and Witnesses

Listed below are the minimum elements for victim and witness services required for funding of proposals under this program. Preference in selection for funding will be given to those applicants who address most completely the services articulated in the U.S. Attorney General's "Guidelines for Victim and Witness Assistance," issued in July 1983 (copies available) and the Final Report of the President's Task Force on Victims of Crime.

The minimum elements required for funding are the following informational and consultative services for the victims and witnesses who are involved in the cases brought under this program:

(1) Victims are informed of the availability of public or private programs that provide victim counseling, treatment, or support;

(2) Victims are informed of compensation for which they may be entitled under law;

(3) Prosecutors shall consult victims for their views on scheduling changes and/or continuances affecting their appearances or attendance at judicial proceedings;

(4) Prosecutors shall consult with victims for their views on the proposed terms of any negotiated plea and notify the court of the victim's views if the victim disagrees with the terms of the plea; and,

(5) Prosecutors shall ensure that victims have the opportunity at the time of sentencing to inform the court in writing and in person of the circumstances of the crime and the full impact that the defendant's crime has had on them and their families.

#### XI. Evaluation Requirements

The projects funded under this program will be evaluated by an independent evaluator selected by the

Office of Juvenile Justice and Delinquency Prevention under separate solicitation. The evaluation design will include comparison of each local site's existing method of handling delinquent youth with the handling of target youth and other cases following the site's initiation of the program. A process evaluation of program implementation as well as an assessment of program impact will be conducted. The evaluations will develop a Management Information System (MIS) and train locally-hired data collectors to incorporate this MIS into program operations in order to enhance the identification, processing and follow-up of target youth throughout their involvement in the justice system. The MIS will provide critical data regarding target youth's offense history, juvenile or criminal justice system experiences, system processing, correctional placement, and recidivism.

Each local site will be required to hire a full-time project data collector as well as provide full access to data. (Written verification of data access should be provided in the application. Local jurisdictions must presently have a sufficiently sophisticated records system which would provide for: the generation of baseline data and project period data, and the incorporation of the MIS into the existing records system.)

#### X. Civil Rights Compliance

1. All recipients of LEAA assistance must comply with:

(a) Section 815(c) of the Justice System Improvements Act (JSIA), and its implementing regulations, found at 28 CFR 42.201, *et seq.*;

(b) Title VI of the Civil Rights Act of 1964, and its implementing regulation, found at 28 CFR 42.101, *et seq.*;

(c) Section 504 of the Rehabilitation Act of 1973, as amended, and its implementing regulations;

(d) The Age Discrimination Act of 1975, as amended, and its implementing regulations; and

(e) Executive Order 12138, 44 FR 29637 (May 22, 1979), requiring recipients of federal financial assistance to take appropriate affirmative action in support of women's business enterprise.

2. Each recipient of LEAA assistance within the criminal justice system that has 50 or more employees and that has received grants or subgrants totaling \$25,000 or more since the enactment of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and that has a service population with a minority representation of 3% or more is required to formulate, implement and maintain an Equal Employment

Opportunity Program (EEOP). Where a recipient has 50 or more employees, and has received grants or subgrants of \$25,000 or more, and has a service population with a minority representation of less than 3% such recipient is required to formulate, implement and maintain an EEOP relating to employment practices affecting women. This requirement shall be satisfied prior to the award. An applicant for LEAA assistance of \$500,000 or more must submit its EEOP with the application. *The EEOP must be approved by OJARS' Office of Civil Rights Compliance prior to award.* Failure to address this requirement will result in rejection of the proposal.

3. Applicants that do not meet any of the criteria in (2) above, educational institutions and private not-for-profit organizations shall maintain such records and submit to the OJJDP upon request timely, complete and accurate data establishing the fact that no person or persons will be or have been denied or prohibited from participation in, benefits of, or denied or prohibited from obtaining employment in connection with any program activity funded in whole or in part with funds made available under this program because of their race, national origin, sex, religion, handicap or age. In the case of any program under which a primary recipient of Federal funds extends financial assistance to any other recipient or contracts with any other person(s) or group(s), such other recipient, person(s) or group(s) shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to assure its civil rights compliance obligations under any grant award.

Alfred S. Regnery,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 83-25853 Filed 9-21-83; 9:45 am]

BILLING CODE 4410-18-M

### Operation Hardcore

**AGENCY:** Office of Juvenile Justice and Delinquency Prevention (OJJDP), Justice.

**ACTION:** Notice of issuance of guideline for a new program initiative.

**SUMMARY:** This guideline announces a new OJJDP program initiative entitled Operation Hardcore.

Office of Juvenile Justice and Delinquency Prevention Program Announcement Operation Hardcore.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) pursuant to Section 224(a)(12) of the Juvenile Justice and Delinquency

Prevention Act of 1974, as amended, is sponsoring a program entitled Operation Hardcore.

It is expected that a jurisdiction will apply for funding under either the Habitual Serious and Violent Juvenile Offender Program or Operation Hardcore, but not both. A jurisdiction having both a serious and violent recidivist problem and a juvenile gang problem must make an election between these two program initiatives.

### Guideline—Operation Hardcore

#### A. Background.

#### I. Problem Addressed

As stated in the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, OJJDP is authorized to develop and implement special emphasis and treatment programs relating to juveniles who commit serious crimes. Data on the numbers of gangs and gang members in major cities are inexact, but available data permit estimates of a minimum of 760 gangs and 28,500 gang members in six cities reporting serious gang problems (New York, Chicago, Los Angeles, Philadelphia, Detroit, San Francisco), as well as a higher estimate of 2,700 gangs and 81,500 members (based on research conducted by Walter Miller 1975, cited in an evaluation of Operation Hardcore by the Mitre Corporation, 1982). The minimum estimate is somewhat low in view of the fact that in Los Angeles County alone there are more than 400 gangs with a membership in excess of 30,000.

Gang members are predominantly male and range in age from about 10 to 21. Data suggest that gang violence in some parts of the United States constitutes a major crime problem. Youth gang violence is more serious today than ever before. Security of citizens is threatened by gangs as never before and violence and other illegal activities by members of youth gangs represents a crime problem of the first magnitude.

Operation Hardcore, an approach to gang prosecution, was developed in the Los Angeles County District Attorney's Office with Federal funding support. Through an approach of selective and targeted prosecution, Operation Hardcore handles gang and gang-related felony cases in a priority manner, utilizing vertical as opposed to horizontal prosecution, reduced prosecutor caseloads enhanced investigation and the assignment of more experienced attorneys to handle these cases. Specialized resources are made available for witness assistance, protection and relocation.

### II. Results Sought

(a) Expedient prosecution and treatment of juvenile gang offenders whose juvenile histories indicate repeated commission of serious and violent (felonies) gang-related delinquent acts.

(b) Reduction of incidences of gang victim witness intimidation through the development of victim witness protection and relocation programs.

(c) Prevention of gang-related serious and violent crimes through prosecution of the most serious gang offenders.

(d) Increased cooperation and coordination between police, prosecutorial authorities, neighborhood groups, probation officials, schools, youth organizations, etc.

(e) Reduction in the number of pre hearing or pre trial release or bond decisions made without knowledge of the juvenile's delinquent history because juvenile records, court or police, are unavailable to the prosecutor. In conjunction with this, prosecutors are strongly urged to obtain and employ these records to the maximum extent possible in the prosecution and dispositional process.

(f) Reduction of pre trial, and dispositional delays.

(g) Restriction or elimination of charge or sentence bargaining.

(h) Reduction in the number of dismissals for reasons other than on the merits of the case by ensuring that all evidence collected by law enforcement authorities is done in an admissible manner.

(i) Enhancement of treatment and rehabilitative initiatives to foster reintegration into society (e.g. continuous case management, enhanced diagnosis and treatment for recidivist offenders).

### III. Program Strategy

(a) Projects funded under this program initiative are expected to expedite the preparation and presentment of serious and violent gang related cases where these gang members frequently commit robbery, burglary in the first degree, forcible sexual offenses, aggravated assault, menacing (witness intimidation) and recidivist homicide. A critical element of this program is close coordination between law enforcement and prosecutorial authorities. (Note: While a jurisdiction seeking funding must propose their threshold selection criteria to OJJDP, at a minimum, one prior juvenile adjudication for a serious offense or gang-related offense is necessary.

(b) As part of this initiative, a victim/witness protection and relocation component must be developed to ensure to the maximum extent possible their protection and cooperation with the juvenile justice system.\*

(c) Note that funds awarded under this program cannot be used to pursue transfer to the adult system unless a provision exists under State Law which permits the adult system to waive/transfer-back the juvenile to the juvenile system for treatment following disposition. In addition, funds may not be used to prosecute adult gang members. Therefore, cooperative agreements should be negotiated with adult prosecutorial authorities.

The following elements must be included in all projects. Plans for their development and a schedule for implementation must be thoroughly discussed in the application.

#### (a) Prosecutor

(1) Screen and evaluate all juvenile arrests and delinquency petitions to identify habitual serious and violent gang related cases in accordance with predetermined and uniformly applied case selection criteria;

(2) Assignment of experienced prosecutors to these cases;

(3) Individualized case preparation (vertical prosecution—initiating prosecutor remains with the case throughout entire process);

(4) A policy of limited or no charge and sentence bargaining;

(5) Enhanced victim/witness coordination and notification at each critical stage of the prosecution process;

(6) Representation of the state at all critical stages in the juvenile justice process; and,

(7) A quantitatively trained program analyst should be assigned to the project to collect and analyze project data for assessment of project performance.

#### (b) Courts

(1) Priority case docketing; and  
(2) Expedient preparations of pre-sentence investigation reports.

#### (c) Corrections

(1) Development/implementation of an enhanced diagnostic assessment process for determination of individual youth's treatment needs in one or more of the following general areas:

- physical health,
- mental health,
- individual behavioral and social problems,
- educational status,
- vocational status,
- recreational and leisure time activities,
- life skills for community living, and,
- existing community resources.

(2) development of goal-oriented treatment plans and provision of individualized services which respond to the needs identified in the diagnostic assessment;

(3) utilization of the concept of continuous case management to ensure individualized advocacy and care for each youth, continuity of treatment, and a primary focus on community reintegration.

#### (d) Victims and Witnesses

(1) Victims are informed of the availability of public or private programs that provide victim counseling, treatment, or support;

(2) Victims are informed of compensation for which they may be entitled under law;

(3) Prosecutors shall consult victims for their views on scheduling changes and/or continuances affecting their appearances or attendance at judicial proceedings;

(4) Prosecutors shall consult with victims for their views on the proposed terms of any negotiated plea and, notify the court of the victim's views if the victim disagrees with the terms of the plea; and,

(5) Prosecutors shall ensure that victims have the opportunity at the time of sentencing to inform the court in writing and in person of the circumstances of the crime and the full impact that the defendant's crime has had on them and their families.

\* Based on 1979 data; 1980 not yet available.

#### IV. Eligibility

Applications are invited from state and local prosecutors offices having jurisdiction over juvenile matters in jurisdictions where there is a high incidence of serious and violent crime defined by UCR reports. These are:

Alabama	Missouri
Birmingham	Kansas City
	St. Louis
Arizona	Nevada
Phoenix	Las Vegas
California	New Jersey
Long Beach	* Newark
Los Angeles	New Mexico
* Oakland	Albuquerque
Sacramento	New York
San Francisco	Buffalo
San Jose	New York
San Diego	
Colorado	Ohio
Denver	Cincinnati
Connecticut	Cleveland
Hartford	Columbus
	Dayton
District of Columbia	Toledo
Washington	Oklahoma
	Oklahoma City
Florida	Oregon
Jacksonville	Portland
Miami	Pennsylvania
Tampa	Philadelphia
Georgia	Pittsburgh
Atlanta	Tennessee
Illinois	Memphis
Chicago	Nashville
Indiana	Texas
Indianapolis	Dallas
Louisiana	Fort Worth
New Orleans	* Houston
Maryland	San Antonio
Baltimore	Washington
Massachusetts	Seattle
* Boston	Wisconsin
Michigan	Milwaukee
Detroit	Puerto Rico
Flint	* San Juan
Minnesota	
Minneapolis	

Public prosecutor's offices having jurisdiction over juvenile matters may apply. Projects, in order to be considered for funding must demonstrate in their applications:

- (a) The presence of a significant number of gangs within the jurisdiction;
- (b) That a substantial amount of serious and violent juvenile crime is committed by gangs; and,
- (c) That there is documented evidence of close cooperation between prosecutorial and local law enforcement authorities. This can be demonstrated by letters of agreement.

#### V. Deadline for Submission of Applications

One (1) original and two (2) copies of the application must be delivered to the Office of Juvenile Justice and Delinquency Prevention (OJJDP), Room 786, 633 Indiana Avenue, N.W., Washington, DC 20531 by 5:30 pm on November 30, 1983 or, applications may be mailed to the above address by either certified or registered mail return receipt. Data of receipt is evidenced by the U.S. Postal Service Postmark on the original receipt from the U.S. Postal Service. The necessary forms for applications may be secured by writing to OJJDP.

*Intergovernmental Review of Federal Programs.* On July 14, 1982, the President signed Executive Order 12372, "Intergovernmental Review of Federal Programs," to provide State and local governments increased and more effective opportunities to influence Federal actions affecting their jurisdictions. Final regulations (28 CFR 30) implementing the Order for the Department of Justice were published in the *Federal Register* on June 24, 1983 (48 FR 29238). The Order and the regulations, which become effective September 30, 1983, permit States to establish a state process for the review of Federal programs and activities, to select which programs (from a previously published list) they wish to review, to review proposed Federal programs and activities, and to make their views known to the Department through a State "single point of contact" (SPOC). The order and the implementing regulations revoke the former A-95 clearance process.

Applicants for this program must submit a copy of their application to the State "Single Point of Contact," if one has been established and if the State has selected this program to be covered in its review process. Applications must

be submitted to the SPOC for review and comment at the same time they are submitted to OJJDP. Under the regulations, the State process has up to sixty (60) days to review and comment. The review period shall begin on the date the application is due to OJJDP.

Since this guideline will be published prior to the identification of State single point of contact, applicants should write \* \* \* Benjamin Shapiro, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

#### VI. Application Requirements

All applications must include the following information in Part IV of the application form (Standard Form 424).

- (a) A profile of the local gang problem and an indication of the percentage of serious and violent crime committed by gang members and what percentage of total crime is gang-related;
- (b) An indication of the number expressed in percentages of the jurisdiction's total serious and violent crime committed by repeat juvenile offenders;
- (c) A description of each component of the juvenile justice system including a system flow chart from point of arrest to trial to disposition with estimated elapsed time between key events;
- (d) Evidence of cooperation and support from all parts of the juvenile justice system (police, prosecutor, courts, bail or pretrial agencies, and corrections agencies.) Applicants should candidly discuss real and potential impediments to such cooperation and furnish a strategy to remedy the situation;
- (e) The proposed project case selection criteria to be used to select cases into the project and the means by which the prosecutor will ensure adherence to and uniform application of the criteria;
- (f) A description of the jurisdiction's proposed processing of these cases and how this procedure will vary from current practice and the additional resources required by this proposed approach;
- (g) A description and discussion of all statutes, court rules and administrative directives pertinent to the program (e.g. habitual offender statutes, speedy trial rules, and especially, provisions, for transfer/waiver to the adult system and waiver-back provisions to the juvenile system, if any; and
- (h) Anticipated impact of this program upon both the juvenile justice and adult criminal justice systems, how this

anticipated impact may create difficulties for either or both systems, and anticipated action to be taken to alleviate these difficulties; and,

#### (i) Victims and Witnesses

Listed below are the minimum elements for victim and witness services required for funding of proposals under this program. Preference in selection for funding will be given to those applicants who address most completely the services articulated in the U.S. Attorney General's "Guidelines for Victim and Witness Assistance," issued in July 1983 (copies available) and the Final Report of the President's Task Force on Victims of Crime.

The minimum elements required for funding are the following informational and consultative services for the victims and witnesses who are involved in the cases brought under this program:

- (1) Victims are informed of the availability of public or private programs that provide victim counseling, treatment, or support;
- (2) Victims are informed of compensation for which they may be entitled under law;
- (3) Prosecutors shall consult victims for their views on scheduling changes and/or continuances affecting their appearances or attendance at judicial proceedings;
- (4) Prosecutors shall consult with victims for their views on the proposed terms of any negotiated plea and, notify the court of the victim's views if the victim disagrees with the terms of the plea; and,
- (5) Prosecutors shall ensure that victims have the opportunity at the time of sentencing to inform the court in writing and in person of the circumstances of the crime and the full impact that the defendant's crime has had on them and their families.
- (j) Anticipated benefits to accrue to both systems from this program with emphasis on the juvenile system. (Note: If the applicants overall approach is to tie in adult and juvenile systems in an amalgamated project, a pro-rata cost allocation plan should be included so that juvenile justice grant funds are only allocated to juvenile system activities.
- (k) A description of the focus of the rehabilitation component, funds to be awarded, and agency designated to implement this component. Actual proposal can be submitted within 60 days of award.
- (l) A one-year detailed budget with supporting narrative and a second-year

budget summary based on anticipated second year award.

(m) A project implementation plan which provides for major milestones and activities from start-up to project completion for the two year program.

#### VII. Dollar Range, Number and Duration of Awards

Up to five grants will be competitively awarded to state and primarily local prosecutors offices having jurisdiction over juvenile matters. A portion of the grant award must be allocated to the jurisdiction's Department of Corrections or the Juvenile Court for enhancement or rehabilitative services. Grants may range from \$150,000 to \$200,000. The program period is two years with grants made in yearly increments. Projects may receive a continuation grant award if performance in this first budget year is determined to be successful.

#### VIII. Criteria for Selection

Applications will be reviewed and decisions made on a comparative basis of the following criteria. In review of the applications, the selection criteria will be consistently applied to each application. Specific criteria may be weighted.

(1) Anticipated impact on results sought;

(2) Incidence of serious and violent juvenile gang and gang related crime;

(3) Documentation of serious and violent juvenile gang crime problem and the ability to collect and analyze information necessary to identify serious and violent juvenile recidivist offenders;

(4) Existence of a procedure to screen for and select cases for this program;

(5) The extent to which adequate prosecutorial resources are assigned to expedite the prosecution of the program's cases;

(6) Strong commitment to the program at the policy level or the prosecutorial agency as evidenced by letters of commitment;

(7) The quality of the project implementation plan;

(8) A forecast of the jurisdiction's ability to assume the costs of the project following two one-year grant awards; and

(9) Listed below are the minimum elements for victim and witness services required for funding of proposals under this program. Preference in selection for funding will be given to those applicants who address most completely the services articulated in the U.S. Attorney General's "Guidelines for Victim and Witness Assistance," issued in July 1983 (copies available) and the Final Report of the President's Task Force on Victims

of Crime. (Refer to VI—Application Requirements (i)).

#### IX. Evaluation Requirements

The projects funded under this program will be evaluated by an independent evaluator selected by the Office of Juvenile Justice and Delinquency Prevention under separate solicitation. The evaluation design will include comparison of each local site's existing method of handling delinquent youth with the handling of target youth and other cases following the site's initiation of the program. A process evaluation of program implementation as well as an assessment of program impact will be conducted. The evaluations will develop a Management Information System (MIS) and train locally-hired data collectors to incorporate this MIS into program operations in order to enhance the identification, processing and follow-up of target youth throughout their involvement in the justice system. The MIS will provide critical data regarding target youth's offense history, juvenile or criminal justice system experiences, system processing, correctional placement, and recidivism.

Each local site will be required to hire a full-time project data collector as well as provide full access to data. (Written verification of data access should be provided in the application. Local jurisdictions must presently have a sufficiently sophisticated records system which would provide for: the generation of baseline data and project period data, and the incorporation of the MIS into the existing records system.)

#### X. Civil Rights Compliance

1. All recipients of LEAA assistance must comply with:

(a) Section 815(c) of the Justice System Improvements Act (JSIA), and its implementing regulations, found at 28 CFR 42.201, *et seq.*;

(b) Title VI of the Civil Rights Act of 1964, and its implementing regulation, found at 28 CFR 42.101, *et seq.*;

(c) Section 504 of the Rehabilitation Act of 1973, as amended, and its implementing regulations;

(d) The Age Discrimination Act of 1975, as amended, and its implementing regulations; and

(e) Executive Order 12138, 44 FR 29637 (May 22, 1979), requiring recipients of federal financial assistance to take appropriate affirmative action in support of women's business enterprise.

2. Each recipient of LEAA assistance within the criminal justice system that has 50 or more employees and that has received grants or subgrants totaling \$25,000 or more since the enactment of

the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and that has a service population with a minority representation of 3% or more is required to formulate, implement and maintain an Equal Employment Opportunity Program (EEO). Where a recipient has 50 or more employees, and has received grants or subgrants of \$25,000 or more, and has a service population with a minority representation of less than 3%, such recipient is required to formulate, implement and maintain an EEOP relating to employment practices affecting women. This requirement shall be satisfied prior to the award. An applicant for LEAA assistance for \$500,000 or more must submit its EEOP with the application. *The EEOP must be approved by OJARS' Office of Civil Rights Compliance prior to award.* Failure to address this requirement will result in rejection of the proposal.

3. Applicants that do not meet any of the criteria in (2) above, educational institutions and private not-for-profit organizations shall maintain such records and submit to the OJJDP upon request timely, complete and accurate data establishing the fact that no person or persons will be or have been denied or prohibited from participation in, benefits of, or denied or prohibited from obtaining employment in connection with any program activity funded in whole or in part with funds made available under this program because of their race, national origin, sex, religion, handicap or age. In the case of any program under which a primary recipient of Federal funds extends financial assistance to any other recipient or contracts with any other person(s) or group(s), such other recipient, person(s) or group(s) shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to assure its civil rights compliance obligations under any grant award.

Alfred S. Regnery,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 83-25854 Filed 9-21-83; 9:45 am]

BILLING CODE 4410-18-M

#### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-285]

#### Omaha Public Power District; Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has

issued Amendment No. 75 to Facility Operating License No. DPR-40 issued to Omaha Public Power District (the licensee), which revised the license and the Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

The amendment allows an increase in the storage capacity for the spent fuel pool from 483 whole fuel assemblies to 729 whole fuel assemblies.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Consideration of Issuance of Amendment to Facility Operating License in connection with this action was published in the *Federal Register* on May 10, 1982 (47 FR 20056). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal for this action and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility.

For further details with respect to this action, see (1) the application for amendment dated March 12, 1983, as supplemented by letters dated April 26, June 23, November 23, 1982, January 21, April 29, June 6, August 1, and August 23, 1983, (2) Amendment No. 75 to License No. DPR-40, (3) the Commission's related Safety Evaluation, and (4) the Commission related Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, Omaha, Nebraska 68102. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 9th day of September, 1983.

For the Nuclear Regulatory Commission.  
James R. Miller,  
Chief, Operating Reactors Branch No. 3,  
Division of Licensing.

[FR Doc. 83-25904 Filed 9-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-354-OL; ASLBP No. 83-492-05 OL]

**Public Service Electric and Gas Co.,  
Atlantic City Electric Co., Hope Creek  
Generating Station Construction  
Permit No. CPPR-120; Reconstitution  
of Board**

Pursuant to the authority contained in 10 CFR 2.721, the Atomic Safety and Licensing Board for *Public Service Electric and Gas Co. and Atlantic City Electric Co.* (Hope Creek Generating Station), Docket No. 50-354-OL, is hereby reconstituted by appointing Administrative Judge Peter A. Morris in place of Administrative Judge Emmeth A. Luebke who is unable to continue to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:  
Marshall E. Miller, Chairman  
Dr. Peter A. Morris  
Dr. James A. Carpenter

All correspondence, documents and other material shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Administrative Judge Peter A. Morris, Atomic Safety and Licensing Board, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 16th day of September, 1983.

B. Paul Cotter, Jr.,  
Chief Administrative Judge, Atomic Safety  
and Licensing Board Panel.

[FR Doc. 83-25905 Filed 9-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-362]

**Southern California Edison Company,  
et al.; San Onofre Nuclear Generating  
Station, Unit 3; Issuance of  
Amendment to Facility Operating  
License NPF-15**

Pursuant to the Commission's authorization granted at a meeting held on September 16, 1983, the U.S. Nuclear Regulatory Commission (the Commission), has issued Amendment No. 8 to Facility Operating License No. NPF-15, issued to Southern California Edison Company, San Diego Gas and Electric Company, the City of Riverside, California and the City of Anaheim, California (licensees) for the San Onofre

Nuclear Generating Station, Unit 3 (facility) located at the licensees' site in San Diego County, California. This amendment is effective as of the date of issuance.

This amendment authorizes operation at power levels up to 100% of full rated power, 3390 megawatts thermal, in accordance with the provisions of the License as amended, the Technical Specifications as amended, and the Environmental Protection Plan. In addition, this amendment contains changes to the license which (1) change the Technical Specifications to reflect changes in fire protection equipment required by the Operating License, (2) require the installation of a cooling system for the auxiliary feedwater pump motor bearings, (3) require resolution of an issue relating to excessive axial fuel growth, (4) require that isolation capability be provided for the primary EOF, (5) require the correction of a software error in the CPC, (6) delete Paragraph 2.C(18)c (Medical Services) of Facility Operating License No. NPF-15 in accordance with ASLBP No. 78-365-010L, dated August 12, 1983, and (7) requires that until the first refueling, auxiliary feedwater system failures shall be reported to the NRC staff.

Issuance of the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the overall action involving the proposed issuance of an operating license authorizing full power operation was published in the *Federal Register* on April 7, 1977 (42 FR 18460).

The Commission has determined that the issuance of this amendment will not result in any environmental impacts other than those evaluated in the Final Environmental Statement and its Errata, since the activity authorized by this amendment is encompassed by the overall action evaluated in the Final Environmental Statement and its Errata.

For further details with respect to this action, see (1) Amendment No. 8 to Facility Operating License No. NPF-15 and (2) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the San Clemente Library, 242 Avenida Del Mar, San Clemente, California 92672. A copy of the above items may be obtained upon request

addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, the 16th day of September, 1983.

For the Nuclear Regulatory Commission,

George W. Knighton,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 83-25906 Filed 9-21-83; 8:45 am]

BILLING CODE 7590-01-M

**Shipment of High-Level Nuclear Power Plant Waste Through and to Illinois; Issuance of Director's Decision Under 10 CFR 2.206—DD-83-12**

Notice is hereby given that the Director, Office of Nuclear Material Safety and Safeguards, on September 13, 1983 denied the request for action filed by Edward Gogol on behalf of Citizens Against Nuclear Power—Chicago, Pollution and Environmental Problems—Palatine, Lake County Defenders—Lake County, Citizens for a Better Environment—Chicago, and Greenpeace—Great Lakes—Chicago. By letter dated July 27, 1983, the petitioners requested that the Commission order all shipments of high-level nuclear waste through and to Illinois be postponed and hold a series of public hearings on the radioactive waste shipments. The petitioners also asked a number of factual questions about the shipments. As described in the Director's Decision, based on the information available to the NRC, it is the staff's view that the regulations governing the transportation of radioactive material including spent fuel are adequate to protect the public health and safety. Consequently, the petitioners' first request regarding postponement of shipments was denied. Because of the extensive public participation involved in the Commission's recent reexamination of its transportation regulations, the petitioners' second request regarding the holding of public hearings was also denied.

A copy of the "Director's Decision under 10 CFR 2.206," DD-83-12 and the Petitioners' letter are available in the Commission's Public Document Room, located at 1717 H Street, N.W., Washington, D.C. 20555.

A copy of the decision is being filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c).

Dated at Silver Spring, Maryland this 16th day of September, 1983.

For the Nuclear Regulatory Commission.

Donald B. Maushardt,

Deputy Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 83-25907 Filed 9-21-83; 8:45 am]

BILLING CODE 7590-01-M

**RAILROAD RETIREMENT BOARD**

**Privacy Act of 1974; New System of Records**

**AGENCY:** Railroad Retirement Board.

**ACTION:** Notice of a new system of records.

**SUMMARY:** The Railroad Retirement Board proposes to establish a new system of records subject to the Privacy Act. The system notice for this new system of records is published below.

**DATE:** This new system of records will become effective as proposed without further notice in 30 calendar days from the date of this publication (October 22, 1983), unless comments are received that would result in a contrary determination.

**ADDRESS:** Send comments to James T. Brown, Executive Director, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

**FOR FURTHER INFORMATION CONTACT:** LeRoy Blommaert, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, Telephone 312-751-4548.

**SUPPLEMENTARY INFORMATION:** The Railroad Retirement Board is required to administer certain provisions of the Rock Island Railroad Transition and Employee Assistance Act. This Act provides for the payment of a lump-sum reimbursement or a subsistence allowance to qualified former employees of the Chicago, Rock Island and Pacific Railroad. To carry out its responsibilities, the Board must establish a new system of records to document and verify its payments and certifications.

On August 22, 1983, the Railroad Retirement Board filed a new system report for this system with the Speaker of the House of Representatives, the President of the Senate and the Office of Management and Budget. This was done to comply with Section 3 of the Privacy Act of 1974 and OMB Circular No. A-108, Transmittal Memorandum No. 1, dated September 30, 1975, and Transmittal Memorandum No. 3, dated May 17, 1976.

Dated: September 13, 1983.

By Authority of the Board.

Beatrice Ezerski,

Secretary.

**RRB-41**

**SYSTEM NAME:**

Rock Island Railroad Transition and Employee Assistance Act Benefit System—RRB.

**SYSTEM LOCATION:**

U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Any employee of the Chicago, Rock Island and Pacific Railroad Company who may be eligible for a lump-sum reimbursement or a retroactive unemployment subsistence allowance under the Rock Island Railroad Transition and Employee Assistance Act.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Identifying information such as name, address, social security number, date of birth, and employee identification number; information relating to employment with the Rock Island Railroad and the estate of the railroad including occupation, date last worked, work location, and reason not working; information as to creditable railroad service and creditable military service; information as to offers of permanent employment made by railroads acquiring portions of the Rock Island Railroad; information as to schools attended, courses taken and proof of payment of retraining expenses; information as to the payment of Railroad Unemployment Insurance Act benefits; and information as to the amount of lump-sum reimbursement and retroactive unemployment subsistence allowance and dates paid, erroneous payment investigations and benefit recovery information.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Sections 106 and 114 of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1005 and 45 U.S.C. 1011).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEMS, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

a. Identifying information such as full name, social security number, employee identification number, occupation, location and date last worked and reason not working may be released to the Trustee of the Chicago, Rock Island, and Pacific Railroad Company, an

acquiring carrier, or an educational institution to verify entitlement to benefits under the Rock Island Railroad Transition and Employee Assistance Act.

b. Information may be released to the General Accounting Office for auditing purposes and for collection of debts arising from overpayments under the Rock Island Railroad Transition and Employee Assistance Act.

c. If a request for information pertaining to an employee is made by an official of a labor organization of which the employee is a member and the request is made on behalf of the employee, information may be released to the extent needed to respond to the inquiry.

d. Disclosure may be made to a congressional office from the employee's record in response to an inquiry from the congressional office made at the request of the employee.

e. Information in this system of records pertaining to an employee may be released to the attorney representing such employee with respect to his claim, upon receipt of a written letter or declaration stating the fact of representation, subject to the same procedures and regulatory prohibition as the subject employee.

f. Records may be disclosed to contractors to fulfill contract requirements pertaining to specific activities relating to the Rock Island Railroad Transition and Employee Assistance Act.

g. The last addresses and employer information may be released to the Department of Health and Human Services in conjunction with the Parent Locator Service.

h. Beneficiary identifying information, address, check rate, date and number may be released to the Treasury Department to control for reclamation and return of outstanding benefit checks, to issue benefit checks, respond to reports of non-delivery and to insure delivery of checks to the correct address of the beneficiary or representative payee.

i. In the event that this system of records, maintained by the Railroad Retirement Board to carry out its function, indicates a violation, or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such

violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

j. Beneficiary identifying information, address, check rate, date and number, plus other necessary supporting evidence may be released to the U.S. Postal Service for investigation of alleged forgery or theft of benefit checks.

k. A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

l. Information may be released to the Department of Justice and to courts of competent jurisdiction in response to properly issued subpoenas.

m. Benefit rate, entitlement and periods paid may be disclosed to the Social Security Administration, Bureau of Supplemental Security Income, to federal, state and local welfare or public aid agencies to assist them in processing applications for benefits under their respective programs.

n. In the event the Board has determined to designate a person to be the representative payee of an incompetent beneficiary, disclosure of information concerning the benefit amount and other similar information may be made to the representative payee from the record of the individual.

o. Records may be disclosed in a court proceeding relating to any claims for benefits under the Rock Island Railroad Transition and Employee Assistance Act and may be disclosed during the course of an administrative appeal hearing in which such records are relevant to the issue.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper, magnetic tape, microforms.

**RETRIEVABILITY:**

Social security number.

**SAFEGUARDS:**

Records are maintained in areas not accessible to the public and are not permitted to be removed from headquarters without authorization. Magnetic tape is maintained in computer and computer storage rooms

which are restricted to authorized personnel.

**RETENTION AND DISPOSAL:**

All records will be retained for five years following the ending date of the benefit program, after which they will be destroyed. Paper documents and microforms will be destroyed by shredding; magnetic tape records will be written over.

**SYSTEMS MANAGER AND ADDRESS:**

Director of Unemployment and Sickness Insurance, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

**NOTIFICATION PROCEDURE:**

Request for information regarding an individual's record should be addressed to the System Manager identified above and should include the name and social security number of the individual involved. Before information about any record will be released, the System Manager may require the individual to provide proof of identity or require the requester to furnish an authorization from individual to permit release of information.

**RECORD ACCESS PROCEDURES:**

See Notification section above.

**CONTESTING RECORD PROCEDURES:**

See Notification section above.

**RECORD SOURCE CATEGORIES:**

The information in this system of records is obtained from the railroad employee or his representative, employers, labor organizations, other Railroad Retirement Board files, and educational institutions (for payment of new career training expenses).

[FR Doc. 83-25697 Filed 9-21-83; 8:45 am]

BILLING CODE 7905-01-M

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 20178; File No. SR-CBOE-83-14]

Chicago Board Options Exchange, Inc.; Filing of Amendment No. 3 to Proposed Rule Change and Order Granting Accelerated Approval of Proposed Rule Change

**I. Introduction**

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), (the "Act"), and Rule 19b-4 thereunder, the Chicago Board Options Exchange, Incorporated ("CBOE"), LaSalle at Jackson, Chicago,

IL 60604, on June 9, 1983, filed with the Commission a proposed rule change to permit CBOE to list and trade standardized options on the Standard and Poor's ("S&P") Office and Business Equipment Industry Index (File No. SR-CBOE-83-14) a "narrow-based" or "industry" index.<sup>1</sup> On June 30 and July 14, 1983, CBOE submitted amendments to this filing.<sup>2</sup> On September 9, 1983, CBOE submitted Amendment No. 3 to this filing containing a description of the composition and economic uses of options on narrow-based indices, and the contract specification for the option on Office and Business Equipment Industry Index. Notice of Amendment No. 3 is being given by publication of this release.

## II. Description of the Proposal

### A. Description of the Index

The Office and Business Equipment Industry Index is a market weighted index<sup>3</sup> containing 12 stocks. As of March 31, 1983, the total capitalization of this index was \$87 billion. Each of the component stocks is actively traded and currently is the subject of individual options trading.<sup>4</sup> Because it reflects the office and business equipment industry, the index clearly is the dominated by one stock. International Business Machines ("IBM"). IBM comprises 70.2 percent of the index, with the next four largest companies reflecting only an additional 20.4 percent of the index.<sup>5</sup>

<sup>1</sup> On the same date, CBOE submitted separate proposed rule changes relating to four other proposed narrow-based indices. File Nos. SR-CBOE-83-15, 17, 18 and 19. File No. SR-CBOE-83-16, relating to the options on the Oil (Integrated International) Index was approved on August 26, 1983 (Securities Exchange Act Release No. 20125, 48 FR 40046, September 2, 1983) (the "August Release").

<sup>2</sup> Notice of the proposed rule change, as revised by Amendment Nos. 1 and 2, was given in Securities Exchange Act Release No. 20008, July 26, 1983, 48 FR 35221.

<sup>3</sup> A market weighted index is calculated by (1) multiplying the price of one share of stock by the number of shares outstanding for each issuer in the index; (2) adding these values; and (3) multiplying that sum by a pre-established divisor, which reflects the value of the index at a fixed historical point in time.

<sup>4</sup> Options exchanges provide that only stocks meeting certain standards, including a liquidity test, may be the subject of options trading. For example, the underlying security must have a public float of 6,000,000 shares owned by a minimum 10,000 public shareholders, and the trading volume for each of the two previous calendar years must be at least 2,000,000 shares. See e.g., Amex Rule 9.5 and CBOE Rule 5.3.

<sup>5</sup> Following IBM, the four largest companies included in the index by capitalization are Digital Equipment Corporation (7.9 percent); Wang Labs, Inc. (4.7 percent); Xerox Corp. (4.4 percent); and NCR Corp. (3.4 percent).

CBOE has licensed the index from S&P for securities options trading. While S&P has its own guidelines for composing and adjusting its indices,<sup>6</sup> the CBOE has not submitted as a part of its filing its own standards for making adjustments to the index. CBOE Rule 24.2, however, effectively requires that each change to the index be submitted to the Commission pursuant to Rule 19b-4 under the Act. In addition, CBOE has previously committed itself to "shortly" submitting such standards to the Commission pursuant to Rule 19b-4 under the Act.<sup>7</sup>

### B. Contract Specifications

The proposed contract specifications for the Office and Business Equipment Industry Index are basically the same as those that apply to the CBOE's previously approved<sup>8</sup> Oil (Integrated International) Index ("Oil") Index: an index multiplier of \$100 and an expiration cycle of March-June-September-December. Exercise prices will be at five point intervals.<sup>9</sup>

### C. Other Applicable Rules

In approving CBOE's Oil Index, the Commission also approved rules governing margin, position and exercise limits and trading halt procedures that apply to all CBOE stock index options. The margin rule and position and exercise limits, like those the American Stock Exchange ("Amex") applies to its narrow-based index options, are identical to the margin rule and position and exercise limits applicable to individual stock options. CBOE's trading halt provision is also identical to the one Amex applies to its narrow-based index options.<sup>10</sup>

### D. Economic Uses of the Index

CBOE has previously described the general economic uses of both market index options and narrow-based index

<sup>6</sup> For a fuller description of the S&P guidelines, see the August Release.

<sup>7</sup> See the August Release.

<sup>8</sup> See the August Release, *supra*.

<sup>9</sup> The exercise strike price intervals for the Oil Index option are currently the same as those for CBOE individual stock options: 5 points if the strike price is below and 10 points if the strike price is above 100. CBOE has filed a proposal that would make the exercise price intervals for the Oil Index 5 points, regardless of the strike price. See File SR-CBOE-83-32.

<sup>10</sup> For the details of these rules, see the August Release. The Commission notes that position and exercise limits of 4,000 contracts apply to this index option under the three-tiered position and exercise limit rule that applies to these products.

<sup>11</sup> See File Nos. SR-CBOE-82-11 and 83-15, Amendment No. 3, respectively, see also the August Release.

options.<sup>11</sup> In Amendment No. 3 to this filing, CBOE states that the Business Equipment Industry Index relates to an accepted and established industry group within the securities industry and will afford investors a straight-forward means of hedging "industry risk" and participating in the market for office and business equipment companies.

## III. Solicitation of Comments

As indicated above, Amendment No. 3 has not previously been published for comment. Interested persons are invited to submit written data, views and arguments concerning the contents of Amendment No. 3 to SR-CBOE-83-14 within 21 days after the date of publication in the Federal Register. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Reference should be made to File No. SR-CBOE-83-14.

## IV. Comments Received

The Amex sent the only comments regarding CBOE's proposed narrow-based index options;<sup>12</sup> the comments are described and discussed in the August Release.

## V. Discussion

The proposed stock index option differs from the ones previously approved by the Commission in that it is more dominated by a single stock than any other previously approved stock index option: IBM comprises 70.2 percent of this index, as contrasted to IBM's 54 percent share of Amex Computer Technology Index.<sup>13</sup>

The Commission does not feel that this difference is sufficient to justify any different regulatory treatment of the index. CBOE, like Amex, applies the same regulatory framework (such as margin requirements and position and exercise limits) to its industry index options that it applies to individual stock options. As a result, the Commission does not believe that the existence of this index option will undermine Commission regulation of the stocks included in the index or options on those stocks. Moreover, the Commission believes that the index will prove more useful for persons who wish to speculate or hedge against price

<sup>12</sup> See letter dated July 8, 1983, from Robert J. Birnbaum, President, Amex, to George A. Fitzsimmons, Secretary, SEC.

<sup>13</sup> The two previously approved oil industry index options are not dominated by any one stock.

movements in a representative group of Business Equipment Industry stocks than would an option in any individual stock. In addition, the Commission does not believe there are any manipulation, surveillance or related issues raised by this proposed index option that have not been previously addressed in connection with the Commission's review and approval of Amex's and CBOE's narrow-based index options proposals.<sup>14</sup> For all the reasons set forth in the previous Commission releases approving stock index options,<sup>15</sup> the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the amended proposed rule change before the thirtieth day after the date of publishing notice of filing. The basic CBOE proposal was published for comment over 21 days ago; comments on that basic proposal have been received and considered by the Commission; the portions of the proposal noticed today are technical in nature and similar to the rule changes previously approved by the Commission; and the entire proposal raises no significant issues that were not previously addressed by the Commission in either its November 22, 1982 release on the initial Amex, CBOE and NYSE index options filing; the August 12, 1983 Amex release; or the August 26, 1983 CBOE release.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change, as amended, be, and hereby is, approved.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 83-25797 Filed 9-21-83; 8:45 am]  
BILLING CODE 8012-01-M

<sup>14</sup> As with previous approvals of these products, the Commission is conditioning the start-up of trading on the submission by CBOE of a satisfactory surveillance program for the Office and Business Equipment Industry Index option. In addition, the Commission reemphasizes the need for CBOE to submit standards for adjustments to its indices. See the August Release.

<sup>15</sup> See Securities Exchange Act Release No. 19264, November 22, 1983; Securities Exchange Act Release No. 20075, August 12, 1983; and Securities Exchange Act Release No. 20125, August 26, 1983.

[Release No. 23057; 70-6900]

**Columbus and Southern Ohio Electric Co.; Proposed Acquisition of Evidences of Indebtedness From Residential Electric Utility Customers Pursuant to a Residential Insulation Financing Program**

Columbus and Southern Ohio Electric Company ("C&SOE"), 215 North Front Street, Columbus, Ohio, 43215, an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed an application with this Commission pursuant to Sections 9(a)(1) and 10 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 40 promulgated thereunder.

C&SOE proposes to acquire evidences of indebtedness from its residential electric utility customers pursuant to a planned Residential Insulation Financing Program whereby C&SOE would offer to lend an amount up to \$750 to each of its financially responsible residential electric utility customers for the purchase and installation of insulation in existing customer owned and occupied single-family houses, duplexes, triplexes, or four-family residences. Such loans would bear interest at the rate of 8% and would be repayable over a period of up to three years. The maximum aggregate amount of loans outstanding at any one time from C&SOE would not exceed \$2,000,000. C&SOE states that it has proposed the Residential Insulation Financing Program as a means of curtailing the rate of growth in electric energy consumption so as to avoid the necessity of construction of power plants and transmission and distribution facilities sooner than anticipated.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 11, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 83-25798 Filed 9-21-83; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. 13498; 812-5514]

**Landesbank Schleswig-Holstein Girozentrale; Filing of Application for an Order Exempting the Applicant**

September 13, 1983.

Notice is hereby given that Landesbank Schleswig-Holstein Girozentrale ("Applicant") c/o Barry Dastin, Esq., White & Case, 280 Park Avenue, New York, New York 10017, filed an application on July 29, 1983, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting the Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the extent of the Act for the various provisions thereof, including Section 6(c), pertinent to a consideration of the application.

Applicant states that it was incorporated in Germany in 1917 and is now the 17th largest bank in the Federal Republic of Germany and ranks 157th among the banks of the free world, with total assets of \$10,541,000,000 at December 31, 1982. The State of Schleswig-Holstein and the Savings and Giro Association of Schleswig-Holstein each own 50% of the capital stock of Applicant and are jointly liable for Applicant's obligations as far as claims cannot be settled from Applicant's own funds. Applicant states that it engages in all standard types of domestic and international commercial banking business, including deposit taking, commercial lending, trade credit, foreign exchange, fund transfer and securities trading and underwriting. At December 31, 1982, Applicant had total deposits of \$3,309,000,000 and, on that date, loans and deposits with other banks accounted for 82% of Applicant's total assets. For the year ended December 31, 1982, interest on loans and deposits with banks accounted for 86.9% of Applicant's total gross income. According to the application, at December 31, 1982, Applicant's investment securities (including stock for trading activities) amounted to \$1,003,000,000, or 9.5% of Applicant's total assets. With respect to securities underwriting, brokering and trading

activities of Applicant, annual revenues from such activities in the five years ended December 31, 1982, never exceeded 0.3% of annual gross revenues of Applicant.

Applicant represents that it is extensively regulated by German banking authorities, which regulation includes supervision by the Federal Banking Supervisory Office in Berlin and the State Government of Schleswig-Holstein. Reports are periodically required to be made to the Deutsche Bundesbank and the Federal Banking Supervisory Office. In addition, Applicant states that German banking legislation contains certain liquidity and capital requirements and lending limits.

Applicant proposes to issue and sell in the United States short-term negotiable promissory notes of the type generally referred to as commercial paper (the "Notes") denominated in United States dollars, in order to provide an alternative source of supply of United States dollars. It is stated that the Notes will be of prime quality and in minimum denominations of \$100,000. The Notes will be issued and sold by Applicant to or through one or more commercial paper dealers in the United States which will reoffer the Notes to investors in the United States. Applicant represents that the Notes will not be advertised or otherwise offered for sale to the general public, but instead will be sold to institutional investors and other entities and individuals who normally purchase commercial paper. Applicant also states that it undertakes to ensure that each offeree of the Notes will receive prior to purchase a memorandum which briefly describes Applicant's business and includes its most recent publicly available fiscal year-end balance sheet and income statement, which shall have been audited in a manner customarily done for Applicant by German auditors. Applicant represents that such memorandum will describe any material differences between accounting principles applied in the preparation of such financial statements and generally accepted accounting principles employed by United States banks. Applicant states that such memorandum will be at least as comprehensive as those customarily used in offering commercial paper in the United States and will be updated periodically to reflect material changes in Applicant's financial status.

The application states that the Notes will be direct liabilities of Applicant and will rank *pari passu* among themselves and equally with all unsecured and

unsubordinated indebtedness (including deposit liabilities) of Applicant. Applicant plans to sell the Notes without registration under the Securities Act of 1933 (the "1933 Act"), in reliance upon an opinion of its United States counsel that the Notes will qualify for the exemption from the registration requirements of the 1933 Act provided for certain short-term commercial paper by Section 3(a)(3) thereof. Applicant states that it will not issue and sell the Notes until it has received such opinion. Applicant does not request Commission review or approval of such opinion, and the Commission expresses no opinion as to the availability of any such exemption.

Applicant further represents that the presently proposed issue of securities and all future issues of its securities in the United States shall have received prior to their respective issuances one of the three highest investment grade ratings from at least one of the nationally recognized statistical rating organizations and that its United States counsel shall have certified that such rating has been received, provided, however, that no such rating shall be required to be obtained if in the opinion of United States counsel for Applicant, such counsel having taken into account for the purpose thereof of the doctrine of integration referred to in Rule 502 under the 1933 Act and various releases and relevant non-action letters made public by the Commission, an exemption from registration is available with respect to such issue pursuant to Section 4(2) of the 1933 Act.

Applicant states that it may, from time to time, offer other debt securities for sale in the United States. Applicant represents that any such future offering of its securities in the United States will be made only pursuant to a registration statement under the 1933 Act or pursuant to an applicable exemption from registration under such Act, and any such offering will be made on the basis of disclosure documents appropriate for such registration or exemption, as the case may be. In no event will such disclosure documents be less comprehensive than is customary for United States offerings of similar debt securities. Applicant undertakes to ensure that any such disclosure documents will be provided to each offeree who has indicated an interest in the securities than being offered, prior to any sale of such securities to such offeree, except that in the case of an offering made pursuant to a registration statement under the 1933 Act, such disclosure documents will be provided to such persons and in such manner as

may be required by such Act and the rules and regulations thereunder. Applicant consents to having any order granting the relief requested under Section 6(c) of the Act expressly conditioned upon its compliance with its undertakings regarding disclosure documents.

Applicants states, in connection with the presently proposed offering of Notes and any future offering in the United States of its securities, that it will appoint an agent to accept any process which may be served in any action based on any such security and instituted in any state or federal court by the holder of any such security. Applicant further represents that it will expressly accept the jurisdiction of any state or federal court in the City and State of New York in respect of any such action, and that such appointment of an agent to accept service of process and such consent to jurisdiction will be irrevocable so long as such securities remain outstanding and until all amounts due and to become due in respect of such securities have been paid. Applicant states that it will also be subject to suit regarding such action in any other court in the United States which would have jurisdiction.

Applicant states that it is applying to the Commission because of uncertainty as to whether or not foreign commercial banks would be defined as "investment companies" under the Act. Applicant contends the approval of its application is both necessary and appropriate in the public interest. Because compliance with the Act would conflict with its commercial banking practices, Applicant would effectively be precluded from selling securities in the United States if it is required to register as an investment company. Applicant asserts that its activities are extensively regulated by the German banking authorities, that it is substantially different from the typical investment company that Congress intended the Act to regulate and that there is ample investor protection provided by the 1933 Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than October 7, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the

case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**George A. Fitzsimmons,**  
*Secretary.*

[FR Doc. 83-25860 Filed 9-21-83; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. 13499; 812-5586]

**Seligman Capital Fund, Inc., et al.;  
Filing of Application for an Order  
Amending a Previous Order**

September 13, 1983.

Notice is hereby given that Seligman Capital Fund, Inc., Seligman Common Stock Fund, Inc., Seligman Communications and Information Fund, Inc., Seligman Growth Fund, Inc., Seligman Income Fund, Inc. (the "Funds"), One Bankers Trust Plaza, New York, New York 10006, all registered, diversified open-end management investment companies under the Investment Company Act of 1940 ("Act"), and J. & W. Seligman & Co. Incorporated ("Manager"), the Funds' investment manager, and J. & W. Seligman & Co. Marketing, Inc. ("Seligman Marketing"), the distributor of the Funds' shares (together with the Funds and Manager, the "applicants"), filed an application on June 28, 1983, and an amendment thereto on July 20, 1983, for an order of the Commission amending a previous order pursuant to Section 6(c) of the Act exempting Applicants from certain provisions of Section 22(d) of the Act and Rule 22d-1 thereunder to permit, under certain conditions, sales of shares of the Funds at net asset value without a sales charge. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act and rules thereunder for the complete text of the provisions referred to herein and in the application.

On April 29, 1981, the Commission issued an order (Investment Company Act Release No. 11751) granting exemptions from the provisions of Section 22(d) of the Act and Rule 22d-1 thereunder to the predecessor organizations of the Funds to permit sales of their securities at net asset value to two trustee employee benefit plans covering employees of Manager

and its subsidiaries. Applicants seek an amendment of the existing order to permit sales of shares of the Funds, and of certain other investment companies as may be added to the group of investment companies having the same investment adviser as the Funds, at net asset value without a sales charge to or for the benefit of the Seligman Associated Persons, defined as (a) any officer, director, trustee, general partner, or employee of Manager, of Union Data Service Center, Inc., of any investment company managed by Manager, or of any parent or subsidiary or other affiliate of Manager and (b) any investment advisory, custodial, trust, or other fiduciary account managed or advised by Manager or any parent or subsidiary or other affiliate of Manager. The terms "officer", "director", "trustee", "general partner", or "employee" include any such person's spouse and minor children and also retired officers, directors, trustees, general partners, and employees and their spouses and minor children.

Applicants state that sales of shares of the Funds to the Seligman Associated Persons at net asset value may conflict with the provisions of Section 22(d) of the Act and Rule 22d-1 thereunder. Applicants submit, however, that these sales are supported by policy considerations, should result in demonstrable economies in sales efforts and related expenses as compared with other sales, and would not be unjustly discriminatory. Applicants state that the association of the Funds with the other organizations and accounts that are managed or advised by or are subsidiaries of Manager forms the basis for a unique relationship that can be expected to result in such economies in sales efforts and sales related expenses that justify elimination of all sales charges on the share of the Funds purchased by Seligman Associated Persons.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than October 7, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a

hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**George A. Fitzsimmons,**  
*Secretary.*

[FR Doc. 83-25861 Filed 9-21-83; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. 20183; SR-Phlx-83-10]

**Philadelphia Stock Exchange, Inc.;  
Order Approving Proposed Rule  
Change**

The Philadelphia Stock Exchange, Inc. ("Phlx"), 1900 Market Street, Philadelphia, Pa. 19103, submitted on June 24, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to require specialist units, floor brokerage units, clearing firms, floor brokers and registered options traders to have available on the floor at specified times a representative authorized to make appropriate changes and corrections to trades. The proposal would also establish fines for those failing to comply.

Notice of the proposed rule change, together with the terms of substance of the proposed rule change, was given by the issuance of a Commission Release (Securities Exchange Act Release No. 20041, August 2, 1983) and by publication in the *Federal Register* (48 FR 36546, August 11, 1983). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

**George A. Fitzsimmons,**  
*Secretary.*

[FR Doc. 83-25862 Filed 9-21-83; 8:45 am]  
BILLING CODE 8010-01-M

## DEPARTMENT OF STATE

[Public Notice CM-8/663]

**Advisory Committee to the United States National Section of the Inter-American Tropical Tuna Commission; Partially Closed Meeting**

Notice is hereby given, pursuant to the provisions of Pub. L. 92-463, that a meeting of the Advisory Committee to the United States National Section of the Inter-American Tropical Tuna Commission will be held on October 6, 1983 from 9:30 A.M. to 11:30 A.M. and from 1:30 P.M. to 5:00 P.M., in the auditorium of the Southwest Fisheries Center of the National Marine Fisheries Services at 8604 La Jolla Shores Drive, La Jolla, California.

The morning meeting will be open to the public and the public may participate in the discussions subject to the instructions of the Committee Chairman. Subjects to be discussed include an evaluation of the 1983 fishery experience, a preliminary outlook for the 1984 fishery and U.S. views on the overall quota and other aspects of the management program.

The Advisory Committee will meet in closed session on the afternoon of October 6. At this session documents classified in accordance with Executive Order 12356 of April 12, 1982 will be circulated and discussed and matters will be considered which the public interest requires be withheld from disclosure. Accordingly, the determination has been made to close this session pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App. I, S10(d) and 5 U.S.C. 552b (c)(1) and (c)(9).

Requests for further information on the meeting should be directed to Brian Hallman, OES/OFA, Room 5806, Department of State. He may be reached by telephone on (202) 632-1073.

Dated: September 1, 1983.

Theodore G. Kronmiller,

*Deputy Assistant Secretary for Oceans and Fisheries Affairs.*

[FR Doc. 83-25809 Filed 9-21-83; 8:45 am]

BILLING CODE 4710-09-M

[Public Notice 881]

**State Department Performance Review Board Members**

In accordance with section 4314(c) (1) through (5) of the Civil Service Reform Act of 1978 (Pub. L. 95-454), the Executive Resources Board of the Department of State has appointed the following additional persons to the State Department Performance Review Board

Register and in so doing amends accordingly Department of State Public Notice No. 703 [45 FR 6877-6878, January 30, 1980] effective September 1, 1983:

James J. Nolan, Director, Office of Foreign Missions, Bureau of Management Operations

Richard E. Curl, Director, Office of Intelligence Resources, Bureau of Intelligence and Research

Adam Herbert, Dean, School of Public Affairs, Service, Florida International University

Nancy H. Ely, Assistant Legal Adviser, Office of the Legal Adviser

William H. Marsh, Senior Foreign Service Officer, Bureau of Near Eastern and South Asian Affairs

Michael G. Matheson, Assistant Legal Adviser, Office of the Legal Adviser

Dated: September 8, 1983

Joan M. Clark

*Director General of the Foreign Service and Director of Personnel.*

[FR Doc. 83-25811 Filed 9-21-83; 8:45 am]

BILLING CODE 4710-15-M

[Public Notice CM-8/664]

**Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting**

The Department of State announces that Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on October 14, 1983 at 9:00 a.m. at the Sunnyvale-Sheraton Hotel, Mathilda Avenue, Sunnyvale, California. This Study Group deals with matters in telecommunication relating to the development of international digital data transmission.

The agenda for the meeting will include the following:

1. Report of the Modem Working Party.

2. Consideration of contributions for meetings of Working Parties of CCITT Study Group XVII, October 2-11, Vienna, Austria.

3. Any other business.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chairman. Requests for further information may be directed to Mr. Earl Barbely, State Department, telephone 202 632-3405 or Mr. T. de Haas, Chairman of U.S. Study Group D, Department of Commerce, Boulder, Colorado, telephone 303 497-3728.

Dated: September 7, 1983.

Earl S. Barbely,

*Director, Office of International Communications Policy.*

[FR Doc. 83-25810 Filed 9-21-83; 8:45 am]

BILLING CODE 4710-07-M

## TENNESSEE VALLEY AUTHORITY

**Record of Decision; Edgemont, South Dakota; Uranium Mill Decommissioning**

**AGENCY:** Tennessee Valley Authority (TVA).

**ACTION:** Record of Decision for the Edgemont uranium mill decommissioning (Edgemont, South Dakota).

**SUMMARY:** In accordance with TVA procedures implementing the National Environmental Policy Act (NEPA), **Federal Register** (1983), and consistent with 40 CFR 1506.3 (1982), TVA adopted the final environmental (impact) statement related to decommissioning of the Edgemont (South Dakota) uranium mill on March 16, 1983. The statement was prepared by the Officer of Nuclear Material Safety and Safeguards of the Nuclear Regulatory Commission (NRC) (NUREG-0846). Notice of the availability of NUREG-0846 was initially published in the **Federal Register** on October 14, 1982 (47 FR 46001 (1982)). TVA has determined that NUREG-0846 adequately assesses the decommissioning of the Edgemont mill and that the adopted statement is still generally available to the public.

TVA will implement the preferred alternative identified in NRC's "Final Environmental Statement Related to the Decommissioning of the Edgemont Uranium Mill." TVA has decided to:

1. Decommission the inactive mill including building removal and decontamination.
2. Conduct the decommissioning operation using a disposal site remote to the mill and city of Edgemont.

**FOR FURTHER INFORMATION CONTACT:**

Write Dr. Mohamed T. El-Ashry, Director of Environmental Quality, Tennessee Valley Authority, Knoxville, Tennessee 37902, or call TVA's Citizen Action Office toll free: 1-800-362-9250 (in Tennessee) or 1-800-251-9242 (in Alabama, Georgia, Kentucky, Mississippi, North Carolina, Virginia, Missouri, and Arkansas).

**SUPPLEMENTARY INFORMATION:** TVA purchased an existing uranium mill in Edgemont, South Dakota, together with mineral rights in the surrounding area on August 16, 1974 as one of its activities to ensure an adequate supply of uranium.

At the time of purchase, the mill was licensed and inoperative. Based on extensive engineering, economic, and environmental evaluation, TVA decided against renovation and operation of the mill and proceeded to consider its decommissioning. TVA will utilize a site remote to the mill and the city of Edgemont for tailings disposal.

Approximately  $2.1 \times 10^6$  MT ( $2.3 \times 10^6$  tons) of tailings were produced at the Edgemont mill from 1956 to 1972. These tailings, contaminated soil, certain building equipment, and debris will be removed from the Edgemont mill site to the proposed disposal site approximately 3.2 km (2 miles) to the southeast.

At the disposal site, a diversion system will be constructed to divert uncontaminated offsite runoff around the disposal area during operations, an impoundment dike will be constructed across the lower end of the site, and the disposal area will be excavated into shale to provide sufficient volume to contain the contaminated material.

Tailings, structures and equipment destined for burial, and any other contaminated materials will be removed from the mill site by trucks over a specially constructed haul road.

Reclamation of the disposal site will involve covering the contaminated material with overburden, a clay cap, and topsoil. It is expected that all borrow material required for reclamation of the mill site will be obtained from the disposal site. However, nearby land has been secured by TVA to serve as an additional potential borrow area if needed. The mill site will be recontoured, covered with topsoil, and revegetated.

Notice of the availability of the NRC's final environmental (impact) statement was published in the *Federal Register* on October 14, 1982 (47 FR 46001 (1982)). The notice of TVA's adoption was made available to the public and sent to the Environmental Protection Agency (EPA) on March 16, 1983 (48 FR 14037 (1983)).

The following alternatives to the proposed action were considered by TVA in reaching its decision:

1. No action.
2. Alternative methods of tailings disposal.
3. Alternative tailings disposal sites.
4. Alternative disposal impoundment designs.
5. Alternative seepage control measures.
6. Material transportation alternatives.
7. Mill site decommissioning alternatives.

These alternatives were evaluated in the environmental (impact) statement,

and the environmentally preferable alternative was identified as TVA's preferred alternative, i. e., decommissioning and offsite disposal. While TVA does not necessarily subscribe to every judgment rationale, or methodology used by NRC, TVA agrees with the key conclusions presented in the analysis of alternatives.

The project involves major land disturbance on 207 ha (514 acres), plus the potential removal of about 17 ha (41 acres) of ponderosa pine and surface soil (east of the mill site), which has been affected by windblown tailings. All disturbed areas will be reclaimed and revegetated. The tailings disposal site will be in the control of the State or Federal government to assure that future land use will be consistent with the health and safety of the public.

TVA will conduct specific radiological and nonradiological environmental monitoring for air quality, soils, land use, surface and groundwater quality, and biota. Mitigation measures aimed at reducing radiological exposures, fugitive dust emissions, and surface and groundwater quality impacts will be established.

These together with the NRC's license conditions will ensure that the project will be subject to continuing regulatory review and will be conducted in an environmentally acceptable manner.

W. F. Willis,

*General Manager, Tennessee Valley Authority.*

[FR Doc. 83-25871 Filed 9-21-83; 8:45 am]

BILLING CODE 8120-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. 23634]

#### Regulatory Negotiation Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C., App. I), notice is hereby given of a meeting of the Regulatory Negotiation Advisory Committee for flight and duty time rulemaking to be held September 26-27, 1983, at the Shoreham Hotel, 2500 Calvert Street, NW., Washington, D.C., commencing at 9:00 a.m.

The agenda for the meeting is as follows: A continuation of the Committee's review of present flight time, duty time, and rest requirements for flight crewmembers utilized by air carriers and the development of a report including a recommended rulemaking proposal.

Every attempt was made to publish notice of this meeting at least 15 days prior to the scheduled meeting date, however, timely notice was impossible because the site of the meeting was not established until September 16, 1983.

Attendance is open to the interested public, but limited to space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact Mr. William J. Sullivan, Executive Secretary, Regulatory Negotiation Advisory Committee, Office of Aviation Safety, ASF-400, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone 202-426-7815.

William J. Sullivan,

*Executive Secretary, United States Regulatory Negotiation Advisory Committee.*

[FR Doc. 83-25869 Filed 9-21-83; 8:45 am]

BILLING CODE 4910-13-M

## Federal Highway Administration

### Environmental Impact Statement; Carlton and St. Louis Counties, Minnesota

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Carlton and St. Louis Counties, Minnesota.

**FOR FURTHER INFORMATION CONTACT:** Ronald Lacy, District Engineer, Federal Highway Administration, Suite 490 Metro Square Building, St. Paul, Minnesota 55101, Telephone: (612) 725-5953; or Paul LaTour, Project Manager, Minnesota Department of Transportation, 1123 Mesaba Ave., Duluth, Minnesota 55811, Telephone: (218) 723-4846.

**SUPPLEMENTARY INFORMATION:** The FHWA in cooperation with the Minnesota Department of Transportation intends to prepare a draft Environmental Impact Statement (EIS) for a proposed highway construction project in Carlton and St. Louis counties. The proposed project would consist of the construction of a four-lane expressway along Trunk Highway (T.H.) 33 between Interstate 35 in Cloquet, Minnesota and T.H. 53 at Independence, Minnesota, a distance of 19.7 miles. This project would involve a crossing of the St. Louis River.

Alternatives being considered at this time include constructing a companion pair of lanes to the existing two-lane facility, a four-lane roadway on new alignment, two bypass alternatives around the city of Cloquet on new alignment and though-town alternate on existing alignment. Several of these alternatives may be dropped from consideration or others added, as a result of the scoping process. A scoping meeting will be held to receive agency and public comment into the EIS process. This project will be developed using accelerated processing referred to as the FAST program—to Facilitate Acceleration through Special Techniques.

Information has been sent to federal, state and local agencies that may have an interest in the project to inform them of the proposed project, scoping meeting, and to solicit their comments and concerns. To ensure that the full range of issues related to this project are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed project and the EIS should be directed to the FHWA at the address provided above.

Issued on: September 15, 1983.

Roger Borg,  
Division Administrator.

[FR Doc. 83-25824 Filed 9-21-83; 8:45 am]  
BILLING CODE 4910-22-M

#### Maritime Administration

[Docket No. S-743]

#### Acturus Shipping Inc.; Application for Permission under Section 506 of the Merchant Marine Act, 1936, as amended for the "Williamsburgh" to operate in the Alaskan oil trade

Notice is hereby given that Acturus Shipping, Inc. (Acturus), by letter dated September 16, 1983, has applied for written permission under section 506 of the Merchant Marine Act, 1936, as amended (Act), for its vessel, *Williamsburgh*, to operate in the Alaskan oil trade for six months. The 22,000 deadweight ton *Williamsburgh*, which was built with construction-differential subsidy, would carry crude oil from Valdez, Alaska, to Panama for transshipment for oncarriage only to a U.S. port. Acturus states that suitable Jones Act vessels of competitors will not be available for the carriage of this cargo.

The *Williamsburgh* would operate under sub-time charter from American Petrofina, Incorporated to SPC Shipping, Inc., a subsidiary of Standard Oil

Company of Ohio. First loading of the vessel at Valdez would commence between November 15 and December 10, 1983.

Interested parties may inspect the application in the Office of the Secretary, Maritime Administration, Room 7300A, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Any person, firm, or corporation who is a "competitor," as defined in § 250.2 of the regulations as set forth in 46 CFR Part 250 published in the *Federal Register* issue of June 29, 1977 (42 FR 33035), and desires to protest such application for carriage of oil in the domestic trade from Alaska to Panama should submit such protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20590.

Any person, firm or corporation who desires to protest such application for carriage of oil in the domestic trade from Alaska directly to the U.S. Gulf should submit such protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20590.

Protests must be received within five working days after the date of publication of this Notice in the *Federal Register*. If a protest is received, the applicant will be advised of such protest by telephone or telegram and will be allowed three working days to respond in a manner acceptable to the Maritime Administrator. Within five working days after the due date for the applicant's response, the Maritime Administrator will advise the applicant, as well as those submitting protests, of the action taken, with a concise written explanation of such action. If no protest is received concerning the application, the Maritime Administrator will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.800 Construction-Differential Subsidy (CDS)).

By Order of the Maritime Administrator.

Dated: September 19, 1983.

Georgia P. Stamas,  
Secretary.

[FR Doc. 83-25909 Filed 9-21-83; 8:45 am]  
BILLING CODE 4910-01-M

#### DEPARTMENT OF THE TREASURY

##### Performance Review Board

**AGENCY:** Department of the Treasury.

**ACTION:** Notice of Change in Membership of a Senior Executive Service Performance Review Board.

**SUMMARY:** This notice announces the revised membership of the Departmental PRB, pursuant to 5 U.S.C. 4314(c)(4), the Civil Service Reform Act of 1978. The purpose of the Board is to review performance appraisals, ratings, recommendations for performance awards (also SES incentive awards and Presidential Ranks if requested), and other appropriate personnel actions for incumbents of non-delegated SES positions. These positions include SES bureau heads, deputy bureau heads, bureau chief inspectors, Associate Commissioners of the Internal Revenue Service, and certain other positions. The Board makes recommendations to the Secretary or his designee as Appointing Authority. In addition, the Board will perform PRB functions for other top bureau positions if requested. Three members constitute a quorum, at least two of whom must be career appointees.

**FOR FURTHER INFORMATION CONTACT:** Paul T. Weiss, Acting Director of Personnel, Room 2426, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220; telephone 566-2701.

**SUPPLEMENTARY INFORMATION:** The revised membership of the Departmental PRB is as follows:

Cora P. Beebe, Assistant Secretary (Administration)  
Paul K. Trause, Inspector General  
Carole J. Dineen, Fiscal Assistant Secretary  
Gerald Murphy, Deputy Fiscal Assistant Secretary  
Roscoe L. Egger, Jr., Commissioner, Internal Revenue Service  
Robert J. Leuver, Director, Bureau of Engraving and Printing  
Richard L. Gregg, Deputy Commissioner, Bureau of the Public Debt  
John A. Kilcoyne, Assistant Fiscal Assistant Secretary (Banking)  
John P. Simpson, Director, Office of Regulations and Rulings, U.S. Customs Service  
David E. Pickford, Executive Secretary, Office of the Executive Secretary  
James I. Owen, Deputy Commissioner, IRS  
Michael F. Hill, Director, Office of Revenue Sharing  
William H. Russell, Comptroller, U.S. Customs Service  
Diane Herrmann, Director, Office of Equal Opportunity Program  
George N. Carlson, Deputy Director, International Taxation Division.

This notice does not meet the Department's criteria for significant regulations.

**Cora P. Beebe,**

*Assistant Secretary (Administration).*

[FR Doc. 83-25906 Filed 9-21-83; 8:45 am]

**BILLING CODE 4810-25-M**

**Public Information Collection Requirements Submitted to OMB for Review**

On September 16, 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: 1545-0196*

*Form Number: 5227*

*Type of Review: Existing Regulations*

*Title: Split-Interest Trust Information Return*

*OMB Number: 1545-0013*

*Form Number: 56*

*Type of Review: Existing Regulations*

*Title: Notice Concerning Fiduciary Relationship*

*OMB Reviewer: Norman Frumkin (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.*

**Rita A. DeNagy,**

*Departmental Reports Management Office.*

September 16, 1983.

[FR Doc. 25893 Filed 9-21-83; 8:45 am]

**BILLING CODE 4810-25-M**

# Sunshine Act Meetings

Federal Register

Vol. 48, No. 185

Thursday, September 22, 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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### FEDERAL ELECTION COMMISSION

#### PREVIOUSLY ANNOUNCED DATE AND TIME:

Thursday, September 22, 1983, 10 a.m.

**CHANGE IN MEETING:** The open meeting scheduled for this date has been cancelled.

**DATE AND TIME:** Thursday, September 29, 1983, at 10 a.m.

**PLACE:** 1325 K Street NW., Washington, D.C. (fifth floor).

**STATUS:** This meeting will be open to the public.

#### MATTERS TO BE CONSIDERED:

Setting of dates of future meetings  
Correction and approval of minutes  
Eligibility report for candidates to receive Presidential Primary Matching Funds  
Administrative terminations  
1984 Management plan  
Routine administrative matters

**DATE AND TIME:** Thursday, September 29, 1983 immediately following close of open session.

**PLACE:** 1325 K Street NW., Washington, D.C.

**STATUS:** This meeting will be closed to the public.

**ITEMS TO BE DISCUSSED:** Compliance. Litigation. Audits. Personnel.

#### PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, Information Officer, telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-1337-83 Filed 9-20-83; 3:23 pm]

BILLING CODE 6715-01-M

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### FEDERAL RESERVE SYSTEM

Board of Governors

**TIME AND DATE:** 10 a.m., Wednesday, September 28, 1983.

**PLACE:** Marriner S. Eccles, Federal Reserve Board Building, C Street entrance between 20th and 21st Streets NW., Washington, D.C. 20551.

**STATUS:** Open.

#### MATTERS TO BE CONSIDERED: Summary

**Agenda:** Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Technical changes to Regulation Q (Interest on Deposits) to conform with actions taken by the Depository Institutions Deregulation Committee.

#### Discussion Agenda:

2. Consideration under Regulation D (Reserve Requirements of Depository Institutions) of the reserve ratio for nonpersonal time deposits and the minimum maturity or required notice period for all time deposits, in light of actions of the Depository Institutions Deregulation Committee effective October 1, 1983.

3. 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 20, 1983.

James McAfee,

Associate Secretary of the Board.

[S-1335-83 Filed 9-20-83; 2:52 pm]

BILLING CODE 6210-01-M

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### FEDERAL RESERVE SYSTEM

Board of Governors

**TIME AND DATE:** Approximately 10:30 a.m., Wednesday, September 28, 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 20, 1983.

James McAfee,

Associate Secretary of the Board.

[S-1336-83 Filed 9-20-83; 2:52 pm]

BILLING CODE 6210-01-M

4

### NUCLEAR REGULATORY COMMISSION

**DATE:** Week of September 19, 1983

(Revised).

**PLACE:** Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

**STATUS:** Open and closed.

**MATTERS TO BE DISCUSSED: Wednesday, September 21:**

9:30 a.m.:

Motion to Quash Subpoenas, TMI—Hartman (Closed—Exemptions 5 and 7) (New Item)

10:00 a.m.:

Discussion of Management-Organization and Internal Personnel Matters (Closed—Exemptions 2 and 6) (As Announced)

2:00 p.m.:

Discussion of Public Comments on Waste Confidence Decision and Proposed Revisions to Parts 50 and 51 (Public Meeting) (As Announced)

3:30 p.m.:

Affirmation/Discussion and Vote (Public Meeting) (Date Change) (Items Revised):

- Final Rule: 10 CFR 50—Fitness for Duty of NPP Personnel (Postponed)
- Final Rule on Temporary Operating Licensing Authority
- Washington Legal Foundation's Motion to Disqualify Commissioner Gilinsky

Friday, September 23:

3:00 p.m.:

Discussion of Management-Organization and Internal Personnel Matters (Closed—Exemptions 2 and 6) (As Announced)

#### AUTOMATIC TELEPHONE ANSWERING

**SERVICE FOR SCHEDULE UPDATE:** (202)

634-1498. Those planning to attend a meeting should verify the status on the day of the meeting.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Walter Magee (202) 634-1410.

September 16, 1983.

Walter Magee,

Office of the Secretary.

[S-1334-83 Filed 9-19-83; 5:00 pm]

BILLING CODE 7590-01-M

5

**TENNESSEE VALLEY AUTHORITY**

[Meeting No. 1318]

**TIME AND DATE:** 9:00 a.m. (e.d.t.),  
Tuesday, September 27, 1983.**PLACE:** TVA West Tower Auditorium,  
400 West Summit Hill Drive, Knoxville,  
Tennessee.**STATUS:** Open.**AGENDA ITEM:** Approval of minutes of  
meetings held on September 7, 1983.**B—Purchase Awards**

- B1. Cooperative Marketing Agreement No. V2-CMA001—Blanket bill of sale and agreement with General Electric Trading Company (GETC) covering the sale of surplus material and equipment to GETC.
- B2. Amendment to contract 75P66-8598 with Kerr-McGee Nuclear Corporation covering U<sub>2</sub>O<sub>5</sub> to UF<sub>6</sub> conversion services for power system requirements.
- B3. Requisition 72—Barge services for coal transportation to Gallatin and Allen steam plants.

**C—Power Items**

- \*C1. Renewal of power contract with Sevierville, Tennessee.
- C2. Amendment to letter agreement between Kentucky Utilities Company (KU) and TVA covering delay of the Pineville 500-kV interconnection between the systems of TVA and KU.
- C3. Letter agreement with East Kentucky Power Cooperative providing for TVA to wheel up to 100 MW across TVA's system.
- C4. Letter agreement with Southern Illinois Power Cooperative providing for TVA to wheel up to 150 MW across TVA's system.
- C5. Extension of availability of experimental price schedule and experimental cogeneration program options under the dispersed power production program.

**D—Personnel Items**

- D1. Recommendations on rate of pay and certain monetary fringe benefits for salary policy employees in represented positions resulting from the thirty-second (1983) annual salary negotiations; and for certain other employees.
- D2. Renewal of consulting contract with Robert E. Jansen, Mead, Washington, for consultation on the design and construction of major hydro projects, requested by the Office of Engineering Design and Construction.
- \*D3. Personal services contract with CLS Consultants and Designers, New York, New York, for engineering support services, requested by the Office of Engineering Design and Construction.
- D4. Personal services contract with P-D Auctioneers International, Inc., Dallas,

Texas for auction services, requested by the Division of Purchasing.

**E—Real Property Transactions**

- E1. Grant of permanent easement to the Tennessee Valley Public Power Association for the construction of an office building located in Hamilton County, Tennessee—Tract No. XTCOFC-2E.
- E2. Proposed abandonment of a portion of TVA's Banner Elk-Newland transmission line right of way in Avery County, North Carolina.
- E3. Proposed abandonment of a portion of TVA's Columbia-South Nashville transmission line right of way in Davidson County, Tennessee—Tract No. CNR-1.
- E4. Proposed abandonment of certain easement rights affecting approximately 0.13 acre of TVA's Fort Loudoun Reservoir land located in Knox County, Tennessee—Tract No. PL-970F.
- E5. Grant of 30-year easement to the City of LaFollette, Tennessee, for construction, operation, and maintenance of public recreational facilities affecting approximately 22.9 acres of Norris Reservoir Land located in Campbell County, Tennessee—Tract No. XTNR-89E.
- E6. Grant of permanent easement to Thereas Y. Cox for a road, affecting a 0.30-acre parcel (Tract No. X8H-18B) in exchange for release and abandonment of existing access rights over an 0.83-acre parcel (Tract No. SH-43); both located on South Holston Reservoir land in Sullivan County, Tennessee.
- E7. Proposed adjustments in land interests previously conveyed to Nickajack Port Authority for development of an industrial park and public use terminal, effecting Nickajack Reservoir Land in Marion County, Tennessee—Tract Nos. XNJR-16, XNJR-17, and ITNJR-18E.

**F—Unclassified**

- F1. Revised TVA policy code relating to water quality management.
- F2. Short-term borrowing from the Treasury.
- F3. Payments to States and counties in lieu of taxes for fiscal year ending September 30, 1983, as provided under Section 13 of the TVA Act, as amended.
- F4. Authority to write off uncollectible accounts receivable.
- F5. Contribution rate to the TVA Retirement System for fiscal year 1984.
- F6. Proposed arrangements for financing of Chattanooga Office of Power building.
- F7. Cooperative agreement between TVA and the Land Between The Lakes Association covering arrangements for cooperation in the expansion of opportunities for direct public involvement in the conservation, education, and recreation work of Land Between The Lakes.
- F8. Proposed contract with Stearns Roger Services, Inc., for architect/engineer services for the north Alabama coal-to-methanol project.
- F9. Contract No. TV-62343A between Local Initiatives Support Corporation and TVA to promote the economic development of

the Beale Street Historical Area in Memphis, Tennessee.

**None.**—The meeting will recess after completion of Item 7-9 and reconvene at 1 p.m. for completion of agenda.

F10. Fiscal Year 1984 Capital Budget for the Power Program comprising expenditures for ongoing and new projects during the fiscal year and the estimated total project cost for those projects.

**a. Major Generating Projects.**

- (1) Sequoyah Nuclear Plant: The construction phase of the plant will be officially complete before the end of the current fiscal year.
- (2) Watta Bar Nuclear Plant: Continuation of construction.
- (3) Bellefonte Nuclear Plant: Continuation of construction.
- (4) Harteville Nuclear Plant A: Expenditures during deferral period.
- (5) Yellow Creek Nuclear Plant: Expenditures during deferral period.

**b. Plant additions and improvements for fossil and hydroelectric plants.****Ongoing Projects**

- (1) Bull Run Steam Plant: (a) Complete the coal ignition system and (b) construct ash disposal area.
- (2) Colbert Steam Plant: (a) Rehabilitate and modify boiler turbine and (b) complete conversion of unit 5 to balanced draft.
- (3) Cumberland Steam Plant: (a) Boiler bypass system, (b) complete unit 1-2 precipitators, and (c) replace feedwater heaters.
- (4) Johnsonville Steam Plant: Work on stacks, ducts, and structural steel required in conversion to new precipitators.
- (5) Paradise Steam Plant: (a) Coal-receiving facility, (b) complete unit 3 precipitator, (c) unit 1-2 scrubber, (d) coal-washing facility, (e) replace generator stator winding, (f) replace cyclone furnace-unit 1, (g) replace cyclone furnace-unit 2, (h) cyclone furnace replacements-unit 3, (i) replace inner cylinder, (j) install boiler superheater, and (k) blades and accessories.
- (6) Shawnee Steam Plant: Completion of the baghouse filter.
- (7) Widows Creek Steam Plant: (a) Unit 7 scrubber and (b) sludge removal system.
- (8) Blue Ridge Hydro Plant: Increase of spillway capacity.
- (9) No. 2 Hydro Plant: Completion of the rehabilitation of the plant.
- (10) Wilson Hydro Plant: Replace the governors on units 9-18.
- New Authorizations**
- (11) Bull Run Steam Plant: Removal of original precipitators and installation of new ductwork.
- (12) Cumberland Steam Plant: (a) Replace high-pressure feedwater heaters-unit 1, (b) emergency reclaim facility, and (c) replacement of hot and hot intermediate air preheater baskets.
- (13) Gallatin Steam Plant: Replace unit 2 reheater outlet pendant assemblies.
- (14) John Sevier Steam Plant: replace boiler tubes.

(15) Paradise Steam Plant: (a) acquire heavy equipment for dry stacking disposal, (b) installation of automatic condenser tube cleaning system-units 1 and 2, (c) replace combustion and steam temperature controls and related instrumentation, and (d) replace cyclones and lower furnace tubes-units 1-3.

(16) Shawnee Steam Plant: (a) Construct dredge settling pond and (b) replace four obsolete tractor scrapers.

(17) Widows Creek Steam Plant: Raise ash pond dike.

(18) Pickwick Hydro Plant: Turbine modernization and unit rehabilitation.

(19) Wilson Hydro Plant: (a) Replace generator breakers-units 1-18, (b) replace generator lead cable-units 9-12, and (c) replace rubber-insulated control cables-units 9-18.

**c. Plant Additions and Improvements for Nuclear Plants. Various projects at Browne Ferry, Sequoyah, and Watts Bar and the following.**

**Ongoing Projects**

(1) Browne Ferry Nuclear Plant: (a) Postaccident sampling facility, (b) volume reduction and low-level radwaste facility, (c) interim office and shop building, (d) modifications for long term torque integrity program, (e) install generator breakers and replace three unit station service transformers, (f) replace generating unit process computers, (g) modifications to complete the plant, and (h) install prompt notification system.

**New Authorizations**

(2) Browne Ferry Nuclear Plant: (a) Environmental qualification of safety-related equipment, (b) replace specified switches with analog transmitter/trip unit system, (c) installation of preaction sprinkler system, (d) additional office building, (e) modify scram discharge system, (f) appendix E electrical modifications, (g) technical support center, and (h) turbine modification.

(3) Sequoyah Nuclear Plant: (a) Provide design for technical support center—covers design only, (b) addition of a postaccident sampling facility, (c) addition of a reactor vessel level instrumentation system, (d) install filter cartridge analyzers for iodine radiation monitoring, (e) replace nonqualified plant electrical/instrumentation equipment, (f) modifications to secondary systems for steam generator preservation, (g) replace copper alloy tubing in feedwater heaters and main feed pump condensers, (h) condensate demineralizer systems, (i) install fifth battery bank, (j) security power block and watch towers, (k) postaccident monitoring instrumentation, (l) emergency raw cooling water (EECW) changeout, (m) liquid and dry active waste (DAW) radwaste processing, (n)

convert elevation 690 power stores area into hot tool and machine shop activity area, (o) install an additional makeup water treatment plant, and (p) office building and power stores.

**d. Other Additions and Improvements.**

**Ongoing Project**

(1) Chattanooga Office Complex.

**e. Transmission System Facilities. Numerous Small Projects and the Following.**

**Ongoing Projects**

(1) 500-kV Transmission projects: (a) construct Murphy Bill, Alabama, 500-kV substation, (b) new 500-kV substation, Union, Mississippi, (c) new interconnection, Appalachian Power Company, (d) transmission line connections, Phipps Bend, (e) add synchronism check relaying scheme, all TVA terminals, and (f) connections for Plant A, Hartsville.

(2) 161-kV Transmission Projects: (a) construct substation, Shell Oil Company pumping station, Langsford, Mississippi, (b) strengthen the system, Winchester-Tullahoma-Wartrace area, (c) rebuild for 161-kV: Franklin-Portland and Gallatin-Portland, and (d) new substation, Fomoca, Tennessee.

**New Authorizations**

(3) Maury, Tennessee, 500-kV substation.

(4) Install tertiary reactors at various 500-kV substations.

(5) Uprate various 500-kV transmission lines for 100°C operation.

(6) Increase capacity, Albertsville, Alabama, 161-kV substation.

(7) Uprate various 161-kV transmission lines for 100°C operation

(8) Install 161-kV capacitors, East Bowling Green, Kentucky, 161-kV substation.

(9) Convert Savannah, Tennessee, 46-kV substation to 161-kV.

(10) Install 161-kV power circuit breaker to establish 161-kV interconnection with Big Rivers Electric Corporation (BREC) at Shawnee Steam Plant.

**f. General Service Facilities. Various requirements of less than \$1 million each comprising a fiscal year 1984 budget of \$8.1 million and the following.**

**Ongoing Projects**

(1) Office facilities and equipment: Improvements to the Administrative Telecommunications System.

**New Authorization**

(2) Computing facilities and equipment: (a) word processing and (b) minicomputers.

(3) Transportation facilities and equipment: Vehicles.

**g. Miscellaneous Power Facilities. A variety of small projects and the following.**

**New Authorization**

(1) Muscle Shoals Power Service Shops: Shop Building No. 4.

**h. Other Capital Requirements.**

**Ongoing Projects**

(1) Acquisition of Fuel Reserves: (a) Edgemont decommissioning and (b) other activities related to fuel reserves.

(2) Energy Conservation Programs.

(3) Loan Program Advances.

(4) Other Deferred Charges.

(5) Change in Power Inventories.

(6) Sinking Fund Requirement.

(7) Expense on Canceled Nuclear Units.

**F11. Fiscal Year 1984 Capital Budget**

Financed from Appropriations  
Establishing the Allocation of Funds for the Fiscal Year's Capital Activities  
Financed From Regular Appropriations.

**a. New lock at Pickwick Landing Dam—Ongoing Project.**

**b. Columbia Dam and Reservoir—Ongoing Project.**

**c. Additions and Improvements—Ongoing Projects.**

**d. Recreation Facilities—Ongoing Projects.**

**e. Land Between The Lakes Facilities—Ongoing Projects.**

**f. Local Flood Facilities—Ongoing Projects.**

**g. Chemical Facilities.**

**Ongoing Projects.**

(1) Railroad Tank Car Replacements.

(2) UAN/UAS Suspension Unit.

(3) Dust Removal System for Granular Combination Fertilizer Unit (GCFU).

(4) Other Chemical Facilities.

**New Authorizations.**

(5) Optimize Ammonia Plant.

(6) Fluid Fertilizer Storage.

(7) Energy-efficient Fertilizer Process.

**h. Ammonia from Coal Facility—Ongoing Project.**

**i. North Alabama Coal-to-Methanol Project—Ongoing Project.**

**j. General Facilities—Ongoing Project.**

**F12. Fiscal year 1984 operating budget**

financed from power revenues.

**F13. Fiscal year 1984 operating budget**

financed from regular appropriations.

**F14. Fiscal year 1984 operating budget**

financed from manpower proceeds.

\*Items approved by individual Board members. This would give formal ratification to the Board's action.

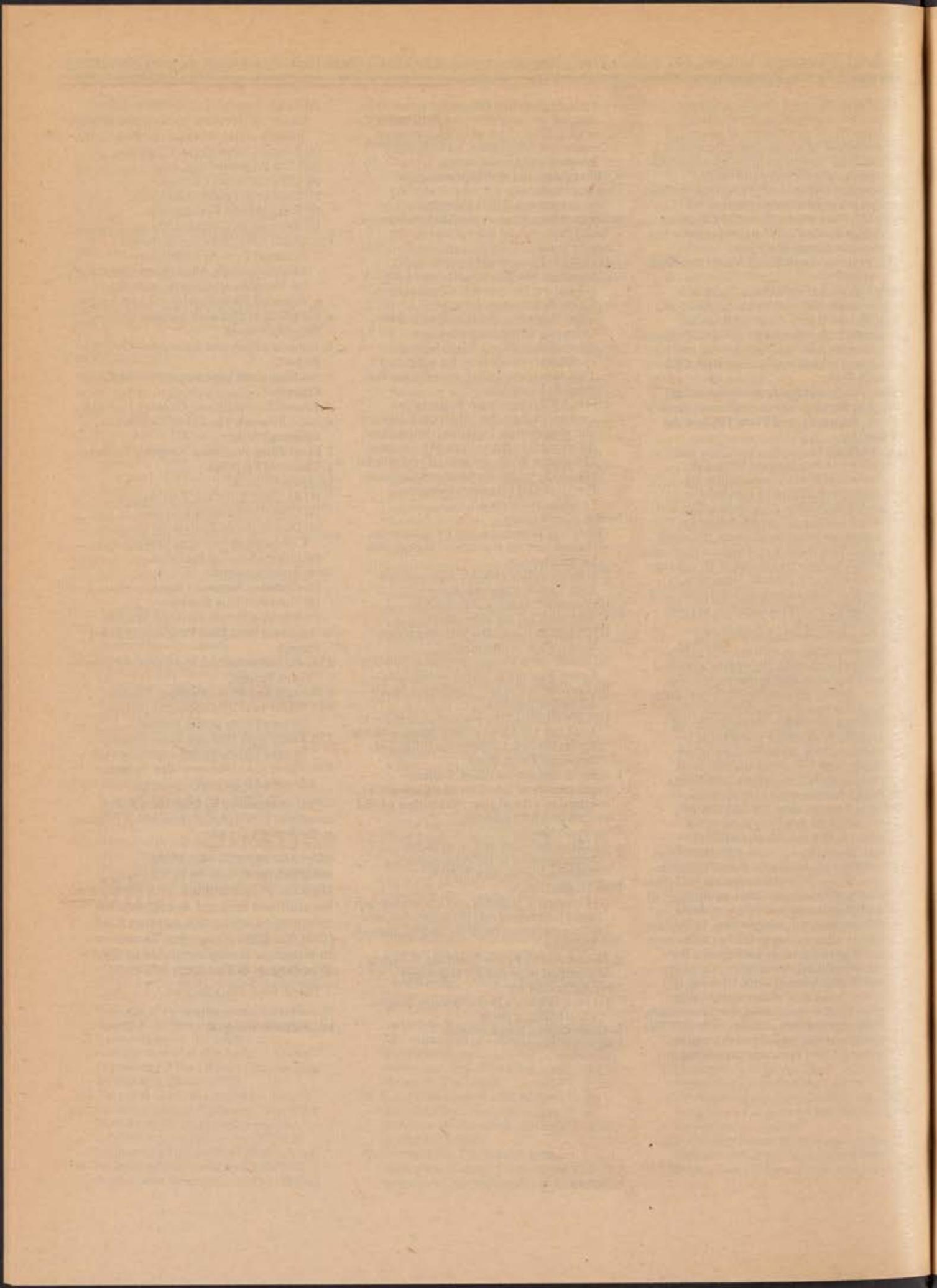
**CONTACT PERSON FOR MORE**

**INFORMATION:** Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: September 20, 1983.

[S-1338-83 Filed 9-23-83; 4:00 pm]

BILLING CODE 8120-01-M



# **federal register**

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Thursday  
September 22, 1983

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**Part II**

**Department of  
Defense**

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**General Services  
Administration**

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**National Aeronautics  
and Space  
Administration**

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Federal Acquisition Regulation; Final  
Rule; Correction

## DEPARTMENT OF DEFENSE

GENERAL SERVICES  
ADMINISTRATIONNATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION

## 48 CFR Ch. 1

Establishing the Federal Acquisition  
Regulation*Correction*

In FR Doc. 83-25334 beginning on page 42102 in the issue of Monday, September 19, 1983 (Book 2), page 42482 was omitted and a duplicate of page 42282 was printed in its place. The correct text of page 42482 appears on the following page.

BILLING CODE 1505-01-M

Sec.		Sec.	
52.247-27	Contract Not Affected by Oral Agreement.	52.249-3	Termination for Convenience of the Government (Dismantling, Demolition, or Removal of Improvements).
52.247-28	Contractor's Invoices.	52.249-4	Termination for Convenience of the Government (Services) (Short Form).
52.247-29	F.o.b. Origin.	52.249-5	Termination for Convenience of the Government (Educational and Other Nonprofit Institutions).
52.247-30	F.o.b. Origin, Contractor's Facility.	52.249-6	Termination (Cost-Reimbursement).
52.247-31	F.o.b. Origin, Freight Allowed.	52.249-7	Termination (Fixed-Price Architect-Engineer).
52.247-32	F.o.b. Origin, Freight Prepaid.	52.249-8	Default (Fixed-Price Supply and Service).
52.247-33	F.o.b. Origin, with Differentials.	52.249-9	Default (Fixed-Price Research and Development).
52.247-34	F.o.b. Destination.	52.249-10	Default (Fixed-Price Construction).
52.247-35	F.o.b. Destination, within Consignee's Premises.	52.249-11	Termination of Work (Consolidated Facilities or Facilities Acquisition).
52.247-36	F.a.s. Vessel, Port of Shipment	52.249-12	Termination (Personal Services)- Failure to Perform.
52.247-37	F.o.b. Vessel, Port of Shipment.	52.249-13	Excusable Delays.
52.247-38	F.o.b. Inland Carrier, Point of Exportation.	52.249-14	Indemnification Under Public Law 85-804.
52.247-39	F.o.b. Inland Point, Country of Importation.	52.250-1	Government Supply Sources.
52.247-40	Ex Dock, Pier, or Warehouse, Port of Importation.	52.251-1	Interagency Motor Pool Vehicles and Related Services.
52.247-41	C.& f. Destination.	52.251-2	Solicitation Provisions Incorporated by Reference.
52.247-42	C.i.f. Destination.	52.252-1	Clauses Incorporated by Reference.
52.247-43	F.o.b. Designated Air Carrier's Terminal, Point of Exportation.	52.252-2	Alterations in Solicitation.
52.247-44	F.o.b. Designated Air Carrier's Terminal, Point of Importation.	52.252-3	Alterations in Contract.
52.247-45	F.o.b. Origin and/or F.o.b. Destination Evaluation.	52.252-4	Authorized Deviations in Provisions.
52.247-46	Shipping Point(s) Used in Evaluation of F.o.b. Origin Offers.	52.252-5	Authorized Deviations in Clauses
52.247-47	Evaluation—F.o.b. Origin.		
52.247-48	F.o.b. Destination—Evidence of Shipment.		
52.247-49	Destination Unknown.		
52.247-50	No Evaluation of Transportation Costs.		
52.247-51	Evaluation of Export Offers.		
52.247-52	Clearance and Documentation Requirements—Shipments to DOD Air or Water Terminal Transshipment Points.		
52.247-53	Freight Classification Description.		
52.247-54	Diversification of Shipment under F.o.b. Destination Contracts.		
52.247-55	F.o.b. Point for Delivery of Government-Furnished Property.		
52.247-56	Transit Arrangements.		
52.247-57	Transportation Transit Privilege Credits.		
52.247-58	Loading, Blocking, and Bracing of Freight Car Shipments.		
52.247-59	F.o.b. Origin—Carload and Truckload Shipments.		
52.247-60	Guaranteed Maximum Shipping Weights and Dimensions.		
52.247-61	F.o.b. Origin—Minimum Size of Shipments.		
52.247-62	Specific Quantities Unknown.		
52.247-63	Preference for U.S.-Flag Air Carriers.		
52.247-64	Preference for Privately Owned U.S.-Flag Commercial Vessels.		
52.248-1	Value Engineering.		
52.248-2	Value Engineering Program—Architect-Engineer.		
52.248-3	Value Engineering—Construction.		
52.249-1	Termination for Convenience of the Government (Fixed-Price) (Short Form).		
52.249-2	Termination for Convenience of the Government (Fixed-Price).		

**52.000 Scope of part.**

This part (a) gives instructions for using provisions and clauses in solicitations and/or contracts, (b) sets forth the solicitation provisions and contract clauses prescribed by this regulation, and (c) presents matrices listing the FAR provisions and clauses applicable to each principal contract type and/or purpose (e.g., fixed-price supply, cost-reimbursement research and development).

**SUBPART 52.1—INSTRUCTIONS FOR USING PROVISIONS AND CLAUSES****52.100 Scope of subpart.**

This subpart (a) gives instructions for using Part 52, including the explanation and use of provision and clause numbers, prescriptions, prefaces, and matrices; (b) prescribes procedures for incorporating, identifying, and modifying provisions and clauses in solicitations and contracts, and for using alternates; and (c) describes the derivation of FAR provisions and clauses.

**52.101 Using Part 52.**

(a) *Definitions.* "Alternate" means a substantive variation of a basic provision or clause prescribed for use in a defined circumstance. It (1) adds wording to, (2) deletes wording from, or (3) substitutes specified wording for a portion of the basic provision or clause. The alternate version of a provision or clause is the basic provision or clause as changed by the addition, deletion, or substitution (see 52.105(a)).

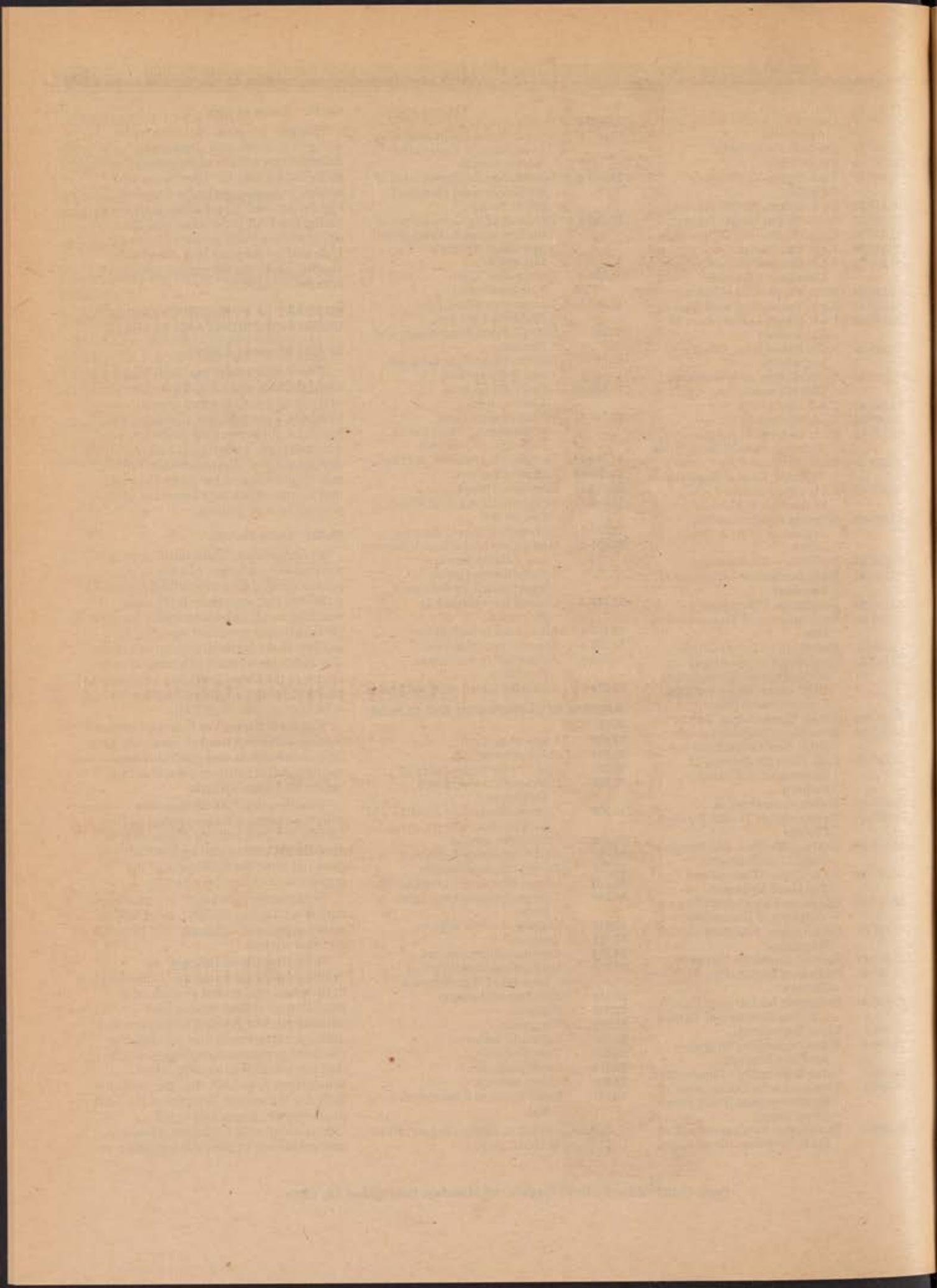
"Contract clause" or "clause" means a term or condition used in contracts or in both solicitations and contracts, and applying after contract award or both before and after award.

"Modification," as used in this subpart, means a minor change in the details of a provision or clause that is specifically authorized by the FAR and does not alter the substance of the provision or clause (see 52.104).

"Solicitation provision" or "provision" means a term or condition used only in solicitations and applying only before contract award.

"Substantially as follows" or "substantially the same as," when used in the prescription and preface of a provision or clause, means that authorization is granted to prepare and utilize a variation of that provision or clause to accommodate requirements that are peculiar to an individual acquisition; *provided*, that the variation includes the salient features of the FAR provision or clause, and is not inconsistent with the intent, principle, and substance of the FAR provision or

Authority: 40 U.S.C. 486(c); Chapter 137, 10 U.S.C.; and 42 U.S.C. 2453(c).



# federal register

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Thursday  
September 22, 1983

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**Part III**

**Department of  
Transportation**

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Office of the Secretary

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**Standard Time Zone Boundaries in the State  
of Alaska; Relocation**

## DEPARTMENT OF TRANSPORTATION

## Office of the Secretary

## 49 CFR Part 71

(OST Docket No. 9; Amdt. 71-19)

## Standard Time Zone Boundaries in the State of Alaska; Relocation

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

**SUMMARY:** DOT is relocating the boundaries between Pacific and Yukon time, Yukon and Alaska-Hawaii time, and Alaska-Hawaii and Bering time in the State of Alaska in order to reduce from four to two the number of time zones in that State. The relocation differs slightly from that originally requested by the State—but now supported by the State—in that it places Nome and related areas of western Alaska on the same time as Anchorage.

**EFFECTIVE DATE:** Sunday, October 30, 1983.

For relocation of the Pacific/Yukon boundary: 2:00 a.m. PST;

For relocation of the Yukon/Alaska-Hawaii boundary: 2:00 a.m. AHDT;

For relocation of the Yukon/Bering boundary: 2:00 a.m. BDT.

**FOR FURTHER INFORMATION CONTACT:** Robert I. Ross, Office of the General Counsel, (202) 426-4723.

**SUPPLEMENTARY INFORMATION:**

## Background

Under the Standard Time Act of 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260-64), the Secretary of Transportation has authority to issue regulations modifying the boundaries between time zones in the United States in order to move an area from one time zone to another. The standard in the statute for such decisions is "regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce".

A formal request from the Governor and Legislature of the State of Alaska was submitted to the Secretary requesting that the present four time zones in Alaska be reduced to two zones by moving the portion of the State in the Pacific zone to the Yukon zone, the portion in the Alaska-Hawaii zone also to the Yukon zone, and the portion in the Bering zone to the Alaska-Hawaii zone. One effect of the proposal's implementation would have been to reduce from two hours to zero the time difference between Juneau, the State Capital, and Anchorage, the State's most populous city; and to reduce from three hours to one the time difference

between Juneau and Nome. DOT published a Notice of Proposed Rulemaking on the State's request (June 30, 1983; 48 FR 30307) and provided a period of sixty days—until August 29, 1983—for public comment. In addition, public hearings were conducted in the State from August 1 through 5, 1983.

For the reasons discussed below, DOT is granting the State's request to reduce the number of time zones from four to two. In one important respect, however, this decision differs from the original request, and that relates to the westernmost portion of the mainland of Alaska (and its outlying islands). That area—including Nome—is one hour behind Anchorage and three hours behind Juneau. The State's original proposal would have continued this one-hour difference with Anchorage while reducing the difference with Juneau to one hour. As more fully set forth below, and as now supported by the State, this decision removes the one hour difference between Nome and Anchorage, and reduces the difference between Nome and Juneau to zero, by including Nome in the Yukon time zone. This means that the only part of the State not to be included in Yukon time is that portion of the Aleutian chain of islands west of the Fox Islands (approximately 169 degrees 30 minutes west longitude). This area includes only four small communities (Atka, Adak, Shemya, and Attu); these currently observe Bering time and will be moved to Alaska-Hawaii time by this decision.

## Factors in the decision

Commerce is the important consideration in DOT's decision because that is the principal standard established by the Congress. Commerce in all its varied forms is at the heart of why we have time zones, which were established in North America by the railroads one hundred years ago to standardize their schedules and facilitate the movement of passengers and cargo. DOT construes the term "commerce" to include the intimate impact time has on individuals and families, in addition to its impact on businesses and other organizations; however, commerce means movement—of people, things, and ideas. Hence, we examine transportation, communication, travel, recreation, education, and all other aspects of organized society in judging time zone proposals. From these perspectives, the evidence supports the proposal.

In its request, the State set forth four arguments in support of the requested time change: (1) Alaska is the only State that spans four time zones; (2) time differences between communities in

Alaska create an artificial barrier that impairs efforts to improve communications among the widely scattered population centers of this vast State; (3) elimination of the time differential between the State Capital and the other centers of finance, trade, and commerce in Alaska would bring State government closer to all the people of the State; and (4) the transfer of most of Alaska to the Yukon Standard Time Zone would place most Alaskans on an identical time schedule that would avoid inconvenience to the traveler, the transportation industry, and other commercial enterprises. As further developed during the public comment period and in the public hearings, these and related considerations more generally divided into three categories: lifestyle, economic development, and governmental operation.

**Governmental operation.** It is clear from the comments that the operation of every level of government in Alaska will be made more efficient and effective by reducing the time differences among regions of the State. Government plays a larger role in the life of the people of Alaska than perhaps it does in the lives of any other group of Americans. First, government at all levels employs over 50% of the workers in the State; second, because of its size, its natural resources, and its long history as a Federal territory, the Federal government is the major landowner in Alaska; third, because of its sparse population, the State provides local government services in parts of the State. In this regard, it is not surprising (especially since the initiating request was submitted by the State), that every State agency and official (including former Governors Jay Hammond and Walter Hickel) providing comment supports the proposal. What is noteworthy is that every local government providing comment does also. They emphasize the frequency of their contacts with State agencies, particularly in Juneau, and the difficulties in conducting necessary public business with so much time difference between Juneau and most of the rest of the State. They strongly favor being on the same time as Juneau. Finally, the operations of major Federal agencies in Alaska, including DOT's own Coast Guard and Federal Aviation Administration, will be enhanced by the change, since these agencies have operations and employees in many parts of the State (mostly the area between Anchorage and Fairbanks, known as the "Railbelt" where the majority of the State's population resides). (In the case of the Coast Guard, the District Commander's office is in Juneau, but

more than 2,000 of his personnel are in the Alaska-Hawaii zone (on Kodiak Island)). In fact, every Federal agency submitting an opinion supported the State's proposal and no Federal agency registered opposition to it.

This centrality of the State's role is emphasized also by commercial interests providing comment on the proposal. State government plays a more active role in economic development in Alaska than in perhaps any other State. In some respects, this is a heritage from the days of territorial status, when the Federal government played such a central role in Alaskan life and affairs; in others, it reflects a judgment that, in a land of such extremes of weather, size, and population density, only government can afford the types of investment required for long-term economic development. In a recent report of the attitudes of over ninety Alaskans surveyed because of their expertise in government, education, industry, Native life, or advocacy ("A Delphi Forecast of Alaska's Development: The Year 2000 & Beyond"—June 1983), it was stated that "State government has, and will have, the largest role in Alaska's economic development". The roles most clearly seen for the State government in Alaska's future were assuring cheap and abundant electric power, determining optimal land use, protecting the environment, and providing transportation to resource sites. Emphasis was also given to future commercial relations between the State and countries of Asia that are seen as major markets for Alaskan natural resources, and the role that State government must play in arranging and facilitating these relations. Not only would implementation of the proposal bring Juneau in closer contact with these Asian countries (particularly Japan and South Korea), but it would also bring State agencies in Juneau in closer contact with major private enterprises in Anchorage which seek to develop these Asian markets.

The question of efficiency of State operation is highlighted by the fact that the State revenues—90% of which derive from the petroleum industry—are declining while the State's population is increasing.

*Economic development.* Twenty-five years ago, when the Congress approved Statehood for Alaska, not all parts of Alaska supported the move. Southeast Alaska had most of the State's commercial development (in fishing and timber) and questioned whether that was a sufficient tax base to support a State, particularly since there was not

then much commercial development elsewhere in the State. At that time, of course, no one could foresee the discovery of vast stores of petroleum at Prudhoe Bay and elsewhere; for whatever the reason, however, the fears expressed in Southeast a quarter century ago have not become a reality. The recent history of the State is rife with examples of commercial and demographic movement away from Southeast and toward other portions of the State, particularly the Railbelt. The petroleum industry in the State is headquartered in Anchorage. As mentioned earlier, Government employs over 50% of the workers in the State (most of them in the Railbelt), while Southeast's fishing and seafood processing industries now employ only 4%. The State's economic history has many examples of companies beginning operations in Alaska controlled by offices in other States and having those expanded operations controlled now by an office in Anchorage. Submissions by the banking, insurance, and legal communities bear strong witness to this evolution in the State's economy. To a large extent, it can be said that the State's proposal reflects the development of a more self-sufficient Alaskan economy, more reliant on its own resources and less dependent on contacts and supplies from the Lower 48 which justified the current time zones which more closely tied Southeast to the rest of the continental United States. The docket submissions amply support this view of the State's economic growth, as well as the belief that implementing the proposal will further this development to the general benefit of Alaska.

The negatives in this regard basically fall into two categories. The first is a general denial that implementation of the proposal will have the effects described above; related to this are two claims, one that time zone changes categorically cannot have such effects and the other that proponents for the change have not shown a causal connection between the two. These contentions are unavailing: as discussed above, we are satisfied that implementation will in fact have the impacts urged in its behalf. We take this position because it has been shown over sixteen years of DOT's administration of this program that time zones can both bring together and set apart people, their businesses, and their communities. The displacement westward of the line between eastern and central time evidences a desire for commercial reasons for communities in the near-Midwestern United States to be on the

same time as New York and other eastern cities. Similarly, the displacement westward of the line between central and mountain evidences a desire for commercial reasons for communities in the far-Midwest to be on the same time as Chicago.

The second category is support of the converse of the arguments made in support of the time change; that is, to argue that the detriments of making the change outweigh any benefits. For example, it is argued that implementing the State's proposal would have the following undesirable impacts: increasing the time difference between Juneau and the Lower 48; lessening the opportunity each work day for direct communication between Anchorage and Tokyo; and encumbering long-established commercial and personal relationships between Southeast and the Seattle area, and Southeast and adjoining Canadian communities. There is merit to all of these; it is not enough, however, to overcome the arguments in favor of making the time zone change.

For instance, increasing the time difference between Juneau and the Lower 48 is less important, given the evolution of the State's economy, than decreasing the time difference between Anchorage and the Lower 48; lessening the opportunity each work day for direct communication between Anchorage and Tokyo is less important, given the central role that the State government is expected to play in developing Asian markets for Alaskan natural resources, than increasing the opportunity for such communication between Juneau and Tokyo; and encumbering long-established commercial and personal relationships between Southeast and the Seattle area, and Southeast and adjoining Canadian communities, is less important than reducing to one hour the present two-hour time difference along most of the Alaska-Canada border and bringing Anchorage into closer contact with nearby Canadian centers of commerce. This last has a double edge to it; as one commenter from Southeast remarked during a teleconference, putting Seattle one hour later than Southeast would enable people in Southeast to have telephone contact with Seattle in the morning at the lower interstate telephone rates that apply before 8:00 a.m. Rather than encumber these long-standing relationships, the time change would foster them by reducing their cost.

#### Lifestyle

This third category is the most difficult to explain, because it

encompasses so much of what people who live there *feel* about Alaska. One particularly noteworthy aspect of the public hearings and teleconferences was the tendency of speakers to mention the number of years they had lived in Alaska; if they had lived in another part of the State than the one in which they live now, they mentioned that too. The degree of commitment to Alaska as evidenced by the duration of living there was seen almost as a credential for speaking on the proposal. There are many aspects of Alaskan lifestyle that were discussed; the more significant are addressed below.

*Alaska is the only State that spans four time zones.* There are many unique aspects of Alaska and this is just one of them. The State is in as many time zones as the continental United States. This has been characterized by the tourist industry as one of the more exotic aspects of Alaska (although, interestingly, one representative of the tourist industry commented that the time differences among parts of the State was confusing to tourists and interfered with their making connections while in the State and with their general enjoyment of their time in the State). The vastness of the State (the word "Alaska" comes from a Native word meaning "Great Land") is a source of much pride to Alaskans; it contributes to the sense of many who live there that Alaska is a world apart from the rest of the United States (which some moved to Alaska to get away from).

*Sunrise/sunset.* The impact that implementation of the proposal would have upon the hours of sunrise and sunset was a matter of much concern and debate. Numerous commenters from Ketchikan (far southeast Alaska, the portion of the State closest to the Lower 48 States) oppose the proposal because it would work a "reverse daylight saving time (DST)" effect—that is, it would make the sun rise and set one hour earlier than if Southeast were left in the Pacific zone. These commenters highly value that extra hour in the afternoon for outdoor activities. Many of them acknowledged that, in a sense, Southeast is improperly included in the Pacific zone and actually belongs, geographically, in the Yukon zone. (The Pacific time zone, were it precisely drawn without concern for commerce, would extend no farther west than 127 degrees 30 minutes west longitude and would not include any part of Alaska; however, shortly before World War II, apparently to improve communication between Juneau and the continental United States, Southeast was put on Pacific time; this provides later sunrises

and sunsets, in a form of year-round DST). They nonetheless did not want to lose that hour.

Some of these people are State employees; when Governor Sheffield first took office, he adjusted backward by one hour the work hours of State employees in Southeast to increase the period during each day for communications with other parts of the State. This, of course, decreased the period of sunlight after work by one hour. The State announced that, if the State's request for a time zone change for Southeast were granted, State employees work hours would be returned to their prior schedule, thereby giving to State employees the hour after work that this decision would otherwise deny them. Many Ketchikan commenters agreed that this adjustment by the State would solve their problem. For others, less affected by State working hours, the loss is real.

People in Fairbanks had much the converse reaction. They saw the proposal as *delaying* sunrise and sunset for one hour and objected. Some of them (and persons in other parts of the State) analogized placing such a vast geographic area on the same time to putting the entire continental United States on the same time. Since the latter lacks wisdom, they believe the former does also.

For much of the past ten years, DOT has examined numerous proposals to reduce to three or two or even one the number of time zones in the continental United States and consistently opposed them. Our principal reason has been the dislocation of people's lives from the natural rise and set of the sun that these proposals would create. Despite the urbanization of much of our population, the American people in general consistently evidence a desire to have their daily pattern of living remain in at least rough adjustment with natural sunlight. Much of the opposition in recent years to extending DST into January and February was generated by a feeling by many that too much early morning activity best and most safely done in daylight would be thrust into darkness. Time zones and DST generally reflect a compromise between the needs of commerce and the desires of people for usable sunlight during certain parts of the day.

Very little of this applies to Alaska, since it has the greatest extremes of sunrise and sunset of any part of the United States. During the shortest days of the year—December 20 to 22—there are only about four hours of sunlight in Fairbanks; conversely, on the longest days—June 20 to 22—there are about

twenty-three hours of sunlight. (In other parts of the State, the situation is even more extreme; in Barrow, on the far northern coast, there is round-the-clock daylight from May 10 to August 3 and round-the-clock darkness from November 19 to January 24. Even in Southeast, the portion closest to the Lower 48, the mix of light and dark throughout the year is unusual in comparison with what is experienced in the Lower 48. The numbers for Juneau, for example, are approximately eight hours of daylight on the shortest and eighteen on the longest.) Hence, comparisons between Alaska and more temperate portions of the United States do not prove as much as suggested.

Much of the sunrise/sunset debate in Fairbanks and elsewhere concerned the perception of increased hazard to children walking along the side of a road traveling to school from having the sunrise later. The hazard was claimed to be particularly acute because of the harsh weather conditions prevalent throughout the State in winter.

On most days, of course, there will not be any impact. The sun rises so early and sets so late, or rises so late and sets so early, that this decision will not change the amount of ambient light during the trip to or from school. It appears that this decision will affect whether schoolchildren travel to school in light or dark on only about twenty days each year (since it takes approximately twenty days for the time of sunrise to change by one hour and this decision affects only one hour of the day. The number of days when this decision will affect whether they come home in light or dark is about the same.) On each one of those days, what is lost in the morning is gained in the afternoon, and one commenter—a mother of small children—supported the change just for this reason, that it would provide opportunity for outdoor recreation after school in a season of the year when that is scarce.

In sum, the impact appears to be as follows: for twenty days each year, this decision will cause children to go to school in darkness; for twenty days, it will enable them to come home in daylight. To this extent, the net impact would appear zero. DOT studies from the mid-1970's indicate that the trip home in the afternoon or evening is more hazardous than the trip to school or work in the morning, since there is more fatigue and alcohol use among automobile drivers then. Thus, the impact may be a net improvement in safety for schoolchildren, since it will permit more of their traveling to be done

in afternoon daylight. Either way, the net impact seems quite minor.

**Regionalism.** The vast geography of the State, its topography, and the existing time differences all contribute to a sense of severe regionalism, almost isolationism, in parts of the State. Many commenters in Southeast, for example, stated their willingness to have the Railbelt move closer to them in time but saw no reason for they themselves to change their time. Conversely, many in the Railbelt resisted changing their time, stating that Southeast was in the wrong zone and should be moved. Some suggested that Yukon time—between Pacific and Alaska-Hawaii—is the obvious compromise between these two positions and regions. Others—and there are very many of these (including the State government)—hoped that a result of implementing the State's proposal would be a defeat of such regionalism and growing sense of unity among the people.

Unavoidably intertwined with the time change proposal, at least in the minds and comments of many people, is the controversy on whether to move the State Capital from Juneau to the Railbelt. In November 1982, the voters rejected a specific proposal to move the capital to Willow, 35 miles north of Anchorage. Many saw this vote as killing the capital move forever; many see the move as alive. They believed that all that the voters did was reject a specific proposal, not the basic idea (which the voters approved earlier). Supporters of the move from Juneau saw this time zone proposal as a ploy by Juneau interests to moot opposition to Juneau as the capital. Opponents of the move saw the issue of the capital move as wasteful of the people's time and money and hoped that a lessening of time differences would lessen the sense that many people have that Juneau is not a real part of the State and therefore unacceptable as the capital. Hence, many commenters spoke in terms of the capital move, even though that is not the issue that DOT was deciding.

The interests of Juneau seemed separate from those of Southeastern communities closer to Seattle; as one moved down the coast, the time zone proposal seemed less popular. Similarly, people in Fairbanks seemed more opposed to any time change for the Railbelt than did people in Anchorage. DOT, therefore, examined whether it would be feasible to separate each of these major regions into smaller ones; that is, to put Juneau on Yukon time while leaving Petersburg, Ketchikan, Metlakatla, and other Southeastern communities on Pacific time. Similarly,

we examined whether it would be feasible to move Anchorage to Yukon time while leaving Fairbanks on Alaska-Hawaii time. To the extent that comments were received on these ideas, they were negative. It was specifically pointed out that the time difference between Juneau and the rest of Southeast was what led to the rescission of the earlier move of Juneau to Yukon time. Similarly, opposition to the proposal seemed stronger in Fairbanks than in Anchorage. Whatever differences they may have that result in different views on this proposed time zone change, the community of interest between Fairbanks and Anchorage is too strong to put them on different times. We therefore decided against further divisions.

**Native life.** Alaska's Natives present a unique situation. With the passage of the Alaska Native Claims Settlement Act, which cleared the way for construction of the oil pipeline from Prudhoe Bay to Valdez, Alaska Natives became owners of large corporations established by the Congress to administer and invest the wealth transferred to the Natives in satisfaction of their claims. At the same time, many Natives live—as they have for generations—a subsistence form of existence; that is, they live by hunting, trapping, and fishing, participating in the cash economy very little or not at all. The preservation of that unique lifestyle is a high priority, of both the State and the Federal governments and of the Natives themselves. At the same time, the Native corporations at the regional level (although not at the village level) are required by the Congress to seek a profit on their investments. Every Native corporation—regional or otherwise—that commented on the proposal supported it because of the commercial advantages it would present. At the same time, the Department of the Interior has stated its belief that implementation of the proposal would not detract from this traditional lifestyle that many Natives still lead.

#### Nome and related areas

Ever since time zones were formally established in Alaska, there has been a one-hour time difference between Nome and Anchorage. The State's proposal would have continued that difference. However, at the behest of a radio station in Nome, DOT in its public hearings and teleconferences raised the issue of whether that difference any longer should remain. (In its proposal published June 30, 1983, DOT reserved the right to consider and implement any variation on the original proposal which met the statutory criteria.)

Radio stations in the area pointed out that much of their audience is on Anchorage time, in part because teleconferences for that part of the State are conducted in Anchorage on Alaska-Hawaii time. The expense of recording programs for delayed broadcast was seen as wasteful. An airline operating in the area discussed its difficulties in having reliable schedules when communities regularly disregard the time zone line drawn by DOT in that area. A study by the State indicates a strong tendency for smaller communities to observe the time of the larger communities which provide them various services. Thus, communities that are in Bering, but near Bethel, which is in Alaska-Hawaii, nonetheless observe Alaska-Hawaii because Bethel does. Similarly, communities that are in Alaska-Hawaii but near Kotzebue, in Bering, nonetheless observe Bering because Kotzebue does. On August 8, 1983, the Common Council of the City of Nome, the largest community in the Bering time zone portion of Alaska, *unanimously* passed a resolution opposing a continuation of any time difference between Nome and Anchorage, Fairbanks, Juneau, and the rest of the State. Finally, the State, in a letter from Governor Sheffield, supported inclusion of this part of the State in Yukon time, for the reasons discussed above. The Governor suggested drawing the line between Yukon and Alaska-Hawaii at a point just west of the Fox Islands in the Aleutian chain, leaving only four sparsely populated communities of the State *not* on Yukon time—Atka, Adak, Shemya, and Attu.

An examination of the factors used to decide the time zone question elsewhere in the State leads us to the conclusion that Nome and its environs should be moved to the same time as the rest of the State. The prevalence of electronic communication and general aviation, with the sharp extremes in sunrise and sunset in the area (four hours of sunlight on the shortest day of the year and twenty-four on the longest), demonstrate to our satisfaction that this part of the State should be integrated into the commercial life of the rest of the State, at least insofar as it is within our power to do so. As suggested by the Governor, the line between Yukon time and Alaska-Hawaii time is being set at the western end of the Fox Islands, at 169 degrees 30 minutes west longitude.

#### Timing

The State requested that the entire change take effect when DST ends this year (2:00 a.m. local time Sunday,

October 30, 1983). Insofar as the changes west of Yakutat are concerned, this comports completely with DOT practice. If a decision is made to move an area to the zone to its east, that is done when DST next ends. Since, for example, Bering DST is the same time on the clock as Alaska-Hawaii standard time, making the requested change from Bering to Alaska-Hawaii effective at the moment DST ends means that clocks in the affected area do not have to be changed. Thus, confusion is minimized. On the other hand, when a decision is made to move an area to the zone to the west, that is done at the moment when DST next begins, for the converse reasons of those above. (What particularly concerned us was that a two-hour time change *back* would, for a moment, change the calendar date in Southeast to midnight of the previous day.) Consequently, DOT proposed that, if that portion of the proposal relating to the Pacific time zone is implemented, it be made effective at 2:00 a.m. PST Sunday, April 30, 1984. Comments were invited on this issue.

It is interesting to note that no commenter supported the phased implementation scheme recommended by DOT. Even those opposing the substance of the State's proposal urged that, were any change made, it be made all at once. A number of reasons were expressed. First, many found the phased implementation proposal confusing. Second, many felt it would be to the best interests of all concerned to have the change implemented quickly so that adjustment could be made quickly and cheaply. Third, making any part of the change effective in April 1984 would mean that the time relationship between the Capital and most of the rest of the State would change during the annual session of the Legislature, disrupting communication and transportation schedules related to the legislative session. For these reasons, DOT has decided to implement the changes on the schedule requested by the State; all aspects of the change will take effect on the day that DST ends this year. The concern about the calendar is mooted by staging the change for Southeast over two hours on the morning of October 30, 1983.

Specifically, the changes will occur in four steps, each one hour apart, as follows. (The discussion which follows is technical and is included for the record. We expect that, as with time changes generally, people will reset their clocks to the new time before retiring the night before.) First, at 2:00 a.m. PDT (9:00 a.m. Greenwich Mean Time (GMT)), the part of the State in the

Pacific zone will fall back to 1:00 a.m. PST, as DST ends for the year in that zone. Second, one hour later, at 2:00 a.m. PST (10:00 a.m. GMT), the part of the State in the Pacific zone will fall back *another hour* to 1:00 a.m. YST as the boundary between Pacific and Yukon is relocated in accordance with this decision, and as DST ends for the year in the Yukon zone. This will leave the State with three time zones: Yukon, Alaska-Hawaii, and Bering. Third, one hour later, at 2:00 a.m. AHDT (11:00 a.m. GMT), the part of the State which presently is in the Alaska-Hawaii zone will be moved to the Yukon zone; thus, clocks will not change in that part of the State, as 2:00 a.m. AHDT becomes 2:00 a.m. YST. This will leave the State with two time zones: Yukon and Bering. Fourth, one hour later, at 2:00 a.m. BDT (12:00 noon GMT), the boundary between Yukon and Bering will be relocated in accordance with this decision as DST ends for the year in the Bering zone; this will require that clocks in the portion of the Bering zone which is being moved to the Yukon zone be moved *ahead* one hour (instead of back, as would normally be done when DST ends). Clocks in the area of the Bering zone to be moved to the Alaska-Hawaii zone would stay the same, as Bering daylight is the same on the clock as Alaska-Hawaii standard.

#### The name of the resulting zone

As originally proposed by the State, and as implemented in this decision, the Yukon time zone becomes very much the dominant time zone for Alaska. To reflect its new position, it was suggested that the name of this zone be changed. The City of Yakutat, the only local government on the mainland of Alaska whose time will not change under this decision, urges that the Yukon zone be renamed the "Yakutat" zone. Others urge that the name be "Alaska" time.

Whether to change the name of any of the zones involved in this proceeding was not raised by DOT in its NPRM because we do not have the authority to change the name of a time zone. The time zones in the United States are established and named in the Uniform Time Act of 1966, an Act of Congress. The Secretary's authority to realign boundaries between zones does not include the authority to rename those zones. The Congress alone has that authority. We have discussed this aspect of the proceeding with the State's Congressional delegation.

#### Public participation

Public participation in this proceeding has taken many forms. In fact, because of the great distances from many points

in Alaska to Washington, D.C., and the vast size of the State, more methods were used to register opinion in this than in any other time zone rulemaking that DOT has ever conducted, in order to assure the widest possible participation by people in Alaska. (All comments, regardless of method by which they were submitted, appear in the docket.) The predominant means, as with most informal rulemakings, was written comment submitted to the docket; there were over 200 of these. Further, numerous petitions were submitted with multiple signatures. Among these were two petitions from the Ketchikan area opposing any change for Southeast (484 and 96 signatures); one from the Metlakatla area (even closer to Seattle) also opposing any change for Southeast (42 signatures); one from the Petersburg area (farther north in Southeast Alaska, toward Juneau) also opposing any change for Southeast (237 signatures); one from the Fairbanks area opposing any change in the Railbelt area (245 signatures); three from the Juneau area supporting the proposal entirely (152, 32, and 22 signatures); one from the Anchorage area supporting the proposal entirely (22 signatures); and one from various portions of the State containing 41 signatures supporting the proposal entirely and 2 opposing it. (Numbers shown for the petitions are raw totals; no attempt was made to remove duplicates or to determine the validity of any signatures.)

Five other means of public participation were also utilized. Principal among these was a series of three public hearings, one each in Juneau, Fairbanks, and Anchorage. Also, the legislative teleconference network of the State Legislature was utilized, from Juneau for Southeast and from Anchorage for Interior and Western Alaska. The teleconference permits two-way conversation by satellite and telephone line with remote areas of the State. In this way, persons far removed from the public hearing sites were able to discuss the proposal with a DOT representative. Total participation in the public hearings and teleconferences was approximately 200. Further, meetings were held with business and local government leaders in the three cities mentioned above to explain the proposal and learn their views. Entries appear in the docket for these meetings.

The State also submitted to the docket two other sources of public participation. First were records of inquiries that the State made before submitting its proposal to DOT; included are written comments, as well as

transcripts and summaries of a series of public hearings and teleconferences conducted by the State. Second were summaries and audiorecordings of interviews with business leaders in the State concerning their opinions of the proposal and its impact on the operations of their businesses.

#### Impact on observance of daylight saving time

This time zone change has no relation to the observance of daylight saving time (DST). Under the Uniform Time Act of 1966, the standard time of each time zone in the United States is advanced one hour from 2:00 a.m. on the last Sunday in April until 2:00 a.m. on the last Sunday in October, except in any State that has, by law, exempted itself from this observance. (A State in more than one time zone may have its exemption apply only to that part of the State which is in the more easterly time zone.) Although the State of Alaska did not observe DST before the 1966 Act took effect, it has done so every year since then. (A number of commenters addressed whether DST should be observed in Alaska, some in support and some in opposition; that however is a matter for the State, not the Federal government.) This decision does not in any way affect the State's power to observe DST or not.

#### Regulatory impact

I certify under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact on a substantial number of small entities, because of its highly localized impact. Further, it is not a major rule under Executive Order 12291, nor a significant rule under DOT Regulatory Policies and Procedures, 44 FR 11034, for the same reason. The economic impact is so minimal that it does not warrant preparation of a regulatory evaluation. Finally, DOT has determined that this rulemaking is not a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act and therefore that an environmental impact statement is not required.

#### List of Subject in 49 CFR Part 71

Time.

#### PART 71—[AMENDED]

In consideration of the foregoing, Title 49, Code of Federal Regulations, is amended by revising §§ 71.10 through 71.13 to read as appears below.

##### § 71.10 Pacific zone.

The fifth zone, the Pacific standard time zone, includes that part of the continental United States that is west of the boundary line between the mountain

and Pacific standard time zones described in § 71.9, but does not include any part of the State of Alaska.

##### § 71.11 Yukon zone.

The sixth zone, the Yukon standard time zone, includes the entire State of Alaska, except as provided in § 71.12 of this title.

##### § 71.12 Alaska-Hawaii zone.

The seventh zone, the Alaska-Hawaii standard time zone, includes the entire State of Hawaii and, in the State of Alaska, that part of the Aleutian Islands that is west of 169 degrees 30 minutes west longitude.

##### § 71.13 Bering zone.

The eighth zone, the Bering standard time zone, includes that part of the United States that is between 169 degrees 30 minutes west longitude and 172 degrees 30 minutes west longitude, but does not include any part of the States of Hawaii and Alaska.

Authority: Act of March 19, 1918, as amended by the Uniform Time Act of 1966 and Pub. L. 97-449, 15 U.S.C. 260-64; 49 CFR 1.59(a).

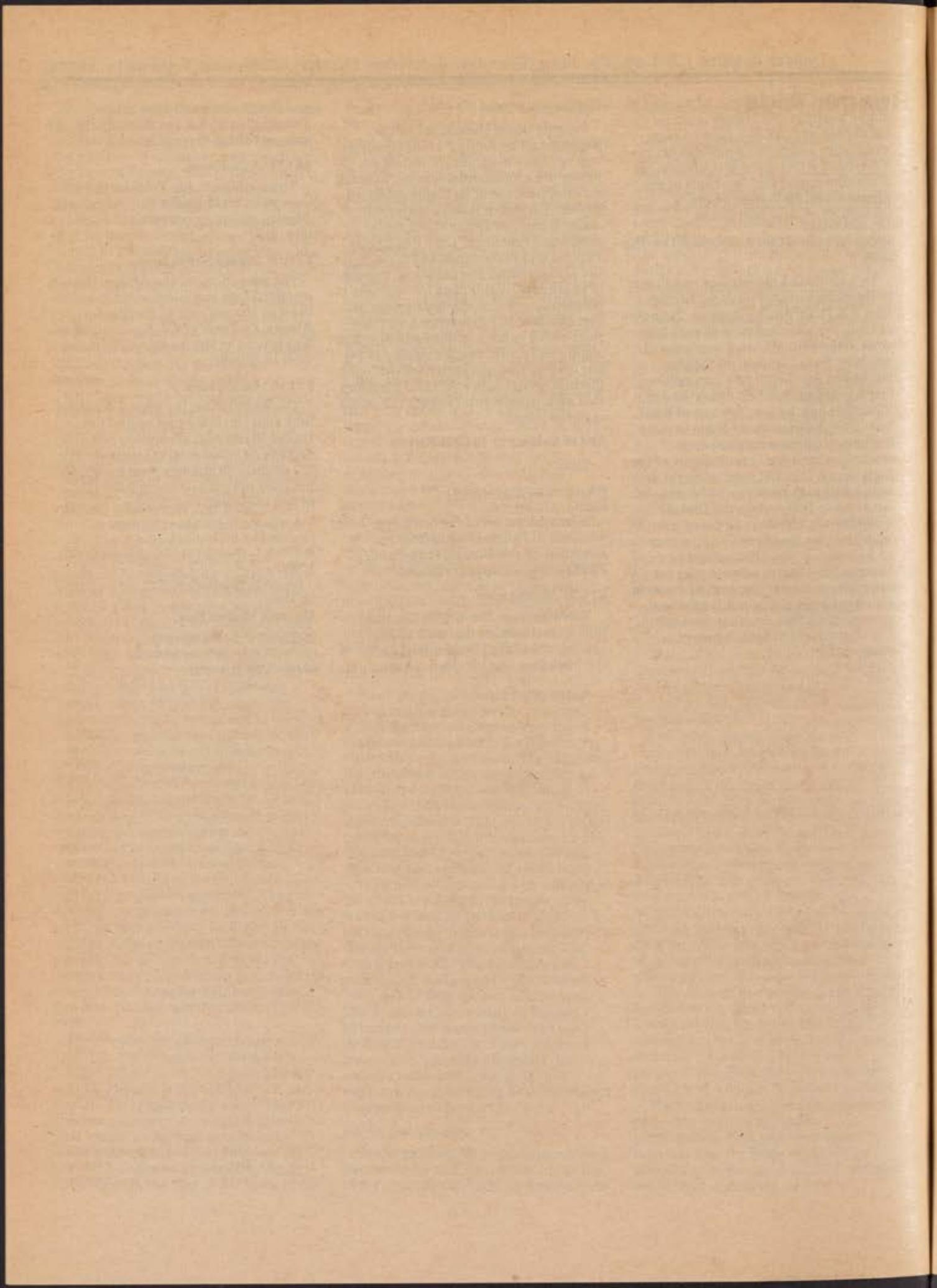
Issued in Washington, D.C., on September 15, 1983.

**Elizabeth Hanford Dole,**

*Secretary of Transportation.*

[FR Doc. 83-25774 Filed 9-21-83; 8:45 am]

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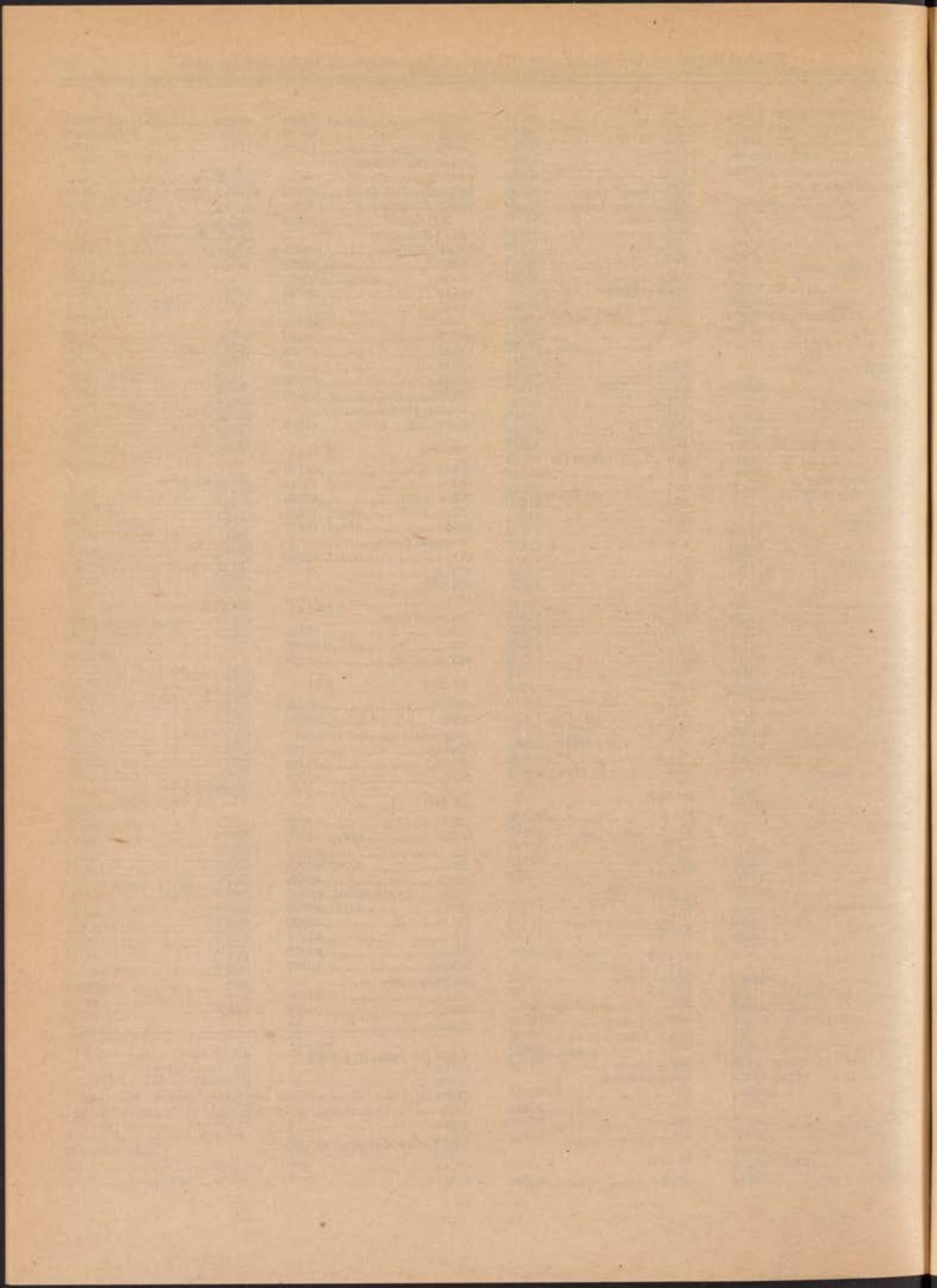
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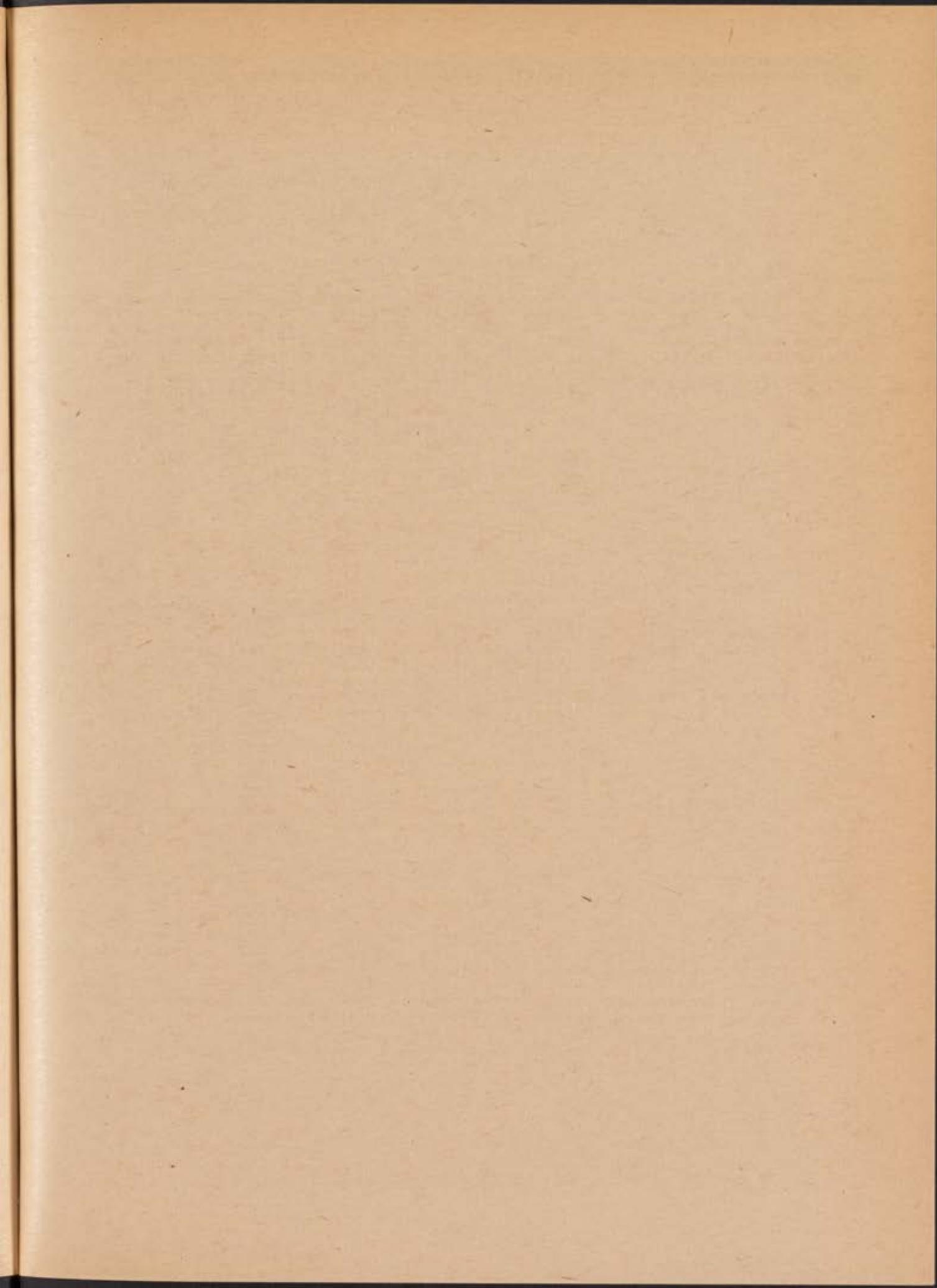
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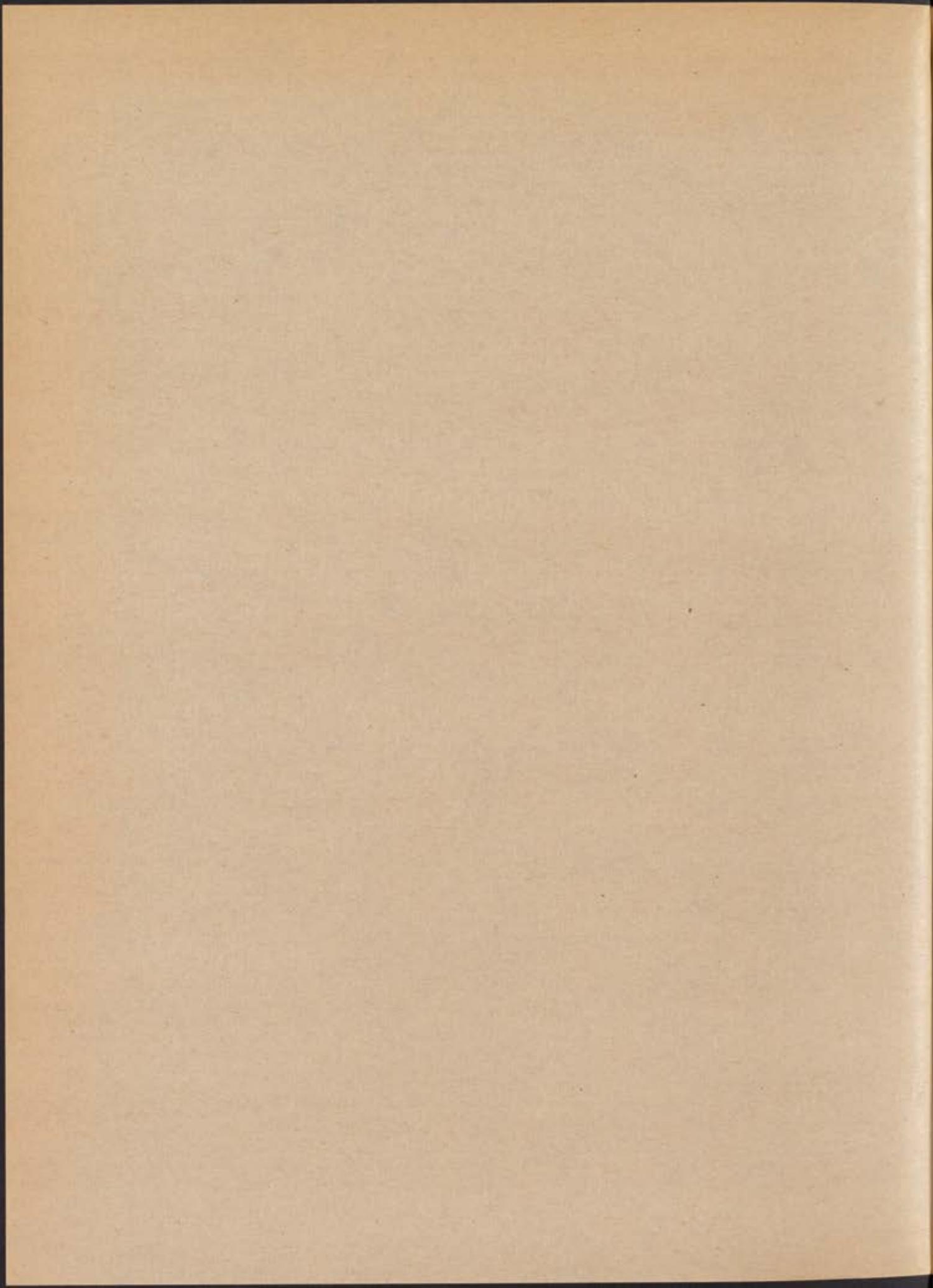
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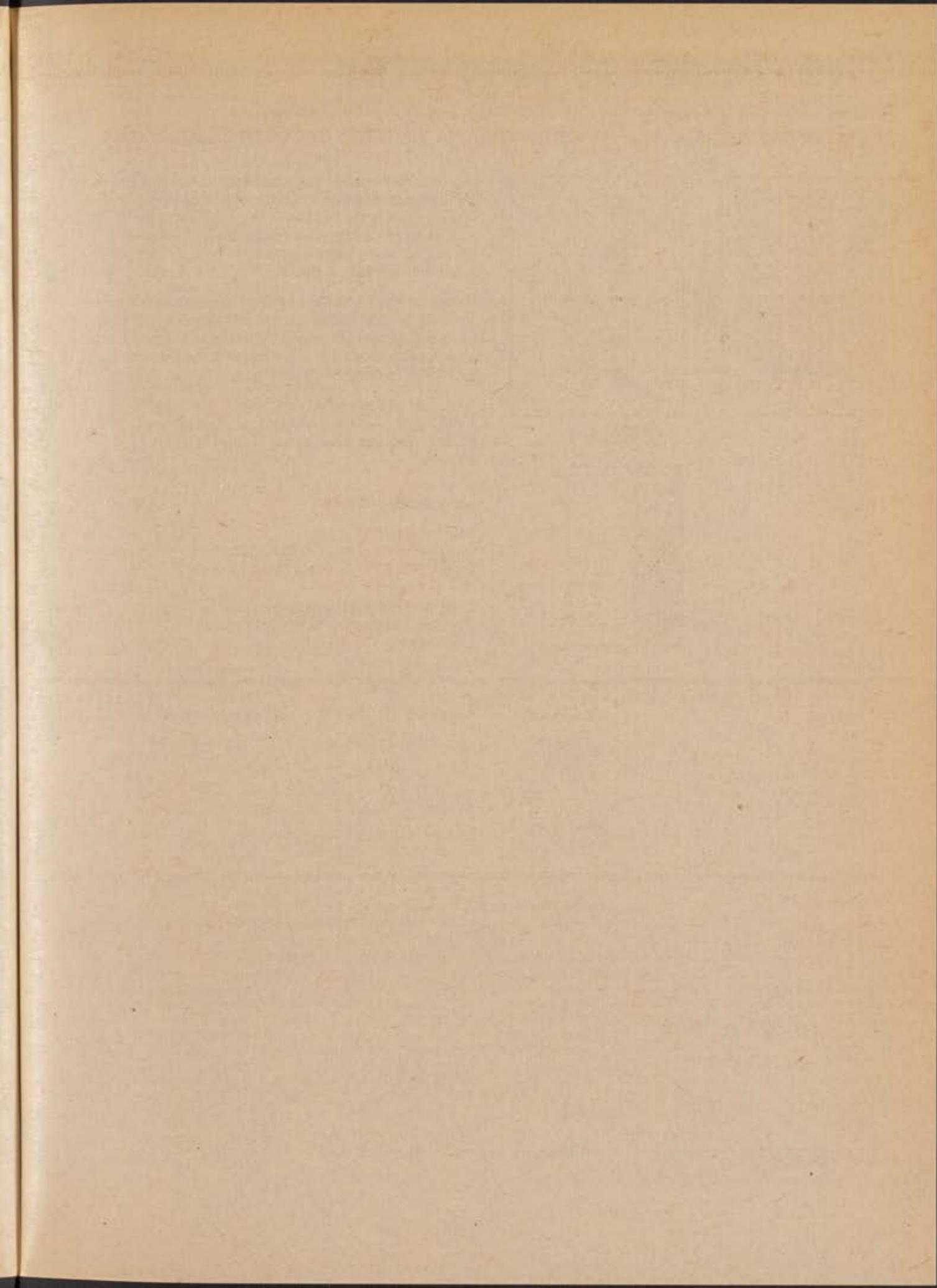
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# The Festival Register

Published by the Festival Committee, 1964

The Festival of Music and Drama is a celebration of the arts and a chance for everyone to enjoy the best of our culture. It is a time when we can all come together to share the joy of music and drama.

The Festival is held in the beautiful grounds of the Festival Theatre, which is a unique and exciting venue for all our performances. The grounds are landscaped to provide a wonderful setting for our events.

Our programme of events is carefully selected to provide a wide range of opportunities for everyone to enjoy. We have a variety of music, drama, and dance performances, as well as workshops and masterclasses.

We are proud to have a diverse and talented cast of performers, and we are confident that you will all enjoy the Festival. We hope that you will have a wonderful time and that you will be inspired by the performances.

For more information about the Festival, please contact the Festival Office. We will be happy to help you with any queries and to provide you with a copy of the Festival Programme.

The Festival is a wonderful opportunity for everyone to enjoy the arts and to share the joy of music and drama. We hope that you will all have a wonderful time and that you will be inspired by the performances.

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