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Friday
September 23, 1983

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Housing and Urban Development Department
Federal Communications Commission

Agricultural Commodities
Agricultural Marketing Service

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

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Presidential Documents

Title 3—

The President

Executive Order 12442 of September 21, 1983

Presidential Commission on Indian Reservation Economies

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), it is hereby ordered as follows:

Section 1. Section 2(d) of Executive Order No. 12401 is hereby amended to provide as follows:

"The Commission shall submit its final report to the President and the Secretary of the Interior by November 30, 1984.".

Sec. 2. Section 4(b) of Executive Order No. 12401 is hereby amended to provide as follows:

"The Commission shall, unless sooner extended, terminate 30 days after it transmits its final report to the President.".

Ronald Reagan

THE WHITE HOUSE,
September 21, 1983.

[FR Doc. 83-26242
Filed 9-22-83; 11:26 am]
Billing code 3195-01-M

Rules and Regulations

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 540

Merit Pay System; Alternative Effective Dates

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management is revising the Merit Pay regulations to allow OPM to authorize an alternative effective date for merit pay increases other than at the same time as the automatic merit pay adjustment. This will allow merit pay increases to be awarded in October 1983 as anticipated.

DATES: Interim rule effective October 1, 1983; comments must be received on or before November 22, 1983.

ADDRESS: Send or deliver written comments to: John W. Fossum, Assistant Director, Office of Performance Management/WED, Office of Personnel Management, Room 7520, 1900 E Street, NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Peter Rymshaw, (202) 632–5647.

SUPPLEMENTARY INFORMATION: The Merit Pay System regulations in Part 540 of Title 5 of the Code of Federal Regulations include a provision in §540.105(b) which requires that discretionary merit pay increases be made effective the same time as the automatic pay adjustments to which all merit pay employees are entitled. Those automatic adjustments are required by law (5 U.S.C. 5402(c)(1)) to be effective at the same time as the annual General Schedule pay increase. The intent of 5 CFR 540.105(b) was to have merit pay adjustments coincide with the General Schedule pay adjustment in October of each year.

The funds available for discretionary merit pay increases are derived from two calculations: (1) The difference between the automatic percentage pay increase which General Schedule employees receive and that which merit pay employees receive; and (2) the annual equivalent to the amount of money which would have been paid to merit pay employees in the form of within-grade and quality-step increases had that group not been placed under merit pay. Since it was intended that merit pay increases would typically include one-half of the General Schedule annual increase equivalent (only one-half being granted automatically), as well as the step increase monies, the regulations were promulgated requiring both increases to be effective at the same time.

This year, however, the General Schedule increase may be delayed but within-grade and quality-step increases will continue to be awarded as usual. In order for merit pay to operate as employees expect, and in order for merit pay funding to continue to be equivalent to General Schedule expenditures, the within-grade and quality-step equivalents need to be distributed in October, as usual. Since the Director of OPM is authorized under 5 U.S.C. 5402(c)(1) to grant up to the full amount of the annual increase to merit pay employees, and since that increase is required by the same law to coincide with the timing of the General Schedule increase, that party of the change in the General Schedule increase process for Fiscal Year 1984 can be accommodated by providing that the automatic merit pay adjustment be equivalent to the full General Schedule increase.

The purpose of this rule change is to be able to also accommodate the need to distribute step increase equivalents in an equitable manner when the general increase is delayed. The regulation will permit merit pay increases to be awarded at a different time than the automatic increases—at the beginning of the first pay period which begins on or after October 1. With all annual increase monies being awarded automatically, this will mean that only the equivalents of within-grade and quality-step increases will be granted for the full fiscal year, just as in the General Schedule.

Waiver of Notice of Proposed Rulemaking

Pursuant to section 553(b)(3)(B) of Title 5 of the United States Code, I find that good cause exists for waiving the general notice of proposed rulemaking. The notice is being waived so that the Merit Pay System can operate as originally designed, awarding merit pay increases in October.

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities. It will not result in any change in the way that Federal agencies have already planned to administer their merit pay system.

List of Subjects in 5 CFR Part 540

Government employees, Wages.

Office of Personnel Management.
Donald J. Devine,
Director.

PART 540—MERIT PAY SYSTEM

Accordingly, OPM is revising 5 CFR § 540.105(b) to read as follows:

§ 540.105 Merit pay increases.

* * * * *

(b) Merit pay increases under 5 U.S.C. 5402(b)(1) are to made effective on the same day as the automatic pay adjustments under 5 U.S.C. 5402 (c)(1) and (c)(3), except as otherwise prescribed by OPM. In the event that the amount of the merit increases cannot be determined in a timely manner, the increases shall be made retroactive to the effective date of the pay adjustments. The retroactive payment shall not be made later than December 31 of the calendar year during which such pay adjustment takes effect, except as otherwise prescribed by OPM.

* * * * *

(5 U.S.C. 5405)

[FR Doc. 83-26078 Filed 9-22-83; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegation of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and General Officers of the Department specifically delegate to the Assistant Secretary for Marketing and Inspection Services and the Administrator, Animal and Plant Health Inspection Service (APHIS), the authority to prescribe commuted traveltime allowances and the circumstances under which such allowances may be paid to employees engaged in inspection and quarantine services relating to imports into and exports from the United States pursuant to the Act of August 28, 1950.

EFFECTIVE DATE: September 23, 1983.

FOR FURTHER INFORMATION CONTACT: John C. Frey, Classification, Employment and Executive Resources Programs, Human Resources Division, Animal and Plant Health Inspection Service, Hyattsville, MD 20782 (301–436–6466).

SUPPLEMENTARY INFORMATION: The Act of August 28, 1950 (7 U.S.C. 2260), authorizes the Secretary of Agriculture to establish special premium pay for employees performing inspection or quarantine services relating to imports into and exports from the United States. Under the law, special premium pay provisions have been established to make pay for employees performing such inspection duties at ports of entry more comparable with those paid to employees performing similar duties (i.e., United States Bureau of Customs employees, and employees of the Immigration and Naturalization Service).

A portion of this authority has been exercised by the Administrator of APHIS pursuant to an internal Department regulation. Pursuant to that regulation the Administrator, APHIS, has been prescribing commuted traveltime allowances (i.e., allowances paid to inspectors called to perform inspections after normal working hours or on weekends or holidays). The amount of commuted traveltime allowances are prescribed in 7 CFR Part 354 for APHIS Plant Protection and Quarantine Officers and in 9 CFR Part 97 for inspection employees of APHIS Veterinary Services. The purpose of this document is to specifically delegate that authority to the Assistant Secretary for Marketing and Inspection Services and the Administrator, APHIS, as well as to delegate the authority to determine the circumstances under which such allowances may be paid.

This rule relates to internal agency management and, therefore, pursuant to 5 U.S.C. 553 it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to public interest, and good cause is found for making this rule effective less than 30 days after its publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Finally, this action is not a rule as defined by Pub. L. 96–354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

List of Subjects in 7 CFR Part 2

Authority delegations (Government agencies).

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as follows:

1. The authority citation for Part 2 reads as follows:

Authority: 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, except as otherwise noted.

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, and Assistant Secretaries

2. Section 2.17 is amended by adding a new paragraph (b)(37) to read as follows:

§ 2.17 Delegations of Authority to the Assistant Secretary for Marketing and Inspection Services.

* * * * *

(b) * * *

(37) Authority to prescribe the amounts of commuted traveltime allowances and the circumstances under which such allowances may be paid to employees covered by the Act of August 28, 1950 (7 U.S.C. 2260).

* * * * *

Subpart F—Delegations of Authority by the Assistant Secretary for Marketing and Inspection Services

3. Section 2.51 is amended by adding a new paragraph (a)(38) to read as follows:

§ 2.51 Administrator, Animal and Plant Health Inspection Service.

(a) * * *

(38) Authority to prescribe the amounts of commuted traveltime allowances and the circumstances under which such allowances may be paid to employees covered by the Act of August 28, 1950 (7 U.S.C. 2260).

* * * * *

For Subpart C:

Dated: September 19, 1983.

John R. Block,

Secretary of Agriculture.

For Subpart F:

Dated: September 19, 1983.

John Ford,

Assistant Secretary for Marketing and Inspection Services.

[FR Doc. 83–25389 Filed 9–22–83; 8:45 am]

BILLING CODE 3410–34–M

Agricultural Marketing Service

7 CFR Part 180

Plant Variety Protection Act: Increase of Certification Fee

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This action finalizes the Interim Final Rule published in the **Federal Register** (47 FR 50461) which amended the regulations under the Plant Variety Protection Act of 1970 (7 U.S.C. 2321 et seq., "Act") to increase the fees for plant variety protection certification services to make the administration of the Act substantially self-supporting.

DATE: Effective October 24, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth H. Evans, Commissioner, Plant Variety Protection Office, Livestock, Meat, Grain, and Seed Division, AMS, National Agricultural Library Building, Room 500, Beltsville, Maryland 20705, telephone: (301) 344–2518.

SUPPLEMENTARY INFORMATION:

Regulatory Impact Analysis

This action has been reviewed under USDA procedures established to implement Executive Order 12291 and the Secretary's Memorandum 1512–1 and has been determined to be "nonmajor". It will not result in an

annual effect on the economy of $100 million or more; a major increase in production costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or have significant adverse effect on competition, employment, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Additionally, in conformance with the provisions of the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601) full consideration has been given to the potential economic impact upon small businesses. A number of breeders of novel varieties fall within the confines of "small business" as defined in the Regulatory Flexibility Act.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on these small entities because the increased fee reflects the inflationary costs incurred by the Department and is a relatively small cost in the total cost of the development and release of a new variety. It has been determined that the economic impact upon all entities, small and large, by the increased fee will not be significant and will not affect normal competition in the market place.

Background

The United States Plant Variety Protection Act of December 24, 1970, (84 Stat. 1542) (7 U.S.C. 2321 et seq) authorizes the Secretary of Agriculture to provide plant variety protection to breeders of novel varieties of sexually-reproduced plants. It also provides for the assessment and collection of fees which make the administration of these services substantially self-supporting. The fee for service is established in accordance with salaries and fringe benefits of the examining staff, the cost of supervision, travel, and administrative costs of operating the program.

The cost of the administration of the program has increased since 1972 when the fees were initially set and an increase in fees is necessary in order that the program remain financially stable as required by law.

Comments

On November 8, 1982, the Agricultural Marketing Service published in the **Federal Register** (47 FR 50461) an interim final rule increasing the fees for plant variety protection certification services, effective the same date. The rule was published on an interim basis with a request for comments as a means of providing full public participation in the rulemaking process. This rule was implemented on an interim basis without a prior proposal because increased revenues were needed at the earliest date to cover increased costs of providing the service. Comments on this amendment were requested by January 7, 1983. During the 60-day comment period, the Agency received five letters in response to the interim final rule.

Discussion of Comments

The commentors' primary concerns were about the level of the fee incerase. In particular, the commenters's argued that overhead costs should not be considered in determining the level of the fee, and that the relationship of funding of the Plant Variety Protection Office between appropriated public funds and fee-supported funding should be more comparable to that of the U.S. Patent Office—fees should not reflect the full cost of the program. Concern was also expressed that increased fees would make it impossible or difficult for public agencies to file for certification.

The United States Plant Variety Protection Act provides for assessment and collection of fees which make the administration of plant variety protection services to breeders substantially self-supporting. Thus, overhead costs must be included in determining costs and fees. The fee for plant variety protection certificates are higher than those for plant patents, but this is due to the expense of the search which must be conducted by the Plant Variety Protection Office to determine whether a sexually reproducing plant is indeed novel. No comparable search is conducted by the Patent Office. During the period in which the increased fees have been in effect, applications for certificates by public agencies and others have not declined, but have increased slightly. Thus, it appears that the increased fees have not had an adverse impact on applications. The Plant Variety Protection Office is continuing to review the fee schedule in order to keep fees at the minimum necessary to substantially recover costs. The present fees are not in excess of costs, and it will probably be necessary to increase the fees in the future.

Pursuant to the authority in 5 U.S.C. 553 it is found that further public procedure and notice with respect to this amendment are unnecessary and good cause is found for making this amendment effective as a final rule without change because the amendment is presently in effect as an interim final rule.

List of Subjects in 7 CFR Part 180

Plant Variety Protection Act, Administrative practices and procedures, Fees.

PART 180—[AMENDED]

§ 180.175 [Amended]

Section 180.175 is amended by revising paragraph (a), (b), and (c) to read as follows:

* * * * *

(a) Filing application, $500
(b) Search or examination, $500
(c) Allowance and issuance of certificates, $500

* * * * *

(7 U.S.C. 2326 and 2371)

Done at Washington, D.C., September 20, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-25986 Filed 9-22-83; 8:45 am]

BILLING CODE 3410-02-M

Food and Nutrition Service

7 CFR Part 278

[Amdt.224]

Food Stamp Program; Notice to the Public on How Persons May Report Abuses They Have Observed in the Operation of the Program

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This Food Stamp Program rulemaking requires retail food stores approved to participate in the program to display notices informing the public on how abuses observed in the operation of the program may be reported. This rule is based on the requirement in the Food Stamp and Commodity Distribution Amendments of 1981 (Section 1314 of Title XII of Pub. L. 97–98, section 9(e) of the Food Stamp Act of 1977, as amended (7 U.S.C. 2018(e)) that stores post such notices. A proposed rulemaking on this subject was published September 10, 1982 (47 CFR 39832). Comments were solicited from interested parties through November 9, 1982. This final action addresses significant issues raised by commenters.

DATE: This rule is effective October 24, 1983.

FOR FURTHER INFORMATION CONTACT: Daniel Woodhead, Supervisor, Issuance and Benefit Delivery Section, Program Design and Rulemaking Branch, Program Planning, Development and Support

Division, Food and Nutrition Service, USDA, Alexandria, Virginia 22302, (703) 756–3425

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed under Executive Order 12291 and the Secretary's Memorandum 1512–1, and it has been determined that the action is a non-major rule as defined by that order. It will not result in an annual effect on the economy of $100 million or more because this rule does not mandate any activitities by retail food stores that will significantly increase expenditures. This rule is not likely to result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions. An increased number of reports to local agencies and the Office of the Inspector General of abuses observed in the operation of the program can be expected. Following up on these reports may result in some increase in these agencies' administrative costs, but it is not anticipated that such an increase will be major. Although this rule will require retail food stores authorized to participate in the program to post notices advising the public on how to report abuses, the effect of this requirement on the business community will not be significant and it will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

This action has also been reviewed in relation to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, 94 Stat. 1164, September 19, 1980). Robert E. Leard, Administrator, Food and Nutrition Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. While the rule will place a requirement to post a notice on a large number of small entities (i.e., small retail food stores participating in the program), this requirement will not have a significant economic impact on these entities.

Paperwork Reduction Act

This rule does not contain recordkeeping or reporting requirements under the provisions of the Paperwork Reduction Act of 1980.

Background

The Food Stamp and Commodity Distribution Amendments of 1981 (Section 1314 of Title XIII of Pub. L. 97–98) provide that all approved retail food stores shall display a sign providing information on how persons may report abuses they have observed in the operation of the Food Stamp Program. Retail food stores include those entities defined as such in the statute. (Sections 3 (g) and (k) of the Food Stamp Act of 1977, as amended, 7 U.S.C. 2012 (g) and (k)). On September 10, 1982, the Department issued, at 47 CFR 39832, a proposed rule requiring retail food stores authorized for program participation to post such a notice. That rule identified four options, as follows, for implementing the subject requirement in Pub. L. 97–98: (1) USDA would design, print and distribute a new sign specifically to fulfill this requirement; (2) Authorized retailers would be required to design and print their own signs; (3) The display of a poster currently in use, FNS–110, would meet the requirement. This poster, the Official Food List, includes the following language: "To obtain information about the Food Stamp Program or to report program violations, call or write:". This statement is followed by the address and telephone number of the local Food and Nutrition Service Field Office; or (4) Minor design changes could be made to the Official Food List to highlight the provision about reporting abuses. In the September 10, 1982 rule, the Department proposed that the fourth option, using the Official Food List, with minor design changes, be adopted. The Department would provide these posters to authorized retailers. However, the rule also proposed that retailers be allowed to use their own signs, provided that the signs are comparable to the Official Food List in informing the public on how to report abuses.

Comment Analysis

Comments on the proposed rule were solicited from interested parties through November 9, 1982. The Department received 20 comment letters on the proposed rule from State and local welfare agencies, the Office of the Inspector General, public interest groups, and Food and Nutrition Service (FNS) Regional Offices. This final action addresses significant issues raised by these commenters.

General Comments

Several commenters supported the requirement that retailers post notices informing the public on how to report program abuses. One of these

commenters supported the rule as an action toward improving program integrity and another stated that display a notice detailing reporting procedures would aid in informing the public as to who is responsible for investigating reported abuses.

A few commenters opposed the regulatory requirement that stores post notices on reporting abuses, commenting variously that this action would promote "over the shoulder observation" of food stamp purchases in stores; that current rules on monitoring program regulations are sufficient; and that the action will result in needy persons not participating in the program to avoid being investigated. Since Pub. L. 97–98 requires that retailers post notices on reporting abuses, this regulatory action by the Department is not discretionary. The Department must implement this requirement of the law.

Type and Design of Sign To Be Used

Ten commenters specifically supported one of the four options presented in the September 10, 1982, proposed rule for implementing the requirements that stores display signs on how to report abuse. One commenter favored Option 1, that USDA design, print and distribute a new sign specifically to fulfill this requirement; no commenters favored Option 2, to require authorized retailers to design and print their own signs; four commenters favored Option 3, to use the current FNS–110; and five commenters favored Option 4, to use the FNS–110 with minor design changes to highlight the provision on reporting abuse. Most of these commenters, as well as two others, made recommendations as to specific information that should be included on the sign.

Two of the commenters who favored the option that USDA redesign the FNS–110 or allow retailers to design their own signs, supported this option as the most cost-effective means of fulfilling the requirement that retailers display signs on reporting abuse. The Department has reexamined the costs involved in the option of the Department using a redesigned FNS–110 as the notice for reporting abuses. We have found that to redesign and print the poster would be very expensive. In addition, information on where to report abuses could not be preprinted on the poster because of the localized telephone numbers and addresses which must be used. Other alternatives for placing this information on the poster, either to manually write or stamp the information on the posters or to affix labels containing this information to the posters, would be cumbersome and time-consuming. For these reasons, the Department has decided not to use a redesigned FNS–110 to implement the requirement that stores post notices on how to report abuse.

Although several commenters favored use of a revised FNS–110, an equal number of commenters objected to the other alternative included in the Department's recommendation, that retailers be allowed to design their own signs. There were several reasons for these objections. Some commenters felt that the sign would not stand out unless there were controls on its design. Another commenter stated that some signs designed by stores, such as handprinted ones, would be inadequate and that all signs should be uniform in content and design. Other objections to signs designed by stores included concerns that such posters would lack authority and that they would not be easily recognized. The commenters objecting to the alternative in the Department's recommendation, in effect, also rejected Option 2 in the proposed rule, which would require retailers to design and print their own signs. After considering the reasons given by the commenters who objected to signs designed by retailers, the Department agrees with these objections. Therefore, the Department has decided not to adopt either the alternative *allowing* retailers to design their own signs or Option 2, which would have *required* retailers to design and print their own signs.

One commenter favoring use of a revised FNS–110 suggested that the poster should include the telephone number of the local welfare office so that potential reporters of abuse would not be deterred from reporting by having to make a toll telephone call. The Field Office numbers which are customarily used on the FNS–110 require long-distance calls in some cases. Another commenter suggested that the telephone number on the sign should be a Federal or State toll-free WATS number. The Office of the Inspector General (OIG) suggested that the sign on reporting abuses should include the OIG hotline, which is currently used for reporting illegal or wasteful practices.

OIG pointed out that the hotline numbers are toll-free and are staffed by persons specially trained to handle reports of abuse and to follow through with appropriate action by either the Food and Nutrition Service or OIG. The Department agrees that persons who might otherwise report abuses should not be discouraged from doing so by having to place toll telephone calls.

Inclusion of the OIG hotline number on the poster would allow potential reporters to use a toll-free telephone number and, thus, encourage people to report abuses. Inclusion of the local welfare office number on the notice would provide a local telephone number, as one commenter suggested. However, since the sign will be located in stores the Department believes that many of the reports will be related to potential retailer violations.

Since FNS Field Offices currently monitor retailer participation, the Department believes that complaints should be reported to FNS Field Offices or to OIG for investigation or for referral to Field Offices. In the event that a report relates to some other type of program abuse, the Field Office can refer it to the local welfare office for appropriate action. Field Offices have working relationships with local welfare offices and are accustomed to referring appropriate reports to those offices. Therefore, the Department has decided that both the OIG hotline number and the address and telephone number of the local FNS Field Office should be included on the sign on reporting abuse.

The few commenters who supported the option of using the current FNS–110 without revision favored that option as a cost savings measure. In response to the comments favoring use of the existing FNS–110, the Department has examined the overall effectiveness of using this poster. The statement on the FNS–110 concerning reporting violations is followed by a space for providing information on where to report abuse. As discussed above, the Department has decided that it is important to provide the OIG toll-free hotline telephone number as well as the local FNS Office address and telephone number. Also, as discussed above, the procedures considered for placing these telephone numbers and the Field Office address on the FNS–110, either to manually write or stamp the address and telephone numbers on the posters or to affix labels containing this information to the posters, would be cumbersome and time-consuming. For these reasons, the Department has decided against using the existing FNS–110 for providing information on reporting abuse.

Finally, one commenter suggested that the wording on the sign should specify that abuses by recipients, nonrecipients and retailers may be reported. The Department believes that general instructions, such as "to report abuses observed in the operation of the Food Stamp Program" (followed by the Field Office and OIG hotline number) would be sufficient to indicate that all types of violations should be reported and more specific information is not needed. In addition, in order to assure that the poster stands out and is easily read, the notice should be kept as simple as possible. Therefore, the Department has decided not to use more specific language on the sign. For the same reason, the Department has decided not to adopt a similar suggestion that the poster should include a specific statement that retailer violations may be reported.

Although only one commenter specifically favored the option that USDA design, print, and distribute a new sign expressly to fulfill the requirement that stores display signs on abuse, several of the comments, in effect, and the Department's analysis of the four options, as discussed above, support this option for several reasons. These reasons are: (1) The expense involved in redesigning and printing the current FNS–110 for use in notifying the public on how to report abuse; (2) The desirability of having both the local FNS Field Office addresses and phone numbers and the OIG toll-free hotline number on the sign to encourage the reporting of abuse and the difficulty involved in placing this information on the current FNS–110; (3) the undesirability of having retailers design their own signs because of the need for consistency in the signs and to have the signs stand out and be easily recognized to encourage reporting of abuse.

In addition, the Department has found that it can design and print a notice that will be as effective as the FNS–110 in notifying the public on how to report abuses much less expensively than it could either redesign the FNS–110 or use the existing FNS–110. Such a notice will be less expensive because it will be a smaller size than the FNS–110, will utilize less expensive paper, will be of simpler design than the FNS–110, and, unlike the FNS–110, will use one-color printing.

In addition, the FNS Field Office addresses and telephone numbers and the OIG hot-line numbers can be easily computer printed on the notice, thus avoiding the cumbersome and time-consuming tasks of to either manually write or stamp this information on the existing FNS–110 or to affix labels containing this information to the FNS–110. Therefore, the Department has decided to design, print, and distribute a notice specifically to fulfill the requirement to display signs informing the public on how to report abuses observed in the operation of the program.

Implementation and Enforcement

Several commenters addressed the implementation and enforcement of the rule requiring retailers to post a notice informing the public on how to report abuses observed in the operation of the program.

One commenter suggested that the final rule should specify how prominently retailers must display the notice. The Department believes that it is important that each store display the notice in a conspicuous and suitable location and has so specified in the final rule.

Two commenters suggested that controls, such as periodic visits to stores, be set up to ensure that stores have the notice displayed. Another commenter stated that it would be difficult to monitor the requirement that stores post notices. In recent years, FNS Field Offices have been assigned many additional responsibilities related to FNS programs and have experienced a reduction in travel funds. Because of the great demands on Field Office staff time and limited travel funds, the Department has decided not to require Field Offices to visit stores specifically for the purpose of ensuring that notices on reporting abuse are displayed. However, Field Offices do make visits to authorized firms from time to time, such as compliance monitoring visits. The Department has decided to require Field Office staff to assure that signs are posted during such visits, to document failure or refusal to post a sign by any store, and to provide a sign to any store which does not have one displayed. However, the Department considers these requirements to be internal procedures and has decided not to include them in the actual regulation, but to include them in appropriate instructions to FNS Field Offices.

One commenter asked whether failure by an authorized retailer to post a sign will be considered a violation and, if so, whether a letter to the retailer confirming that violation will be required. The same commenter recommended that confirming letters not be required because of the considerable amount of time FNS Field Offices would have to spend on such letters. Another commenter suggested that a sanction or penalty be applied against any authorized retailer who fails to display a sign. The Department has considered whether retailer failure to post a sign on reporting abuse should be considered a violation warranting a sanction (i.e., disqualification from program participation or a civil money penalty). Examples of violations warranting a sanction are the sale of non-food items and trafficking in food coupons. While the Department considers it important that firms post notices on reporting abuses, it does not view failure to post a notice to be as serious a violation as the examples just given.

However, the Department does believe that refusal or repeated failure to post a notice is serious enough to warrant a penalty. In addition, the Department believes that the requirement to post a notice is a condition of a store's continued authorization to participate in the program. This requirement is comparable to the requirement that stores update certain information provided to the Department from time to time (7 CFR 278.1(m)). The penalty for failure to comply with conditions of authorization such as the requirement to update information is withdrawal from program participation. The Department has decided, therefore, that refusal or repeated failure to post a notice may warrant withdrawal from program participation. Since conditions of authorization are specified in § 278.1 of the regulations, the requirement that retailers post notices has been placed in that section in the final rule. In addition, the final rule specifies withdrawal from the program as a possible penalty for refusal or repeated failure to pose a notice on how to report abuse. For the purpose of this provision, repeated failure to post a notice shall mean that a firm twice fails to post a notice, provided that FNS has twice supplied the firm with a notice and has twice requested the firm to post it. Both occasions of failure must occur under the same management and ownership. Refusal to post a notice shall mean refusal, expressed either in writing or orally, by the firm's owner or a responsible management official. Since refusal or repeated failure to post notices can result in the withdrawal of a retailer from the program, the Department has decided that letters confirming that the firm has failed to post a notice must be provided to a retailer prior to such action. The Department does not believe that there will be many instances of refusal or repeated failure to post notices and that the requirement to send letters to stores refusing or repeatedly failing to post notices will not create an appreciable burden on FNS Field Offices. Since sending confirming letters is an internal FNS procedure, the Department has decided not to address this in the rule but will include it in appropriate instructions to FNS Field Offices.

One commenter recommended that the Department institute a method of notifying citizens that their reports are receiving appropriate action. The Department anticipates that the notice on reporting abuses may generate a large number of citizen reports. While the Department can understand that persons reporting violations would like to have feedback on their reports, providing such feedback could be a very time-consuming and expensive administrative task. Therefore, the Department has decided not to require notification to those making reports on abuse.

Finally, one commenter suggested that the final rule set forth the procedure the local FNS Field Office is to follow in investigating complaints and set a time limit for investigating tem. As previously indicated, complaints generated by the notice on reporting abuse may be handled either by FNS, OIG, or State agencies. All of these agencies have procedures in place for investigating abuses of the program and it is, therefore, not necessary to specify such procedures in this rule. Since the nature of individual instances of potential abuse vary, the Department does not believe it is practical to set a time limit for investigating reports of abuse. Therefore, the Department has not included such a time limit in the rule.

Retailers authorized to participate ir the program will be required to display signs provided by the Department on how to report abuse no later than 30 days after distribution of the signs.

List of Subjects in 7 CFR Part 278

Administrative practice and procedures, Banks, Banking, Claims, Food stamps, Groceries—retail, Groceries, General line—wholesaler Penalties.

PART 278—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALc FOOD CONCERNS AND INSURED FINANCIAL INSTITUTIONS

Accordingly, 7 CFR Part 27 is amended as follows:

1. Section 278.1 is amended by adding a new paragraph (p) to read as follows:

§ 278.1 Approval of retail food stores and wholesale food concerns.

* * * * *

(p) Each authorized retail food store shall post in a suitable and conspicuous location in the store a sign designed and provided by FNS which provides information on how persons may report abuses they have observed in the operation of the program. Refusal or repeated failure to display such a sign by an authorized retail food store may

result in the withdrawal of the firm's approval to participate in the program.

2. Part 278 is amended by adding a new § 278.9 to read as follows:

§ 278.9 Implementation of amendments relating to the participation of retail food stores, wholesale food concerns and insured financial institutions.

Amendment No. 224. Retail food stores shall have signs posted as required by this amendment no later than 30 days after distribution of the signs by FNS.

(91 Stat. 958 (7 U.S.C. 2011–2029))

(Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps).

Dated: September 16, 1983.

Robert E. Leard.

Administrator, Food and Nutrition Service.

[FR Doc. 83-25090 Filed 9-22-83; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 430]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 241,300 cartons during the period September 25-October 1, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: September 25, 1983.

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

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

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

This action consistent with the marketing policy currently in effect. The committee met 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 lemons deemed advisable to the handled during the specified week. The committee reports the demand for all grades of lemons is exceeding supplies on larger sizes and is easier on smaller sizes.

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

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.730 is added as follows:

§ 910.730 Lemon regulation 430.

The quantity of lemons grown in California and Arizona which may be handled during the period September 25, 1983, through October 1, 1983, is established at 241,300 cartons.

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

Dated: September 22, 1983.

Charles R. Brader

Director, Fruit and Vegetable Division, Agricultural Marketing Service

[FR Doc. 83-26247 Filed 9-22-83; 11:47 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 103 and 214

Powers and Duties of Service Offices; Availability of Records; Nonimmigrant Classes; Temporary Alien Employees

Correction

In FR Doc. 83–24980, beginning on page 41142, in the issue of Wednesday, September 14, 1983, make the following corrections to to § 214.2:

1. On page 41144, in the second column, in (h)(1)(i), in the eleventh line, "officer" should read "office".

2. On page 41144, in the third column, after the line of asterisks insert "(3a) [Revised and redesignated as (h)(14)]".

3. On page 41145 in the third column in (h)(11)(iv), in the fourth line from the bottom of the paragraph, "citizens" should read "citizen".

4. On page 41146, in the second column, in (l)(iii)(A), in the eight line of the paragraph, "service" should read "services".

5. On page 41146, in the third column, in (l)(iii)(c), in the twelfth line of the paragraph, "identified" should read "identifies".

BILLING CODE 1505-01-M

FEDERAL ELECTION COMMISSION

11 CFR Part 102

[Notice 1983–23]

Transfer of Funds, Collecting Agents; Joint Fundraising

AGENCY: Federal Election Commission.

ACTION: Final rule; announcement of effective date correction.

SUMMARY: On August 22, 1983, (48 FR 37921), the Commission announced the effective date of regulations governing the transfer of funds, collecting agents, and joint fundraising. The text of those revised regulations were published on June 7, 1983, (48 FR 26296). The August 22 announcement inadvertently omitted some technical amendments to 11 CFR 114.5 which had been published with the other revisions on June 7. The Commission announces that these technical amendments also become effective on August 22, 1983.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 1325 K Street, NW., Washington, D.C. 20463 (202) 523–4143 or (800) 424–9530.

Announcement of Effective Date

11 CFR 114.5(b)(3), as published at 48 FR 26296, is effective as of August 22, 1983.

Dated: September 20, 1983.

Danny L. McDonald,

Chairman, Federal Election Commission.

[FR Doc. 83-26026 Filed 9-22-83; 8:45 am]

BILLING CODE 6715-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-CE-72-AD; Amdt., 39-4728]

Airworthiness Directives; Fairchild Models SA26-T, SA26-AT, SA226-T, SA226-AT, SA226-T(B) and SA226-TC Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Fairchild Models SA26-T, SA26-AT, SA226-T, SA226-AT, SA226-T(B) and SA226-TC airplanes, which requires visual inspection in the cockpit area for hydraulic leaks, oxygen lines for leakage or deterioration, and the electrical wire bundles and components for support and proper installation. Fires in the cockpit area of Fairchild Model SA226-TC airplanes have been attributed to one or more of these conditions. The detection and correction of these conditions will prevent the presence of flammable fluid, leaking oxygen, and a possible ignition source in the cockpit area.

EFFECTIVE DATE: September 29, 1983.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Fairchild Service Bulletin 24-021, dated March 21, 1983, applicable to this AD may be obtained from Fairchild Aircraft Corporation, P.O. Box 32486, San Antonio, Texas 78284. A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Schilling, Airplane Certification Branch, ASW-150, Aircraft Certification Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; Telephone (817) 877-2075.

SUPPLEMENTARY INFORMATION: Fires in the cockpit area have occurred on Fairchild Model SA226-TC airplanes. Investigations following the fires indicated that hydraulic fluid leakage may have been ignited by electrical arcing in the forward cockpit area beneath the instrument panel. The fires may have been supported by oxygen leakage existing prior to ignition or from oxygen lines breached by the fires. One fire occurred as a result of a shorted wire melting a nonmetallic oxygen line. The FAA believes that inspection and, if necessary, correction of conditions which could initiate or contribute to fires in this area are necessary to prevent future occurrences. In addition, the manufacturer has published Fairchild Service Bulletin 24-021, dated March 21, 1983, which provides instructions for inspection of wires and wire terminals within and below the generator control junction box (J-box) and installation of an insulator on the side of this box and spiral wrapping of the wires in this area. This action will preclude shorts in the J-box area which could cause burning of insulation and damage to oxygen lines in the forward cockpit area.

Since the FAA has determined that the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, an AD is being issued requiring compliance with Fairchild Service Bulletin 24-021, visual inspection in the cockpit area of hydraulic and oxygen lines for leakage or deterioration and of the electrical wire bundles and components for proper support and installation on Fairchild Models SA26-T, SA26-AT, SA226-T, SA226-AT, SA226-T(B) and SA226-TC airplanes. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

Fairchild: Applies to Models SA26-T, SA26-AT, SA226-T, SA226-AT, SA226-T(B), all serial numbers; and Model SA226-TC, all serial numbers below S/N TC398, airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished. To prevent cockpit fires, accomplish the following:

(a) Unless completed within the last 30 days, within the next 25 hours time-in-service, after the effective date of this AD and at each 200 hours time-in-service thereafter:

(1) Visually inspect the hydraulic and oxygen lines for leakage in the vicinity of the side panel and behind the instrument panel on both sides of the aircraft. Apply maximum pilot effort to the brake pedals while inspecting the brake lines. Visually inspect, in the forward-pressure bulkhead area, for hydraulic fluid contamination from the brake reservoir vent. Before further flight, clean or replace any hydraulic fluid-contaminated structure, material or equipment and replace any lines or tubing which leak or have stress cracks which could cause future leaks.

Note.—Follow FAA Advisory Circular 43.13-1A, Chapter 10, paragraph 393, and Chapter 8, paragraph 363, when accomplishing these inspections and corrective action.

(2) Visually inspect the electrical wires in the vicinity of the cockpit side panels and behind the instrument panel on both sides of the aircraft for contact or inadequate clearance between the wires and adjacent components, especially hydraulic and oxygen lines. Determine that the wire bundles near the rudder pedals have adequate separation with the pedals in their extreme positions. Prior to further flight, add additional supports or reroute, as necessary, to prevent wire contact or chafing which may damage the wire insulation, and clean any contamination from the bundles.

Note.—Follow FAA Advisory Circular 43.13-1A, Chapter 11, when accomplishing these inspections and corrective action.

(b) Within the next 25 hours time-in-service after the effective date of this AD:

(1) Inspect wires and wire terminations within and below the generator control junction box (J-box) and install phenolic insulator on side of J-box and spiral wrap on wires in accordance with Fairchild Service Bulletin 24-021 dated March 21, 1983.

(2) On Aircraft Models SA226-T (S/Ns T201 through T287); SA226-AT (S/Ns AT001 through AT066); and SA226-TC (S/Ns TC201 through TC247), in which MIL-H-5606 hydraulic fluid is used, drain and purge the main hydraulic and brake system reservoirs and refill these reservoirs with MIL-H-83282 hydraulic fluid. Change the placards on both reservoirs to specify MIL-H-83282 fluid.

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

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

(e) An equivalent method of compliance with this AD may be used when approved by the Manager, Aircraft Certification Division, ASW-100, Southwest Regional Office, FAA,

Fort Worth, Texas 76101; Telephone (817) 624-4911, extension 511.

This amendment becomes effective on September 29, 1983.

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); § 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on September 14, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-25014 Filed 9-22-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-CE-71-AD; Amdt. 39-4727]

Airworthiness Directives; Piper Model PA-38-112 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Piper Model PA-38-112 airplanes which requires inspection of the forward and aft fin spar webs in the area of the reinforcing doubler and fin-stabilizer attachment fitting for cracks and repairs as needed. Service reports establish that cracks will develop in the affected area from normal flight loads, which may progress to failure of the stabilizer attachment to the fin and resultant loss of the stabilizer. The required inspection and repair will preclude this condition.

EFFECTIVE DATE: September 29, 1983. Compliance: As prescribed in the body of the AD.

ADDRESSES: Piper Service Bulletin No. 763A dated July 25, 1983, applicable to this AD may be obtained from Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745. A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: J. Maher, Airframe Section, ANE-172, New York Aircraft Certification Office, 181 South Franklin Avenue, Valley Stream, New York 11581, Telephone 516-791-6221.

SUPPLEMENTARY INFORMATION: On three Piper Model PA-38-112 airplanes, during routine inspection, cracks were found in the forward and aft fin spar webs in the area of the attachment fitting to the stabilizer. The cracks were located in the spar webs along the vertical edge of the reinforcement doubler where it intersects the lower horizontal edge of the fin-stabilizer fitting. Investigation indicated that the cracks were two-way bending fatigue cracks through the thickness with multiple origins. This condition, if not detected and corrected, may result in failure of the stabilizer attachment to the fin and loss of the stabilizer. Therefore, the manufacturer issued Service Bulletin No. 763A dated July 25, 1983, recommending an initial inspection for cracks in these areas and repetitive inspections if no cracks are found or modifications incorporated. The bulletin also references Modification Kit 764 965, which contains a steel doubler with flanged edges to replace the present doubler. This modification will strengthen the fin spars in the stabilizer attachment location. The manufacturer recommends installation of this kit if nonrepairable cracks are found. When incorporated, the aforementioned repetitive inspections are no longer necessary.

Since the FAA has determined that the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, an AD is being issued requiring compliance with Piper Aircraft Corporation Service Bulletin No. 763A dated July 25, 1983, on certain serial numbers of Piper Model PA-38-112 airplanes. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

Piper: Applies to Model PA-38-112 (S/Ns 38-78A0001 through 38-82A0122) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent possible inflight failure of the fin and stabilizer attachment because of fatigue damage, accomplish the following:

(a) Within the next 25 hours time-in-service on airplanes that have 500 or more hours time-in-service on the effective date of this AD, or upon the accumulation of 525 hours time-in-service on airplanes that have less than 500 hours time-in-service on the effective date of this AD, and at intervals not exceeding 100 hours time-in-service thereafter:

(1) Inspect and, if necessary, repair or modify the forward and aft fin spars in accordance with the directions and criteria contained in the Instructions section of Piper Service Bulletin No. 763A dated July 25, 1983.

(b) The repetitive inspections required by this AD may be discontinued upon the incorporation of Piper Kit No. 764 965.

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

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

(e) An equivalent method of compliance with this AD may be used if approved by the Manager, New York Aircraft Certification Office, FAA, Room 202, 181 South Franklin Avenue, Valley Stream, New York 11581.

This amendment becomes effective on September 29, 1983.

[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. 1906(g) (Revised, Pub. L. 97-449, January 12, 1983); sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the

caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on September 14, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-25915 Filed 9-22-83; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 251

[Docket No. 4053; Economic Regulation ER-1360; Amdt. 1 to Part 251]

Prohibited Interests: Interlocking Relationships

AGENCY: Civil Aeronautic Board.

ACTION: Final rule.

SUMMARY: The CAB amends its rules concerning application requirements for approval of interlocking relationships under section 409 of the Act. The content of the application is changed to conform to recent expanded exemptions granted by the Board from the approval requirement.

DATES: Adopted: September 7, 1983. Effective: October 23, 1983.

FOR FURTHER INFORMATION CONTACT: Gwyneth Jones, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-6011.

SUPPLEMENTARY INFORMATION: For the reasons stated in ER-1359, issued contemporaneously, the Board is changing its application requirements for approval of interlocking relationships.

List of Subjects in 14 CFR Part 251

Administrative practice and procedure, Air carriers, Antitrust, Reporting and recordkeeping requirements.

PART 251—[AMENDED]

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 251, *Prohibited Interests: Interlocking Relationships*, as follows:

1. The authority for Part 251 is:

Authority: Secs. 204, 407, Pub. L. 85-726, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377.

2. Paragraph (a)(4) of § 251.3 is revised to read:

§ 251.3 General provisions concerning contents of applications.

(a) * * *

(4) The name of the person or persons, if any, whom the individual applicant represents or will represent on the board of directors of each air carrier applicant, together with a statement as to any financial interest held by such person or persons in any air carrier, foreign air carrier or an affiliate of either.

* * * * *

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-26083 Filed 9-22-83; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 287

[Docket No. 40543; Economic Regulation ER-1359; Amdt. No. 14 to Part 287]

Exemption and Approval of Certain Interlocking Relationships

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its rules to broaden the exemptions from the statutory requirement for prior approval of air carrier interlocking relationships. All interlocks will be exempt except those between certificated air carriers or their affiliates and those between a certificated air carrier and a foreign air carrier or their affiliates. The CAB makes this change in response to a petition by Delta Air Lines, Inc., for a rulemaking to reduce unnecessary regulatory oversight of air carrier business transactions. This rule also provides that the exemption preempts any remaining unmodified pre-deregulation orders approving interlocks. This exemption will therefore remove outmoded restrictions and preexisting grants of antitrust immunity attached to such orders.

DATES:

Adopted: September 7, 1983.

Effective: October 23, 1983.

FOR FURTHER INFORMATION CONTACT: Gwyneth Jones, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673-6011.

SUPPLEMENTARY INFORMATION:

Background

Section 409 of the Federal Aviation Act of 1958 (49 U.S.C. 1379) generally prohibits interlocking relationships involving air carriers, common carriers or other specified persons without prior Board approval. Air carriers intending to enter into an interlocking relationship must first file an application for approval with the Board. Approval is contingent on the Board's finding that the interlock would not adversely affect the public interest, which is defined by reference to the procompetitive policies of section 102 of the Act.

Traditionally, Board review of impending interlocking relationships focused on their potential to harm air transportation. The Board was concerned with preventing serious conflicts of interest, exploitation in non-arms length transactions and manipulation of carrier operating costs. For example, an official confronted with the conflicting interests of two companies might make a business decision detrimental to an air carrier, or a company controlling an air carrier might divert its resources for its own benefit. In either event, the interlocking relationship could seriously affect the ability of the air carrier to provide service. As a result of deregulation, we now rely primarily on market forces and the carriers themselves to determine how airline operations should be conducted and to protect their own interests. Because the success of the deregulated industry depends upon the maintenance of airline competition, the focus of our review has shifted to determining the competitive impact of impending interlocks.

The Board's Economic Regulations implement and define the scope of the section 409 prior approval requirements. 14 CFR Part 251 governs the requirements for applications for prior approval. 14 CFR Parts 287, 291, 296, 298 and 380 exempt from the requirements of section 409 certain interlocking relationships that the Board has found to be of little concern. Domestic cargo operators are exempted by § 291.31(a)(5) and § 291.32(b). Indirect air carriers are exempted by § 296.10(a)(10). Air taxi operators are exempted by § 298.11(g) and § 298.92, and public charter operators are exempted by § 380.20 and § 380.44.

Part 287 exempts various interlocking relationships from section 409 and Part 251. The exemption generally extends to interlocks involving air carriers and certain persons engaged in a phase of aeronautics, or surface common carriers engaged only in pipeline, communications, or wholly-intrastate operations, or interstate operations within a 50 mile radius. The exemption does not apply to relationships involving air carriers and any of the following: foreign air carriers; persons engaged in air transportation for hire, but not subject to Board regulation as a statutory "air carrier"; persons whose principal business is holding stock in, or control of, another person engaged in a phase of aeronautics to whom the exemption does not apply; and persons engaged in a phase of aeronautics or

companies that are affiliated with an air carrier, unless the control relationship is approved under section 408 of the Act.

The exemption granted in Part 287 depends upon whether the interlock involves indirect air carriers (§ 287.2) or direct air carriers (§ 287.3). The section 287.2 exemption excludes relationships involving indirect air carriers and direct surface common carriers whose certificated interstate routes extend beyond a 50-mile radius or their indirect surface common carrier affiliates. The section 287.3 exemption excludes relationships involving direct air carriers and travel or ticket agents; aircraft manufacturers; surface common carriers engaged in interstate cargo or passenger operations exceeding a 50 mile radius; or persons engaged in a phase of aeronautics if the transaction exceeds $100,000 a year, subject to certain qualifications.

The Proposal

In EDR–455, 48 FR 5950, February 9, 1983, we proposed to change our rules governing prior approval of air carrier interlocking relationships. This rulemaking was initiated in response to a rulemaking petition filed by Delta Air Lines, Inc. in Docket 40543 to eliminate the prior approval requirement by granting a blanket exemption from section 409 or, alternatively, to expand the present Part 287 exemptions to cover all interlocks except those between section 101(3) air carriers. We consolidated into Docket 40543 an application for general exemption from section 409 filed contemporaneously by Delta in Docket 40544.

We proposed to expand the exemptions in Part 287 to cover all air carrier interlocking relationships except those between two or more certificated air carriers, or their affiliates, and a certificated air carrier and a foreign air carrier, or their affiliates. The exemption would apply to all companies and individuals participating in the exempted relationship. Under the proposed rule, we would continue to require applications for approval of nonexempt relationships under Part 251 of our Economic Regulations. However, this change would not affect the automatic section 409 exemption accorded interlocks occurring within control relationships authorized by the Board under section 408 of the Act.

We also proposed to amend § 287.7 to provide that the new Part 287 exemption would supersede any outstanding pre-deregulatory authorizations of interlocks that would be covered by the exemption. These old orders sometimes contained restrictive conditions requiring annual reports and prior approval of subsequent interparty transactions and carried automatic antitrust immunity. After deregulation, we no longer imposed conditions or conferred antitrust immunity upon approval of interlocks, except in extraordinary circumstances. It is now our policy that immunity should be allowed to continue only on a specific showing of need. Such a showing was not required in pre-deregulation applications under section 409, because section 414 immunity was then automatic. We have consistently eliminated conditions and immunity when pre-deregulation approvals came before us for further review, such as on a request for modification or removal of conditions, in order to make earlier authorizations, compatible with our present policies. (See, for example, Order 81–3–156, March 27, 1981). This change would complete this process with respect to the few remaining interlocks still subject to conditions and immunized from the antitrust laws.

Comments and Discussion

Comments were filed by Delta Air Lines, Inc., United Air Lines, Inc. and USAir, Inc. All of the comments endorsed the proposed rule, although two requested further change and clarification.

Delta supported the proposed rule for the reasons stated in its petition in Docket 40543. However, Delta urged that we extend the proposed exemption to eliminate all mandatory prior approval of interlocking relationships, asserting that complete elimination would be consistent with our deregulatory mandate. It claimed that there is no reason to continue to impose greater restrictions on airline interlocks than those applicable to unregulated industries. This view, it noted, is shared by the Department of Justice. Attached to its comments is a DOJ proposed rule to grant a blanket exemption from section 409 in anticipation of the now delayed transfer of our domestic authority. Delta argued that an experimental blanket exemption would enable Congress to determine if section 409 should be repealed or if further restrictions are necessary. In its view the Clayton Act restrictions would adequately control any competitive problems raised by the exempted interlocks.

United supported the proposed rule as written, asserting that it complies with Congress' mandate to deregulate the airline industry. It also noted that the Clayton Act would govern the exempted interlocks.

USAir agreed that the proposal was a step in the right direction, but argued that all prior approval requirements be completely eliminated. It also urged that the airline industry should not be subject to greater restrictions than unregulated industries. USAir further requested that the definition of "affiliated" be clarified. Its chief concern was that if an airline became the sole, wholly-owned subsidiary of a holding company as a result of a reorganization, that intercorporate relationship would not be exempted under the proposal. USAir requested that we specifically find that transactions between a holding company and its airline subsidiary are exempt. It also stated that it had no objection to preemption of the predereglation authorizations by the amended Part 287, if we specifically cited the outstanding orders.

The Board has decided to adopt this rule substantially as proposed. The rule does not completely eliminate statutory prior approval by exemption, as Delta requested, because of continuing concerns about the potential of certain air carrier interlocks to adversely affect competition. The fact that DOJ proposed to eliminate all mandatory prior approval of interlocks on receipt of our domestic authority does not persuade us to do the same. Congress may decide to remove section 409 in future legislation but, until it does so, we will retain oversight of those relationships that are potentially of regulatory concern. Moreover, DOJ's proposal did not apply to international air transportation over which our jurisdiction continues until 1985. The potential for interlock problems is greater in international aviation, which frequently permits far less competition. While Congress still has the opportunity to eliminate this requirement in future sunset legislation, we decline to do so by exemption at this time.

We conclude that increased exemption relief from section 409 is warranted because the majority of air carrier interlocks do not raise serious transportation or competitive problems and routinely recieve exemptions or approval under the Board's delegated authority. We believe that the applicable provisions of the Clayton Act and other antitrust laws in conjunction with the Board's residual authority under section 409 are sufficient to protect the public interest and adequately control any competitive problems that might arise from the exempted relationships. This rule will reduce the unnecessary expenditure of Board and carrier resources and unnecessary regulatory oversight and delay in normal carrier business

transactions. This is consistent with our deregulatory mandate to reduce burdensome regulations and to allow the airline industry to operate as an unregulated industry to the extent possible. The expanded exemptions still will provide an opportunity to determine if continued supervision of interlocks is necessary.

We have decided not to extend the exemption to the affiliates of nonexempt certificated and foreign air carriers because interlocks involving them raise the same concerns as would an interlock involving the air carrier controlling them. Their exclusion in Part 287 reflected the language of section 413 which recognizes that control may be acquired directly or indirectly and was designed to prevent the evasion of the section 409 requirement through the use of such affiliates.

In response to USAir's comments, we will clarify our intent to exempt intercorporate relationships between an airline subsidiary and its holding company. In order to correct any possible confusion, we will add a provision that specifically exempts internal corporate reorganizations from the requirements of section 409 and delete language designed to accomplish this result from the definition of affiliate contained in proposed § 287.1(e). This change does not alter the substance of the rule as proposed but merely clarifies our original intent. By withholding the exemption from the affiliates of air carriers or foreign air carriers, we sought to insure that airlines could not evade review of intercarrier interlocking relationships by interposing a nonairline affiliated corporate entity. But we do not wish to impose a requirement for Board approval when a single air carrier entity alters the legal form of its corporate organization without affecting its beneficial ownerhsip.

Finally, we cannot accede to USAir's request that we cite the unmodified pre-deregulation orders approving interlocks that are still in existence. Although our staff has identified and modified many such orders, many air carriers did not notify the Board of terminations of earlier interlocks, despite the notice requirements of § 251.7. Because records are incomplete and we would find it extremely difficult and time consuming to identify the remaining orders, we will review these cases individually only if carriers voluntarily request reissuance. For this reason, we have decided to impose the blanket preemption.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96-534, the Board certifies that this rule will not have a significant economic impact on a substantial number of small entities. Relationships involving small carriers operating under 14 CFR Part 298 are already exempt from section 409 requirements. This rule will remove a regulatory burden from a significant number of larger carriers involved in interlocking relationships.

List of Subjects in 14 CFR Part 287

Air carriers, Antitrust.

PART 287—[AMENDED]

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 287, *Exemption and Approval of Certain Interlocking Relationships*, as follows:

1. The authority for Part 287 is:

Authority: Sections 101(3), 204, 409, 416, Pub. L. 85-726, as amended, 72 Stat. 737, 743, 768, 771 (49 U.S.C. 1301(3), 1324, 1379, 1387).

2. The Table of Contents of Part 287, *Exemption and Approval of Certain Interlocking Relationships*, is revised to read:

Sec.
287.1 Definitions.
287.2 Exemptions for certain interlocking relationships.
287.3 Exemptions for previously authorized control relationships.
287.4 Exemptions for other persons.
287.5 Termination of exemptions and approvals.
287.6 Effect of exemption on antitrust laws.
287.7 Effect on exemption on existing interlocking relationships.
287.8 Exemption for internal corporate reorganizations.

Appendix I

3. Paragraphs (b) and (e) of § 287.1 are revised, and paragraphs (a) and (d) are removed and reserved, as follows:

§ 287.1 Definitions.

For purposes of this part:

(a) [Reserved.]

(b) "Direct air carrier" means any air carrier directly engaged in the operation of aircraft, pursuant to a certificate of public convenience and necessity issued under section 401 of the Act, or pursuant to exemption authority conferred under section 416(b) (other than air carriers under Part 298 of this chapter).

(c) * * *

(d) [Reserved.]

(e) "Affiliated" means a relationship (1) wherein a person substantially engaged in the business of aeronautics or a common carrier, directly or indirectly, (i) is controlled by an air carrier or foreign air carrier; (ii) controls an air carrier or foreign air carrier; (iii) is under common control with an air carrier or foreign air carrier; or (2) where the power to exercise the type of control noted in (e)(1) of this section exists.

4. Section 287.2 is revised to read:

§ 287.2 Exemptions for certain interlocking relationships.

Subject to the provisions of this part, air carriers are exempted from section 409 of the Act and Part 251 of this chapter with respect to any interlocking relationships involving air carriers, except those between:

(a) Two or more direct air carriers.

(b) A direct air carrier and a foreign air carrier.

(c) A direct air carrier and a person or persons affiliated with a direct air carrier or foreign air carrier.

(d) Affiliates of two or more direct air carriers.

5. Section 287.3 is revised to read:

§ 287.3 Exemptions for previously authorized control relationships.

Any interlocking relationship involving an air carrier and any company which is, directly or indirectly, affiliated with an air carrier is exempted from section 409 of the Act and Part 251 of this chapter, if such affiliation has previously been authorized by the Board by approval under section 408 of the Act, or by exemption therefrom, and is currently so authorized.

6. Section 287.4 is revised to read:

§ 287.4 Exemptions for other persons.

The exemptions from section 409 of the Act and Part 251 of this chapter that are granted to air carriers under this part are hereby granted to all other parties to the interlocking relationship and to any officer, director or member of an air carrier, or stockholder holding a controlling interest in an air carrier (or the representative or nominee of any such person) who would, without prior approval of the Board, be in violation of any provision of section 409(a) of the Act, by reason of any interlocking relationship directly involving an air carrier which has been exempted under this part.

7. Section 287.7 is revised to read:

§ 287.7 Effect of exemption on existing interlocking relationships.

The exemption and approval granted by this part shall supersede any approval (including any conditions thereto) previously granted by the Board to a specific interlocking relationship other than those described in § 287.2.

8. Section 287.8 is added to read:

§ 287.8 Exemption for internal corporat reorganizations.

Any interlocking relationships that result from the reorganization of a

corporation through the creation of wholly owned corporate subsidiaries or holding companies are exempt from the requirements of section 409 of the Act and Part 251 of this chapter.

9. Appendix I is revised to read:

Appendix I

(a) Sec. 409.[72 Stat. 768, as amended by 92 Stat. 1728, 1744, 1745, 1746, 1747, 49 U.S.C. 1379] It shall be unlawful, unless such relationship shall have been approved by order of the Board upon due showing, in the form and manner prescribed by the Board, that the public interest will not be adversely affected thereby—

(1) For any air carrier to have and retain an officer or director who is an officer, director, or member, or who as a stockholder holds a controlling interest, in any other person who is a common carrier or is substantially engaged in the business of aeronautics.

(2) For any air carrier, knowingly and willfuly, to have and retain an officer or director who has a representative or nominee who represents such officer or director as an officer, director, or member, or as a stockholder holding a controlling interest, in any other person who is a common carrier or is substantially engaged in the buesinss or aeronautics.

(3) For any person who is an officer or director of an air carrier to hold the position of officer, director, or member, or to be a stockholder holding a controlling interest, or to have a representative or nominee who represents such person as an officer, director, or member, or as a stockholder holding a controlling interest, in any other person who is a common carrier or is substantially engaged in the business of aeronautics.

(4) For any air carrier to have and retain an officer or director who is an officer, director, or member, or who as a stockholder holds a controlling interest, in any other person whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person substantially engaged in the business of aeronautics.

(5) For any air carrier, knowingly and willfuly, to have and retain an officer or director who has a representative or nominee who represents such officer or director as an officer, director, or member, or as a stockholder holding a controlling interest, in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person substantially engaged in the buesinss or aeronautics.

(6) For any person who is an officer or director of an air carrier to hold the position of officer, director, or member, or to be a stockholder holding a controlling interest, or to have a representative or nominee who represents such person as an officer, director, or member, or as a stockholder holding a controlling interest, in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person substantially engaged in the business of aeronautics.

(b) [Repealed by Act of October 24, 1982, 92 Stat. 1728]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-26082 Filed 9-22-83; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 323

[Docket No. 40757; Procedural Regulations PR-261; Amdts 8 to Part 323]

Terminations, Suspensions, and Reductions of Service

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB's rules now contain a provision that requires certificated airlines to file a notice with the Board 90 days before reducing total available capacity at a point by 33 percent or more. The CAB is limiting this notice requirement so that it will apply only to communities for which the CAB has issued an essential air service determination under the small community air service provision of the Federal Aviation Act. This action is taken as a result of a recent court decision.

DATES:

Adopted: September 7, 1983.
Effective: October 23, 1983.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: The Board's notice rule, 14 CFR Part 323, requires airlines to file a notice with the Board and the community concerned before terminating, suspending, or reducing certain air services. Currently, the rule states that a certificated air carrier must file a notice in the following situations:

(1) When terminating or suspending all passenger air transportation at a community where it is the only certificated air carrier providing service [§ 323.3(a)(1)];

(2) When terminating or suspending all passenger air transportation at a community for which the Board has not made an essential air service determination and where there is only one other certificated carrier providing service [§ 323.3(a)(3)];

(3) When reducing air service below the level that the Board has determined to be essential for that community [§ 323.3(a)(2)];

(4) When reducing service in Alaska below the level established by section 419(f) of the Act [§ 323.2(a)(4)]; and

(5) When terminating, suspending, or reducing air service so that the total available seats of all airlines linking that community to FAA-designated hubs would be reduced by 33 percent or more over a 90-day period [§ 323.3(a)(5)].

By PDR-78, 47 FR 27081, June 23, 1982, the Board proposed to modify the fifth notice described above (the "33 percent notice"). It proposed to limit this notice to terminations, suspensions, or reductions in air service at communities for which the Board has made, or is required to make, an essential air service determination. These are communities, usually small ones, that are served by one or no certificated air carriers. The Board proposed this action following the Court's decision in *Delta Air Lines v. CAB*, 674 F.2d 1 (D.C. Cir. 1982). In that case, the Court decided that the Board may guarantee essential service and require notices only at communities for which it has made, or is required to make, an essential air service determination.

Comments on this proposal were filed by Delta Air Lines and the Burlington Parties (the Lake Champlain Regional Chamber of Commerce, Greater Burlington Industrial Corp., and the City of Burlington, Vermont). The Burlington Parties were concerned that the Board's proposal went too far in limiting airline notice obligations, while Delta argued that the proposal did not go far enough.

Burlington objected to the proposal on the grounds that it would leave medium-sized communities such as itself with less protection against air service reductions and would be "one further incident of the interests of communities taking second place to those of carriers." It recognized that the proposal was required by the Court's decision in the *Delta* case above, but urged the Board to pursue an appeal of that decision.

The Board has decided not to appeal the *Delta* case to the Supreme Court and doubts that the Solicitor General would approve such an appeal. The Board is adopting the modification of the 33 percent notice that it proposed. The purpose of this notice is to give the Board the opportunity to block a significant reduction in air service at a community. While this notice would be helpful in protecting air service at medium-sized communities, market forces can generally be relied on to ensure that any large reduction in service at these communities is short-lived. Relying on market forces here is consistent with the policy of the Airline Deregulation Act (Pub. L. 95-504), especially section 3(a) of that Act (Section 102(a) (4) of the Federal Aviation Act) and with past Board pronouncements in this area. PS-87, 44

FR 52646, September 7, 1979. This reliance has proved to be well-founded in the case of Burlington. Shortly after the major airline serving that community (Delta) ended service there, several airlines moved in so that Burlington is now receiving more service than it has before. A similar reliance on market forces may be less well-suited for small communities, the ones for which the Act requires essential service determinations, because they are often too small to attract the new service necessary without Board intervention.

The Board does not favor limiting the notice obligations of airlines any further as Delta requested. Delta argued that the 33 percent notice, even as limited by this rule, went beyond the Board's statutory authority. It made the same claim with respect to the "next-to-last certificated carrier notice," the second notice summarized above. In addition, Delta asked that the first notice summarized above (the "last certificated carrier notice") be limited to the rare situation where the Board is required to, but has not yet, issued an essential air service determination for the community concerned. These would be communities covered by section 419(a)(10) of the Act (49 U.S.C. 1389(a) (10)).

The Board continues to view these notices as indispensable for maintaining essential air service at small communities. Delta's objection to them is based on a reading of the Act and the Court's decision that is overly narrow. It assumes that an essential air service determination, once issued, is fixed and cannot be modified as circumstances change. The Act (section 419(a)(2)(C)), however, specifically authorizes the Board to modify a community's essential service determination. One of the events that might trigger the need for such a review and redetermination is a significant change in a community's air service, such as a sudden large reduction in service. As explained more fully in PDR-78, the Board can act to protect a community's air service in these circumstances only if it has advance notice that such a large reduction in service is about to occur. The 33 percent notice answers this need.

The other two notices challenged by Delta are also necessary for the Board to fulfill its statutory mission and are therefore being retained. The Board requires notice before the next-to-last certificated carrier terminates service at a point in order to carry out its responsibilities under section 419(a)(2)(B) of the Act. That section requires the Board to issue an essential air service determination at a point "not later than the last day of the six-month period beginning on the date on which the Board receives *notice* that service to such point will be provided by not more than one [certificated] air carrier." (emphasis added). Clearly, this provision contemplates the filing of a notice by the next-to-last certificated carrier. Such a notice is necessary to mark the beginning of the 6-month period for Board action. It is not a burdensome notice since it is to be filed only 30 days before the intended termination date, well after the typical date for the airline to notify the Official Airline Guide (OAG) of its service termination.

The notice required of the last certificated carrier is also needed in the Board's implementation of the Act's essential service provisions. While there may be noncertificated (commuter) carriers providing service at the community, it is not always immediately clear whether their service qualifies as essential service. Meeting a community's essential service requirements means more than merely providing the designated number of flights. It also involves questions of the type of equipment utilized, the timing of those flights, routings employed, and other factors set forth in 14 CFR Part 398. The Board needs time to evaluate these factors in order to determine whether termination by the certificated carrier will cause service to drop below the level the Board has determined to be essential.

More importantly, when both a certificated carrier and a commuter are serving the community, the commuter is not held to as high a standard as it would be if it were the only carrier serving that point. Once the certificated carrier leaves, however, the Board must rely on the commuter to provide the essential service. In such circumstances, the commuter must not only meet the fitness standards required of all commuter carriers (section 419(c)(2)), but must also show that it can provide the essential service in a reliable manner (ER-1180, at 12, 45 FR 42593, June 25, 1980). It seems reasonable to require more of a commuter responsible for essential service because it will usually be the only carrier providing any air service to the community, not merely one of several air carriers from which the public may choose.

In order to determine whether the commuter can meet this higher standard, the Board requires the submission of additional data under 14 CFR 204.6. Requiring that a notice be filed by the only certificated carrier at a point 60 days before it intends to terminate service there gives the Board the necessary time to receive and evaluate this data, and to make its determination about the commuter's service.

Other reasons for requiring the above notices are set forth in PR-244, 47 FR 7393, February 19, 1982, and they remain valid.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96-354, the Board certifies that this rule will not have a significant economic impact on a substantial number of small entities. Few air carriers are likely to reduce air service at a community by 33 percent or more over a 90-day period, so there will not be many instances where the 33 percent notice will come into play. If the community involved has had its essential air service level established by the Board, the carrier's obligation to file the 33 percent notice would not be affected by this rule. It is only the communities for which the Board has not established an essential service level that will be affected by this rule. They, however, are likely to be middle-sized communities and the airline serving them is not likely to be a small air carrier.

List of Subjects in 14 CFR Part 323

Air carriers, Essential air service.

PART 323—[AMENDED]

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 323, *Terminations, Suspensions, and Reductions of Service*, as follows:

1. The authority for Part 323 is:

Authority: Secs. 204, 401, 407, 411, and 419, P. L. 85-726, as amended 72 Stat. 743, 754, 766, 769, 92 Stat. 1732; 49 U.S.C. 1324, 1371, 1377, 1381, 1389.

2. Paragraph (a)(5) of § 323.3 is revised, as follows:

§ 323.3 Who shall file notices.

(a) *Terminations, suspensions, or reductions by certificated carriers.* The notice described in § 323.4(a) shall be filed by any certificated carrier that intends to:

* * * * *

(5) Terminate, suspend, or reduce passenger air transportation at an eligible point for which the Board has issued, or is required to issue, an essential air transportation determination under section 419(a)(2) or section 419(b)(4) of the Act so that the total available seats of all the carriers linking that point to FAA-designated hubs will be reduced by 33 percent or more during a 90-day period. Service to

a hub shall be considered to be terminated or suspended whenever it is operated less than 5 days per week, with three or more intermediate stop, or in one direction only between two points.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-26081 Filed 9-22-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Order of Succession for the Commissioner of Food and Drugs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority to incorporate a revised order of succession for the Commissioner of Food and Drugs.

EFFECTIVE DATE: September 23, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 31, 1983 (48 FR 39513), the Public Health Service published an amendment to the Statement of Organization, Functions, and Delegations of Authority for FDA that issued a revised order of succession for the Commissioner of Food and Drugs. This amendment incorporates that change into § 5.20 (21 CFR 5.20).

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Organization and functions (Government agencies).

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 5 is amended by revising § 5.20(c) to read as follows:

§ 5.20 General redelegations of authority from the Commissioner to other officers of the Food and Drug Administration.

* * * * *

(c) During the absence or disability of the Commissioner or in the event of a vacancy in that position, the first official who is available in the following positions, or who has been designated by the Commissioner to act in such position, shall act as Commissioner:

(1) Deputy Commissioner.

(2) Associate Commissioner for Regulatory Affairs.

(3) Associate Commissioner for Management and Operations.

For a planned period of absence, the Commissioner may specify a different order of succession.

* * * * *

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

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: September 19, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-25954 Filed 9-22-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Alfaprostol

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Hoffman-LaRoche, Inc., providing for safe and effective use of alfaprostol in mares for estrus control.

EFFECTIVE DATE: September 23, 1983.

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

SUPPLEMENTARY INFORMATION: Hoffman-LaRoche, Inc., Nutley, NJ 07110, is sponsor of NADA 130-092, providing for use of ALFAVET™ (alfaprostol) in mares with active corpora lutea to cause luteolysis. The application is approved and the regulations are amended accordingly. The basis for approval is discussed in the freedom of information summary referred to below.

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

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

List of Subjects in 21 CFR Part 522

Animal drugs, Injectable.

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended by adding new § 522.46 to read as follows:

§ 522.46 Alfaprostol.

(a) *Specifications.* Each milliliter of sterile solution contains 1 milligram of alfaprostol.

(b) *Sponsor.* No. 000004 in § 510.600(c) of this chapter.

(c) *Conditions of use.* It is used in horses as follows:

(1) *Amount.* For average mature mares, 6.0 micrograms per kilogram of body weight.

(2) *Indications for use.* To cause luteolysis in mares with active corpora lutea.

(3) *Limitations.* For intramuscular or subcutaneous use as a single injection. Not for horses intended for food. Alfaprostol is readily absorbed through the skin and can cause abortion and/or bronchial spasms. Women of childbearing age, asthmatics, and persons with bronchial and other respiratory problems should exercise extreme caution when handling this product. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. September 23, 1983.

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

Dated: September 16, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-25958 Filed 9-22-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Good-Life, Inc., providing for manufacturing a 40-gram-per-pound tylosin premix. The premix is used to make finished feeds for swine, beef cattle, and chickens.

EFFECTIVE DATE: September 23, 1983.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Bureau of Veterinary Medicine (HFV-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1414.

SUPPLEMENTARY INFORMATION: Good-Life, Inc., Good-Life Dr., P.O. Box 687, Effingham, IL 62401, is the sponsor of a supplement to NADA 110-045 submitted on its behalf of Elanco Products Co. This supplement provides for the manufacture of 40-gram-per-pound premixes subsequently used to make finished feeds for swine, beef cattle, and chickens for use as in 21 CFR 558.625(f)(1) (i) through (vi). The basis for approval of this supplement is discussed in the freedom of information summary. Based on the data and information submitted, the supplement is approved and the regulations are amended to reflect the approval.

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

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.625 by revising paragraph (b)(52) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(52) To 021810: 10 and 40 grams per pound, paragraph (f)(1) (i) through (vi) of this section.

* * * * *

Effective date. September 23, 1983.

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

Dated: September 19, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83-25955 Filed 9-22-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Feed Specialties Co., providing for manufacturing a 40-gram-per-pound tylosin premix. The premix is used to make finished feeds for swine, beef cattle, and chickens.

EFFECTIVE DATE: September 23, 1983.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Bureau of Veterinary Medicine (HFV-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1414.

SUPPLEMENTARY INFORMATION: Feed Specialties Co., 1877 Northeast 58th Ave., Des Moines, IA 50313, is the sponsor of a supplement to NADA 97-289 submitted on its behalf by Elanco Products Co. This supplement provides for the manufacture of 40-gram-per-pound premixes subsequently used to make finished feeds for swine, beef cattle, and chickens for use as in 21 CFR 558.625(f)(1) (i) through (vi). The basis for approval of this supplement is discussed in the freedom of information summary. Based on the data and information submitted, the supplement is approved and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514-11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m., to 4 p.m., Monday through Friday.

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.625 by revising paragraph (b)(11) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(11) To 017274: 4, 8, and 10 grams per pound, paragraph (f)(1)(vi)(*a*) of this section; 40 grams per pound, paragraph (f)(1)(i) through (vi) of this section.

* * * * *

Effective date. September 23, 1983.

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

Dated: September 19, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83-25956 Filed 9-22-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Custom Feed Blenders Corp. providing for manufacturing a 40-gram-per-pound tylosin premix. The premix is used to make finished feeds for swine, beef cattle, and chickens.

EFFECTIVE DATE: September 23, 1983.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Bureau of Veterinary Medicine (HFV–130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; 301–443–1414.

SUPPLEMENTARY INFORMATION: Custom Feed Blenders Corp., 540 Hawkeye Ave., Fort Dodge, IA 50501, is the sponsor of a supplement to NADA 106–507 submitted on its behalf by Elanco Products Co. This supplement provides for the manufacture of 40-gram-per-pound premixes subsequently used to make finished feeds for swine, beef cattle, and chickens for use as in 21 CFR 558.625(f)(1) (i) through (vi). The basis for approval of this supplement is discussed in the freedom of information summary. Based on the data and information submitted, the supplement is approved and the regulations are amended to reflect the approval.

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

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.625 by revising paragraph (b)(63) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.625 Tylosin.

* * * * *

(b) * * *

(63) To 046987: 10 grams per pound, paragraph (f)(1)(vi)(*a*) of this section; 40 grams per pound, paragraph (f)(1) (i) through (vi) of this section.

* * * * *

Effective date: September 23, 1983.

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

Dated: September 16, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83–25957 Filed 9–22–83; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Kay Dee Feed Co., providing for manufacturing a 40-gram-per-pound tylosin premix. The premix is used to make finished feeds for swine, beef cattle, and chickens.

EFFECTIVE DATE: September 23, 1983.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Bureau of Veterinary Medicine (HFV–130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; 301–443–1414.

SUPPLEMENTARY INFORMATION: Kay Dee Feed Co., 1919 Grand Ave., Sioux City, IA 51107, is the sponsor of a supplement to NADA 111–814 submitted on its behalf by Flanco Products Co. This supplement provides for the manufacture of 40-gram-per-pound premixes subsequently used to make finished feeds for swine, beef cattle, and chickens for use as in 21 CFR 558.625(f)(1) (i) through (vi). The basis for approval of this supplement is discussed in the freedom of information summary. Based on the data and information submitted, the supplement is approved and the regulations are amended to reflect the approval.

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

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.625 by revising paragraph (b)(56) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.625 Tylosin.

* * * * *

(b) * * *

(56) To 026848: 10 grams per pound, paragraph (f)(1)(vi)(*a*) of this section; 40 grams per pound, paragraph (f)(1) (i) through (vi) of this section.

* * * * *

Effective date: September 23, 1983.

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

Dated: September 16, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83–25959 Filed 9–22–83; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 26

[Docket No. R–80–863]

Proceedings Before a Hearing Officer

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This rule creates new procedures for appeals before a HUD hearing officer. The rule provides procedural uniformity among actions for debarment, actions for suspension, Multifamily Participation Review

Committee determinations, and administrative actions by the Mortgagee Review Board.

EFFECTIVE DATE: November 1, 1983.

FOR FURTHER INFORMATION CONTACT: Phillip L. Schulman, Department of Housing and Urban Development, Office of the General Counsel, Room 10270, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–5557 [not a toll-free number].

SUPPLEMENTARY INFORMATION:

The Department of Housing and Urban Development has undertaken a review of its administrative procedures. As a result of this review, the Department has determined that uniform procedural rules shall apply to certain administrative actions taken by HUD including administrative sanctions under 24 CFR Part 24, administrative actions taken by the Mortgagee Review Board under 24 CFR Part 25, and determinations by the Multifamily Participation Review committee under 24 CFR Part 200, Subpart H. In order to improve the procedural guarantees currently afforded under 24 CFR Part 24, Part 25 and Part 200, subpart H, and also to assure that the actions under these Parts shall be applied uniformly, accomplish their intended result, and serve the best interest of the Government, the Department has decided to add a new Part 26, Proceedings Before a Hearing Officer. The new Part provides standard rules of procedure for the adjudication of matters brought before hearing officers and thereby assures that all parties receive an expeditious, fair and impartial hearing.

The Department received few comments on the proposed regulation, published August 28, 1980 (45 FR 57440). However, many of the changes suggested have been adopted. The numbering of §§ 26.9–26.26 has been revised through the elimination of former § 26.8, Qualification for appearance, and the addition of a new § 26.19, Request for production of documents.

Hearing Officer

One commenter suggested that § 26.5 should be amended to grant an immediate right of appeal to the Secretary where the hearing officer denies a motion for disqualification. It was also suggested that the hearing officer should be required to respond to the motion with a written statement of his or her reasons.

The Department considers an immediate right of appeal to the Secretary on this ground unnecessary. Such an interlocutory appeal would result in undue delay of the proceeding. A decision denying a motion for disqualification may constitute grounds for appeal of the determination ultimately issued by the hearing officer. The section has been amended to require the hearing officer to issue a written statement of his or her reasons where the motion is denied, since such a statement would enhance the disposition of a later appeal.

Representation of Parties

One commenter objected to the board language in § 26.8 permitting the Department to prohibit an attorney from representing a party where the attorney has engaged in unethical or improper conduct. The Department has decided to defer in most cases to determinations by state and local authorities concerning the propriety of conduct by attorneys. Therefore, this provision has now been amended to permit disqualification by the hearing officer only where the attorney is not qualified under § 26.7 or where the action is immediately necessary to maintain order in, or the integrity of, the proceeding.

Commencement of Action, Pleadings and Motions

Some commenters suggested that a notice of administrative action should be required to set forth specifically each factual allegation. Section 26.9 has been amended to require greater specificity in most cases. A limited exception is made where a more general notice is permitted under a certain procedure in Part 24. Section 26.9 has also been amended expressly to authorize the issuance of a supplemental Notice of Administrative Action. Section 26.10 has been amended to limit allegations in a complaint to those within the purview of a notice of administrative action or an amendment thereto.

One commenter objected to the requirement that a Respondent file an answer with a timely request for hearing, since a Respondent may wish to file a request for hearing immediately and an answer within fifteen days of receipt of a complaint. Section 26.11 has been modified to permit the Respondent thirty days to file an answer. The answer need not be filed with the appeal where the appeal is filed immediately, but must be filed within thirty days of receipt of the complaint. However, where the notice of administrative action serves as a complaint and so states, thirty days should provide ample time to answer the complaint. It was also suggested that a definite time interval be substituted in lieu of the term "timely." This suggestion was rejected, since the period for requesting a hearing varies depending upon the nature of the administrative action imposed.

One commenter suggested a number of changes in the section dealing with amendments and supplemental pleadings. The proposed changes included the following: (1) Amendments as of right should only be permitted before responsive pleading; (2) Response time to an amended pleading should be thirty days; (3) Parties should have an opportunity to respond to a request for amendment by leave; (4) Amendments should not be permitted to go beyond the charges raised in the notice letter; and (5) Supplemental pleadings should not be permitted with respect to post-notice transactions.

The thirty-day period for amendment by right of initial pleadings was retained, since the Department believes that it is fair and that it impacts equally on both parties. A response to amended pleadings must be filed within fifteen days, since a longer period would be inconsistent with the need for a prompt administrative hearing. This provision is in accord with the requirement in § 26.11 that an answer be filed within fifteen days of receipt of a complaint. Section 26.12(a)(2) has been modified to set forth specifically that the hearing officer may allow amendments by leave upon motion of any party. Therefore a party opposing such an amendment will be given an opportunity to respond. Allegations raised in supplemental pleadings are subject to the same restrictions with respect to scope as the original complaint under § 26.10(b).

One commenter suggested that the hearing officer's authority to enlarge the time limits specified in the rules should be based upon a standard. The Department determined that such a change would be appropriate, since it would clarify the proper reasons for increasing time limits set forth in the rules. Therefore, § 26.16(b) has been modified to permit the Hearing Officer to grant additional time to perform any act where necessary to avoid prejudicing the public interest or the rights of the parties.

Discovery

One commenter objected to the provision that discovery may be compelled only upon a showing of necessity. While the rule encourages the parties to engage in voluntary discovery procedures, limitations on discovery are necessary to ensure that the Respondent is offered a hearing in a prompt and timely manner. Where a severe sanction has been made effective prior to a hearing, the affected party has a strong

interest in obtaining expeditious relief from an independent hearing officer. Similarly, the Department has a strong interest in providing an expeditious hearing where the sanction will not become effective until after the Hearing Officer's determination. The Department has determined that in an administrative forum, these interests outweigh the need of the parties for unqualified discovery rights.

Some commenters objected to the prohibition upon discovery where the hearing would be unduly delayed, because the standard for denial of discovery is too vague and too restrictive. Nevertheless, the Department has determined that restrictions on discovery are necessary to prevent the basic purpose of the rule (i.e. to provide a prompt hearing) from being thwarted. However, § 26.17 has been modified to limit the prohibition to those cases where the delay would result in prejudice to the public interest or to the rights of the parties.

One commenter suggested that the time period for responding to a request for admissions under § 26.20(b) should be extended from fifteen to thirty days. A Request for Admissions as to facts and documents is a useful device for limiting the issues which must be litigated during a hearing. Therefore the Department encourages utilization of the procedure. Since hearings are frequently held on an expeditious basis, the time period for response to a request for admissions has been limited accordingly.

One commenter suggested that modifications to a pretrial order under § 26.21(c) should be prohibited unless necessary to prevent a manifest injustice. The Department has determined that greater flexibility is required in administrative proceedings under the rule. Therefore modifications to a pre-trial order will be permitted upon good cause shown.

Hearings

Section 26.23(g) has been modified to clarify that the burden of proof shall be upon the proponent of an action or "affirmative" defense.

Section 26.24(a) has been amended to set forth a general presumption that a preponderance of the evidence standard shall apply, unless otherwise provided by law or in specific regulations governing the administrative action. One commenter objected to the provision that each and every allegation need not be proven to support the administrative action. In many cases, any of a number of allegations would support an administrative action. Where the facts are not in accord with the allegations, the Hearing Officer may modify the determination under review. Therefore the Department has determined that no further change is necessary. It was also suggested that the Hearing Officer should have unlimited discretion to modify a determination by the initiating officials. The intent of the rule is to place primary responsibility for imposing an administrative action in Departmental officials. When a Hearing Officer determines after a hearing that the officials' decision was based upon an erroneous factual assessment, the determination may be modified, subject to the limitations set forth in Part 24.

One commenter suggested that an opposing party should be given a right of cross-examination, where the Hearing Officer decides to postpone the closing of the record to permit the admission of further evidence. Since the additional evidence may often be documentary in nature, § 26.24(b) has been modified to give the opposing party a general right of response.

Section 26.24(f) has been modified to make the Hearing Officer's determination final unless within forty days the Secretary decides to review the determination.

Secretarial Review

One commenter suggested that ten days is not sufficient time to prepare a thorough petition for review under § 26.25(a). The Department has decided that a fifteen day period would be more appropriate, and has so amended the rule. Opposing parties may submit briefs in opposition within fifteen days after receipt of the petition for review. Section 26.24(f) has been modified accordingly to give the Secretary sufficient time to review the Petition and opposing brief.

One commenter suggested that the hearing officer's determination should be stayed pending the Secretary's action. Section 26.24(f) provides that a hearing officer's determination is final unless a timely appeal is filed or the Secretary, within 40 days, decides to review the determination. During such period, the hearing officer's determination is not final and, therefore, has no immediate effect.

One commenter objected to the vagueness of the standard for certifying an interlocutory appeal under § 26.26(a), since it may be extremely difficult to prove that meaningful review is otherwise impossible. The Department has decided to modify this section to adopt the general standard for interlocutory appeals set forth in 28 U.S.C. § 1292(b).

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

The regulations adopted in this document are categorically excluded from the requirements of the National Environmental Policy Act of 1969 pursuant to 24 CFR 50.20(k).

Pursuant to section 605(b) of the Regulatory Flexibility Act, the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule provides only uniform procedural requirements in the conduct of administrative hearings, in place of differing requirements of individual hearing officers. No additional regulatory burdens are, therefore, established by this rule.

This rule was listed as item S-4-79 in the Department's Semi-Annual Agenda of Regulations published in the Federal Register on April 25, 1983 (48 FR 18056) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance is not applicable.

List of Subjects in 24 CFR Part 26

Administrative practice and procedure.

Accordingly, Title 24, Subtitle A is amended by adding a new Part 26 to read as follows:

PART 26—PROCEEDINGS BEFORE A HEARING OFFICER

Subpart A—Rules of Procedure

Sec.
26.1 Purpose.

Subpart B—Hearing Officer

26.2 Hearing officer, powers and duties.
26.3 Failure to comply with an order of the hearing officer.
26.4 Ex parte communications.
26.5 Disqualification of hearing officer.

Subpart C—Representation of the Parties

26.6 Department representative.
26.7 Respondent's representative.
26.8 Standards of practice.

Subpart D—Pleadings and Motions

Sec.
26.9 Notice of administrative action.
26.10 Complaint.
26.11 Answer.
26.12 Amendments and supplemental pleadings.
26.13 Motions.
26.14 Form and filing requirements.
26.15 Service.
26.16 Time computation.

Subpart E—Discovery

26.17 Discovery.
26.18 Depositions.
26.19 Request for production of documents.
26.20 Admissions as to facts and documents.
26.21 Prehearing conference.

Subpart F—Hearings

26.22 Public nature and timing of hearings, transcripts.
26.23 Rules of evidence.
26.24 Hearing officer's determination and order.

Subpart G—Secretarial Review

26.25 Review of determination of hearing officers.
26.26 Interlocutory rulings.

Subpart A—Rules of Procedure

§ 26.1 Purpose.

This Part sets forth rules of procedure in certain proceedings of the Department of Housing and Urban Development presided over by a hearing officer. These rules of procedure apply to administrative sanction hearings pursuant to 24 CFR Part 24, to hearings with respect to administrative actions taken by the Mortgagee Review Board pursuant to 24 CFR Part 25, and to hearings with respect to determinations by the Multifamily Participation Review Committee pursuant to 24 CFR Part 200, Subpart H, unless these regulations otherwise provide. They also apply in any other case where a hearing is required by statute or regulation, to the extent that rules adopted under such statute or regulation are not inconsistent.

Subpart B—Hearing Officer

§ 26.2 Hearing officer, powers and duties.

(a) *Hearing officer.* Proceedings conducted under these rules shall be presided over by a hearing officer who shall be an Administrative Law Judge or Board of Contract Appeals Judge authorized by the Secretary or designee to conduct proceedings under this part.

(b) *Time and place of hearing.* The hearing officer shall set the time and place of any hearing and shall give reasonable notice to the parties.

(c) *Powers of hearing officers.* The hearing officer shall conduct a fair and impartial hearing and take all action necessary to avoid delay in the disposition of proceeding and to maintain order. The hearing officer shall have all powers necessary to those ends, including but not limited to the power:

(1) To administer oaths and affirmations;

(2) To cause subpoenas to be issued as authorized by law;

(3) To rule upon offers of proof and receive evidence;

(4) To order or limit discovery as the interests of justice may require;

(5) To regulate the course of the hearing and the conduct of the parties and their counsel;

(6) To hold conferences for the settlement or simplification of the issues by consent of the parties;

(7) To consider and rule upon all procedural and other motions appropriate in adjudicative proceedings;

(8) To take notice of any material fact not appearing in evidence in the record which is properly a matter of judicial notice; and

(9) To make and file determinations.

§ 26.3 Failure to comply with an order of the hearing officer.

If a party refuses or fails to comply with an order of the hearing officer, the hearing officer may enter any appropriate order necessary to the disposition of the hearing including a determination against the noncomplying party.

§ 26.4 Ex parte communications.

(a) *Definition.* An ex parte communication is any communication with a hearing officer, direct or indirect, oral or written, concerning the merits of procedures of any pending proceeding which is made by a party in the absence of any other party.

(b) *Prohibition of ex parte communications.* Ex parte communications are prohibited except where:

(1) The purpose and consent of the communication have been disclosed in advance or simultaneously to all parties; or

(2) The communication is a request for information concerning the status of the case.

(c) *Procedure after receipt of ex parte communication.* Any hearing officer who receives an ex parte communication which the hearing officer knows or has reason to believe is unauthorized shall promptly place the communication, or its substance, in all files and shall furnish copies to all parties. Unauthorized ex parte communications shall not be taken into consideration in deciding any matter in issue.

§ 26.5 Disqualification of hearing officer.

When a hearing officer believes there is a basis for disqualification in a particular proceeding, the hearing officer shall withdraw by notice on the record and shall notify the Secretary and the official initiating the action under appeal. Whenever any party believes that the hearing officer should be disqualified from presiding in a particular proceeding, the party may file a motion with the hearing officer requesting the hearing officer to withdraw from presiding over the proceedings. This motion shall be supported by affidavits setting forth the alleged grounds for disqualification. If the hearing officer does not withdraw, a written statement of his or her reasons shall be incorporated in the record and the hearing shall proceed.

Subpart C—Representation of The Parties

§ 26.6 Department representative.

In each case heard before a hearing officer under this part, the Department shall be represented by the General Counsel or designee.

§ 26.7 Respondent's representative.

The party against whom the administrative action is taken may be represented at hearing as follows:

(a) Individuals may appear on their own behalf;

(b) A member of a partnership or joint venture may appear on behalf of the partnership or joint venture;

(c) A bona fide officer may appear on behalf of a corporation or association upon a showing of adequate authorization;

(d) An attorney who files a notice of appearance with the hearing officer may represent any party. For purposes of this paragraph, an attorney is defined as a member of the bar of a Federal court or of the highest court of any State; or

(e) An individual not included within paragraphs (a) through (d) of this section may represent the respondent upon an adequate showing, as determined by the hearing officer, that the individual possesses the legal, technical or other qualifications necessary to advise and assist in the presentation of the case.

§ 26.8 Standards of practice.

Attorneys shall conform to the standards of professional and ethical conduct required of practitioners in the courts of the United States and by the bars of which the attorneys are members. Any attorney may be prohibited by the Hearing Officer from representing a party if the attorney is

not qualified under § 26.7 or if such action is necessary to maintain order in or the integrity of the pending proceeding.

Subpart D—Pleadings and Motions

§ 26.9 Notice of administrative action.

In every case, there shall be a notice of administrative action. The notice shall be in writing and inform the party of the determination. The notice shall state the reasons for the proposed or imposed action except where general terms are permitted by 24 CFR Part 24. The notice shall inform the party of any right to a hearing to challenge the determination, and the manner and time in which to request such hearing. A supplemental notice may be issued in the discretion of the initiating official to add to or modify the reasons for the action.

§ 26.10 Complaint.

(a) *Respondent.* A complaint shall be served upon the party against whom an administrative action is taken, who shall be called the respondent.

(b) *Grounds.* The complaint shall state the grounds upon which the administrative action is based. The grounds set forth in the complaint may not contain allegations beyond the scope of the notice of administrative action or any amendment thereto.

(c) *Notice of administrative action as complaint.* A notice of administrative action may serve as a complaint provided the notice states it is also a complaint and complies with paragraph (b) of this section.

(d) *Timing.* When the notice does not serve as a c omplaint, the complaint shall be served on or before the thirtieth day after a request for hearing is made.

§ 26.11 Answer.

Respondent shall file an answer within thirty days of receipt of the complaint. The answer shall respond specifically to each factual allegation. A general denial shall not be permitted. Where a respondent intends to rely on an affirmative defense it shall be pleaded specifically. Allegations are admitted when not specifically denied in respondent's answer.

§ 26.12 Amendments and supplemental pleadings.

(a) *Amendments.* (1) By right: The Department may amend its complaint without leave at any time within thirty days of the date the complaint is filed or at any time before respondent's responsive pleading is filed, whichever is later. Respondent may amend its answer at any time within thirty days of filing of its answer. A party shall plead in response to an amended pleading within fifteen days of receipt of the amended pleading.

(2) By leave: Upon conditions as are necessary to avoid prejudicing the public interest and the rights of the parties, the hearing officer may allow amendments to pleadings upon motion of any party.

(3) Conformance to evidence: When issues not raised by the pleadings but reasonably within the scope of the proceeding initiated by the complaint are tried by express or implied consent to the parties, they shall be treated in all respects as if they had been raised in the pleadings, and amendments of the pleadings necessary to make them conform to the evidence shall be allowed at any time.

(b) *Supplemental pleadings.* The hearing officer may, upon reasonable notice, permit service of a supplemental pleading concerning transactions, occurrences, or events which have happened or been discovered since the date of prior pleadings.

§ 26.13 Motions.

(a) *Motions.* All motions after the commencement of the action until decision shall be addressed to the hearing officer.

(b) *Content.* All written motions shall state the particular order, ruling, or action desired and the grounds for granting the motion.

(c) *Answers.* Within seven (7) days after receipt of any written motion, or within any other period as may be designated by the hearing officer, the opposing party shall answer the motion. Failure to make a timely answer shall constitute a party's consent to the granting of the motion. The moving party shall have no right to reply, except as permitted by the hearing officer.

(d) *Oral argument.* The hearing officer may order oral argument on any motion.

(e) *Motions for extensions.* The hearing officer may waive the requirements of this section as to motions for extensions of time.

(f) *Rulings on motions for dismissal.* When a motion to dismiss the proceeding is granted, the hearing officer shall make and file a determination and order in accordance with the provisions of § 26.24.

§ 26.14 Form and filing requirements.

(a) *Filing.* An original and two copies of a request for a hearing shall be filed with the Docket Clerk, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, on official business days between 8:45 a.m. and 5:15 p.m. The Clerk shall assign the docket number and designate a hearing officer. An original and two copies of all other pleadings, submissions and documents should be filed directly with the appropriate hearing officer. A document is considered timely filed if postmarked on or before the date due or delivered to the appropriate person by close of business on the date due.

(b) *Title.* Documents shall show clearly the title of the action and the docket number.

(c) *Form.* Except as otherwise permitted, all documents shall be printed or typewritten in clear, legible form.

§ 26.15 Service.

(a) *Method of Service.* Pleadings, motions, and other documents required or permitted under these rules shall be served upon all parties. Whenever these rules require or permit service to be made upon a party represented by an attorney, the service shall be made upon the attorney unless service upon the party is ordered by the hearing officer. Service shall be made by delivering a copy to the person to be served or by mailing it to that person at the last known address. Delivery of a copy within this rule means: handing it to the person to be served; or leaving it at that person's office with a clerk or other person in charge; or, if there is no one in charge, leaving it in a conspicuous place in the office; or, if the office is closed or the person to be served has no office, leaving it at that person's residence of usual place of abode with some person of suitable age and discretion who resides there. Service by mail is complete upon deposit in a mail box or upon posting.

(b) *Proof of Service.* Proof of service shall not be required unless the fact of service is put in issue by appropriate motion or objection on the part of the person allegedly served. In these cases, service may be established by written receipt signed by or on behalf of the person to be served, or may be established prima facie by affidavit or certificate of service of mailing.

§ 26.16 Time computation.

(a) *Generally.* Computation of any period of time prescribed or allowed by this part shall begin with the first business day following the day on which the act, event, development or default initiating the period of time occurred. When the last day of the period computed is a Saturday, Sunday, or national holiday, or other day on which the Department of Housing and Urban Development is closed, the period shall run until the end of the next following

business day. Except when any prescribed or allowed period of time is seven days or less, each of the Saturdays, Sundays, and national holidays shall be included in the computation of the prescribed or allowed period.

(b) *Extensions of time periods.* The hearing officer (or in the case of a review under § 26.25, the Secretary or designee) may upon motion enlarge the time within which any act required by these rules must be performed where necessary to avoid prejudicing the public interest or the rights of the parties.

Subpart E—Discovery

§ 26.17 Discovery.

The parties are encouraged to engage in voluntary discovery procedures. Parties may seek an order compelling discovery only upon good cause shown. Discovery shall not be permitted where it will unduly delay the hearing, thereby resulting in prejudice to the public interest or the rights of the parties. Every request for discovery, objection to request for discovery, and request for admissions shall be in the form of a motion addressed to the hearing officer. In connection with any discovery procedure, the hearing officer may make any order required to protect a party or other person from annoyance, embarrassment, oppression, or undue burden or expense. Those orders may include limitations on the scope, methods, time and place for discovery, and provisions for protecting privileged information or documents. Where a party refuses to honor an order for discovery, the hearing officer may issue such orders in regard to the refusal as justice shall require. Each party shall bear its own expenses associated with discovery.

§ 26.18 Depositions.

(a) *General.* A party may take the oral deposition of any person. Upon refusal and, after a showing of good cause, a hearing officer may issue an order compelling a party or its agents to appear for deposition.

(b) *Procedure.* Reasonable written notice of deposition shall be served upon the opposing party and the deponent. The attendance of a deponent may be compelled by subpoena where authorized by law.

(c) *Objections.* Each person testifying in oral deposition shall be placed under oath by the person before whom the deposition is taken. The deponent may be examined and cross-examined. Objection may be made at hearing to receiving in evidence any deposition or part of it for any reason which would require the exclusion if the witness were then present and testifying. The questions and the answers, together with all objections made, shall be recorded by the person before whom the deposition is to be taken, or under that person's direction.

(d) *Submission to deponent.* A transcript of the deposition shall be submitted to the deponent for examination and signature, unless submission is waived. Any changes in form or substance which the deponent desires to make shall be entered upon the transcript by the person before whom the deposition was taken, with a statement of reasons given by the deponent for making them. The transcript shall then be signed by the deponent, unless the parties by stipulation waive the signing or the deponent is ill, cannot be found, or refuses to sign. If the transcript is not signed, the person before whom the deposition was taken shall sign it and state on the record the reason that it is not signed.

(e) *Certification and filing.* The person before whom the deposition was taken shall certify on the transcript as to its accuracy. The original transcript and exhibits shall be sent by mail to the hearing officer unless otherwise directed in the order authorizing the taking of the deposition. Interested parties shall make their own arrangements with the person recording the testimony for copies of the testimony and the exhibits.

(f) *Deposition as evidence.* Subject to appropriate rulings by the hearing officer on objections, the deposition or any part may be introduced into evidence for any purpose if the deponent is unavailable. Only that part of a deposition which is received in evidence at a hearing shall constitute a part of the record in the proceeding upon which a decision may be based. Nothing in this rule is intended to limit the use of a deposition for impeachment purposes.

(g) *Payment of fees.* Fees shall be paid by the person upon whose application the deposition is taken.

26.19 Request for production of documents.

(a) *Request to produce.* At any time after a request for hearing has been filed, any party may serve upon any other party a written request to produce, and permit the party making the request to inspect and copy, any relevant designated documents (including writings, drawings, graphs, charts, and other data compilations). The request shall set forth the items to be inspected either by individual item or by category with reasonable particularity. The request shall specify a reasonable time, place, and manner of making the inspection and performing the related acts.

(b) *Response to request to produce.* The party upon whom the request is served shall serve a written response within twenty days after service of the request unless the Hearing Officer determines that a shorter or longer period is appropriate under the circumstances. The response shall state, with respect to each item or category, that inspection and related activities will be permitted as requested, unless the request is objected to, in which case the reasons for the objection shall be stated. If objection is made to part of an item or category, the part shall be specified. The party submitting the request may move for an order under § 26.17 with respect to any objection to or other failure to respond to the request or any part thereof, or any failure to permit inspection as requested.

26.20 Admissions as to facts and documents.

(a) *Request for admissions.* At any time after an answer has been filed, any party may serve upon any other party a written request for the admission of the genuineness of any relevant documents described in the request or of the truth of any relevant matters of fact. Copies of documents shall be delivered with the request unless copies have already been furnished. No order of the hearing officer is necessary.

(b) *Objection.* Each requested admission shall be considered admitted unless, within fifteen days after service of the request, the party from whom the admission is sought serves upon the party making the request either (1) a statement denying specificallly the relevant matters of which an admission is requested or setting forth in detail the reasons why the party can neither truthfully admit nor deny them, or (2) written objections on the ground that some or all of the matters involved are previleged or irrelevant. Answers on matters to which objections are made may be deferred until the objections are ruled upon, but if written objections are made only to a part of a request, the remainder of the request shall be answered.

(c) *Limitation.* Admissions obtained pursuant to this procedure may be used in evidence only for the purposes of the pending action to the same extent and subject to the same objections as other evidence.

26.21 Prehearing conference.

(a) *Prehearing conference.* The hearing officer may, on the hearing officer's own motion or at the request of any party, direct counsel for all parties to confer with the hearing officer before the hearing for the purpose of considering:

(1) Simplification and clarification of the issues;

(2) Stipulations and admissions of fact and of the contents and authenticity of documents;

(3) The disclosure of the names of witnesses;

(4) Matters of which official notice will be taken;

(5) Other matters as may aid in the orderly disposition of the proceeding, including disclosure of the documents or other physical exhibits which will be introduced in evidence in the course of the proceeding.

(b) *Recordation of prehearing conference.* The prehearing conference shall, at the request of any party, be recorded or transcribed.

(c) *Order on prehearing conference.* The hearing officer shall enter in the record an order which states the rulings upon matters considered during the conference, together with appropriate directions to the parties. The order shall control the subsequent course of the proceeding, subject to modifications upon good cause shown.

Subpart F—Hearings

§ 26.22 Public nature and timing of hearings, transcripts.

(a) *Public hearings.* All hearings in adjudicative proceedings shall be public.

(b) *Conduct of hearing.* Hearings shall proceed with all reasonable speed. The hearing officer may order recesses for good cause, stated on the record. The hearing officer may, for convenience of the parties or in the interests of justice, order that hearings be conducted outside Washington, D.C., and, if necessary, at more than one place.

(c) *Transcripts.* Hearings shall be recorded and transcribed only by a reporter designated by the Department under the supervision of the hearing officer. The original transcript shall be a part of the record and shall constitute the sole official transcript. Respondents and the public, at their own expense, may obtain copies of transcripts from the reporter.

§ 26.23 Rules of evidence.

(a) *Evidence.* Every party shall have the right to present its case or defense by oral and documentary evidence, unless otherwise limited by law or regulation, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Irrelevant, immaterial, privileged, or unduly repetitious evidence shall be excluded.

Unless otherwise provided for in this Part, the Federal Rules of Evidence shall provide guidance for the conduct of proceedings under this Part. Parties may object to clearly irrelevant material, but technical objections to testimony as used in a court of law will not be sustained.

(b) *Testimony under oath or affirmation.* All witnesses shall testify under oath or affirmation.

(c) *Objections.* Objections to the admission or exclusion of evidence shall be in short form, stating the grounds of objections. Rulings on objections shall be a part of the transcript. Failure to object to admission or exclusion of evidence or to any evidentiary ruling shall be considered a waiver of objection, but no exception to a ruling on an objection is necessary in order to preserve it for appeal.

(d) *Authenticity of documents.* Unless specifically challenged, it shall be presumed that all relevant documents are authentic. An objection to the authenticity of a document shall not be sustained merely on the basis that it is not the original.

(e) *Stipulations.* The parties may stipulate as to any relevant matters of fact. Stipulations may be received in evidence at a hearing, and when received shall be binding on the parties with respect to the matters stipulated.

(f) *Official notice.* All matters officially noticed by the hearing officer shall appear on the record.

(g) *Burden of proof.* The burden of proof shall be upon the proponent of an action or affirmative defense unless otherwise provided by law or regulation.

§ 26.24 Hearing officer's determination and order.

(a) *Scope of review.* The hearing officer shall conduct a *de novo* review of the administrative action to determine whether it is supported by a preponderance of the evidence unless a different standard of proof is required by law or regulation. Each and every charge alleged by the Department need not be proven to support the administrative action. The hearing officer may modify or vacate the administrative action under review only upon a particularized finding of facts which justifies a deviation from the administrative action.

(b) *Closing of hearing.* At the discretion of the hearing officer, the closing of the record may be postponed in order to permit the admission of other evidence into the record. In the event further evidence is admitted, each party shall be given an opportunity to respond to such evidence.

(c) *Briefs.* Upon conclusion of the hearing, the hearing officer may request the parties to file proposed findings of fact and legal briefs. The hearing officer shall make a written determination and order based upon evidence and arguments presented by the parties. The determination shall be founded upon reliable and probative evidence. This determination and order shall be served upon all parties.

(d) *Bench decisions.* Where the parties agree and where appropriate in the judgment of the hearing officer, a bench decision will be issued.

(e) *Time period for issuance of decision.* The hearing officer shall endeavor to issue a determination within sixty days from the date of the closing of the record.

(f) *Finality of decision.* The determination and order shall be final unless a party timely appeals the decision and within forty days the Secretary decides to review the determination in accordance with § 26.25, or to have the determination reviewed by a designee.

Subpart G—Secretarial Review

§ 26.25 Review of determination of hearing officers.

(a) *Petition for review.* Any party may request review of the hearing officer's determination or order by filing a written petition for review with the Secretary within fifteen days of receipt of the hearing officer's determination or order. A petition for review may be granted or denied in the discretion of the Secretary or designee. This petition shall not exceed ten pages and shall specifically state the issues and basis upon which the party seeks review. This petition shall be served on all parties and the Secretary simultaneously, in accordance with § 26.15.

(b) *Briefs by opposing parties.* Opposing parties may submit briefs, not to exceed ten pages, opposing review. These briefs must be filed within fifteen days of the party's receipt of a petition for review.

(c) *Secretarial action.* Upon granting any petition for review, the Secretary or designee, may require further briefs. Secretarial review shall be limited to the factual record produced before the hearing officer. The Secretary, or designee, shall issue a written determination and shall serve it upon the parties and the hearing officer.

§ 26.26 **Interlocutory rulings.**

(a) *Interlocutory rulings by the hearing officer.* A party seeking review of an interlocutory ruling shall file a motion with the hearing officer within ten days of the ruling requesting certification of the ruling for review by the Secretary. Certification may be granted if the hearing officer believes that (1) it involves an important issue of law or policy as to which there is substantial ground for difference of opinion and (2) an immediate appeal from the order may materially advance the ultimate termination of the litigation.

(b) *Petition for review.* Any party may file a petition for review of an interlocutory ruling within ten days of the hearing officer's determination regarding certification.

(c) *Secretarial review.* The Secretary, or designee, shall review a certified ruling. The Secretary, or designee, has the discretion to grant or deny a petition for review from an uncertified ruling.

(d) *Continuation of hearing.* Unless otherwise ordered by the hearing officer or the Secretary, or designee, the hearing shall proceed pending the determination of any interlocutory appeal and the order or ruling of the hearing officer shall be effective pending review.

Authority. Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: September 19, 1983.

Samuel R. Pierce, Jr.,

Secretary of Housing and Urban Development.

[FR Doc. 83-25911 Filed 9-22-83; 8:45 am]

BILLING CODE 4210-01-M

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 201

[Docket No. R-83-1046]

Property Improvement Loans; Increased Loan Limits

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

ACTION: Final rule.

SUMMARY: This rule increases the maximum loan limits for certain types of property improvement loans made or purchased by lenders participating in the insurance program authorized by title I of the National Housing Act. These changes implement provisions of the Housing and Community Development Amendments of 1981.

EFFECTIVE DATE: October 28, 1983.

FOR FURTHER INFORMATION CONTACT: William L. Halpern, Acting Director, Office of Title I Insured Loans, Department of Housing and Urban Development, Room 9160, 451 Seventh Street, SW., Washington, D.C. 20410; (202) 755-6680. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Title I of the National Housing Act (the "Act") authorizes the Secretary to insure financial institutions against losses sustained on loans extended for the purposes, among other things, of "financing alterations, repairs, and improvements upon or in connection with existing structures or manufactured homes, and the building of new structures, upon urban, suburban, or rural real property" (12 U.S.C. 1703).

The Department traditionally has classified title I property improvement loans as follows:

"Class 1(a) loan"—financing the alteration, repair, or improvement of an existing structure (other than an apartment house or a dwelling for two or more families), or of the real property in connection with it.

"Class 1(b) loan"—financing the alteration, repair, improvement, or conversion of an existing structure used or to be used as an apartment house or a dwelling for two or more families.

"Class 2(a) loan"—financing the construction of a new structure which is to be used exclusively for other than residential or agricultural purposes (except for certain temporary dwellings).

"Class 2(b) loan"—financing the construction of a new structure for use in whole or in part for agricultural purposes, and not for residential purposes.

Class 1(a) and 1(b) loans are referred to collectively as Class 1 loans, and Class 2(a) and 2(b) loans are referred to collectively as Class 2 loans. See 24 CFR 201.1 (j)-(o).

Before 1981, section 2(b) of the Act limited the maximum amount of Class 1(a) and all Class 2 loans to $15,000, and limited the maximum amount of Class 1(b) loans to $37,500 per loan and an average amount of $7,500 per unit. Section 338(a) of the Housing and Community Development Amendments of 1981 amended section 2(b) to clarify the various categories of home improvement and manufactured home loans eligible for assistance under title I and the various maximum loan amounts and loan terms applicable to them. As stated in the Senate Committee Report, section 2(b) had "been burdened with numerous ad hoc amendments over the years, making the Section unnecessarily complex and a legislative restructuring of its provisions desirable." S. Rep. No. 87, 97th Cong., 1st Sess. 38 (1981). The 1981 legislation also provided more liberal loan limits for property improvement projects involving the installation of solar energy systems.

The 1981 legislation authorized the Secretary to increase the loan limits for Class 1(a) loans from $15,000 to $17,500 ($20,000, where financing the installation of a solar energy system is involved). It increased the limits for Class1(b) loans from $7,500 to $8,750 per unit ($10,000, with a solar energy system), and from $37,500 to $43,750 for an entire improved structure ($50,000, with a solar energy system). As redrafted, section 2(b) of the Act states no maximum limit for Class 2 loans.

Section 338(a) of the 1981 legislation also authorized increased loan limits for other categories of title I loans. Regulatory changes effecting higher authorized limits for manufactured home loans were published on January 6, 1982 (47 FR 617); increased limits for manufactured home lot and combination home and lot loans were also published at that time (47 FR 616). The Department intends to publish soon a regulation implementing the statutory authorization for higher loan limits for manufactured home and lot loans in high-cost areas. (A proposed rule to accomplish this was published on June 28, 1982 (47 FR 27868)).

Higher authorized limits for loans made for the improvement of manufactured homes have not been implemented to date. Loans for the improvement of manufactured homes have been limited to $5,000 since 1980 (see 24 CFR 201.1703), notwithstanding that the statutory limit applicable to such loans before the 1981 amendments was $15,000. As revised in 1981, section 2(b) of the Act makes the new $17,500 authorized limit applicable to improvement loans for manufactured housing. However, because of a lack of significant demand for loans over $5,000, the Department is not increasing the current limit on such loans at this time.

The Department is now amending 24 CFR 201.3 to implement the higher authorized limits for Class 1(a) and Class 1(b) loans. In addition, inasmuch as all Class 2 loans previously were covered by the same limit as Class 1(a) loans, the Department is increasing the limit for all Class 2 loans to $17,500, but without the higher limit for financing a solar energy system since Class 2 loans are for non-residential structures. These increases are necessary because rising construction costs have caused the previous limits to restrict property

owners in substantially improving existing structures and in building new non-residential structures.

The Department is also amending § 201.5(e) to increase from $15,000 to $17,500 ($20,000, where financing the installation of a solar energy system is involved) the total loan amount above which the approval of the Federal Housing Commissioner is required. This change is being made to accommodate the increase in loan limits for Class 1(a) and Class 2 loans. However, the Commissioner's approval (which may be granted under delegated authority by the HUD field offices) will continue to be required for most Class 1(b) loans (those over $17,500).

This rulemaking pertains to loans and therefore is exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(a)). As a matter of policy, the Department usually submits regulations pertaining to loans to such procedures, notwithstanding such exemption. However, because this amendment merely implements a statutory authorization for increased maximum loan limits, without substantial modification of existing requirements, the Secretary has determined that an opportunity for public comment is unnecessary and that there is good cause for promulgating the increased limits as a final rule.

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

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

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this amendment does not have a significant economic impact on a substantial number of small entities. While a number of borrowers constituting small entities will benefit from the increased loan limits, the economic impact on those borrowers, resulting from the increases, is not expected to be substantial.

This rule is listed at 48 FR 18072 as item H–43–82 under the Office of Housing in the Department's Semiannual Agenda of Regulations published on April 25, 1983 (48 FR 18054), pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number and title are 14.142, Property Improvement Loan Insurance for Improving All Existing Structures and Building of New Nonresidential Structures.

List of Subjects in 24 CFR Part 201

Health facilities, Historic preservation, Loan programs—housing and community development, Property improvement, Mobile homes, Manufactured homes and lots.

Accordingly, 24 CFR Part 201 is amended as follows:

Part 201—[Amended]

1. By revising paragraphs (a), (b), and (c) of § 201.3 to read as follows:

§ 201.3 Maximum amount of loans.

(a) *Class 1(a) loan.* A Class 1(a) loan shall not involve a principal amount, exclusive of financing charges, in excess of $17,500 ($20,000, where financing the installation of a solar energy system is involved).

(b) *Class 1(b) loan.* A Class 1(b) loan shall not involve a principal amount, exclusive of financing charges, in excess of $8,750 per dwelling unit in the improved structure ($10,000 per dwelling unit, where financing the installation of a solar energy system is involved), or in excess of $43,750 for an entire improved structure ($50,000, where financing the installation of a solar energy system is involved).

(c) *Class 2 loan.* A Class 2 loan shall not involve a principal amount, exclusive of financing charges, in excess of $17,500.

* * * * *

2. By revising paragraph (e) of § 201.5 to read as follows:

§ 201.5 Credit and collections

* * * * *

(e) *Prior approval by Commissioner.* In connection with all Class 1 and Class 2 loans, the approval of the Commissioner is required before disbursing any loan which will increase the total obligation of a borrower, or of a co-maker or co-signer of the note, to more than $17,500 ($20,000, where financing the installation of a solar energy system is involved), exclusive of financing charges.

* * * * *

(Sec. 2 of the National Housing Act, 12 U.S.C. 1703; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d)).

Dated September 20, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-25098 Filed 9-22-83; 8:45 am]

BILLING CODE 4210-27-M

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24 CFR Parts 215, 221, and 236

[Docket No. R–83–989]

Prohibited Lease Terms

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

ACTION: Final rule.

SUMMARY: HUD is adopting as final, with minor modifications, an interim rule which prohibits the use of specific lease provisions in certain HUD-subsidized multifamily housing programs. As adopted, this final rule implements a provision of section 202(b)(3) of the Housing and Community Development Amendments of 1978, which requires HUD to assure that leases approved by HUD in connection with these programs do not contain unreasonable terms and conditions.

EFFECTIVE DATE: October 28, 1983.

FOR FURTHER INFORMATION CONTACT: James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management or Steve Silvert, Director, Office of State Agency and Bond Financed Programs, Department of Housing and Urban Development, Washington, D.C. 20410; (202) 755–5654 and 755–8135, respectively. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 23, 1982 (47 FR 31868), HUD published an interim rule implementing that part of section 202(b) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z-1b(b)) which requires the Secretary to assure that "leases approved by the Secretary * * * do not contain unreasonable terms and conditions." Section 202(b) applies to

multifamily housing projects assisted under section 236 or section 221(d)(3) (BMIR) of the National Housing Act, or under section 101 of the Housing and Urban Development Act of 1965 (Rent Supplement). In addition, the provision applies to projects which were assisted under these programs before being acquired by the Secretary and sold subject to a Secretary-held or -insured mortgage and subject to an agreement (in effect while receiving Troubled Projects Operating Subsidy under section 201 of the 1978 Act) which provides that the low- and moderate-income character of the projects will be maintained.

As indicated in the interim rule, HUD had heretofore prohibited by regulation the use of certain lease provisions in particular Public Housing and Section 8 Housing programs. Further, on November 4, 1981, the Department issued Handbook 4350.3, Occupancy Requirements of Subsidized Multifamily Housing Programs, which contains a model lease agreement for the subsidized mortgage insurance programs, and requires HUD approval of any variations from the model lease. The Handbook also sets out the lease provisions prohibited by the program regulations noted above, and provides that leases containing any of these provisions will not be approved.

The interim rule also advised that the substance of these regulations was at issue in a class action brought against HUD on behalf of tenants of sections 236 and 221(d)(3) BMIR projects. Since the issuance of the interim rule, the appellate court has rendered an opinion reversing, in part, the district court's order. (The issue in that portion of the judgment which was reversed was not covered by the interim rule.) However, that part of the lower court's order which required the Department to issue these regulations (from which the Department did not take an appeal) was undisturbed. *See Love* v. *HUD*, No. 82-5061 (3d Cir., filed March 31, 1983).

The interim rule invited public comment, particularly on the questions of: (1) What procedure the Department should follow with respect to the development of a lease agreement: i.e., whether the lease should be in a form set by HUD or whether HUD should impose a limited number of terms, leaving the rest to be determined by the owner in accordance with local law and custom and (2) HUD's decision not to extend the interim rule's coverage to State-assisted, uninsured projects not receiving either Rental Assistance Payments or Rent Supplement. The interim rule did not apply to State-assisted projects which are not insured under the National Housing Act but which are receiving Section 236 interest subsidy without Rental Assistance Payments or Rent Supplement. Three comments were received.

One comment suggested language which it urged the Department to add to § 215.70(c)(8). This section prohibits a provision in a lease that the tenant agrees to pay attorney's fees or other legal costs if the landlord brings legal action against the tenant, even if the tenant prevails in the action. The commenter suggested that the following language be added to this provision:

> The paying of bills or other outstanding debts (i.e., court costs, legal fees, costs for damages reimbursable under lease, etc.) by the occupant to the owner/agent prior to scheduled court date or before a judgement would be acceptable actions. Verbage (sic) of this nature is acceptable in new leases.

The comment offers no explanation of the meaning or intent of this language, nor does it indicate why the suggested change is limited to the Rent Supplement regulations.

The point of the commenter's suggested language is not entirely clear. However, if it is intended to clarify that § 215.70(c)(8) only proscribes a lease term and does not prevent negotiation between a landlord and tenant in order to settle a court action, no change in the rule is necessary: § 215.70(c) by its terms only applies to lease provisions. On the other hand, if the commenter proposes inclusion of the quoted language (or some variant) as a permissible lease term, the suggestion must be rejected. Section § 215.70(c)(8) is intended to prohibit lease terms requiring a tenant to pay a landlords's legal expenses in taking action against a tenant. It is not relevant whether the action is settled out of court and at whose instance—any lease provision calling for tenants to bear these costs is proscribed. As noted in the rule, however, the prohibition is not to be interpreted as relieving a tenant of a possible obligation to pay attorney's fees or other legal costs when a tenant loses a suit brought by the landlord.

Another comment urged HUD to prohibit the use of other "unconscionable" clauses in both leases and house rules and regulations. The comment suggested the inclusion of language in the rule to the effect that all lease provisions must be reasonably related to maintaining the health and safety of other tenants or to the sound physical condition of the project, and must not attempt to impose moral standards of behavior. The comment suggested that a project's house rules and regulations be fashioned along the same lines, including a requirement for a 30-day notice period before the effective date of a house rule.

In drafting this rule, the Department did not intend, by not enumerating all possible prohibited lease provisions, to allow landlords to impose other provisions which may be unfair to tenants. Indeed, it is the intent of this rule to prohibit the most commonly used unreasonable provisions and practices found in leases or engaged in by landlords, which, because of their substantive nature, can be clearly delineated. The Department does not believe it desirable to extend the prohibition of the rule to areas, such as those urged, which turn on the facts and circumstances of each case and which may give rise to a myriad of interpretations. Adoption of such an approach would likely generate animosity between landlords and tenants and result in increased litigation—results the Department does not wish to encourage.

In addition, it would be impracticable for the Department to screen lease terms and house rules to determine, for example, whether a particular provision is a disguised attempt to impose a landlord's moral standards of behavior, or whether it is a reasonable health and safety measure. The prohibited provisions in the rule are intended to limit a landlord's abuse of discretion with respect to his or her treatment of tenants. HUD does not believe, however, that it would be beneficial to landlords or tenants if HUD were to so circumscribe a landlord's discretion that the landlord would be unable to manage the project for the health and safety of all tenants.

This comment also responded to the specific question of what procedure the Department should adopt in developing a lease form. In supporting as reasonable the form lease currently required by the Department, the comment characterized the form as "relatively comprehensible." The commenter expressed concern that allowing landlords to develop their own leases would result in sloppy drafting and incomprehensible leases. The comment cited Section 8 experience where tenants, it claimed, are often faced with leases which consist only of the mandatory and prohibited provisions. On the other hand, a housing agency suggested that the Department should adopt a practice of requiring and prohibiting certain lease provisions, which allowing landlords to develop the remainder to the lease in accordance with local law and custom.

In view of the lack of substantial comment on this issue, the Department will continue to require landlords to use the model lease, as set forth in HUD Handbook 4350.3. Use of this model lease enables the Department to discharge more efficiently its responsibility to monitor the operation of affected projects for compliance with section 202(b)(3) of the 1978 Act. However, use of the model lease does not preclude landlords from making changes thereto (not including the prohibited provisions enumerated in this rule), provided written approval for the changes is first obtained from the Department. In this regard, HUD will consider revisions proposed to bring the model lease into compliance with State or local law and with property management practices generally accepted in the project's market area.

In its final remarks, this comment declared that HUD's decision not to extend coverage of the interim regulations to all State-assisted, uninsured Section 236 projects was "illegal." Section 202 of the Housing and Community Development Amendments of 1978 defines its coverage in terms of projects "eligible for assistance as described in" Section 201 of the same statute, which authorizes Troubled Projects Operating Assistance. Projects not insured under the National Housing Act but financed by a State agency under Section 236(b) of the National Housing Act are eligible for Troubled Projects Assistance. These uninsured projects are, therefore, as a consequence of the cross-reference in Section 202, within the stated coverage of Section 202, irrespective of whether they are receiving Rental Assistance Payments or Rent Supplement.

As adopted by the Senate, Section 202 applied specifically only to insured or HUD-acquired projects or projects sold by the Secretary subject to an agreement to maintain the low- and moderate-income character of the project. The conformance of coverage definitions with Section 201 occurred, without explanation, in Conference. While the legislative history contains no indication that the extension of the coverage of Section 202 to State-assisted, uninsured projects (or the deletion of coverage of projects owned by the Secretary) was specifically intended, the result is that the Section 202 requirements, on their face, apply to these projects.

The Department's proposed authorization legislation submitted in both 1982 and 1983 included a proposal to remove uninsured, State-assisted projects from the coverage of Section 201, which would also have the effect of removing such projects from coverage of Section 202. (H.R. 6020, 97th Cong., 2d Sess., section 207(a), Housing and Community Development Amendments of 1982; H.R. 1901, 98th Cong., 1st Sess., section 211, Housing and Community Development Act of 1983). The Department's proposal was contained in the authorization bill reported by the Senate Committee on Banking, Housing and Urban Affairs in both 1982 and 1983 (S. 2607, Rep. No. 97–463, 97th Cong., 2d Sess., section 207(a); S. 1338, Rep. No. 98–142, 98th Cong., 1st Sess., section 309(a). However, no floor action on authorization legislation occurred in either the Senate or House in the 1982 session, nor has floor action been completed in either House in the 1983 session.

The Department believes that extension of the coverage of Section 202 to projects financed and supervised by State agencies is inappropriate. Because of this and the lack of clear Congressional intent on this point, the Department has not extended the coverage of this final rule to all uninsured, State-assisted Section 236 projects. If the Department's legislative proposal is rejected by the Senate or in Conference, the Department will propose an extension of this rule to cover such projects.

To improve the rule's clarity, the Department has made minor technical amendments, including the deletion of the clause "regardless of the rent he is paying" from §§ 221.536a(a) and 236.75(a) of the final rule. Section 221.536a(a) provided that "The owner shall provide and the tenant shall be required to execute a lease in a form approved by the Commissioner. A cooperative member shall be required to execute an occupancy agreement in a form approved by the Commissioner, regardless of the rent he is paying." Section 236.75(a) provided that "A tenant who is to pay less than the fair market rental shall be required to execute a lease in a form approved by the Commissioner. A cooperative member shall be required to execute an occupancy agreement in a form approved by the Commissioner, regardless of the rent he is paying." This clause was considered misleading in its implication that the execution of an occupancy agreement may be related to the amount of a cooperative member's monthly payment. All cooperative members, regardless of the amount of their monthly payment, must execute an occupancy agreement.

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

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

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule merely sets forth prohibited legal practices.

This rule was not listed in the Department's Semiannual Agenda of Regulations published on April 25, 1983 (48 FR 18054) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance Program numbers are 14.103, 14.137, and 14.149.

List of Subjects

24 CFR Part 215

Grant programs: Housing and community development, Rent subsidies.

24 CFR Part 221

Condominiums, Low and moderate income housing, Mortgage insurance, Displaced families, Single family housing, Projects, Cooperatives.

24 CFR Part 236

Low and moderate income housing, Mortgage insurance, Rent subsidies, Taxes, Utilities, Projects.

PART 215—RENT SUPPLEMENT PAYMENTS

Accordingly, in 24 CFR Parts 215, 221, and 236 the following provisions, which were added or revised as interim rules at 47 FR 31868 are amended and made final as follows:

1. Paragraph (c) of § 215.70 is revised to read as follows:

§ 215.70 Form of lease.

* * * * *

(c) *Prohibited lease provisions.* Lease clauses of the nature described below shall not be included in new leases and shall be deleted from existing leases either by amendment thereto or by execution of a new lease:

(1) *Confession of judgment.* Prior consent by the tenant (i) to any lawsuit the landlord may bring against the tenant in connection with the lease and (ii) to a judgment in favor of the landlord.

(2) *Distraint for rent or other charges.* Agreement by the tenant that the landlord is authorized to take property of the tenant and hold it as a pledge until the tenant performs an obligation which the landlord has determined the tenant has failed to perform.

(3) *Exculpatory clauses.* Agreement by the tenant not to hold the landlord or the landlord's agents liable for any acts or omissions, whether intentional or negligent, on the part of the landlord or the landlord's authorized representatives or agents.

(4) *Waiver of legal notice by tenant before an action for eviction or money judgment.* Agreement by the tenant that the landlord may institute suit without notice to the tenant that the suit has been filed.

(5) *Waiver of legal proceedings.* Authorization to the landlord to evict the tenant or hold or sell the tenant;s possessions whenever the landlord determines that a breach or default has occurred, without notice to the tenant or determination by a court of the rights and liabilities of the parties.

(6) *Waiver of jury trial.* Authorization to the landlord's lawyer to appear in court on behalf of the tenant and waive the right to a trial by jury.

(7) *Waiver of right to appeal judicial error in legal proceeding.* Authorization to the landlord's lawyer to waive the tenant's right: (i) To appeal for judicial error in any suit brought against the tenant by the landlord or the landlord's agents or (ii) to file suit to prevent the execution of a judgment.

(8) *Tenant chargeable with cost of legal actions regardless of outcome.* Provision that the tenant agrees to pay attorney's fees or other legal costs if the landlord brings legal action against the tenant even if the tenant prevails in the action. Prohibition of this type of provision does not mean that the tenant, as a party to a lawsuit, may not be obligated to pay attorney's fees or other costs if the tenant loses the suit.

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

2. Part 221 is amended by revising § 221.536a, to read as follows:

§ 221.536a Lease and occupancy agreements.

(a) *Form of lease and occupancy agreement.* The owner shall provide and the tenant shall be required to execute a lease in a form approved by the Commissioner. A cooperative member shall be required to execute an occupancy agreement in a form approved by the Commissioner.

(b) *Prohibited lease provisions.* Lease clauses of the nature described below shall not be included in new leases in projects which receive the benefit of subsidy in the form of below-market interest rates under sections 221(d) (3) and (5) of the National Housing Act, and shall be deleted from existing leases entirely by amendment thereto or by execution of a new lease:

(1) *Confession of judgment.* Prior consent by the tenant: (i) To any lawsuit the landlord may bring against the tenant in connection with the lease and (ii) to a judgment in favor of the landlord.

(2) *Distraint for rent or other charges.* Agreement by the tenant that the landlord is authorized to take property of the tenant and hold it as a pledge until the tenant performs an obligation which the landlord has determined the tenant has failed to perform.

(3) *Exculpatory clauses.* Agreement by the tenant to hold the landlord or the landlord's agents liable for any acts or omissions, whether intentional or negligent, on the part of the landlord or the landlord's authorized representatives or agents.

(4) *Waiver of legal notice by tenant before an action for eviction or money judgment.* Agreement by the tenant that the landlord may institute suit without notice to the tenant that the suit has been filed.

(5) *Waiver of legal proceedings.* Authorization to the landlord to evict the tenant or hold or sell the tenant's possessions whenever the landlord determines that a breach or default has occurred, without notice to the tenant or determination by a court of the rights and liabilities of the parties.

(6) *Waiver of jury trial.* Authorization to the landlord's lawyer to appear in court on behalf of the tenant and waive the right to a trial by jury.

(7) *Waiver of right to appeal judicial error in legal proceeding.* Authorization to the landlord's lawyer to waive the tenant's right: (i) To appeal for judicial error in any suit brought against the tenant by the landlord or the landlord's agents or (ii) to file suit to prevent the execution of a judgment.

(8) *Tenant chargeable with cost of legal actions regardless of outcome.* Provision that the tenant agrees to pay attorney's fees or other legal costs if the landlord brings legal action against the tenant even if the tenant prevails in the action. Prohibition of this type of provision does not mean that the tenant, as a party to a lawsuit, may not be obligated to pay attorney's fees or other costs if the tenant loses the suit.

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENT FOR RENTAL PROJECTS

3. Section 236.75 is revised to read as follows:

§ 236.75 Form of lease and occupancy agreement.

(a) A tenant who is to pay less than the fair market rental shall be required to execute a lease in a form approved by the Commissioner. A cooperative member shall be required to execute an occupancy agreement in a form approved by the Commissioner.

(b) Lease clauses of the nature described below shall not be included in new leases or occupancy agreements covered by paragraph (a) of this section and shall be deleted from existing leases and agreements either by amendment thereof or execution of a new lease or agreement.

(1) *Confession of judgment.* Prior consent by the tenant (i) to any lawsuit the landlord may bring against the tenant in connection with the lease and (ii) to a judgment in favor of the landlord.

(2) *Distraint for rent or other charges.* Agreement by the tenant that the landlord is authorized to take property of the tenant and hold it as a pledge until the tenant performs an obligation which the landlord has determined the tenant has failed to perform.

(3) *Exculpatory clauses.* Agreement by the tenant not to hold the landlord or the landlord's agents liable for any acts or omissions, whether intentional or negligent, on the part of the landlord or the landlord's authorized representatives or agents.

(4) *Waiver of legal notice by tenant before actions for eviction or money judgment.* Agreement by the tenant that the landlord may institute suit without notice to the tenant that the suit has been filed.

(5) *Waiver of legal proceedings.* Authorization to the landlord to evict the tenant or hold or sell the tenant's possessions whenever the landlord determines that a breach or default has occurred, without notice to the tenant or determination by a court of the rights and liabilities of the parties.

(6) *Waiver of jury trial.* Authorization to the landlord's lawyer to appear in court on behalf of the tenant and waive the right to a trial by jury.

(7) *Waiver of right to appeal judicial error in legal proceeding.* Authorization to the landlord's lawyer to waive the tenant's right: (i) To appeal for judicial error in any suit brought against the tenant by the landlord or the landlord's agents or (ii) to file suit to prevent the execution of a judgment.

(8) *Tenant chargeable with cost of legal actions regardless of outcome.* Provision that the tenant agrees to pay attorney's fees or other legal costs if the landlord brings legal action against the tenant even if the tenant prevails in the action. Prohibition of this type of provision does not mean that the tenant, as a party to a lawsuit, may not be obligated to pay attorney's fees or other costs if the tenant loses the suit.

4. Paragraph (c) of § 236.750 is revised to read as follows:

§ 236.750 Form of lease.

* * * * *

(c) *Prohibited lease provisions.* Lease clauses of the nature described below shall not be included in new leases or occupancy agreements covered by paragraphs (a) and (b) of this section and shall be deleted from existing leases and agreements either by amendment thereto or by execution of a new lease or agreement.

(1) *Confession of judgment.* Prior consent by the tenant: (i) To any lawsuit the landlord may bring against the tenant in connection with the lease and (ii) to a judgment in favor of the landlord.

(2) *Distraint for rent or other charges.* Agreement by the tenant that the landlord is authorized to take property of the tenant and hold it as a pledge until the tenant performs an obligation which the landlord has determined the tenant has failed to perform.

(3) *Exculpatory clauses.* Agreement by the tenant not to hold the landlord or the landlord's agents liable for any acts or omissions, whether intentional or negligent, on the part of the landlord or the landlord's authorized representatives or agents.

(4) *Waiver of legal notice by tenant before actions for eviction or money judgment.* Agreement by the tenant that the landlord may institute suit without notice to the tenant that the suit has been filed.

(5) *Waiver of legal proceedings.* Authorization to the landlord to evict the tenant or hold or sell the tenant's possessions whenever the landlord determines that a breach or default has occurred, without notice to the tenant or determination by a court of the rights and liabilities of the parties.

(6) *Waiver of jury trial.* Authorization to the landlord's lawyer to appear in court on behalf of the tenant and waive the right to a trial by jury.

(7) *Waiver of right to appeal judicial error in legal proceeding.* Authorization to the landlord's lawyer to waive the tenant's right: (i) To appeal for judicial error in any suit brought against the tenant by the landlord or the landlord's agents or (ii) to file suit to prevent the execution of a judgment.

(8) *Tenant chargeable with cost of legal actions regardless of outcome.* Provision that the tenant agrees to pay attorney's fees or other legal costs if the landlord brings legal action against the tenant even if the tenant prevails in the action. Prohibition of this type of provision does not mean that the tenant, as a party to a lawsuit, may not be obligated to pay attorney's fees or other costs if the tenant loses the suit.

(Secs. 202 (b)(3) and (c) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z-1b (b)(3) and (c); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Dated: September 20, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 25099 Filed 9-22-83; 8:45 am]

BILLING CODE 4210-27-M

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24 CFR Part 888

[Docket No. R-83-1074]

Section 8—Fair Market Rents for New Construction and Substantial Rehabilitation

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

ACTION: Final rule.

SUMMARY: This rule amends the Section 8 Fair Market Rents (FMRs) applicable to New Construction and Substantial Rehabilitation for Washington, D.C. and the States of Illinois and Mississippi, as well as for market areas within the States of California, Ohio, Tennessee and West Virginia. Section 8(c)(1) of the U.S. Housing Act of 1937 requires HUD to publish revised FMRs annually in the **Federal Register.** HUD published the last annual revision of the FMRs for New Construction and Substantial Rehabilitation on April 15, 1983. Many of the changes made by this rule are in response to comments submitted with respect to that annual revision. However, this rule also adds FMR schedules for two market areas in California which were inadvertently omitted from the annual revision and provides FMRs for efficiency (zero bedroom) units in 19 other market areas.

EFFECTIVE DATE: October 28, 1983.

FOR FURTHER INFORMATION CONTACT: Edward M. Winiarski, Chief Appraiser, Valuation Branch, Technical Support Division, Office of Multifamily Housing Development, 451 7th Street, SW., Washington, D.C., 20410; (202) 755-5743. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On April 15, 1983, HUD published in the **Federal Register** (48 FR 16424) an interim rule effecting its latest annual revision of the Section 8 Fair Market Rents (FMRs) applicable to New Construction and Substantial Rehabilitation for all market areas, as required by Section 8(c)(1) of the U.S. Housing Act of 1937 (42 U.S.C. 1437f(c)(1)). The interim rule solicited public comments on the FMR schedules for a 30-day period ending May 16, 1983. HUD received 17 comments from the public and HUD Field Offices during the comment period.

Since HUD wished to make the revised FMRs effective as soon as possible after the close of the comment period, it made the rule effective for all market areas on May 19, 1983, stating its intention to continue its evaluation of all comments received and to publish any needed further revisions of the FMR schedules for particular market areas at a future date. After further consideration of all comments received in connection with the publication of the annual revision and the supporting documentation for those comments, HUD has decided to modify the FMRs for a number of market areas.

Although many of the changes in the FMR schedules made by this rule are in direct response to comments on FMRs published in the annual revision, this rule also makes some additions to the FMR schedules which have been suggested by HUD Field Offices. First, since all proposals for housing for the elderly include a requirement for at least 25 percent efficiency units, efficiency

(zero bedroom) unit FMRs have been added to the schedules for 19 market areas. Second, since the FMR schedules for two market areas in California were inadvertently omitted from the annual revision, this rule corrects the omission by adding those schedules.

In total, this final rule modifies the FMR schedules for 23 market areas: Washington, D.C.; Illinois, market areas of Belleville, Chicago, East St. Louis, Moline, and Springfield; Mississippi, market areas of Corinth, Greenville, Greenwood, Gulfport, Hattiesburg, Jackson, and Southaven; California, market areas of El Cajon and San Diego; Ohio, market area of Cleveland; Tennessee, market areas of Clarksville, Columbia, Jackson, Memphis, Nashville, and Union City; and West Virginia, market area of Fairmont.

Proposals involving combinations of structural types and unit sizes by bedroom count for which Fair Market Rents are not provided or are not in effect may not be approved until the applicable Fair Market Rents have been published and have become effective.

Fair Market Rent schedules in effect on the date that the proposal or application for Section 202/Section 8 assistance is accepted for processing by HUD (by FmHA in the case of assistance under Part 884; by the State Agency in the case of assistance under Part 883) shall apply, except as follows:

1. For all projects where the Fair Market Rents are revised upward after the date that a processing stage is completed, the revised Fair Market Rents shall apply to all subsequent processing in reviewing contract rents and utilities.

2. For all projects where the Fair Market Rents are revised downward after the completion date of a processing stage, the applicable Fair Market Rent shall be the higher of:

(a) the Fair Market Rent set forth in Schedule A of Part 888 (as revised or added by this rule), or

(b) the Fair Market Rent set forth in the schedule published on November 25, 1981 (46 FR 57838) or any interim revision of that schedule.

Two explanatory notes to Schedule A of Part 888 were published with the last annual revision of the Fair Market Rents (48 FR 16424), and these notes remain in effect. Note 1 will apply to the Fair Market Rents revised or added by this rule, as well as to the rents contained in the last annual revision. The provisions of Note 2 will apply only to applications of proposals accepted for processing prior to May 19, 1983.

HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969, provide for categorical exclusions from their requirements for the actions, activities and programs specified in § 50.20. Since the amendments made by this rule fall within the categorical exclusion set forth in paragraph (1) of § 50.20, no environmental finding is needed for this rule and none has been prepared.

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

This rule is not listed in the Department's Semiannual Agenda of Regulations published on April 25, 1983 (48 FR 18054), pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. While the changes made by this rule will have an effect on developers of Section 8 projects, some of whom may constitute small entities, it is not expected that the economic impact on them will be substantial.

The Catalog of Federal Domestic Assistance Program number and title is 14.156, Lower Income Housing Assistance Program (Section 8).

List of Subjects in 24 CFR Part 888

Rent subsidies.

Accordingly, Schedule A of Part 888 is amended by revising the rent schedules for the 21 market areas indicated below in Regions 3, 4 and 5 and by adding rent schedules for two market areas in California (El Cajon and San Diego), so that the rent schedules for those market areas will read as set forth below.

(Sec. 8(c)(1) of the U.S. Housing Act of 1937, 42 U.S.C. 1437f(c)(1); sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Dated: September 20, 1983.

James E. Baugh,

Acting Assistant Secretary for Housing—Federal Housing Commissioner.

BILLING CODE 4210-27-M

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

CHARLESTON, WEST VIRGINIA SERVICE OFFICE

MARKET: FAIRMONT
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			477	530	593
SEMI-DETACHED/ROW		399	450	507	568
WALKUP	297	370	433	477	525
ELEVATOR 2-4 STY	405	445	496		
ELEVATOR 5+ STY	412	451	501		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 072183

REGION 3

WASHINGTON, D.C. AREA OFFICE

MARKET: WASHINGTON D.C.
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			733	800	906
SEMI-DETACHED/ROW	445	515	612	666	753
WALKUP	359	476	565	654	724
ELEVATOR 2-4 STY	395	530	626	713	
ELEVATOR 5+ STY	408	540	720	820	
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 072183

REGION 4

JACKSON, MISSISSIPPI AREA OFFICE

MARKET: JACKSON
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			466	552	638
SEMI-DETACHED/ROW	365	396	460	533	612
WALKUP	331	379	449	517	570
ELEVATOR 2-4 STY	487	522	628		
ELEVATOR 5+ STY	503	538	647		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: CORINTH
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		373	472	545
261	305	363	456	528
248	296	358	450	510
389	448	544		
403	464	565		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GREENVILLE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		452	478	549
354	369	428	464	539
320	350	415	432	497
458	500	608		
475	517	633		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GREENWOOD
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		426	468	534
333	370	413	453	534
307	354	410	446	502
440	505	582		
457	524	606		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: GULFPORT
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			424	497	568
SEMI-DETACHED/ROW	350	364	419	490	520
WALKUP	317	335	381	466	520
ELEVATOR 2-4 STY	471	505	596		
ELEVATOR 5+ STY	484	525	618		
MANUFACTURED HOME					

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: HATTIESBURG
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		409	491	577
332	344	402	474	540
298	325	390	458	511
433	479	570		
447	498	591		

EFFECTIVE DATE 100182
TRENDED DATE 100184

MARKET: SOUTHAVEN
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		445	515	586
301	372	424	502	577
290	367	424	491	565
416	505	608		
434	524	631		

EFFECTIVE DATE 100182
TRENDED DATE 100184

PREPARED ON 072183

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

NASHVILLE, TENNESSEE SERVICE OFFICE

	MARKET: NASHVILLE NUMBER OF BEDROOMS					MARKET: CLARKSVILLE NUMBER OF BEDROOMS					MARKET: COLUMBIA NUMBER OF BEDROOMS					MARKET: MEMPHIS NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			439	512	550			403	473	512			403	460	503			395	452	528
SEMI-DETACHED/ROW	336	373	424	500	539	326	329	385	461	500	297	297	351	453	484	328	331	377	425	481
WALKUP	319	356	417	495	534	280	319	380	456	495	247	291	341	439	478	255	285	333	400	431
ELEVATOR 2-4 STY	324	380	424			285	335	385			253	307	348			297	356	419		
ELEVATOR 5+ STY	329	390	439			291	346	402			263	329	380			335	394	457		
MANUFACTURED HOME																				
EFFECTIVE DATE	100182					100182					100182					100182				
TRENDED DATE	100184					100184					100184					100184				

	MARKET: JACKSON NUMBER OF BEDROOMS					MARKET: UNION CITY NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			377	439	518			360	419	494
SEMI-DETACHED/ROW	287	301	354	408	474	287	287	338	389	452
WALKUP	248	285	344	398	453	237	272	328	380	432
ELEVATOR 2-4 STY	303	326	409			289	344	436		
ELEVATOR 5+ STY	340	361	449			324	382	475		
MANUFACTURED HOME										
EFFECTIVE DATE	100182					100182				
TRENDED DATE	100184					100184				

PREPARED ON 072183

REGION 5

CHICAGO, ILLINOIS AREA OFFICE

	MARKET: CHICAGO NUMBER OF BEDROOMS					MARKET: BELLEVILLE NUMBER OF BEDROOMS					MARKET: MOLINE NUMBER OF BEDROOMS					MARKET: SPRINGFIELD NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			699	830	957			593	671	747			629	750	829			648	725	803
SEMI-DETACHED/ROW	505	589	692	770	863	396	466	522	589	680	431	511	577	684	758	406	474	539	602	681
WALKUP	429	495	591	708	743	347	412	476	537	594	394	457	521	624	655	360	414	480	543	602
ELEVATOR 2-4 STY	458	538	634	754	755	370	437	509			432	482	554			383	442	513		
ELEVATOR 5+ STY	496	620	737	765	809	436	479	556			459	500	600			428	480	562		
MANUFACTURED HOME																				
EFFECTIVE DATE	100182					100182					100182					100182				
TRENDED DATE	100184					100184					100184					100184				

	MARKET: EAST ST. LOUIS NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			513	590	664
SEMI-DETACHED/ROW	361	411	488	548	625
WALKUP	321	370	445	500	556
ELEVATOR 2-4 STY	341	395	476		
ELEVATOR 5+ STY	412	467	565		
MANUFACTURED HOME					
EFFECTIVE DATE	100182				
TRENDED DATE	100184				

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

CLEVELAND, OHIO SERVICE OFFICE

	MARKET: CLEVELAND				
	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			702	761	821
SEMI-DETACHED/ROW		492	534	603	648
WALKUP	405	436	468	543	589
ELEVATOR 2-4 STY	409	459	551		
ELEVATOR 5+ STY	444	484	579		
MANUFACTURED HOME					
	EFFECTIVE DATE		100182		
	TRENDED DATE		100184		

PREPARED ON 072183

REGION 9

LOS ANGELES, CALIFORNIA AREA OFFICE

	MARKET: SAN DIEGO					MARKET: EL CAJON				
	NUMBER OF BEDROOMS					NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			603	716	791			603	716	791
SEMI-DETACHED/ROW		486	581	657	771		486	581	657	771
WALKUP	392	448	542	635	681	392	448	542	635	681
ELEVATOR 2-4 STY	424	489	590			424	489	590		
ELEVATOR 5+ STY	508	592	724			508	592	724		
MANUFACTURED HOME										
	EFFECTIVE DATE		100182			EFFECTIVE DATE		100182		
	TRENDED DATE		100184			TRENDED DATE		100184		

PREPARED ON 072183

[FR Doc. 83-26000 Filed 9-22-83; 8:45 am]
BILLING CODE 4210-27-C

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 5 and 19

[T.D. ATF-146; Ref; Notice No. 417]

100 Milliliter and 375 Milliliter Standards of Fill for Distilled Spirits

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Treasury decision, final rule.

SUMMARY: This final rule adds two sizes, the 100 ml and the 375 ml, to the standards of fill for distilled spirits and removes the intrastate commerce only authorization on the 100 ml. This action brings the total number of authorized standards of fill to eight.

In addition to permitting the distilled spirits industry to market their products in two additional sizes, it also allows consumers of these products a wider range of size choices in their purchases. This should enhance competition in the marketplace and provide benefits both for the industry and the consumer.

EFFECTIVE DATE: January 3, 1984.

FOR FURTHER INFORMATION CONTACT: Roger Bowling, FAA, Wine and Beer Branch, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC (202-566-7626).

SUPPLEMENTARY INFORMATION:

100 Milliliter

Background. The use of the 100 ml was authorized in 27 CFR 19.632 for intrastate commerce only in Treasury Decision ATF-86 (46 FR 32224; June 19, 1981). This action was taken as a result of emergency conditions at Overbrook Egg Nog Corporation in Maryland. This company was and is highly dependent on contract bottling of the four fluid ounce or a metric equivalent size. Additionally, the State of Maryland indicated that the bottle size was important to the State.

Comments received on this Treasury decision claimed that the intrastate commerce only authorization gave companies located in particular States a competitive edge in that no products in the 100 ml size could be entered into those particular States where is was not bottled. Other commenters responded on the theme that to compete they must either solicit contracts with the in-State bottlers, who are also their major competitors, or the other option, totally unfeasible, is to establish bottling facilities in the States where they wanted to market products in the 100 ml size. Further, it is very expensive to bottle small lots of distilled spirits in the 100 ml size.

After considering these comments, ATF decided to propose the addition of the 100 ml size to the standards of fill under 27 CFR Part 5. As a standard of fill under this part, the 100 ml could then be entered into and received from interstate or foreign commerce.

Notice of Proposed Rulemaking. On August 16, 1982, ATF issued Notice No. 417 (47 FR 35521) proposing the additions of the 100 ml and 375 ml sizes as standards of fill for distilled spirits. In this notice, ATF posed a number of specific issues relating to the adoption of these sizes. A total of 52 comments were received. Of the total commenters, there were: 41 distilled spirits industry members, three trade associations, one Federal Government agency, four State government agencies, one foreign government, one foreign trade association, and one consumer.

ATF requested comments on whether the adoption of these sizes would impose tax administrative problems, or production, recordkeeping, or inventory problems for distilled spirits plant proprietors and importers. Further, ATF requested information concerning the effect on competition if the sizes were adopted.

Specific comments were requested on the 100 ml size. The question was asked if the eight percent headspace requirement in § 5.46(b) should be imposed on bottles of a 100 ml capacity or whether they should be exempt from this requirement.

Comment Analysis. Of the total of 52 comments received, 35 commented on the 100 ml size. Of these, ten supported its adoption and 25 were opposed. Four commenters of the 25 opposing had no objection to the 100 ml size remaining in intrastate commerce only.

The basic objections to the 100 ml size were that its adoption would create increased production and inventory costs to industry and would not result in any benefit to the consumer. Others responded that with the availability of the 50 ml and 200 ml sizes, a 100 ml size was unnecessary; further, an increase in the number of standards of fill was not necessary and would tend to confuse the consumer.

The commenters supporting the 100 ml size stated that no increased costs or inventory records would result from its adoption. They further stated that competition would be enhanced by the 100 ml size and that consumers should be given the choice of purchasing this size. One commenter stated that consumer welfare is enhanced by the availability of different sizes, not by the limitation of them. This commenter, the Department of Justice, also stated that although bottle confusion may be evident at first, it would soon diminish and disappear altogether based on the fact that the 100 ml size would tend to result in repeat purchases and consumers would soon discover the size differences.

Three commenters responded on the headspace issue. One stated no problem would arise, whether or not the 100 ml size was exempted, a second supported exempting the size of allowing a 10 percent headspace, and the third suggested a 15 percent headspace limitation.

Regulatory Amendment. ATF considered a number of alternatives in relation to adopting the 100 ml size. Foremost among these was whether or not the size should or should not be adopted.

ATF considered not adopting the 100 ml size for intrastate or foreign commerce, but retaining its use in interstate commerce only.

However, AFT believes that any of these restrictions would inhibit competition and create monopolies within certain States by distilled spirits plant proprietors. Therefore, by adopting the 100 ml size for interstate and foreign commerce, competition is enhanced instead of inhibited. Furthermore, given the fact that the 100 ml standard of fill, and its predecessor the four fluid ounce bottle, has been an accepted standard of fill in intrastate commerce, ATF believes that authorization of the 100 ml size on an interstate basis would not lead to consumer confusion arising from this particular bottle size. ATF also believes that adoption of such standard of fill will not result in direct cost increases to the distilled spirits industry since the use of this bottle size is at the election of the proprietor.

One commenter suggested that the 100 ml size be limited to cordials, liqueurs, and specialties. As such, it would be a useful size width which to test market new products and consumers could purchase the product in this small size. However, the adoption still allows for this and there does not seem to be an overriding reason to restrict the use of the 100 ml size to those products.

As to the headspace requirement, current regulations exempt all sizes having a capacity of less than 200 ml. Therefore, ATF believes that given the information furnished there is no additional information provided which

would support a change from the current requirement.

375 Milliliter

Background. AFT received a petition from Bacardi Importers, Inc., to amend regulations to allow the 375 ml size to be used in interstate and foreign commerce. This petition was followed by numerous letters of support from various segments in the distilled spirits industry.

Bacardi Importers, Inc. maintain in their petition that there is a consumer demand for the 375 ml size and that it would facilitate the international market since Canada, the United Kingdom, and the European Economic Community (EEC) utilize the 375 ml size as one of their standards of fill.

Although ATF had denied two previous petitions in 1980 for the 375 ml size, it was decided to air the issue in the rulemaking process, due to the support shown for the proposal.

Notice of proposed rulemaking. In Notice No. 417, ATF posed a number of issues concerning the 375 ml size. ATF requested comment on whether the similarity in bottle sizes between the 375 ml and 500 ml sizes would result in consumer confusion; whether a market need existed since the 200 ml and 500 ml sizes were available for small-size purchases, and whether international trade would be facilitated by the adoption of the 375 ml size.

Comment Analysis. Out of the comments recieved on Notice No. 417, 48 responded on these issues. Of this total, 37 commenters supported the 375 ml size while 11 were opposed.

However, of the 37 commenters, seven stated that the industry members should have the option of bottling either in the 375 ml or 500 ml size, but not both. Another nine commenters stated that if the 375 ml size was adopted, it should replace the 500 ml size and not be adopted in addition to this size.

The two primary reasons given for adopting the 375 ml size were that consumers should be given the choice of purchasing the size and that some industry members, wholesalers in particular, were experiencing a five to seven percent decrease per year in sales volume on the 500 ml size, thus reflecting a need for the 375 ml size.

Those commenters opposing the 375 ml size stated that it would result in increased and unnecessary problems. Those supporting the 375 ml size said it would not result in production problems and would enhance competition.

Six commenters responded on the international trade issue. Three stated that trade would be facilitated since the 375 ml size is a recognized size in many countries. Three commenters opposing stated that the 375 ml size can be bottled now for export purposes. Even though the 375 ml size can, at present, be bottled for export, no American importer can bring into the United States products which are bottled in the 375 ml size in other countries. ATF believes the market, both American and foreign, should be a free trade market with equal competition between all industry members, thus preventing the creation of a non-tariff trade barrier.

Concerning the possible consumer confusion issue over the similarity of bottle sizes between the 375 ml size and the 500 ml size, nine commenters submitted responses. Five stated that confusion would arise if both sizes were in the market at the same time. Four stated that no confusion or deception would arise, primarily because of the price difference between the sizes. The Department of Justice again stated that although confusion may be evident at first, it would soon disappear and that repeated purchases would negate the confusion.

ATF does not disagree with the comments that the bottles are very similar in size and shape. However, as one commenter stated, there will be price differences between the two sizes. Further, most sales are made in size groupings and are clearly marked on the shelves in retail stores. Net content statements are required to appear in a legible manner, either blown in the bottle or stated on the label. Although there may be some confusion between the sizes at first, one commenter stated that repeat purchases will preclude this after a time.

As to a market need, 18 commenters stated a need existed for the 375 ml size while 10 stated that the 500 ml size already fulfilled the market demand for a 375 ml size.

Regulatory Amendment. ATF is adopting the 375 ml size for the use in interstate and foreign commerce. However, two alternatives were considered in light of the comments received.

Alternatives. Two groups of commenters wanted an industry option of bottling either in the 375 ml size or 500 ml size, but not both; the other group advocated that the 375 ml size, if adopted, replace the 500 ml. ATF gave serious consideration to both suggestions, each having some merit.

As a result of this consideration, ATF is initiating further rulemaking on both suggestions, the industry bottling option and the replacement. A notice discussing the alternatives will be published in the near future. However, ATF does not believe the adoption of the 375 ml size should be delayed due to this additional rulemaking.

Miscellaneous Amendments

In Notice No. 417, ATF proposed a number of administrative and editorial changes to regulatory sections in 27 CFR Part 5, Subpart E. These changes were proposed to reflect the fact that metric standards became mandatory on January 1, 1980. Therefore, § 5.38a is obsolete and is removed. Further, the exception for cordials, liqueurs, cocktails, and specialties no longer applies to the metric standards of fill, thus resulting in the obsolescence of § 5.48(b). To remove this section entirely, ATF is as proposed, redesignating and rewording § 5.48(a), relating to the exception to design and headspace requirement to § 5.46(d).

The completeness of conversion required in § 5.47a(d) is removed since all bottling must now be done in metric standards of fill. The effective date of metric conversion is revised in paragraph (d) of § 5.47. Further, the dates of applicability for each section is added to the titles of the sections. Section 5.45 is amended to show the removal of § 5.48.

To reflect the adoption of the 100 ml size for interstate and foreign commerce, the intrastate authorization in § 19.632 is removed.

Effective Date

ATF is making these regulations effective January 3, 1984. ATF believes this time period will permit industry to make the necessary preparations to bottle and market the new sizes.

Regulatory Flexibility Act

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

Accordingly, it was certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), in the notice of proposed rulemaking leading to this final rule that regulations would not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

It has been determined that this final rule is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981) because it will not have:

(a) An annual effect on the economy of 100 million dollars or more;

(b) it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and

(c) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export market.

Drafting Information

The principal author of this document is Roger L. Bowling, of the FAA, Wine and Beer Branch.

List of Subjects

27 CFR Part 5

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Liquors, Packaging and containers.

27 CFR Part 19

Administrative practice and procedure, Alcohol and alcoholic beverages, Authority delegations Government agencies, Claims, Chemicals, Customs duties and inspection, Electronic fund transfers, Excise taxes, Exports, Gasohol, Imports, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Research and security measures, Spices and flavorings, Surety bonds, Transportation, U.S. Possessions, Warehouses, Wine.

Authority and Issuance

This final rule is issued under the authority contained in section 5 of the Federal Alcohol Administration Act, 49 Stat. 981, as amended, 27 U.S.C. 205 and 26 U.S.C. 5301. Accordingly, 27 CFR Parts 5 and 19 are amended as follows:

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

Paragraph 1. The table of sections in 27 CFR Part 5 is amended by removing the listing for § 5.38a and 5.48; and to add parenthetical expressions to the titles of §§ 5.47 and 5.47a. As amended, the table of sections reads as follows:

Subpart E—Standards of Fill for Distilled Spirits

Sec.

* * * * *

5.47 Standards of fill (distilled spirits bottled before January 1, 1980).

5.47a Metric Standards of fill (distilled spirits bottled after December 31, 1979).

* * * * *

Par. 2. Section 5.38 is revised to reflect the fact that metric standards of fill became mandatory on January 1, 1980, and to delete the requirement to show the U.S. equivalent volume on bottles labeled in metric sizes. As revised, § 5.38 reads as follows:

§ 5.38 Net contents.

(a) *Bottles conforming to metric standards of fill.* The new contents of distilled spirits shall be stated in the same manner and form as set forth in the standards of fill in § 5.47a.

(b) *Bottles not conforming to the metric standards of fill.* The net contents for distilled spirits bottled before January 1, 1980, in bottles not conforming to the metric standards of fill, shall be stated in the same manner and form as set forth in § 5.47(a), except for cordials and liqueurs, cocktails, highballs, bitters and specialties, as specified by the Director. The net contents for these specialty products shall be stated in U.S. measure (i.e., gallons, quarts, pints, fluid ounces).

(c) *Net contents marked in bottles.* The net contents need not be marked on any lable if they are legibly blown, etched, sandblasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Director on the side, front, or back of the container in an unobscured location. containers of 200 ml or greater capacity shall bear letters and figures of not less than one-quarter inch height.

(d) *Qualifying statements.* Words or phrases qualifying statements of new contents are prohibited.

§ 5.38a [Removed]

Par. 3. Section 5.38a is removed in its entirety.

§ 5.45 [Amended]

Par. 4. Section 5.45 is amended by removing the reference to § 5.49 and replacing it with 5.47a to reflect the removal of § 5.48 and previous removal of § 5.49.

Par. 5. Section 5.46 is amended by adding a new paragraph (d) giving the exception to the headspace and design requirements. As added, § 5.46(d) reads as follows:

§ 5.46 Standard liquor bottles.

* * * * *

(d) *Exceptions.* The headspace and design requirements in paragraphs (b) and (c) of this section do not apply to liquor bottles which are specifically exempted by the Director, pursuant to an application filed by the bottler or importer.

Par. 6. Section 5.47 is amended by adding a parenthetical expression to the title; and by removing the reference to the conversion period to the metric standards of fill in paragraph (d). As revised, § 5.47(d) reads as follows:

§ 5.47 Standards of fill (distilled spirits bottled before January 1, 1980).

* * * * *

(d) *Limitations.* This section does not apply after December 31, 1979.

Par. 7. Section 5.47a is amended by (1) adding a parenthetical expression to the title; (2) adding 100 and 375 ml size to the standards of fill; (3) deleting paragraph (d) since the metric conversion period is over; and (4) redesignating paragraph (e) as paragraph (d). The revised title and paragraph (a) of § 5.47a reads as follows:

§ 5.47a Metric standards of fill (distilled spirits bottled after December 31, 1979).

(a) *Authorized standards of fill.* The standards of fill for distilled spirits are the following:

1.75 liters
1.00 liters
750 milliliters
500 milliliters
375 milliliters
200 milliliters
100 milliliters
50 milliliters

* * * * *

Par. 8. Section 5.48 is removed in its entirety.

PART 19—DISTILLED SPIRITS PLANTS

Subpart R—Liquor Bottle and Label Requirements

Par. 9. Section 19.632 is revised to remove the 100 ml intrastate commerce authorization. As revised, § 19.632 reads as follows:

§ 19.632 Bottles authorized.

Liquor bottles shall conform to the applicable standards of fill provided in Subpart E of Part 5 of this chapter, including those for liquor bottles of less than 200 ml capacity. The use of any bottle size other than as authorized in Subpart E of Part 5 of this chapter is

prohibited for packaging of distilled spirits for domestic purposes.

Signed: July 13, 1983.

W. T. Drake,

Acting Director.

Approved: September 7, 1983.

J. M. Walker, Jr.,

Assistant Secretary Enforcement and Operations.

[FR Doc. 83-26031 Filed 9-22-83; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 16

Equal Access to Justice Act; Amendment to Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Final rule.

SUMMARY: The Equal Access to Justice Act authorizes the establishment of uniform rules by each agency to provide for the payment of fees and expenses to eligible parties who prevail in an adversarial administrative proceeding against any agency of the Government. This amendment adds to the list of proceedings of the Wage and Hour Division, Employment Standards Administration, those actions under the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 *et seq.*) (MSPA), which are deemed to be adversarial proceedings for the purposes of the Act and these Regulations.

EFFECTIVE DATE: September 23, 1983.

FOR FURTHER INFORMATION CONTACT: Paul E. Myerson, Counsel for Employment Standards, Division of Fair Labor Standards, Office of the Solicitor, Room N-2716, Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210, Phone: (202) 523-7620.

SUPPLEMENTARY INFORMATION: Effective December 29, 1981, the Department issued final rules for implementing the Equal Access to Justice Act (5 U.S.C. 504, Pub. L. 96-481, section 203(a)(1)). Those regulations, codified in this part, identify at § 16.104 the proceedings which are subject to the Equal Access to Justice Act. The Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 *et seq.*) (MSPS), enacted subsequent to the promulgation of these regulations, is not included thereunder. Sections 103(b) and 503(b) of MSPA (29 U.S.C. Sec. 1813(b) and 1853(b)) provide for adversary adjudications under 5 U.S.C. 554 and therefore the Equal Access to Justice Act and these regulations are applicable to those proceedings under MSPA which involve the suspension or revocation of a certificate authorized under the Act, and the assessment of a civil money penalty made pursuant to the Act. Proceedings to grant or renew certificates authorized by MSPA are excluded from the application of the Equal Access to Justice Act and these regulations as set forth in § 16.104(a) of these regulations. Enforcement authority and responsibility for MSPA has been delegated and assigned to the Wage and Hour Division, Employment Standards Administration, by Secretary's Order No. 5-83 and Employment Standards Order No. ES 83-1 (48 FR 15352). The proceedings of the Wage and Hour Division, Employment Standards Administration, deemed to be adversarial adjudications which are covered by the Equal Access to Justice Act and these Regulations, when all other conditions in that Act and these regulations are met, are listed in § 16.104(a)(2) of these regulations. Accordingly, language incorporating the affected MSPA proceedings is being added to § 16.104(a)(2) of these regulations as paragraphs (v) and (vi).

Publication as a Final Rule

The Department has determined that these rules, mandated by the recent enactment of MSPA, are procedural in character. Accordingly, pursuant to U.S.C. 553(b)(3)(A), notice and public comment are unnecessary.

Effective Date

Because the additions to this rule are procedural in character, they shall become effective on publication instead of thirty days thereafter. This determination is made pursuant to 5 U.S.C. 553(d).

Drafting Information

This document was prepared under the direction and control of Francis X. Lilly, Deputy Solicitor of Labor, U.S. Department of Labor, Room S-2002, 200 Constitution Avenue, NW., Washington, D.C. 20210, Telephone (202) 523-7675.

Executive Order 12291, Regulatory Flexibility Act and Paperwork Reduction Act

The additions to this rule are procedural in character. Therefore, this final rule is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in (1) An annual effect on the economy of $100 million or more; (2) a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

This final rule is not subject to the Regulatory Flexibility Act, Pub. L. 96-354, 91 Stat. 1164, because it is not a rule within the meaning of that Act. See 5 U.S.C. 601(2).

This final rule is not subject to section 3504(h) of the Paperwork Reduction Act since it would not require any new additional collection or retention of information.

List of Subjects in 29 CFR Part 16

Claims, Classified information, Equal access to justice, Lawyers, Migrant and Seasonal Agricultural Worker Protection Act, Reporting and recordkeeping requirements.

Accordingly, Part 16 of Subtitle A of Chapter 29, Code of Federal Regulations, is amended as set forth below.

Signed at Washington, D.C. on this 20th day of September, 1983.

Raymond J. Donovan,

Secretary of Labor.

PART 16—EQUAL ACCESS TO JUSTICE ACT

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

Authority: Pub. L. 96-481, 94 Stat. 2327 (5 U.S.C. 504).

2. Section 16.104 is amended by adding paragraphs (a)(2)(v) and (a)(2)(vi) to read as follows:

§ 16.104 Proceedings covered.

(a) * * *

(2) * * *

(v) Revocation and suspension of certificates under the Migrant and Seasonal Agricultural Worker Protection Act at 29 U.S.C. 1813(b) and 29 CFR 500.200.

(vi) Civil money penalties under the Migrant and Seasonal Agricultural Worker Protection Act at 29 U.S.C. 1853(b) and 29 CFR 500.200

* * * * *

[FR Doc. 83-26034 Filed 9-22-83; 8:45 am]

BILLING CODE 4510-23-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 210, 241, 250, 251, and 256

Interim and Permanent Regulatory Program; Information Collection

AGENCY: Minerals Management Service, Interior.

ACTION: Final rule.

SUMMARY: The Minerals Management Service (MMS) is amending its interim and permanent program regulation by publishing the approval of information collection as part of the rules, as required by the Office of Management and Budget (OMB). The amendment adds a new Information Collection section to each part. The new section includes the OMB approval number, the pertinent part or section for each existing information collection requirement, and the purpose of the requirement.

EFFECTIVE DATE: September 23, 1983.

FOR FURTHER INFORMATION CONTACT: Any questions pertaining to this amendment should be directed to Nina B. Peterson, Federal Register Liaison Officer, Minerals Management Service (MS 631), 12203 Sunrise Valley Drive, Reston, Virginia 22091; (703) 435–6400.

SUPPLEMENTARY INFORMATION: Under the Federal Paperwork Reduction Act (April 1, 1981), approval authority for information collection and reporting requirements was transferred from the General Accounting Office to the Office of Management and Budget (OMB). OMB requires that approvals be codified within the structure of the rules. This amendment does not establish any new information collection and reporting requirements but simply places the existing approvals within the structure of the rules.

This amendment contains the clearance numbers established by OMB. In addition, the Parts now contain the summary information which was developed when seeking approval of the requirements and which is contained in the annual Information Collection Budget which is on file with MMS and OMB.

Administrative Procedure Act

The Department has determined that it is unnecessary under the Administrative Procedure Act (5 U.S.C. 553(b)) to publish this rule for comment because it does not change the rights and obligations of the public.

Executive Order 12291

The Department has determined that this document is not a major rule and does not require a regulatory impact analysis under Executive Order 12291 because it has no economic effect on the public.

Regulatory Flexibility Act

The Department has also determined that this rule will not have a significant economic effect on a substantial number of small entities and does not, therefore, require a small entity flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

National Environmental Policy Act of 1969

This rulemaking qualifies as a Categorical Exemption under Appendix 1, Chapter 2, Part 516 of the Departmental Manual; thus no environmental assessment has been conducted under the National Environmental Policy Act.

Authors

Nina B. Peterson and Mary Ann Milosavich, Federal Register Liaison Officers, Minerals Management Service, Department of the Interior (703) 435–6400.

List of Subjects

30 CFR Part 210

Government contracts, Reporting and recordkeeping requirements, Mineral royalties, Continental shelf, Public lands-mineral resources, Geothermal energy.

30 CFR Part 241

Government contracts, Reporting and recordkeeping requirements

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.

30 CFR Part 251

Continental shelf, Freedom of information, Public lands—mineral resources, Reporting and recordkeeping requirements, Science and technology.

30 CFR Part 256

Administrative practice and procedure, Continental shelf, Government contracts, Mineral royalties, Oil and gas exploration, Pipelines, Public lands-mineral resources, Public lands rights-of-way, Reporting and recordkeeping requirements, Surety bonds.

(5 U.S.C. 301; 44 U.S.C. 3501 et seq.)

Dated: September 14, 1983.

Thomas M. Gernhofer,

Acting Director.

For the reasons set forth above, 30 CFR Parts 210, 241, 250, 251, and 256 are amended as shown:

PART 210—FORMS AND REPORTS

Subpart A—General Provisions

1. Section 210.10 is added as follows:

§ 210.10 Information collection.

The information collection requirements contained in Part 210 have been approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3504(h). The forms and approved OMB clearence numbers are as follows:

Form No., name, and filing date	OMB No.
9-361/361A—Monthly Report of Sales and Royalty—due 10th day of second month following production month	1010–0009
9-614A—Rental and Royalty Remittance Advised—due by end of month following sales month	1010–0010
MMS–4025—Payor Information Form—due 30 days after issuance of a new lease or a change to an existing lease	1010–0033
MMS–2014—Report of Sales and Royalty Remittance—due by the end of second month following production month for royalty payments and for rentals no later than anniversary date of the lease	1010–0022

The information is being collected by the Department of the Interior to meet its congressionally mandated accounting and audit responsibilities relating to Federal and Indian mineral royalty management. The information will be used to determine the type and quantity of mineral production on Federal and Indian lands, the amount of royalties due, the person(s) responsible for payment, and the amounts paid. The reports are mandatory.

PART 241—PENALTIES

Subpart A—General Provisions

2. Section 241.10 is added as follows:

§ 241.10 Information collection.

The information collection requirements contained in Part 241 have been approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3504(h). The forms and approved OMB clearence numbers are as follows:

Form No., name, and filing date	OMB No.
9-329/329A—Monthly Report of Operations—due 10th day of second month following production month	1010-0005
9-361/361A—Monthly Report of Sales and Royalty—due 10th day of second month following production month	1010-0009

The information is being collected by the Department of the Interior to meet its congressionally mandated accounting and audit responsibilities relating to Federal and Indian mineral royalty management. The information will be used to determine the type and quantity of mineral production on Federal and Indian lands, the amount of royalties due, the person(s) responsible for payment, and the amounts paid. The reports are mandatory.

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

3. Paragraphs (c), (d), (e), (f), and (g) are added to § 250.0 as follows:

§ 250.0 Authority for information collection.

* * * * *

(c) The information collection requirements contained in 30 CFR 250.45 have been approved by the Office of Management and Budget under 44 U.S.C. 3504(h) and assigned clearance number 1010–0035. The information is being collected and will be used for analysis of safety concerns offshore. The obligation to respond is mandatory under section 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1347).

(d) The information collection requirements for Form MMS–331C contained in 30 CFR 250.36 have been approved by the Office of Management and Budget under 44 U.S.C. 3504(h) and assigned clearance number 1010–0044. The information is being collected and will be used to evaluate and approve the lessees' proposal to drill, deepen, or plug back a well. The obligation to respond is mandatory.

(e) The information collection requirements for Form MMS 331 contained in 30 CFR 250.38 and 250.92 have been approved by the Office of Management and Budget under 44 U.S.C. 3504(h) and assigned clearance number 1010–0045. The information is being collected and will be used to evaluate the technical, safety, and environmental factors involved with wells offshore. The obligation to respond is mandatory.

(f) The information collection requirements for Form MMS–330 contained in 30 CFR 250.38 and 250.95 have been approved by the office of Management and Budget under 44 U.S.C. 3504(h) and assigned clearance number 1010–0046. The information is being collected and will be used to evaluate the technical, safety, and environmental factors involved in completing or recompleting a well. The obligation to respond is mandatory.

(g) The information collection requirements for Form MMS–152 contained in 30 CFR 250.93 have been approved by the Office of Management and Budget under 44 U.S.C. 3504(h) and assigned clearance number 1010–0012. The information is being collected and will be used to evaluate the technical, safety, and environmental factors involved in oil and gas operations offshore once drilling has commenced. The obligation to respond is mandatory.

PART 251—GEOLOGICAL AND GEOPHYSICAL (G&G) EXPLORATIONS OF THE OUTER CONTINENTAL SHELF

4. Paragraph (c) is added to § 251.0 as follows:

§ 251.0 Authority for information collection.

* * * * *

(c) The information collection requirements contained in 30 CFR 251.6 do not require approval by the Office of Management and Budget under 44 U.S.C. 3504(h) because there are fewer than 10 respondents annually.

PART 256—OUTER CONTINENTAL SHELF MINERALS AND RIGHTS-OF-WAY MANAGEMENT, GENERAL

5. Part 256 is amended by removing the "Information Collection Requirements Note" paragraph at the beginning of the Part.

6. Section 256.0 is added as follows:

§ 256.0 Authority for information collection.

The information collection requirements contained in 30 CFR Part 256 have been approved by the Office number 1010–0006. The information is being collected to determine if the applicant filing for a lease or right-of-way on the outer continental shelf is qualified to hold such a lease or right-of-way. This information will be used in making this determination. The obligation to respond is required to obtain a benefit.

[FR Doc. 83-25863 Filed 9-22-83; 8:45 am]

BILLING CODE 4310-01-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

Permanent State Regulatory Program of North Dakota; Modification of Deadline

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: OSM is modifying the deadline for North Dakota to meet one of the conditions of approval of its State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Based on a request of the State, the Secretary is extending the deadline for the State to resolve condition "f" until October 1, 1983. Condition "f" concerns the State's program provisions governing coal exploration activities.

EFFECTIVE DATE: September 23, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Abbs, Chief, Division of State Program Assistance, Office of Surface Mining, 1951 Constitution Avenue NW., Washington, D.C. 20240. Telephone: (202) 343–5351.

SUPPLEMENTARY INFORMATION: The North Dakota program was conditionally approved under SMCRA on December 15, 1980 (45 FR 82241–82248). The Secretary's approval was conditioned on the State's correction of 13 minor deficiencies in its program by July 1, 1981. That deadline was later extended, upon the State's request, to January 1, 1983 (46 FR 54070–54071).

On July 30, 1982, North Dakota submitted proposed statutory and regulatory program changes for OSM's approval. The proposed amendments included modifications of Section 38–12.1–03 of the North Dakota Century Code (NDCC) which were intended to address condition "f" of the Secretary's approval of the State program.

Condition "f" stipulates that North Dakota must submit to the Secretary copies of fully enacted regulations extending coverage of North Dakota's exploration program as defined in NDCC 38–12.1–03 to include "environmental data gathering operations."

Because OSM was contemplating changes to the Federal coal exploration regulations, the Secretary deferred making a decision on the adequacy of North Dakota's amendment in meeting condition "f" and extended the deadline for North Dakota to satisfy the condition until July 1, 1983 (48 FR 5902, February 9,

1983). At that time, OSM anticipated that final revisions to the Federal coal exploration regulations would be promulgated prior to July 1, 1983.

The Federal rule changes, however, were not issued by the date expected. Hence, by letter dated June 20, 1983, the North Dakota Public Service Commission requested a 90-day extension to revise the deadline for the State to resolve condition "f" from July 1, 1983, to October 1, 1983. On July 27, 1983, OSM issued a notice in the **Federal Register** proposing an extension until October 1, 1983 (48 FR 34077). Public comment was solicited for 30 days. No public comments were received by OSM on the proposal by the end of the comment period, August 26, 1983. Because OSM expects final changes to the Federal coal exploration rules to be promulgated by October 1, 1983, and because these changes are expected to have a bearing on the State's satisfaction of condition "f", OSM is granting North Dakota's request and extending the deadline for the State to satisfy this condition until October 1, 1983.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking. 2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 934

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Accordingly, Part 934 of Title 30 is amended as set forth below.

Dated: September 16, 1983.

W. L. Dare,

Acting Deputy Assistant Secretary for Energy and Minerals.

PART 934—NORTH DAKOTA

§ 934.11 [Amended]

30 CFR 934.11(f) is amended by substituting October 1, 1983, for July 1, 1983, in that paragraph.

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

[FR Doc. 83–26076 Filed 9–22–83; 8:45 am]

BILLING CODE 4310–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[A–9–FRL 2436–2]

Delegation of New Source Performance Standards (NSPS) State of Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule-related notice.

SUMMARY: The EPA hereby places the public on notice of its delegation of NSPS authority to the Arizona Department of Health Services (ADHS). This action is necessary to bring the NSPS program delegations up to date with recent EPA promulgations and amendments of these categories. This action does not create any new regulatory requirements affecting the public. The effect of the delegation is to shift the primary program responsibility for the affected NSPS categories from EPA to State and local governments.

EFFECTIVE DATE: June 3, 1983.

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, New Source Section (A–3–1), Air Operations Branch, Air Management Division, EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105, Tel: (415) 974–8236, FTS 454–8236.

SUPPLEMENTARY INFORMATION: The ADHS has requested authority for delegation of certain NSPS categories. Delegation of authority was granted by a letter dated May 19, 1983 and is reproduced in its entirety as follows:

REF: NSS 3–4–2

James B. Sarn, M.D., M.P.H.,

Director, Arizona Department of Health Services, State Health Building, 1740 West Adams Street, Phoenix, AZ 85007

Dear Dr. Sarn: In response to your request of April 15, 1983, I am pleased to inform you that we are delegating to your agency authority to implement and enforce certain categories of New Source Performance Standards (NSPS). We have reviewed your request for delegation and have found your present programs and procedures to be acceptable. This delegation includes authority for the following source categories:

NSPS	40 CFR part 60 subpart
Electric Utility Steam Generators	Da.
Automobile & Light-Duty Truck Surface Coating Operations	MM.
Ammonium Sulfate	PP.

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Part 60, including use of EPA's test methods and procedures. The delegation is effective upon the date of this letter unless the USEPA receives written notice from you of any objections within 10 days of receipt of this letter. A notice of this delegated authority will be published in the **Federal Register** in the near future.

Cordially yours,

Sonia F. Crow,

Regional Administrator.

With respect to the areas under the jurisdiction of the State of Arizona, all reports, applications, submittals, and other communications pertaining to the above listed NSPS source categories should be directed to the ADHS at the address shown in the letter of delegation.

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

This Notice is issued under the authority of Section 111 of the Clean Air Act, as amended (42 U.S.C. 1857, *et seq.*).

Dated: September 7, 1983.

John Wise,

Acting Regional Administrator.

[FR Doc. 83–25576 Filed 9–22–83; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 60

[A–9–FRL 2436–3]

Delegation of New Source Performance Standards (NSPS); State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule-related notice.

SUMMARY: The EPA hereby places the public on notice of its delegation of NSPS authority to the California Air Resources Board (CARB) on behalf of the Bay Area Air Quality Management District (BAAQMD). This action is

necessary to bring the NSPS program delegations up to date with recent EPA promulgations and amendments of these categories. This action does not create any new regulatory requirements affecting the public. The effect of the delegation is to shift the primary program responsibility for the affected NSPS categories from EPA to State and local governments.

EFFECTIVE DATE: May 31, 1983.

ADDRESS: Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109.

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, New Source Section (A–3–1), Air Operations Branch, Air Management Division, EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105. Tel: (415) 974–8236, FTS 454–8236.

SUPPLEMENTARY INFORMATION: The CARB has requested authority for delegation of certain NSPS categories on behalf of the BAAQMD. Delegation of authority was granted by a letter dated May 18, 1983 and is reproduced in its entirety as follows:

Mr. James D. Boyd,
Executive Officer, California Air Resources Board, 1102 "Q" Street, P.O. Box 2815, Sacramento, CA 95812.

Dear Mr. Boyd: In response to your request of February 3, 1983, I am pleased to inform you that we are delegating to your agency authority to implement and enforce certain categories of New Source Performance Standards (NSPS) on behalf of the Bay Area Air Quality Management District (BAAQMD). We have reviewed your request for delegation and have found the BAAQMD's programs and procedures to be acceptable. This delegation includes authority for the following source categories:

NSPS	40 CFR part 60 subpart
Lead-Acid Battery Manufacturing Plants	KK.
Phosphate Rock Plants	NN.

Acceptance of the delegation constitutes your agreement to follow all applicable provisions of 40 CFR Part 60, including use of EPA's test methods and procedures. The delegation is effective upon the date of this letter unless the USEPA receives written notice from you of any objections within 10 days of receipt of this letter. A notice of this delegated authority will be published in the **Federal Register** in the near future.

Cordially yours,

Sonia F. Crow,
Regional Administrator.

cc: Bay Area Air Quality Management District.

With respect to the areas under the jurisdiction of the BAAQMD, all reports, applications, submittals, and other communications pertaining to the above listed NSPS source categories should be directed to the BAAQMD at the address shown in the **ADDRESS** section of this notice.

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

This Notice is issued under the authority of Section 111 of the Clean Air Act, as amended (42 U.S.C. 1857, *et seq.*).

Dated: September 7, 1983.

John Wise,
Acting Regional Administrator.

[FR Doc. 83-25577 Filed 9-22-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Parts 60 and 61

[A-9-FRL 2436-6]

Delegation of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Pollutants (NESHAPS); State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule-related notice.

SUMMARY: The EPA hereby places the public on notice of its delegation of NSPS and NESHAPS authority to the California Air Resources Board (CARB) on behalf of the Merced County Air Pollution Control District (MCAPCD). This action is necessary to bring the NSPS and NESHAPS program delegations up to date with recent EPA promulgations and amendments of these categories. This action does not create any new regulatory requirements affecting the public. The effect of the delegation is to shift the primary program responsibility for the affected NSPS and NESHAPS categories from EPA to State and local governments.

EFFECTIVE DATE: June 10, 1983.

ADDRESS: Merced County Air Pollution Control District, 210 East 15th Street, P.O. Box 471, Merced, CA 95340.

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, New Source Section (A–3–1), Air Operations Branch, Air Management Division, EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105. Tel.: (415) 974–8236, FTS 454–8236.

SUPPLEMENTARY INFORMATION: The CARB has requested authority for delegation of certain NSPS and NESHAPS categories on behalf of the MCAPCD. Delegation of authority was granted by a letter dated May 26, 1983 and is reproduced in its entirety as follows:

Mr. James D. Boyd,
Executive Officer, California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, CA 95812.

Dear Mr. Boyd: In response to your request of May 4, 1983, I am pleased to inform you that we are delegating to your agency authority to implement and enforce certain categories of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) on behalf of Merced County Air Pollution Control District (MCAPCD). We have reviewed your request for delegation and have found the MCAPCD's programs and procedures to be acceptable. This delegation includes authority for the following source categories:

NSPS	40 CFR part 60 subpart
General Provisions	A.
Electric Utility Steam Generators	Da.
Petroleum Storage Vessels	Ka.
Kraft Pulp Mills	BB.
Glass Manufacturing Plants	CC.
Grain Elevators	DD.
Surface Coating of Metal Furniture	EE.
Stationary Gas Turbines	GG.
Lime Manufacturing Plants	HH.
Lead-Acid Battery Manufacturing Plants	KK.
Automobile & Light-Duty Truck Surface Coating Operations.	MM.
Phosphate Rock Plants	NN.
Ammonium Sulfate	PP.
Industrial Surface Coating: Large Appliances	SS.
Asphalt Roofing and Asphalt Roofing Manufacture.	UU.

NESHAPS	40 CFR part 61 subpart
Vinyl Chloride	F.

In addition, we are redelegating the following NSPS and NESHAPS categories since the MCAPCD's revised programs and procedures are acceptable:

NSPS	40 CFR part 60 subpart
Fossil-Fuel Fired Steam Generators	D.
Incinerators	E.
Portland Cement Plants	F.
Nitric Acid Plants	G.
Sulfuric Acid Plants	H.
Asphalt Concrete Plants	I.
Petroleum Refineries	J.
Storage Vessels for Petroleum Liquids	K.
Secondary Lead Smelters	L.
Secondary Brass & Bronze Ingot Production Plants.	M.
Iron and Steel Plants (BOPF)	N.
Sewage Treatment Plants	O.
Primary Copper Smelters	P.
Primary Zinc Smelters	Q.
Primary Lead Smelters	R.
Primary Aluminum Reduction Plants	S.
Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants	T.
Phosphate Fertilizer Industry: Superphosphoric Acid Plants	U.
Phosphate Fertilizer Industry: Diammonium Phosphate Plants	V.
Phosphate Fertilizer Industry: Triple Superphosphate Plants	W.
Phosphate Fertilizer Industry: Granular Triple Superphosphate	X.
Coal Preparation Plants	Y.
Ferroalloy Production Facilities	Z.

NSPS	40 CFR part 60 subpart
Iron and Steel Plants (Electric Arc Furnaces)	AA.

NESHAPS	40 CFR part 61 subpart
General Provisions	A.
Asbestos	B.
Beryllium	C.
Beryllium Rocket Motor Firing	D.
Mercury	E.

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Parts 60 and 61, including use of EPA's test methods and procedures. The delegation is effective upon the date of this letter unless the USEPA receives written notice from you or the District of any objections within 10 days of receipt of this letter. A notice of this delegated authority will be published in the **Federal Register** in the near future.

Cordially yours,

Sonia F. Crow,

Regional Administrator.

cc: Merced County Air Pollution Control District.

With respect to Merced County all reports, applications, submittals, and other communications pertaining to the above listed NSPS and NESHAPS source categories should be directed to the MCAPCD at the address shown in the ADDRESS section of this notice.

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

This Notice is issued under the authority of Section 111 of the Clean Air Act, as amended (42 U.S.C. 1857, *et seq.*).

Dated: September 7, 1983.

John Wise,

Acting Regional Administrator.

[FR Doc. 83-25580 Filed 9-22-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 60 and 61

[A-9-FRL 2436-8]

Delegation of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Pollutants (NESHAPS) State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule-related notice.

SUMMARY: The EPA hereby places the public on notice of its delegation of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Pollutants (NESHAPS) authority to the California Air Resources Board (CARB) on behalf of the Kern County Air Pollution Control District (KCAPCD). This action is necessary to bring the NSPS and NESHAPS program delegations up to date with recent EPA promulgations and amendments of these categories. This action does not create any new regulatory requirements affecting the public. The effect of the delegation is to shift the primary program responsibility for the affected NSPS and NESHAPS categories from EPA to State and local governments.

EFFECTIVE DATE: July 12, 1983.

ADDRESS: Kern County Air Pollution Control District, 1601 "H" Street, Suite 250, Bakersfield, CA 93301.

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, New Source Section (A-3-1), Air Operations Branch, Air Management Division, EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105, Tel: (415) 974-8236, FTS 454-8236.

SUPPLEMENTARY INFORMATION: The CARB has requested authority for delegation of certain NSPS and NESHAPS categories on behalf of the KCAPCD. Delegation of authority was granted by a letter dated June 27, 1983 and is reproduced in its entirety as follows:

Mr. James D. Boyd,

Executive Officer, California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, CA 95812

Dear Mr. Boyd: In response to your request of June 6, 1983, I am pleased to inform you that we are delegating to your agency authority to implement and enforce certain categories of New Source Performance Standards (NSPS) on behalf of the Kern County Air Pollution Control District (KCAPCD). We have reviewed your request for delegation and have found the KCAPCD's programs and procedures to be acceptable. This delegation includes authority for the following source categories:

NSPS	40 CFR Part 60 subpart
Surface Coating of Metal Furniture	EE.
Lead-Acid Battery Manufacturing Plants	KK.
Phosphate Rock Plants	NN.
Graphic Arts Industry: Publication Rotogravure Printing	QQ.
Industrial Surface Coating: Large Appliances	SS.
Metal Coil Surface Coating	TT.
Asphalt Roofing and Asphalt Roofing Manufacture.	UU.

In addition, we are redelegating the following NSPS and NESHAPS categories since the KCAPACD's revised programs and procedures are acceptable:

NSPS	40 CFR part 60 subpart
General Provisions	A.
Fossil-Fuel Fired Steam Generators	D.
Electric Utility Steam Generators	Da.
Incinerators	E.
Portland Cement Plants	F.
Nitric Acid Plants	G.
Sulfuric Acid Plants	H.
Asphalt Concrete Plants	I.
Petroleum Refineries	J.
Storage Vessels for Petroleum Liquids	K.
Petroleum Storage Vessels	Ka.
Secondary Lead Smelters	L.
Secondary Brass & Bronze Ingot Production Plants.	M.
Iron and Steel Plants (BOPF)	N.
Sewage Treatment Plants	O.
Primary Copper Smelters	P.
Primary Zinc Smelters	Q.
Primary Lead Smelters	R.
Primary Aluminum Reduction Plants	S.
Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants.	T.
Phosphate Fertilizer Industry: Superphosphoric Acid Plants.	U.
Phosphate Fertilizer Industry: Diammonium Phosphate Plants	V.
Phosphate Fertilizer Industry: Triple Superphosphate Plants	W.
Phosphate Fertilizer Industry: Granular Triple Superphosphate	X.
Coal Preparation Plants	Y.
Ferroalloy Production Facilities	Z.
Iron and Steel Plants (Electric Arc Furnaces)	AA.
Kraft Pulp Mills	BB.
Glass Manufacturing Plants	CC.
Grain Elevators	DD.
Stationary Gas Turbines	GG.
Lime Manufacturing Plants	HH.
Automobile & Light-Duty Truck Surface Coating Operations.	MM.
Ammonium Sulfate	PP.

NESHAPS	40 CFR part 61 subpart
General Provisions	A.
Asbestos	B.
Beryllium	C.
Beryllium Rocket Motor Firing	D.
Mercury	E.
Vinyl Chloride	F.

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Parts 60 and 61, including use of EPA's test methods and procedures. The delegation is effective upon the date of this letter unless the USEPA receives written notice from you or the District of any objections within 10 days of receipt of this letter. A notice of this delegated authority will be published in the **Federal Register** in the near future.

Sincerely yours,

John Wise,

Acting Regional Administrator.

cc: Kern County Air Pollution Control District

With respect to Kern County all reports, applications, submittals, and other communications pertaining to the above listed NSPS and NESHAPS source categories should be directed to the KCAPCD at the address shown in the ADDRESS section of this notice.

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

This Notice is issued under the authority of Section 111 of the Clean Air Act, as amended (42 U.S.C. 1857, *et seq.*).

Dated: September 7, 1983.

John Wise.

Acting Regional Administrator.

[FR Doc. 83-25583 Filed 9-22-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[Region II Docket No. 7; A-2-FRL 2383-5]

Designation of Areas for Air Quality Planning Purposes; Revisions to Section 107 Attainment Status Designations for the State of New Jersey

Correction

In FR Doc. 83-22612 beginning on page 37404 in the issue of Thursday, August 18, 1983, make the following correction.

On page 37405, first column, the table for "New Jersey—CO", correct the entries for "The City of Perth Amboy" and "Remainder of AQCR" which both appear under "New Jersey-New York-Connecticut Interstate AQCR:" to read as follows:

NEW JERSEY—CO

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
New Jersey-New York-Connecticut Interstate AQCR:		
* * * * *		
The City of Perth Amboy	X	
* * * * *		
Remainder of AQCR		X
* * * * *		

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

41 CFR Part 14-7

Interior Procurement Regulations; Washington State Sales and Use Taxes

AGENCY: Office of the Secretary, Interior.

ACTION: Final rule.

SUMMARY: This rule amends the Interior Procurement Regulations (IPR) to delete the clause at § 14-7.650-5(f), Washington State Sales and Use Taxes. This action is being taken in order to comply with the Supreme Court decision *Washington* v. *United States*, 460 U.S. 103 S. Ct. 1344 (March 29, 1983), which declared the referenced tax to be constitutional.

EFFECTIVE DATE: October 24, 1983.

FOR FURTHER INFORMATION CONTACT: Wiley W. Horsley, Jr., Office of Acquisition and Property Management, Division of Acquisition and Grants, Department of the Interior, Washington, D.C. 20240; (202) 343-3345.

SUPPLEMENTARY INFORMATION: This rulemaking action is designed to eliminate the policy of the Department which requires construction contractors to seek exemptions from the Washington State sales and use tax on materials purchased for Interior construction contracts. This action is necessary to comply with the Supreme Court decision which found the tax to be constitutional.

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process.

Public comment is not being requested on this rulemaking change since it must become effective immediately and since it is merely the implementation of the referenced Supreme Court decision.

The Department of the Interior has certified that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) since subsequent contract prices will reflect all costs included in the fixed price bids on any contract awards affected by the rule. This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* Further, the Director of the Office of Management and Budget has exempted agency procurement regulations from the requirements of E. O. 12291.

Primary author: The primary author of this rule is Wiley W. Horsley, Jr., Branch of Policy and Regulations, Division of Acquisition and Grants, Office of Acquisition and Property Management (202) 343-3345.

List of Subjects in 41 CFR Part 14-7

Government procurement, Administrative practices and procedures, Environmental protection, Indian business and finance, Labor surplus area, Minority businesses, and Small businesses.

Dated: September 13, 1983.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

Accordingly, pursuant to the authority of 5 U.S.C. 301 and 40 U.S.C. 486(c), 41 CFR 14-7.6 is amended by removing and reserving paragraph (f) as follows:

PART 14-7—CONTRACT CLAUSES

Subpart 14-7.6—Fixed Price Construction Contracts

§ 14-7.650 Additional interior contract clauses.

* * * * *

§ 14-7.650-5 Local taxes.

* * * * *

(f) [Reserved]

[FR Doc. 83-25960 Filed 9-22-83; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 4, 26, 35, 78, 97, 109, 167 185, 196, and 197

[CGD 82-023]

Casualty Reporting Requirements

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This final rule adopts the interim final rule which amended the written reporting requirements for marine casualties, injuries and loss of life. The interim final rule, as adopted, specifically provided 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 23, 1983.

FOR FURTHER INFORMATION CONTACT: LCDR Tony E. HART, Office of Merchant Marine Safety (202-426-6251), 7:00 a.m. to 3:30 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: The interim final rule which provided for the use of a single new casualty reporting form, among other things, was published on pages 35741-35748 of the **Federal Register** of August 16, 1982. The period for comments regarding that interim final rule extended from August 16, 1982 until January 1, 1983. A total of 4 comments were received; 3 of which were from businesses and 1 from a federal agency.

Three commenters pointed out inaccuracies in the instruction section of the new reporting Form, CG-2692. These editorial errors have been corrected.

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 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 suggested adding the requirement for the person completing Form CG–2692 to indicate whether the causalty involved an "unsafe act" or "hazardous condition." The Coast Guard does not concur with this suggestion. We believe that the Coast Guard investigating officer can develop a more objective determination as to whether either of these factors was present.

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.

List of Subjects in Parts 4.26, 35, 78, 97, 109, 167, 185, 196, and 197

Marine safety, Reporting and recordkeeping requirements.

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 evalution of that rule indicated an expected annual reduction in reports by approximately 1000, and an annual savings of $20,000. 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.

(Sec. 10, 18 Stat. 128 (33 U.S.C. 361); R.S. 4450, as amended (46 U.S.C. 239); R.S. 4405 (46 U.S.C. 375); 80 Stat. 938 (49 U.S.C. 1655(b)(1); 49 CFR 1.46 (b)))

Dated: June 9, 1983.

L. N. Hein,

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

[FR Doc. 83-25888 Filed 9-22-83; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[Gen. Docket No. 81-768; FCC 83-422]

Selection From Among Certain Competing Applications Using Random Selection or Lotteries Instead of Comparative Hearings

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document revises three sections of the final regulations implementing the lottery provision of the Communications Amendments Act of 1982, which were published June 13, 1983 (48 FR 27182). The revisions are necessary to establish the Managing Director as the Commission official with general responsibility for the lottery selection process. This ensures complete objectivity and prevents even the appearance of partiality in the conduct of the random selection drawings.

EFFECTIVE DATE: October 19, 1983.

FOR FURTHER INFORMATION CONTACT: Randy W. Thomas, Office of General Counsel, Federal Communications Commission, Washington, D.C. 20554, Tel. (202) 632–6990.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

Third Order

In the matter of selection from among certain competing applications using random selection or lotteries instead of comparative hearings; Gen. Docket No. 81–768.

Adopted: September 15, 1983.

Released: September 19, 1983.

By the Commission:

1. In March 1983, the Commission adopted a *Second Report and Order* in this docket that established rules for a random selection system to select initial licensees in certain services when there is more than one applicant for a communications facility. 48 FR 27182 (June 13, 1983).

2. The *Second Report and Order, inter alia,* established rules specifying that lotteries would be conducted under the direction of the Chiefs of the relevant licensing Bureaus. *See* Rule § 1.822(b), 1.972(c) and 1.1603(a). To ensure complete objectivity and to prevent even the appearance of partiality, we believe that the conduct of the random selection drawings should be under the direction of the Commission's Managing Director. Thus, this document amends the cited rule sections to delete the reference to licensing Bureau Chiefs as the officials responsible for conducting lotteries. Pursuant to 47 CFR 0.11, the Managing Director will be the Commission official with overall responsibility for the conduct of all random selections.

3. We find that prior notice and comment procedures are unnecessary to implement the rule amendments in the attached Appendix because the amendments involve general rules of agency practice or procedure. *See* 5 U.S.C. 553(b)(3)(A). The rule amendments we are adopting merely establish the Managing Director, in lieu of licensing Bureau Chiefs, as the Commission official with overall responsibility for the random selection system. Therefore, we believe that this action is noncontroversial and unlikely to originate any significant public comment.

4. In view of the foregoing and pursuant to Sections 1, 4 (i) and (j) and 309(i) of the Communications Act of 1934, as amended, it is hereby ordered That Part 1 of the Commission's Rules is amended as set forth in the attached Appendix, effective October 19, 1983.

5. For further information contact Randy W. Thomas, Office of General Counsel. (202) 632–6990.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 1—[AMENDED]

§ 1.822 [Amended]

1. In § 1.822, paragraph (b) is revised by removing the second sentence that reads as follows: "Each such random selection shall be conducted under the

direction of the Chief of the Common Carrier Bureau."

§ 1.972 [Amended]

2. In § 1.972, paragraph (c) is revised by removing in the second paragraph the second sentence that reads as follows: "Each such random selection shall be conducted under the direction of the Chief of the Private Radio Bureau."

§ 1.603 [Amended]

3. In § 1.1603, the present text of paragraph (a) is removed and paragraph (b) is redesignated as the text of the section.

[FR Doc. 83-25822 Filed 9-22-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 25

Procedural Dates Clarified for New Satellite Filings

AGENCY: Federal Communications Commission.

ACTION: Rule-related notice.

SUMMARY: This document clarifies various procedural dates for new satellite filings established by the Commission's Report and Order in CC Docket No. 81-704, FCC 83-184 released August 16, 1983 (48 FR 40233, Sept. 6, 1983), 1983 Orbit Assignment Order, FCC 83-186 released August 12, 1983, and new application processing order, FCC 83-185 released August 12, 1983 (48 FR 40256, Sept., 6, 1983). Specific dates were specified for filing Petitions for Reconsideration, Acceptance of Authorizations, New Applications, and Proposed Exchanges of Orbit Locations.

DATES: The two key dates are October 6, 1983 for petitions and November 7, 1983 for new applications.

FOR FURTHER INFORMATION CONTACT: Cecily Holiday or Robert Mazer, Common Carrier Bureau, (202) 634-1624.

[Report No. DS-207.

Procedural Dates Clarified for New Satellite Filings

September 9, 1983.

The Commission's *Report and Order* in CC Docket No. 81-704, FCC 83-184 released August 16, 1983, was published in the **Federal Register** on September 6, 1983. The following procedural dates are accordingly established.

Petitions for Reconsideration. Any petition seeking reconsideration of the *Report and Order, supra,* the *1983 Orbit Assignment Order,*[1] or the *1983 Processing Order,*[2] must be filed with the Commission on or before October 6, 1983.[3] Oppositions and replies will be due by the dates determined in accordance with Section 1.429 of the Commission's Rules and Regulations, 47 CFR 1.429, with respect to a petition for reconsideration of the *Report and Order.*

Acceptance of Authorizations. Each grantee of an authorization listed in note 3 *supra* is afforded until September 16, 1983 to decline its authorization as conditioned. Failure to respond within that period will constitute formal acceptance of the authorization as conditioned.[4]

New Applications. Any application for a new domestic satellite space station authorization must be filed in a form acceptable for filing by November 7, 1983 if it is to be considered by the Commission in conjunction with the applications listed in Appendix A to the *1983 Processing Order, supra.* Any other entity proposing the construction and operation of a satellite that is to employ frequencies and orbit locations usable by domestic satellites[5] must have an application on file by the same date if it is to be considered in conjunction with such domestic satellites with respect to the assignment of specific frequencies and orbit locations to domestic satellites. The assignment of specific frequencies and orbit locations for other than domestic satellite operations, e.g. satellites designed for international service or feeder links in bands used by domestic satellites, may be done in a separate proceeding which includes additional such proposals that may be filed after November 7, 1983. However, satellite proposals filed after November 7, 1983 which conflict with satellite requests filed pursuant to the *1983 Processing Order, supra,* will have to be accommodated at orbit locations and/or in frequency bands other than those assigned to domestic satellites filed by November 7, 1983. Appendix B to the *1983 Processing Order, supra,* specifies the minimum information required for a domestic satellite space station application to be considered acceptable for filing in this proceeding.[6] Applications which are unacceptable for filing will be dismissed.[7] *See 1983 Processing Order, supra* at paragraph 5.

Exchange of Orbit Locations. Voluntary exchanges of orbital locations assigned by the *1983 Orbit Assignment Order, supra,* between grantees may be proposed at any time.[8] Requests for orbital locations identified as "unassigned" in the Appendix to the *1983 Orbit Assignment Order, supra,* will be treated as a new space station application in accordance with the *1983 Processing Order, supra.* Any other proposed changes in orbital location assignments must be filed by October 6, 1983[9] in order to insure that they will be considered before processing begins of the new space station applications filed pursuant to the *1983 Processing Order, supra.*

For further information, please contact Robert Mazer or Cecily Holiday at (202) 634-1624.

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[1] *Memorandum Opinion and Order,* FCC 83-186 released August 12, 1983.

[2] *Memorandum Opinion and Order,* FCC 83-185 released August 12, 1983.

[3] Individual space station authorizations were granted in *Advanced Business Communications, Inc.,* FCC 83-187 released August 3, 1983; *American Telephone and Telegraph Company,* FCC 83-188 released August 3, 1983; *American Satellite Company,* FCC 83-189 released August 4, 1983; *Hughes Communications, Inc.,* FCC 83-190 released August 3, 1983; *Rainbow Satellite, Inc.,* FCC 83-191 released August 3, 1983; *RCA American Communications, Inc.,* FCC 83-192 released August 4, 1983; *Satellite Business Systems,* FCC 83-193 released August 4, 1983; *Southern Pacific Communications Company,* FCC 83-194 released August 4, 1983; *United States Satellite Systems, Inc.,* FCC 83-195 released August 4, 1983; and *Western Union Telegraph Company,* FCC 83-196 released August 4, 1983. Pursuant to Sections 1.106(f) and 1.4(b) of the Commission's Rules and Regulations, 47 CFR 1.106(f) and 1.4(b), a petition for reconsideration of the grant of any of these authorizations was due to be filed within thirty days of the date of the release of the text of the *Order and Authorization* involved.

[4] An application for modification of authorization will be required for any proposed changes to the specified technical parameters or the terms and conditions of the authorization, or for an extension of time to complete a particular activity. Authorizations may be corrected without the filing of an application, however, to reflect the specifics proposed in the application as it was before the Commission on April 26, 1983. *See also, Report and Order, supra* at paragraph 103.

[5] Pending domestic fixed satellite applications propose the use of the 3700-4200 MHz, 5925-6425 MHz, 11.7-12.2 GHz and 14.0-14.5 GHz frequency bands and orbital locations between about 60° and 150° West Longitude. *See also 1983 Orbit Assignment Order, supra* at notes 11 and 12; *Domestic Fixed Satellite Service—Orbit Deployment Plan,* 84 FCC 584, 597-600 (1981).

[6] Note, three items of information (labeled 9, 10 and 11) appear on page 3 of Appendix B to the *1983 Processing Order, supra.* These items are misplaced. Instead, they should be numbered as items 6, 7 and 8, respectively, under item D on page 2 of Appendix B.

[7] In order to allow efficient use of available staff resources to perform initial review and processing of new domestic satellite space station applications and to prepare public reference files, an application or amendment filed after the close of business on October 31, 1983 will not be routinely available for public inspection until all such applications and amendments filed on or before November 7, 1983 can be efficiently made available for inspection in the Public Reference Room of the Domestic Facilities Division, Room 331, 1200 19th Street, N.W., Washington, D.C.

[8] Such proposals will, however, be subject to a notice and comment procedure. *See Report and Order, supra* at note 100.

[9] An extension of the date indicated at paragraph 30 of the *1983 Orbit Assignment Order, supra,* for filing such proposals appears warranted in order to minimize disparate filing dates.

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

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-25398 Filed 9-22-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 581

[Docket No. 73-19; Notice 32]

Bumper Standard; Interpretive Amendment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Interpretive amendment.

SUMMARY: The Part 581 Bumper Standard specifies that certain equipment be removed from a vehicle before testing. This notice clarifies the wording of a May 20, 1982, amendment to make it clear that: (1) No change was intended in the requirement as it related to trailer hitches and license plate brackets, i.e., that all trailer hitches and license plate brackets are removed, whether or not they are optional equipment, and (2) all running lights and fog lamps which are optional equipment should be removed, whether or not they are mounted on the bumper face bar.

DATE: Effective date is September 23, 1983.

FOR FURTHER INFORMATION CONTACT: Nelson Gordy, Office of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590; 202-426-1740.

SUPPLEMENTARY INFORMATION: Section 581.6(a)(5) of the Bumper Standard specifies that certain equipment be removed from a vehicle before testing. Prior to the most recent amendment, the section specified that trailer hitches and license plate brackets be removed from the vehicle. The standard was amended in a notice published in the **Federal Register** (47 FR 21820) on May 20, 1982, which, among other things, expanded the specified equipment that is removed to include headlamp washers and certain optional equipment, i.e., running lights, fog lamps and equipment mounted on the bumper face bar. The section was revised to read:

> Trailer hitches, license plate brackets, running lights, fog lamps, other optional equipment mounted on the bumper face bar and headlamp washers are removed from the vehicle.

The amended section might be read to be more restrictive than the former section as it relates to trailer hitches and license plate brackets, i.e., that only trailer hitches and license plate brackets which are optional equipment must be removed. This notice clarifies the wording of that amendment to make it clear that no change was intended in the requirement as to these types of equipment. Thus, this notice makes it clear that all trailer hitches and license brackets must be removed. The agency neither proposed nor intended any change in the requirement as it relates to those types of equipment.

Another possible question of interpretation under the amended section is whether all running lights and fog lamps which are optional equipment should be removed, or only those which are mounted on the bumper face bar. This notice clarifies the wording of the amendment to make it clear that running lights and fog lamps which are optional equipment should be removed, whether or not they are mounted on the bumper face bar.

This amendment is an interpretive amendment which does not change the substantive requirements of the Bumper Standard in any respect. Accordingly, it is found for good cause shown that notice and comment are unnecessary and that an immediate effective date is in the public interest.

The agency has considered the economic and other impacts of this amendment and determined that it is neither a major rule within the meaning of Executive Order 12291 nor a significant rule under the Department of Transportation's regulatory policies and procedures. Further, the agency concludes that the economic and other consequences of this amendment are so minimal as not to require preparation of a full regulatory evaluation. The impact is minimal because the amendment does not change the substantive requirements of the standard.

The agency has also reviewed the effects of this amendment for purposes of the National Environmental Policy Act. The agency has determined that the amendment will not have any significant impact on the human environment.

The Regulatory Flexibility Act does not apply to rules, such as this, which are issued without notice and comment. The agency notes, however, that since the amendment does not change the substantive requirements of the standard, it follows that the amendment will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 49 CFR Part 581

Motor vehicle safety, Motor vehicles.

PART 581—BUMPER STANDARD

In consideration of the foregoing, 49 CFR Part 581 is amended as follows:

Section 581.6(a)(5) is revised to read:

§ 581.6 Conditions.

(a) * * *

(5) Trailer hitches, license plate brackets, and headlamp washers are removed from the vehicle. Running lights, fog lamps, and equipment mounted on the bumper face bar are removed from the vehicle if they are optional equipment.

* * * * *

(Sec. 102, Pub. L. 92-513, 88 Stat. 947 (15 U.S.C. 1912); secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50 and 501.7)

Issued on: September 19, 1983.

Diane K. Steed,

Deputy Administrator.

[FR Doc. 83-25994 Filed 9-22-83; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1043

[Ex Parte No. MC-5 (Sub-1)]

Motor Carriers of Property Minimum Amounts of Bodily Injury and Property Damage Liability Insurance

AGENCY: Interstate Commerce Commission.

ACTION: Modification of final rules.

SUMMARY: The Commission adopted final rules in this proceeding to implement statutory requirements that we adopt minimum amounts of insurance at levels prescribed by the Secretary of Transportation for for-hire interstate motor carriers of property regulated by the Commission. In those rules, we also reconciled differences in the insurance programs of this Commission and the U.S. Department of Transportation (DOT). The final rules were published at 47 FR 55939 (December 14, 1982), to be effective February 14, 1983, and their effective date has since been postponed until October 3, 1983.

The Commission is now modifying the rules adopted to incorporate liability limits subsequently mandated by law and adopted by DOT and is including technical changes in the rules both to

further reconcile differences in the two agency programs and to ease the burden of making financial responsibility filings by the affected carriers.

When these modifications become effective, the final rules previously adopted, as modified, will replace the temporary insurance rules, published on July 27, 1981, and codified at 49 CFR 1043.2(c).

EFFECTIVE DATE: November 22, 1983.

FOR FURTHER INFORMATION CONTACT:
Alice K. Ramsay, (202) 275–0854
or
Delores Patterson, (202) 275–0898

SUPPLEMENTARY INFORMATION:

Background

A prior decision in this proceeding adopted final rules which brought the Commission's financial responsibility regulations into conformity with those of the Federal Highway Administration of DOT. The Surface Transportation Assistance Act of 1982 (STAA), Pub. L. 97–424, 96 Stat. 2097, modified the minimum levels of financial responsibility required for some of the affected motor carriers of property. Moreover, that Act gave the Secretary of Transportation further discretionary authority in implementing the financial responsibility provisions of the Motor Carrier Act of 1980 as to the minimum amounts of insurance that can be required of all affected carriers. Under authority of the STAA, DOT published an emergency regulation on February 7, 1983 (48 FR 5559), a technical correction to its final rules on March 3, 1983 (48 FR 9014), a notice of proposed rulemaking on April 11, 1983 (48 FR 15499), and interim final rules on June 28, 1983 (48 FR 29698). All affected carriers subject to the Commission's financial responsibility rules must meet the DOT requirements for minimum amounts of bodily injury and property damage liability insurance and those amounts are being required in this Commission's financial responsibility program because they are the minimum amounts that may be required under the provisions of 49 U.S.C. 10927.

Overview

In addition to dealing with changes in the minimum limits established by statute in the STAA and those established by exercise of the discretionary authority of the Secretary of Transportation, this decision deals with several problems that have become evident since the final rules were adopted. Most are susceptible to resolution by modification of portions of 49 CFR Part 1043. Specifically §§ 1043.2(b), 1043.6(a), and 1043.7(a).

Small Freight Vehicles

As previously published, the final rules established requirements for carriers operating freight vehicles of 10,000 pounds or more Gross Vehicle Weight Rating (GVWR) and different, lesser requirements for those operating freight vehicles under 10,000 pounds GVWR. This gave rise to the belief that, if a single carrier fleet included both, a separate set of Endorsement and Certificate of Insurance Forms is required for each. Such a duplicative requirement was not intended. Where there are both types of vehicles in a single carrier fleet, the documents required for the higher requirements are adequate to protect the public. Therefore, 49 CFR 1043.2(b)(1), which establishes the requirements for the small vehicles has been rewritten, not only to reflect the statutory change that effectively reduces this category to vehicles not transporting the hazardous commodities described in the STAA, but also to make it clear that this particular requirement is applicable to carrier fleets including only freight vehicles under 10,000 pounds GVWR.

There has been some concern that, when the Commission accepts an Insurance Certificate for filing, whether as part of an aggregation plan, or otherwise, it will not know by the filing itself whether it, or the group of filings, is sufficient to meet the minimum coverage requirements for the particular carrier. This problem was acknowledged in the prior decision, at 47 FR 55541, and the problem is no more severe whether it arises in connection with fleets made up of vehicles under 10,000 pounds GVWR or in connection with limits that depend on whether larger vehicles are actually operated to transport hazardous materials. It is the carrier's responsibility to obtain the required coverage and that of the Commission staff to monitor carrier operations to determine whether the appropriate endorsement has been obtained and the required evidence of security has been filed. Thus, this concern requires no modification of the rules beyond the clarification already discussed.

Cancellations

A similar concern has arisen as to the effective meaning of notices of cancellation, particularly when the cancellation of a portion (or layer) of aggregated coverage is signalled. By the filing itself the Commission will not know whether the transportation has ceased, the type of required coverage reduced, or the carrier no longer has adequate insurance to meet the requirements of the law. To attempt to impose a filing system that would eliminate those concerns would impose onerous and burdensome requirements on the carriers and their insurers and still would undoubtedly leave room for uncertainty in some instances. In the circumstances, again there appears to be no need for additional changes in the rules but a need for relatively simple basic filings, coupled with appropriate monitoring by the Commission staff.

Public Suggestions Regarding Forms

A number of members of the public have brought questions and suggested changes with respect to the Bond, Certificate of Insurance, and Cancellation Forms prescribed and their use to our attention during the pendancy of the postponement. Those submitted in writing are by The Travelers Companies, by the American Insurance Association, which endorsed the suggestions of the Travelers with minor modifications, and by the law firm of Day, Berry, and Howard, which correctly points out that the regulation describing the use of Form BMC 91X inadvertently made reference to an inapplicable regulation.

Generally, those suggestions by the insurance companies are directed to streamlining filing procedures and to reducing paper flow and filing expenses. Their objective is to achieve a single filing procedure with the following three stated advantages:

(1) Any BMC 91 certificate automatically represents at least the full security limits required to satisfy § 1043.2(b)(1) and relieves the Commission and insurers of any uncertainty regarding that transportation group.

(2) The same BMC 91 certificate will also allow one or more insurer to participate in the aggregation of limits under § 1043.2(b)(2).

(3) Such a system would address the stated concerns of the administration in reducing paperwork required by regulatory authorities and in effect reduce the "cost of doing business."

We endorse these objectives but, because of other pending changes in financial responsibility regulations both before this Commission and DOT, and of the need to adopt a system that will accommodate these changes, we are approaching this subject somewhat differently than suggested. We realize that our modifications will not meet the desire for a single certificate form, but believe that Form BMC 91 will come into disuse gradually, and that, as modified, BMC 91X will increasingly become the prevailing form whether it is used to reflect full, primary, or excess coverage.

The extension of the use of Form BMC 91 as an alternate for § 1043.2(b)(2) filings is solely for the convenience of those carriers and insurers who have adequate policy limits, are used to this form, and wish to continue to use it for convenience.

Under the modifications adopted here:

(1) Any Form BMC 91 Certificate of Insurance automatically represents the full security limits required while it remains in force to satisfy §§ 1043.2(b)(1) or 1043.2(b)(2) requirements with respect to the particular carrier on behalf of which it is filed.

(2) Any Form BMC 91X Certificate of Insurance will allow one or more insurer to insure, or participate in the aggregation of, limits under § 1043.2(b)(2) and, when additional aggregation is authorized, under § 1043.2(b)(1). The form will be modified slightly to so provide.

(3) The desired reduction in paperwork and cost of doing business will be achieved by these changes and further reduced by the format changes discussed below.

Form Format

The format of both Forms BMC 91 and BMC 91X will be modified and adopted without substantive change to allow for its completion by filling in blanks on one side of the form, with the printing of the form's full implication on the back. This is preferable to having the form's text and the information supplied by the insurer intermixed on both sides as required under the rules being modified. It should facilitate completion of the forms by the insurer whether by hand, typewriter, or word processor, simplify the recording of information by this Commission, and enable the suppliers and users of the forms to provide form sets for completing the required copies in a single operation.

Form Specifications

Following adoption of our final rules, the Commission supplied all insurance companies that make filings with the Commission specimen copies of Forms BMC 91, BMC 91X, and BMC 35, specifying that their colors must be respectively white, orange, and pink and that they must be 8 x 5 inches in size and printed on a good grade of paper at least as heavy as the specimen supplied. Unfortunately, each of the forms was printed on the grade of paper stock which was then available in that color and each was different from the others. Additionally, some of the specimen forms were printed on stock which was too heavy to provide the required multiple copies of that form conveniently and inexpensively or to readily fold three copies and place them in a standard size envelope. Moreover, the particular orange stock chosen is not generally available to the printing industry.

To lessen confusion, to reduce expenses, and to facilitate the early use of forms, we are discontinuing the practice of providing specimen of the forms which, in any event, must be supplied by the insurance or surety companies. Instead, we are specifying that all forms used in the Commission's financial responsibility and security programs must be printed on paper stock which, as a minimum, is 20 lb. bond or equivalent.

The newly revised Forms BMC 91 and BMC 91X prescribed in this proceeding are set forth in Appendix A. It should be noted that, while the text on the face of each of these two forms is different from that on the other, the text appearing on the back of both is identical. With one exception, all copies of these forms filed with the Commission must use the exact wording shown in Appendix A and follow the formats as closely as possible. Because of the proximity of the expiration date of OMB approval on these forms and the expense to insurers of printing too few forms or having obsolete stock on their hands so soon after printing, we are specifically authorizing the Forms BMC 91 and BMC 91X to be printed and used without showing an expiration date until they have been resubmitted to OMB and approved for a longer period.

There has been no change in any other forms prescribed in this proceeding from those previously published and, therefore, Appendix A is limited to these two forms. The required size for both forms continues to be 8 x 5 inches and they must be filed in triplicate with all three copies properly signed. The color for Form BMC 91 will continue to be "white" as it has been in the past. The required color for Form BMC 91X should be as close to "salmon" as possible, inasmuch as we understand that salmon is the color closest to orange generally available to printers in appropriate bond. Color coding of the forms continues to be important to facilitate their ready identification by both the Commission staff and the members of the public who use them. Appendix A will not be printed in the Code of Federal Regulations.

Environmental and Energy Considerations

This action does not significantly affect the quality of the human environment or the conservation of energy resources.

Final Regulatory Flexibility Analysis

When we published final rules in this proceeding, we included a final regulatory flexibility analysis (47 FR 55943) and concluded that the decision is fully in accord with the Regulatory Flexibility Act's objectives. The modifications represented in the revisions of the final rules which are adopted and published here do not change that conclusion. They simply bring the security limits requirements of our regulations into accord with the requirements that the affected carriers must already meet under the most current requirements of DOT and clarify the requirements concerning the use of bonds, certificates of insurance, other Commission and DOT forms, and the procedures involved. All such revisions have been made to benefit the substantial number of small entities that will be affected by these financial responsibility requirements and there are no significant alternatives which would accomplish the objectives of this proceeding and the statutory mandate of 49 U.S.C. 10927, requiring the filing of evidence of insurance or surety bonds with this Commission. The previously published final rules, with the modifications made here, will become effective 60 days after publication in the **Federal Register.**

Copies of this notice of final rules are available to the public and may be obtained from TS Infosystems, Interstate Commerce Commission, Room 2227, Washington, D.C. 20423. A copy of this notice of final rules will be served on the Chief Counsel for Advocacy of the Small Business Administration, the Director of the Office of Management and Budget, and the Federal Highway Administrator of the Department of Transportation.

List of Subjects for 49 CFR Part 1043

Insurance, Motor carriers, Surety bonds.

Final Rules

Part 1043, Subtitle B, Chapter X of Title 49 of the Code of Federal Regulation is amended as follows:

PART 1043—[AMENDED]

1. Section 1043.2(b) is revised to read as follows:

§ 1043.2 Insurance, minimum amounts.

* * * * *

(b)(1) Motor carriers subject to § 1043.1(a)(1) are required to have security for the required minimum limits as follows:

Kind of equipment	Limit for bodily injuries to or death of one person	Limit for bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of $100,000 for bodily injuries to or death of one person	Limit for loss or damage in any one accident to property of others (excluding cargo)
Carrier operates only freight vehicles under 10,000 Pounds GVWR and transports only commodities not subject to § 1043.2(b)(2)(d)	$100,000	$300,000	$50,000
Passenger equipment* (seating capacity): 12 passengers or less	100,000	300,000	50,000
More than 12 passengers	100,000	500,000	50,000

*NOTE.—Under Section 18(a) of the Bus Regulatory Reform Act of 1982, Public Law 97-261, passenger vehicles are made subject to higher levels of financial responsibility under regulations to be established by the Secretary of Transportation. They will be separated into two categories; those with a seating capacity of 16 passengers or more and those with a seating capacity of 15 or less. The new limits will be effective on November 19, 1983, and these changes as well as our pending proposal to allow aggregation and single limits for such carriers will be reflected in other rulemakings. See also NOTE for § 1043.6.

(2) Motor carriers subject to § 1043.1(a)(2) are required to have security for the required minimum limits as follows:

Kind of equipment	Commodity transported	July 1, 1983*	July 1, 1984*
(a) Freight Vehicles of 10,000 Pounds or More GVWR.	Property (non-hazardous)	$500,000	$750,000
(b) Freight Vehicles of 10,000 Pounds or More GVWR.	Hazardous substances, as defined in 49 CFR 171.8, transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons, or in bulk Class A or B explosives, poison gas (Poison A) liquefied compressed gas or compressed gas, or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455.	1,000,000	5,000,000
(c) Freight Vehicles of 10,000 Pounds or More GVWR.	Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (b) above or (d) below.	500,000	1,000,000
(d) Freight Vehicles Under 10,000 Pounds GVWR.	Any quantity of Class A or B explosives; any quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455.	1,000,000	5,000,000

*Note: The effective date of the current required minimum limit in 49 CFR 1043.2(b)(2)(d) was January 6, 1983, in accordance with the requirements of Pub. L. 97-424, 96 Stat. 2097

§ 1043.2 [Amended]

2. Section 1043.2(c) is removed.

3. Section 1043.6(a) is revised to read as follows:

§ 1043.6 Bonds and certificate of insurance.

(a) *Public liability.* Each Form BMC 82 surety bond filed with the Commission must be for the full limits of liability required under § 1043.2(b)(1). Form MCS–82 surety bonds and other forms of similar import prescribed by the Department of Transportation, may be aggregated to comply with the minimum security limits required under § 1043.2(b)(1) or § 1043.2(b)(2). Each Form BMC 91 certificate of insurance filed with the Commission will always represent the full security minimum limits required for the particular carrier, while it remains in force, under §§ 1043.2(b)(1) or 1043.2(b)(2), whichever is applicable. Any previously executed Form BMC 91 filed before the current revision which is left on file with the Commission after the effective date of this regulation, and not canceled within 30 days of that date will be deemed to certify the same coverage limits as would the filing of a revised Form BMC 91. Each Form BMC 91X certificate of insurance filed with the Commission will represent the full security limits under §§ 1043.2(b)(1) or 1043.2(b)(2) or the specific security limits of coverage as indicated on the face of the form. If the filing reflects aggregation, the certificate must show clearly whether the insurance is primary or, if excess coverage, the amount of underlying coverage as well as amount of the maximum limits of coverage.*

* * * * *

4. Section 1043.7(a) is revised to read as follows:

§ 1043.7 Forms and procedures.

(a) *Forms for endorsements, certificates of insurance and others.*—(1) *In form prescribed.* Endorsements for policies of insurance and surety bonds, certificates of insurance, applications to qualify as a self-insurer, or for approval of other securities or agreements, and notices of cancellation must be in the form prescribed and approved by the Commission.

(2) *Aggregation of Insurance.** When insurance is provided by more than one insurer in order to aggregate security limits for carriers operating only freight vehicles under 10,000 pounds Gross Vehicle Weight Rating, as defined in § 1043.2(b)(1), a separate *Form BMC 90,* with the specific amounts of underlying and limits of coverage shown thereon or appended thereto, and *Form BMC 91X* certificate is required of each insurer.

For aggregation of insurance for all other carriers to cover security limits under § 1043.2 (b)(1) or (b)(2), a separate Department of Transportation prescribed form endorsement and *Form BMC 91X* certificate is required of each insurer.

(3) *Use of Certificates and Endorsements in BMC Series.—Form BMC 91* certificates of insurance will be filed with the Commission for the full security limits under § 1043.2 (b)(1) or (b)(2).

Form BMC 91X certificate of insurance will be filed to represent full coverage or any level of aggregation for the security limits under § 1043.2 (b)(1) or (b)(2).

Form BMC 90 endorsement will be used with each filing of *Form BMC 91* or *Form 91X* certificate with the Commission which certifies to coverage not governed by the requirements of the Department of Transportation.

(4) *Use of Endorsements in MCS Series.* When Security limits certified under § 1043.2 (b)(1) or (b)(2) involves coverage also required by the Department of Transportation a *Form MCS endorsement* prescribed by the Department of Transportation such as, and including, the *Form MCS 90* endorsement is required.

(5) *Surety bonds.* When surety bonds are used rather than certificates of insurance, *Form BMC 82* is required for the security limits under § 1043.2(b)(1) not subject to regulation by the Department of Transportation, and *Form MCS 82,* or any form of similar import prescribed by the Department of Transportation, is used for the security limits subject also to minimum coverage

*Note.—Aggregation to meet the requirement of § 1043.2(b)(1) will not be allowed until the completion of our rulemaking in Ex Parte No. MC–5 (Sub-No. 2), *Motor Carrier and Freight Forwarder Insurance Procedures and Minimum Amounts of Liability.*

*Note.—See NOTE for Rule 1043.6. Also, it should be noted that DOT is considering prescribing adaptations of the Form MCS 90 endorsement and the Form MCS 82 surety bond for use by passenger carriers and Rules §§ 1043.6 and 1043.7 have been written sufficiently broad to provide for this contingency when new forms are prescribed by that Agency.

requirements of the Department of Transportation.

(6) *Surety bonds and certificates in effect continuously.*—Surety bonds and certificates of insurance shall specify that coverage thereunder will remain in effect continuously until terminated as herein provided, except (1) when filed expressly to fill prior gaps or lapses in coverage or to cover grants of emergency temporary authority of unusually short duration and the filing clearly so indicates, or (2) in special or unusual circumstances, when special permission is obtained for filing certificates of insurance or surety bonds on terms meeting other particular needs of the situation.

* * * * *

Authority: 49 U.S.C. 10321, 10927, and 5 U.S.C. 553.

Decided: September 16, 1983.

Agatha L. Mergenovich,

Secretary.

Appendix A—Prescribed Text and Format for Forms BMC 91 and BMC 91X

Note.—Appendix A will not appear in the Code of Federal Regulations.

Motor Carrier Automobile Injury Liability and Property Damage Liability Certificate of Insurance filed (in triplicate) with: Interstate Commerce Commission, Insurance Branch, Washington, D.C. 20423

I.C.C. Docket No. MC ———— (or FF ————)

Approved by OMB 3120-0096 through February 29, 1984

Date received ————

This is to certify, that the ————

————

(Name of Company)

(hereinafter called Company) of ————

————

(Home Office Address of Company)

has issued to————

(Name of Motor Carrier)

of————

(Address of Motor Carrier)

insurance under terms described on the back of this form to provide coverage for the Full Security Limits required under Section 1043.2(b)(1) or Section 1043.2(b)(2) of Title 49 of the Code of Federal Regulations.

Effective from ———— (12:01 a.m. standard time at the address of the Insured as stated in said policy or policies) and continuing until cancelled as provided in the rules and regulations under Section 10927 of Title 49 of the United States Code.

Signed at ————

Street ————

City————

State ————

Date ————

————

(Issuing Office—Full Name of Agency or Branch)

————

(Signature of Authorized Company Representative)

Insurance Company Policy No. ————

Form BMC 91 (Rev. 1982)

Motor Carrier Automobile Injury Liability and Property Damage Liability Certificate of Insurance filed (in Triplicate) with: Interstate Commerce Commission, Insurance Branch, Washington, D.C. 20423

I.C.C. Docket No. MC————(Or FF————)

Approved by OBM, 3120-0103 through 12/31/84

Date received ————

This is to certify, that the ————

————

(Name of Company)

(hereinafter called Company) of ————

————

(Home Office Address of Company)

has issued to————

(Name of Motor Carrier)

of————

(Address of Motor Carrier)

insurance under terms described on the back of this form, to provide coverage, as follows:

Check as Applicable:

Full Security Limits Required in Title 49 of the Code of Federal Regulations:

☐ Under Section 1043.2(b)(1)

☐ Under Section 1043.2(b)(2)

Security limits required under Section 1043.2(b)(1) or 1043.2(b)(2) of the same Title as follows:

☐ This insurance is primary and the company shall not be liable for amounts in excess of $——— for each accident.

☐ This insurance is excess and the company shall not be liable for amounts in excess of $——— for each accident in excess of the underlying limit of $——— for each accident.

Effective from————(12:01 a.m. standard time at the address of the Insured as stated in said policy or policies) and continuing until cancelled as provided in the rules and regulations under Section 10927 of Title 49 of the United States Code.

Signed at ————

Street

City————

State ————

Date ————

(Issuing Office—Full Name of Agency or Branch) ————

(Signature of Authorized Company Representative) ————

Insurance Company Policy No. ————

Form BMC 91X (Rev. 1982)

Back of Both Form BMC 91 and Form BMC 91X

The receipt of this certificate by the Commission certifies that a policy or policies of Public Liability (or Automobile Bodily Injury and Property Damage Liability) insurance has been issued by the company identified on the face of this form, that the company is qualified to make this filing under § 1043.8 or § 1084.6 of Title 49 of the Code of Federal Regulations, and that by the attachment of endorsement BMC 90, prescribed by the Interstate Commerce Commission, and/or an endorsement prescribed by the U.S. Department of Transportation (its MCS 90 or a form of similar import), is amended to provide the coverage or security for the protection of the public required under § 1043.2 of Title 49 of the Code of Federal Regulations. The amendment governs the operation, maintenance, or use of motor vehicles under certificate of public convenience and necessity or permit issued to the Insured by the Commission or otherwise in transportation subject to Subchapter II of Chapter 105 of Title 49, United States Code, and the pertinent rules and regulations of the Commission, regardless of whether such motor vehicles are specifically described in the policy or policies or not. The liability of the Company extends to all losses, damages, injuries, or deaths occurring within the authority granted to the Insured by this Commission or elsewhere.

The endorsement(s) described may not be cancelled without notification to the Commission. Such cancellation may be affected by the Company or the Insured giving thirty (30) days' notice in writing to the Interstate Commerce Commission at its office in Washington, D.C., said thirty (30) days' notice to commence to run from the date notice is actually received at the Office of the Commission.

Falsification of this document can result in criminal penalties prescribed under 18 U.S.C. 1001.

[FR Doc. 83-25912 Filed 9-22-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611, 672, and 675

[Docket No. 30919-191]

Foreign Fishing, Groundfish of the Gulf of Alaska, and Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Rule-related notice; inseason adjustments.

SUMMARY: NOAA announces the apportionment of amounts of Alaska groundfish to the total allowable level of foreign fishing (TALFF) and the domestic annual harvest (DAH), under provisions of the fishery management plans (FMPs) for Groundfish of the Bering Sea and Aleutian Islands Area and for the Groundfish of the Gulf of Alaska. Groundfish are apportioned according to the regulations implementing those FMPs. The intent of this action is to assure optimum use of these groundfish by allowing the foreign

and domestic fisheries to proceed without interruption.

EFFECTIVE DATE: September 20, 1983.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey (Director, Alaska Region, National Marine Fisheries Service); 907–586–7221, or Janet Smoker (Fishery Biologist, NMFS, Alaska Region); 907–586–7220.

SUPPLEMENTARY INFORMATION:

Background

Optimum yields (OYs) for various groundfish species are established by the FMP for the Groundfish of the Bering Sea and Aleutian Islands Area and by the FMP for the Groundfish of the Gulf of Alaska. These FMPs were developed under the Magnuson Fishery Conservation and Management Act and are implemented by rules appearing at 50 CFR 611.92, and 611.93, and Parts 672, and 675. The OYs are apportioned initially among DAH, reserve, and TALFF. Each reserve amount, in turn, is to be apportioned to DAH and/or TALFF during the fishing year, under 50 CFR 611.92(c), 611.93(b), 672.20(c), and 675.20(b). In addition, surplus amounts of the three components of DAH (DAP—domestic processed fish, DNP—fish retained for bait or consumption, and JVP—foreign processed fish) may be apportioned to TALFF during the fishing year under those same regulations. NOAA announces the apportionments described below these authorities.

The first scheduled date for apportioning reserves in the Bering Sea and Aleutian Islands Area was in February 1983. At that time, all reserves were retained as explained in a **Federal Register** notice published on March 15, 1983 (48 FR 10846). Amounts eligible for apportionment at that time were added to the amounts eligible for the April 1983 apportionment. In the April apportionment, certain of the reserve amounts in Bering Sea and Aleutian Islands and the Gulf of Alaska areas were apportioned to TALFF, and the entire pollock reserve in the Central Regulatory area of the Gulf was apportioned to JVP as explained in a **Federal Register** notice published on May 18, 1983 (48 FR 22299). Amounts eligible but not apportioned were added to those available for the June 1983 apportionment. In June, DAH amounts in the Bering Sea and Aleutian Islands areas were also subject to consideration for reapportionment to TALFF. In the June apportionment, certain of the reserve amounts in the Bering Sea and Aleutian Islands and the Gulf of Alaska areas were apportioned to TALFF, and the entire Pacific ocean perch reserve in the Western Regulatory area of the Gulf was apportioned to JVP as explained in a **Federal Register** notice published on July 6, 1983 (48 FR 31044). Amounts eligible but not apportioned were added to those available for the August 1983 apportionment. In August, DAH amounts in the Bering Sea and Aleutian Islands, and the Gulf of Alaska, were also subject to consideration for reapportionment to TALFF.

This action announces apportionments of reserve amounts of groundfish from the Bering Sea, Aleutian Islands and Gulf of Alaska that became available for TALFF and DAH in August 1983.

1. *Bering Sea and Aleutian Islands.* U.S. fisheries in this area are continuing to expand in 1983. Expansion of shoreside and floating processing capacity has increased DAP amounts. Also, harvests by joint ventures have exceeded some and may exceed other JVP amounts. All DNP amounts are expected to be taken. Because it is uncertain what DAH amounts, if any, are excess to the needs of U.S. fishermen, it is not practicable to reapportion any DAH to TALFF at this time. Such reapportionment will be considered at a later date. Discussion of each of the three components of DAH follows.

DAP: The DAP amount of Pacific cod has been exceeded. DAP amounts specified for all other species appear to be adequate.

DNP: DNP amounts for all species appear sufficient for projected U.S. harvests.

JVP: The stated intentions of U.S. fishermen planning to deliver to foreign processors indicate that JVP amounts of Pacific cod, Atka mackerel, turbots, and other rockfish are insufficient to meet their needs. The JVP amounts of sablefish in the Aleutian Islands area, pollock, and flatfish have already been exceeded. JVP amounts specified for all other species appear to be adequate.

Reserves: The remaining reserve of Pacific cod (6,000 mt) is apportioned to DAP. The remaining reserves of pollock (50,000 mt), other flatfish (762 mt), and Atka mackerel (1,240 mt) are apportioned to JVP. Fifty metric tons (mt) of the Aleutian Islands sablefish reserve is apportioned to JVP; the remaining 100 mt is apportioned to TALFF. The remaining reserves of the Bering Sea sablefish and the following Bering Sea and Aleutians fish are apportioned to TALFF: Pacific ocean perch, turbots, yellowfin sole, squid, other species, and other rockfish (see Summary Table of Apportionments of Reserve to TALFF).

2. *Gulf of Alaska:* U.S. fisheries have harvested large amounts of pollock in the Central Regulatory Area of the Gulf of Alaska. Continued joint venture activity is expected in the Western and Central Regulatory area. U.S. processors are expected to operate in all three regulatory areas. Because it is uncertain what DAH amounts, if any, are excess to the needs of U.S. fishermen, it is not practicable to reapportion any DAH to TALFF at this time. Such reapportionment will be considered at a later date. Apportionment of reserves is addressed by individual regulatory area.

Western Regulatory Area

DAP: The stated capacity and intentions of domestic processors indicate the DAP amount of Pacific cod is insufficient to meet their needs. DAP amounts for all other species appear to be adequate.

DNP: The DNP amount for Pacific cod appears sufficient for projected U.S. harvests.

JVP: A joint venture targeting on Pacific ocean perch has exceeded the JVP for that species. The stated intentions of U.S. fishermen planning to deliver to foreign processors indicate that the JVP amounts of Pacific cod and Atka mackerel may be insufficient to meet their needs. JVP amounts for all other species appear to be adequate.

Reserves: The remaining reserve of Atka mackerel (936 mt) is apportioned to JVP. The remaining reserve of Pacific cod (3,312 mt) is apportioned to DAP. The entire Pacific ocean perch reserve was apportioned to JVP in the June apportionment. The remaining reserves for pollock, flounders, and sablefish are apportioned to TALFF (see Summary Table of Apportionments to TALFF).

Central Regulatory Area

DAP: The DAP amounts for all species appear sufficient for projected U.S. processing.

DNP: The DNP amount for Pacific cod appears sufficient for projected U.S. harvests.

JVP: One joint venture targeting on Pacific cod is in progress, with another proposed for later in the year. The amount of Pacific cod specified for JVP is not sufficient.

Reserves: The entire remaining reserve of Pacific cod (1,342 mt) is apportioned to JVP. The entire pollock reserve was allocated to JVP at the April apportionment. The remaining reserves for the following species are apportioned to TALFF: flounders, Pacific ocean perch, Atka mackerel, and sablefish (see Summary Table of Apportionments of Reserves to TALFF).

Eastern Regulatory Area

DAP: The DAP amounts for all species except sablefish appear sufficient.

DNP: The Pacific cod DNP amount appears sufficient for projected U.S. harvests.

JVP: No JVP activity is expected in this area during the remainder of the year.

Reserves: For sablefish, 400 mt of the reserve is apportioned to TALFF; the remainder (806 mt) is apportioned to DAP. The remaining reserves for the following species are apportioned to TALFF: pollock, Pacific cod, flounders, Atka mackerel, and Pacific ocean perch (see Summary Table of Apportionments to TALFF).

All Gulf Areas

DAP: Present DAP amounts for all four Gulf-wide species (rockfish, squid, thornyhead rockfish and "other species") appear to be sufficient for anticipated U.S. processing.

DNP: The DNP amount of "other species" (the only Gulf-wide apecies with the DNP specified) appears sufficient for anticipated U.S. fisheries.

JVP: The JVP amounts initially specified for squid and "other species" appear to be sufficient for projected needs of the U.S. fisheries. The amounts initially specified for rockfish and thornyhead rockfish are too low as a result of bycatch in the joint-venture fishery targeting on Pacific ocean perch; however, the total DAH for rockfish appears sufficient to provide for the combined needs of the joint venture and domestic processors.

Reserves: Twenty mt of the reserve of thornyhead rockfish is apportioned to JVP and the remaining 130 mt is apportioned to TALFF. The remaining reserves for other rockfish, squid, and "other species" are apportioned to TALFF (see Summary Table of Apportionments to TALFF).

Comments and Responses

In accordance with 50 CFR 611.92(c), 611.93(b), 672.20(c), and 675.20(b), aggregated reports on U.S. catches of Alaska groundfish and the processing of those groundfish were available for public inspection. In addition, those provisions afforded the public an opportunity to submit timely comments on the extent to which U.S. fishermen will harvest and the extent to which U.S. processors will process Alaska groundfish. One comment was received during the comment period.

Comment: Available reserves and certain DAH amounts of Pacific cod and sablefish in the Gulf of Alaska are excess to the needs of domestic fishermen and should be apportioned to TALFF.

Response: The entire remaining reserve of Pacific cod in the Eastern Regulatory Area of the Gulf of Alaska is apportioned to TALFF at this time. The entire remaining reserve of sablefish in the Western and Central Regulatory Areas of the Gulf of Alska, and 400 mt of the reserve in the Eastern Regulatory area, are also apportioned to TALFF. Because it is currently uncertain what amounts, if any, will prove excess to the needs of U.S. fishermen, reapportionment of DAH amounts will be considered at a later date.

Classification

This action is required by 50 CFR 611.92(c), 611.93(b), 672.20(c) and 675.20(b), and complies with E.O. 12291.

The apportionment to TALFF of reserve groundfish is announced in this notice in lieu of an amendment to the "TALFF table," which was formerly codified as Appendix 1 to 50 CFR 611.20 but was removed by a rule appearing at 47 FR 44264 (October 7, 1982). The apportionment of groundfish reserve to DAH is announced in this document without amending 50 CFR § 675.20, Table 1, because that table specifies initial rather than current DAH, DAP, JVP, DNP, reserve, and TALFF specifications (as of January 1, 1983).

In view of the prior notice provided in the authorizing regulation regarding the dates after which apportionment of reserves and reassessment of DAH are to occur, together with the need to avoid disruption of U.S. and foreign fisheries and to afford a reasonable opportunity to achieve OY, the Agency has determined that delaying the effective date of this rule related notice would be impracticable, unnecessary, and contrary to the public interest.

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

Dated: September 19, 1983.

Joseph Angelovic,

Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.

3. Summary Table of Apportionments of Reserves to TALFF (metric tons):

Bering Sea and Aleutians:	
Pollock:	
Bering Sea	0
Aleutians	0
Pacific ocean perch:	
Bering Sea	162
Aleutians	375
Sablefish:	
Bering Sea	87
Aleutians	100
Yellowfin sole	5,850
Atka mackerel	0
Other flatfish	0
Pacific cod	0
Turbots	1,125
Other species	966
Squid	125
Other rockfish	125
Gulf of Alaska:	
Pollock:	
Western	6,840
Central	0
Eastern	664
Pacific cod:	
Western	0
Central	0
Eastern	396
Flounders:	
Western	416
Central	588
Eastern	336
Pacific ocean perch:	
Western	0
Central	316
Eastern	35
Atka mackerel:	
Western	0
Central	833
Eastern	127
Sablefish:	
Western	84
Central	152
Eastern	400
Other rockfish	304
Squid	200
Other species	648
Thornyhead rockfish	130

[FR Doc. 83-25859 Filed 9-20-83; 3:36 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 48, No. 186
Friday, September 23, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 989

Raisins Produced From Grapes Grown in California; Proposed Change in Subpart—Supplementary Regulations; Weight Dockage System

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice of proposed rulemaking invites written comments on adding Monukka raisins under a weight dockage system for immaturity under the Federal marketing order for California raisins. The inclusion of this varietal type of raisin under the dockage system would permit handlers of Monukka raisins to remove the immature raisins from the lot during normal processing so the balance of the lot meets grade requirements. The proposal is based on a unanimous recommendation of the Raisin Administrative Committee. The Committee works with USDA in administering the order.

DATE: Comments must be received by October 11, 1983.

ADDRESSES: Send two copies of comments to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, where they will be available for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: Frank M. Grasberger, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5053.

SUPPLEMENTARY INFORMATION: This proposal has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Frank M. Grasberger has determined that an emergency situation exists which warrants less than a 60 day comment period. Handlers will be acquiring 1983–84 crop Monukka raisins in volume soon. Thus, the proposal should be effective as soon as possible so that raisin producers and handlers can utilize the weight dockage system for 1983–84 crop Monukka raisins.

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.

The weight dockage system is contained in § 989.210 of Subpart—Supplementary Regulations (7 CFR 989.210–989.221; 48 FR 35347). This subpart is operative pursuant to the marketing agreement, and Order No. 989, both as amended, regulating the handling of raisins produced from grapes grown in California (hereinafter referred to collectively as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal deals with a revision of § 989.210 to include Monukka raisins under the weight dockage system for immaturity. The inclusion of this varietal type of raisin under the dockage system would permit handlers of Monukka raisins to acquire them as natural condition standard raisins even though the raisins have been determined to be off-grade because of an excess of immature raisins. The immature raisins usually can be removed from the lot of raisins by the handler during normal processing so the balance of the lot meets grade requirements. The creditable weight of such lot is computed by multiplying the net weight of the lot by a dockage factor. The factor reduces the weight of the lot by an amount approximating the weight of the immature raisins needed to be removed from the lot in order for the balance of the lot to meet grade requirements.

Permitting handlers to acquire low maturity Monukka raisins as standard raisins under this system would speed up acquisitions, save inspection costs, and save the producers of such raisins additional reconditioning costs.

List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins.

The proposal is as follows:

PART 989—[AMENDED]

Subpart—Supplementary Regulations

§ 989.210 [Amended]

In § 989.210, paragraphs (a) through (f) are amended by removing the word "and" before "Dipped Seedless," and adding "Monukka" after "Dipped Seedless,".

Dated: September 16, 1983.

Russell L. Hawes,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 83–25880 Filed 9–22–83; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 83–ACE–16]

Transportation Area; Charles City, Iowa; Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to alter the 700-foot transition area at Charles City, Iowa, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Charles City Municipal Airport, Charles City, Iowa, utilizing the Charles City Non-Directional Radio Beacon (NDB) as a navigational aid.

DATES: Comments must be received on or before October 28, 1983.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Manager, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Manager,

Operations, Procedures and Airspace Branch, Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before the closing date for comments will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106, or by calling (816) 374-3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Charles City, Iowa. To enhance airport usage, an additional instrument approach procedure to the Charles City Municipal Airport is being established utilizing the Charles City NDB as a navigational aid. The establishment of this new instrument approach procedure based on this navigational aid entails alteration of the transition area at Charles City, Iowa, at and above 800 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), by altering the following transition area:

Charles City, Iowa

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Charles City Municipal Airport (Latitude 43°04'15" N, longitude 92°36'15" W); and within 3 miles each side of the 315° bearing from Charles City NDB (Latitude 43°04'18", Longitude 92°36'35"), extending from the 5-miles radius area to 8.5 miles northwest of the airport; and within 3 miles each side of the 113° bearing from Charles City NDB extending from the 5-mile radius area to 8.5 miles southeast of the airport.

(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 § 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

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

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

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-25921 Filed 9-22-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-ACE-14]

Transition Area, Cresco, Iowa; Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to alter the 700-foot transition area at Cresco, Iowa, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Ellen Church Airport, Cresco, Iowa, utilizing a Non-Directional Radio Beacon (NDB) being installed on the airport as a navigational aid.

DATE: Comments must be received on or before October 28, 1983.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Manager, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Manager, Operations, Procedures and Airspace Branch, Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before the closing date for comments will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106, or by calling (816) 374-3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Cresco, Iowa. To enhance airport usage, an additional instrument approach procedure to the Ellen Church Airport is being established utilizing the Cresco NDB as a navigational aid. The establishment of this new instrument approach procedure based on this navigational aid entails alteration of the transition area at Cresco, Iowa, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), by altering the following transition area:

Cresco, Iowa

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ellen Church Airport, Cresco, Iowa, (Latitude 43°21'55"N, Longitude 92°08'59"W) and 3 miles either side of the 163° bearing from the Cresco NDB (Latitude 43°22'07"N, Longitude 92°07'51"W) extending from the 5-mile radius area to 8.5 miles southeast of the airport.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

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

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

John E. Shaw,

Director, Central Region.

[FR Doc.83-25019 Filed 9-22-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-ACE-15]

Transition Area, Eagle Grove, Iowa; Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This Notice proposes to alter the 700-foot transition area at Eagle Grove, Iowa, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Eagle Grove Airport, Eagle Grove, Iowa, utilizing a Non-Directional Radio Beacon (NDB) being installed on the airport as a navigational aid.

DATES: Comments must be received on or before October 28, 1983.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Manager, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Manager, Operations, Procedures and Airspace Branch, Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before the closing date for comments will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106, or by calling (816) 374-3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Eagle Grove, Iowa. To enhance airport usage, an additional instrument approach procedure to the Eagle Grove Airport is being established utilizing the Eagle Grove NDB as a navigational aid. The establishment of this new instrument approach procedure based on this navigational aid entails alteration of the transition area at Eagle Grove, Iowa, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), by altering the following transition area:

Eagle Grove, Iowa

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Eagle Grove, Iowa, Airport (Latitude 42°42'35"N, Longitude 93°54'49"W); and

within 2.5 miles either side of the Fort Dodge, Iowa VOR 071° radial extending from the 5-mile radius area to 6 miles southwest of the airport; and within 3 miles either side of the 151° bearing from the Eagle Grove NDB (Latitude 42°42'31"N, Longitude 93°54'37"W) extending from the 5-mile radius area to 8.5 miles southeast of the airport; and within 3 miles either side of the 306° bearing from the NDB extending from the 5-mile radius area to 8.5 miles northwest of the airport excluding that airspace overlying the Clarion, Iowa transition area.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and § 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

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

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

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-25920 Filed 9-22-83; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 252

[Docket No. 41431; Economic Regulations EDR-461B]

Smoking Aboard Aircraft

Dated: September 7, 1983.

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The CAB proposes to ban smoking on short flights and require additional special protections for those especially sensitive to smoke. The questions of whether the CAB should regulate smoking at all or whether it should ban all smoking, having been decided in an earlier proceeding, are not at issue here.

DATES:

Comments by: November 7, 1983.

Reply comments by: November 28, 1983.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: October 11, 1983.

The Dockets Section prepares the Service List and sends it to each person listed on it, who then serves comments on others on the list. Persons already on the Service List need not request to be put on it again.

ADDRESSES: Twenty copies of comments should be sent to Docket 41431, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION:

Background

The Board's smoking rule at 14 CFR Part 252 now requires airlines to establish a separate section for nonsmokers, and to expand that section as needed to accommodate all nonsmokers that check in on time. It also requires airlines to specially segregate cigar and pipe smokers and to ban smoking when the aircraft's ventilation system is not fully functioning.

By EDR-461, 48 FR 24918, June 3, 1983, the Board proposed to revise and strengthen this rule in several ways. It proposed to require airlines to ban smoking on small aircraft, ban cigar and pipe smoking, ban smoking when ventilation aboard the aircraft is inadequate, and provide special seating for those who are especially sensitive to smoke. Public comments are now being received on these issues.

The Board has decided to expand on these proposals. We have decided to propose a ban on smoking on short fights and to consider additional protections for those who are especially senstive to tobacco smoke.

Short Flights

The Board first considered conditioning passenger smoking on length of flight in EDR-306, 41 FR 44425, October 8, 1976, but no specific amendment was proposed at that time. In a later notice, EDR-377, 44 FR 29486, May 21, 1979, the Board proposed to prohibit smoking on all flights of 1 hour or less. This proposal was not adopted for the reasons set forth in ER-1245A, 48 FR 24866, June 3, 1983.

The Board has now decided to reconsider this decision and to again propose banning smoking on short flights. A short flight would be considered a flight of 1 hour or less. In the alternative, the Board is proposing to extend the ban to flights of 2 hours or less. Although the proposed ban would apply to all short-flight segments, the Board is considering, as a further alternative, excluding from the ban short-flight segments of multi-segment flights if commenters can show that administrative and enforcement problems would be created by allowing smoking during part of a flight and prohibiting it at other times.

Whether a particular flight would be subject to the smoking ban would depend on its scheduled flight time rather than its actual flight time. Basing the application of this rule on scheduled rather than actual flight time would provide greater certainty in its administration and enforcement. Comments are requested on whether smoking should be allowed on a flight that would otherwise be subject to this rule after the actual flight time exceeds the 1- (or 2-) hour period for any reason. Comments are also requested on how the rule should address charters, which often do not run according to a published flight schedule.

The Board considers a ban on smoking on short flights to be justifiable. Most smokers are used to refraining from smoking for a short time when in public places such as theatres. This proposal could be viewed as an extension of that practice. It could thus provide greater protection for nonsmokers, arguably without creating prohibitive problems for smokers. Several small and medium-sized airlines have banned smoking on all their flights. There are reasons for not banning smoking on short flights, however, and these were set forth in ER-1245A.

Especially Sensitive Passengers

In EDR-461, the Board proposed a requirement whereby airlines would have to make special provisions for passengers that were especially sensitive to smoke. Under this proposal, an especially sensitive person would be entitled to the available seat farthest from the smoking sections. To qualify for this special seating, the person would have to present written medical evidence to the airline of an unusual susceptibility to physical ill effects from breathing tobacco smoke. This proposed requirement is being reproposed and

redesignated by this notice. The term "unusual susceptibility" is changed to "substantial susceptibility" to clarify that the person's condition must be serious, but not necessarily out of the ordinary, in order to qualify. The purpose of any limitation would be to make clear that only those with real medical problems should qualify for the special seating, not merely those who dislike the smell of smoke.

The Board is concerned, however, that this proposal alone may not go far enough. It is possible that even with the special seating, an especially sensitive individual may suffer physical ill effects from breathing tobacco smoke. There might also be people who, either in ignorance of the Board rule or of their own condition, would not request the special seating. Additional rules may be needed to protect them.

The Board is therefore adding a proposal that would provide additional protections for especially sensitive individuals. Under this new proposal, an airline would be obliged to ban all smoking in a compartment where someone was experiencing physical illness caused by tobacco smoke. Mere annoyance on the part of a passenger would not obligate an airline to ban smoking under this proposal. The airline would also not be obligated to ban smoking in the compartment if a lesser action on its part, such as moving the passenger or providing treatment, would alleviate the problem.

ASH Petition

In July, Action on Smoking and Health (ASH) filed a petition for rulemaking asking the Board to make three changes in its smoking rule.

Its first request was that the Board republish the "unreasonably burdened" language that had been in § 252.2 but was not included when the rule was revised and reissued by ER–1245, 46 FR 45934, September 16, 1981. This request has already been granted by the Board. ER–1356, 48 FR 36093, August 9, 1983.

In its second request, ASH noted that the Board had expressed some concern that the "unreasonably burdened" language was vague and unenforceable. Anticipating a Board proposal to again revoke this language, ASH urged the Board to first consider clarifying the language or proposing alternatives to it.

The Board did not propose to eliminate the "unreasonably burdened" language when republishing it in ER–1356. Having reviewed the issue again, however, in light of ASH's request, the Board has tentatively decided that this language should again be revoked. As the Board stated in ER–1245A, "this language is too vague to be effectively enforced and merely serves to create confusion over exactly which airline practices are prohibited." The Board then, as now, is committed to "protecting nonsmokers from an unreasonable burden" but "is not persuaded that it will help the situation to include hortatory language in a rule." ER–1245A at 4, 48 FR at 24867.

Rather than trying to clarify "unreasonable burden" as ASH suggested, the Board is expanding its proposal to protect especially sensitive persons, as described above. This new proposal incorporates most of the detailed clarifications of that language that were suggested by ASH. In the board's view, dealing specifically with a passenger's physical illness from breathing another's tobacco smoke under the especially-sensitive-persons proposal is better than trying to redefine "unreasonably burdened." The unreasonably-burdened language was adopted to deal with the problem of sandwiching, the placement of a no-smoking section between two smoking sections. It does not seem good regulatory practice to attempt to extend it to cover other problems.

As alternatives to the "unreasonably burdened" language, ASH also suggested that the Board propose banning the practice of sandwiching a no-smoking section between two smoking sections, requiring buffer zones between smoking and no-smoking sections, or requiring partitions between smoking and no-smoking sections.

These suggestions were previously proposed by the Board in EDR–306 and EDR–377. They drew very little support from nonsmokers and were opposed by the airlines on administrative and safety grounds. For that reason, the Board did not adopt them, as explained in ER–1245A at 4–5, 48 FR 24867–24868. ASH has not presented any new evidence or other reason for the Board to take up these proposals again. Unlike the issues of short flights and the unreasonably-burdened language, buffer zones and partitions were not among those issues that were remanded by the Court of Appeals in *ASH* v. *CAB*, 699 F.2d 1217 (D.C. Cir. 1983).

In its final request, ASH asked the Board to propose a ban on smoking on short flights. This request is granted as explained above. A total ban on smoking on all aircraft is not being considered. That option was fully explored and rejected only 2 years ago. EDR–420, 46 FR 11827, February 11, 1981 and ER–1245, 46 FR 45934, September 16, 1981.

Regulatory Flexibility Act

The Board incorporates herein the regulatory flexibility analysis for this proceeding set forth in EDR–461, 48 FR 24918, 24922, June 3, 1983.

List of Subjects in 14 CFR Part 252

Air carriers, Consumer protection, Smoking.

PART 252—SMOKING ABOARD AIRCRAFT

Accordingly, the Board proposes to amend 14 CFR Part 252, *Smoking Aboard Aircraft*, as follows:

1. The Table of Contents would be revised to read:

Sec.
252.1 Applicability.
252.2 No-smoking sections.
252.3 Small aircraft.
252.4 Short flights.
252.5 Cigars and pipes.
252.6 Especially sensitive persons.
252.7 Ventilation.
252.8 Enforcement.
252.9 Waivers.

2. Section 252.2 would be amended by revising paragraph (a) and removing and reserving paragraph (a)(4), to read as follows:

§ 252.2 No-smoking sections.

(a) except as provided by paragraph (b) of this section, air carriers shall provide at a minimum:

* * * * *

(4) [Reserved].

* * * * *

3. A new § 252.4 would be added to read:

§ 252.4 Short flights.

Carriers shall adopt and enforce rules prohibiting the smoking of tobacco on all flights of 1 hour or less, according to the carrier's published flight schedule.

4. A new § 252.6 would be added, to read:

§ 252.6 Especially sensitive persons.

(a) Carriers shall provide the seat, among those that are still available, that is farthest removed from all smoking sections, to any person that presents written medical evidence to the carrier of a substantial susceptibility to physical ill effects from breathing tobacco smoke.

(b) Carriers shall adopt and enforce rules concerning the smoking of tobacco in a compartment where a passenger is experiencing an asthmatic or heart attack, serious difficulty in breathing, serious and persistent coughing, or other physical illness, that in the judgment of airline personnel is substantially caused

or being seriously exacerbated by the smoke from tobacco products. In such situations these rules shall prohibit smoking in the compartment unless other action alleviates the passenger's condition.

§§ 252.3 and 252.4 [Redesignated as §§ 252.8 and 252.9]

5. Sections 252.3, *Enforcement*, and 252.4, *Waivers*, would be redesignated § 252.8 and § 252.9 respectively.

(Secs. 204, 404, 407, and 416 of Pub. L. 85–726, as amended, 72 Stat. 743, 760, 766, 771, 49 U.S.C. 1324, 1374, 1377, 1386)

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–26079 Filed 9–22–83; 8:45 am]

BILLING CODE 6320–01–M

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14 CFR Parts 253 and 399

[Docket No. 41683; Economic Regulation EDR–468; Policy Statement PSDR–81]

Notice of Terms of Contract of Carriage Part 399—Statements of General Policy

Dated: September 7, 1983.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB is proposing to require that passengers be given actual notice of contract terms by which carriers disclaim or substantially limit responsibility to provide for substitute transportation to the destination airports named on their tickets, when a flight is diverted to another airport. Alternatively, the CAB proposes to declare such disclaimers to be an unfair or deceptive practice. This rulemaking is at the CAB's own initiative to eliminate a practice that appears to unreasonably defeat passengers' expectations.

DATES:

Comments by November 7, 1983.

Reply comments by November 28, 1983.

Comments and relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on Service List by: October 11, 1983.

The Docket Section prepares the Service List and sends it to each person listed on it, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 41683, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Dayton Lehman, Jr., Office of Congressional, Community and Consumer Affairs, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673–5191.

SUPPLEMENTARY INFORMATION: By Order 83–9–31, September 7, 1983, 48 FR 41054, September 13, 1983, the Board concluded that Rule 240(G) in the then domestic passenger rules tariff, CAB No. 352, and several similar rules in the present international rules tariffs, are unlawful and therefore cancelled them. In general, these carrier tariffs allowed carriers to divert passengers to an airport away from the destination airport named on their ticket without any obligation by the carrier to arrange or pay for other transportation to that airport. For example, under such tariff rules a passenger could be diverted from Dulles International Airport, if it were the destination airport on his or her ticket, to Baltimore/Washington International Airport. The passenger would thus have to find and pay for alternate transportation to Dulles.

In effect, the tariff made the contract as written on the ticket one of substantial rather than complete performance. A passenger who had chosen to fly into Dulles, perhaps because of a connecting flight not written on the same ticket or because of its proximity to a parked car, home, or work, would be inconvenienced and probably suffer additional expense to complete his or her "unfinished" transportation if unexpectedly taken to another airport without further transportation to Dulles.

Because it is inherently unfair and misleading for the tariff contract to negate what had been promised on the ticket—transportation to a particular airport for a particular price—the Board found that the tariff rules in question were unfair and deceptive.

When the Board issued its order to show cause why such diversion rules should not be cancelled, Order 82–7–18, July 8, 1982, six carriers had filed rules to this effect applicable to both domestic and international travel. In addition, two other carriers had filed such rules applicable to domestic travel only.

When the domestic tariff system ended, the Board adopted Part 253, a regulation regarding notice to domestic passengers of the terms of the contract of carriage incorporated by reference. Part 253, however, does not dictate the content of the contract itself and thus does not prohibit the incorporation of terms which may qualify what the ticket itself appears to promise.

Several carriers have amended the terms of their domestic contracts of carriage. However, at least two carriers still have terms that do not specify that substitute transportation will be provided in the event of a flight diversion. Moreover, neither of these two carriers provides notice of their diversion rule in the "concise and immediate summary" of important subject areas required by Part 253. It can only be found in their full text contract.

The Board is of the tentative opinion that it should act to protect consumers from unknowingly accepting contract terms that would require them to undergo such trip diversions without being offered substitute transportation. The Board is presenting two alternative proposals for comments. In proposal A, we are asking for comments on whether we should amend Part 253 to require carriers to provide conspicuous written notice, on or with a ticket, of contract terms allowing a carrier to divert a passenger to an airport other than that named on his or her ticket without an obligation to provide for substitute transportation to that airport. We are also asking, in proposal B, for comments on whether we should instead prohibit such contract terms altogether for domestic transportation if the carriers do not specifically provide for substitute transportation to the destination airport without additional cost to a passenger.

Proposal A

Because a term disclaiming or substantially limiting responsibility to provide for substitute transportation in the event of a flight diversion is sufficiently contradictory to the specification of a particular destination on the ticket itself, this proposal would require carriers to provide the "conspicuous written notice" on or with the ticket currently required by § 253.7 for terms concerning the monetary value of the ticket.

We have previously determined that actual notice should be required of terms that restrict refunds, impose monetary penalties, or permit the carrier to raise the price of the ticket after it is published (§ 253.7). Each of these terms unexpectedly could cause a passenger to incur additional expense.

Likewise, assuming passengers are able to make arrangements on their own, the diversion term in question might result in additional expense for them to reach their actual destination airport, not to mention the inconvenience involved.

Therefore, we are proposing to amend § 253.7 to include the requirement that actual notice be given of terms that allow a carrier to divert a flight from the destination airport named on a passenger's ticket without an obligation to provide for substitute transportation to that airport. This proposed action would not prohibit a carrier from having such a term.

Proposal B

Under this option, we are proposing to prohibit such disclaimer terms entirely on the basis that they are an unfair or deceptive practice. It can be argued that a passenger who buys a ticket to a specific destination has a right to believe that the price paid includes delivery without extra charge to that destination. In the past, under a tariff system, we have generally required removal from tariffs of terms found inherently unfair, in order to eliminate the constructive notice which attaches to tariff matter and make clear such terms do not carry the imprimatur of the government as to reasonableness. Orders 79–9–129 and 79–12–98; See also Orders 80–5–9 and 81–6–41 (prohibiting carriers exempted from the Board's oversales rule from filing different rules in their tariffs).

As mentioned above, in a non-tariff regime we have not prohibited particular terms, but instead have required conspicuous written notice on or with the ticket of certain terms that may cause a passenger to incur additional expense.

The terms at issue, however, are arguably different from others of which the Board has required actual notice. A passenger might not expect that a carrier could legally forego its obligation to complete the transportation as written on the ticket and hence may not read any ticket with that in mind. In other words, the precise destination may be so fundamental to the basic contract of carriage in the mind of the passenger that no notice required by Part 253 would be useful in curing the unfairness of a contrary term.

It appears, moreover, that the occasional costs to carriers of having to provide for substitute transportation for passengers on a diverted flight is not so great as to justify the inconvenience that may be caused to some of the passengers. The fact that such diversion happens relatively infrequently also adds to the likelihood that passengers may be unprepared to cope with it when it does occur. In extreme cases, unsuspecting passengers lacking sufficient out-of-pocket cash to provide for their own transportation may become temporarily stranded at a distant airport location.

Under this proposal, we propose to amend the enforcement subpart of Part 399, *Statements of General Policy*, to state that it is an unfair or deceptive practice to divert passengers from the destination airport named on their ticket without providing for substitute transportation to that airport.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96–354, the Board certifies that none of the proposed changes, if adopted, will have a significant economic impact on a substantial number of small entities. The proposed rule and the alternative would only affect those small carriers that include a trip diversion rule such as the type discussed above in their contract. We are not aware that a substantial number of small carriers have that rule. Further, the cost of transporting passengers from one local airport to another should not have a significant cost impact on those small carriers.

Paperwork Reduction Act

The collection-of-information requirements in this proposal are subject to the Paperwork Reduction Act, Pub. L. 96–511, 44 U.S.C. Chapter 35. Those requirements have been submitted to the Office of Management and Budget (OMB) for review and comment. Persons may submit comments on the collection-of-information requirements to OMB and to the Board. Comments sent to OMB should be addressed to: Office of Information and Regulatory Affairs, ATTN: Desk Officer for Civil Aeronautics Board, Office of Management and Budget, Washington, D.C. 20503.

List of Subjects in Parts 253 and 399

Advertising, Administrative practice and procedure, Air carriers, Air Transportation, Claims, Consumer protection, Freight forwarders, Grant programs/Transportation, Hawaii, Law, Motor Carriers, Puerto Rico, Railroads, Reporting and recordkeeping requirements, Travel agents, and Virgin Islands.

Proposal A

PART 253—[AMENDED]

Accordingly, the Civil Aeronautics Board proposes to revise § 253.7 of 14 CFR Part 253, *Notice of Terms of Contracts of Carriage*, as follows:

§ 253.7 Direct notice of certain terms.

A passenger shall not be bound by any terms restricting refunds of the ticket price, imposing monetary penalties on passengers, permitting the carrier to raise the price, or allowing the carrier to divert a flight to an airport other than that named on the ticket without providing for substitute transportation to that airport, unless the passenger receives conspicuous written notice of the salient features of those terms on or with the ticket.

Proposal B

PART 399—[AMENDED]

In the alternative, the Board proposes to revise § 399.85 of 14 CFR Part 399 to read:

§ 399.85 Unfair or deceptive practices in airport diversions.

It is the policy of the Board to consider the practice of an air carrier of failing to provide for substitute transportation for a passenger to the destination airport named on the passenger's ticket, where a flight is diverted to another airport, to be an unfair or deceptive practice and an unfair method of competition within the meaning of section 411 of the Act.

(Secs. 101, 102, 105, 204, 401, 402, 403, 404, 405, 407, 408, 409, 411, 412, 416, 801, 1001, 1002, 1102, 1104, Pub. L. 85–726, as amended, 72 Stat. 737, 740, 743, 757, 758, 760, 766, 767, 768, 769, 770, 771, 782, 788, 797, 92 Stat. 1708; 49 U.S.C. 1301, 1302, 1305, 1324, 1371, 1272, 1273, 1274, 1275, 1377, 1378, 1379, 1381, 1382, 1386, 1481, 1482, 1502, 1504)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–26080 Filed 9–22–83; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Subchapter H

[Docket No. 83N–0240]

Medical Devices; Notice of Intent To Initiate Proceedings To Require Premarket Approval of Preamendments Devices

Correction

In FR Doc. 83–24230 beginning on page 40272 in the issue of Tuesday, September 6, 1983, make the following correction:

On page 40273, second column five lines from the top, "(21 CFR 870.361)" should read "(21 CFR 870.3610)".

BILLING CODE 1505-01-M

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21 CFR Part 882

[Docket No. 83N-0241]

Neurological Devices; Proposed Rule, Premarket Approval of the Implanted Cerebellar Stimulator

Correction

In FR Doc. 83-24231 beginning on page 40273 in the issue Tuesday, September 6, 1983, make the following corrections:

1. On page 40274, second column second complete paragraph, third line, "section 601" should read "section 501".

2. On page 40277, first column twenty-three lines from the bottom, "32:474-477, 1955" should read "32:474-477, 1975".

3. On page 40277, third column, fourth complete paragraph, second line, "(insert date 60 days after date of publication in the Federal Register)" should read "November 7, 1983".

4. In the same paragraph, tenth line, "(insert date 15 days after date of publication in the Federal Register)" should read "September 21, 1983".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 805

[Docket No. R-83-1122]

Indian Housing

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD; Office of Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of inquiry.

SUMMARY: HUD is undertaking this inquiry to determine whether revisions to its current Indian preference regulations in connection with contracts, subcontracts, employment and training under the Department's Indian Housing program would be appropriate. The purpose of the Notice of Inquiry is to solicit public comments and information from interested parties regarding the appropriateness of the current regulations and the necessity, if any, for considering possible amendments.

DATE: Comments are due November 22, 1983.

ADDRESS: Comments must be sent to the Rules Docket Clerk, Office of the General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Patricia Arnaudo, Acting Director, Office of Indian Housing, Room 6230, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. (202) 755-6522. [This is not a toll-free number].

SUPPLEMENTARY INFORMATION: The Department is undertaking a review of its regulations which implement Indian preference in connection with contracts and subcontracts awarded under the Department's Indian Housing program, and opportunities for training and employment of Indians in connection with the administration of such contracts.

The purpose of the Notice of Inquiry is to solicit comments and information from interested parties to determine if revisions to the current HUD regulations would be appropriate. The HUD regulations were adopted in order to implement Section 7(b) of the Indian Self-Determination and Education Assistance Act (the Act) (25 U.S.C. 450b(e)). The Act requires that any Federal contract or subcontract with Indian organizations, or for the benefit of Indians shall require, to the greatest extent feasible, preference to Indian organizations and Indian-owned economic enterprises in contracting and subcontracting to Indians in training and employment.

The Department adopted regulations to implement the Indian preference requirements in its Indian housing program in 1976. See 24 CFR 805.106, 805.204 and 805.309. Since 1979, the current regulations expressly provide two methods of implementing preference in awarding contracts which an Indian Housing Authority (IHA) may use. Under the first method, the IHA limits an advertisement for bids or proposals to qualified Indian organizations and to Indian-owned economic enterprises. Under the second method, an IHA publishes a Notice of its intent to solicit bids or proposals from Indian-owned economic enterprises and Indian organizations, and invites such organizations to submit a Statement of Intent. If responses are received from one or more Indian-owned economic enterprises or Indian organizations which are found to be qualified, the IHA limits its subsequent advertisment for bids or proposals to qualified Indian-owned economic enterprises or Indian organizations. If an IHA fails to receive any Statement of Intent or approvable bid or proposal from one or more qualified Indian-owned economic enterprises or Indian organizations, the IHA may advertise for bids or proposals without limiting the advertisement, and shall accept the lowest responsible bid or the best proposal. The current regulations define a qualified Indian-owned economic enterprises or Indian organization, and identify certain required contract clauses.

The Department supports the intent and purpose of the Act, and wishes to implement it as fully as possible consistent with the efficient production and delivery of the maximum number of decent, safe and sanitary housing units for the benefit of Indian families. Thus, the Department believes that the implementation of Indian preference regulations necessitates a careful balancing of interests and policy goals as set forth in the Act, and in the United States Housing Act of 1937. The Department is concerned that any preference regulation, while providing Indian preference to the greatest extent feasible, should not have the effect of misallocation of resources significantly increasing the development cost of a project. Any such effect could result in fewer housing units being made available to low income Indian families at a time when over 50,000 new or rehabilitated housing units are needed. Moreover, the Department would be receptive to suggestions regarding ways to implement Indian preferences that do not impose excessive regulatory burdens on small businesses.

In view of the foregoing, HUD seeks to obtain information, views, and recommendations from interested members of the public to ascertain whether the current regulations should be the subject of further rulemaking and amendment. HUD seeks comments on any aspect relevant to a consideration of this subject matter, including whether the Department should adopt uniform Indian preference regulations.

The Department would also be interested in receiving comments on any of the issues raised in a lawsuit currently pending in the United States District Court for the District of Columbia, *Shoshone-Bannock Tribes, et al.* v. *United States of America, et al.*, Civil Action No. 82-3224. These issues include whether the Department's current Indian preference regulations adequately implement the requirements of Section 7(b) of the Act, and whether the Department has adequately enforced statutory and regulatory Indian

preference regulations in the award of contracts by IHAs.

If the decision upon close of the comment period is not to proceed further with the rulemaking, termination of this proceeding will not prejudice or foreclose any future rulemaking which the Secretary may initiate with respect to these matters. In reaching its determinations in this proceeding, HUD may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

The subject of this Notice of Inquiry was not listed in the Department's Semiannual Agenda of Regulations published on April 25, 1983 (48 FR 18054) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 805

Grant programs—housing and community development, Grant programs—Indians, Indians, Loan programs—housing and community development, Loan programs—Indians, Public housing.

The subject of this Notice of Inquiry is not listed in the Catalog of Federal Domestic Assistance.

Authority: Section 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: September 19, 1983.

Warren T. Lindquist,

Assistant Secretary for Public and Indian Housing.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-25910 Filed 9-22-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 5

[Notice No. 486]

Standards of Fill For Distilled Spirits

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: ATF recently added the 375 ml size as a standard of fill for distilled spirits. This notice is issued to gather comment on two alternatives raised by the commenters during that rulemaking process. One alternative is that bottlers should have the option of bottling their products in either the 375 ml size or the 500 ml size, but not both. The other alternative is to eliminate the 500 ml size.

DATE: Comments must be received on or before March 23, 1984.

ADDRESS: Comments should be addressed to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044/0385 (Notice No. 486).

FOR FURTHER INFORMATION CONTACT: Roger Bowling, FAA, Wine and Beer Branch, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

ATF has adopted the 375 ml size as a standard of fill for distilled spirits. This adoption was proposed in Notice No. 417 (47 FR 35521; August 16, 1982). Pursuant to this notice, 48 comments were received relating the 375 ml size. Of these 48 commenters, 16 expressed two alternatives. Seven commenters suggested that the bottler should have the option of bottling distilled spirits products in either the 375 ml size or the 500 ml size, but not both. Nine commenters suggested that, if adopted, the 375 ml size should replace the 500 ml size as a standard of fill.

Based on these comments, ATF believes further study and consideration should be given. Therefore, ATF is publishing this notice.

Issues

AFT requests specific comments on the following issues.

(a) Although the net contents of the 375 ml size differs from the 500 ml size by slightly over four fluid ounces, the bottles are very similar in size and shape. Prior to the adoption of the metric standards of fill, there were two comparable sizes to the 375 ml and 500 ml sizes, the 4/5 pint and pint sizes. Again, even though the net content difference was slightly over three fluid ounces, the bottles were similar in size and shape. This similarity may have led to some consumer confusion and deception. One of the primary purposes of adopting the metric standards of fill was to reduce the number of, and confusing, sizes. ATF does not want the same consumer confusion and deception to arise with the metric standards of fill.

Would retention of the 500 ml size lead to consumer confusion or deception because of its similarity to the 375 ml size?

(b) Since there is only slightly over four fluid ounces difference between the 375 ml size and the 500 ml size, is there a need to have both sizes? Would the 375 ml size fulfill the market need for the 500 ml size?

(c) In the event the 500 ml size is eliminated as a standard of fill, what is a reasonable transition period to allow for a use-up of present inventories of this bottle size?

(d) Does the greater benefit to both industry and the consumer exist with both sizes in the market without qualification since it allows greater flexibility in bottling and wider size choice on purchases?

(e) One commenter who responded to Notice No. 417 stated that there may be some initial confusion over the similarity between the 375 ml size and 500 ml size. However, repeat purchases would soon decrease any initial confusion and would eventually negate it altogether once consumers became aware of, and accustomed to the sizes.

Would repeat purchases negate any confusion or deception that may arise between the 375 ml size and 500 ml size?

Does the option of having a purchase choice between either the 375 ml and 500 ml outweigh any confusion or deception that may arise?

Although ATF has requested specific comments, this does not preclude any comments which any person believes has a bearing on these issues.

Public Participation

ATF requests comments from all interested persons. All comments received on or before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future action.

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

During the comment period, any person may request an opportunity to present oral testimony at a public hearing. However, the Director reserves the right, in light of all circumstances, to determine if a public hearing is necessary.

Compliance With Executive Order 12291

It has been determined that this proposal is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in major increase in costs or prices for consumers, individual industries,

Federal, State or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

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

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this notice of proposed rulemaking, if issued as a final rule, will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

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

Disclosure

Copies of this notice and all comments received pursuant to the notice are available for public inspection during normal business hours at: Office of Public Affairs and Disclosure, Room 4407, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C.

Drafting Information

The principal author of this document is Roger Bowling, FAA, Wine and Beer Branch.

List of Subjects in 27 CFR Part 5

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Liquors, Packaging and containers.

Authority and Issuance

Accordingly, the Director is issuing this notice of proposed rulemaking under the authority contained in section 5 of the Federal Alcohol Administration Act, 49 Stat. 981, as amended, 27 U.S.C. 205.

Signed: July 13, 1983.

W. T. Drake,

Acting Director.

Approved: September 7, 1983.

J. M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 83-26032 Filed 9-22-83; 8:45 am]

BILLING CODE 4810-31-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 2439-2]

Approval and Promulgation of Implementation Plans; California State Implementation Plan (SIP) Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: The State of California has submitted to EPA three volatile organic compound (VOC) rules. These rules have been evaluated and found to be in conformance with requirements of 40 CFR Part 51 and EPA policy. Therefore, this notice proposes to approve the rules and incorporate them into the State Implementation Plan. The intended effect of this action is to control VOC emissions in ozone nonattainment areas and meet requirements of the Clean Air Act.

DATES: Comments may be submitted up to October 24, 1983.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air Management Division, Air Programs Branch, State Implementation Plan Section (A–2–3), Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed revisions and EPA's associated Evaluation Report are available for public inspection during normal business hours at the EPA Region 9 office at the above address, and at the following location: California Air Resources Board, 1102 "Q" Street, P.O. Box 2815, Sacramento, CA 95812.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, State Implementation Plan Section, Air Programs Branch, Air Management Division, Environmental Protection Agency, Region 9, (415) 974–7641.

SUPPLEMENTARY INFORMATION: .

Background

Part D of the Clean Air Act requires states to revise their State Implementation Plan for all areas that have not attained the National Ambient Air Quality Standards (NAAQS).

EPA's April 4, 1979 General Preamble (44 FR 20376) described the Part D requirements for submittal of Reasonably Available Control Technology (RACT) regulations. The first set of RACT regulations for VOC was required for sources covered by the Group I Control Techniques Guidelines (CTG) documents published before January 1978. Regulations for sources covered by the Group I documents were to have been submitted by January 1, 1979. A second set of RACT regulations was required for sources covered by the Group II CTG documents, published between January 1978 and January 1979. Regulations for sources covered by the Group II CTG documents were to have been submitted January 1, 1981.

EPA published the CTGs in order to assist the states in determining RACT. The CTGs contain information on available air pollution control techniques and provide recommendations on what EPA calls that "Presumptive norm" RACT.

Group I CTGs cover the following sources categories: auto and trucks, cans, metal coils, paper, fabrics, metal furniture, large appliances, magnet wire, fixed roof tanks, bulk gasoline plants, tank truck terminals, service stations, miscellaneous refinery sources, degreasing and cutback asphalt. Group II CTGs cover: refinery fugitives, manufactured metal parts and products, flatwood paneling, pharmaceutical manufacture, rubber tire manufacture, graphic arts, floating roof tanks, perchloroethylene dry cleaning and gasoline tank trucks.

The State has submitted to EPA all required rules covered by the Group I CTG documents. EPA has addressed these rules in several final rulemaking actions. The notice addresses two recently submitted revisions to Group I CTG rules.

The State has also submitted to EPA all required rules covered by the Group II CTG documents, with the following exceptions: Ventura County (Refinery

Fugitives) and the Yolo-Solano Air Pollution Control District (Graphic Arts). EPA has addressed the Group II rules in previous rulemaking actions (See 46 FR 38726 for a summary of the California Districts' Group II CTG rules and a partial listing of the rulemaking actions). This notice addresses a Group II rule concerning gasoline vapor leak detection.

Description and Evaluation of Regulations

The State of California submitted revisions to the following regulations on January 20, 1983:

Test Procedures for Determining the Efficiency of Gasoline Vapor Recovery Systems at Service Stations; Certification and Test Procedures for Vapor Recovery Systems of Gasoline Delivery Tanks.

Test Procedure for Gasoline Vapor Leak Detection Using Combustible Gas Detector.

As discussed below, these new and amended rules do not significantly alter the emission limits. A more detailed evaluation of these rules is available at the EPA Region 9 Office.

Test Procedures for Determining the Efficiency of Gasoline Vapor Recovery Systems at Service Stations was revised as follows: The words "The use of the word thermocouple is to imply temperature sensing device throughout this procedure" were revised to read "wherever in this procedure the use of a 'thermocouple' is specified, another equally effective temperature sensing device may alternatively be used." The words "The use of the word manometer is to imply pressure sensing device throughout this procedure" were revised to read "wherever in this procedure the use of a 'manometer' is specified, another equally effective pressure sensing device may alternatively be used." Since the changes are only procedural, they are approvable.

Certification and Test Procedures for Vapor Recovery Systems of Gasoline Delivery Tanks was revised as follows: The paragraph on Section II, "Definitions" was revised to require delivery tanks to be certified in accordance with Section 41962 of the California Health and Safety Code. The revision is approvable since it is more specific.

Paragraph E of Section IV was added to include vapor tight requirements for delivery tank internal vapor valves. An alternate check valve or its equivalent may be used if they are preventing vapor leaks.

In Section IV the previous requirement for a pressure change of two inches of water year-round for any tanks required extensive maintenance. The new 2.5 inches of water pressure change requirement is more realistic, since tank leaks could be detected without a certification leak test.

The Section VII was revised to include the penalty of perjury for delivery tanks certification. The inclusion is approvable since it is merely procedural.

Paragraph E of Section IX was added to include an internal vapor valve leak check procedure and paragraph F was revised to permit an alternate method if it is demonstrated to the satisfaction of the Executive Officer by the operator that the method is equivalent. The revision strengthens the overall control requirements.

Test Procedure for Gasoline Vapor Leak Detection Using Combustible Gas Detector is a new rule. It prohibits volatile organic leaks during unloading which exceed 100 percent of the Lower Explosive Limit at a distance of 2.5 cm. with a combustible gas detector. The requirements are identical to those recommended by the CTG.

Proposed Actions

Overall, the submitted new and revised rules are at least as stringent as the recommendations of the CTG. The pressure test criteria are more stringent. The rule revisions strengthen the existing SIP and represent RACT. Therefore, EPA proposes to approve under Part D the rules listed above for the Group I and II categories since they are consistent with the Clean Air Act, EPA policy and 40 CFR Part 51.

The Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 87709.) The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subject in 40 CFR Part 52

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

Authority: Secs. 110, 129, 171 to 178 and 301(a) of Clean Air Act as amended (42 U.S.C. 7410, 7429, 7501 to 7508, and 7601(a)).

Dated: July 1, 1983.

John Wise,

Acting Regional Administrator.

[FR Doc. 83-26021 Filed 9-22-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[Gen. Docket No. 83-989; FCC 83-394]

Enforcement of Prohibitions Against the Use of Common Carriers for the Transmission of Obscene Materials; Inquiry

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry.

SUMMARY: The Commission has begun an inquiry into its role and the role of common carriers in enforcing prohibitions against the use of common carrier facilities for the transmission of obscene materials. The Commission is focusing on two general issues: (1) What the role of the Commission should be in enforcing the prohibition in section 223 of the Communications Act against using the telephone to make obscene or indecent statements and (2) whether common carriers may unilaterally determine that materials are obscene and terminate service or exclude the obscene materials under color of statute, tariff or contract.

This inquiry stems from two matters before the Commission raising these issues. The inquiry is undertaken in order to permit the Commission to develop a comprehensive policy that can be applied in these and future matters.

DATES: Comments must be received on or before December 12, 1983. Reply Comments must be received on or before January 26, 1984.

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

FOR FURTHER INFORMATION CONTACT: Diane L. Silberstein, Office of General Counsel, (202) 632-2587.

Notice of Inquiry

In the matter of inquiry into enforcement of prohibitions against the use of Common Carriers for the transmission of obscene materials; Gen. Docket No. 83-989.

Adopted: September 9, 1983.
Released: September 16, 1983.

By the Commission.

1. The Commission is instituting this general inquiry into enforcement of prohibitions against the use of common carrier facilities for the transmission of obscene materials. We will focus on two issues: The first is what the Commission's role should be in enforcing the prohibition in section 223 of the Communications Act of 1934, 47 U.S.C. 223, against making any statement over the telephone that is

"obscene, lewd, lascivious, filthy or indecent." Our inquiry into this first issue is two-fold: first, whether the Commission has the authority to determine if material is obscene; and, second, in the event we conclude that we do have the authority, whether it is necessary, desirable or appropriate for the Commission to make an obscenity determination and take action to stop the offensive activity. The second major issue on which we shall focus is whether common carriers may unilaterally determine that materials are obscene and terminate service or exclude the obscene materials, when transmission of obscene materials is prohibited by statute, tariff or contract. Common carriers in such a position could include not only those providing telephone communications, but those providing other services as well, such as licensees in the multipoint distribution services (MDS).

2. The Commission has recently been called upon to address both of these issues, by virtue of two filings we have received. One is a complaint against a "dial-a-porn" telephone recorded message-service (File No. E 83–14); the other is a request for a declaratory ruling by an MDS carrier seeking to enforce its contract prohibiting unrated or X-rated movies on its channel (File No. CCB DFD 83–2). These petitions are described in more detail below. Although the Commission could proceed independently in each of these cases and make the necessary determinations therein, we have chosen instead to defer action on these pending resolution of this docket. We do so in order to analyze more fully and carefully the obscenity problem.

3. We believe public comment is particularly desirable because of the concerns which are in conflict. On the one side is the concern of parents and congressmen that teenagers and pre-teenagers may have access to obscene recordings and movies. On the other side is the deeply rooted first amendment principle of freedom of speech. Numerous sub-issues and questions are raised by the larger issues. Through this Notice, we intend to give attention to all pertinent issues, so that we can make well-informed, reasoned decisions in exercising discretion under pertinent statutes. We note, moreover, that the activities complained of in the two cases before the Commission are not isolated. Recorded message services depicting or describing sexual activities appear to be proliferating, thus heightening the concerns of parents and elected representatives. Similarly, the issue raised by the MDS petition—the ability of a common carrier to unilaterally enforce prohibitions against obscenity—is likely to recur. Accordingly, we have concluded that a comprehensive inquiry into the issues at hand is warranted.

Issue 1: Scope of Commission's Enforcement Powers Under Section 223 and Advisability of Excercising That Power

A. Statutory Framework

4. Section 223 of the Communications Act subjects anyone who uses the telephone to make comments or statements that are "obscene, lewd, lascivious, filthy or indecent" or who knowingly permits the use of a telephone under his control for a use prohibited by the statute to a fine of up to $500 and imprisonment of up to six months.[1]

B. History of Dial-A-Porn Controversy

5. On March 31, 1983, Peter F. Cohalan, individually and in his capacity as County Executive of Suffolk County, New York, filed a formal complaint with the Commission, pursuant to section 208 of the Act, 47 U.S.C. 208, against New York Telephone Company.[2] The essence of the complaint is that New York Telephone has violated section 223 of the Act by allowing one of its "Dial-It" service [3] to be used by High Society Magazine, Inc. for recordings that depict or describe sexual activity.

6. It appears from the pleadings that High Society Magazine, Inc. and Car-Bon Publishers obtained the Dial-It number in a lottery for Dial-It numbers conducted by New York Telephone in January, 1983. The number was thereafter advertised in "High Society Live!" magazine and, in February 1983, operation of the service commenced. When the number is dialed, the caller hears a description or depiction of actual or simulated sexual behavior. The messages, which are changed at least once daily, are available to any caller, twenty-four hours a day, every day. As the local common carrier, New York Telephone does not operate the message service but provides the Dial-It service capability pursuant to an intrastate tariff filed with the Public Service Commission of New York.[4] That tariff, which applies to all New York Telephone Dial-It services, explicitly provides that the subscriber has exclusive control over the content and quality of the messages recorded and that the telephone company assumes no liability therefor.[5]

7. The Dial-It number operated by High Society has apparently been widely disseminated and called. Sources calculate that the service receives up to 500,000 calls a day,[6] yielding approximately $10,000 for High Society and $35,000 for New York Telephone per day before cost.[7] It has been asserted that 20% of these calls are interstate. Teenagers and pre-teenagers are evidently among those who have been dialing the number.[8] This is of particular concern to parents because, except to the extent the calls are made from the house and are long-distance, access is difficult to detect and control. Access to this service by children has similarly alarmed many congressmen. On May 6, 1983, forty-six congressmen sent a letter to Chairman Fowler expressing their concern and urging that the dial-a-porn service be stopped.

8. New York Telephone moved to dismiss the complaint filed against it with the Commission, on the ground that section 223 was only intended to prohibit the making or placing of

[1] Section 223 provides in pertinent part:

Whoever—

(1) In the District of Columbia or in interstate or foreign communication by means of telephone—

(A) makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy, or indecent; [or]

* * * * *

(2) Knowingly permits any telephone under his control to be used for any purpose prohibited by this section, shall be fined not more than $500 or imprisoned not more than six months, or both.

[2] Mr. Cohalan had previously filed a complaint in a New York State Supreme Court, in which he sought a preliminary injunction to block availability of the service to Suffolk County residents. His suit named High Society, Car-Bon Publishers, New York Telephone and this Commission as defendants. After removal to federal court, the Commission was dismissed as a defendant for lack of subject matter jurisdiction. The suit was later dismissed in its entirety for lack of federal jurisdiction. Memorandum and Order, CV 83–0603 (E.D.N.Y. 1983). Mr. Cohalan then filed complaints with the Commission and the New York State Public Service Commission.

[3] A Dial-It service permits up to 50,000 callers per hour to hear a prerecorded message, thereby making a busy signal unlikely.

[4] New York Telephone P.S.C. Tariff No. 900.

[5] *Id.*, section 13 at 24.

[6] Affidavit of Lawrence E. Abelman, attorney for High Society, in Opposition to Plaintiff's Application for Preliminary Injunction, CV 83–0603 (E.D.N.Y. 1983) at 3.

[7] Pursuant to the local tariff for Dial-It services, prior to May 1983 High Society received 2¢ for each local call while New York Telephone received 7¢ (of which 6.96¢ is estimated as New York Telephone's cost). As of May 1983, High Society continued to receive 2¢ per call, but New York Telephone's revenue per local call increased to 13¢ (and its average cost to 11.4¢). *See* New York Telephone P.S.C. Tariff No. 900, § 13 at 25. High Society also receives 2¢ for each long distance call. The long distance carriers and local carriers divide the remaining long distance revenues.

[8] *See, e.g.*, Gilgoff, "Phone Ad Makes Ears Burn," Newsday (February 8, 1983); Levey, "A Garbage Call Should Trigger a Separate Check," Washington Post (June 16, 1983).

telephone calls to innocent victims and hence would not apply to a situation where the calling party subjects himself voluntarily to hearing the receiving party's message.[9] U.S. Representative Thomas J. Bliley of Virginia filed comments opposing New York Telephone's motion to dismiss and supporting Cohalan's complaint. Representative Bliley argued that section 223(1)(A) proscribes transmissions based on content without regard to the source of the transmission, in contrast to other subsections which explicitly apply only to those who make a telephone call.[10]

9. On May 16, 1983, the Common Carrier Bureau dismissed Cohalan's complaint without prejudice and referred the matter to the Department of Justice. The Bureau explained that section 223 provides criminal sanctions and consequently, that possible violations are customarily referred to the Department of Justice.[11] Mr. Cohalan and Mr. Bliley have both petitioned for review of the dismissal order. Following a meeting between Commission and Department of Justice attorneys, the Department of Justice has informally responded that it believes administrative remedies would be more appropriate in the first instance.[12]

C. Areas of Inquiry

(1) *Scope of Commission Authority Under Section 233*

10. Any inquiry into the Commission's role in enforcing section 233's prohibition against messages transmitted by services like "dial-a-porn"[13] must start with a determination of the scope of the Commission's authority to take action in the first instance against either the common carrier (here New York Telephone) or the provider of the service (here High Society) or both. In this regard, we invite comments on the various related sub-questions that arise.[14]

11. First, we invite comments on whether section 223 covers a situation where the person who places the call does not utter the offensive words but, rather, voluntarily subjects himself to hearing the words. As discussed above, New York Telephone argued that the statute does not cover such situations, while Representative Bliley argued that it does. The legislative history of section 223 focused on the need for the legislation to deter the making of harassing or obscene telephone calls to innocent victims. It did not address the issue of whether the utterer must place the call, although the oft-cited scenario in the legislative history assumed the utterer and caller were one and the same. The language of section 223(1)(A) is similarly silent as to whether the utterer of the offensive statement need be the maker of the call. As Congressman Bliley pointed out, this silence may in fact suggest that the utterer need not have place the call, in light of the fact that subsections (1)(B), (1)(C) and (1)(D) each explicity limit themselves to the maker of the call. Although it seems clear that a dial-a-porn type of service was not envisioned at the time section 223 was enacted, we seek comments on whether dial-a-porn nevertheless falls within the statute's ambits.

12. Second, we invite comments on whether section 223 applies to common carriers. New York Telephone is certainly not the utterer of obscene words, and is therefore not covered by section 223(1). Is it, however, covered by section 223(2), which covers anyone who has a telephone under his control that is being used for purposes violative of the section? Or is secton 223(2) aimed only at individuals or entities who permit others to use their telephones to make obscene or harassing telephone calls? Does the recent deregulation of customer premises equipment affect a determination of whether the company controls the telephone? If section 223 does cover common carriers, how far does its coverage extend? Does it cover merely the local carrier or do long distance carriers come under subsection (2) as well?

13. Next, we ask for comments on the overall question of whether section 223, in conjunction with section 312(b), gives the Commission the power to terminate the violative conduct. The case of *General Telephone Co. v. FCC*, 413 F.2d 390 (D.C. Cir.), *cert. denied*, 396 U.S. 888 (1969), indicates that a cease and desist order under section 312(b) may be issued against a common carrier or any other entity, including High Society, because despite the fact that the section is contained in Article III of the Act, it refers to "any person." We are not certain, however, that we are authorized to issue a cease and desist order that inhibit speech—as this one would. The Supreme Court case of *Freedman v. Maryland*, 380 U.S. 51, 58–59 (1965), suggests that there must be some kind of assurance, by statute or regulation, that the agency would seek a prompt final *judicial* determination of obscenity after each such cease and desist order. *See also Southeastern Promotions, Ltd. v. Conrad*, 420 U.S. 546, 557–60 (1975); *Blount v. Rizzi*, 400 U.S. 410, 429 (1971). No such assurance is present, however, in either the Communications Act of the Commission's regulations. Indeed, there is nothing that would compel the Commission to seek a judicial determination promptly—or at all—following issuance of a cease and desist order. We invite comments on whether this lack of assurance precludes or authority to issue cease and desist orders against violators of section 223. We ask, additionally, whether even with an assurance of a prompt judicial finding we are authorized to issue a cease and desist order in this situation because, unlike the situation in *Freedman*, 380 U.S. at 59, our order would *alter* the status quo, not preserve it.

14. Finally, we invite comments on whether any jurisdictional problems prevent the Commission from becoming involved. Because our jurisdiction is admittedly over interstate transmissions only, must any cease and desist order be limited to interstate calls? In practice, is it technically feasible for interstate carriers (whether AT&T or a competing carrier) to block incoming interstate calls from reaching a number? If so, can the Commission take steps to require a local telephone company to limit a Dial-It service to local access only?

(2) *Advisability of Commission Action*

15. If we are able to conclude that the Commission possesses the authority to take action in the first instance, we must then inquire whether we have a duty to

[9] Motion To Dismiss, File E 83–14 (April 19, 1983) at 2.

[10] Comments in Support of Complaint, File E 83–14. Representative Bliley has also introduced an amendment to section 223 that clarifies that the statute is applicable to the provider of Dial-It services. H.R. 2755, 98th Congress. (The amendment leaves ambiguous, however, whether the statute covers a common carrier.) The amendment also increases the fine to $50,000 and gives the Commission authority to seek civil fines and the Commission and Attorney General authority to seek injunctive relief.

[11] Memorandum Opinion and Order, File E 83–14 (May 16, 1983) at 3.

[12] Letter from Richard Willard, Civil Division, DOJ, to Bruce Fein, General Counsel, FCC (June 10, 1983).

[13] It is the allegedly obscene nature of the recording, not the Dial-It character of the service, that is of concern to us in enforcing section 223. Non Dial-It services which provide similar kinds of recordings are equally subject to section 223, so long as interstate calls are made.

[14] Many of these questions concern issues of legal interpretation in addition to policy considerations. We feel comments on the legal issues would be helpful in this proceeding, where the legal questions do not have clear-cut answers, and note that we have on occasion sought comment on legal questions, *see e.g.*, Notice of Proposed Rule Making in MM Docket 83–331, FCC 83–130 (May 25, 1983) at 10–11 (issue of whether Congress intended to subject cable systems to fairness doctrine as well as equal time requirements).

act. If not (and we think not), we inquire into the advisability of exercising such authority because of the multitude of the potential practical and legal problems which could arise. We shall mention the problems that we have anticipated and invite comments on these and any others we may not have foreseen.

16. An overriding consideration is whether the Commission should place itself in a position of regulating the content of messages transmitted by telephone. To do so raises first amendment concerns, since we would be restricting the ability of persons and entities to say or hear whatever they wish over the telephone, often while in the privacy of their homes. Would this violate the doctrine announced in *Stanley v. Georgia*, 394 U.S. 557, 565 (1969F), that justifications that might exist in other circumstances for regulating obscenity do not reach into the privacy of one's home? We invite comments on this overall concern.

17. If we decide that some intervention is justified, a number of concerns arise. A threshold question is whether we need only determine that a recording is "indecent" rather than obscene, as we did in the context of a radio broadcast in *Pacifica Foundation*, 56 FCC 2d 94 (1975). In affirming our decision in that case, the Supreme Court agreed that indecent language can be prohibited in certain contexts. *FCC v. Pacifica Foundation*, 438 U.S. 726 (1978). A Dial-It situation may not fall within the contours of *Pacifica*, however, which may be limited to broadcast, *see id.* at 731, 738. Moreover, in *Pacifica* the Court affirmed our nuisance rationale in part because the damage was already done by the time the offended listener turned to a different radio station. *Id.* at 748–50. (Similarly, the Court noted that the recipient of a harassing or indecent phone call can hang up, but not before the harm is done. *Id.*) This nuisance rationale may not apply in a Dial-It context, because individuals consent to hearing the recording in advance—by dialing the number. We seek comments on whether *Pacifica* nonetheless permits us to impose the lesser burden of finding indecency under section 223.

18. Whether we apply a standard of obscenity or indecency, the next concern is how we evaluate whether the material is obscene or indecent. Under *Miller v. California*, 413 U.S. 15, 24 (1973), obscenity is controlled by the trier of fact's determination as to "whether the average person, applying contemporary *community standards* would find that the . . . [material] appeals to the prurient interest." (Emphasis added.) Under *Pacifica*, indecency is also determined according to the local community standard, but without the element of prurient appeal. *See* 438 U.S. at 741; 56 FCC 2d at 99. Application of the local community standard would seem to be accomplished most easily in a jury trial, when the community standard to be applied is generally the community from which the jury is drawn, *see Hamling v. United States*, 418 U.S. 87, 105–06 (1974). It becomes more difficult if the proposed determiner of obscenity is a Washington federal agency—here, this Commission. Although we have made such determinations in cases like *Pacifica*, we ask whether we ought to limit the category of cases where we so act. If we do make such a determination, would the Commission have to admit evidence of the local community standard? *Which* community's standard would apply in a dial-a-porn situation? Is it the community where the statements are uttered, New York City in this instance, on a community where they are heard? Does the Commission have the discretion to choose any of these communities? Are there certain procedures that we would be required to follow in making our determination? We invite comments on these queries specifically and on the practical problems generally of determining what is obscene. More fundamentally, we invite comments on the desirability of having the Commission become an arbiter of obscenity. Specifically, we question whether this ought to be part of our function and whether it is wise or feasible to devote the amount of Commission time and resources that would be required to make the multitude of determinations that would undoubtedly be requested. Finally, we ask whether the availability of alternative procedures (*e.g.*, prosecutions in federal or state courts) should affect our decision.

19. Any determination of obscenity is further complicated by the question of what impact access to the recordings by children should have, if any. On the one hand, *Ginsberg v. New York*, 390 U.S. 629, 634, 637–38 (1968), suggests that the definition of obscenity can be modified when minors are involved, so that prurient appeal and lack of social value are assessed vis-a-vis minors. The Court stressed, however, that it was using that modified definition only to determine if a statute prohibiting the sale of certain materials to *minors* was lawful. *Id.* at 635. The materials thus remained available to adults, and hence did not violate *Butler v. Michigan*, 352 U.S. 380 (1957). In *Butler*, the Court struck down a statute which had the effect of preventing adults from having access to materials that were judged to have a potentially deleterious influence on children. *Id.* at 382–83. The Court explained that such a statute would have reduced the adult population to reading only what is fit for children. *Id.* at 383. This result was carefully avoided by the Court in *Pacifica, supra*, 483 U.S. at 750 n.28, which noted that the obscene radio broadcast at issue might be permissible if broadcast in late evening rather than afternoon. In the dial-a-porn context, should obscenity be determined according to the standard of an adult or a child? Is the mere fact that children can call the number sufficient to impose a child's standard? Would a total ban, based on such a standard, reduce the level of what adults can hear to what is fit for a child? Should the ability or inability of parents to control their children's access to the recordings have any impact? Generally, what effect should access of children to the recordings have on our determination?

20. Other concerns stem from the first amendment implications that necessarily arise whenever speech is restrained. Of paramount consideration is whether, if we were to issue a cease and desist order, such an order would have to be limited in scope so as not to become an unlawful prior restraint. If so, how limited would that scope have to be? A ban against all future utterings of statements, based on a finding that statements previously made were in violation of section 223, would no doubt run afoul of the Supreme Court's ban on prior restraints, as delineated in such cases as *Near v. Minnesota*, 283 U.S. 697 (1931). An order banning only one particular recording would seem least likely to run into constitutional problems, but would also be inefficacious. Would a cease and desist order that only prohibits future use of the telephone for statements in violation of section 223 be lawful? If directed at High Society, would such an order prevent High Society from offering its service at all? Any cease and desist order imposed by the Commission would, of necessity, be based on a determination that particular recordings were obscene. This determination, moreover, would likely be made according to only one local community standard, *e.g.*, that of the listener. Nonetheless, the resulting cease and desist order could conceivably prevent High Society from providing its service to the country at large if High Society did not want to risk violating the cease and desist order. High Society could not be certain that the recordings would not also be considered obscene in other

jurisdictions and that their transmission therein would not violate the cease and desist order. Moreover, even if High Society was not concerned with other communities, it could not be certain that, if it continued to operate its service, a call would not be received from the particular community whose standard had been applied, thereby violating the order. Accordingly, would a cease and desist order operate as a *de facto* prior restraint? Are other constitutional problems, *e.g.*, equal protection or due process, thereby implicated? We invite comments on whether these are justifiable concerns and seek proposed solutions.

21. Special problems could occur if section 223 applies to common carriers because of the special duty of a common carrier to serve all parties indifferently, pursuant to 47 U.S.C. 201(a). *See also National Association of Regulatory Utility Commissioners v. FCC*, 533 F.2d 601, 608–09 (D.C. Cir. 1976). Can a common carrier comply with both section 201, which requires the carrier to serve all parties indifferently and hence by implication without regard to content, and section 223, which (if it applies to common carriers) prohibits the carrier from permitting a customer to transmit obscene messages? Do these two sections impose conflicting duties on a carrier? Does a carrier like New York Telephone have either the obligation or discretion to stop obscene transmissions? Does it make a difference if an applicable tariff prohibits obscene language? Does it make a difference whether the Commission or a court has made a prior finding of obscenity? Although nothing suggests that a carrier has a duty to knowingly transmit messages which it has reason to believe are made in the furtherance of a crime (and, indeed, a carrier would conceivably be guilty of aiding and abetting the crime if it did so), how would the carrier know the materials were obscene if there had been no adjudication of obscenity? Should the carrier make the determination? If it did so, suspended service and then a court ruled that the materials were not obscene, would the carrier have subjected itself to liability for not carrying the message? Even if a judicial or administrative finding of obscenity has been made, what does New York Telephone do if High Society claims to have "softened" its recordings so that they are no longer obscene? Will New York Telephone and other carriers resort, both in this last hypothetical and when they first become aware that a dial-a-porn type of service is being offered (thereby subjecting themselves to potential liability under section 223), to filing motions for declaratory rulings as to whether the recordings at issue are obscene? If so, it would seem that the Commisson would thereby be thrust into the role of arbiter of obscenity, and all of the potential problems inherent in that role (as described above) would be thrust upon us. We are concerned, moreover, that we would be inundated with such requests if in fact common carriers were placed in this potentially conflicting position. We invite comments and suggested solutions to this dilemma.

Issue 2: Ability of Common Carriers to Unilaterally Enforce Prohibitions Against Obscene Transmissions

A. Background

22. We move now to the second major issue in this inquiry: whether common carriers may unilaterally determine that materials are obscene and exclude those materials or terminate service under color of statute, tariff or contract. The distinguishing characteristic of a common carrier is that it is a pipeline service, and, therefore, has a duty to transmit all messages without regard to their content. Commission rules reiterate this duty. For example, 47 CFR § 21.903(b)(1) requires that multipoint distribution service stations not be "substantially involved in the production of, the writing of, or the influencing of the content of any information to be transmitted over the facilities." At the same time, however, a carrier may have a tariff or contract prohibiting the use of the common carrier's facilities for the transmission of obscene materials. This portion of this inquiry focuses on the enforceability of such a contract or tariff provision. The Multipoint matter before the Commission is a case in point.

B. History of Multipoint Dilemma

23. On June 14, 1983, Multipoint Distribution Systems, Inc. ("Multipoint") filed a petition for a declaratory ruling pursuant to 47 CFR 1.2. Specifically, Multipoint seeks a ruling that section 21.903(b)(1) of the Commission's rules "does not preclude a multipoint distribution service station from refusing to transmit consumer supplied programming which the licensee reasonably determines to be obscene, profane or indecent."[15] Multipoint is the licensee of MDS station WJN-80 in San Antonio, Texas. One of the services provided by WJN-80 is the distribution of movies to customers of San Antonio Home Entertainment, Inc. Multipoint has a contract with Home Entertainment specifying the terms and conditions of service.[16] One of the contract provisions specifies that Home Entertainment will not broadcast X-rated or unrated movies or other material that is obscene, indecent or profane under 18 U.S.C. § 1464.

24. Multipoint alleges that Home Entertainment has, however, been distributing unrated movies which are, by Home Entertainment's description, soft-X versions of hard core X-rated films. Multipoint informed Home Entertainment that this was a breach of contract and that service would be terminated. Home Entertainment countered by contending that the contract is unenforceable in that it permits Multipoint, as a common carrier, to interfere with Home Entertainment's control over programming content, in violation of the Commission's rules. Home Entertainment also asserted that its movies were not obscene, profane or indecent. Multipoint now asks the Commission to sanction its proposed termination of service to WJN-80 because of the alleged breach of contract. On July 1, 1983, the Commission issued a public notice of the request. Accordingly, any comments received in that proceeding will also be considered in this one.

C. Areas of Inquiry

25. Notably, Multipoint did not ask the Commission to sanction its determination that the movies were obscene. If it had, all the problems highlighted in paragraphs 10–20, *supra*, would arise. Instead, a different set of questions is presented, *viz.*: Is it appropriate for a common carrier to determine what is obscene and what is not? Can a common carrier, in executing a contract, refuse to carry materials which are not obscene under the Supreme Court's standard? If a carrier makes its own determination of obscenity, is it subject to liability if a court later determines the materials were not obscene?

26. A fundamental issue is whether a common carrier can control obscenity without violating the Commission's rules against a common carrier's control over content. If section 223 of the Act applies to common carriers, then the answer is presumably yes. If so, and we seek comments on whether this is in fact so, the next question is whether the carrier can make its own determination of obscenity.

[15] Petition for Declaratory Ruling, File CCB DFD 83–2 (June 14, 1983) at 1.

[16] Multipoint provides its service pursuant to contract rather than tariff because no interstate service is involved. *Id.* at 1–2.

27. A further issue is whether the answer should be the same for telephone carriers and MDS licensees. Perhaps it should be concluded that a telephone carrier has neither the obligation nor power to proscribe obscene statements, but that an MDS licensee does. We seek reasons why this should or should not be so. Is the Multipoint scenario different conceptually from a telephone carrier monitoring and suspending telephone service upon making its own determination of obscenity?

28. In its petition, Multipoint suggests that perhaps the most analogous form of service to MDS is the leased access channel provided by cable systems. [17] In 1976, the Commission tried to extend its prohibition against obscene programming by original cablecasters to leased access channels. [18] The Supreme Court overturned this attempt, on the ground that the Commission did not have the authority to impose common carrier rules on CATV systems while exercising jurisdiction on the ground that their activities are ancillary to broadcasting. [19] Because MDS licensees are regulated as common carriers, is there no impediment to subjecting MDS licensees to such a rule? What bearing, if any, does this have on an MDS licensee's ability to impose such a rule by contract?

Procedural Matters

29. In addition to the matters specifically addressed in this *Notice*, any other comments related to the Commission's enforcement of prohibitions against the use of common carrier facilities for the transmission of obscene materials, which have not been covered by questions herein, are welcome.

30. The Commission adopts this Notice of Inquiry under the authority contained in Sections 4(i) and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 403. Pursuant to the procedures set forth in § 1.415 of the Commission's Rules, 47 CFR 1.415, interested persons may file comments on or before December 12, 1983, and reply comments on or before January 26, 1984. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information, or a writing indicating the nature and source of such information, is placed in the public file and provided further that the fact of the Commission's reliance on such information is noted in the Report and Order.

31. In accordance with the provisions of § 1.419 of the Commission's Rules, 47 CFR 1.419, formal participants shall file an original and five copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

32. For further information regarding this matter, contact Diane L. Silberstein at (202) 632-2587.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-25947 Filed 9-22-83; 8:45 am]

BILLING CODE 6712-01-M

[17] Id. at 6.

[18] *See* Report and Order in Docket 20508, 59 FCC 2d 294 (1976); Clarification of Section 76.256 of Commission's Rules and Regulations, 59 FCC 2d 964 (1976), *rev'd, FCC v. Midwest Video Corp.*, 440 U.S. 689 (1979).

[19] *FCC v. Midwest Video Corp.* 440 U.S. 689 (1979).

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47 CFR Part 0

[Gen. Docket No. 83-975; FCC 83-389]

Amendment of the Commission's Rules Regarding Confidential Treatment of Information Submitted to the Commission

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This Notice of Proposed Rule Making initiates a proceeding aimed at revising the standard by which confidential treatment is accorded to certain information submitted to the Commission. This action is necessary to acquire comment on the appropriate legal standard for evaluating requests for confidentiality.

This rule making proposes a "preponderance of the evidence" test in lieu of the current "clear and convincing" standard for according documents confidential treatment.

DATES: Comments must be submitted by October 12, 1983 and reply comments by November 1, 1983.

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

FOR FURTHER INFORMATION CONTACT: Randy W. Thomas, Office of General Counsel (202) 632-6990.

List of Subjects in 47 CFR Part 0

Freedom of Information.

Notice of Proposed Rule Making

In the matter of amendment of the Commission's rules regarding confidential treatment of information submitted to the Commission; Gen. Docket No. 83-975, FCC 83-389.

Adopted: September 2, 1983.
Released: September 12, 1983.

By the Commission.

1. This Notice of Proposed Rule Making commences a proceeding directed at revising the standard for according confidential treatment to documents submitted to the Commission. Documents that are deemed to be confidential are not generally subject to mandatory disclosure under the Freedom of Information Act ("FOIA"), 5 U.S.C. 552(b)(4).[1]

2. The Commission's Rules currently provide that documents will only be afforded confidential status if the submitter "presents a *clear and convincing case* for non-disclosure consistent with the provisions of the Freedom Information Act, 5 U.S.C. 552." 47 CFR 0.459(d) (emphasis added). The appropriate Bureau Chief has delegated authority to make the initial determination regarding requests for confidentiality. *Id.* If the submitter of information is dissatisfied with the Bureau Chief's determination, Commission review may be sought. *See* 47 CFR § 1.106.

3. The "clear and convincing" test has not always been the standard for attributing confidential status to documents submitted to the Commission. From 1967 to 1975, the Commission required only that "a request for confidentiality [be] well founded." *In re Amendment of Part 0, Rules and Regulations, to Implement Pub. L. 89-487*, FCC 67-837, 8 FCC 2d 908, 927 (1967).

In 1975, the test for acquiring confidentiality was elevated to the "clear and convincing" standard. The Commission did not explain the reasons underlying this change, but noted only that the circumstances under which confidentiality would be granted "have been tightened." *In re Amendment of Rules Implementing the Freedom of*

[1] Exemption 4 of the FOIA allows the withholding of "trade secrets and commercial or financial information obtained from a person and privileged or confidential." 5 U.S.C. 552(b)(4).

Information Act, FCC 75–134, 51 FCC 2d 52, 55 (1975).

4. *Proposal and Analysis.* The Freedom of Information Act provides no clear guidance regarding the standard by which agencies should afford confidential treatment to information within their files. For some time, the Commission has applied the "clear and convincing" standard, in these situations. After several years of experience with this standard, we believe that it is more restrictive than necessary, and that a "preponderance of the evidence" standard would be more appropriate.

5. The preponderance of the evidence standard is the traditional standard used in civil and administrative proceedings and is the one contemplated by the Administrative Procedure Act. *Sea Island Broadcasting Corp. v. FCC*, 627 F.2d 240, 243 (D.C. Cir. 1980). Moreover, the preponderance of the evidence satisfy in 5 U.S.C. 552 (b)(4) litigation to show that withheld data is indeed confidential. *9 to 5 Organization for Women Office Workers v. Board of Governors*, 551 F.Supp. 1006, 1008 (D. Mass. 1982); *Doherty v. FTC*, 1981–1 Trade Cases (CCH) ¶64,117 (D.D.C. June 24, 1981); *Braintree Elec. Light Dept. v. Dept. of Energy*, 494 F.Supp. 287, 289 (D.D.C. 1980); *Green v. Dept. of Commerce*, 468 F.Supp. 691, 692 (D.D.C. 1979), *app. dismissed*, 618 F.2d 836 (D.C. Cir. 1980). It would seem incongruent to require submitters of information to make a stronger showing of confidentiality than the Government must present in litigation under FOIA Exemption 4.

6. We also have examined relevant regulations of several other government agencies to compare the standards used by them for granting confidential status to documents. Some agencies appear to apply a more relaxed standard than the one the FCC uses. For example, the Environmental Protection Agency requires only a "satisfactory showing" of certain factors. 40 CFR 2.208. The regulations of the Office of Federal Contracts Compliance Programs require that a request for confidentiality "specify the reasons" why the information is undisclosable, but no standard is prescribed for the agency's evaluation. Similarly, the Food and Drug Administration provides that the request "shall state why the data or information" is exempted from disclosure. 21 CFR 20.44. Other agencies, perhaps because of sensitive nature of the matters within their jurisdiction, follow clearly delineated substantive criteria in making confidentiality determinations. Thus, the Nuclear Regulatory Commission, the Federal Trade Commission, and the Securities and Exchange Commission require substantial and specific kinds of data in support of a request for confidentiality. 10 CFR 2.790(b); 16 CFR 4.10; 17 CFR 200.83. While the quantity of information required might suggest a more cautious and conscientious approach by these agencies, their regulations do not specify a high standard of proof to be used in reaching their determinations. Thus, the Commission's confidentiality standard appears to be more rigorous than the standards used by several other federal agencies.

7. *Conclusions.* For the reasons set forth above, we believe that it is appropriate to modify our rules to specify a less stringent standard for granting confidential treatment to commercial and financial data submitted to the Commission. We hereby propose to change the standard in § 0.459 of our Rules from "clear and convincing" to "preponderance of the evidence."

8. Comments are sought on all aspects of our proposal. Legal analysis of the proposed standard, as well as alternative standards is particularly invited. In addition, commenters may wish to address the possibility of maintaining our current "clear and convincing" standard.

9. *Regulatory Flexibility Act Initial Analysis.* Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.*, the Commission issues the following regulatory flexibility analysis:

I. Reason for Action

This proposal was prompted by the Commission's desire to reexamine its rules that establish a standard for granting confidential treatment to information submitted by its regulatees. Through this proceeding, the Commission seeks to establish a more meaningful standard for acting on requests for confidentiality.

II. (a) Objective

The purposes of this *Notice* is to initiate a rule making proceeding and obtain comments on whether the Commission's current FOIA rules provide the appropriate standard for according confidentiality to certain information.

II. (b) Legal Basis

The legal authority for this action is contained in 5 U.S.C. 552 and 47 U.S.C. 154(i), 154(j) and 303(r).

III. Description, Potential Impact and Number of Small Entities Affected

These proposals should benefit all entities submitting sensitive information to the Commission. Existing and potential submitters of information to the FCC range in size from sole proprietors and small partnerships to multi-million dollar corporations. Business entities have a valid interest in ensuring the confidentiality of information submitted to the Government that could, potentially, be publicly released. This proposal is expected to result in a more appropriate test for determining whether information submitted to the Commission should be given confidential treatment. Hence, many small entities should benefit from this proposal.

IV. Recording, Record Keeping and Other Compliance Requirements

None.

V. Federal Rules That Overlap, Duplicate or Conflict with These Rules

None.

VI. Any Significant Alternative Minimizing Impact on Small Entities and Consistent with Stated Objectives

None.

10. Written public comments are requested on the Initial Regulatory Flexibility Analysis (IRFA) *supra*. These comments must be filed in accordance with the same filing deadlines as comments on the balance of the *Notice*, but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall send a copy of this *Notice* to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act (Pub. L. No. 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.*) (1980).

11. *Ex Parte and Comment Procedures.* For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a *Notice of Proposed Rule Making* until the time a Public Notice is issued stating a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the

Commission and a Commissioner or a member of the Commission's staff that addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commissison's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. *See generally*, § 1.1231 of the Commission rules, 47 CFR 1.1231.

11. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before October 12, 1983, and reply comments on or before November 1, 1983. All relevant and timely comments and reply comments will be considered by the Commission before further action in this proceeding. The Commission may also consider any other relevant information brought to its attention.

12. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a written summary indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the *Report and Order*. In accordance with the provision of § 1.419 of the FCC's rules, an original and 5 copies of all comments, replies or other documents filed in this proceeding shall be furnished to the FCC. Participants filing the required copies who also desire that each Commissioner receive a personal copy of the comments may file an additional 6 copies. Members of the general public who wish to express their interest by participating informally in this proceeding may do so by submitting one copy of their comments, without regard to form, provided that General Docket No. 83-975 is specified in the heading. Such informal participants who desire that responsible members of the staff receive a personal copy may file an additional five copies. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room (Room 239) at headquarters in Washington, D.C. (1919 M Street, N.W.). Further information concerning this proceeding may be obtained from Randy W. Thomas, Office of General Counsel, 202-632-6990.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-25932 Filed 9-22-83; 8:45 am]

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47 CFR Parts 1, 90, and 94

[PR Docket 83-991; FCC 83-397]

Elimination of Outdated or Unnecessary Rules in the Private Land Mobile Radio Services and the Private Operational-Fixed Microwave Radio Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has adopted a Notice of Proposed Rule Making proposing the deletion of various rules for the Private Land Mobile Radio Services (Part 90) and the Private Operational-Fixed Microwave Service (Part 94) which may be outdated or unnecessary to the efficient administration of the subject services. This action is part of the Commission's on-going Regulatory Review Program, which seeks to remove those rules which may no longer be necessary.

DATES: Comments are due by October 31, 1983; Reply comments are due by November 15, 1983.

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

FOR FURTHER INFORMATION CONTACT: Harold Salters, Private Radio Bureau, (202) 632-7597.

List of Subjects

47 CFR Part 1

Administrative practice and procedure.

47 CFR Part 90

Private land mobile radio services, Radio.

47 CFR Part 94

Communications equipment, Operational-Fixed Microwave, Radio.

Notice of Proposed Rule Making

FCC 83-397

In the matter of Amendment of Parts 1, 90 and 94 of the Commission's Rules to eliminate outdated and unnecessary rules; PR Docket No. 83-991.

Adopted: September 9, 1983.

Released: September 22, 1983.

By the Commission.

1. The Federal Communications Commission, pursuant to its Regulatory Review Program, proposes amending Parts 1, 90 and 94 of the Commission's Rules governing the Private Land Mobile Radio Services and the Private Operational-Fixed Microwave Service to eliminate certain rules which are outdated or no longer necessary for the effective regulation of these services.

2. Accordingly, we propose that Parts 1, 90 and 94 be amended as follows:

a. *Section 1.915 Shared use of broadcast antenna structure.* This rule requires that two diagrams be submitted by private radio applicants proposing to share an antenna structure used by an AM, FM or TV broadcast station. We proposed to delete it, in accordance with a recommendation of the Federal Communications Bar Association, because this rule serves as a redundant check on the engineering feasibility of co-locating land mobile antennas and broadcast antennas on the same structure. The broadcast station using the antenna structure would not permit any co-located land mobile antennas to degrade the quality of its broadcast transmissions. Additionally, the deletion of this rule in no way alters the technical parameters contained in Parts 73 and 74 of the Rules which protect the quality of broadcast transmissions.

b. *Section 1.956 Rented communications equipment.* This rule dates from a Commission proceeding (Docket 12722) initiated in response to the Justice Department's 1956 consent decree wth the American Telephone & Telegraph Company (AT&T). The consent decree prohibited AT&T and its subsidiaries (set out at § 1.956(b)) from engaging in non-regulated telecommunications activities. To implement this decree in the Private Radio Services, § 1.956 was promulgated to prohibited Private Radio licensees from obtaining equipment under lease-maintenance arrangements from AT&T and its subsidiaries. In the *Second Computer Inquiry*,[1] the Commission permitted AT&T to offer customer premises equipment on a detariffed basis effective January 1, 1983. In light of the Commission's findings in *Computer II* and the *Modified Final Judgment* entered into in the case of the *United*

[1] Amendment of Section 64.702 of the Commission's Rules and Regulations, *Final Decision*, 77 FCC 2d 384 (1980), *Modified on Reconsideration*, 84 FCC 2d 50 (1980), *Modified on Further Reconsideration*, 88 FCC 2d 512 (1981), aff'd sub nom. *CCIA v. FCC*, 693 F.2d 198 (D.C. Cir. 1982).

States v. *AT&T*,[2] the Commission believes that the prohibition on lease-maintenance agreements between Private Radio licensees and AT&T and its subsidiaries is now unnecessary. In accordance with a recommendation of the Federal Communications Bar Association, we propose to delete it.

c. *Section 1.962 Public notice of acceptance for filing.* We propose to revise this section to remove references to private radio applications filed prior to December 12, 1960. The Commission does not now possess any private radio applications filed prior to that date.

d. *Section 90.35 Medical services.* We propose to delete paragraph (b) of this section which provides that applicants participating in an area-wide medical communications plan may file the plan with their applications to the Commission for station authorization. Since the Commission does not require the filing of such plans, we propose to eliminate this part of the rule.

e. *Section 90.73 Special Industrial Radio Service.* We propose to eliminate the last remaining distinctions in the rules between frequencies for permanent area use and frequencies for itinerant operations by making all frequencies in this radio service available for operation on a permament basis. Temporary or wide-area use may be permitted where a showing of need has been made. Conforming language would be added to § 90–73(c). The limitations set out at § 90–73 (d)(2) and (d)(4) would be deleted, along with references to them in the Special Industrial Radio Service Frequency Table (§ 90.73(c)). Conforming amendments would be made to § 90.73(d)(19), which references itinerant operations. We propose this change because the distinction between permanent and itinerant use appears to be unnecessary for spectrum management purposes.

f. *Section 90.75 Business Radio Service.* The same distinctions between permanent use frequencies and itinerant use frequencies are present in this service also, and are proposed to be eliminated by amendments to § 90.75(b), (c)(2) and (c)(3) in similar fashion as the proposed amendment to § 90.73, discussed above, and for the same reasons. A conforming amendment would also be made by deleting § 90.138 *Applications for itinerant frequencies.*

g. *Section 90.149 License term.* Since we no longer schedule renewal applications in varying terms of from 1 to 5 years, we propose to amend this section to delete that provision.

h. *Section 90.249 Control stations.* Paragraphs (b)(1) and (b)(2) of § 90.249, which contain technical requirements for control stations operating on frequencies in the band 450–470 MHz if they are located within 120 km (75 mi.) of the center of specified urbanized areas, would be deleted because any frequency used in this manner is on a secondary, non-interference basis to mobile service communications and any interference problems would have to be resolved by the licensee of the secondary use facility. Retention, therefore, appears to serve no purpose. Conforming amendments are also proposed to §§ 90.376 and 90.637, *Restrictions on operational fixed stations.*

i. *Emergency communications.* We propose to revise §§ 90.407, 90.409, 90.411, 90.413 and 94.11 to consolidate similar provisions of different rule sections and to eliminate eight notification requirements contained in the subject rules. These rules require licensees to notify the Commission and the Engineer in Charge of the Radio District in which the station is located when the licensee's station is used for emergency communications and when such emergency use is terminated. For licensees in the Taxicab Radio Service participating in civil defense transportation functions, dual notifications are also required. We propose to delete § 90.409 since the temporary operation of Public Safety and Special Emergency Radio Service mobile stations at fixed locations during emergencies is subsumed by the proposed revised wording of § 90.407. We propose to delete § 90.413 since civil defense communications undertaken by stations in the Taxicab Radio Service are subsumed by the revised wording of § 90.411 which proposes that Private Land Mobile Radio Service licensees have the option of voluntarily participating in civil defense activities assigned by local civil defense authorities.

j. *Section 90.425 Station identification.* We propose to amend paragraph (a)(4)(i) of § 90.425, which concerns use of an identifier other than the assigned call sign in the Public Safety and Special Emergency Radio Services, so that licensees would not be required to notify the Commission of any special identifier, but rather would maintain this information in their station files. This amendment would relax reporting requirements on local government entities.

k. *Section 90.441. Inspection and maintenance of tower marking and associated control equipment.* We propose to amend paragraph (b) of § 90.441, which concerns written agreements between licensees in regard to maintenance and inspection of a shared tower, by deleting the last sentence which requires the filing of a copy of the agreement with the Commission. Instead, we propose adding new language to § 90.441(b) requiring that a copy of the agreement be kept at each licensee's station. The purpose of this proposed change is to eliminate unnecessary filing requirements.

l. *Section 90.555. Combined frequency listing.* We propose to revise paragraph (a) to show the change in status of the Radiolocation Radio Service from being an integral part of the Industrial Radio Services to having its own separate subpart F in Part 90, by giving Radiolocation a new designator (RS) instead of IR. This revision is also made to conform the rules to a recent change made in § 1.952 of the Rules. (See *Order*, released February 15, 1983; mimeo 32827, 48 FR 9271 (March 4, 1983).)

m. *Section 94.25. Filing of applications.* We propose to change § 94.25(b) to reflect the fact that applications for private microwave authorizations are processed at the Commission's offices in Gettysburg, PA. We propose to delete the last sentence of § 94.25(b) concerning fees because the Commission's fee schedule has been suspended. Additionally, we propose to delete paragraph (h) which contains a prohibition against applications for authorizations in the private microwave service to transmit program material to cable television systems. The Commission recently permitted such service to be provided in the frequency bands above 21,200 MHz. (See *Memorandum Opinion and Order*, Docket 19671, FCC 83–245, 48 FR 32578 (July 18, 1983).)

n. *Section 94.31. Supplemental information to be submitted with application.* We propose to delete § 94.31(g) because it references § 1.70 of the Commission's rules, which no longer exists.

o. *Section 94.53. Discontinuance of station operation.* We propose to delete the requirement to notify the Engineer in Charge of the Radio District in which the station is located when station operation is discontinued. We believe the notification of the Engineer in Charge to be an unnecessary requirement and propose only that the licensee mail the license to be cancelled

[2] *U.S.* v. *American Telephone and Telegraph Co.*, Civ. Nos. 74–1698 and 82–0192,—F. Supp.—, 47 FR 40392 (D.D.C. 1982).

to the Commission's office in Gettysburg, Pennsylvania.

p. *Section 94.55. Notification of commencement or discontinuance of station operation.* We propose the deletion of this section. The requirement to notify the Commission of discontinuance of station operation is covered by § 94.53, discussed above. We believe the notification of commencement of station operation serves no useful purpose since this information can be obtained by the Commission if necessary in particular cases.

q. *Section 94.90. Special provisions for low power, limited coverage systems in the 12,200–12,700 MHz band.* To correct a typographical error, the frequency pair 12.200/12,460 in the first paragraph should read "12,220/12,460."

3. Notice is hereby given that it is proposed to amend 47 CFR Parts 1, 90 and 94 in accordance with the proposal set forth in the attached Appendix.

4. The Commission does not believe that the proposals herein contained would have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354). Neither eligibles nor existing users would incur any significant additional costs if the proposed rules were adopted. Nor do the proposed rules impose new recordkeeping, reporting or other requirements upon license applicants or holders. Indeed, most of the proposed rules eliminate unnecessary recordkeeping, reporting or other requirements on license applicants or holders. Accordingly, the Commission certifies that Sections 603 and 604 of the Regulatory Flexibility Act do not apply to this proceeding. See 5 U.S.C. Section 605(b).

5. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings or formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding, must prepare a written summary of that presentation. On the day of that oral presentation, a written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rules, 47 CFR 1.1231.

6. Authority for issuance of this Notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to procedures set out in § 1.415 of the Rules and Regulations, 47 CFR 1.415, interested persons may file comments on or before October 31, 1983, and reply comments on or before November 15, 1983. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public files and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

7. In accordance with the provisions of § 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall file an original and five copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

8. It is ordered that the Secretary shall cause a copy of this Notice to be served upon the Chief Counsel for Advocacy of the Small Business Administration, and that the Secretary shall also cause a copy of this Notice to be published in the **Federal Register.**

9. For further information on this proceeding, contact Harold Salters, Private Radio Bureau, Washington, D.C. 20554, (202) 632–7597.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Parts 1, 90 and 94 of Chapter I of Title 47 of the Code of Federal Regulations are proposed to be amended as follows:

PART 1—PRACTICE AND PROCEDURE

§ 1.915 [Reserved]

1. Section 1.915 is removed in its entirety and marked [Reserved].

§ 1.956 [Reserved]

2. Section 1.956 is removed in its entirety and marked [Reserved].

§ 1.962 [Reserved]

3. Section 1.962 is amended by revising the introductory text of (a) to read as follows:

§ 1.962 Public notice of acceptance for filing; petitions to deny applications of specified categories.

(a) Except as qualified in paragraph (b) of this section, the provisions of this section shall apply to all applications for authorizations, and substantial amendments thereof, for the following categories of stations and services:

* * * * *

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

§ 90.35 [Amended]

1. Section 90.35 is amended by the removal of paragraph (b) and the substitution of [Reserved].

2. Section 90.73 is amended by revising the text of paragraph (c) preceding the table, removing and reserving paragraphs (d)(2) and (d)(4) and revising paragraph (d)(19). All references to Limitations 2 and 4 are removed from the Table at paragraph (c).

§ 90.73 Special Industrial Radio Service.

* * * * *

(c) *Frequencies available.* The following table indicates frequencies available for assignment to stations in the Special Industrial Radio Service together with the class of station(s) to which they are normally assigned, and the specific assignment limitations which are explained in paragraph (d) of this section. These frequencies are normally available for operation in a permanent area, usually within 120 km. (75 mi.) of a specified reference point. However, use on a temporary or wide-

area basis may be permitted where a showing of need has been made.

* * * * *

(d) * * *

(2) [Reserved]

* * * * *

(4) [Reserved]

* * * * *

(19) Operational fixed assignments on this frequency will only be made on a secondary basis to land mobile stations in this service. All such use of these frequencies for fixed systems is limited to locations 161 or more km. (100 mi.) from the center of any urbanized area of 200,000 or more population, except that the distance may be 120 km. (75 mi.) if the output power does not exceed 20 watts. All such fixed systems are limited to a maximum of two frequencies. The centers of urbanized areas of 200,000 or more population are determined from the appendix, page 226, of the U.S. Department of Commerce publication, "Air Line Distance Between Cities in the United States." Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, volume 1, table 23, pp. 1–50.

* * * * *

3. Section 90.75 is amended by revising the text of paragraph (b) preceding the table and removing and reserving paragraphs (c)(2) and (c)(3). All references to Limitations 2 and 3 are removed from the Table at paragraph (b).

§ 90.75 Business Radio Service

* * * * *

(b) *Frequencies available.* The following table indicates frequencies available for assignment to stations in the Business Radio Service together with the class of station(s) to which they are normally assigned and the specific assignment limitations, which are explained in paragraph (c) of this section. These frequencies are normally available for operation in a permanent area, usually within 120 km. (75 mi.) of a specified reference point. However, use on a temporary or wide-area basis may be permitted where a showing of need has been made.

* * * * *

(c) * * *

(2) [Reserved]

(3) [Reserved]

* * * * *

§ 90.138 [Reserved]

4. Section 90.138 is removed in its entirety and marked [Reserved].

5. In § 90.149, paragraph (a) is revised as set forth below and paragraph (b) is corrected by changing the phrase "Subpart P" to read "Subpart Q."

§ 90.149 License term.

(a) Licenses for stations authorized under this part will be issued for a term not to exceed five years from the date of the original issuance, modification or renewal.

* * * * *

§ 90.249 [Reserved]

6. Section 90.249(b) is removed and marked [Reserved].

§ 90.376 [Reserved]

7. In § 90.376, paragraphs (a)(2), (a)(3) and (a)(4) are removed. Paragraph (a)(1) is redesignated paragraph (b). In new paragraph (b), in the last sentence, the word "licensee" is corrected to read "licensees".

8. Section 90.407 is revised to read as follows:

§ 90.407 Emergency communications.

The licensee of any station authorized under this part may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake or similar disaster, utilize such station for emergency communications in a manner other than that specified in the station authorization or in the rules and regulations governing the operation of such stations. The Commission may at any time order the discontinuance of such special use of the authorized facilities.

§ 90.409 [Reserved]

9. Section 90.409 is removed in its entirety and marked [Reserved].

10. Section 90.411 is revised to read as follows:

§ 90.411 Civil defense communications.

The licensee of any station authorized under this part may, on a voluntary basis, transmit communications necessary for the implementation of civil defense activities assigned such station by local civil defense authorities during an actual or simulated emergency, including drills and tests. The Commission may at any time order the discontinuance of such special use of the authorized facilities.

§ 90.419 [Reserved]

11. Section 90.413 is removed in its entirety and marked [Reserved].

12. Section 90.425(a)(4)(i) is revised to read as follows:

§ 90.425 Station identification.

* * * * *

(a) * * *

(4) * * *

(i) In the Public Safety and Special Emergency Radio Services, mobile units licensed to a governmental entity and which operate on frequencies above 30 MHz may use an identifier which contains, at a minimum, the name of the licensee if the licensee maintains at the station a list of the special identifier(s) to be used by the mobile units.

* * * * *

13. Section 90.441(b) is revised to read as follows:

§ 90.441 Inspection and maintenance of tower marking and associated control equipment.

* * * * *

(b) Licensees operating stations licensed under this part which share a tower used for antenna and/or antenna supporting purposes with other licensees under this chapter may designate in writing one licensee or a nonlicensed agent to be responsible for maintenance and inspection of the tower, and maintenance of the inspection log. In such cases, a copy of the agreement must be kept in each participating licensee's station records.

14. In § 90.555, paragraph (a) is amended to read as follows:

§ 90.555 Combined frequency listing.

(a) * * *

Industrial Services

IB—Business.
IF—Forest products.
IM—Motion picture.
IP—Petroleum.
IS—Special industrial.
IT—Telephone maintenance.
IW—Power.
IX—Manufacturers.
IY—Relay press.

Radiolocation Service

RS—Radiolocation.

Land Transportation Services

* * * * *

§ 90.637 [Amended]

15. In § 90.637, paragraphs (a)(2), (a)(3) and (a)(4) are removed. Paragraph (a)(1) is redesignated paragraph (b).

PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE

1. In § 94.11, paragraph (b) is revised to read as follows:

§ 94.11 Points of communication.

* * * * *

(b) *Emergency communications.* During a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, stations may be used for emergency

communications unrelated to the licensee's activities. The Commission may at any time order discontinuance of such special use of the authorized facilities.

2. In § 94.25, paragraph (b) is revised and paragraph (h) is removed and marked [Reserved].

§ 94.25 Filing of applications.

* * * * *

(b) Every application for a radio station authorization and all correspondence relating thereto, shall be filed with the Commission's offices in Gettysburg, Pennsylvania and shall be addressed to: Federal Communications Commission, Gettysburg, Pennsylvania 17325.

* * * * *

(h) [Reserved]

* * * * *

§ 94.31 [Amended]

3. In § 94.31, paragraph (g) is removed and marked [Reserved].

4. Section 94.53 is revised to read as follows:

§ 94.53 Discontinuance of station operation.

In case of permanent discontinuance of a station licensed under this part, the licensee shall forward the station license to the Federal Communications Commission, Gettysburg, Pennsylvania 17325, for cancellation. For purposes of this section, any station which has not operated for one year or more is considered to have been permanently discontinued.

§ 94.55 [Reserved]

5. Section 94.55 is removed in its entirety and marked [Reserved].

§ 94.90 [Reserved]

6. Section 94.90 is corrected by changing the reference in the introductory text from "12,200/12,460" to "12,220/12,460."

[FR Doc. 83-25945 Filed 9-22-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 87

[PR Docket No. 83-990; FCC 83-396]

Amendment of the Commission's Rules Concerning Aeronautical Advisory Stations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This notice proposes to permit more than one aeronautical advisory station (unicom) to be authorized to operate at airports which have a control tower. Additionally, the rules concerning frequency assignments to unicoms at airports without control towers are proposed to be revised. These proposals result from the FCC's program to eliminate unnecessary regulations and staff discussions with industry and Federal Aviation Administration staff. The proposed amendments are intended to improve the advisory service available to the flying public and eliminate unnecessary regulations.

DATES: Comments must be received on or before October 24, 1983, and reply comments must be received on or before November 8, 1983.

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

FOR FURTHER INFORMATION CONTACT: Robert H. McNamara, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 87

Aeronautical stations, General aviation, Radio.

Notice of Proposed Rule Making

In the matter of amendment of Part 87 of the rules concerning aeronautical advisory stations; PR Docket No. 83-990; FCC 83-396.

Adopted: September 9, 1983.

Released: September 23, 1983.

By the Commission:

Summary

1. In this Notice of Proposed Rule Making we are proposing to amend Part 87 of the rules (Aviation Services) to permit more than one aeronautical advisory station to operate at airports which have a control tower. We are also proposing to modify the frequency assignment plan for aeronautical advisory stations located at airports which do *not* have a control tower. In essence, this proposed change will make two more frequencies generally available to advisory stations at uncontrolled airports (i.e., airports with no control tower) by eliminating special frequency assignments for other categories of advisory stations. Additionally, we are proposing to amend the rules to reflect that under certain circumstances foreign governments may license aircraft radio stations and radio operators on U.S. registered aircraft.

Background

2. Aeronautical advisory stations (also called unicoms) provide for air-ground communications primarily between General Aviation aircraft[1] and airport facilities. Communications are limited to the necessities of safe and expeditious operation of aircraft such as runway conditions, fuel availability dispatching, wind conditions, weather, and the like. In addition, on a secondary basis communications may be transmitted which pertain to the efficient portal-to-portal transit of a flight, such as requests for ground transportation, food or lodging. However, at airports which have a control tower or FAA flight service station, the advisory station may not transmit information concerning runway conditions, wind or weather information.

Aeronautical advisory stations must provide service to aircraft without discrimination and are required to be impartial with respect to ground services available at the airport. These stations may not be used for air traffic control purposes.[2] Typically, the licensee of the advisory station is the airport owner/operator or an organization which in some capacity services the general aviation community utilizing the airport.[3]

3. At many uncontrolled airports the advisory station is the only means of communication between the airport and aircraft in flight. Since the aeronautical advisory service was first established in 1950, only one station has been authorized at each airport. This restriction has been considered necessary for reasons of flight safety and interference potential. Aircraft approaching and departing many uncontrolled airports monitor the advisory frequency and "self-announce" their position and intentions for the benefit of other aircraft in the area. This aural alerting system is an essential supplement to the basic visual requirement for pilots to see and avoid other aircraft. Further, the possibility of contradictory information being issued to aircraft and/or interference among stations on an airfield have supported the conclusion that more than one station should not be authorized.

4. Section 87.253 of the Commission's rules set forth the current allotment of frequencies for use by advisory stations. Advisory stations at airports which have a control tower (controlled

[1] General Aviation encompasses all facets of civil aviation except certificated air carriers and large commercial aircraft operators. For example, corporate jets, light single engine aircraft and sailplanes are all considered within the "General Aviation" classification.

[2] Air traffic control, where available, is provided by the Federal Aviation Administration (FAA).

[3] The rules regarding the operation of aeronautical advisory stations are contained in Subpart C of Part 87 of the Commission's rules, 47 CFR 87.251-87.257.

airports) are assigned the frequency 122.950 MHz. Advisory stations at uncontrolled airports may be assigned the frequency 122.700, 122.800 or 123.000 MHz. These "100 kHz spaced channels" were made available to advisory stations at uncontrolled airports in order to enhance safety by insuring that all aircraft equipped with radio, even older radios only capable of tuning 100 kHz spaced channels, would be able to communicate at such uncontrolled airports. The frequencies 123.050 and 123.075 MHz are available for assignment to stations serving heliports. Additionally, the frequencies 122.725 or 122.750 may, upon request, be assigned to airfields not open to the public in lieu of one of the three "100 kHz channels", and the frequency 122.975 may be assigned for communications with aircraft at altitudes greater than 10,000 feet above ground level.

Discussion

One Station Per Airport Restriction

5. Although we continue to believe that the one advisory station per airport restriction is critical for safety of flight in the vicinity of uncontrolled airports, we feel that this rule may be relaxed at the more than 400 airports which have a control tower. Aircraft entering the airport traffic area of a controlled airport are required by the FAA to maintain radio communications with the control tower.[4] Further, aeronautical advisory stations at controlled airfields may not transmit information pertaining to runway conditions, wind or weather. Thus, at these airports aircraft do not monitor the advisory frequency for safety communications, and advisory stations only provide communications relating to aircraft or passenger services. Even when a part-time control tower is not in operation, the FAA recommends that aircraft approaching or departing the airports monitor the tower frequency and utilize the "self-announce" procedures on that frequency.[5]

6. Since safety of flight is not a factor affecting the advisory service at controlled airfields, we feel that the elimination of the one station restriction would benefit both the flying public utilizing these airports and local aviation service organizations. All service organizations located on a controlled airport would be eligible to be a licensee of an advisory station (all stations located at a given airport would be assigned the same frequency). This potentially will permit pilots the convenience of communicating directly with any aviation service organization at the airport. We do not believe that a significant increase in communications traffic or interference among a number of stations at an airport would occur. The aviation community operating at these large, busy airports is well trained and highly disciplined. Often customer relationships between service organizations and aircraft using these airports are preestablished. We would thus expect relatively few interference problems resulting from "races" to answer calls for other organizations.

7. With elimination of the one station per airport restriction at controlled airports, the requirement for advisory station applicants to give actual notice of their application to all aviation service organizations on the airfield may also be deleted. In that no other such organization would be excluded, we believe actual notice is unnecessary. Of course the Commission would continue to place such applications on public notice as required by Section 309 of the Communications Act.[6]

8. Additionally, the proposed rule change will eliminate the potential for mutually exclusive applications for advisory station authorizations at the 400 largest airports in the nation. Although in the vast majority of cases cooperative arrangements are made for the operation of the advisory station, each year approximately half a dozen mutually exclusive applications are received which must be designated for comparative hearings.[7] These large airfields typically have many service companies with an interest in providing advisory communications and, thus, are the greatest source of mutually exclusive applications. However, as indicated above, at these airports advisory communications are primarily concerned with available ground services rather than safety of flight. The elimination of the one station per airport restriction at these airfields will relieve a number of station applicants, and the Commission, of the time and expense required to conduct comparative hearings each year.

Frequencies Available at Uncontrolled Airports

9. Complaints of congestion on the frequencies available to advisory stations serving uncontrolled public airports, particularly those located near large urban areas, have been common over the years. In 1977 the Commission added the frequencies 122.700 and 123.000 MHz to the then single available frequency 122.800 MHz.[8] As we indicated above, assignment of 100 kHz spaced channels was considered essential at uncontrolled public airports to insure all radio equipped aircraft would have access to the station. In an effort to reduce the heavy channel loading on these three frequencies, 122.725 and 122.750 MHz were made available on an optional basis to advisory stations at uncontrolled airports not open to the public. The frequency 122.975 MHz was also allotted for advisory communications with aircraft at an altitude greater than 10,000 feet above the ground and two additional frequencies were dedicated for use at heliports. Further, in cooperation with the FAA, the Commission implemented a voluntary frequency assignment plan in the sixteen heaviest populated areas of the Country. Although voluntary compliance with this plan has been encouraging,[9] we still receive reports of congestion on the three primary advisory frequencies available at uncontrolled public airports.

10. Today all new aircraft radios are capable of operating on 25 kHz spaced channels. Many General Aviation aircraft owners have installed such radio equipment to take advantage of the added communications capability, or in recognition that such equipment will ultimately be necessary. (Implementation of the provisions of the 1979 World Administrative Radio Conference will require all aircraft to be equipped for operation on 25 kHz channels by 1990, and the FAA currently requires 25 kHz channelization in order to operate in certain airspace.) Further, the utilization of 25 kHz channels is the only practical method of reducing congestion and improving the services available in the VHF aeronautical band in the near future.

11. Therefore, we are proposing that two additional frequencies, 122.725 and 122.975 MHz, be made available for assignment at uncontrolled airports

[4] *See*, 14 CFR 91.87.

[5] The FAA recommends that pilots approaching or departing airports without operating control towers "self-announce" or broadcast in the blind their position or intentions at specified intervals on a common frequency. At over 2500 airports the assigned advisory station frequency is the "common frequency". These procedures are described in the FAA's *Airman's Information Manual, Basic Information and Procedures*, Chapter 4, Section 1.

[6] 47 U.S.C. 309.

[7] The availability of random selection techniques where applicants are essentially in equipoise is unlikely to entirely eliminate the necessity to conduct hearings in this service. See, *Second Report and Order*, Gen. Docket No. 81-768, released May 27, 1983, 48 FR 27182.

[8] *Report and Order*, Docket No. 20123, released April 15, 1977, 64 FCC 2d 573.

[9] Approximately 65 percent of the licensed advisory stations are in compliance with the frequency plan.

(public and private). The present provisions for assignment of these frequencies would be deleted from the rules. In the case of the frequency 122.725 MHz, the existing 74 station authorizations at private uncontrolled airfields would be consistent with the proposed expanded use. However, the 27 authorizations for "high altitude" advisory service on 122.975 MHz would not be consistent with the subject rule revisions.

12. Accordingly, we propose to "grandfather" existing licensees of "high altitude" advisory stations. That is, these licensees may continue to operate the stations under the provisions of their current authorizations until such time as the station ceases operation or is assigned or transferred. Further, we propose to "grandfather" the 39 advisory station licensees at private airports operating on 122.750 MHz. This frequency would continue to be available for air-to-air communications. As the sole dedicated General Aviation air-to-air frequency, 122.750 MHz should satisfy the needs of pilots operating under visual flight rules who wish to utilize a "buddy system" in flight, i.e., monitor a common frequency.[10]

13. We also are proposing to delete Rule 87.253(b) which permits, upon a showing of need, advisory stations located at heliports to be assigned a second advisory frequency for communications with fixed-wing aircraft, and stations at airports to be assigned a second advisory frequency for communications with helicopters. Very few applications are received and/or granted for such a second advisory frequency. Such requests can be adequately handled on a case-by-case basis. Therefore, we feel that this rule is unnecessary and may be deleted. In addition, a number of other minor editorial changes are being made in Sections 87.251 and 87.253 to simplify and clarify these rules.

14. In an unrelated matter, the Communications Amendments Act of 1982 [11] added a new Section 303(t) to the Communications Act which reflects recent changes in both the international Radio Regulations and the Convention on International Civil Aviation. In essence, under certain specified conditions, the aircraft radio station and the radio operator of a United States registered aircraft may be licensed by a foreign government. We are proposing to note this change in Section 87.185 of the rules.

Procedure.

15. In summary, we are proposing to: (a) amend § 87.251 to permit more than one aeronautical advisory station to operate at airports which have control towers; (b) revise § 87.253 to modify the frequency assignment plan for aeronautical advisory stations located at airports without control towers; and (c) add a new paragraph in § 87.185 to reflect that under specified circumstances foreign governments may license aircraft radio stations and radio operators on U.S. aircraft.

16. The proposed amendments to the Commission's rules as set forth in the attached Appendix are issued under the authority contained in Sections 4(i) and 303 (c), and (r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303 (c), and (r).

17. Under procedures set out in § 1.415 of the Rules and Regulations, 47 CFR 1.415, interested persons may file comments on or before October 24, 1983 and reply comments on or before November 8, 1983. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the report and order.

18. In accordance with the provisions of Section 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

19. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

20. The rule amendments proposed in this proceeding are expected to generally benefit the General Aviation community by improving the convenience of aeronautical advisory service at airports with control towers and the quality, in terms of channel loading, of advisory service at airports without control towers. However, these amendments would not result in a significant economic impact on any entity in the affected General Aviation community. Therefore, in accordance with Section 605(b) of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), the Commission hereby certifies that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

21. Regarding questions on matters covered in this document contact Robert H. McNamara (202) 632-7175.

22. It is ordered, That a copy of this Notice of Proposed Rule Making shall be sent to the Chief Counsel of Advocacy of the Small Business Administration.

[10] We have received a number of inquiries from local pilots organizations, particularly on the West Coast, concerning the availability of such air-to-air communications.

[11] Pub. L. 97-259, 96 Stat. 1087.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 87—AVIATION SERVICES

1. In § 87.251 paragraphs (d) and (g) are removed; paragraphs (e), (f) and (h) are redesignated (d), (e) and (f) respectively; the words "at a landing area which does *not* have a control tower" are inserted between the words "thereof" and "must" in new paragraph (d); and paragraphs (a) and (b) are revised to read as follows:

§ 87.251 Special conditions.

(a) Except as provided in paragraphs (b) and (c), only one aeronautical advisory station (also called a unicom) may be authorized to operate at a landing area which does *not* have a control tower. Where a control tower, including a part-time control tower, is located at a landing area, the one station limitation does not apply and the airport operator and all aviation service organizations [1] may be authorized to operate an aeronautical advisory station.

(b) When the Commission has good cause to believe that an existing station has been abandoned or ceased operation at a landing area where only one aeronautical advisory station may be authorized, another station may be authorized on an interim basis to provide service pending final determination of the status of the original station. An applicant for such interim authority must give notice, where possible, to the present licensee as well as meet the notice requirements of paragraph (d) below.

* * * * *

2. Section 87.253 is revised to read as follows:

§ 83.253 Frequency assignment.

(a) Aeronautical advisory stations, upon application, will be assigned a frequency in accordance with the paragraphs below. Except as provided in paragraphs (a)(3) and (b), only one frequency will be assigned at any one landing area. Applicants need not specify a frequency as the Commission will make the final determination. However, applicants may state a preference for a particular frequency and this will be taken into consideration when the assignment is made.

(1) Landing areas, other than heliports, which do not have a control tower: 122.700, 122.725, 122.800, 122.975, or 123.000 MHz.

(2) Landing areas, other than heliports, which do have a control tower: 122.950 MHz.

(3) Heliports (including landing areas authorized separate service pursuant to § 87.251(c)): 123.050 or 123.075 MHz.

(b) 121.5 MHz is a universal simplex emergency and distress frequency for air-ground communications and will not be assigned unless (1) a showing is made establishing a need for such service and (2) a regular aeronautical advisory frequency is assigned and available for use to accommodate normal communication needs.

3. In § 87.185 the heading is revised and new paragraph (c) is added to read as follows:

§ 87.185 Foreign aircraft stations.

* * * * *

(c) Notwithstanding paragraphs (a) and (b) above, where an agreement with a foreign government has been entered into with respect to aircraft registered in the United States but operated by an aircraft operator who is subject to regulation by that foreign government, the aircraft radio station licenses and aircraft radio operator licenses may be issued by such foreign government.

[FR Doc. 83-25944 Filed 9-22-83; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 48, No. 186
Friday, September 23, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

Announcement of Proposed Collection of Information Under the Provisions of the Paperwork Reduction Act (44 U.S.C. 35)

Agency Clearance Officer From Whom a Copy of the Collection of Information and Supporting Documents is Available: Robin A. Caldwell (202) 673—5922

Existing Collection Not Previously Approved

Title of the Collection of Information: part 211, "Applications for Permits to Foreign Air Carriers."

Agency Form Number: None.

How often the Collection of Information must be filed: On occasion.

Who is asked or required to report: Foreign Air Carriers.

Estimate of number of annual responses: 30.

Estimate of number of annual hours needed to complete the collection of information: 1,900.

September 19, 1983.

Jack Calloway,

Chief, Data Requirements Section, Information Management Division, Office of Comptroller.

[FR Doc. 83-26074 Filed 9-22-83; 8:45 am]

BILLING CODE 6320-01-M

[Order 83-9-84]

Fitness Determination of Combs Airways, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 83-9-84, Order to Show Cause.

SUMMARY: The Board is proposing to find that Combs Airways, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than October 4, 1983, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Essential Air Services Division, Room 918, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Barbara Pfeiffer, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673-5354.

SUPPLEMENTARY INFORMATION: The complete text of Order 83-9-84 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83-9-84 to that address.

By the Civil Aeronautics Board: September 19, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-26071 Filed 9-22-83; 8:45 am]

BILLING CODE 6320-01-M

[Order 83-9-86; Docket 41454]

Fitness Investigation of Midway (Southwest) Airway Co.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order Instituting the *Midway (Southwest) Airway Co. Fitness Investigation*, Order 83-9-86 Docket 41454.

SUMMARY: The Board is instituting an investigation to determine the continuing fitness of Midway (Southwest) to engage in interstate/overseas scheduled air transportation.

DATE: Persons wishing to intervene in the *Midway (Southwest) Airway Co. Fitness Investigation* shall file their petitions in Docket 41454 by October 3, 1983, and serve them on all persons listed below.

ADDRESSES: Requests for additional evidence and petitions to intervene should be filed in Docket 41454 and addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on Midway (Southwest), the Federal Aviation Administration and any other person filing petitions.

FOR FURTHER INFORMATION CONTACT: Phyllis Solomon, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5340.

SUPPLEMENTARY INFORMATION: The complete text of Order 83-9-86 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83-9-86 to that address.

By the Civil Aeronautics Board: September 19, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-26073 Filed 9-22-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41453]

Midwest Express Airlines, Inc., Fitness Investigation; Cancellation of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding, which had been assigned to commence on September 22, 1983, before the undersigned Chief Administrative Law Judge, is hereby cancelled.

Dated at Washington, D.C., September 20, 1983.

Elias C. Rodriquez,

Chief Administrative Law Judge.

[FR Doc. 83-26072 Filed 9-22-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41675]

Skystar International, Inc., Fitness Investigation; Assignment of Proceeding

This proceeding has been assigned to Chief Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to him.

Dated at Washington, D.C., September 19, 1983.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 83-26069 Filed 9-22-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41675]

Skystar International, Inc., Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to commence on September 30, 1983, at 9:30 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Chief Administrative Law Judge.

Dated at Washington, D.C., September 19, 1983.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 83-26070 Filed 9-22-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41641]

Suncoast Airlines Fitness Investigation; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to him.

Dated at Washington, D.C., September 19, 1983.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 83-26068 Filed 9-22-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

American National Metric Council; Proposed Metrication Plan Guidelines

AGENCY: Office of the Secretary, Commerce.

ACTION: Solicitation of Comments.

SUMMARY: In cooperation with the Office of Metric Program, U.S. Department of Commerce, The American National Metric Council's Food and Grocery Products Coordinating Group seeks comments on its Proposed Metrication Plan Guidelines.

DATE: All comments should be submitted no later than November 30, 1983.

ADDRESS: Mr. Robert J. Peterson, Program Manager, Food and Grocery Products Coordinating Group, American National Metric Council, 5410 Grosvenor Lane, Bethesda, Maryland 20814. Telephone: 301-530-8333.

SUPPLEMENTARY INFORMATION: The Department of Commerce has been assigned certain responsibilities under the Metric Conversion Act of 1975 (Pub. L. 94-168, 89 Stat. 1007, 15 U.S.C. 205a-205k) and other legal authorities principally to perform metric coordination among Federal agencies and between the Federal and State Government as well as the private sectors.

The American National Metric Council is a private, non-profit organization which acts as a representative of the private sector in formulating and coordinating industrywide metric conversion plans. The Council's Food and Grocery Products Coordinating Group seeks comments on its *Suggested Package Guidelines for Food and Grocery Products.*

The document provides guidance on metric dimensioned prepackaged consumer products for manufacturers, processors and private labelers in the food and grocery products industry desiring to plan toward voluntary changeover of their products to the metric system.

The guidelines are being circulated to determine if a consensus exists for their adoption. Comments are being sought from industry, interested trade associations, State and Federal agencies and other interested parties.

Copies of the proposed plan are available by contacting Mr. Robert J. Peterson at the above-cited address or telephone number.

Dated: September 19, 1983.

D. Bruce Merrifield,

Assistant Secretary for Productivity, Technology and Innovation.

[FR Doc. 83-26065 Filed 9-22-83; 8:45 am]

BILLING CODE 3510-18-M

Foreign-Trade Zones Board

[Docket No. 35-85]

Application for Expansion; Foreign-Trade Zone 12, McAllen, Texas

An application has been submitted to the Foreign-Trade Zones Board (the Board) by McAllen Trade Zone, Inc. (McAllen) grantee of Foreign-Trade Zone 12, requesting authority to expand its zone project in McAllen, Texas, adjacent to the Hidalgo Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on September 14, 1983. The applicant is authorized to make this proposal under Article 1446.2 of Vernon's Annotated Civil Statutes of Texas.

On October 23, 1970, McAllen was authorized by the Board to establish a foreign-trade zone (Board Order 84, 35 FR 16962, 11/3/70). The project covers 40 acres in the McAllen Southwest Industrial Area, an industrial park located at W. Military Highway and S. 33rd Street in McAllen. In 1982, the zone served 105 business firms and received $446 million in merchandise. There has been a 400 percent increase in merchandise received during the past five years. Because all of the park's buildings are now fully occupied and the remaining vacant parcels are too small to accommodate larger prospective industrial users, the grantee has requested an expansion of its zone area.

The expanded are a would cover 40 acres immediately to the south of the existing approved zone area. A 50,000 square foot multi-user building will be constructed and tracts will be available for tenants requiring their own facilities.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Donald Gough, Deputy Assistant Regional Commissioner, U.S. Customs Service, Southwest Region, Suite 500, 5850 San Felipe Street, Houston, TX 77057; and Colonel Alan L. Laubscher, District Engineer, U.S. Army Engineer District Galveston, P.O. Box 1229, Galveston, TX 77553.

Comments concerning the proposed zone expansion are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before October 21, 1983.

A copy of the application is available for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, Administration Building, Bridge Street, P.O. Box Q, Hidalgo, TX 78557

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1872,

14th and Pennsylvania NW., Washington, D.C. 20230

Dated: September 19, 1983.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 83-26017 Filed 9-22-83; 8:45 am]

BILLING CODE 3510-25-M

[Docket No. 9-83]

Proposed Foreign-Trade Zone, Wilmington and Kent County, Delaware; Amendment to Application

Notice is hereby given that the application submitted to the Foreign-Trade Zones Board (the Board) on April 5, 1983, by the State of Delaware through the Delaware Development Office for a general-purpose foreign-trade zone with sites in Wilmington and Kent County, Delaware (48 FR 16927, 4-20-83), has been amended as to the Port of Wilmington site. The change would remove 161 acres, correct acreage calculations removing an additional 107 acres, and add 13.6 acres in an industrial park adjacent to the port. The latter site is owned and operated by Rittenhouse Associates. The zone plan, which was discussed at the May 4 public hearing, remains otherwise unchanged.

Because of this amendment, the record is reopened for comments until October 21, 1983. The application, hearing transcript, and amendment material are available for public inspection at the following locations:

U.S. Customs Service, Port Director's Office, New Federal Building, 844 King Street, Room 1218 F, Wilmington, DE 19801

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and Pennsylvania, NW., Room 1872, Washington, D.C. 20230

Dated: September 19, 1983.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 83-26018 Filed 9-22-83; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Antidumping; Postponement of Final Determinations: Hot-Rolled Carbon Steel Sheet and Hot-Rolled Carbon Steel Plate From Brazil

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of final determinations: Hot-rolled carbon steel sheet and hot-rolled carbon steel plate from Brazil.

SUMMARY: This notice informs the public that the Department of Commerce (the Department) has received a request from counsel for Companhia Siderurgica Paulista (COSIPA), Companhia Siderurgica Nacional (CSN), and Usinas Siderurgicas de Minas Gerais S/A (USIMINAS), that the final determinations be postponed until not later than 135 days after the date of publication of the preliminary determinations, as provided for in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(A)); and, that the Department has determined to postpone its final determinations as to whether sales of hot-rolled carbon steel sheet and hot-rolled carbon steel plate from Brazil have occurred at less than fair value until not later than January 20, 1984.

EFFECTIVE DATE: September 23, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth Haldenstein, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, Telephone (202) 377-4136.

SUPPLEMENTARY INFORMATION: On February 28, 1983, the Department of Commerce published a notice in the **Federal Register** (48 FR 8320) that it was initiating under section 732(b) of the Act (19 U.S.C. 1673a(b)), antidumping investigations to determine whether hot-rolled carbon steel sheet and hot-rolled carbon steel plate from Brazil were being, or were likely to be, sold at less than fair value. On September 7, 1983, the Department published affirmative preliminary determinations (48 FR 40419). The notice stated that if these investigations proceeded normally we would make final determinations by November 14, 1983. Section 735(a)(2)(A) of the Act provides that the Department may postpone its final determination concerning sales at less than fair value if exporters who account for a significant proportion of the merchandise which is subject to the investigation request an extension after an affirmative preliminary determination.

Accordingly, the Department will issue final determinations in these cases not later than January 20, 1984.

The hearing originally scheduled for October 7, 1983, has been postponed. The hearing will now take place at 10:00 a.m. on November 8, 1983 in Room 6802. The prehearing briefs will be due November 1, 1983.

This notice is published pursuant to section 735(d) of the Act.

Dated: September 16, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-26020 Filed 9-22-83; 8:45 am]

BILLING CODE 3510-25-M

Antidumping; Postponement of Final Determinations; Certain Tapered Journal Bearings and Parts Thereof From Japan, Italy, and the Federal Republic of Germany

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Postponement of final antidumping determinations: certain tapered journal roller bearings and parts thereof from Japan, Italy, and the Federal Republic of Germany.

SUMMARY: This notice informs the public that the Department of Commerce (the Department) has received a request from counsel for Koyo Seiko Co., Ltd. of Japan (Koyo), RIV-SKF Industries S.p.A. of Italy (RIV-SKF), and the petitioner, Brenco Inc., that the final determinations be postponed until not later than 135 days after the date of publication of the preliniminary determinations, as provided for in section 735(a)(2) (A) and (B) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(A)); and, that the Department has determined to postpone its final determinations as to whether sales of certain tapered journal roller bearings parts thereof from Japan, Italy, and the Federal Republic of Germany (FRG) have occurred at less than fair value, until not later than January 12, 1984.

EFFECTIVE DATE: September 23, 1983.

FOR FURTHER INFORMATION CONTACT: Raymon G. Busen, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution, Avenue, NW., Washington, D.C. 20230, Telephone (202) 377-1784.

SUPPLEMENTARY INFORMATION: On February 15, 1983, the Department of Commerce published notices in the **Federal Register** (48 FR 7766) that it was initiating under section 732(b) of the Act (19 U.S.C. 1673a(b)), antidumping investigations to determine whether certain tapered journal roller bearings and parts thereof from Japan, Italy and the FRG were being, or were likely to be, sold at less than fair value. On August 30, 1983, the Department published affirmative preliminary determinations with regard to Japan and

Italy, and a negative determination with regard to the FRG (48 FR 39269). The notices stated that if these investigations proceeded normally we would make final determinations by November 7, 1983. Section 735(a)(2)(A) of the Act provides that the Department may postpone its final determination concerning sales at less than fair value if exporters who account for a significant proportion of the merchandise which is subject to the investigation request an extension after an affirmative preliminary determination. Section 735(a)(2)(B) of the Act provides that the Department may postpone its final determination concerning sales at less than fair value if the petitioner requests an extension after a negative preliminary determination.

Accordingly, the Department will issue final determinations in these cases not later than January 12, 1984.

The hearings originally scheduled for Italy and the FRG on September 28 and for Japan on September 29, 1983, have been postponed. The new hearing dates are as follows.

Country	Date	Time	Place
Italy	Oct. 31, 1983	10: am	Room 1851.
FRG	Oct. 31, 1983	2: pm	Room 1851.
Japan	Nov. 1, 1983	10: am	Conference Room A

The prehearing briefs for Italy and the FRG will be due October 21, 1983, and prehearing briefs for Japan will be due October 22, 1983.

This notice is published pursuant to section 735(d) of the Act.

Dated: September 15, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-26019 Filed 9-22-83; 8:45 am]

BILLING CODE 3510-25-M

[A-583-080]

Antidumping; Carbon Steel Plate From Taiwan; Final Results of Administrative Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On May 17, 1983, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on carbon steel plate from Taiwan. The review covers the one known exporter of this merchandise to the United States and the period June 1, 1981 through May 31, 1982.

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. We received no comments. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results.

EFFECTIVE DATE: September 23, 1983.

FOR FURTHER INFORMATION CONTACT: Cynthia C. Connell 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 17, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 22176-77) the preliminary results of its last administrative review of the antidumping finding on carbon steel plate from Taiwan (44 FR 33877-8 June 13, 1979). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of hot-rolled carbon steel plate, 0.1875 inch or more in thickness, over 8 inches in width, not in coils, not pickled, not coated or plated with metal, not clad and not pressed or stamped to a non-rectangular shape. Such carbon steel plate is curently classifiable under item 607.6615 of the Tariff Schedules of the United States Annotated.

The review covers the one know exporter of Taiwanese carbon steel plate to the United States, China Steel Corporation, and the period June 1, 1981 through May 31, 1982.

Final Results of the Review

Interested parties were invited to comment on the preliminary results. The Department received no written comments or requests for a hearing. Based on our analysis, the final results of review are the same as those presented in the preliminary results, and we determine that no dumping margins exist for the period June 1, 1981 through May 31, 1982.

The Department shall instruct the Customs Service not to assess dumping duties on entries of Taiwanese carbon steel plate with purchase dates during the period of review.

The Department shall not require a cash deposit of estimated antidumping duties, as provided for in § 353.48(b) of the Commerce Regulations, on any shipment of Taiwanese carbon steel plate entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

The Department intends to begin immediately the next administrative review. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: September 14, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-26018 Filed 9-22-83; 8:45 am]

BILLING CODE 3510-25-M

[C-580-002]

Countervailing Duties; Bicycle Tires and Tubes From Taiwan; Final Results of Administrative Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On December 9, 1982, the Department of Commerce published in the **Federal Register** the preliminary results of its administrative review of the countervailing duty order on bicycle tires and tubes from Taiwan. The review covered the period October 28, 1981 through December 31, 1981. The notice stated that the Department had preliminarily determined the amount of the net subsidy to be 0.90 percent *ad valorem*.

Interested parties were invited to comment on the preliminary results. After review of all comments received, the final results of our administrative review remain the same as those presented in our preliminary results of review.

EFFECTIVE DATE: September 23, 1983.

FOR FURTHER INFORMATION CONTACT: Charles Anderson or John McKean, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On December 9, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 55406) the preliminary results of its administrative review of the countervailing duty order on bicycle tires and tubes manufactured by one Taiwanese company, Cheng Shin Rubber Company Ltd. (47 FR 6913, February 17, 1982). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are pneumatic bicycle tires and tubes, of rubber or plastic, whether such tires and tubes are sold together as units or separately, manufactured by Cheng Shin. Bicycle tires and tubes are currently classifiable under items 772.4800 and 772.5700, respectively, of the Tariff Schedules of the United States Annotated. The review covers the period October 28, 1981, the date of suspension of liquidation, through December 31, 1981, and the two programs found countervailable in the "Reopened Investigation—Final Countervailing Duty Determination" (46 FR 53201, October 28, 1981): a program of preferential income tax rate ceilings and a program of preferential export financing.

Analysis of Comments Received

We provided interested parties with an opportuntiy to comment on our preliminary results. At the request of the petitioner, Carlisle Tire and Rubber Company, we held a hearing on January 24, 1983.

Comment 1: Cheng Shin argues that the 25 percent income tax rate ceiling provided for in Article 15 of the "Statute for the Encouragement of Investment" ("the SEI") is not countervailable because it is generally available. Cheng Shin contends that every Taiwanese company "limited by shares" is eligible for the lowered income tax rate ceiling. The Department is mistaken in its understanding that the implementing regulations ("the Categories and Criteria. . .") for the SEI, which limit the eligibility for certain benefits to targeted sectors, also apply to the benefit of a 25 percent income tax rate ceiling.

Department's Position: During the review, Cheng Shin submitted information which indicated that the preferential income tax rate ceiling of 25 percent is generally available to all firms limited by shares and hence not countervailable. In earlier investigations of Taiwanese products, the Departments of Treasury and Commerce based their determinations of the countervailability of this program largely upon the apparent existence of limiting criteria for eligibility as listed in the implementing regulations, the Categories and Criteria. The information submitted by Cheng Shin claims that these limiting criteria do not apply to the 25 percent income tax rate ceiling. However, the statements submitted by Cheng Shin in support of its contention do not conclusively show that the 25 percent income tax ceiling is generally available. They do not address the issue of why there appears to be a two-tiered corporate income tax in Taiwan, with the standard rate set at 35 percent, and a preferential rate set at 25 percent. We will investigate the criteria for eligibility for this program in the next administrative review.

Comment 2: Carlisle contends that the Department must determine whether Cheng Shin receives the preferential tax rate ceiling because it is one of those manufacturers specifically listed in the Categories and Criteria, that is: (1) Manufacturers of synthetic rubber, (2) manufacturers of tires for "special purpose vehicles", or (3) producers of certain chemicals used in rubber production.

Department's Position: Because we are continuing in this review to consider this program countervailable, we need not examine the correctness of Carlisle's buttressing argument. We will look into this allegation when we review the question of availability of Article 15 benefits in the next administrative review.

Comment 3: Cheng Shin claims that if the Department finds Article 15 of the SEI countervailable, then the benefit for 1981 should be calculated on the basis of 1981 tax-year data. The rationale underlying the Department's general decision to lag income tax benefits does not apply here, because: (1) Cheng Shin is required by law to estimate its tax liability as the tax-year progresses, for purposes of prepayments, and (2) Cheng Shin in 1981 know and accounted for the magnitude of tax savings realized on 1981 income. Finally, Cheng Shin maintains that the Department, in using 1977 tax data as the best information available in the absence of tax data for 1980, inconsistently applied its policy by dividing the 1977 tax benefit by 1977 sales, instead of by 1981 sales.

Department's Position: Even though it estimated its tax liability twice during the tax year, Cheng Shin did not know its exact income tax liability until it closed its 1980 books. The Department therefore maintains that it must allocate Cheng Shin's 1980 income tax benefits to 1981, the year in which the tax liability became known. To accept Cheng Shin's argument that benefits should be considered conferred when a firm is able to estimate its tax liabilities would saddle the Department with the prohibitive burden of determining exactly when each company under review may or should be able to account for potential benefits, and determining when subsequent reconciliations are possible. We doubt the wisdom of attempting such a subjective approach.

We have divided 1977 tax benefits by 1977 sales, as best information otherwise available, because we did not know Cheng Shin's total sales for 1978. Using 1981 sales as the denominator, as Cheng Shin suggests, would have resulted in a substantial underestimate of the 1981 benefit because of the company's substantial increase in sales between 1977 and 1981.

Comment 4: Carlisle has submitted its own estimate of Cheng Shin's profits for 1980, and asks that we use this information, instead of Cheng Shin's 1977 invome tax data, as the best information available to determine the company's income tax benefit.

Department's Position: We are receptive to Carlisle's approach; however, we have not adopted its proposal for this review because the model has certain methodological problems.

Comment 5: Cheng Shin maintains that instead of allocating its total income tax benefit over total sales, the Department should calculate the tax benefit on income earned on bicycle tire and tube sales and allocate that benefit over sales of bicycle tires and tubes.

Department's Position: This program is based upon Cheng Shin's total income and is, therefore, a benefit bestowed on all of Cheng Shin's production, not just bicycle tire and tube production. Consequently, the Department has allocated the total income tax benefit over total sales.

Comment 6: Carlisle argues that, before the Department can determine a commercial loan benchmark for measuring the benefit from preferential loans through the Export Financing Program, it must first assess the creditworthines of Cheng Shin and then examine the prevailing rate for firms of comparabl;e creditworthiness.

Department's Position: Because we found that Cheng Shin had no preferential loans attributable to bicycle tires and tubes during the review period nor any untied preferential loans outstanding, we need not address the question of the creditworthiness of the firm.

Comment 7: Carlisle argues that we should countervail against Cheng Shin's four preferential loans, based on moped and motorcycle letters of credit, which were outstanding during the review period. Carlisle maintains that because capital is fungible, Cheng Shin received an indirect benefit on the production of bicycle tires and tubes from these loans. Carlisle further contends that two potentially countervailable income tax deductions Cheng Shin reported on 1981 taxable income, but which were tied to products other than bicyle tires and tubes, also bestow an indirect benefit. Carlisle argues that, at the least, the Department should investigate Cheng Shin's accounting procedures to determine whether funds for bicycle tire and tube production are co-mingled with funds from other operations.

Department's Position: We do not view benefits received for particular purposes to be fungible and equally beneficial to all products made by the firm in question. While the law clearly envisions reaching subsidies which benefit a product indirectly as well as directly, it would be inconsistent with the clear intent of the statute, as reflected in its legislative history, to allocate to products under review any portion of benefits clearly tied to products not under review. We allocate fully to products under review any subsidies directly tied to them. To allocate tied subsidies fully to the products to which they were tied and simultaneously to allocate any part of the same subsidies to other products would result in double-counting, which would be inconsistent with both the statute and the Subsidies Code.

Comment 8: Carlisle claims that commercial loans in Taiwan often carry compensating balance requirements, thus raising the effective interest rates for such loans. Carlisle asks that we attempt to determine whether compensating balances are required for preferential loans, and if not , to increase the *ad valorem* benefit to reflect this additional cost for benchmark loans.

Department's Position: This issue is moot, for Cheng Shin has no preferential loans, tied to bicycle tires and tubes or untied, outstanding during the review period.

Comment 9: Carlisle asks that we determine whether Cheng Shin received loans at preferential rates for the financing of imports of raw materials.

Department's Position: Carlisle's market research study in support of this request indicates that preferential loans for raw materials is not a separate program, but a constituent of the Export Financing Program investigated by the Department in this review and found not to have been used by Cheng Shin.

Comment 10: Based upon information Carlisle has gathered, Carlisle concludes that Cheng Shin must have dramatically increased its production capacity from 1977, the year under review in the original investigation, through 1981. Carlisle surmises that this production capacity increase made Cheng Shin eligible for certain tax benefits, in particular, a tax exemption for new investment or accelerated depreciation pursuant to Article 6 of the SEI, tax deductions for production equipment investment pursuant to Article 10, and deferment of duty on imported machinery pursuant to Article 21. Carlisle argues that the Department must determine whether any such benefits were received in years prior to 1981, and then decide whether any residual benefits were still accruing to Cheng Shin during the period.

Department's Position: Articles 6 and 10 of the SEI allow firms to take yearly tax deductions. In its questionnaire response, Cheng Shin reported that it did not take advantage of these programs during the 1981 tax year. Article 21 allows a firm deferral or exemption from duties on the purchases of certain types of machinery for a limited number of years. Once again, Cheng Shin stated that it did not take advantage of this program for this merchandise during 1981. If used, tax exemptions and deductions for accelerated depreciation would have bestowed discrete, yearly benefits. We do not consider the possibe use of these programs prior to the review period to have bestowed residual benefits. Therefore, it was unnecessary to ask for information on use during prior years. Again, with regard to Article 21, Cheng Shin only reported use with regard to moped production.

Comment 11: Carlisle claims that the Department did not investigate whether Cheng Shin took advantage of Articles 29, 31, and 33 of the SEI, which provide for potentially countervailable export incentives.

Department's Position: Rather than rebate indirect taxes, Article 29 of the SEI exempts firms from the payment of an indirect tax on exports. This practice does not constitute a subsidy under section 771 of the Tariff Act of 1930 ("the Tariff Act"). Article 31 is a new provision of the SEI for which the Department has very little information. The provision allows firms to set aside 1 percent of their previous year's export earnings to compensate for export losses during the next year. Because Carlisle raised this issue for the first time in its pre-hearing brief, we will investigate it in the next administrative review. Article 33 allows for the reduction of a final stage indirect tax (a stamp tax) upon export, a practice which is also not countervailable.

Comment 12: Carlisle argues that, even though "the business tax" is nominally an indirect tax, making exemption from payment upon export not countervailable, the Department nevertheless should determine whether it actually functions as an indirect tax. If absorbed by the firm rather than passed on to purchasers, Carlisle argues that the Department should consider it a direct tax and its exemption or rebate upon export a countervailable subsidy.

Department's Position: Annex A to the Subsidies Code, cited in section 771(5) (A) of the Tariff Act, defines indirect taxes as any "sales, excise, turnover, value added, franchise, stamp, transfer, inventory and equipment taxes, border taxes, and all taxes other than direct taxes and import charges." The business tax is a sales tax and thus by definition an indirect tax. Exemption from such a tax does not constitute a subsidy within the meaning of section 771.

Comment 13: Carlisle asks that we determine whether Cheng Shin took advantage of the Taiwanese customs regulation which allows firms that export to defer payment of import duties on raw materials used in goods ultimately sold by those firms in the domestic market.

Department's Position: This is a new issue first raised by Carlisle at the hearing. We will investigate this allegation in the next administrative review.

Final Results of the Review

As a result of our review, we determined that the net subsidy conferred on the manufacture of bicycle tires and tubes by the programs cited above during the period of review is 0.90 percent *ad valorem*.

Accordingly, the Department will instruct the Customs Service to assess countervailing duties of 0.90 percent of the f.o.b. invoice price on all shipments by Cheng Shin entered, or withdrawn, from warehouse, for consumption on or after October 28, 1981 and exported on or before December 31, 1981.

Because the International Trade Commission ("the ITC") determined that no industry in the United States would be injured by importations of this merchandise if this countervailing duty order were revoked (48 FR 24795), the Department has revoked this order effective December 30, 1982, the date the ITC notified the Department that the

Government of Taiwan had requested an injury determination.

The Department is now commencing the next administrative review of the order, which will cover the period January 1, 1982 through December 29, 1982. 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 in the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: September 17, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-26011 Filed 9-22-83; 8:45 am]

BILLING CODE 3510-25-M

[C-588-047]

Countervailing Duties; Chain of Iron or Steel From Japan; Final Results of Administrative Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On August 2, 1983, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on chain of iron or steel from Japan. The review covers the period January 1, 1982 through December 31, 1982.

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of the review are the same as the preliminary results.

EFFECTIVE DATE: September 23, 1983.

FOR FURTHER INFORMATION CONTACT: Philip Otterness or Al Jemmott, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On August 2, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 34999) the preliminary results of its administrative review of the countervailing duty order on chain of iron or steel from Japan (43 FR 37685, August 24, 1978). The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of Japanese chain of iron or steel, the links of which are essentially round in cross section, and parts thereof. Such merchandise is currently classifiable under items 652.2410 through 652.2450, 652.2710 through 652.2740, 652.3010 through 652.3040, 652.3310 through 652.3330, and 652.3510 through 652.3530 of the Tariff Schedules of the United States Annotated.

The review covers the period January 1, 1982 through December 31, 1982 and a program of tax deferrals on funds held in the Overseas Market Development Reserve.

Final Result of the Review

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of the review are the same as the preliminary results. We determine the aggregate net subsidy to be 1.95 percent for the period January 1, 1982 through December 31, 1982. The Department will instruct the Customs Service to assess countervailing duties of 1.95 percent of the f.o.b. invoice price on any shipments of Japanese chain of iron or steel exported on or after January 1, 1982 and entered, or withdrawn from warehouse, for consumption on or before November 16, 1982.

On November 17, 1982, the International Trade Commission ("the ITC") notified the Department that the Japanese government had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979. Should the ITC find that there is material injury or likelihood of material injury to any industry in the United States, the Department will instruct the Customs Service to assess countervailing duties in the amount of the estimated duties required to be deposited on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after November 17, 1982 and through the date of the ITC's notification to the Department of its determination.

The Department will instruct the Customs Service to collect a cash deposit of estimated countervailing duties, as provided for in section 751(a)(1) of the Tariff Act, of 1.95 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department is now beginning the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders as early as possible after the Department's receipt of the requested information.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: September 19, 1983.

Alan F. Holmer,

Deputy Assistant Secretary Import Administration.

[FR Doc. 83-26012 Filed 9-22-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Marine Mammal Permit Applications; Wometco Miami Seaquarium; Issuance

On December 22, 1982, Notice was published in the **Federal Register** (47 FR 57083), that an application had been filed with the National Marine Fisheries Service by the Wometco Miami Seaquarium, 4400 Rickenbacker Causeway, Miami, Florida 33149, for a permit to take six (6) Atlantic bottlenose dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on September 15, 1983, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 13651-1407), the National Marine Fisheries Service issued a Public Display Permit for the above taking to the Wometco Miami Seaquarium, subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: September 18, 1983.

R. B. Brumsted,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-26086 Filed 9-22-83; 8:45 am]

BILLING CODE 3510-22-M

North Pacific Fishery Management Council Scientific and Statistical Committee and Its Advisory Panel; Meeting Agenda Amendment

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: The agenda as published in the **Federal Register** (September 16, 1983, 48 FR 41619), for public meetings (September 26–29, 1983, Anchorage, Alaska), of the North Pacific Fishery Management Council, its Scientific and Statistical Committee, and its Advisory Panel, has been changed to include an additional agenda item, which will be a Council clarification of previous action on the Pretrel Bank closure contained in Amendment 1 to the Bering Sea/Aleutian Islands Groundfish Plan. All other previously-published information remains unchanged.

FOR FURTHER INFORMATION CONTACT: North Pacific Fishery Management Council, 605 West 4th Avenue, Anchorage, Alaska 99510, telephone: (907) 274–4563.

Dated: September 20, 1983.

Carmen J. Blondin,

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

[FR Doc. 83-26087 Filed 9-22-83; 8:45 am]

BILLING CODE 3510-22-M

Patent and Trademark Office

Public Advisory Committee for Trademark Affairs; Open 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:

The Public Advisory Committee for Trademark Affairs will meet from 10:00 a.m. until 5:00 p.m. on November 2, 1983, at the Sheraton Crystal City Hotel, 1800 Jefferson Davis Highway, Arlington, Virginia.

The agenda for the meeting is as follows:

(1) Finances of the Trademark Operation,

(2) Trademark Automation Developments,

(3) Trademark Operation Statistical Review,

(4) Operations of the Trademark Trial and Appeal Board,

(5) Quality of Examination, Training and Review,

(6) General Activities of the Trademark Examining Operation.

The meeting will be open to public observation; approximately twelve (12) seats will be available for the public on a first-come first-served basis. It time permits, oral comments by the public of three (3) minutes on each topic within the above agenda will be allowed. Written comments and suggestions will be accepted before or after the meeting on any of the matters discussed.

Copies of the minutes will be available upon request.

For further information, contact Ellen J. Seeherman, Office of the Assistant Commissioner for Trademarks, Room CP3–11C17, Patent and Trademark Office, Washington, D.C. 20231. Telephone: 703–557–7464.

Dated: September 19, 1983.

Approved:

Gerald J. Mossinghoff,

Assistant Secretary and Commissioner of Patents and Trademarks.

[FR Doc. 83-25996 Filed 9-22-83; 8:45 am]

BILLING CODE 3510-16-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adding an Additional Item to the List of Exempt Textile Products From Korea

September 20, 1983.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA) under authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on October 1, 1983. For further information contact William Boyd, International Trade Specialist (202/377–4212).

Background

On April 21, 1982 a notice was published in the **Federal Register** (47 FR 17104) which summarized provisions of the export visa and exempt certification requirements for certain cotton, wool and man-made fiber textile and apparel products from Korea established by CITA directive on May 19, 1972, as amended. The notice included the list of traditional folklore and handicraft items which the Governments of the United States and the Republic of Korea had agreed would be exempt from the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 1, 1982. The purpose of this notice is to announce that agreement has been reached to add toys for animals to the list of exempt textile products. A complete list of agreed exempt products is published as an enclosure to the letter to the Commissioner of Customs which follows this notice.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

September 20, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of May 19, 1972, as amended, from the Chairman of the Committee for the Implementation of Textile Agreements which established an export visa requirement for certain cotton, wool and man-made fiber textile products from Korea.

Effective on October 1, 1983, the directive of May 19, 1972 is further amended to include toys for amimals among the previously agreed list of exempt textile products. The complete list of agreed exempt products is enclosed.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 533.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Agreed List of Exempt Products

1. *Chima.* The long, formless and ample skirt portion of the traditional Korean chima-chogori dress set.

2. *Chogori.* The short halter-type blouse or top portion of the traditional Korean chima-chogori dress set.

3. *Bosun.* An ankle boot-type article, wholly of cloth, worn by Korean women indoors.

4. *Fabrics,* not to exceed 24 x 48 inches in size, containing hand-embroidered or handpainted Korean scenes, and used primarily as decorations or art objects.

5. *Handmade carpets,* i.e, in which the pile was inserted or knotted by hand and classified by the U.S. Customs Service under TSUSA Numbers 360.0600, 360.1015, 360.1515, 360.7600, or 360.7800.

6. *Korean-style handbags* and other flat goods of the the type considered by the U.S. Customs Service to be classified as luggage: women's and children's handbags, and billfolds, card cases, coin purses, eyeglass cases and similar flat goods.

7. *Taekwondo and Judo suits* in T.S.U.S.A. number 379.0830, 383.0850, 379.6300, 383.4900, 379.3330, 379.9635, 383.2345, and 383.9260.

8. *Toys for animals.*

[FR Doc. 83-26014 Filed 9-22-83; 8:45 am]

BILLING CODE 3510-25-M

Amending the List of Exempt Traditional Folklore and Handicraft Textile Products From Pakistan

September 20, 1983.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA) under authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on October 1, 1983. For further information contact Gordana Slijepcevic, International Trade Specialist (202/377-4212).

Background

A CITA directive dated May 27, 1983 (48 FR 25257) established a new export visa requirement and exempt certification for certain cotton textile and apparel products, produced or manufactured in Pakistan.

Effective on October 1, 1983, the list of exempt items which accompanied that notice is being amended upon agreement between the Governments of the United States and Pakistan under terms of the Bilateral Cotton Textile Agreement of March 9 and 11, 1982 to include additional folklore and handicraft textile products which are exempt from the limits of the agreement when properly certified by the Government of Pakistan prior to exportation. A list of these additional exempt products is published as an enclosure to the letter to the Commissioner of Customs which follows this notice.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

September 20, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of May 27, 1983, which established a new visa requirement and exempt certification for certain cotton textile and apparel products, produced or manufactured in Pakistan.

Effective on October 1, 1983, you are directed to include among the traditional and folklore products which are exempt from the limits of the agreement when properly certified by the Government of Pakistan prior to exportation, the items described on the enclosure.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 533.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Additional Exempt Folklore and Handicraft Products

Shalwar—Loose baggy pants with drawstring at waist. Narrows down to ankle which has cuffs or elastic.

Pyjama—A pair of trousers, loose at waist, with either drawstring or hooks and tapering to a tight fit at ankle. It is traditionally a Moghul costume worn by Punjabi woman since the 16th century along with a kurta and dupatta (an oblong scarf).

Chaddi—Plain shorts worn by young and old as the national outfit while playing Kabadi games. Worn in plain or printed fabric. Has drawstring at waist and two side pockets.

Plain Kurta—Strip susi shirt made in full sleeve, has front pocket, worn in short and ankle length.

Punjabi Kamiz—Sargodha ladies tunic. Worn by the natives of district Sargodha; comes with embroidery; knee length.

Roomal—Headwear made up of printed or embroidered fabrics. Worn by Muslim devout, both men and women.

Sindhi Julaba—Traditional printed dresses of ankle lengh worn by women in the Sind region. Ajrak short dress/sarong long wrap skirt are also worn by men in the area.

Sleeveless Kurta—Shisha top from Poshawar made from natural khaddar with mirror work and embroidery.

Ghagra—Koprapar Langha. A drawstring skirt with Bandni printed design worn by people living in Koprapar suburb of Karachi. Comes in knee and ankle length.

[FR Doc. 83-26013 Filed 9-22-83; 8:45 am]

BILLING CODE 3510-25-M

Amending the Export Visa Requirement for Apparel Products from Sri Lanka; Correction

September 20, 1983.

On August 12, 1983 a notice was published in the **Federal Register** (48 FR 36640) which amended the export visa requirement for certain cotton, wool, and man-made fiber apparel products, produced or manufactured in Sri Lanka and exported to the United States. The following letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs should have accompanied that notice. Facsimiles of the visa and certification stamps, mentioned as enclosures to the letter, were published on August 12 and are not being republished.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

August 9, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of June 15, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements which established an export visa requirement for apparel products in Categories 330-359, 431-459, and 630-630-659, produced or manufactured in Sri Lanka.

Effective on September 1, 1983, the directive of June 15, 1979 is amended to require that, export visas include the correct category and quantity of the merchandise exported on and after that date. Also effective on that date the Government of Sri Lanka will issue certifications to exempt commerical shipments of apparel products in Categories 330-359, 431-459, and 630-659 including Categories 353, 354, 653, and 654. Visas for merchandise exported before September 1, 1983 which do not include the correct category and quantity will not be denied entry. Both the Greater Colombo Economic Commission and the Ministry of Textile Industries are authorized to issue these stamps. Facsimiles of the visa and certification stamps are enclosed.

The actions taken with respect to the Government of Sri Lanka and with respect to imports of cotton, wool and man-made fiber apparel products from Sri Lanka have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-26015 Filed 9-22-83; 8:45 am]

BILLING CODE 3510-25-M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Wednesday, October 12, 1983 at 10:00 a.m. in the Commission's offices at 708 Jackson Place, NW., Washington, D.C. 20006 to discuss various projects affecting the

appearance of Washington including buildings, memorials, parks, etc., also matters of design referred by other agencies of the government. Access for handicapped persons will be through the main entrance to the New Executive Office Building on 17th Street between Pennsylvania Avenue and H Street, NW.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles Atherton, Secretary, Commission of Fine Arts, at the above address or call 566–1066.

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

Charles H. Atherton,

Secretary.

[FR Doc. 83-26010 Filed 9-22-83; 8:45 am]

BILLING CODE 6330-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Air Force Academy Board of Visitors; Meeting

Pursuant to Section 9355, Title 10, United States Code, the Air Force Academy Board of Visitors will meet at the Air Force Academy, Colorado Springs, Colorado, October 13–15, 1983. The purpose of this meeting is to follow up on items left open from the annual meeting which was held April 14–16, 1983 to consider morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy.

There will be no formal meeting sessions scheduled during this visit of the Board of Visitors. There will, however, be panel discussions and executive sessions which will deal with matters analogous to those listed in subsection (2), (4), and (6) of section 552b(c), Title 5, United States Code. These sessions will be closed to the public and will include: attendance at cadet classes and panel discussions with groups of cadets and military staff and faculty officers involving personal information relating solely to internal personnel rules and practices of the Board of Visitors and the Academy. In addition to these sessions, Board members will tour Academy facilities.

For further information, contact Major David W. Keith, Headquarters, U.S. Air Force (MPPA), Washington, D.C. 20330, at (202) 697–9977.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-26009 Filed 9-22-83; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

September 16, 1983.

The USAF Scientific Advisory Board will meet in general session at Fort Leslie J. McNair, Washington, D.C. on 1–2 November 1983. The purpose of the meeting will be to receive briefings on the results of the two summer studies on Advanced Tactical Fighter Technologies and Software and other Board studies on Military Utility of a Manned National Space Station, Approaches to Space Based Missile Warning Systems, High Energy Lasers for Space Applications, Technical Review of Anti-Jam Communications, FF–111A Capability Upgrade, and Chemical Warfare Defense. The sessions will begin at 9:00 a.m. on 1 November and adjourn at 5:00 p.m. and will begin at 8:45 a.m. on 2 November and adjourn at 4:00 p.m.

The meeting concerns matters listed in Sections 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–4811.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-26008 Filed 9-22-83; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Motor Carrier Tenders or Rates and/or Charges for Transportation Services

AGENCY: Military Traffic Management Command, Army Department.

ACTION: Notice of Transportation Rate and Service Requirements.

SUMMARY: By letter of September 8, 1983, the Military Traffic Management Command advised all railroad motor carrier affiliates and/or motor carriers subsidiaries of the following requirements which become effective October 15, 1983. In view of the large number of motor carrier Section 10721 tenders of rates and charges on file with Military Traffic Management Command, all motor common carriers having tenders on file or intending to file tenders with the Military Traffic Management Command are being notified of the following requirements.

To counteract present and future impacts of alternate types of service which are undisclosed to Department of Defense shippers: (1) Motor common carriers who offer motor carrier rates and service but instead provide an intermodal service are required to amend present tenders to indicate in plain language, in Block 13A of the tender form, that the transportation service will be intermodal (Motor-Rail-Motor, TOFC, etc.) rather than all motor over-the-highway service; and (2) Carriers desiring to provide one rate or charge for either all motor over-the-highway or an intermodal service may do so. However, the tender must provide that the Department of Defense shipper will have the right to designate the type of service desired by bill of lading endorsement. Subsequent to the October 15, 1983, effective date, carriers found to be providing an undisclosed alternate service by not constructing their tenders according to these requirements will have their affected tenders removed from further consideration in the routing of Department of Defense traffic.

FOR FURTHER INFORMATION CONTACT: Mr. Allen Kirby, Headquarters, Military Traffic Management Command, ATTN: MT–INNT, 5611 Columbia Pike, Falls Church, Virginia 22041. Telephone (202) 756–1149/1569.

SUPPLEMENTARY INFORMATION: It has come to the attention of the Military Traffic Management Command that an alternate service not stated in motor common carrier tenders is being provided, unknowingly to both the Department of Defense shipper and the Military Traffic Management Command. The handling of Department of Defense shipments in this manner can pose serious problems for both shipper and carrier. Many commodities shipped by the Department of Defense require different packaging and/or different loading configurations for shipment in intermodal service, as opposed to ordinary motor carrier service. In order to provide an immediate remedy to an existing situation the above requirements for all motor common carriers will be effective as indicated above.

John O. Roach II,

Army Liaison Officer With the Federal Register.

[FR Doc. 83-26006 Filed 9-22-83; 8:45 am]

BILLING CODE 3710-08-M

Army Medical Research and Development Advisory Committee; Partially 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 Subcommittee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Bacterial Diseases.

Date of Meeting: 17 and 18, October 1983.

Time and Place: 0830 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, DC.

Proposed Agenda: This meeting will be open to the public from 0830 to 0945 hrs for the administrative review and discussion of the secientific research program on Bacterial Diseases, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), United States Code, Title 5 and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 1000 to 1630 hrs on 17 October and from 0900 to 1200 hrs on 18 October for the review, discussion and evaluation of individual programs and projects conducted by the US Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Bldg 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20307 (202/576–2436) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 83–26179 Filed 9–22–83; 8:45 am]

BILLING CODE 3710–08–M

Army Medical Research and Development Advisory Committee, Subcommittee on Low Molecular Weight Toxins; Partially 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 Subcommittee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Low Molecular Weight Toxins.

Date of Meeting: 13 and 14 October 1983.

Time and Place: 0830 hrs, Conference Room, Bldg 1425, US Army Medical Research Institute of Infectious Diseases, Fort Detrick, Frederick, MD.

Proposed Agenda: This meeting will be open to the public from 0830 to 0945 hrs for the administrative review and discussion of the scientific research program on Low Molecular Weight Toxins, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), United States Code, Title 5 and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 1000 to 1630 hrs on 13 October and from 0900 to 1200 hrs on 14 October for the review, discussion and evaluation of individual programs and projects conducted by the US Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Bldg 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20307; (202/576–2436) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 83–26179 Filed 9–22–83; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Indian Education Act—Part B; Indian Fellowship Program

AGENCY: Department of Education.

ACTION: Application Notice for Continuation Fellowships for Fiscal Year 1984.

Applications are invited for noncompeting continuation fellowships under the Indian Education Act—Indian Fellowship Program. This program authorizes the award of fellowships to Indian students.

Authority for this program is contained in Section 423 of the Indian Education Act, as amended.

(20 U.S.C. 3385b)

The purpose of the awards is to enable Indian students to pursue courses of study leading to: (a) graduate-level degrees in education, medicine, law, and related fields and (b) Graduate or undergraduate degrees in engineering, business administration, natural resources, and related fields.

Closing date for transmission of applications: To be assured of consideration for funding, fellows should mail or hand deliver their applications by November 23, 1983.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.087, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legible dated U.S. Postal Service Postmark.

(2) A Legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commerical carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education. If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark; or (2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant is encouraged to use registered or first class mail.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Conrol Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturday, Sunday and Federal holidays.

Available funds: The Administration's budget for fiscal year 1984 does not include funds for the Indian Fellowship Program. However, applications are invited to allow sufficient time to review applications and complete the grants process prior to the end of the fiscal year, should funds be appropriated for this program. If funds are appropriated to make new awards, a separate notice will be published at a later date.

In fiscal year 1983, $1,440,000 was available for this program and approximately 200 fellowships were awarded.

The estimated maximum stipend allowed for an undergraduate will be $375 per month and $600 per month for graduate students. An estimated maximum allowance of $90 per month will be allowed for each dependent. Financial need and the applicant's resources will be taken into account in determining the amount of the fellowship award. The Secretary awards a fellowship in an amount up to but not more than the difference between the student's resources, including other sources of financial aid, and the student's expenses.

(34 CFR 263.5(b))

Application forms: Application forms and program information packages are expected to be ready for distribution by October 7, 1983. They may be obtained by writing to the Director, Indian Education Programs, U.S. Department of Education, Room 2177, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms

included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that applicants not submit information that is not requested.

Applicable regulations: The regulations that apply to this program are the Indian Fellowship Program Regulations, 34 CFR Part 263.

Further information: For further information, contact the Director, Indian Education Programs, Office of Elementary and Secondary Education, Room 2177, U.S. Department of Education, 400 Maryland Avenue, Sw., Washington, D.C. 20202. Telephone (202) 245–8840.

(20 U.S.C. 3385b)

(Catalog of Federal Domestic Assistance No. 84.087; Indian Education Special Programs and Projects—Part B—Indian Fellowship Program)

Dated: September 20 1983.

Lawernce F. Davenport,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 83–26028 Filed 9–22–83; 8:45 am]

BILLING CODE 4000–01–M

National Advisory Council on Adult Education; Public Hearings on Reauthorization of the Adult Education Act

This notice sets forth the schedule of forthcoming public hearings on the reauthorization of the Adult Education Act. In order to accommodate those wishing to participate in the hearings, please contact the Council offices for further information. This notice also describes the functions of the Council. Notice of this activity is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE AND ADDRESSES: Public Hearings:

October 6 , 1983, Department of Education, John W. McCormack Post Office & Court House Building, Room 606, Post Office Square, Boston, Massachusetts

October 14, 1983, Department of Education, 50 United Nations Plaza, Room 406, San Francisco, California

October 21, 1983, Department of Education, 300 South Wacker Drive, 35th Floor, Chicago, Illinois

November 4, 1983, Department of Education, 101 Marietta Tower Building, Room 2221, Atlanta, Georgia

November 7, 1983, Department of Education, 1200 Main Tower Building, Room 1130, Dallas, Texas

November 8, 1983, Department of Education, Federal Office Building, 1961 Stout Street, Room 244, Denver, Colorado

November 10, 1983, Department of Education, 3rd and Broad Building, 2901 3rd Avenue, Seattle, Washington

November 14, 1983, Hotel Washington, Federal Room, 15th & Pennsylvania Ave., N.W. Washington, D.C.

December 1, 1983, Franklin Plaza Hotel, 2 Franklin Plaza, Philadelphia, Pennsylvania.

All hearings will be held from 9:00 a.m. to 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Helen Banks, Administrative Assistant, National Advisory Council on Adult Education, 425 13th St., NW., Washington, D.C. 20004 (202/376–8892).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under Section 313 of the Adult Education Act (20 U.S.C. 1201). The Council is established to:

Advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activitie and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on Adult Education, 425 13th St., NW., Suite 323, Washington. D.C. 20004, from the hours of 8:00 a.m. to 4:30 p.m.

Signed at Washington, D.C. on September 20, 1983

Rick Ventura,

Executive Director, National Advisory Council on Adult Education.

[FR Doc. 83–26024 Filed 9–22–83; 8:45 am]

BILLING CODE 4000–01–M

Privacy Act of 1974; Revised System of Records

AGENCY: Education Department.

ACTION: Notice of revised system of records.

SUMMARY: Pursuant to the requirements of the Privacy Act of 1974, 5 U.S.C. 552a, the Secretary publishes this notice for the Department of Education's Payroll, Attendance, and Leave Record (ED PAY/PERS) system of records. The Department publishes this notice to announce the change in the name of the system, system manager and other technical aspects related to the systems notice.

DATE: This change is effective September 23, 1983.

FOR FURTHER INFORMATION CONTACT: Alex De La Garza, Deputy Director, Personnel Resources Management Service, Office of Management, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 245–8366.

SUPPLEMENTARY INFORMATION: The Department of Education publishes this notice for the Payroll, Attendance and Leave Records (ED PAY/PERS) system of records (18–11–0008) to notify the public of technical changes made to the system of records, including the change in the name of the system, and the system manager.

The Department formerly had an agreement with the Department of Health and Human Services (HHS) to manage the Payroll, Leave and Attendance system of records for the Department. Under the agreement with HHS, HHS published a system notice that included the ED payroll records. At that time the department maintained its own personnel records under Office of Personnel Management (OPM) government-wide system notices.

As part of a program to improve the Department's payroll and personnel data capabilities, the Department has terminated its agreement with HHS and entered into an agreement with the Department of Interior. Under the agreement with Interior, a computerized system will handle both payroll and personnel information. ED now publishes this notice to cover the payroll data in ED PAY/PERS. The personnel aspects of ED PAY/PERS are still covered by system notices published by OPM under government-wide system notices.

There are no new routine uses for the Payroll, Leave, and Attendance system of records. Therefore, there is no need for public comment. There are no substantive changes requiring a new or

altered system of records report to OBM or to Congress. Therefore, this notice is effective September 23, 1983.

For information on other systems of records maintained by the Department, see the last annual publication of system notices, published in the Federal Register on April 20, 1982 (47 FR 16829).

Dated: September 12, 1983.

Charles Heatherly,

Deputy Under Secretary for Management.

(Catlog of Federal Domestic Assistance not applicable)

18-11-0008

SYSTEM NAME:

Payroll, Attendance, and Leave Records (ED PAY/PERS)—Education Department.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

1. Education Department PAY/PERS Office, 300 7th Street, SW., Suite 201, Washington, D.C. 20024.

2. Division of Management Support, Engineering and Research Center, P.O. Box 25007, Denver Federal Center, Denver, Colorado 80225.

3. Payroll liaisons and timekeepers, headquarters and regional offices. (See Appendix 1 for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of U.S. Education Department, National Commission of Library and Information Sciences, Institute of Museum Services and Architectural Transportation Barriers Compliance Board, including permanent, temporary, or indefinite appointments.

CATEGORIES OF RECORDS IN THE SYSTEM:

This System consists of a variety of records relating to pay and leave determinations made about each employee of the Department of Education, the National Commission of Library and Information Sciences, the Institute of Museum Services, and the Architectural Transportation Barriers Compliance Board. The system contains information such as the name of the employee, the employee's date of birth, social security number, home address, grade, employing organization, timekeeper number, salary, Civil Service retirement fund contributions, pay plan, number of hours worked, annual and sick leave accrual rate and usage, annual and sick leave balance, FICA withholdings, Federal, state, and local tax withholdings, Federal Employees Government Life Insurance withholdings, garnishment documents, savings allotments, union and management association dues withholding, savings bonds allotments, and Combined Federal Campaign allotments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

20 U.S.C. 3461, 31 U.S.C. 3512.

PURPOSE(S):

Records in this system are used to insure that each employee receives the proper pay and allowances; that proper deductions and authorized allotments are made from employees' pay; and that employees are credited and charged with the proper amount of sick and annual leave.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, AND PURPOSES OF SUCH USES:

Information in this system of records is used or may be used:

(1) To disclose information to the Department of the Treasury for preparation of payroll checks, payroll deductions, U.S. Saving bonds, and other checks to Federal, State, and local government agencies, non-governmental organizations and individuals;

(2) To prepare W-2 Forms to submit to the Internal Revenue Service and to disclose to state and local government agencies having taxing authority pertinent records relating to employees, including name, home address, social security number (in accordance with Section 7 of the Privacy Act of 1974), earned income, and amount of taxes withheld;

(3) By the Office of Personnel Management, Merit Systems Protection Board (including its Office of the Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and Federal Service Impasses Panel) to carry out their functions;

(4) To disclose to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual;

(5) By the Department of Labor to make a compensation determination in connection with a claim filed by an employee for compensation on account of a job-connected injury or disease;

(6) To respond to court orders for garnishment of an employee's pay for alimony or child support;

(7) To respond to orders from IRS for garnishment of an employee's pay for Federal income tax purposes;

(8) By State offices of unemployment compensation in connection with claims filed by former ED employees for unemployment compensation;

(9) By financial organizations designated to receive labor organization or management association dues withheld from an employee's pay, in order to account for the amounts of the withheld dues which they receive;

(10) In the event of defensive litigation, to disclose certain records as the Department deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected, and the defendant is—

(a) The Department, any component of the Department, or any employee of the Department in his or her official capacity;

(b) The United States where the Department determines that the claim, if successful, is likely to affect directly the operations of the Department or any of its components; or

(c) Any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee; and

(11) To disclose information to an exclusive representative where 5 U.S.C. Chapter 71 or a collective bargaining agreement between the Department and the exclusive representative recognized under 5 U.S.C. Chapter 71 provides that the Department shall disclose records relevant to the organization's mission; and

(12) To disclose to a State or local agency for the purpose of conducting computer matching programs designed to reduce fraud, waste, and abuse in Federal, State, and local public assistance programs and operations.

Also, the Department may disclose a record for certain purposes described in Appendix B of the Department's Privacy Act Regulations, 34 CFR Part 5b. The specific routine uses in Appendix B that apply to this system of records are (1), (4), (5), (6), and (9).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer media, input forms and printed outputs in manual and report form.

RETRIEVABILITY:

Indexed by name and Social Security number of the employee and other identifying numbers related to the employee.

SAFEGUARDS:

Access to and use of these records are limited to personnel whose official

duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records submitted by the individual, such as allotment authorization forms, home address forms, and tax withholding forms are retained until superseded by new forms or until the individual leaves the Department. Some of these records must be retained for an additional period, or forwarded to the new employing agency. (Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the Records Control Schedule of the Department of Education).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Systems, Planning and Evaluation Division, Department of Education, P.O. Box 23578, Washington, D.C. 20024–0578.

NOTIFICATION PROCEDURE:

An individual may inquire from the System Manager or the Head of the office at which the employee is (or was) employed, whether or not the system contains a record pertaining to him or her. The request must be in writing and be signed by the requester. The request must meet the requirements of 34 CFR 5b.5.

RECORD ACCESS PROCEDURES:

An individual may request access to the system of records in the same manner as described under the Notification procedure. The request must meet the requirements of 34 CFR 5b.5.

CONTESTING RECORD PROCEDURES:

An individual may contest the contents of his or her record by contacting the System Manager, identifying the record to be amended, the information to be contested, the corrective action sought, and the reasons for the correction. The request must meet the requirements of 34 CFR 5b.7.

RECORD SOURCE CATEGORIES:

Individual employees, timekeepers and supervisors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix I

U.S. Department of Education
Federal Office Building 6
400 Maryland Avenue, S.W.
Washington, D.C. 20202

U.S. Department of Education
Brown Building (NIE)
1200 19th Street, N.W.
Washington, D.C. 20024

U.S. Department of Education
Donohoe Building
400 6th Street, S.W.
Washington, D.C. 20024

U.S. Department of Education
Mary E. Switzer Building
330 C Street, S.W.
Washington, D.C. 20201

U.S. Department of Education
Reporters Building
300 7th Street, S.W.
Washington, D.C. 20506

U.S. Department of Education
Old Post Office Buiding
1100 Pennsylvania Avenue, N.W.
Washington, D.C. 20506

Region I

U.S. Department of Education
J. W. McCormack Post Office & Court House, Room 526
Boston, MA 02109

Region II

U.S. Department of Education
Jacob K. Javits Building
26 Federal Plaza, Rm 3954
New York, NY 10278

Region III

U.S. Department of Education
3535 Market Street—Room 16300
Philadelphia, PA 19101

Region IV

U.S. Department of Education
101 Marietta Tower—Suite 2221
Atlanta, GA 30323

Region V

U.S. Department of Education
300 South Wacker Driver
16th Floor
Chicago, IL 60606

Region VI

U.S. Department of Education
1200 Main Tower Building—Suite 1460
Dallas, Texas 75202

Region VII

U.S. Department of Education
324 East 11th Street—9th Floor
Kansas City, Missouri 64106

Region VIII

U.S. Department of Education
Federal Office Building—19th and Stout Street
Denver, Colorado 80294

Region IX

U.S. Department of Education
50 United Nations Plaza, Room 205
San Francisco, WA 98121

Region X

U.S. Department of Education
Third and Broad Building
2901 3rd Avenue, Room 108
Seattle, WA 98121

[FR Doc. 83-25025 Filed 9-22-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of the Secretary

National Petroleum Council, Costs and Economics Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Costs and Economics Task Group of the Committee on Enhanced Oil Recovery will meet in October 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Costs and Economics Task Group meeting follows:

The Costs and Economics Task Group will hold its tenth meeting on Monday, October 3, 1983, starting at 9:00 a.m., in the Board Room, Hyatt Regency, Five Embarcadero Center, San Francisco, California.

The tentative agenda for the Costs and Economics Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Costs and Economics Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Costs and Economics Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G.J. Parker, Office of Oil, Gas, and Shale Technology, Fossil Energy, 301/353–3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between the

hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on September 14, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-25942 Filed 9-22-83; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Chemical Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Chemical Task Group of the Committee on Enhanced Oil Recovery will meet in October 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Chemical Task Group meeting follows:

The Chemical Task Group will hold its thirteenth meeting on Thursday and Friday, October 13 and 14, 1983 starting at 8:30 a.m. each day, in Room 112, Phillips Petroleum Company, Research Forum, Bartlesville, Oklahoma.

The tentative agenda for the Chemical Task Group Meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.

2. Review progress of Task Group study assignments.

3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Chemical Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Chemical Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provision will be made for their appearance of the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on September 14, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-25943 Filed 9-22-83; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 83-CERT-300]

Lancaster Osteopathic Hospital; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received the following application for certification of an eligible use of natural gas to displace fuel oil pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). Notice of this application, along with pertinent information contained in the application, was published in the **Federal Register** and an opportunity for public comment was provided for a period of ten calendar days from the date of publication. No comments were received. More detailed information is contained in the application on file and available for inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, S.W., Washington D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Applicant and facility location	Date filed	Docket No.	Federal Register notice of application
Lancaster Osteopathic Hospital, Lancaster, Pa.	Aug. 12, 1983	83-CERT-300	48 FR 39661, Sept. 1, 1983.

The ERA has carefully reviewed the above application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that the application satisfies the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certification and transmitted this certification to the Federal Energy Regulatory Commission.

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

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-25935 Filed 9-22-83; 8:45 am]

BILLING CODE 6450-01-M

The Parade Co.; Notice of Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed consent order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with The Parade Company (Parade) and provides an opportunity for public comment on the terms and conditions of the proposed Consent Order.

DATE: Comments by: October 24, 1983

ADDRESS: Send comments to: David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106-2466.

FOR FURTHER INFORMATION CONTACT: David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106-2466; telephone number (816) 374-2092. Copies of the Consent Order may be obtained free of charge by writing or calling this office.

SUPPLEMENTARY INFORMATION: On August 18, 1983, the ERA executed a proposed Consent Order with The

Parade Company of Shreveport, Louisiana. Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the DOE has signed and tentatively accepted the proposed Consent Order, the DOE may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order; or issue the Consent Order as signed.

I. The Consent Order

The Parade Company owns and operates the Giles Gas Plant, located in Rusk County, Texas. During the period covered by the Consent Order, February 1975 through January 1981, the gas plant extracted natural gas liquids (NGL) from natural gas. Parade then sold propane and depropanized NGL. These activities were subject to the Mandatory Petroleum Allocation and Price Regulations at 10 CFR Parts 210, 211, and 212 during the period covered by the Consent Order. To resolve certain potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations and related regulations, 10 CFR Parts 205, 210, 211, and 212, in connection with Parade's sales of propane and depropanized NGL during the period February 1, 1975 through January 27, 1981, the DOE and Parade enter into a Consent Order, the significant terms of which are as follows:

A. The Consent Order encompasses all matters relating to Parade's compliance with the federal petroleum price and allocation regulations administered by DOE and its predecessor agencies as applied to Parades's sales of propane and depropanized NGL during the period February 1, 1975 through January 28, 1981.

B. As a result of its audit, ERA raised certain issues with respect to Parade's compliance with the federal petroleum price and allocation regulations. Parade disputes ERA's allegations and maintains that it has correctly construed, and operated in accordance with, the regulations.

C. Execution of the Consent Order constitutes neither an admission by Parade nor a finding by DOE of any violations by Parade of any statute or regulation.

II. Refunds

To resolve the issues raised by ERA's audit of Parade and to remedy any violations that may have occurred during the audit period, Parade has agreed to pay $1,000,000.00 within twenty (20) days of the effective date of the Consent Order. The funds will be paid to the Department of Energy and the DOE will determine appropriate distribution of the funds

III. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted, with the designation "Comment on The Parade Company Consent Order." The DOE will consider all comments it receives by 4:30 p.m., local time, on (October 24, 1983). Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedure in 10 CFR 205.9(f).

Issued in Kansas City on the 29th day of August, 1983.

David H. Jackson,

Director, Kansas City Office, Economic Regulatory Administration.

[FR Doc. 83-25936 Filed 9-22-83; 8:45 am]

BILLING CODE 6450-01-M

Andrus Interests, Inc. and Affiliates; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order with Andrus Interests, Inc. and Affiliates as a final order of the Department.

EFFECTIVE DATE: August 30, 1983.

FOR FURTHER INFORMATION CONTACT: Sandra K. Webb, Director, Houston Office, Economic Regulatory Administration, U.S. Department of Energy, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002, phone (713) 229-3715.

SUPPLEMENTARY INFORMATION: On July 27, 1983 ERA published a notice in the **Federal Register** that it had executed a proposed Consent Order with Andrus Interests, Inc. and Affiliates which would not become effective sooner than 30 days after publication of that notice. 48 FR 34898. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

The Consent Order resolves Andrus Interests, Inc. and Affiliates' potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations, 10 CFR Parts 205, 210 211 and 212, in connection with the firm's transactions involving resales of crude oil during the period August 14, 1979 through January 27, 1981. The Consent Order requires Andrus Interests, Inc. and Affiliates to remit $5.3 million to DOE in ten equal annual installments, the first payment to be made within 120 days of the effective date of the Consent Order and specifies that DOE will determine the ultimate disposition of the funds.

Comments from 14 states were received. The comments did not contest the validity of the proposed Consent Order, but addressed the question of the ultimate disposition of the funds to be paid. The commenters proposed that the funds be distributed to the states for energy conservation or other energy-related projects.

Because the comments addressed only the disposition of the funds, the ERA has decided to make the proposed Consent Order final without modification. The ultimate disposition of the funds will depend on several factors, such as the type of alleged violations underlying the Consent Order and the ability of DOE to identify the persons who ultimately bore the burden of the alleged violations. The commenters' suggestions regarding the distribution of the funds will be considered in determining the appropriate ultimate disposition. The proposed Consent Order, therefore, was made final and effective on August 30, 1983.

Issued in Houston, Texas on the 31st day of August, 1983.

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 83-25939 Filed 9-22-83; 8:45 am]

BILLING CODE 6450-01-M

Pester Corp.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Pester Corporation of Des Moines, Iowa.

The Proposed Remedial Order alleges the company charged prices in excess of the maximum lawful selling price, which

resulted in overcharges to customers in the amount of $1,483,074, plus accrued interest, in sales of gasoline during the period of January 1, 1977 through January 31, 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106–2466. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objections with the Office of Hearings and Appeals, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri on the 30th day of August, 1983.

David H. Jackson,

Director, Kansas City Office, Economic Regulatory Administration.

[FR Doc. 83-25934 Filed 9-22-83; 8:45 am]

BILLING CODE 6450-01-M

Southwestern Gulf Petroleum Co.; Proposed Remedial Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed remedial order to Southwestern Gulf Petroleum Company.

SUMMARY: Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order which was issued to Southwestern Gulf Petroleum Company, 13101 Northwest Freeway, Suite 320, Houston, Texas 77040. This Proposed Remedial Order alleges violations in the pricing of crude oil of 10 CFR 212.183, 212.186, 210.62 and 205.202. The principal amount of the alleged violation of 10 CFR 212.186, 210.62 and 205.202 for the period April through December 1980 is $10,867,090.15. Additionally, this Proposed Remedial Order alleges violations of 10 CFR 210.183 in the pricing of crude oil for the same period in the principal amount of $1,811,028.61.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, attn: Sandra K. Webb, Director, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002.

Within fifteen (15) days of publication of this Notice any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, Room 3304, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Houston, Texas on the 1st day of September, 1983.

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 83-25937 Filed 9-22-83; 8:45 am]

BILLING CODE 6450-01-M

Texas Pacific Oil Co., Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order with Texas Pacific Oil Company, Inc. (Texas Pacific) as a final order of the Department.

EFFECTIVE DATE: September 23, 1983.

FOR FURTHER INFORMATION CONTACT: Ben L. Lemos, Director, Dallas Office, Economic Regulatory Administration, Department of Energy, 1341 W. Mockingbird Lane, Room 200E, Dallas, Texas 75247, 214/767–7401.

SUPPLEMENTARY INFORMATION: On March 4, 1983, 48 FR 9339, the ERA published a notice in the **Federal Register** that it had executed a proposed Consent Order with Texas Pacific on February 15, 1983, which would not become effective sooner than 30 days after publication of that notice. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

Comments were received from twelve entities. All of the comments focused on the proposed distribution of funds to the U.S. Treasury. Eleven comments advocated that the Consent Order proceeds, after payment to identifiable injured customers, should be distributed on a pro rata basis to the various states to finance energy-related projects. Two of the eleven comments further suggested specific guidelines for restricting the use of such funds received by each state.

One commentor asserted that distribution of funds be made directly to the states, without attempting to identify injured customers.

The proposed Consent Order in this case stated that the sum of $500,000.00 was to be deposited into the U.S. Treasury as miscellaneous receipts. Upon reconsideration of this matter, DOE has determined that the Consent Order should be modified to state that the $500,000.00 refund be made payable to DOE for deposit into a DOE escrow account for later disposition by DOE in accordance with applicable statutes and regulations. Thus, the ultimate distribution of these funds will depend upon several factors, including the type of alleged violations underlying the Consent Order and the ability of the DOE to identify persons ultimately harmed by the alleged violations. The commentors' suggestions will be considered in determining the appropriate disposition of funds.

Having considered all comments submitted, DOE has determined that the proposed Consent Order with Texas Pacific should be made final with the modification set forth above.

Issued in Dallas, Texas on the 12th day of September, 1983.

Ben L. Lemos,

Director, Dallas Office, Economic Regulatory Administration.

[FR Doc. 83-25936 Filed 9-22-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER83-733-000]

Connecticut Light and Power Co; Filing

September 19, 1983.

The filing Company submits the following:

Take notice that on September 6, 1983, Connecticut Light and Power Company (CL&P) tendered for filing as an initial rate schedule an agreement (the Exchange Agreement) between CL&P, Western Massachusetts Electric Company (WMEC) (the NU Companies), and together with CL&P, the NU Companies and United Illuminating Company (UI). The Exchange Agreement, dated as of May 27, 1983, provides for an exchange of capacity and associated energy from the NU Companies' system, (system power) for an equal amount of capacity from certain generating units on UI's system (the Exchange Units). CL&P states that the timing of the exchanges cannot be accurately estimated but that the NU Companies and UI would enter into an exchange only when it was economical for both to do so.

UI will pay an hourly energy reservation charge to the NU Companies for each hour of each exchange which is an amount equal to the exchange amount (expressed in kilowatthours) for such hour, times the energy reservation

charge rate which is negotiated at the time of the transaction and shall not exceed $0.0159/kWh. UI will pay an energy charge to the NU Companies for each exchange in an amount equal to the kilowatthours provided by the NU Companies during such exchange, times the energy charge rate. The energy charge rate is based on the heat rate and the New England Power Exchange's replacement fuel price of the generating unit(s) which the UN Companies determine to be available to provide such energy at the time of an exchange.

The NU Companies will pay UI an energy charge for each exchange in an amount equal to the kilowatthours provided by UI during such exchange, times and energy charge rate. The energy charge rate is associated with UI's generating units and is based on the heat rate and the New England Power Pool Exchange's replacement fuel price for each such unit.

CL&P requests an effective date of June 22, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 3, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-25969 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER82-751-000, ER81-504-000, ER80-363-000, and ER78-414-000]

Delmarva Power & Light Co.; Filing

September 19, 1983.

Take notice that Delmarva Power & Light Company (Delmarva) on July 20, 1983, tendered for filing interim rates applicable in Docket Nos. ER78-414 and ER80-363 to the Cities of Newark, New Castle, and Smyrna, Delaware. These interim rates are submitted as part of a stipulation and agreement executed by Delmarva and the affected customers pursuant to Paragraph 45 of the Offer of Settlement approved by the Commission on May 31, 1983 (as clarified by letter order dated June 30, 1983) in *Delmarva Power & Light Co.*, Docket Nos. ER82-751-003, *et al.* In accordance with the Offer of Settlement, the interim rates for Docket No. ER78-414 would become effective December 1, 1978, and the rates for Docket No. ER80-363 would become effective December 1, 1980.

Any person desiring to be heard or to protest said filing should file a motion to intervene or portest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 6, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-25970 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-743-000]

Idaho Power Co.; Filing

September 19, 1983.

The filing Company submits the following:

Take notice that on September 12, 1983, Idaho Power Company (Idaho) tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during July, 1983, along with cost justification for the rate charged. This filing includes the following supplements:

Utah Power & Light Company	Supplement 21.
Montana Power Company	Supplement 19.
Sierra Pacific Power Company	Supplement 19.
Portland General Electric Company	Supplement 14.
Pacific Power & Light Company	Supplement 9.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 5, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-25972 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-742-000]

Iowa Public Service Co., Filing

September 19, 1983.

The filing Company submits the following:

Take notice that on September 9, 1983, Iowa Public Service Company (Iowa) tendered for filing a Transmission Service Contract dated February 4, 1983 with the Western Area Power Administration, United States Department of Energy.

Iowa states that the purpose of the Transmission Service Contract is to provide transmission service to three Western customers in Iowa. The Contract specifies that Western is to compensate Iowa for transmission losses and transmission service.

Iowa requests an effective date of February 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 3, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-25973 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-745-000]

Iowa Public Service Co., Filing

September 19, 1983.

The filing Company submits the following:

Take notice that on September 13, 1983, Iowa Public Service Company (Iowa) tendered for filing revised Exhibits A, B and C to the Interconnection and Operating Agreement with Corn Belt Power Cooperative, dated October 28, 1976.

Iowa states that the revised Exhibits reflect the changes the parties have made in the points of interconnection and the interconnection facilities between the two systems. The Exhibits also show the retirement and addition of electric generating facilities since the date of the Interconnection and Operating Agreement.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 5, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-25974 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-744-000]

Iowa Public Service Co.; Filing

September 19, 1983.

The filing Company submits the following:

Take notice that on September 12, 1983, Iowa Public Service Company (Iowa) tendered for filing an Interchange and Operating Agreement dated January 1, 1983 with the Board of Trustees of Municipal Electric Utility of Cedar Falls, Iowa.

Iowa states that the Interchange and Operating Agreement supersedes an existing Electric Interchange Agreement and provides for the economic dispatch of power on a combined system basis to meet the parties' loads. In addition, the Agreement provides for the interchange of power in accordance with the Mid-Continent Area Power Pool service schedule on file with the Commission.

Iowa requests an effective date of January 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 395.214). All such motions or protests should be filed on or before October 5, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-25975 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2071-000]

Edwin B. Johnson; Application

September 19, 1983.

The filing individual submits the following:

Take notice that on September 9, 1983, Edwin B. Johnson filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President and Director.	Cliffs Electric Service Company.
Director	Upper Peninsula Generating Company.
Director	Society Corporation and Society National Bank

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 11, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-25971 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-740-000]

Kansas Gas and Electric Co.; Filing

September 19, 1983.

The filing Company submits the following:

Take notice that on September 8, 1983, Kansas Gas and Electric Company (KG&E) tendered for filing proposed changes in its FERC Electric Service Tariff No. 145.

KG&E states that the filing is Partial Requirements Service which provides electric power and accompanying energy to be supplied to the City of Wellington, Kansas in the form of firm, emergency, supplemental, transmission and reserve capacity service.

KG&E further states that this filing is necessary because the City desires to purchase preference power from outside sources and increase its accessibility to sources of firm power.

Copies of this filing were served upon the City of Wellington, Kansas and the Utilities Division of the Kansas Corporation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 3, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-25976 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-735-000]

Minnesota Power & Light Co.; Filing

September 19, 1983.

The filing Company submits the following:

Take notice that on September 6, 1983, Minnesota Power & Light Company (MP&L) tendered for filing executed letter amendments to its Electric Service filing Agreements with the Cities of Randall and Pierz, Minnesota and with the Stuntz Cooperative Light and Power Association.

MP&L states that the executed letter agreements provide an administrative clarification as to expiration and cancellation of the above electric service agreements.

MP&L requests an effective date as specified in each executed letter agreement, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the above customers, and the Minnesota Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 3, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-25977 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-741-000]

Mississippi Power & Light Co.; Filing

September 19, 1983.

The filing Company submits the following:

Take notice that on September 9, 1983, Mississippi Power & Light Company (MP&L) tendered for filing an Interchange Agreement, Service Schedules A and B to the Interchange Agreement, and Letter Agreements dated May 17, 1983, and July 25, 1983, between MP&L and Big Rivers Electric Corporation (Big Rivers). The Agreements and Service Schedules provide for the rendering of transmission services and for the sale of electric energy between the parties. Service Schedule A and the Letter Agreements provide for the sale of electric energy by Big Rivers to MP&L from April 25, 1983, through December 31, 1983.

To the extent necessary, MP&L requests waiver of the Commission's notice requirements to permit the Agreements and Service Schedules between MP&L and Big Rivers to become effective as of April 25, 1983, May 17, 1983 and July 25, 1983, the dates of execution of the respective schedules and agreement.

A copy of this filing has been mailed to Big Rivers and to the Mississippi Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 3, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-25978 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-746-000]

Mississippi Power & Light Co.; Filing

September 19, 1983.

The filing Company submits the following:

Take notice that on September 13, 1983, Mississippi Power & Light Company (MP&L) tendered for filing two fully executed Agreements for Establishment of Additional SMEPA Off-System Delivery Points dated May 27, 1983, between MP&L and South Mississippi Electric Power Association (SMEPA). These two Agreements supplement the Interchange Agreement entered into between MP&L and SMEPA July 18, 1979, and filed with the Commission in FERC Docket No. ER79-529. Under that Interconnection Agreement, MP&L agreed among other things to transmit capacity and energy over MP&L's transmission system from SMEPA facilities to SMEPA Off-System Delivery Points. The two May 27, 1983, Agreements establish two additional Off-System Delivery Points to which SMEPA capacity and energy is to be transmitted over MP&L's transmission system. The proposed changes do not affect the present level of billings on service rendered by MP&L to SMEPA under the service schedules of the MP&L-SMEPA Interconnection Agreement.

MP&L requests an effective date of May 27, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been mailed to SMEPA and to the Mississippi Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 5, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-25979 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-729-000]

New England Power Co.; Filing

September 19, 1983.

The filing Company submits the following:

Take notice that on September 1, 1983, New England Power Company (NEP) filed amendments to the full cost of service rates for purchases by the Public Service Company of New Hampshire (PSNH) of capacity and related energy from NEP's Brayton Point #4 Unit, and NEP's entitlement in Wyman #4 Unit. Under a contract dated as of November 1, 1979, PSNH agreed, beginning November 1, 1981 as to Wyman #4 and November 1, 1982 as to Brayton Point #4, to pay NEP's full cost of service for capacity purchased from these units, following period of discounted capacity charges.

NEP states that the combined effect of the amendments will be to decrease the fixed capacity charges by $320,920 for the twelve months ending October 31, 1984.

NEP requests that the Commission allow the amendments to the full cost of

service rates into effect on November 1, 1983.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 30, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-25980 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-557-000, et al.]

Northern States Power Co., et al.; Order Accepting Rates for Filing, Making Summary Disposition, Noting Interventions, Denying Requests for Suspension and Hearing, Granting Request for Refunds, Waiving Notice and Filing Requirements, and Terminating Dockets

September 16, 1983.

In the matter of Northern States Power Company (Minnesota), Docket No. ER83-557-000; Northern States Power Company (Wisconsin), Docket No. ER83-555-000; Lake Superior District Power Company, Docket No. ER83-556-000; Northern States Power Company (Minnesota), Northern States Power Company (Wisconsin), and Lake Superior District Power Company (Minnesota), Docket No. ER83-571-000.

On June 7, 1983, Northern States Power Company (Minnesota) (NSP-M) tendered for filing in Docket No. ER83-557-000 an application for a change in the method used to account for costs associated with permanent disposal of spent nuclear fuel. NSP-M currently recovers permanent disposal costs, plus interim, away from reactor (AFR) storage costs through an internal sinking method. The current rate is equivalent to 1.88 mills/kWh based on projected sales from the twelve months beginning April 7, 1983. Of this total rate, 1.75 mills/kWh represents permanent disposal costs and 0.13 mills/kWh reflects interim AFR stroage costs. These charges are accrued in Account No. 518 and collected through NSP-M's fuel adjustment clause. NSP-M proposes that the 1.75 mills/kWh rate for permanent disposal be reduced to 1.0 mill/kWh in accordance with the Nuclear Waste Policy Act of 1982 (NWPA), Pub. L. 97-425, 96 Stat. 2201 (1983). The proposed change would result in an annual reduction in charges for permanent storage costs to NSP-M's wholesale customers [1] of approximately $245,000.

NSP-M also requests waiver of the filing requirements fo sections 35.13 and 35.14 of the regulations, on the ground that it does not propose to change rate schedules, base rates, or the base cost of fuel in the fuel clause. Finally, NSP-M requests waiver of the notice requirements so that the proposed rates may take effect on April 7, 1983, coincident with the date specified for the 1.0 mill/kWh charge for permanent storage costs under the NWPA.

Also on June 7, 1983, NSP-M's subsidiaries, Lake Superior District Power Company (LSDP) and Northern States Power Company (Wisconsin) (NSP-W),[2] tendered for filing applications for concurrent approval of reductions in their currently effective fuel adjustment clause factors to reflect the same circumstances discussed above. NSP-M is the only one of the NSP Companies which has nuclear generation. However, all three companies pool their fuel costs on the integrated system to determine monthly adjustments in their fuel clause factors. Thus, LSDP and NSP-W have proposed to reduce annual fuel clause charges to their wholesale customers by approximately $25,000 and $128,000, respectively. LSDP and NSP-W also request an effective date of April 7, 1983.

On June 15, 1983, in Docket No. ER83-571-000, the NSP Companies also tendered for filing an application for approval of a change in the intercompany billings for nuclear fuel disposal costs under their coordinating Agreement, dated april 23, 1982, to reflect the proposed change in the method of accounting for nuclear fuel disposal costs. The companies estimated that the NSP-M billings to LSDP and NSP-W for permanent disposal costs would be reduced by approximately $234,000 and $1,107,000, respectively, for the year beginning April 7, 1983.

In its filing of June 7, 1983, NSP-M stated that, as of April 7, 1983, the sinking fund had accrued $94.12 million to cover costs of both interim and permanent storage. At that time, NSP-M estimated its one-time payment obligation to the United States Department of Energy (DOE) under the NWPA for permanent disposal of fuel burned prior to April 7, 1983, to be $93.4 million. On July 18, 1983, NSP-M submitted an amendment to the applications in Docket Nos. ER83-555-000, ER83-556-000, and ER83-557-000, stating that more recent information has caused the company to change its estimate of the one-time payment obligation to DOE to $94.57 million, or about $450,000 more than the amount accrued through April 7, 1983. NSP-M proposes that the estimated deficiency be recorded in Account 120.5 and recovered by an increase in the current accrual rate for interim storage from 0.13 mills/kWh to 0.136 mills/kWh. The increase in interim storage costs would not affect the proposed reduction in permanent disposal costs.

Finally, on August 4, 1983, the NSP Companies also amended their application in Docket No. ER83-571-000 as a result of the proposed increase in interim storage costs. The effect was to decrease the total cost reduction for LSDP and NSP-W to approximately $232,000 and $1,100,000, respectively.

Notices regarding each of these submittals were published in the Federal Register with interested parties invited to comment or intervene. Timely motions to intervene were filed in Docket Nos. ER83-555-000 and ER83-571-000 by several Cities and Villages in Wisconsin,[3] together with the Wisconsin Public Power Incorporated SYSTEM (the Intervenors). The Intervenors do not object to the proposed change in permanent disposal costs. They do, however, question whether past collections by the NSP Companies under the internal sinking fund method prior to April 7, 1983, were correct, whether the NSP Companies have properly derived the DOE one-time payment obligation figure, and whether the current interim storage rate of 0.13 mills/kWh is reasonable.[4] As a result of the foregoing, the Intervenors request that the Commission suspend the proposed rates one day, institute an investigation, and order refunds of any difference between the amount paid by them under the current rate since April 7, 1983, and the amount that would have been payable if the proposed filings had been effective since that date.

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[1] The affected customers and the rate schedule designations are listed on Attachment A.

[2] Hereinafter, the three companies together shall be called the NSP Companies.

[3] Bangor, Barron, Bloomer, Cadott, Cornell, and Spooner, Wisconsin.

[4] The Intervenors did not separately respond to the revised filings proposing to increase the interim storage rate to 0.136 mills/kWh.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely and unopposed motions to intervene serve to make the Intervenors parties to this proceeding.

We shall deny NSP–M's request to recover the estimated $450,000 deficit in amounts collected for nuclear fuel burned prior to April 7, 1983, by increasing the current interim storage charge by .006 mills/kWh to be collected through the fuel clause. Section 35.14 of our regulations requires that a fuel clause provide for adjustments per kWh equal to the difference between the fuel cost per kWh of sales in the base period and in the current period, and requires that the fuel cost be the expense of fossil and nuclear fuel in the base and current periods. Nuclear fuel cost in the current period does not include the disposal costs of fuel burned in prior periods. Therefore, NSP–M's proposal to recover disposal costs of fuel burned in the past through its fuel clause does not comply with § 35.14 and will be summarily rejected. This is consistent with prior Commission precedent. *See, e.g., Florida Power Corporation,* Docket No. ER80–206–000, 11 FERC ¶ 61,083 (April 25, 1980). However, our summary disposition with respect to this issue is without prejudice to NSP–M's filing a new rate proposal to separately amortize any deficiency in past disposal cost collections. We also note in this connection that the amendment filed on July 18, 1983, provides no support for the estimated one-time payment obligation to DOE, for the proposed increase in interim storage costs of .006 mills/kWh, or for the proposed amortization period. Any such proposal would have to include support for these items.

With regard to NSP–M's request for waiver of any outstanding filing requirements under sections 35.13 and 35.14 of the regulations, we note that, after summary disposition, the submittals before us provide for only a reduction from existing rate levels. The 0.13 mill/kWh charge for interim disposal costs has been previously accepted for filing by the Commission,[5] and the reduction of the permanent disposal rate to 1.0 mill/kWh is based exclusively on the promulgation of the NWPA. Under these circumstances, we shall grant the requested waivers insofar as the regulations would otherwise apply.

The Intervenors' requests for suspension and an investigation in these dockets will be denied. With respect to collections for permanent and interim storage prior to April 7, 1983, those collections have been made under filed rates accepted by the Commission. As noted, the Intervenors have not objected to the currently proposed charge for permanent disposal although they do challenge the continued collection of the filed rate for interim disposal costs. We are not persuaded, however, that the Intervenors have demonstrated any basis for investigating the current rate or for imposing a refund contingency despite the fact that this particular charge remains unchanged. Neither does the Commission independently perceive a basis for investigation into the matters raised by the Intervenors. If the Intervenors have reason to believe that the current rate or the Companies' calculations are unreasonable, those reasons should be fully articulated in the context of a complaint under section 206 of the Federal Power Act.

Our review of the NSP Companies' filings indicates that the proposed rates and changes in intercompany billings, as modified by summary disposition, are not unjust or unreasonable. Accordingly, we shall accept the rates for filing, as modified, and we shall terminate these dockets.

The Commission believes that good cause exists to waive the notice requirements, as requested, given the fact that a rate reduction will result as of the April 7, 1983 triggering date under the NWPA. Thus, the proposed rates, subject to summary disposition, and the corresponding changes in intercompany billings, will be made effective as of April 7, 1983. The NSP Companies shall refund any amounts collected for nuclear fuel disposal costs after April 6, 1983, in excess of the rates approved in these dockets.

The Commission orders

(A) The NSP Companies' proposal to recover the estimated $450,000 deficit in amounts collected for nuclear fuel disposal costs for fuel burned prior to April 7, 1983, through the fuel adjustment clause is hereby denied, without prejudice to their right to file a separate proposal to recover any such deficit, with appropriate support as indicated above.

(B) The NSP Companies' request for waiver of the notice and filing requirements is hereby granted.

(C) The Intervenors' requests for suspension and an investigation are hereby denied.

(D) The NSP Companies' proposed change in rates and intercompany billings for nuclear fuel disposal expenses are hereby accepted for filing, as modified by summary disposition, to become effective as of April 7, 1983, without suspension or hearing.

(E) To the extent that the NSP Companies have collected rates for nuclear fuel disposal costs after April 6, 1983, in excess of the proposed rates, as modified by summary disposition, refunds shall be made within thirty (30) days of the date of this order, together with interest as provided in section 35.19a of the Commission's regulations.

(F) Docket Nos. ER83–555–000, ER83–556–000, E83–557–000, and ER83–571–000 are hereby terminated.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment

Designation	Other party
Northern States Power Co. (Wisconsin), Rate Schedule Designations, Docket No. ER83–555–000	
(1) Supplement No. 9 to Rate Schedule FERC No. 58.	Bangor.
(2) Supplement No. 10 to Rate Schedule FERC No. 70.	WPPI System (Black River).
(3) Supplement No. 4 to Rate Schedule FERC No. 62.	Bloomer.
(4) Supplement No. 5 to Rate Schedule FERC No. 61.	Caddott.
(5) Supplement No. 9 to Rate Schedule FERC No. 59.	Cornell.
(6) Supplement No. 11 to Rate Schedule FERC No. 60.	New Richmond.
(7) Supplement No. 10 to Rate Schedule FERC No. 56.	Lake Rice.
(8) Supplement No. 11 to Rate Schedule FERC No. 69.	River Falls.
(9) Supplement No. 6 to Rate Schedule FERC No. 64.	Spooner.
(10) Supplement No. 12 to Rate Schedule FERC No. 52.	Trempealeau.
(11) Supplement No. 13 to Rate Schedule FERC No. 55.	Westby.
(12) Supplement No. 11 to Rate Schedule FERC No. 51.	Whitehall.
(13) Supplement No. 4 to Rate Schedule FERC No. 71.	Barron.
Lake Superior District Power Co., Rate Schedule Designations, Docket No. ER83–556–000	
(1) Supplement No. 4 to Rate Schedule FERC No. 27.	Medford.
(2) Supplement No. 4 to Rate Schedule FERC No. 28.	Wakefield.
(3) Supplement No. 4 to Rate Schedule FERC No. 29.	North Central Power Company.
Northern States Power Co. (Minnesota), Rate Schedule Designations, Docket Nos. ER83–557–000 and ER83–571–000	
Filing Dates: June 7, 1983 and June 15, 1983.	
(1) Supplement No. 14 to Rate Schedule FPC No. 316.	Village of Kasota.

[5] The amounts collected prior to April 7, 1983, were received through accruals in the sinking fund account at a rate approved in NSP–M's wholesale rate case in Docket No. ER81–651–000. *Northern States Power Company, (Minnesota),* 19 FERC ¶ 62,237 (April 29, 1982).

Designation	Other party
(2) Supplement No. 14 to Rate Schedule FPC No. 323.	City of Chaska.
(3) Supplement No. 13 to Rate Schedule FPC No. 324.	Village of Browntown.
(4) Supplement No. 13 to Rate Schedule FPC No. 325.	City of St. Peter.
(5) Supplement No. 13 to Rate Schedule FPC No. 335.	Home Light and Power Company.
(6) Supplement No. 13 to Rate Schedule FPC No. 361.	City of Lake City.
(7) Supplement No. 13 to Rate Schedule FPC No. 364.	City of Winthrop.
(8) Supplement No. 14 to Rate Schedule FPC No. 368.	City of Shakopee.
(9) Supplement No. 13 to Rate Schedule FPC No. 371.	Village of North St. Paul.
(10) Supplement No. 13 to Rate Schedule FPC No. 378.	City of Arlington.
(11) Supplement No. 13 to Rate Schedule FPC No. 379.	Village of Kasson.
(12) Supplement No. 13 to Rate Schedule FPC No. 380.	City of Waseca.
(13) Supplement No. 15 to Rate Schedule FPC No. 338.	City of Anoka.
(14) Supplement No. 22 to Rate Schedule FPC No. 355.	City of Granite Falls.
(15) Supplement No. 15 to Rate Schedule FPC No. 369.	Village of Buffalo.
(16) Supplement No. 12 to Rate Schedule FERC No. 389.	City of Sauk Centre.
(17) Supplement No. 11 to Rate Schedule FERC No. 387.	City of East Grand Forks.
(18) Supplement No. 11 to Rate Schedule FERC No. 388.	City of Olivia.
(19) Supplement No. 13 to Rate Schedule FERC No. 390.	City of Ada.
(20) Supplement No. 13 to Rate Schedule FERC No. 392.	City of LeSueur.
(21) Supplement No. 11 to Rate Schedule FERC No. 394.	City of Kenyon.
(22) Supplement No. 6 to Rate Schedule FERC No. 397.	City of Madelia.
(23) Supplement No. 11 to Rate Schedule FERC No. 400.	City of Fairfax.
(24) Supplement No. 11 to Rate Schedule FERC No. 401.	City of Melrose.
(25) Supplement No. 8 to Rate Schedule FERC No. 413.	City of Sioux Falls.
(26) Supplement No. 5 to Rate Schedule FERC No. 416.	Intercompany Agreement.
Northern States Power Company (Wisconsin)	
(27) Supplement No. 5 to Rate Schedule FERC No. 67.	Intercompany Agreement.
Lake Superior District Power Company	
(28) Supplement No. 5 to Rate Schedule FERC No. 30.	Intercompany Agreement.

[FR Doc. 83-25981 Filed 9-22-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-737-000]

Pacific Power & Light Co.; Filing

September 19, 1983.

The filing Company submits the following:

Take notice that on Pacific Power & Light company (Pacific) on September 8, 1983, tendered for filing, Pacific's Revised Appendix 1 for the state of Washington. The Revised Appendix 1 calculates an average system cost for the state of Washington applicable to the exchange of power between Bonneville Power Administration (Bonneville) and Pacific.

Pacific also states that as a result of Bonneville's review, its Average System Cost was adjusted:

Jurisdiction	Filed rate	Adjusted rate
Washington	29.42 Mills/kWh	29.29 Mills/kWh.

Pacific requests an effective date of March 31, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were supplied to Bonneville, the Washington Utilities and Transportation Commission and Bonneville's Direct Service Industrial Customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 3, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-25982 Filed 9-22-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-736-000]

Pennsylvania-New Jersey-Maryland Interconnection (PJM); Filing

September 19, 1983.

The filing Company submits the following:

Take notice that on September 8, 1983, Pennsylvania-New Jersey-Maryland Interconnection (PJM) tendered for filing on behalf of the Public Service Electric and Gas Company, Philadelphia Electric Company, Pennsylvania Power & Light Company, Baltimore Gas and Electric Company, Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company, Potomac Electric Power Company, Atlantic City Electric Company and Delmarva Power & Light Company revised schedules to the Interconnection Agreement dated September 26, 1956, as heretofore amended and supplemented.

PJM states that the revised schedules introduce provisions for accounting within PJM for economical energy purchased from outside systems under transaction categories other than Economy. Also modified are the procedures for allocating within PJM the payments and receipts for adders on non-economy transactions with others, the procedure for sharing inadvertent interchange, and the internal billing formulae for pumping energy and energy without replacement value. Finally, the revisions make other minor changes to clarify intent or improve consistency of language or method among all of the schedules.

PJM further states no new facilities will be installed nor will existing facilities be modified in connection with the schedules.

PJM requests an effective date of November 7, 1983, and therefore requests waiver of the Commission's notice requirements.

Any Person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 3, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-25983 Filed 9-22-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-734-000]

Public Service Company of Indiana, Inc.; Filing

September 19, 1983.

The filing Company submits the following:

Take notice that the Public Service Company of Indiana, Inc., (PSI) on September 7, 1983, tendered for filing a Transmission Service Agreement, dated September 1, 1983, between PSI and American Municipal Power—Ohio, Inc. (AMPO).

PSI states that the Agreement provides for transmission service to AMPO from PSI over bulk transmission facilities from the point(s) of interconnection of one utility to the point(s) of interconnection of another utility.

PSI requests an effective date of September 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served on AMPO, the Public Utility Commission of Ohio and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 3, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants a parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-25962 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-739-000]

San Diego Gas & Electric Co.; Filing

September 19, 1983.

The filing Company submits the following:

Take notice that on September 8, 1983, San Diego Gas & Electric Company (SDG&E) tendered for filing as an initial rage schedule an Economy Energy Agreement between SDG&E and M-S-R Public Power Agency (M-S-R), dated August 4, 1983.

SDG&E requests an effective date of August 4, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 3, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-25963 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-635-000, et al.]

Texas Utilities Electric Co., et al.; Order Accepting for Filing and Suspending Tariffs, Granting Interventions, Summarily Disposing of Issue, Consolidating Dockets, and Establishing Procedures

Issued: September 16, 1983.

In the matter of Texas Utilities Electric Company, Docket No. ER83-635-000; Houston Lighting and Power Company, Docket No. ER83-657-000; Public Service Company of Oklahoma, et al. Docket Nos. ER82-545-000, ER82-546-000, ER83-610-000, and ER83-611-000.

On July 20, 1983, Texas Utilities Electric Company (TUC) tendered for filing a proposed transmission tariff for service over TUC's alternating current (AC) transmission facilities and over certain direct current (DC) transmission facilities to be constructed.[1] Upon completion, the DC facilities will establish interconnections between the Southwest Power Pool (SWPP) load control area and the Electric Reliability Council of Texas (ERCOT) load control area. Because there are no currently proposed purchases of transmission service under the tariff, and the commercial operation of the DC transmission intertie is not expected before July 1, 1984, no executed service agreements have been filed. TUC requests that the transmission tariff become effective upon initiation of service.[2]

On August 1, 1983, Houston Lighting and Power Company (HL&P) also tendered for filing a proposed transmission tariff for service over its own AC transmission facilities as well as the DC facilities described above.[3] HL&P requests that its transmission tariff become effective on September 30, 1983, or such later date as the Commission may determine.

Both of these filings were made pursuant to the Commission's order in *Central Power and Light Company, et al.*, Docket Nos. EL79-8 and E-9558, 17 FERC ¶ 61,078 (October 28, 1981), as modified on rehearing, 18 FERC ¶ 61,100 (January 29, 1982). In that earlier proceeding the Commission, among other things, accepted a settlement agreement and ordered the construction of two interconnections between ERCOT and SWPP. The Commission also incorporated by reference the terms of the parties'[4] settlement agreements, including a proposed order which provided for the parties to the interconnection settlement to file transmission tariffs such as the ones at issue in the instant dockets. The Commission's orders in Docket Nos. EL79-8, *et al.*, required that such rates be filed at least one year before the DC facilities are in operation.[5] TUC and HL&P note that they submitted the proposed transmission rates following notice by the CSW Companies that part of the DC interconnections will be completed and in operation by July 1, 1984.

Notice of TUC's filing was published in the **Federal Register**, with comments due on or before August 15, 1983. Timely motions to intervene were filed by HL&P; Brownsville, Texas; Lafayette, Louisiana; Medina Electric Cooperative, Inc., (Medina); South Texas Electric Cooperative, Inc. (STEC); Tex-La Electric Cooperative, Inc. (Tex-La); and Northeast Texas Electric Cooperative, Inc. (NTEC). The CSW Companies filed a motion to intervene out of time on August 19, 1983, and a group of 13 Texas Cooperatives (Texas Cooperatives) filed a late motion to intervene on August 24, 1983.

Notice of HL&Ps' filing was published in the **Federal Register** with comments due on or before August 23, 1983. Motions to intervene in that docket were filed by the same parties as those who requested intervenor status in the TUC proceeding. In addition, TUC and the Public Utility Commission of Texas (Texas PUC) filed motions to intervene

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[1] The rate schedule designation is: *Texas Utilities Electric Company*, FERC Electric Tariff, Original Volume No. 1, (Original Sheet Nos. 1-18).

[2] TUC's affiliated operating companies are: Dallas Power & Light Company, Texas Electric Service Company, and Texas Power & Light Company. These companies plan to merge and become divisions of TUC, effective January 1, 1984. Since the DC Interties are not expected to be completed until July or August of 1984, any transmission service under the instant submittal will be provided by TUC rather than by the individual operating companies. TUC has proposed a single rate for wheeling over affiliated companies' transmission facilities. The rate has been developed from the consolidated books and records of the three operating companies.

[3] The rate schedule designation is: *Houston Lighting and Power Company*, FERC Electric Tariff, Original Volume No. 1, (Original Sheet Nos. 1-19).

[4] The parties to the interconnection settlement were the TUC Companies, HL&P, and four Central and South West Companies; namely, Central Power & Light Company, West Texas Utilities Company, Public Service Company of Oklahoma, and Southwest Electric Power Company (CSW Companies).

[5] By notice issued on June 27, 1983, in *Central Power & Light Company*, Docket Nos. EL79-8, *et al.*, the Commission granted a request that the tariff filing date be extended until August 1, 1983.

in the HL&P docket. All of these motions were timely but for Brownsville's which was filed on August 25, 1983.

As to both filings, NTEC, Texas Cooperatives, CSW Companies, and Tex-La seek to intervene, although they have raised no specific issues and have not requested a hearing. HL&P and TUC similarly seek only intervenor status in each other's proceedings and the Texas PUC in moving to intervene in the HL&P docket has raised no issues. While also not identifying any matters in controversy, Medina and STEC request that TUC's proposed transmission tariff be suspended, to become effective subject to refund, and set for hearing to determine the justness and reasonableness of the proposed terms, conditions, and rate. As to HL&P's filing, Medina and STEC also seek suspension and a hearing although in that docket they identify certain terms and conditions which may be problematic. STEC has requested consolidation of both of these dockets with the other pending proceedings arising out of the operation of the DC transmission facilities. [6]

In both the TUC and HL&P dockets, Brownsville has raised a number of issues including rate of return, rate design, terms and conditions of service, the use of load flow studies in determining service quantities, and service firmness and curtailability. Brownsville also requests that these two proceedings be consolidated with the proceedings on other transmission tariffs filed in compliance with the orders in Docket Nos. EL79-8, *et al.*, stating that all such filings represent similar service and contain common issues. Brownsville also expresses concern with the fact that certain transmission services within the ERCOT system are regulated by the Texas PUC. In order to assure compatibility of separate aspects of a single wheeling transaction Brownsville suggests that the Texas PUC should be invited to participate in the consolidated preceedings or to hold a joint hearing with this Commission. In the HL&P docket, Brownsville also opposes the utility's use of an abbreviated filing format.[7] Brownsville suggests that HL&P should at least show how service charges will be calculated for sample cases to enable a customer to determine the charges for service and to cost justify the proposed rates. Lafayette supports the positions expressed by Brownsville in both dockets.

On August 30, 1983, TUC filed a response to Brownsville's motion to intervene and request for consolidation in Docket No. ER83-635-000. TUC states that it has no objection to Brownsville's intervention. However, it objects to the request for consolidation on the grounds that each of the pending transmission rate cases resulting from the settlement in Docket Nos. EL79-8, *et al.*, is based on different cost data. TUC cities the Commission's order in *Southern California Edison Company*, 23 FERC ¶ 61,002 (April 1, 1983) for the proposition that consolidation is appropriate only when there are common issues of law or fact, factors which TUC maintains are absent here. TUC has also responded to the objections to its filing which Brownsville advanced.

On September 6, 1983, HL&P filed a response to the various motions to intervene in Docket No. ER83-657-000, requesting that (1) the proposed trariff be accepted for filing without a hearing, (2) Brownsville's motion for a hearing be denied, and (3) the separate motions of Brownsville and STEC for consolidation of this docket with proceedings involving TUC and the CSW Companies be denied. In general, HL&P maintains that neither a hearing nor consolidation is required in this proceeding because the issues raised by STEC and Brownsville have already been resolved in the Commission's orders approving the settlement in Docket Nos. EL79-8, *et al.* However, to the extent that common policy matters have been raised regarding the use of a Texas PUC statewide wheeling rule, HL&P agrees that this would be an appropriate subject for joint consideration in any of the earlier proceedings to which TUC, the CSW Companies, and HL&P are all parties. HL&P states that it could then modify its filed tariff if found to be appropriate at the conclusion of such a proceeding.

Discussion

Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the unopposed motions to intervene serve to make each timely movant identified above a party to this proceeding. Further, we find that good cause exists to grant the late motions filed by the Texas Cooperatives, the CSW Companies, and Brownsville. Given our decision below to consolidate these dockets with a pending proceeding in which the movants are already parties, and considering the early stage of this case and the relatively short delays in filing, we believe that permitting the untimely interventions will not prejudice any party or cause undue delay.

We note that TUC has failed to synchronize interest expense for income tax purposes. Commission precedent requires that utilities compute the long-term debt component of the interest-expense tax deduction as the product of the allocated rate base and the weighted cost of long-term debt.[8] Accordingly, summary disposition will be ordered with respect to this aspect of TUC's filing. However, because of the relatively small cost of service impact of this issue, and the fact that there is no present service under the proposed tariff, we shall not require the utility to refile at this time.

Our preliminary review to TUC's and HL&P's filings and the pleadings indicates that the proposed rates, terms, and conditions have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the proposed tariffs for filing and suspend them as ordered below.

In *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶ 61,189 (1982), we stated that where our preliminary review indicates that proposed rates may be unjust and unreasonable, but may not be substantially excessive as described in *West Texas*, we would ordinarily suspend the rates for a nominal period. We have separately reviewed the submittals by TUC and HL&P and our preliminary examination indicates that the transmission tariffs may not yield substantially excessive revenues. Given this conclusion and the fact that no service is contemplated before July 1, 1984, we shall suspend both proposed tariffs to become effective, subject to refund, upon initiation of service.

Since the instant filings involve different utilities with different cost data, we might not normally consider it appropriate to consolidate these filings with the proceeding pending in Docket Nos. ER82-545-000, ER82-546-000, ER83-610-000, and ER83-611-000.[9]

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[6] *I.e.*, Docket Nos. ER82-545-000, ER82-546-000, ER83-610-000, and ER83-611-000, which involve transmission rate filings by the CSW Companies. The first two of these dockets involve transmission rates of the CSW Companies within ERCOT and within SWPP, and the latter two involve transmission between ERCOT and SWPP along the DC tranamission facilities which are to be built. The present transmission rate proposals by TUC and HL&P apply to the latter type of service.

[7] Brownsville does not specifically move for rejection of HL&P's filing on this ground.

[8] *E.g.*, *Gulf States Utilities Company*, 20 FERC ¶ 61,039 (1982); *Public Service Company of New Mexico*, Opinion No. 113, 17 FERC ¶ 61,123 (1981).

[9] At the time that Brownsville moved to intervene in Docket Nos. ER83-610-000 and ER83-611-000, Brownsville anticipated the current filings by TUC

Continued

However, contrary to TUC's and HL&P's arguments, certain issues are clearly common to all of these submittals. Besides the fact that the service includes the same DC facilities, common questions of law and fact are presented with respect to load flow studies, service firmness criteria, and terms and conditions of service. We would expect that other similarities will become apparent as the case proceeds. As a result, we shall grant Brownsville's and STEC's requests for consolidation.[10] However, given the likelihood that some severable, company-specific issues will arise, we leave to the discretion of the presiding judge the question as to whether some phasing procedure may be appropriate.

As to Brownsville's request that HL&P provide sample calculations and more specific information than is required under our filing requirements, 18 CFR 35.13(a)(2)(B), 35.23(c) (limit to cost information required if transmission rate is less than 1 mill per kWh), we believe that Brownsville will have an ample opportunity to pursue the bases and results of HL&P's filing during the hearing in this proceeding.

The Commission orders:

(A) Summary disposition is hereby ordered, as noted in the body of this order, with respect to TU's failure to synchronize interest for purposes of calculating income tax expense. This decision shall be reflected in any compliance cost of service and rates at the conclusion of this proceeding.

(B) The transmission tariffs submitted by TUC and HL&P are hereby accepted for filing and suspended to become effective, subject to refund, upon initiation of service.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the transmission tariffs filed by TU and HL&P.

(D) Docket Nos. ER83-635-000 and ER83-657-000 are hereby consolidated with the ongoing proceedings in Docket Nos. ER82-545-000, ER82-546-000, ER83-610-000, and ER83-611-000 for purposes of hearing and decision.

(E) The administrative law judge designated to preside in Docket Nos. ER82-545-000, *et al.*, shall determine the procedures best suited for resolution of this consolidated proceeding. The presiding judge may phase the proceeding as is deemed appropriate.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-25964 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-732-000]

Tucson Electric Power Co.; Filing

September 19, 1983.

The filing Company submits the following:

Take notice that on September 6, 1983, Tucson Electric Power Company (Tucson) tendered for filing an Interchange Agreement between Tucson and The City of Farmington, New Mexico (Farmington). The primary purpose of this Agreement is to establish the terms and conditions for the exchange of generating capacity and energy between the electric systems of the parties.

Tucson requests an effective date of July 15, 1983, and therefore requests waiver of the Commission's notice requirements.

Tucson states that copies of the filing were served upon Farmington.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 3, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-25965 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-731-000]

West Texas Utilities Co.; Filing

September 19, 1983.

The filing Company submits the following:

Take notice that on September 1, 1983, West Texas Utilities Company (WTU) tendered for filing twenty-four (24) executed Delivery Point and Service Specifications sheets providing for changes in conditions of service under Service Agreements between WTU and the City of Sonora, Concho Valley Electric Cooperative, Inc., Gate City Electric Cooperative Inc., McCullough Electric Cooperative, Inc., Midwest Electric Cooperative, Inc., Southwest Texas Electric Cooperative, Inc., Stamford Electric Cooperative, Inc. and Taylor Electric Cooperative, Inc., executed under WTU's FERC Electric Tariff, Original Volume No. 1. The amendments are for the purpose of either providing for the establishment of a new delivery point, or for increasing or decreasing the stated maximum contract demand at certain existing delivery points. The filing also provides for the deletion of five (5) delivery points from the Service Agreements between WTU and certain of its full requirements wholesale customers.

WTU states that copies of the filing have been sent to the Public Utility Commission of Texas and the affected full requirements wholesale customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 30, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

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and HL&P and requested consolidation of all of the filings arising out of Docket Nos. EL79-8, *et. al.* We rejected that request at that time as premature until the relevant filings were before us. *Public Service Company of Oklahoma*, Docket Nos. ER83-610-000, *et al.* (Order issued August 30, 1983).

[10] As noted, Brownsville has requested that the Texas PUC be invited to participate in the pending proceedings. Confronted with a similar request in Docket Nos. ER83-610-000, *et al.*, we presumed that that commission was aware of the filings before us and would take whatever actions it considered appropriate under the circumstances. (*Id.*) In as much as the Texas PUC has elected to intervene in the HL&P docket, it has effectively entered into the consolidated proceeding.

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-25966 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-482-000]

Alabama-Tennessee Natural Gas Co.; Application

September 20, 1983.

Take notice that on August 24, 1983, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35631; filed in Docket No. CP83-482-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of meter and regulator facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Alabama-Tennessee proposes herein to construct and operate a measuring and regulating station on its line near the point where it crosses the county line between Madison and Limestone Counties in Alabama. It is stated that North Alabama Gas District (North Alabama), an existing resale customer, has requested Alabama-Tennessee to provide the facility to supply natural gas service to a new state correctional institution and approximately 50 residential consumers in Madison, Alabama. It is further stated that the daily delivery requirements would be approximately 500 Mcf of gas and within North Alabama's existing contract volumes.

Alabama-Tennessee states further that all costs in connection with the proposed construction would be reimbursed by North Alabama.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 11, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely field, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Alabama-Tennessee to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-28039 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI67-868-001, et al.]

ARCO Oil and Gas Co., et al.; Applications To Amend Certificates To Establish Entitlement to Section 109 Price [1]

September 8, 1983.

Take notice that each of the Applicants listed herein has either filed a petition to amend certificate pursuant to Section 7 of the Natural Gas Act or a notice of change in rate which is being treated as a petition to amend certificate to establish Applicant's right to collect the section 109 price consistent with the court order issued in *Tenneco Exploration Ltd v. FERC*, 649 F2d.376, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 26, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.[2]	Pressure base
CI67-868-001, Aug. 4, 1983.	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Tennessee Gas Pipeline Company	(1)	
CI68-306-001, Aug. 18, 1983.	Getty Oil Company, Post Office Box 1404, Houston, Texas 77251	Michigan-Wisconsin Pipeline Company	(1)	
CI76-629-005, Aug. 12, 1983.	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Tennessee Gas Pipeline Company	(1)	

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.[3]	Pressure base
CI177-210-001, Sept. 1, 1983.	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Transco Gas Supply Company	(1)	
CI178-864-002, Aug. 31, 1983 [2].	Shell Offshore Inc., P.O. Box 4480, Houston, Texas 77210	Tennessee Gas Pipeline Company	(1)	
CI179-187-001, Aug. 31, 1983 [2].	Diamond Shamrock Corporation, Post Office Box 631, Amarillo, Texas 79173.	Trunkline Gas Company	(1)	
CI179-355-001, Aug. 29, 1983.	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Tennessee Gas Pipeline Company	(1)	
CI180-494-001, Apr. 4, 1983.	Amoco Production Company, Post Office Box 50879, New Oleans, Louisiana 70150.	Texas Gas Transmission Corporation		

[1] Applicant proposes to amend certificate to establish Applicant's entitlement to collect Section 109 price consistent with court order issued in *Tenneco Exploration Ltd.* v. *FERC*, 649 F.2d 376.

[2] See Appendix A attached hereto for other related docket numbers.

[3] See Appendix B attached hereto for other docket numbers.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

APPENDIX A

Docket No.	Rate schedule No.	Purchaser/area/block
CI78-864	42	Tennessee Gas Pipeline Co., E. Cameron 96, Offshore Louisiana.
CI78-1167	43	Florida Gas Transmission Co., S. Marsh Is. 149/150, Offshore Louisiana.
CI78-626	44	Natural Gas Pipeline Company of America, S. Marsh Is. 115, Offshore Louisiana.
CI78-625	45	Transcontinental Gas Pipe Line Corp., S. Marsh Is. 132, Offshore Louisiana.
CI78-569	47	Transcontinental Gas Pipe Line Corp., S. Marsh Is. 106, Offshore Louisiana.
CI78-654	48	Transcontinental Gas Pipe Line Corp., E. Cameron 56/57, Offshore Louisiana.
CI78-1167	49	Southern Natural Gas Co., S. Marsh Is. 149/150, Offshore Louisiana.
CI79-488	50	United Gas Pipe Line Co., High Is. 179, Offshore Texas.
CI79	51	Transcontinental Gas Pipe Line Corp., High Is. 179, Galveston 180, Offshore Texas.
CI79-546	52	Southern Natural Gas Co., Mississippi Canyon 194, Offshore Louisiana.
CI79-114	53	Southern Natural Gas Co., Mississippi Canyon 311, Offshore Louisiana.
CI79-115	54	Florida Gas Transmission Co., Mississippi Canyon 311, Offshore Louisiana.
CI80-138	55	United Gas Pipe Line Co., High Is. A-490, Offshore Texas.
CI79-599	56	Transcontinental Gas Pipe Line Corp., Matagorda Is. 619/620, Offshore Texas.
CI79-613	57	Florida Gas Transmission Co., Mississippi Canyon 194, Offshore Louisiana.
CI80-361	59	Tennessee Gas Pipeline Co., W. Cameron 65, Offshore Louisiana.
CI80-432	61	Columbia Gas Transmission Corp., Vermilion 159/144, Offshore Louisiana.
CI80-420	62	Tennessee Gas Pipeline Co., High Is. A-269/A-270, Offshore Texas.
CI80-20	63	Transcontinental Gas Pipe Line Corp., W. Cameron 65, Offshore Louisiana.
CI81-27	64	Florida Gas Transmission Co., W. Cameron 65, Offshore Louisiana.
CI81-110	69	Transcontinental Gas Pipe Line Corp., Vermilion 370, Offshore Louisiana.

APPENDIX B—LIST OF DIAMOND SHAMROCK CORPORATION SALES SUBJECT TO PETITION TO AMEND CERTIFICATES

Docket No.	Rate schedule No.	Purchaser
CI79-187-001	92	Trunkline Gas Co.
CI79-342-001	96	Arkansas Louisiana Gas Co., and Southern Natural Gas Co.
CI79-420-001	97	Trunkline Gas Co.
CI79-496-001	99	Northern Natural Gas Co., a Division of InterNorth, Inc.
CI80-41-002	104	Southern Natural Gas Co.
CI80-251-001	105	Trunkline Gas Co.
CI81-201-001	110	Trunkline Gas Co.
CI82-270-001	112	Panhandle Eastern Pipe Line Co.
CI82-284-001	113	Trunkline Gas Co.
CI83-49-001	114	Panhandle Eastern Pipe Line Co.
CI83-50-001	115	Texas Eastern Transmission Corp.
CI83-243-001	117	Trunkline Gas Co.
CI83-300-001	118	Transco Gas Supply Co.

[FR Doc. 83-26053 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-480-000]

Colorado Interstate Gas Co.; Application

September 20, 1983.

Take notice that on August 23, 1983, Colorado Interstate Gas Company (Applicant), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP83-480-000 an application pursuant to Section 7(b) of the Natural Gas Act for an order permitting and approving the abandonment of certain services rendered in connection with a limited-term gas transportation agreement (Agreement) with United Gas Pipe Line Company (United), dated November 10, 1978, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authority to terminate transportation services rendered to United as a result of the termination of the Agreement on June 30, 1983. The limited-term gas transportation agreement was for a period of three years with maximum volumes of up to 50,000 Mcf per day. Applicant states that United indicates no desire to extend the term of the transportation service. No facilities are proposed to be abandoned in the instant application.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 11, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience are necessary. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-26040 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-730-000]

Connecticut Light and Power Co.; Filing

September 20, 1983.

The filing Company submits the following:

Take notice that on September 1, 1983, Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule change with respect to a transmission service agreement dated June 1, 1983 (Second Amendment) between (1) CL&P and Western Massachusetts Electric Company (WMECO), (together, the NU Companies) and (2) Town of Wallingford, Department of Public Utilities (Wallingford).

CL&P states that the Second Amendment provides for changes to a transmission service agreement between the same parties dated as of October 8, 1982 (the Agreement) as amended by a supplemental agreement dated March 1, 1983 (the amendment). The requested change modifies the amounts of transmission service provided to Wallingford during the period commencing on June 1, 1983 and terminating on October 31, 1983.

CL&P further states that the transmission charge rate is a monthly rate equal to one-twelfth of the estimated annual average cost of service on the transmission system of the NU Companies. The monthly transmission charge is determined as the product of (i) the appropriate transmission charge rate ($/kW-month), and (ii) the total kilowatts of capacity which Wallingford is entitled to receive in each month pursuant to the Agreement as amended.

CL&P requests an effective date of June 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motion or protests should be filed on or before September 30, 1983. Protests will be considered by the Commission in determining the approporate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-26041 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Projects Nos. 5519-001, 5559-001, 5518-002, 5522-002, 5520-001, 5517-001, 5932-002, 5733-003, 5660-001, 5877-001, 5664-001, 5658-001, 5657-001, 5661-001]

Hydro Management, Inc.; Surrender of Preliminary Permits

September 20, 1983.

Take notice that Hydro Management, Inc., Permittee has requested that the following preliminary permits be terminated:

(1) Project No. 5519. The permit was issued on February 19, 1982, and would have expired August 31, 1983. The project would have been located on South Fork of Lost Creek in Lake County, Montana.

(2) Project No. 5559. The permit was issued on February 26, 1982, and would have expired August 31, 1983. The project would have been located on Lion Creek within the Flathead National Forest in Lake County, Montana.

(3) Project No. 5518. The permit was issued February 26, 1982, and would have expired January 31, 1985. The project would have been located on Goat Creek in Lake County, Montana.

(4) Project No. 5522. The permit was issued February 19, 1982, and would have expired August 31, 1983. The project would have been located on the Bethal Creek in Lake County, Montana.

(5) Project No. 5520. The permit was issued April 5, 1982, and would have expired September 30, 1983. The project would have been located on the Soup Creek in Lake County, Montana.

(6) Project No. 5517. The permit was issued May 14, 1982, and would have expired October 31, 1983. The project would have been located on the Scout Creek in Lake County, Montana.

(7) Project No. 5932. The permit was issued May 28, 1982, and would have expired October 31, 1983. The project would have been located on the Crane Creek in Lake County, Montana.

(8) Project No. 5733. The permit was issued May 6, 1982, and would have expired October 31, 1983. The project would have been located on the Groom Creek in Lake County, Montana.

(9) Project No. 5660. The permit was issued July 23, 1982, and would have expired December 31, 1983. The project would have been located on the Deep Creek in Lincoln County, Montana.

(10) Project No. 5877. The permit was issued June 30, 1982, and would have expired November 30, 1983. The project would have been located on Dodge Creek in Lincoln County, Montana.

(11) Project No. 5664. The permit was issued June 30, 1982, and would have expired November 30, 1983. The project would have been located on Blue Sky Creek in Lincoln County, Montana.

(12) Project No. 5658. The permit was issued August 16, 1982, and would have expired January 31, 1984. The project would have been located on Stahl Creek in Lincoln County, Montana.

(13) Project No. 5657. The permit was issued July 6, 1982, and would have expired December 31, 1983. The project would have been located on Clarence Creek in Lincoln County, Montana.

(14) Project No. 5661. The permit was issued August 25, 1982, and would have expired January 31, 1984. The project would have been located on Kopsi Creek in Lincoln County, Montana.

The Permittee filed its request on August 12, 1983, and the surrender of the above-mentioned preliminary permits are deemed accepted 30 days from the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-26042 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-473-000]

K N Energy, Inc.; Application

September 20, 1983.

Take notice that on August 18, 1983, K N Energy, Inc. (Applicant), P.O. Box 15265, Lakewood, Colorado 80215, filed in Docket No. CP83-473-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a limited term and best-efforts off-system sale of gas by Applicant to Sunburst Energy, Inc. (Sunburst), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Sunburst for a two-year period only of up to 25 million Btu of natural gas per day with a 5 million Btu per day minimum purchase obligation. It is stated that the gas is to be used as boiler fuel in an electric generating power plant. Applicant states that this is a best-efforts sale, subject to interruption to the extent required by Applicant to enable it to provide adequate service to its own existing

and/or future general system supply customers. It is asserted that Applicant is currently in an oversupply situation and that the proposed sale would help alleviate take-or-pay exposure (currently estimated to be 2 Bcf for 1983).

Applicant proposes to charge Sunburst a rate equal to $3.40 per million Btu for the term of the sale. Applicant states that delivery of the gas to Sunburst would be accomplished by Applicant's delivering gas to Northern Natural Gas Company, a Division of InterNorth, Inc., for redelivery to Sunburst in the Waha area of southwestern Texas.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 11, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-26044 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP72-185-000 and CP75-182-002]

Michigan Wisconsin Pipe Line Co.; Petition To Amend

September 20, 1983.

Take notice that on August 26, 1983, Michigan Wisconsin Pipe Line Company (Mich Wis), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket Nos. CP72-185-000 and CP75-182-002 a petition pursuant to Section 7 of the Natural Gas Act to amend the orders issued in Docket Nos. CP72-185 on July 20, 1972,[1] and CP75-182 on July 7, 1977,[1] so as to authorize a limited-term reduction of approximately 2,600,000 Mcf of gas storage service for Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

It is stated that Mich Wis has agreed to reduce Natural's annual storage service for certain of Natural's MS-1 and MS-2 storage customers pursuant to Mich Wis' Rate Schedule X-14 by 1,433,200 Mcf and pursuant to Mich Wis' Rate Schedule X-60 by 1,121,300 Mcf effective as of December 1, 1983, for a minimum two-year limited term, with the possibility of extension to not later than October 31, 1988.

Mich Wis states that to effectuate the release agreement, Mich Wis shall reduce its monthly charges pursuant to Rate Schedules X-14 and X-60, by the product of the storage component of its monthly demand charge and the maximum daily quantity associated with the approximate 2,600,000 Mcf reduction in the annual contract quantity. The release agreement also provides that Natural would reduce the charges paid by certain of its MS-1 and MS-2 customers by a like dollar amount, it is submitted.

Further, Mich Wis states that during the term of the release agreement, Mich Wis would utilize approximately 2,600,000 Mcf of gas storage capacity to accommodate either customer requirements or to husband quantities of natural gas which it is obligated to take-and-pay for under various gas purchase contracts.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before Oct. 11, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's rules.

[1] These proceedings were commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), they were transferred to the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-26046 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP82-79-001, CP82-241-001, and CP82-282-001]

Mountain Fuel Supply Co.; Petition To Amend

September 20, 1983.

Take notice that on August 29, 1983, Mountain Fuel Supply Company (Petitioner), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket Nos. CP82-79-001, CP82-241-001, and CP82-282-001 a petition to amend the orders issued April 2, 1982, in Docket No. CP82-79-000, June 25, 1982, in Docket No. CP82-241-000, and June 25, 1982, in Docket No. CP82-282-000, respectively, pursuant to Section 7(c) of the Natural Gas Act so as to authorize the continued use of three main line taps and related metering and regulating facilities to effectuate continued sales of natural gas to Amoco Production Company (Amoco) and Chevron U.S.A. Inc., (Chevron) and the construction and operation of approximately 450 feet of 4-inch pipeline and related metering facilities necessary to deliver gas to Chevron, all as set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that in Docket Nos. CP82-79-000, CP82-241-000, and CP82-282-000, it received authority to operate three main line taps and appurtenant facilities to effect the sales of natural gas to Amoco and Chevron. Petitioner explains that the certificates received in the above mentioned dockets indicate that Petitioner would use the three main line taps and appurtenances to provide natural gas distribution services to Amoco and Chevron for specified approximate periods of time. Petitioner further states that Amoco and Chevron have requested that Petitioner obtain approval for the continued use of the

main line taps and appurtenances beyond those time periods enumerated in the subject dockets.

As a result, Petitioner proposed to continue the use of the three main line taps and related facilities so as to provide permanent access to gas that would be required on an intermittent basis by Chevron and Amoco and delivered on a best-efforts basis to Petitioner for ultimate sale to Chevron and Amoco for plant and field operations. Petitioner also proposes to amend further the certificate issued in Docket No. CP82-282-000 so as to authorize the construction and operation of approximately 450 feet of 4-inch pipeline and the replacement of a 2-inch meter run with a 4-inch meter run. Petitioner states that the proposed pipeline would extend from the existing metering facilities located on Petitioner's Main Line No. 36 to an interconnection with the 22-inch pipeline of Columbia Gulf Transmission Company (Columbia) in Wyoming. Petitioner explains that gas would subsequently be transported by Columbia for the account of Chevron to Chevron's Carter Creek Treating Plant. Petitioner estimates that the proposed pipeline and metering facilities would be constructed at a cost of $24,270.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before Oct. 11, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-26047 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-738-000]

Niagara Mohawk Power Corp.; Filing

September 19, 1983.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on September 8, 1983, tendered for filing as a rate schedule, an agreement between Niagara and the Power Authority of the State of New York (PASNY) dated April 27, 1983.

Niagara presently has on file an agreement with PASNY dated January 15, 1963. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 22. This new agreement is being transmitted as a supplement to the existing agreement.

Niagara states that the original January 15, 1963 agreement states that Niagara will provide backup power when requested by PASNY so that PASNY can maintain an uninterrupted supply of interruptible power and energy to its aluminum reduction customers in the St. Lawrence Area. Niagara will supply the energy at a power rate not to exceed 80,000 kilowatts at any time prior to January 1, 1993 and at the rate of 40,000 kilowatts for the remainder of the agreement when and if Niagara can supply the power and energy from its generating facilities, contract resources or its interconnections without necessitating an interruption to its customers. This supplement revises the rate for emergency power as provided for in terms of the original agreement.

Niagara requests an effective date of September 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Power Authority of the State of New York and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 3, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-26048 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-483-000]

Northwest Central Pipeline Corp.; Request Under Blanket Authorization

September 20, 1983.

Take notice that on August 25, 1983, Northwest Central Pipeline Corporation (Northwest Central), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP83-483-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Northwest Central proposes to construct and install a new delivery point in the Royal Heights Area of Joplin, Missouri, for sale and delivery of gas to The Gas Service Company (Gas Service) under the authorization issued in Docket No. CP82-479-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest Central states Gas Service has requested this additional delivery point in order to serve better its customers in the Royal Heights Area of Joplin, Missouri. It is asserted that the projected volume of delivery through these facilities is approximately 945,000 Mcf of gas per year with a maximum peak load of 200 Mcf per hour at 100 psig. Northwest Central estimates the cost of these facilities to be $53,490, which would be paid from available funds.

Northwest Central states that this change is not prohibited by an existing tariff and it has sufficient capacity to accomplish the deliveries specified without detriment or disadvantage to its other customers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-26049 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST82-291-001]

Oklahoma Natural Gas Co., a Division of Oneok Inc.; Application for Approval of Rates

September 20, 1983.

Take notice that on August 24, 1983, Oklahoma Natural Gas Company, a division of Oneok Inc. (Applicant), 624 South Boston Avenue, Tulsa, Oklahoma 74119, filed in Docket No. ST82-291-001 an application pursuant to § 284.144 of the Commission's Regulations for approval of the rates and charges to be assessed by Applicant for transportation services to be provided for Mid Louisiana Gas Company (Mid Louisiana), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant indicates that it is selling gas to Mid Louisiana and that the original contract provides for a charge equal to the city gate rate differential as compensation for expenses incurred by Applicant associated with the gathering, treatment, processing, transportation, and delivery of natural gas. Applicant states that the differential originally was 53.4 cents per million Btu and that the contract was amended on November 18, 1982, to decrease this charge to 25.0 cents per million Btu.

Applicant states that the gas sales agreement has been further amended and that Applicant now proposes to decrease the charge for gathering, treatment, and other services to 10.0 cents per million Btu. Applicant also states that to the extent possible and pursuant to § 284.123 of the Commission's Regulations it elects to base its rates upon the methodology included in its then effective firm sales rate schedule for city gate service on file with the Oklahoma Corporation Commission as amended from time to time.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 11, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's rule.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-26050 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP78-389-005 and CP78-259-003]

Rocky Mountain Natural Gas Company, Inc. and RMNG Gathering Co.; Petition To Amend

September 20, 1983.

Take notice that on August 30, 1983, Rocky Mountain Natural Gas Company, Inc. (Rocky Mountain), 420 Life Capitol Center, 1600 Sherman Street, Denver, Colorado 80203, filed in Docket No. CP78-389-005 and RMNG Gathering Co. (RMNG), 420 Life Capitol Center, 1600 Sherman Street, Denver, Colorado 80203, filed in Docket No. CP78-259-003, a joint petition to amend the order issued October 4, 1978, as amended, pursuant to Section 7 of the Natural Gas Act so as to authorize the continued transportation and exchange of natural gas with Northwest Pipeline Corporation (Northwest) pursuant to the terms of three amendments to their January 27, 1978, gas transportation and exchange agreement, as amended, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that Northwest currently delivers volumes of gas which it gathers in the great Divide Area, Moffat County, Colorado, to Rocky Mountain at the interconnection of Northwest's facilities with Rocky Mountain's Big Hole pipeline in Moffat County for subsequent use in Rocky Mountain's intrastate utility system. RMNG then delivers thermally equivalent volumes of gas to Northwest at the Bar X Exchange Meter Station, an existing point of interconnection between RMNG's South Canyon Gathering System and Northwest's mainline in Mesa County, Colorado, it is further stated. Rocky Mountain charges Northwest 14.3 cents per Mcf for providing the transportation and exchange service, it is asserted.

Rocky Mountain and RMNG herein propose to amend their exchange service pursuant to the terms of three amendments to their exchange agreement as follows:

(1) The amendment dated June 29, 1979, provides for an additional exchange redelivery point from Rocky Mountain to Northwest to be located at an existing point of interconnection between the facilities of Rocky Mountain and Northwest in Rio Blanco County (Piceance delivery point);

(2) The amendment dated October 30, 1979, requires Northwest to reimburse Rocky Mountain and RMNG for actual out-of-pocket costs of providing taps on Rocky Mountain's and RMNG's facilities which enable them to receive gas for the account of Northwest; and

(3) The amendment dated April 15, 1982, provides for the addition of 1,600 acres to the Great Divide Area covered by the exchange agreement dated January 27, 1978.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before Oct. 11, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-26051 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP83-51-000]

State of Tennessee Oil and Gas Conservation Commission, et al.; Petition To Reopen and Vacate Final Well Category Determinations and Request To Withdraw

Issued: September 20, 1983.

In the matter of State of Tennessee Oil & Gas Conservation Commission, Catoosa Exploration Corporation, William C. Johnson No. 2 Well (FERC JD No. 82-32044), Robert T. Beatty No. 1 Well (FERC JD No. 82-32046), R. G. Burnett No. 1 Well (FERC JD No. 82-32047), William C. Johnson No. 1 Well (FERC JD No. 82-32048), Walter Gernt No. 1 Well (FERC JD No. 82-32092), Gordon Koger-Colditz Bros. Unit No. 1 Well (FERC JD No. 82-32093), Guy Williams C. No. 1 Well (FERC JD No. 82-32094), Arnold Golditz, *et al.*, No. 4 Well (FERC JD No. 82-32095), Guy Williams B No. 1 Well (FERC JD No. 82-

32096), Arnold Colditz, *et al.*, No. 3 Well (FERC JD No. 82-32097).

On September 7, 1983, Catoosa Exploration Corporation (Catoosa) filed with the Federal Energy Regulatory Commission (Commission) a copy of its request to the Tennessee State Oil and Gas Board (Tennessee) that the well category determinations which qualified the natural gas from the William C. Johnson No. 2 Well, Robert T. Beatty No. 1 Well, the R. G. Burnett No. 1 Well, William C. Johnson No. 1 Well, the Walter Gernt No. 1 Well, the Gordon Koger-Colditz Bros. Unit No. 1 Well, the Guy Williams C No. 1 Well, the Arnold Golditz *et al.*, No. 4 Well, the Guy Williams B No. 1 Well and the Arnold Colditz, *et al.*, No. 3 Well as new natural gas pursuant to section 102 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. V 1981), be "cancelled." The well category determinations made by Tennessee became final determinations on June 6, 1982, pursuant to NGPA section 503(d) and 18 CFR 275.202(a).

Catoosa states that its section 102(c)(1)(B) filings were made based on the best information available at the time but it has since been discovered that the above-mentioned wells do not qualify under NGPA section 102, as they are located within 2.5 miles of a marker well and are not 1,000 feet deeper than the deepest completion location of any market well within 2.5 miles of the subject wells.

The Commission hereby gives notice that the question of whether refunds, plus interest, as computed under § 154.102(c), will be required is a matter which is subject to the review and final determination of the Commission.

Any person desiring to be heard or to make any protest to the requested reopening and withdrawal should file, within 30 days after this notice is published in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or protest in accordance with the requirements of Rules 214 or 211 of the Rules of Practice and Procedure. All protests filed will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-26052 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-240-001]

Jackson Park Hospital Application for Commission Certification of Qualifying Status of a Cogeneration Facility

September 20, 1983.

On March 30, 1983, Jackson Park Hospital, 7531 Stony Island Avenue, Chicago, Illinois 60649, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to §292.207 of the Commission's rules. Additional information was provided regarding the facility on May 31, 1983 and July 21, 1983.

The topping-cycle cogeneration facility will be located at the hospital, at the above address. The facility will consist of engine-generator sets with heat recovery from all of the engine jackets, engine oil coolers, and engine exhaust gas systems. Heat will be used in heating and cooling applications. The primary energy source will be natural gas. The electric power production capacity will be 2500 to 3000 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-26043 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-373-000]

Massachusetts Refusetech, Inc.; Motion for a Declaratory Order Regarding Certification as a Small Power Production Facility

September 20, 1983.

On July 26, 1983, Massachusetts Refusetech, Inc. (Applicant), of Des Plaines, Illinois, filed with the Federal Energy Regulatory Commission (Commission) a petition for a declaratory order regarding certification of a facility as a qualifying small power production facility having a generating capacity of 30 megawatts or less.

The facility, to be located in North Andover, Massachusetts, will use as its primary energy source biomass, in the form of municipal solid waste. Applicant states that, although the facility's technical capacity might on occasion be fully utilized to produce an output in excess of 30 megawatts/day, the facility will usually operate below that level.

Representatives of the Applicant, who should receive communications, are George B. Mickum III, Mary Baluss, Alan Steele-Nicholson, Steptoe and Johnson Chartered, 1250 Connecticut Ave., NW., Washington, D.C. 20036 and Raymond J. Ligocki, UOP Plaza, Des Plaines, Illinois 60016.

Any person desiring to be heard or objecting to the granting of qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed and must be served on the Applicant on or before October 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-26045 Filed 9-22-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed; Week of August 19 Through August 26, 1983

During the Week of August 19 through August 26, 1983, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of

publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: September 16, 1983.

Richard W. Dugan,

Acting Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Aug. 19 through Aug. 26, 1983]

Date	Name and location or applicant	Case No.	Type of submission
Aug. 23, 1983	Consolidated Materials, Inc., New Orleans, Lousiana	HRR-0170	Request for Modification/rescission. If granted: The August 12, 1983, Decision and Order (Case No. HRD-0121) issued to Consolidated Materials, Inc., would be modified regarding the firm's motions for discovery and evidentiary hearing.
Do	Oil-Tex Petroleum and David E. Myres, San Antonio, Texas	HRD-0159 HRH-0159	Motion for discovery and request for evidentiary hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Oil-Tex Petroleum, Inc. and David E. Myres in response to the April 29, 1983, Proposed Remedial Order (Case No. HRO-0161) issued to Oil-Tex Petroleum, Inc. and David E. Myres.
Aug. 24, 1983	Newsday Long Island, New York	HFA-0178	Appeal of an information request denial. If granted: The June 30, 1983, Freedom of Information Request Denial issued by the Office for Energy Emergencies would be rescinded, and Newsday would receive access to all of Volume III and portions of Volume II of a study entitled "Analysis of Refinery Level Crude and Product supplies."

REFUND APPLICATIONS RECEIVED

[Week of Aug. 19 to Aug. 26, 1983]

Date	Name of refund proceeding and name of refund applicant	Case No.
Aug. 22, 1983	Palo Pinto and Arkansas Energy Office	RQ5-16.
Aug. 23, 1983	Palo Pinto and Rhode Island	RQ5-17.
Aug. 22, 1983 Aug. 26, 1983	Amoco refund applications	RF21-12168, RF21-12176.

[FR Doc. 83-25940 Filed 9-22-83; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of August 26 Through September 2, 1983

During the Week of August 26 through September 2, 1983, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: September 16, 1983.

Richard W. Dugan,

Acting Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Aug. 26 through Sept. 2, 1983]

Date	Name and location of applicant	Case No.	Type of Submission
Aug. 29, 1983	Air Transport Association of America, Washington, D.C.	HRR-0071	Request for modification/rescission. If granted: The October 7, 1977, Decision and Order (Case Nos. FRA-1230 and FEA-1057) issued to Getty Oil Company and the Standard Oil Company of Ohio would be modified regarding reconsideration of the DOE's remedy providing for the remittance of overcharges to the U.S. Treasury.
Do	Pel-Star Energy, Inc., Washington D.C.	HRD-0160, HRH-0160.	Motion for discovery and request for evidentiary hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Pel-Star Energy, Inc. in response to the June 13, 1983, Proposed Remedial Order (Case No. HRO-0175) issued to Pel-Star Energy, Inc.
Aug. 31, 1983	Sabine Refining & Trading Company, Inc., Washington, D.C.	HRD-0161	Motion for discovery. If granted: Discovery would be granted to Sabine Refining and Trading Company, Inc. in connection with the Statement of Objections submitted in response to the February 1, 1983, Proposed Remedial Order (Case No. HRO-0130) issued to Sabine Refining and Trading Company, Inc.
Sept. 2, 1983	Getty Oil Company, Washington, D.C.	HCX-0091	Supplemental order. If granted: The October 7, 1977 Decision and Order (Case Nos. FRA-1230 and FEA-1057) issued to Getty Oil Company and Standard Oil Company of Ohio by the Office of Hearings and Appeals would be modified in connection with August 22, 1983 Order issued by the United States District Court for the District of Delaware.

REFUND APPLICATIONS RECEIVED

[Week of Aug. 26 to Sept. 2, 1983]

Date	Name of refund proceeding/name of refund applicant	Case No.
Aug. 29, 1983	Tenneco Oil Company/Boston, Housing Authority	RF7-109.
Do	Amoco Refund Applications	RF21-12177.
Sept. 2, 1983	Amoco Refund Applications	RF21-12180.

[FR Doc. 83-25941 Filed 9-22-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51482; TSH-FRL 2427-7]

Certain Chemicals; Premanufacture Notices

Correction

In FR Doc. 83-24009 beginning on page 39689 in the issue of Thursday, September 1, 1983, make the following correction:

On page 39690, column one, "PMN 83-1071," between lines six and seven, *"Toxicity Data.* No data on the PMN substance submitted." should appear.

BILLING CODE 1505-01-M

[OPTS-51485; TSH-FRL 2439-5]

Premanufacture Notices; Certain Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **FEDERAL REGISTER** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of sixty-nine PMNs and provides a summary of each.

DATES: Close of Review Period:

December 7, 1983.
PMN 83-1200, 83-1201, 83-1202, 83-1203, 83-1204, 83-1205, 83-1206, 83-1207, 83-1208, 83-1209, 83-1210, 83-1211, 83-1212, 83-1213, 83-1214, 83-1215, 83-1216, 83-1217, 83-1218, 83-1219, 83-1220, 83-1221, 83-1222, 83-1223, 83-1224, 83-1225, 83-1226, 83-1227, 83-1228, 83-1229, 83-1230, 83-1231, 83-1232 and 83-1233

December 10, 1983.
PMN 83-1234, 83-1235, 83-1236, 83-1237, 83-1238, 83-1239, 83-1240, 83-1241, 83-1242, 83-1243, 83-1244 and 83-1245

December 11, 1983.
PMN 83-1246, 83-1247, 83-1248, 83-1251, 83-1252, 83-1253, 83-1254, 83-1255, 83-1256, 83-1257, 83-1258, 83-1259, 83-1260, 83-1261, 83-1262, 83-1263 and 83-1264

December 13, 1983.
PMN 83-1265, 83-1266, 83-1267, 83-1268, 83-1269 and 83-1270

Written comments by:

November 7, 1983.
PMN 83-1200, 83-1201, 83-1202, 83-1203, 83-1204, 83-1205, 83-1206, 83-1207, 83-1208, 83-1209, 83-1210, 83-1211, 83-1212, 83-1213, 83-1214, 83-1215, 83-1216, 83-1217, 83-1218, 83-1219, 83-1220, 83-1221, 83-1222, 83-1223, 83-1224, 83-1225, 83-1226, 83-1227, 83-1228, 83-1229, 83-1230, 83-1231, 83-1232 and 83-1233

November 10, 1983.
PMN 83-1234, 83-1235, 83-1236, 83-1237, 83-1238, 83-1239, 83-1240, 83-1241, 83-1242, 83-1243, 83-1244 and 83-1245

November 11, 1983.
PMN 83-1246, 83-1247, 83-1248, 83-1251, 83-1252, 83-1253, 83-1254, 83-1255, 83-1256, 83-1257, 83-1258, 83-1259, 83-1260, 83-1261, 83-1262, 83-1263 and 83-1264

November 13, 1983.
PMN 83-1265, 83-1266, 83-1267, 83-1268, 83-1269 and 83-1270

ADDRESS: Written comments, identified by the document control number "[OPTS-51485]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St. SW., Washington, DC 20460 (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Margaret Stasikowski, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St. SW., Washington, DC 20460 (202-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

PMN 83-1200

Manufacturer. Allied Corporation.
Chemical. (G) Diyne diurea.
Use/Production. (G) Specialty additive for ink/marking systems. Prod. range: Confidential.
Toxicity Data. Acute oral: >2 g/kg; Acute dermal: >2 g/kg; Irritation: Skin—Negligible; Sister chromatid exchange—Slight increase; Photo sensitization: None.
Exposure. Confidential.
Environmental Release/Disposal. Release to land. Disposal by approved landfill.

PMN 83-1201

Manufacturer. Allied Corporation.
Chemical. (G) Diyne diurea.
Use/Production. (G) Specialty additive for ink/marking systems. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Release to land. Disposal by approved landfill.

PMN 83-1202

Manufacturer. Allied Corporation.
Chemical. (G) Diyne diurea.
Use/Production. (G) Specialty additive for ink/marking systems. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Release to land. Disposal by approved landfill.

PMN 83-1203

Manufacturer. Allied Corporation.
Chemical. (G) Diyne diurea.
Use/Production. (G) Specialty additive for ink/marking systems. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Release to land. Disposal by approved landfill.

PMN 83–1204

Manufacturer. Allied Corporation.
Chemical. (G) Diyne diurea.
Use/Production. (G) Specialty additive for ink/marking systems. Prod. range: Confidential.
Toxicity Data. Acute oral: >2 g/kg; Acute dermal: >2 g/kg; Irritation: Skin—Very mild, Eye—Negative; Sister chromatid exchange—Slight increases; Photo sensitization: None.
Exposure. Confidential.
Environmental Release/Disposal. Release to land. Disposal by approved landfill.

PMN 83–1205

Manufacturer. Allied Corporation.
Chemical. (G) Diyne diurea.
Use/Production. (G) Specialty additive for ink/marking systems. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Release to land. Disposal by approved landfill.

PMN 83–1206

Manufacturer. Confidential.
Chemical. (G) Polyester of dicarboxylic acids and a difunctional alcohol.
Use/Production. (S) Industrial resin binder component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 3 workers, up to 8 hrs/da, up to 100 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air with less than 10 to 100 kg/yr to land. Disposal by approved landfill.

PMN 83–1207

Manufacturer. Confidential.
Chemical. (G) Polyester of dicarboxylic acids and a difunctional alcohol.
Use/Production. (S) Industrial resin binder component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 3 workers, up to 8 hrs/da, up to 100 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air with less than 10 to 100 kg/yr to land. Disposal by approved landfill.

PMN 83–1208

Manufacturer. Confidential.
Chemical. (G) Polyester of dicarboxylic acids and a difunctional alcohol.
Use/Production. (S) Industrial resin binder component. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 3 workers, up to 8 hrs/da, up to 100 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air with less than 10 to 100 kg/yr to land. Disposal by approved landfill.

PMN 83–1209

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Monosubstitutedbenzenesulfonamide.
Use/Production. (G) Captive intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral: 3,400 mg/kg.
Exposure. Minimal.
Environmental Release/Disposal. Confidential.

PMN 83–1210

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Trisubstitutedbenzenesulfonylchloride.
Use/Production. (G) Captive intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral: 5,000 mg/kg.
Exposure. Minimal.
Environmental Release/Disposal. Confidential.

PMN 83–1211

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Monosubstitutedheterocyclesulfonamide.
Use/Production. (G) Captive intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral: 17,000 mg/kg.
Exposure. Minimal.
Environmental Release/Disposal. Disposal by incineration and approved landfill.

PMN 83–1212

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Monosubstitutedheterocyclesulfonyl chloride.
Use/Production. (G) Captive intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral: 7,500 mg/kg.
Exposure. Minimal.
Environmental Release/Disposal. Confidential. Disposal by incineration and approved landfill.

PMN 83–1213

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Monosubstitutedaminoheterocycle.
Use/Production. (G) Captive intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral: 1,000 mg/kg.
Exposure. Minimal.
Environmental Release/Disposal. Confidential. Disposal by incineration.

PMN 83–1214

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Disubstitutedchloromethylmethylsilane.
Use/Production. (G) Captive intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral: 2,250 mg/kg.
Exposure. Minimal.
Environmental Release/Disposal. Confidential.

PMN 83–1215

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Monosubstitutedbenzenesulfonamide.
Use/Production. (G) Captive intermediate. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Minimal.
Environmental Release/Disposal. Confidential.

PMN 83–1216

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Monosubstitutedbenzenesulfonyl-isocyanate.
Use/Production. (G) Captive intermediate. Prod. range: Confidential.
Toxicity Date. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83–1217

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Monosubstitutedbenzenesulfonylisocyanate.
Use/Production. (G) Captive intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83–1218

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Monosubstitutedbenzenesulfonylisocyanate.
Use/Production. (G) Captive intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83–1219

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Monosubstitutedbenzenesulfonamide.
Use/Production. (G) Captive intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral: 7,500 mg/kg; Irritation: Eye—Moderate; Ames Test: TA 1535—weak; TA 1537, 98, 100—Not mutagenic; TA 1535—Not mutagenic without activation.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by incineration.

PMN 83–1220

Manufacturer. E. I. du Pont de Nemours & Company, Inc.
Chemical. (G) Monosubstitutedbenzylsulfonamide.
Use/Production. (G) Captive intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral: 7,500 mg/kg; Ames Test: Not mutagenic.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83–1221

Manufacturer. Confidential.
Chemical. (G) Substituted dialkylphenol.
Use/Production. (G) Antioxidant. Prod. range: Confidential.
Toxicity Data. Acute oral: 5 g/kg; Acute dermal: 2,000 g/kg; Irritation: Skin—No irritation.
Exposure. Confidential.
Environmental Release/Disposal. No release.

PMN 83–1222

Manufacturer. Confidential.
Chemical. (G) Substituted alkyl halide.
Use/Production. (S) Chemical intermediate. Prod. range: Confidential.
Toxicity Data. Inhalation: (1 hr)—100% lethality at 281 parts per million (ppm); no lethality at 241 ppm.
Exposure. Confidential.
Environmental Release/Disposal. No release. Disposal by on-site waste treatment facility.

PMN 83–1223

Manufacturer. Confidential.
Chemical. (G) Bisphenol glycidyl ether polyglycol reaction product.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. Acute oral: >4,000 mg/kg; Acute dermal: >2,000 mg/kg; Irritation: Skin—None, Eye—Slight.
Exposure. Manufacture; dermal and inhalation, a total of 250 workers, up to 8 hrs/da, up to 250 da/yr.
Environmental Release/Disposal. Minimal release. Disposal by industrial waste treatment, incineration and approved landfill.

PMN 83–1224

Manufacturer. Confidential.
Chemical. (G) Fluorocarbon polymer.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release. Disposal by incineration and landfill.

PMN 83–1225

Manufacturer. Confidential.
Chemical. (G) Fluorocarbon polymer.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release. Disposal by incineration and landfill.

PMN 83–1226

Manufacturer. Confidential.
Chemical. (G) Fluorocarbon polymer.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release. Disposal by incineration and landfill.

PMN 83–1227

Manufacturer. Confidential.
Chemical. (G) Perhalo alkoxy ether.
Use/Production. (S) Site limited chemical intermediate. Prod range: Confidential.
Toxicity Data. Irritation: Skin—Severe, Eye—Severe.
Exposure. Confidential.
Environmental Release/Disposal. No release. Disposal by incineration.

PMN 83–1228

Manufacturer. Confidential.
Chemical. (G) Perhalo alkoxy ether.
Use/Production. (S) Site limited chemical intermediate. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Severe, Eye—Severe.
Exposure. Confidential.
Environmental Release/Disposal. No release. Disposal by incineration.

PMN 83–1229

Manufacturer. Confidential.
Chemical. (G) Perhalo alkoxy ether.
Use/Production. (S) Site limited chemical intermediate. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Severe, Eye—Severe.
Exposure. Confidential.
Environmental Release/Disposal. No release. Disposal by incineration.

PMN 83–1230

Manufacturer. Confidential.
Chemical. (G) Fluorocarbon polymer.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release. Disposal by incineration, landfill and on-site waste treatment facility.

PMN 83–1231

Manufacturer. Confidential.
Chemical. (G) Fluorocarbon polymer.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release. Disposal by incineration, landfill and on-site waste treatment facility.

PMN 83–1232

Manufacturer. Confidential.
Chemical. (G) Polymer of aliphatic diamines, an alkane diol polyester, a monoalcohol polyether, a metal salt of an alkanediol polyether, and aliphatic diisocyanates.
Use/Production. (S) Industrial adhesive used to bond metal to non-metal surfaces. Prod. range: 100,000–200,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: a total of 160 workers, up to 8 hrs/da, up to 10 da/yr.
Environmental Release/Disposal. 10 kg/batch released to water. Disposal by biological treatment system and navigable waterway.

PMN 83–1233

Manufacturer. Confidential.
Chemical. (G) Phosphorothioic acid ester, amine salt.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. Acute oral: 2.8 g/kg; Acute dermal >5 g/kg; Irritation: Skin—Moderate, Eye—Moderate.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83–1234

Manufacturer. Confidential.
Chemical. (G) Vinyl—epoxy ester.

Use/Production. (S) Injection mold coating for commercial use. Prod. range: 10,000–4,000,000 kg/lbs.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture, processing, use and disposal: inhalation, a total of 8 workers, up to 8 hrs/da, up to 251 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air.

PMN 83–1235

Manufacturer. Confidential.

Chemical. (G) Vinyl—epoxy ester.

Use/Production. (S) Injection mold coating for commercial use. Prod. range: 10,000–4,000,000 kg/lbs.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture, processing, use and disposal: inhalation, a total of 8 workers, up to 8 hrs/da, up to 251 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air.

PMN 83–1236

Manufacturer. Confidential.

Chemical. (G) Vinyl—epoxy ester.

Use/Production. (S) Injection mold coating for commercial use. Prod. range: 10,000–4,000,000 lbs/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture, processing, use and disposal: inhalation, a total of 8 workers, up to 8 hrs/da, up to 251 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air.

PMN 83–1235

Manufacturer. Confidential.

Chemical. (G) Vinyl—epoxy ester

Use/Production. (S) Injection mold coating for commercial use. Prod. range: 10,000–4,000,000 kg/lbs.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture, processing, use and disposal: inhalation, a total of 8 workers, up to 8 hrs/da, up to 251 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air.

PMN 83–1237

Manufacturer. Confidential.

Chemical. (G) Polyester of aliphatic polyols, vegetable oil, and aromatic dibasic acid.

Use/Production. (S) Commercial foam polyol. Prod. range: 1,000,000–6,000,000 lbs/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture, processing, use and disposal: inhalation, a total of 8 workers, up to 8 hrs/da, up to 251 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air with 10 to 100 kg/yr to water.

PMN 83–1238

Manufacturer. Confidential.

Chemical. (G) Substituted anthraquinone.

Use/Production. (S) Industrial and consumer acid dye for synthetic polyamide fibers. Prod. range: Confidential.

Toxicity Data. Acute oral: >5,000 mg/kg; Irritation: Skin—Non-irritant, eye—Non-irritant; BOD_5COD— <10%; LC_{50} (carps), 96 hrs—1–10 mg/1 of water.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 83–1239

Manufacturer. Confidential.

Chemical. (G) Modified acrylic polymer.

Use/Production. (G) Closed system. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and processing: dermal and ocular, a total of 4 workers, up to 4 hrs/da, up to 85 da/yr.

Environmental Release/Disposal. 100 to more than 10,000 kg/yr released to land. Disposal by approved landfill.

PMN 83–1240

Manufacturer. Confidential.

Chemical. (G) Copolymer of alkyl methacrylates and vinyl monoheterocycle.

Use/Production. (G) Contained use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and use; dermal and ocular, a total of 25 workers, up to 24 hrs/da, up to 300 da/yr.

Environmental Release/Disposal. 100 to 10,000 kg/yr released to land. Disposal by approved landfill.

PMN 83–1241

Manufacturer. Confidential.

Chemical. (S) Polymer of: adiprene 167, teracol 650 and 2-hydroxy ethyl acrylate.

Use/Production. (G) Open use. Prod. range: 11,400–41,000 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and disposal: dermal and inhalation, a total of 6 workers, up to 8 hrs/da, up to 20 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air. Disposal by approved landfill.

PMN 83–1242

Manufacturer. Confidential.

Chemical. (G) Aromatic polyimide.

Use/Production. (G) Resin matrix for fabric reinforced composites. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83–1243

Manufacturer. Confidential.

Chemical. (G) Polymer of formaldehyde and substituted phenols and hydrobromic acid.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83–1244

Manufacturer. Confidential.

Chemical. (G) Modified polyester.

Use/Production. Confidential. Prod. range: 80,000–1,000,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 12 workers, up to 34 da/yr.

Environmental Release/Disposal. Incidential release. Disposal by destruction.

PMN 83–1245

Manufacturer. Confidential.

Chemical. (G) Polyester.

Use/Production. Confidential. Prod. range: 160,000–2,000,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 12 workers, up to 63 da/yr.

Environmental Release/Disposal. Incidential release. Disposal by destruction.

PMN 83–1246

Importer. Confidential.

Chemical. (G) Fatty alcohol.

Use/Import. (G) Paint ingredient. Import range: Confidential.

Toxicity Data. (G) Fatty alcohol.

Use/Import. (G) Paint ingredient. Import range; Confidential.

Toxicity Data. Acute oral: >5 g/kg.

Exposure. Import and processing: dermal and inhalation, a total of 1, worker.

Environmental Release/Disposal. Disposal by landfill.

PMN 83–1247

Importer. Confidential.

Chemical. (G) Dialkyl maleta ester.

Use/Import. (G) Paint additative. Import range: Confidential.

Toxicity Data. Acute oral: >5 g/kg.

Exposure. Import and processing: dermal and inhalation, a total of 1 worker.

Environmental Release/Disposal. Disposal by landfill.

PMN 83–1248

Manufacturer. Synthron, Inc.

Chemical. (S) Benzeneacetic acid, α,α'-(1,2-ethane-diyldiimine)bis[2-hydroxy-5-sulfo]tetrasodium salt.

Use/Production. (S) Industrial metal chelating agent. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 4 workers, up to 4 hrs/da, up to 8 da/yr.

Environmental Release/Disposal. ½–1 kg/batch released to water. Disposal by publicly owned treatment works (POTW).

PMN 83–1251

Manufacturer. Confidential.

Chemical. (G) Linseed oil alkyd resin.

Use/Production. (S) Flushed color wetting and printing ink pigment grinding vehicles for site-limited and industrial use. Prod. range: 80,000–100,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 76 workers, up to 4 hrs/da.

Environmental Release/Disposal. Disposal by incineration.

PMN 83–1252

Importer. Confidential.

Chemical. (G) Potassium salt of a substituted propyl sulfonic acid.

Use/Import. (G) Constituent of a surface finishing additive. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. No release.

PMN 83–1253

Manufacturer. Confidential.

Chemical. (G) Rare earth silicate.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83–1254

Manufacturer. Confidential.

Chemical. (G) Rare earth silicate.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83–1255

Manufacturer. Confidential.

Chemical. (G) Rare earth silicate.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83–1256

Manufacturer. Confidential.

Chemical. (G) Rare earth silicate.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83–1257

Manufacturer. Confidential.

Chemical. (G) Rare earth silicate.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83–1258

Manufacturer. Confidential.

Chemical. (G) Rare earth silicate.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83–1259

Manufacturer. Confidential.

Chemical. (G) Rare earth silicate.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83–1260

Manufacturer. Confidential.

Chemical. (G) Substituted heterocycle.

Use/Production. (S) Site-limited intermediate for chemical manufacturing. Prod. range: Confidential.

Toxicity Data. Acute oral: >3,000 mg/kg; Acute dermal: >1.0 g/kg; Irritation: Skin—Slight, Eye—Slight.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by incineration.

PMN 83–1261

Manufacturer. Confidential.

Chemical. (G) Disubstituted aniline.

Use/Production. (S) Site-limited intermediate for chemical manufacturing. Prod. range: Confidential.

Toxicity Data. Acute oral: >2,000 mg/kg; Acute dermal: >1.0 g/kg; Irritation: Skin—Slight, Eye—Moderate.

Exposure. Confidential.

Environmental Release/Disposal. Release to water. Disposal by biological treatment system.

PMN 83–1262

Manufacturer. Confidential.

Chemical. (G) Polysubstituted heterocycle.

Use/Production. (S) Site-limited intermediate for Chemical manufacturing. Prod. range: Confidential.

Toxicity Data. Acute oral: > 3,000 mg/kg; Acute dermal: > 1 g/kg; Irritation: Skin—Slight, Eye—No signficant irritation.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by incineration.

PMN 83–1263

Manufacturer. Confidential.

Chemical. (G) Substituted heterocyclic azo disubstituted aniline.

Use/Production. (G) Dye for fibers. Prod. range: Confidential.

Toxicity Data. Acute oral: > 3,000 mg/kg; Acute dermal: > 1.0 g/kg; Irritation: Skin—Slight, Eye—Moderate; Skin sensitization: Non-sensitizer.

Exposure. Confidential.

Environmental Release/Disposal. Release to water. Disposal by biological treatment system.

PMN 83–1264

Manufacturer. Confidential.

Chemical. (G) Polysubstituted heterocyclic azo disubstituted aniline.

Use/Production. (G) Dye for fibers. Prod. range: Confidential.

Toxicity Data. Acute oral: > 3,000 mg/kg; Acute dermal: > 1.0 g/kg; Irritation: Skin—Slight, Eye—Moderate; Skin sensitization: Non-sensitizer.

Exposure. Confidential.

Environmental Release/Disposal. Release to water. Disposal by biological treatment system.

PMN 83–1265

Manufacturer. Sun Chemical Corporation.

Chemical. (G) Polyesteramide CR1236.

Use/Production. (G) Polymeric disperant for printing ink materials. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Release to air and water. Disposal by POTW.

PMN 83–1266

Importer. Chugai International Corporation.

Chemical. (S) 9H-thioxanthen-9-one, 2-chloro-.

Use/Import. (S) Commercial photo-initiator for photo-resist resin with UV curing. Import range: 10,000 kg/yr, maximum.

Toxicity Data. Acute oral: > 5,000 mg/kg; Ames Test: Negative; TLm_{48}—1.8 ppm.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 83–1267

Importer. Chugai International Corporation.

Chemical. (S) 9H-thioxanthen-9-one, 2,4-diethyl-.

Use/Import. (S) Commerical photo-initiator for photo-resist resin with UV curing. Import range: 10,000 kg/yr, maximum.

Toxicity Data. Acute oral: >5,000 mg/kg.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 83–1268

Importer. Chugai International Corporation.

Chemical. (S) 9H-thioxanthen-9-one, 2, 4-dimethyl-.

Use/Import. (S) Commerical photo-initiator for photo-resist resin with UV curing. Import range: 10,000 kg/yr, maximum.

Toxicity Data. Acute oral: >5,000 mg/kg.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 83–1269

Manufacturers. Chugai International Corporation.

Chemical. (S) Methanone, (4-methoxy-3-methylphenyl).

Use/Production. (S) Commercial photo-initiator for photo-resist resin with UV curing. Prod. range: 10,000 kg/yr, maximum.

Toxicity Data. Acute oral: >4,000 mg/kg: TLm_{48}—3.3 ppm.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 83–1270

Manufacturer. Chugai International Corporation.

Chemical. (S) 9H-thioxanthen-9-one, 4-chloro-.

Use/Production. (S) Commercial photo-initiator for photo-resist resin with UV curing. Prod. range: 10,000 kg/yr, maximum.

Toxicity Data. Acute oral: >5,000 mg/kg; Ames Test: Negative; TLm_{48}. 7.7 ppm.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Dated: September 19, 1983.

V. Paul Fuschini,

Acting Director, Management Support Division.

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RESPONSIBLE AGENCY: Office of Federal Activities. General information (202) 382–5075 or (202) 382–5076

EIS No. 830496, Final, HUD, TX, Trophy Club Subdivision, Mortgage Insurance, Roanoke, Denton County, Due: Oct. 24, 1983

EIS No. 830497, Draft, BLM, NV, Egan Resource Area, Resource Management Plan, White Pine, Nye, and Lincoln Counties, Due: Dec. 24, 1983

EIS No. 830498, Draft, BLM CA, Benton-Owens Valley and Bodie-Coleville WSAS Wilderness Designation, Due: Dec. 14, 1983

EIS No. 830499, Final, COE, FL, Okeechobee Waterway, Construction, Use and Operation, Due: Oct. 24, 1983

EIS No. 830500, F Suppl, FHW, MI, I–69 Construction, Charlotte to I–96, Eaton County, Due: Oct. 24, 1983

EIS No. 830501, Final, BLM, NM, Las Cruces and Lordsburg Resource Area, Resource Management Plan, Due: Oct. 24, 1983

EIS No. 830503, Final, FHW, SC, I–95 and US 278 Diamond Type Interchange Construction, Jasper County, Due: Oct. 24, 1983

EIS No. 830504 Draft, BPA, PRO, OR, WA, ID, MT, Expanded Residential Weatherization Program, Due: Nov. 14, 1983

EIS No. 830505, Draft MMS, AK, 1984 Diapir Field OCS Oil and Gas Sale, Leasing, Beaufort and Chuckhi Seas, Due: Nov. 10, 1983

EIS No. 830506, Final, BPA, PRO, OR, WA, ID, MT, WY, CA, UT, NW, US Transmission Facilities, Vegetation Management, Due: Oct. 24, 1983

EIS No. 830507, Draft, FHW, CA, I–5 Freeway Construction, Lakehead Undercrossing to Shotgun Creek, Shasta County, Due: Nov. 7, 1983

Amended Notices;

EIS No. 830416, Draft, COE, CA, Oakland Inner Harbor Deep Draft Navigation Improvement, Alameda County, Published FR 08–12–83—incorrect title, Due: Nov. 9, 1983

EIS No. 830412, D Revised, UAF, TX Holloman AFB, Valentine Military Operations Area, Supersonic Operation Published FR 08–05–83—Review Extended, Due: Nov. 9, 1983

EIS No. 830411 D Revised, UAF, NM, Holloman AFB, Reserve Military Operations Area, Supersonic Operations, Published FR 08–05–83—Review Extended, Due: Nov. 4, 1983

EIS No. 830326, Draft, COE, VA, Portsmouth Coal Terminal Construction, Permit Published FR 06–24–83—Officially withdrawn

Dated: September 20, 1983.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 83-26088 Filed 9-22-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[MM Docket No. 83–939; File No. BPH–810505AF et al.]

Olympia Broadcasting Co., Inc. et al.; Hearings

Hearing Designation Order

In re applications of Olympia Broadcasting Co., Inc., Olympia, Washington; MM Docket No. 83–939, File No. BPH–810505AF; Req: 96.1 MHz, Channel 241C, 100 kW, 1820 feet (H&V); W–2 Incorporated, Olympia, Washington; MM Docket No. 83–940, File No. BPH–810515AG; Req: 96.1 MHz, Channel 241C, 100 kW, 1270 feet (H&V); Marrow Enterprises, Incorporated, Olympia, Washington; MM Docket No. 83–941, File No. BPH–810924AC; Req: 96.1 MHz, Channel 241C, 100 kW, 1650 feet (H&V); Three Cities FM, Inc., Olympia, Washington; Req: 96.1 MHz, Channel 241C, 100 kW, 1720 feet (H&V); MM Docket No. 83–942, File No. BPH–810925AG; Washington Oregon Broadcasting, Inc., Olympia, Washington; MM Docket No. 83–943, File No. BPH–810925AM; Req: 96.1 MHz, Channel 241C, 100 kW, 1420 feet (H&V); Washington Wireless, Inc., Tumwater, Washington; MM Docket No. 83–944, File No. BPH–810925AV; Req: 96.1 MHz, Channel 241C, 100 kW, 1326 feet (H&V); for a construction permit for a new FM station.

Adopted: August 22, 1983.

Released: September 20, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Olympia Broadcasting Co., Inc. (Olympia), W–2 Incorporated (W–2), Marrow Enterprises, Inc. (Marrow), Three Cities FM, Inc. (Three Cities), Washington Oregon Broadcasting, Inc. (Washington Oregon), and Washington Wireless, Inc. (Washington Wireless).

2. *Olympia.* We note that on April 30, 1982, Olympia timely filed a minor amendment to its application in which it

sought comparative consideration with Washington Wireless' application for Tumwater, Washington under the reciprocal service doctrine enunciated in *Kent-Ravenna Broadcasting Co.*, 22 RR 605 (1961), and also requested a waiver of the station location, main studio and local origination rules, §§ 73.1120, 73.1125 and 73.1130. Olympia stated that while it would maintain a main studio in Olympia, this studio would be readily available to Tumwater residents and that it would produce some programming in Tumwater and would request dual city identification as Olympia/Tumwater. On September 20, 1982 Washington Wireless filed an opposition to Olympia's minor amendment, to which Olympia has filed a motion to strike. Washington Wireless opposes the motion to strike. Olympia's amendment is essentially a petition to specify a *Kent-Ravenna* issue. Since the Commission's *Report and Order in re Revised Procedures For the Processing of Contested Broadcast Applications; Amendments of Part 1 of the Commission's Rules*, 72 FCC 2d 202, 45 RR 2d 1220 (1979), directed the deletion of all issue pleadings in pending cases, the matters sought to be raised in the Olympia amendment as well as Washington Wireless' comments have not been considered. Accordingly, an opportunity to raise them will be afforded the parties post-designation pursuant to § 1.229.

3. Since no determination has been received from the Federal Aviation Administration as to whether the antenna proposed by Olympia would constitute a hazard to air navigation, an issue with respect thereto will be included and the F.A.A. made a party to the proceeding.

4. Olympia has petitioned for leave to amend its application. The accompanying amendment was filed May 17, 1983. The last day for filing amendments as a matter of right was April 30, 1982. We find that good cause has been shown for the filing of the amendment under Section 1.65 of the Commission's Rules, and, accordingly, the amendment will be accepted for filing. However, amendments as a matter of right cannot be used to improve an applicant's comparative position. Therefore, any comparative advantage resulting from Olympia's amendment will be disallowed.

5. *W-2.* W-2 plans to finance construction and operation by the sale of stock. However, analysis of the individual balance sheets of proposed stockholders reveals insufficient liquid assets to meet their proposed stock purchases. Accordingly, a financial issue will be specified.

6. Vincent L. Hoffart (Hoffart) has filed an informal objection as a "concerned citizen" against W-2's application. Although FCC Form 301 requires a party to an applicant to list his other media interests, Hoffart alleges that W-2's 20% shareholder, officer and director, Robert L. Wikstrom has failed to: (i) list himself as an officer of Great American Radio Corp. (KCKO), Spokane, Washington, (ii) give the date of his acquisition of Great American Radio Corp. stock, (iii) reveal his ownership and directorship in Sevier Valley Broadcasting Co. (KSVC (AM) and KKWZ (FM), Richfield, Utah) and (iv) mention the application for a new FM Station filed by Metropolitan School of the Bible, Edmunds, Washington, although he is listed as the president in the application. While W-2's application lists Wikstrom's interests in applications for new FM stations at Roy, Utah, and at Sweet Home, Oregon, it does not state whether he was an officer and/or director of Metropolitan School of the Bible and Sevier Valley Broadcasting Co.[1] In addition, although Wikstrom is shown as having a 14.5% interest in Great American Radio Corp., which he later sold, the application makes no mention of the date he acquired the stock or the fact that he was an officer and/or director of this corporation. We note that the same matters were raised by Hoffart in the Roy, Utah FM application filed by Wikstrom (MM Docket NO. 83-174, File No. BPH-810420AD), *Margarette Kathelene Wamsley*, et al., 48 FR 11768, March 21, 1983. There we set an issue:

To determine whether Wikstrom failed to disclose all the information called for by Section II, Items 17 and 18 of FCC Form 301 and, if so, the effect thereof on the applicant's basic and/or comparative qualifications.

Rather than try the same facts in different hearings, we will condition any grant of the instant application on whatever action the presiding judge considers warranted in light of the findings and conclusions in MM Docket No. 83-174. Should no determination on the merits be made in MM Docket No. 83-174, the presiding Administrative Law Judge shall specify an appropriate issue.

7. W-2 has petitioned for leave to amend its application. The accompanying amendment was filed February 7, 1983. The last day for filing amendments as a matter of right was April 30, 1982. We find that good cause has been shown for the filing of the amendment under Section 1.65 of the Commission's Rules, and, accordingly, the amendment will be accepted for filing. However, amendments as a matter of right cannot be used to improve an applicant's comparative position. Therefore, any comparative advantage resulting from W-2's amendment will be disallowed.

8. *Three Cities.* Three Cities plans to finance construction and operation for the first three months by the sale of stock and debentures. Financial analaysis of the application reveals that some of the individuals who would purchase stock and debentures lack sufficient liquid assets to fulfill their commitments. Accordingly, a financial issue will be specified.

9. Three Cities has petitioned for leave to amend its aplication. The accompanying amendments were filed August 16, 1982, September 22, 1982, October 12, 1982 and January 24, 1983. The last day for filing amendments as a matter of right was April 30, 1982. We find that good cause has been shown for filing of the amendments under Section 1.65 of the Commission's Rules, and, accordingly, the amendments will be accepted for filing. However, amendments as a matter of right cannot be used to improve an applicant's comparative position. Therefore, any comparative advantage resulting from Three Cities' amendments will be disallowed.

10. *Washington Oregon.* Washington Oregon has petitioned for leave to amend its application. The accompanying amendments were filed on June 4, 1982 [2] June 22, 1982, July 29, 1982, November 29, 1982, December 28, 1982, and May 2, 1983. The last day for filing amendments as a matter of right was April 30, 1982. We find that good cause has been shown for the filing of the amendments under § 1.65 of the Commission's Rules, and, accordingly, the amendments will be accepted for filing. However, amendments as a matter of right cannot be used to improve an applicant's comparative position. Therefore, any comparative advantage resulting from Washington Oregon's amendment will be disallowed.

11. Since no determination has been received from the Federal Aviation

[1] The Sweet Home application was dismissed on January 8, 1982 and the Edmunds' application was returned as unacceptable for filing, on December 15, 1981.

[2] Marrow filed an opposition to Washington Oregon's June 4, 1982 amendment. The opposition alleged that the amendment would improve Washington Oregon's comparative standing. However, as we do not allow amendments of right to improve an applicant's comparative position, we shall deny Marrow's opposition.

Administration as to whether the antenna proposed by Washington, Oregon would constitute a hazard to air navigation, an issue with respect thereto will be included and the F.A.A. a made party to the proceeding.

12. *Washington Wireless.* Washington Wireless has petitioned for leave to amend its application. The accompanying amendments were filed on July 6, 1982, September 23, 1982, November 1, 1982 and March 16, 1983. The last day for filing amendments as a matter of right was April 30, 1982. We find that good cause has been shown for the filing of the amendments under Section 1.65 of the Commission's Rules, and, accordingly, the amendments will be accepted for filing. However, amendments as a matter of right cannot be used to improve an applicant's comparative position. Therefore, any comparative advantage resulting from Washington Wireless' amendments will be disallowed.

13. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

14. Except as indicated by the issues specified below, the aplicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in consolidated proceeding on the issues specified below.

15. Accordingly, it is ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether W-2 is financially qualified to construct and operate the proposed station.

2. To determine whether Three Cities is financially qualified to construct and operate the proposed station.

3. To determine whether there is a possibility that the tower heights and locations proposed by Olympia and Washington Oregon would constitute a hazard to air navigation.

4. To determine: (a) the areas and populations which would receive primary aural service (1 mV/m or greater in the case of FM) from the proposals and the availability of other primary service to such areas and populations, and (b) in light thereof and pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

16. It is further ordered, that in the event that the W-2 application is granted the construction permit shall contain the following condition:

The grant of this application is without prejudice to any action the Commission may deem necessary in light of MM Docket No. 83-174.

17. It is further ordered, that the petitions for leave to amend filed by W-2, Three Cities, Washington Oregon, and Washington Wireless are granted, and the corresponding amendments are accepted but that no improvement in these applicants' comparative standings will be allowed.

18. It is further ordered, that the Opposition filed by Marrow is denied.

19. It is further ordered, that the Federal Aviation Administration is made a party to this proceeding with respect to the air hazard issue only.

20. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence of the issues specified in the Order.

21. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-25948 Filed 9-22-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL ELECTION COMMISSION

[Notice 1983-25]

Filing Dates for Georgia Special Election and Special Runoff Election

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for Georgia special election and special runoff election.

SUMMARY: Committees required to file reports in connection with the special election to be held in the 7th Congressional District of Georgia on October 18, 1983, must file if there is only the one special election a 12-day pre-special election report due on October 6, 1983, a 30-day post-special election report due on November 17, 1983, and a year end report due on January 31, 1984. In the event no candidate achieves a majority vote in the special election, a special runoff election will be held on November 8, 1983. Committees required to file reports and all other political committees not filing monthly reports who are involved in both the special election and the special run-off election must file a 12-day pre-special election report due on October 6, 1983, a 12-day pre-runoff report due on October 27, 1983, a 30-day post-runoff report due on December 8, 1983, and a year end report due on January 31, 1984. A committee which is involved in only the special election, but not the special runoff election must file a 12-day pre-special election report due on October 6, 1983, and a year end report due on January 31, 1984.

FOR FURTHER INFORMATION CONTACT: Ms. Bobby Werfel, Public Information Office 1325 K Street, NW., Washington, D.C. 20463, Telephone: (202)523-4068; Toll-free: (800)424-9530.

Notice of Filing Dates for Special Election and Special Runoff Election, 7th Congressional District, Georgia

All principal campaign committees of candidates in the special election and all other political committees not filing monthly reports who support candidates in this special election must file if there is only one election, a 12-day pre-special election report due on October 6, 1983, with coverage dates from the date of candidacy or the date the last report filed, whichever is later, through

September 28, 1983, a 30-day post-special election report due on November 17, 1983, with coverage dates from September 29, 1983, through November 7, 1983, and a year end report due on January 31, 1984, with coverage dates from November 8, 1983, through December 31, 1983.

In the event of a special runoff election, all principal campaign committees and all other political committees not filing monthly reports who are involved in both the special election and the special run-off election must file a 12-day pre-special election report due on October 6, 1983, with coverage dates from the date of candidacy or the last report filed, whichever is later, through September 28, 1983, a 12-day pre-runoff election report due on October 27, 1983, with coverage dates from September 29, 1983, through October 19, 1983, a 30-day post-runoff election report with coverage dates from October 20, 1983, through November 28, 1983, and a year end report due on January 31, 1984, with coverage dates from November 29, 1983, through December 31, 1983.

A committee which is involved in only the special election, but not the special runoff election must file a 12-day pre-special election report due on October 6, 1983, with coverage dates from the date of candidacy or the date of the last report filed, whichever is later, through September 28, 1983, and a year end report due on January 31, 1984, with coverage dates from September 29, 1983, through December 31, 1983.

Dated: September 20, 1983.

Danny L. McDonald,

Chairman, Federal Election Commission.

[FR Doc. 83-26029 Filed 9-22-83; 8:45 am]

BILLING CODE 6715-01-M

[Notice 1983-24]

Filing Dates for Washington Special Primary and General Elections

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for Washington special primary and general elections.

SUMMARY: Committees required to file reports in connection with only the special primary election to be held in the State of Washington on October 11, 1983, must file a 12-day pre-election report due on September 29, 1983 and a year end report due on January 31, 1984. Committees required to file reports in connection with both the special primary election *and* the special general election to be held on October 11, 1983, and November 8, 1983, respectively, must file a 12-day pre-primary report due on September 29, 1983, a 12-day pre-general election report by October 27, 1983, a 30-day post-election report by December 8, 1983, and a year end report due by December 31, 1984.

FOR FURTHER INFORMATION CONTACT: Ms. Bobby Werfel, Public Information Office, 1325 K Street NW., Washington, D.C. 20463, Telephone: (202) 523-4068; Toll-free: (800) 424-9530.

Notice of Filing Dates for Special Primary and Special General Elections, United States Senate, Washington

All principal campaign committees of candidates in the special primary election and all other committees not filing monthly reports which support candidates in this special primary election shall file a 12-day pre-election report due on September 29, 1983, with coverage dates from the date of candidacy or the date the last report was filed, whichever is later, through September 21, 1983, and a year end report due on January 31, 1984, with coverage dates from September 22, 1983, through December 31, 1983.

All principal campaign committees of candidates in the special general election and all other political committees not filing monthly which support candidates in the special general election shall also file a 12-day pre-election report due on October 27, 1983, with coverage dates from September 22, 1983, through October 19, 1983, a 30-day post-election report due on December 8, 1983, with coverage dates from October 20, 1983, through November 28, 1983 and a year end report due on January 31, 1984, with coverage dates from November 29, 1983, through December 31, 1983.

Dated: September 20, 1983.

Danny L. McDonald,

Chairman, Federal Election Commission.

[FR Doc. 83-26030 Filed 9-22-83; 8:45 am]

BILLING CODE 6715-01-M

FEDERAL RESERVE SYSTEM

Formation of Bank Holding Company; Allied Irish Banks Limited

Allied Irish Banks Limited, Dublin, Ireland, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 50 percent of the voting shares of First Maryland Bancorp, Baltimore, Maryland, and, thereby acquire the First National Bank of Maryland, Baltimore, Maryland, and First Omni Bank, N.A., Millsboro, Delaware. 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)).

Allied Irish Banks Limited, Dublin, Ireland, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage through First Maryland Bancorp and its subsidiaries in the following nonbanking activities: consumer, commercial and mortgage lending activities throughout the United States; leasing personal and real property from offices in Maryland serving the entire country; acting as agent, broker or reinsurer for credit life and credit accident and health insurance related to extensions of credit in Maryland, Delaware, Arizona, Georgia, Kentucky, New York, North Carolina, Pennsylvania, and South Carolina, and as agent or broker for property and casualty insurance related to extensions of credit in Georgia, Kentucky, New York, North Carolina, Pennsylvania, South Carolina, Virginia and West Virginia; sale of money orders and travelers checks in Maryland and Delaware; investment advisory activities in Maryland. These activities would be performed from offices in Maryland and the other geographic areas being served. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve of Richmond.

Any views or requests for hearing should be submitted in writing and received by William W. Wiles,

Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. not later than October 19, 1983.

Board of Governors of the Federal Reserve System, September 19, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-25944 Filed 9-22-83; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by Bank Holding Companies; Bent Tree Bancshares, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President), 400 South Akard Street, Dallas, Texas 75222:

1. *Bent Tree Bancshares, Inc.*, Dallas, Texas; to acquire 100 percent of the voting shares or assets of Plaza Centre National Bank, Irving, Texas, a proposed new bank. Comments on this application must be received not later than October 18, 1983.

B. **Board of Governors of the Federal Reserve System)** William W. Wiles, Secretary), Washington, D.C. 20551:

1. *Kansas City Bancshares, Inc.*, Kansas City, Missouri; to acquire at least 80 percent of the voting shares of Citizens Bank of Appleton City, Missouri, Appleton City, Missouri; at least 80 percent of the voting shares of Citizens State Bank of Polk County, Bolivar, Missouri; and 100 percent of the voting shares of the following banks: Osceola Bank, Osceola, Missouri; Tri-County State Bank of El Dorado Springs, El Dorado Springs, Missouri; The Lowry City Bank, Lowry City, Missouri; Humansville Bank, Humansville, Missouri; and Traders Bank of Kansas City, Kansas City, Missouri. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than October 19, 1983.

2. *Texas American Bancshares Inc.*, Fort Worth, Texas; to acquire 100 percent of the voting shares or assets of First Duncanville Corporation, and indirectly the First National Bank of Duncanville, both of Duncanville, Texas. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Dallas. Comments on this application must be received not later than October 19, 1983.

Board of Governors of the Federal Reserve System, September 19, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-25950 Filed 9-22-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies: CBS Banchares, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for 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 Atlanta** (Robert E. Heck, Vice President), 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *CBS Bancshares, Inc.*, Spencer, Tennessee; to become a bank holding company by acquiring 80 percent or more of the voting shares of Citizens Bank of Spencer, Spencer, Tennessee. Comments on this application must be received not later than October 19, 1983.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *The Farmers Bancorp*, Frankfort, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of the Farmers Bank, Frankfort, Indiana. Comments on this application must be received not later than October 18, 1983.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First National Bancshares of Madison, Inc.*, Madison, Kansas; to become a bank holding company by acquiring at least 80 percent of the voting shares of First National Bank of Madison, Madison, Kansas. Comments on this application must be received not later than October 18, 1983.

Board of Governors of the Federal Reserve System, September 19, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-25951 Filed 9-22-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Company; Farmers State Bancorporation of Yuma, Inc.

Farmers State Bancorporation of Yuma, Inc., Yuma, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become a bank holding company by acquiring 80 percent of the voting shares of Farmers State Bank, Yuma, Colorado. 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)).

Farmers State Bancorporation of Yuma, Inc., Yuma, Colorado, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire Farmers State Agency, Yuma, Colorado.

Applicant states that the proposed subsidiary would engage in the activities of acting as a general insurance agency in a town of less than 5,000 population. These activities would be performed from offices of Applicant's subsidiary in Yuma, Colorado, and the geographic areas to be served are Yuma, Colorado and surrounding area. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater

convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identfifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by Reserve Bank not later than October 12, 1983.

Board of Governors of the Federal Reserve System, September 19, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-25952 Filed 9-22-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Rainer Bancorporation et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President), 101 Market Street, San Francisco, California 94105:

1. *Rainer Bancorporation,* Seattle, Washington (insurance activities; western United States): To engage, through its subsidiary, Ranier Credit Company, in the activity of acting as agent or broker in sales of property and casualty insurance related to extensions of credit. This activity is authorized under the grandfather provisions of section 601(D) of the Garn-St. Germain Depository Institutions Act of 1982. These activities will be conducted from offices in Phoenix, Arizona, Santa Ana and San Diego, California, serving the states of Alaska, Washington, Oregon, California, Idaho, Nevada, Arizona, Montana, Colorado, Wyoming, New Mexico, Texas, Oklahoma, Nebraska, Kansas, and Hawaii. Comments on this application must be received not later than October 8, 1983.

2. *Sterling Bancorporation,* Los Angeles, California (financing activities; Southern California): To engage, through its proposed subsidiary Sterling Business Credit, Inc., in making or acquiring commercial and real-estate loans and other extensions of credit, primarily secured by a borrowers equipment, inventory, accounts receivable, real estate or other assets; servicing such loans for others; and making leases of personal property in accordance with the Board's Regulation Y. These activities would be performed from offices in Southern California. Comments on this application must be received not later than October 12, 1983.

Board of Governors of the Federal Reserve System, September 19, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-25953 Filed 9-22-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on September 16.

Public Health Service

Office of the Assistant Secretary for Health

Subject: National Center for Health Statistics Publications Survey—*New*
Repondents: Individuals or households, State or local governments, business, Federal agencies or employees, non-profit institutions, small businesses or organizations
OMB Desk Officer: Fay S. Iudicello

National Institutes of Health

Subject: Evaluation of Periodic Breast Cancer Screening Mammography (0925-0156)—*Extension/No Change*
Respondents: Individuals or households
Subject: Alcohol and Drug Abuse and Mental Health Services Block Grant Reporting Requiremens (0930-0080)—*Extension/No Change*
Respondents: State agencies
Subject: Survey of Alcohol Use Among Youth and Young Adults—*New*
Respondents: Individuals or households
OMB Desk Officer: Fay S. Iudicello

Health Care Financing Administration

Subject: Medicaid Quality Control Statistical Tables (0938-0082)—*Revision*
Respondents: State Medicaid agencies
Subject: Determining Level of Care Required by Patient in skilled Nursing Facility (HCFA-1922)—*Extension/No Change*
Respondents: Skilled nursing facilities participating in the Medicare program and reimbursed directly by HCFA
Subject: Medicaid Quality Control, Corrective Action Plans (HCFA 320—*Extension/No Change*
Respondents: State Medicaid agencies
OMB Desk Officer: Fay S. Iudicello

Social Security Administration

Subject: Statement for Determining Continuing Eligibility for

Supplemental Security Income Payments (0960-0145)—*Revision*
Respondents: Individuals currently receiving SSI payments
Subject: Beneficiary Recontact Report (SSA-1591)—*New*
Respondents: A sample of Social Security beneficiaries
Subject: Domestic Service Questionnaire (0960-0047)—*Revision*
Respondents: Certain Social Security beneficiaries
OMB Desk Officer: Milo Sunderhauf

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, ATTN: (name of OMB Desk Officer).

Dated: September 19, 1983

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 83-25604 Filed 9-22-83; 8:45 am]

BILLING CODE 4150-04-M

Public Health Service

National Toxicology Program; Availability of Carcinogenesis Studies of 4,4'-Methylenedianiline Dihydrochloride and a Polybrominated Biphenyl Mixture

The HHS' National Toxicology Program today announces the availability of carcinogenesis studies of 4,4'-methylenedianiline dihydrochloride—which is used primarily as a chemical intermediate in the closed system production of isocyanates and polyisocyanates—and a polybrominated biphenyl mixture (PBB), a flame retardant chemical manufactured as Firemaster FF-1, the major component of which is hexabromobiphenyl.

4,4'-Methylenedianiline dihydrochloride was administered in drinking water to Fischer 344/N rats and B6C3F$_1$ mice at 0, 150, and 300ppm. Under the conditions of these studies, 4,4'-methylenedianiline dihydrochloride was carcinogenic for Fischer 344/N rats and B6C3F$_1$ of each sex. The administration of the chemical caused significantly increased incidences of thyroid follicular cell carcinomas in male rats, thyroid follicular cell adenomas in female rats and in mice of each sex, C-cell adenomas of the thyroid in female rats, neoplastic nodules in the liver of male rats, hepatocellular carcinomas in mice of each sex, adenomas of the liver and malignant lymphomas in female mice, and adrenal pheochromocytomas in male mice.

Firemaster FF-1, which was widespread following a 1973 Michigan accident, was studied to determine the long-term toxic and carcinogenic potential of this PBB mixture. Fischer 344/N rats and B6C3F$_1$ mice were given 125 oral doses of PBB over a six-month period. Doses were 0, 0.1, 3.0, or 10.0 mg/kg body weight/day (five days a week).

Under the conditions of these studies, the PBB mixture (Firemaster FF-1) was carcinogenic for Fischer 344/N rats and B6C3F$_1$ mice of each sex inducing neoplastic nodules, hepatocellular carcinomas, and cholangiocarcinomas in rats and hepatocellular carcinomas in mice. Other toxicities included poryphyrogenic effects and hepatotoxcity.

Copies of *Carcinogenesis Studies of 4,4'-Methylenedianiline Dihydrochloride in F344/Rats and B6C3F$_1$ Mice (Drinking Water Studies)* (T.R. 248) and *Carcinogenesis Studies of Polybrominated Biphenyl Mixture (Firemaster FF-1) in F344/N Rats and B6C3F$_1$ Mice (Gavage Studies)* (T.R. 244) are available without charge from the NTP Public Information Office, MD B2-04, Box 12233, Research Triangle Park, N.C. 27709. Telephone (919) 541-3991. FTS 629-3991.

Dated: September 14, 1983.

David P. Rall

Director.

[FR Doc. 83-25691 Filed 9-22-83; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. 3504(h)). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau Clearance Officer and the Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503, Attention: Desk Officer for Interior, Telephone: 202-395-7340.

Title: Water Data Sources Directory Registration
Bureau Form Number: 9-2002-1 through 9-2002-7
Frequency: Variable
Description of Respondents: State, County, River Basin, Municipality, Local Government, Consultant
Annual Responses: 750
Annual Burden Hours: 330
Bureau Clearance Officer: Geraldine A. Wilson 703-860-7211

Dated: September 14, 1983.

R. H. Langford,

Acting Chief Hydrologist.

[FR Doc. 83-25605 Filed 9-22-83; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[INT DRMP/EIS 83-63]

Draft Resource Management Plan/ Environmental Impact Statement for the Egan Resource Area, Ely District, Nevada; Availability

AGENCY: Bureau of Land Management (BLM).

ACTION: Notice of Availability of and Public Hearings on the Draft Resource Management Plan/Environmental Impact Statement for the Egan Resource Area, Ely District, Ely, Nevada.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 and Section 202 of the Federal Land Policy and Management Act of 1976, the BLM, Ely District, has prepared a combined Resource Management Plan/Environmental Impact Statement for the Egan Resource Area, Ely District, Ely, Nevada.

SUPPLEMENTARY INFORMATION: The Draft Egan Resource Management Plan/ Environmental Impact Statement is a comprehensive land use planning document which establishes management actions and objects for resource use levels, the standards for monitoring and evaluating the effectiveness of the plan, and the need for more detailed management plan(s) and support actions. It is also an environmental impact statement which analyze the effects of implementing a multiple use resource management plan on 3.8 million acres of public land in portions of White Pine, Nye, and Lincoln Counties, Nevada. The draft discusses the environmental consequences of implementing six various alternatives.

FOR FURTHER INFORMATION CONTACT:
Merrill DeSpain, District Manager, SR 5, Box 1, Ely, Nevada 89301, (702) 289–4865.
Copies of the draft document are available for review at the following locations:
Office of Public Affairs, 18th and "C" Streets NW., Washington, D.C. 20240
Bureau of Land Management, Nevada State Office, P.O. Box 12000, 300 Booth Street, Reno, Nevada 89520, (702) 784–5448
Bureau of Land Management, Las Vegas District Office, 4765 W. Vegas Drive, Las Vegas, Nevada 89102, (702) 385–6403
Bureau of Land Management, Winnemucca District Office, 705 E. 4th Street, Winnemucca, Nevada 89445, (702) 623–3676
Bureau of Land Management, Elko District Office, 2002 Idaho Street, Elko, Nevada 89801
Bureau of Land Management, Ely District Office, Star Route 5, Box 1, Ely, Nevada 89301 (702) 289–4865
Bureau of Land Management, Carson City District Office, 1050 E. Williams Street, Carson City, Nevada 89701, (702) 882–1631
Bureau of Land Management, Battle Mountain District Office, North 2nd & Scott Streets, Battle Mountain, Nevada 89820, (702) 635–5181.

Also, copies are available for review at the following public libraries:
White Pine County Library, Campton Street, Ely, Nevada 89301
Government Publications Dept., University of Nevada, Reno Library, Reno, Nevada 89557
Nye County Library, Tonopah, Nevada 89049
Nevada State Library, Library Building, Carson City, Nevada 89701
James Dickinson Library, 4505 Maryland Parkway, University of Nevada, Las Vegas, Las Vegas, Nevada 89154
Lincoln County Library, Pioche, Nevada 89043.

A copy of the Egan Draft Resource Management Plan/Environmental Impact Statement will be sent to all individuals, agencies, and groups who have expressed an interest in the Egan Resource Area planning process and a limited number of copies are available upon request to the District Manager at the above address.

DATES: Comments should be sent to Merrill L. DeSpain, Ely District Manager, SR 5 Box 1, Ely, Nevada 89301. Comments should be received no later than December 24, 1983. Public hearings to accept testimony on this draft are scheduled for 7:00 p.m. October 25, 1983, at the Bristlecone Convention Center, Ely, Nevada and 7:00 p.m. October 26, 1983, at the Eldorado Hotel, 345 N. Virginia, Reno, Nevada. Requests to give oral testimony at the hearings should be submitted either by phone at (702) 289–4865 or by mail to SR 5 Box 1, Ely, Nevada 89301. All requests should be received by 4:30 p.m. October 21, 1983. Testimony on the wilderness recommendations and other issues will be limited to ten minutes.

Dated: September 19, 1983.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 83-25068 Filed 9-23-83; 8:45 am]
BILLING CODE 4310-84-M

[Docket No. DES 83–64]

Availability of the Draft for the Winnemucca District, Nevada

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability of the Draft Environmental Impact Statement for Wilderness Study Areas: Winnemucca District, Nevada.

SUMMARY: Pursuant to section 603 of the Federal Land Policy and Management Act of 1976 and section 102 (2)(c) of the National Environmental Policy Act of 1969, the BLM Winnemucca District has prepared a Draft Environmental Impact Statement (DEIS) on proposed wilderness suitability recommendations for Wilderness Study Areas (WSAs) in Humboldt, Pershing, Washoe, Churchill and Lander counties, Nevada.

SUPPLEMENTARY INFORMATION: The Winnemucca District Wilderness DEIS analyzes the potential effects of designating or not designating all or portions of 18 Wilderness Study Areas, totalling 1,118,467 acres, as wilderness. The goal of this analysis is to recommend for wilderness designation those areas where wilderness is determined to be the most appropriate use of the land and its resources. This analysis involved evaluation of the potential manageability of wilderness, accessibility of identified mineral values for exploration and development, and the enhancement and development of such resource values and uses as wildlife habitat, recreation, livestock grazing, cultural resources, utility corridors, critical watershed and others.

The recommendations made in the Draft EIS are not final decisions. Following the public comments on the DEIS, a final EIS and recommendations will be prepared for the signature of the Secretary of the Interior, and submitted through the President to Congress for final decision on which areas will be designated into the National Wilderness Preservation System.

A mineral survey will be conducted by the U.S. Geological Survey and U.S. Bureau of Mines on those lands preliminarily recommended suitable for wilderness designation. This survey is required for all areas proposed as suitable for wilderness designation before the final recommendation from the Director of the BLM to the Secretary of the Interior.

The following Wilderness Study Areas are evaluated in the Winnemucca District Wilderness DEIS:

	Acres
007—High Rock Lake	61,902
012—Poodle Mountain	142,050
014—Fox Range	75,404
014A—Pole Creek	12,969
019—Calico Mountains	67,847
108—Augusta Mountain	89,372
200—Selenite Mountains	32,041
201—Mount Limbo	23,702
406P—China Mountain	10,358
406Q—Tobin Range	13,107
600—Blue Lakes	20,508
600D—Alder Creek	5,142
603—South Jackson Mountains	60,211
606—North Jackson Mountains	26,457
620—Black Rock Desert	319,594
621—Pahute Peak	57,529
622—North Black Rock Range	30,791
627—North Fork of the Little Humboldt	69,680

Four alternatives were considered in addition to the Preferred Alternative. They are All Wilderness, No Wilderness, MFP II Recommendation and Wilderness Emphasis. A discussion of the affected environment is briefly summarized and the environmental consequences anticipated from each of the five alternatives are documented in the DEIS.

The BLM's Preferred Alternative for each of the WSAs is as follows:

The Poodle Mountain, Fox Range, Pole Creek, Augusta Mountain, Selenite Mountains, China Mountain, Tobin Range, North Jackson Mountains and North Black Rock Range WSAs are recommended as unsuitable for wilderness designation in their entirety.

High Rock Lake—14,000 acres, including Box Canyon, Fly Canyon potholes and High Rock Lake, are recommended as suitable. The remaining 47,902 acres, including Donnelly Creek, are recommended as unsuitable.

Calico Mountains—58,000 acres, including the colorful Calico Hills, Donnelly Peak and Donnelly Creek, are recommended as suitable. The remaining 9,647 acres are recommended as unsuitable.

Mount Limbo—12,900 acres, including Kumiva and Purgatory Peaks and Mount Limbo, are recommended as suitable. The remaining 10,802 acres are recommended as unsuitable.

Blue Lakes—16,400 acres, including Blue Lakes and Duffer Peak, are recommended as suitable. The remaining 4,108 acres are recommended as unsuitable.

Alder Creek—4,000 acres, including scenic Alder Creek, are recommended as suitable. The remaining 1,142 acres are recommended as unsuitable.

Soulth Jackson Mountains—20,094 acres, including King Lear Peak, McGill, Hobo and Alaska Canyons, are recommended as suitable. The remaining 40,117 acres including Navajo Peak are recommended as unsuitable.

Black Rock Desert—174,300 acres, including the Quinn River drainage, Leonard Creek and Jackson Sloughs, are recommended as suitable. The remaining 145,294 acres are recommended as unsuitable.

Pahute Peak—31,000 acres, including Big Mountain (Pahute Peak), the Peter Lassen gravesite, and parts of the viewshed of the historic Applegate-Lassen Trail, are recommended as suitable. The remaining 26,529 acres are recommended as unsuitable

North Fork of the Little Humboldt—8,900 acres, including the Humboldt River Gorge, are recommended as suitable. The remaining 60,783 acres are recommended as unsuitable.

FOR FURTHER INFORMATION CONTACT: District Manager, Winnemucca District, Attn: Gerald L. Moritz, 705 E. 4th St., Winnemucca, NV 89445, (702) 623-3676.

Copies of the DEIS are available for review at the following BLM offices:

Bureau of Land Management, Office of Public Affairs, 18th and C Streets NW., Washington, D.C. 20240
Nevada State Office, 300 Booth Street, Reno, NV 89520
Battle Mountain District Office, North 2nd and Scott Streets, Battle Mountain, NV 89820
Boise District Office, 3948 Development Ave., Boise, ID 83705
Burns District Office, 74 S. Alvord St., Burns, OR 97720
Carson City District Office, 1050 E. William Street, Carson City, NV 89701
Elko District Office, 2002 Idaho Street, Elko, NV 89801
Ely District Office, Star Route 5, Box 1, Ely, NV 89301
Las Vegas District Office, 4765 W. Vegas Drive, Las Vegas, NV 89126
Susanville District Office, Box 1090, Susanville, CA 96130
Vale District Office, Box 700, Vale, OR 97918

Also, copies are available for review at the following public libraries:

Churchill County Library, Fallon, NV 89406
Clark County Library, 1401 E. Flamingo Rd., Las Vegas, NV 89109
Humboldt County Library, E. 5th St., Winnemucca, NV 89445
Lander County Library, Hwy. 8A, Battle Mountain, NV 89820
Las Vegas Public Library, 1762 E. Charleston Blvd., Las Vegas, NV 89104
Nevada State Library, Library Bldg., Carson City, NV 89710
Pershing County Library, 1125 Central, Lovelock, NV 89419
University of Nevada Las Vegas, James Dickinson Library, Documents Division, 4505 Maryland Parkway, Las Vegas, NV 89154
University of Nevada—Reno, Getchell Library, Government Publications Dept., Reno, NV 89507
Washoe County Library, 301 S. Center, Reno, NV 89501

A copy of the Draft EIS will be sent to all individuals, agencies, and groups who have expressed an interest in the wilderness review process in the Winnemucca District, and a limited number of copies are available on request to the District Manager. A Wilderness Technical Report has also been prepared, providing supplementary information to the DEIS and is also available on request to the above address.

The Winnemucca District Office will hold an informal Open House during the week of October 24, 1983. District personnel will be available to answer questions from the public about the DEIS and the Wilderness Technical Report during this week.

DATES: Written comments concerning issues pertinent to the Winnemucca District Draft Wilderness EIS will be accepted for 90 days following the publication of this notice of availability. Public hearings on the DEIS have been scheduled in Reno, Nevada, on October 27, 1983, 7 to 9 PM, at the Eldorado Hotel, 345 N. Virginia; in Gerlach, Nevada, on November 1, 1983, 7 to 9 PM, at the Gerlach High School; and in Winnemucca, Nevada, on November 3, 7 to 9 PM, at the Public Library.

Interested individuals, representatives of organizations and public officials wishing to testify are requested to contact the District Manager for advance registration, at the above address or phone number, by 4:15 p.m., October 26, 1983. Oral testimony will be limited to ten minutes.

Dated: September 8, 1983.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 83-25690 Filed 9-22-83; 8:45 am]

BILLING CODE 4310-84-M

[A 13140]

Arizona; Conveyance and Order Providing for Opening of Public Lands

September 12, 1983.

In an exchange of lands made under the provisions of Section 206 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2756, 43 U.S.C. 1716, the following lands have been conveyed to the United States:

Gila and Salt River Meridian, Arizona

T. 26, N., R. 21 W.,
Sec. 19, Lots 1 thru 4, E½W½, E½,
Sec. 21, SW¼,
Sec. 29,
Sec. 31, Lots 1 thru 4, E½W½, E½;
T. 25, N., R. 21 W.,
Sec. 5, Lots 1 thru 4, S½N½, S½,
Sec. 7, Lots 1 thru 4, E½W½, E½,
Sec. 9,
Sec. 11, N½, SW¼,
Secs. 15 and 17,
Secs. 27, N½, SE¼;
T. 25, N., R. 22 W.,
Sec. 1, Lots 1 thru 4, S½N½, S½,
Sec. 13.

The area described contains 7,509.24 acres in Mohave County.

All of the mineral rights are reserved by the Santa Fe Railroad and are not subject to location under the United States mining laws or to applications and offers under the mineral leasing laws.

Upon acceptance of title to the lands, they became part of the public lands administered by the Bureau of Land Management. At 10:00 a.m. on October 17, 1983, the lands shall be open to surface entry under the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws. All applications received at or prior to 10:00 a.m. on October 17, 1983, shall be considered in the order of filing.

In exchange for the above described lands, the following described lands in Mohave County, were transferred to Cecil F. Evans, O. W. Evans, Bert N. Smith and M. Lloyd Jolley:

Gila and Salt River Meridian, Arizona

T. 40 N., R. 15 W.,
Sec. 5, Lot 4, S½NW¼, SW¼, W½SE¼,
Sec. 6, SE¼,
Sec. 7, Lots 1 thru 4, E½W½, E½,
Sec. 8, W½, NW¼NE¼,
Sec. 17, N½NW¼,
Sec. 18, Lots 1 thru 4, N½NE¼, SW¼NE¼, E½W½.

The area described contains 2,007.50 acres in Mohave County.

The purpose of this notice is to inform the public land interested State and

local government officials of the issuance of the conveyance document.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-26002 Filed 9-22-83; 8:45 am]

BILLING CODE 4310-84-M

Lakeview District Advisory Council; Meeting

Notice is hereby given in accordance with 43 CFR Part 1780 that a meeting of the Lakeview District Advisory Council will be held on Thursday, October 27, 1983. The meeting will convene at 9:00 A.M. at the Lakeview District Conference room at 1000 So. Ninth St., Lakeview, Oregon.

The agenda for the meeting will include: The fiscal year 1984 Annual Work Plan, fire rehabilitation work, Cooperative Management Agreements, Christmas Valley land sales, Alkali Lake Air National Guard Aerial Gunnery and Bombing Range, and new archeological sites.

This meeting is open to the public. Interested persons may make oral statements to the council between 2:00 P.M. and 3:00 P.M., or file written statements for the council's consideration. Anyone wishing to make an oral statement should contact the District Manager, P.O. Box 151, Lakeview, Oregon 97630 or telephone (503) 947-2177 by October 25, 1983.

Summary minutes of the council meeting will be maintained at the District Office and will be available for inspection and reproduction during regular business hours within 30 days following the meeting.

Dick Harlow,

Associate District Manager.

[FR Doc. 83-26004 Filed 9-22-83; 8:45 am]

BILLING CODE 4310-84-M

[OR-36015, OR-36016, OR-36017, OR-36018]

Modification of Realty Action; Competitive Sale of Public Land; Lake County, Oregon

The Notice of Realty Action, published in the Federal Register Document No. 83-20603, Volume 48, No. 147, pages 34523 and 34524, on Friday, July 29, 1983, is hereby modified to delete reference to the appraised fair market value in the 1st, 6th, and 8th paragraphs.

The described parcels have been reappraised, and in keeping with Departmental policy, the value will be disclosed only at the conclusion of the sale and only for those parcels for which acceptable bids were received; i.e., appraised value or higher.

All other provisions of the July 29, 1983 Notice of Realty Action remain unchanged.

For additional information regarding this modification contact the Lakeview District Office, P.O. Box 151, Lakeview, Oregon 97630 or call (503) 947-2177.

Dated: September 16, 1983.

Dick Harlow,

Acting District Manager.

[FR Doc. 83-26003 Filed 9-22-83; 8:45 am]

BILLING CODE 4310-84-M

[NM 57342]

New Mexico; Proposed Withdrawal and Opportunity for Public Hearing

On Sepember 12, 1983, a petition was approved allowing the Bureau of Land Management to file an application to withdraw the following described lands from settlement, sale, location, or entry, under all of the general land laws, including the mining laws, but not the mineral leasing laws, subject to valid existing rights:

New Mexico Principal Meridian

T. 18 S., R. 18 W.,
Sec. 9: Lots 1 to 4 inclusive, S½NE¼SW¼, S½NW¼SE¼, SE¼SE¼;
Sec. 15: NW¼NW¼*, W½SW¼*;
Sec. 16: Lots 1 to 5 inclusive, NW¼SE¼*;
Sec. 21: NE¼NE¼*, W½NE¼*, W½NW¼*;
Sec. 22: NW¼NW¼*.

The area described contains 712.16 acres in Grant County, New Mexico, of which 312.16 acres are public land and 400 acres (*) are private surface Federal subsurface.

The purpose of this withdrawal is to protects the above described lands to aid the New Mexico Department of Game and Fish in their efforts to propagate the desert bighorn sheep, a New Mexico state listed endangered species.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management at P.O. Box 1449, Santa Fe, NM 87501.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, P.O. Box 1449, Santa Fe, NM 87501, within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public hearing will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the hearing.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the lands will be segregated as specified above unless the application is denied or canceled, or the withdrawal is approved prior to that date.

The application will be processed in accordance with regulations set forth in 43 CFR Part 2300.

For further information in connection with this proposed withdrawal contact Charles W. Luscher, State Director, Bureau of Land Management, Department of the Interior, P.O. Box 1449, Santa Fe, NM 87501, (505) 988-6030.

Dated: September 12, 1983.

Leroy C. Montoya,

Deputy State Director, Operations.

[FR Doc. 83-25901 Filed 9-22-83; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. 1-05278]

Partial Termination of Proposed Withdrawal and Reservation of Lands; Idaho

Correction

In FR Doc. 83-21168 beginning on page 35515 in the issue of Thursday, August 4, 1983, make the following corrections:

1. On page 35516, first column, under *Dutch Creek Administrative Site*, the description for Sec. 35 should have read:

Sec. 35, SE¼SE¼, NW¼SE¼NE¼SE¼SE¼, S½SE¼SE¼SE¼, SW¼NE¼NE¼SE¼SE¼, E½SW¼NE¼SW¼, NW¼SW¼NE¼NW¼SW¼SW¼, S½SW¼SW¼SW¼, S½SE¼SW¼SW¼N½NE¼SE¼SW¼SW¼, NE¼NW¼SW¼SW¼, E½NW¼NW¼SW¼SW¼, NW¼NW¼NW¼SW¼SW¼, N½SE¼NW¼SW¼SW¼, NE¼SW¼NW¼SW½SW¼.

2. On the same page, middle column, under *Sunset Mountain Lookout Administrative Site*, in the second line of the description of Sec. 32, "N½SE¼NE¼SE¼" should have read "N½SE¼NE¼NE¼SE¼".

3. On page 35517, first line of the third column of the page, "SE¼NE¼NE¼SW¼" should have read "SE¼NE¼SW¼NE¼".

4. In the same column, under *Bull Trout Lake Public Service Site*, T. 11 N.,

R. 10 E., Sec. 9, in the seventh line, there should have been a comma after the "SE¼" at the beginning of the line.

5. On page 35519, third column, thirty-one lines from the top, in the entry for Sec. 33, "N¼" should have read "N½".

6. In the same column, under *Pikes Fork (No. 75) Forest Development Road Roadside Zone*, T. 8 N., R. 8 E., in the first line of the description of Sec. 13, there should not be a comma between NW¼ and NW¼.

7. On page 35520, in the first column, remove the "NW¼" at the end of the first line and change "NE¼NW¼" to read "NE¼NW¼" in the second line.

8. In the same column under *Beaver Creek-Swanholm (No. 76) Forest Development Road Roadside Zone*, T. 7 N., R. 8 E., in Sec. 22, "W¼" should have read "W½".

9. In the same column, same land description, T. 6 N., R. 9 E., Sec. 3, "SE¼ SW¼" should have read "SE¼NW¼".

10. In the same column, under *Smith Prairie-Fall Creek (No. 77) Forest Development Roadside Zone*, T. 2 N., R. 8 E., Sec. 26, "S½NE¼, S½NE¼, W½ SE¼" should have read "S½NE¼, S½ NW¼, W½SE¼".

11.In the middle column of page 35520, fourth line from the top, Sec. 35, "SW¼" should have read "SE¼".

12. In the same column, fourth line from the *bottom*, "Sec. 1" should have read "Sec. 2".

13. In the third column of page 35520, under *Middle Fork Payette River (No. 145) Forest Development Road Roadside Zone*, T. 15 N., R. 6 E., the entry for Sec. 25 should have read "NW¼NE¼, SE¼ NW¼, E½SW¼".

14. In the same column, under *Clear Creek–Stanley (No. 146) Forest Development Road Roadside Zone*, T. 9 N., R. 7 E., the entry for Sec. 14 should have read "NE¼SE¼, W½SE¼".

15. In the same column, in the same land description, the entry now reading "T. 10 N., R. 8.," should have read "T. 10 N., R. 8 E.,", and in Sec. 19 of that entry, "SW¼NW¼" should have read "SW¼ SW¼".

16. On page 35522, third column, twelve lines from the top, "SW¼" should have read "SE¼".

17. On page 35523, first column, under *Boise Ridge (No. 798) Forest Development Road Roadside Zone*, T. 5 N., R. 3 E., Sec. 34, "W¼SW¼" should have read "W½SW¼".

18. In the same land description, remove the line reading "Sec. 25, NW¼ NE¼, SE¼NE¼" from under T. 6 N., R. 3 E. and insert it as the last entry under T. 7 N., R. 3 E.

19. In the middle column of page 35523, under *Artillery Dome (No. 822) Forest Development Road Roadside Zone*, T. 15 N., R. 9 E., in Sec. 10, "NE¼ NE½" should have read "NE¼NE¼".

BILLING CODE 1505-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-124 (Final)]

Fall-Harvested Round White Potatoes From Canada

AGENCY: International Trade Commission.

ACTION: Revised notice of institution of final antidumping investigation and rescheduling of a hearing to be held in connection with the investigation.

EFFECTIVE DATE: August 2, 1983.

SUMMARY: On August 31, 1983, the United States International Trade Commission published in the Federal Register (48 FR 39518), its notice of the institution of its final antidumping investigation No. 731–TA–124, relating to certain potatoes from Canada, and the scheduling of a public hearing to be held in connection with the investigation.

Subsequent to the publication of the Commission's notice of investigation, the Department of Commerce (Commerce) indicated that it intends to postpone its final determination in its investigation of less-than-fair-value (LTFV) sales from Canada from October 17, 1983 to November 4, 1983. Commerce has also indicated that it will continue to use as the scope of its investigation, the language used in its preliminary determination. This notice is being issued to announce a later date for the Commission's public hearing, to change certain other dates that are affected by Commerce's later final determination, and to revise the language of the Commission notice to conform to that of the Commerce determination. In addition, the location of the Portland, Maine, hearing has now been established.

As a result of an affirmative preliminary determination by the U.S. Department of Commerce that there is a reasonable basis to believe or suspect that imports of fall-harvested, round, white potatoes from Canada, provided for in items 137.20, 137.21, 137.25, and 137.28 of the Tariff Schedules of the United States, are being, or are likely to be, sold in the United States at LTFV within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673), the United States International Trade Commission hereby gives notice of the institution of investigation No. 731–TA–124 (Final) under section 735(b) of the act (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Canada of fall-harvested round white potoates. The Department of Commerce has indicated that it will make its final dumping determination in the case on or before November 4, 1983, and as a result, the Commission will make its final injury determination by December 19, 1983 (19 CFR 207.25), withn 45 days of Commerce's final determination, as provided by statute.

FOR FURTHER INFORMATION CONTACT: Mr. George Deyman, Office of Investigations, U.S. International Trade Commission, Washington, D.C. 20436 (202–523–0481).

SUPPLEMENTARY INFORMATION:

Background

On March 28, 1983, the Commission determined, on the basis of the information developed during the course of its preliminary investigation, that there was a reasonable indication that an industry in the United States was materially injured by reason of allegedly LTFV imports of fresh or chilled round white potatoes from Canada. The preliminary investigation was instituted in response to a petition filed on February 9, 1983, on behalf of the Maine Potato Council.

Participation in the Investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11) not later than 21 days after the publication of this notice in the Federal Register. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation, pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)). Each document filed by a party to this investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a

document for filing without a certificate of service (19 CFR 201.16(c), as amended by 47 FR 33682, Aug. 4, 1982).

Staff Report

A public version of the prehearing staff report containing preliminary findings of fact in this investigation will be placed in the public record on November 4, 1983, pursuant to section 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m. on November 18, 1983, in the Ballroom of the Ramada Inn, 1230 Congress Street, Portland, Maine 04102. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, not later than the close of business (5:15 p.m.) on November 7, 1983. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to beheld at 10:00 a.m. on November 7, 1983, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is November 15, 1983.

Testimony at the public hearing is governed by section207.23 of the Commission's rules (19 CFR 207.23, as amended by 47 FR 33682, August 4, 1982). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22, as amended by 47 FR 33682, August 4, 1982). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on November 28, 1983.

Written Submissions

As mentioned, parties to these investigations may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before November 28, 1983. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with section 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of section 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR Part 207, as amended by 47 FR 33682, August 4, 1982), and part 201, subparts A through E (19 CFR Part 201, as amended by 47 FR 33682, August 4, 1982).

This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: September 20, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-26097 Filed 9-22-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-133]

Certain Vertical Milling Machines and Parts, Attachments and Accessories Thereto; Receipt of Initial Determination Terminating Respondent on the Basis of Consent Order Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a consent order agreement: King Machinery Inc.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on September 20, 1983.

Copies of the initial determination, the consent order agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C., 20436, telephone 202-523-0161.

Written Comments

Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street NW., Washington, D.C., 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

Issued: September 20, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-25900 Filed 9-22-83; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

Compensated Intercorporate Hauling Operations; Intent To Engage

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Air Products and Chemicals, Inc., Box 538, Allentown, Pennsylvania 18105.

2. Wholly owned subsidiaries which will participate in the operations, and States of incorporation:

(i) Air Products transportation Company
Delaware

(ii) Stearns Catalytic Ltd., Dominion of Canada.

1. Parent corporation and address of principal office: Ingersoll-Rand Company, P.O. Box 8738, Woodcliff Lake, NJ 07675–8738.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) California Pellet Mill Company, 1800 Folsom Street, San Francisco, CA 94103
(b) Californa Pellet Mill International, Inc., 1800 Folsom Street, San Francisco, CA 94103
(c) Frank M. Hill Machine Company, 50 School Street, Walpole, NA 02081
(d) General Lock Company, 2401 Bayshore Boulevard, San Francisco, CA 94119
(e) Ingersoll-Rand Canada, Inc., 630 Dorchester Boulevard W., Montreal, Quebec H3B156
(f) Ingersoll-Rand Transportation Services Company, P.O. Box 8738, Woodcliff Lake, NJ 07675–8738
(g) Ingersoll-Rand Western Hemisphere Trade Corporation, P.O. Box 8738, Woodcliff Lake, NJ 07675–8738
(h) Ingersoll-Rand Financial Corporation P.O. Box 8738, Woodcliff Lake, NJ 07675–8738
(i) Ingersoll-Rand Financial Services Corporation, P.O. Box 8738, Woodcliff Lake, NJ 07675–8738
(j) Ingersoll-Rand International, Inc., P.O. Box 8738, Woodcliff Lake, NJ 07675–8738
(k) Ingersoll-Rand Machinery & Equipment Corporation, P.O. Box 8738, Woodcliff Lake, NJ 07675–8738
(l) Ingersoll-Rand Oilfield Products Corporation, P.O. Box 1101, Pampa, TX 79065
(m) Ingersoll-Rand Engineered Equipment Services, Eleven Greenway Plaza, Suite 1816, Houston, TX 77046
(n) Ingersoll-Rand Research, Inc., P.O. Box 301, Princeton, NJ 08540
(o) Ingersoll-Rand Services Company, P.O. Box 8738, Woodcliff Lake, NJ 07675–8738
(p) Ingersoll-Rand Worldwide, Inc., P.O. Box 8738, Woodcliff Lake, NJ 07675–8738
(q) Jenmar Estates, Inc., P.O. Box 8738, Woodcliff Lake, NJ 07675–8738
(r) Kilian Manufacturing Company, 1728 Burnet Avenue, Syracuse, NY 13201
(s) Lee Norse Company, P.O. Box 2883, Pittsburgh, PA 15230
(t) McCartney Manufacturing Company, 635 West 12th Street, Baxter Springs, KS 66713
(u) Northern Research Engineering Corporation, 39 Olympia Avenue, Woburn, MA 01801
(v) S & S Corportion, RT 3 Box 70 Cedar Bluff, VA 24609
(w) Schlage Electronics Company, 3899 Hancock Expressway, Security, CO 80911
(x) Schlage Lock Company 2401 Bayshore Boulevard, San Francisco, CA 94119
(y) Sier-Bath Gear Company, Inc.,9252 Kennedy Boulevard, North Bergen, NJ 07047
(z) Terry Corporation, Lamberton Road, Windsor, CT 06095
(aa) Torrington Company, 59 Field Street, Torrington, CT 06790
(bb) Von Duprin, Inc., 400 West Maryland, Indianapolis, IN 46225
(cc) Western Land Roller Company, Hastings, NB 68902
(dd) Ingersoll-Rand Enhanced Recovery Company, One Williams Center, Suite 2320, Tulas, Oklahoma 74172
(ee) Energair America, Inc., P.O. Box 8738, Woodcliff Lake, NJ 07675–8738
(ff) Air Power Equipment Corporation, 2631 University Avenue, St. Paul MN
(gg) Gas Compression Services, Inc., P.O. Box 348, Broken Arrow, OK 74012
(hh) Knight Compression Services, Inc., P.O. Box 348, Broken Arrow, OK 74012
(ii) Knight International, Inc., P.O. Box 348, Broken Arrow, OK 74012
(jj) Roconeco Corporation, P.O. Box 1087, Greenville, South Carolina
(kk) Skytop Industries, Conroe, Texas.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-25085 Filed 9-22-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 290 (Sub 2)]

Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of approval of railroad cost adjustment factor.

SUMMARY: The Commission has decided to approve a restated version of the cost index filed by the Association of American Railroads (AAR) under the procedures of Docket Ex Parte No. 290 (Sub-No. 2), *Railroad Cost Recovery Procedures*. The Commission restated index produces a Rail Cost Adjustment Factor (RCAF) of 1.012 rather than the 1.017 figure proposed by AAR. Application of the RCAF provides for a maximum increase of .2 percent above the level authorized in our decision served December 20, 1982. Because the index for the second and third quarters of 1983 declined from the first quarter 1983 level, no rate actions were ordered in our decisions served March 18, 1983 and June 21, 1983.

EFFECTIVE DATE: September 21, 1983.

FOR FURTHER INFORMATION CONTACT: Robert C. Hasek, (202) 275–0938 Douglas Galloway, (202) 275–7278.

SUPPLEMENTARY INFORMATION: By decision served April 17, 1981 (46 FR 22594, April 20, 1981), we outlined the procedures for the calculation of the interim Mid-Quarter Index of railroad costs and the methodology for computation of the RCAF. AAR was required to calculate and submit the Mid-Quarter Index to the Commission no later than 20 days before the end of each quarter.

AAR has proposed that Conrail labor cost data be excluded from the calculation of the Index, and it submitted its fourth quarter index based on such an exclusion. We do not believe that this is proper at this time. In Ex Parte No. 290 (Sub-No. 2), *supra* (not printed, served June 20, 1983, at pp. 20–21, we raised the question of whether Conrail's labor costs should be adjusted in order to give effect to Section 1159 of the Northeast Rail Service Act of 1981, 45 U.S.C. 1109. Comments on that proposal have just been submitted to the Commission, and we will reach a decision on the effect of Section 1159 shortly. Until that time, the procedures established in Rail Cost Recovery Procedures, 364 I.C.C. 841 (1981) (adopting 49 CFR Part 1135) govern calculation of the Index. Those procedures do not provide for the elimination of any railroad's costs in the manner proposed by AAR. Until such time as those procedures are modified, we will calculate the Index under those procedures.

We have restated the index to include the Conrail labor and fringe benefit expenses omitted by AAR. We have also reviewed AAR's reweighting of the Index and find that proper procedures have been used. The calculations of the other portions of the interim Mid-Quarter Index comply with the guidelines contained in our decision served April 17, 1983.

We find the RCAF for the fourth quarter of 1983 is 1.012. This provides for a maximum increase of .2 percent above the level authorized in our decision served December 20, 1982. Because the Index for the second and third quarters of 1983 declined from the first quarter level no rate actions were ordered in our decisions served March 18, 1983 and June 21, 1983.

INTERIM MID-QUARTER INDEX

Line	Category	1980 weights (percent)	1982 weights (percent)	Second quarter 1983 actual [1]	Third quarter 1983 forecast [1]	Fourth quarter 1983 forecast [2]
1	Salaries, Wages and Supplements	47.2	48.3	134.3	137.1	138.3
2	Fuel	12.3	11.3	92.1	95.0	101.2
3	Materials and Supplies	12.2	10.4	104.7	103.7	103.6
4	Other Expenses	28.3	30.0	112.2	112.2	113.2
5. Weighted Average:						
a. 1980=100 (1982 weights).				xx	121.4	123.0
b. 1980=100 (1980 weights).				119.2	120.8	* 122.4
6. Rail Cost Adjustment Factor [4] (10/1/82=100) (120.9=100).				*.986	.999	1.012

[1] Rail cost adjustment factor computed using 1980 weights.
[2] Rail cost adjustment factor computed using 1982 weights.
[3] Linking necessitated by change of weights from 1980 to 1982. The following formula was used:

$$\frac{\text{4th Quarter 1983 Index (1982 Weights)}}{\text{3rd Quarter 1983 Index (1982 Weights)}} \times \text{3rd Quarter 1983 Index (1980 Weights)} = \text{Linked Index (1980 Weights to 1982 Weights)}$$

$$\text{or } \frac{123.0}{121.4} \times 120.8 = 122.4$$

[4] Based on 10/1/82=120.9 Denominator rebased to an October 1, 1982 level in accordance with the requirements of the Staggers Rail Act of 1980.
[5] For comparative purposes an RCAF for the second quarter 1983 is shown using actual data. The published RCAF is computed using forecasted data.

This decision will not significantly affect the quality of the human environment or conservation of energy resources. Although this proceeding is not subject to Public Law 96-354, it is our opinion that it will not have a significant adverse impact on a substantial number of small entities.

Authority: 49 U.S.C. 10321, 10707a, 5 U.S.C. 553.

September 19, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-25084 Filed 9-22-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 82-39]

Vincent A. Sundry, D.O.; Denial of Application

On November 24, 1982, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued to Vincent A. Sundry, D.O. (Respondent) of Tarpon Springs, Florida, an Order to Show Cause proposing to deny Respondent's application for registration pursuant to Section 303(f) of the Controlled Substances Act, 21 U.S.C. 823(f). The proposed denial was based on the Respondent's controlled substance-related felony convictions. By letter dated November 7, 1982, the Respondent requested a hearing on the issues raised by the Order to Show Cause.

The hearing in this matter was held in Tampa, Florida on February 17, 1983. Administrative Law Judge Francis L. Young presided. Although notice had been given to the Respondent, neither the Respondent nor any person claiming to represent him was present in the courtroom. Counsel for the Government presented the Government's case for the record.

On June 9, 1983, Judge Young issued his opinion and recommended ruling, findings of fact, conclusions of law and decision. In compliance with 21 CFR 1316.65(b), as amended, copies of the Administrative Law Judge's opinion were served on the Respondent and on Government counsel. No exceptions were filed and, on July 6, 1983, Judge Young transmitted the record of these proceedings to the Acting Administrator. The Acting Administrator has considered this record in its entirety and, pursuant to 21 CFR 1316.67, hereby issues his final order in this matter based upon findings of fact and conclusions of law as hereinafter set forth.

The Acting Administrator finds that Respondent has a long record of felony convictions. On October 25, 1972, in the United States District Court for the Western District of Pennsylvania, Respondent was convicted of numerous violations of the Controlled Substances Act. In addition, Respondent was convicted of conspiracy to distribute amphetamine in violation of one of the predecessor statutes of the Controlled Substances Act. Shortly thereafter, on December 14, 1972, in the United States District Court for the Western District of Pennsylvania, Respondent was convicted of willfully and knowingly failing to make income tax returns for the calendar years 1967 and 1968, in violation of 26 U.S.C. 7203. After an investigation conducted by Diversion Investigator Everett F. Barger of DEA's Kansas City District Office, a one-count information containing 14 allegations of misconduct by Respondent was filed by the United States Attorney for the District of Kansas on February 12, 1981. Two of the subcounts charged that Respondent knowingly, intentionally and unlawfully by misrepresentation, fraud, deception and subterfuge acquired and obtained possession of a Schedule II non arcotic substance. The other 12 subcounts charged that Respondent knowlingly, intentionally and unlawfully caused to be distributed and dispensed quantities of specified controlled substances in violation of 21 U.S.C. 841(a)(1). In each instance Respondent prescribed drugs in a name other than that of the actual recipient. On March 2, 1981, Respondent pled guilty to the information and, on April 27, 1981, he was adjudged convicted of each unlawful distribution specified therein. Respondent was sentenced to three years imprisonment to be followed by a special parole term of four years. Less than three weeks before the hearing in the instant proceedings, Respondent was arrested in Tarpon Springs, Florida by Detective William D. Logan of the Pinellas County Sheriff's Office. Respondent was charged with 13 counts of unlawful sale and delivery of controlled substances.

The Administrative Law Judge concluded that there is a lawful or statutory basis for the denial of Respondent's application for registration. *Serling Drug Company*, Docket No. 74–12, 40 FR 11918 (1975); *Raphael C. Cilento, M.D.*, Docket No. 79–2, 44 FR 30466 (1979); and *Thomas W. Moore, Jr., M.D.*, Docket No. 79–13, 45 FR 40743 (1980). In his opinion and recommended ruling, Judge Young noted that Respondent's general irresponsibility and unreliability are clearly evident. He has been convicted in two Federal courts in two different states of unlawfully distributing highly abusable controlled substances. He has just recently been arrested and charged with essentially the same offense. To further demonstrate Respondent's character, he was convicted of failure to file income tax returns. Based on Respondent's record of criminal activity, the Administrative Law Judge concluded that Respondent's application be denied. The Acting Administrator adopts the recommended rulings, findings of fact, conclusions of law and decision of the Administrative Law Judge in their entirety. The application must be denied.

Therefore, having concluded that there is a lawful basis for the denial of Respondent's application for registration and having further concluded that under the facts presented in this case, the application should be denied, the Acting Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824, and 28 CFR 0.100(b), hereby orders that the application of Vincent A. Sundry, D.O., for registration under the Controlled Substances Act, be, and it hereby is, denied.

Dated: September 19, 1983.

Francis M. Mullen, Jr.,

Acting Administrator.

[FR Doc. 83-25997 Filed 9-22-83; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Secretary

Steering Subcommittee, Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463 as amended), notice is hereby given of a meeting of the Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: October 11, 1983, 9:30 a.m., Rm. N5437 A & B Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act. The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

FOR FURTHER INFORMATION CONTACT: Fernand Lavalle, Acting Executive Secretary, Labor Advisory Committee, Phone: (202) 523–6565, September 14, 1983.

Signed at Washington, D.C. this 14th day of September 1983.

Robert W. Searby,

Deputy Under Secretary, International Affairs.

[FR Doc. 83-25931 Filed 9-27-83; 8:45 am]

BILLING CODE 4510-28-M

Advisory Committee on Sheltered Workshops; Renewal

In accordance with the provisions of the Federal Advisory Committee Act, and after consultation with the General Services Administration (GSA), I have determined that renewal of the Advisory Committee on Sheltered Workshops is in the public interest in connection with the performance of duties imposed on the Department of Labor.

The Committee will advise the Secretary on issues concerning the application of the Fair Labor Standards Act, the Service Contracts Act, and the Public Contract Act to handicapped workers with impaired productive capacity.

Committee membership is designed to insure that all major groups affected by the Acts and the regulations issued thereunder are represented. The Committee will consist of 22 members: 9 consumer members (handicapped workers or representatives of organizations representing handicapped workers or the parents or guardians of handicapped workers); 9 officials from workshops, hospitals, or institutions or from organizations of workshops, hospitals, or institutions; 1 member representing organized labor; 1 member representing industry (other than the sheltered workshop industry); 1 from State government, and 1 from the general public. The members are selected on the basis of their expertise and serve in their individual capacities, not as representatives of their organizations.

The Committee will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act. The charter will be filed with GSA and the appropriate Congressional Committees.

Further information may be obtained from: Arthur H. Korn, Committee Secretariat, Wage and Hour Division, Department of Labor, Room C4316, 200 Constitution Avenue, NW., Washington, D.C. 20210, phone 202–523–8727.

Signed at Washington, D.C., this 22nd day of September, 1983.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 83-26166 Filed 9-22-83; 8:45 am]

BILLING CODE 4510-27-M

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in. Each entry will contain the following information:

The Agency of the Department issuing this form.
The title of the form.
The Agency form number, if applicable.
How often the form must be filled out.
Who will be required to or asked to report.
Whether small business or organizations are affected.
The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.
An estimate of the number of responses.
An estimate of the total number of hours needed to fill out the form.
The number of forms in the request for approval.
An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202–523–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202–395–6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any members of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Extension

- Employment Standards Administration

Waiver of Child Labor Agricultural Provisions (29 CFR 575)
29 CFR Part 575
Annually
Farms
Recordkeeping/reporting (no form); 1 hour
Agricultural employers must apply for a waiver of child labor provisions to employ 10 and 11 year-old minors in handharvesting of short season crops. Records are deemed to be maintained by any prudent managers.

- Mine Safety and Health Administration

Application for Waiver of Surface Facilities Requirement
On occasion
Businesses or other for-profit and small businesses or organizations
SIC: 111 and 121
1,800 respondent; 900 hours
Coal mine operators are required to provide bathing facilities, clothing change rooms, and sanitary flush toilet facilities in a location that is convenient for use of the miners. Regulations provide procedures by which an operator may apply for and be granted a waiver.
Slope and Shaft Sinking Plans
On occasion
Businesses or other for-profit and small businesses or organizations
SIC: 111 and 121
40 respondents; 1,600 hours
Requires coal mine operators to submit for approval a plan that will provide for the safety of workmen in each slope or shaft that is commenced or extended. Plans are submitted to the District Manager in whose district the mine is located for approval.
Record of Mine Closure
On occasion
Businesses or other for-profit and small businesses or organizations
SIC: 111 and 121
500 respondents; 1,000 hours
Requires that whenever an underground coal mine operator permanently closes or abandons a coal mine, or temporarily closes a coal mine for a period of 90 days, he shall file with MSHA a copy of the mine map revised and supplemented to the date of closure. Maps are retained in a repository and are made available to mine operators of adjacent properties.

Signed at Washington, D.C. this 20th day of September, 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83–25037 Filed 9–22–83; 8:45 am]

BILLING CODE 4510–43–M

Employment and Training Administration

Federal-State Unemployment Compensation Program; Extended Benefits; "Rounding Down"

Section 191 of Pub. L. 97–248, which was enacted on September 3, 1982, amended section 204(a)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 (EUCA). That amendment provides that States that do not provide for a benefit structure under which benefits are "rounded down" to the next lower multiple of one dollar will not be entitled to the Federal 50 percent reimbursement of sharable regular and sharable extended compensation on the amount by which the benefits exceed the lower dollar amount. The provision will apply in the case of compensation paid to individuals during eligibility periods beginning on or after October 1, 1983. Thus, if any State law provision relating to its benefit structure permits a fractional weekly benefit amount, or permits the raising to the next full dollar of a fractional weekly unemployment benefit amount, such a State would bear 100 percent of the benefit costs for the fractional amount or dollar amount raised.

However, section 191(b)(2) of Pub. L. 97–248 specifies that the Secretary of Labor may extend the October 1, 1983 effective date in the case of States that he determines will require legislative action to eliminate provisions in their State laws for "rounding up" of weekly unemployment benefit amounts.

Specifically, section 191(b)(2) of Pub. L. 97–248 provides that:

(2) In the case of a State with respect to which the Secretary of Labor has determined that State legislation is required in order to provide for rounding down of unemployment compensation amounts, the amendment made by this section shall apply in the case of compensation paid to individuals during eligibility periods which begin on or after October 1, 1983, and after the end of the first session of the State legislature which begins after the date of enactment of this Act, or which began prior to the date of enactment of this Act and remained in session for at least twenty-five calendar days after such date of enactment. For purposes of the preceding sentence, the term "session" means a regular, special, budget, or other session of a State legislature. (The date of enactment was September 3, 1982).

On the basis of responses received from those States acknowledging that legislative action is necessary to provide for the "rounding down" of weekly unemployment benefit amounts in their law, it is hereby determined pursuant to the provisions in section 191(b)(2) of Pub. L. 97–248 that legislative action will be required in the following States to provide for "rounding down" weekly unemployment benefit amounts:

Alabama	Montana
Alaska	Nebraska
Arizona	Nevada
Arkansas	New Hampshire
Colorado	New Jersey
Connecticut	New Mexico
Delaware	North Carolina
Florida	North Dakota
Georgia	Oklahoma
Hawaii	Oregon
Idaho	Puerto Rico
Illinois	Rhode Island
Indiana	South Carolina
Iowa	South Dakota
Kansas	Tennessee
Kentucky	Texas
Louisiana	Utah
Maine	Vermont
Maryland	Virginia
Massachusetts	Virgin Islands
Minnesota	Washington
Mississippi	West Virginia
Missouri	Wyoming

Further, on the basis of responses received from the other seven States, and information they provided regarding the dates their legislatures were in session, it is hereby determined pursuant to the same provisions in section 191(b)(2) of Pub. L. 97–248 that these States will also require legislative action. Those States are:

California	New York
District of Columbia	Pennsylvania
Ohio	Wisconsin
Michigan	

Since the State legislatures of those States were in session prior to September 3, 1982, remained in session thereafter for at least twenty-five calendar days, and the legislative session in each State ended prior to October 1, 1983, those States will be subject to the October 1, 1983 effective date.

If any State fails to amend its law within the time prescribed in section 191(b)(2), then the provisions in section 204(a)(2)(D), EUCA, will take effect in such State with respect to individuals whose eligibility periods begin on or after October 1, 1983, and after the end of the first legislative session which began after September 3, 1982, if the State legislature was not in session on September 3, 1982 and remained in session thereafter for twenty-five calendar days or longer.

Signed at Washington, D.C., on September 15, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-26036 Filed 9-22-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-14, 125]

Worker Adjustment Assistance; Ford Motor Co., Tractor Operations Division, Birmingham Supply Depot; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 13, 1982, which was filed by the United Automobile, Aerospace and Agricultural Implement Workers of America on behalf of workers at the Birmingham Supply Depot, Troy, Michigan of the Tractor Operations Division of Ford Motor Company.

No public hearing was requested and none was held.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-14, 124). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, D.C. this 16th day of September 1983.

Marvin M. Fooks,

Director, Trade Adjustment Assistance.

[FR Doc. 83-25923 Filed 9-23-83; 8:45 am]

BILLING CODE 4510-30-M

Job Corps Center; C. Howard Marcy State Hospital, Pittsburgh, Pennsylvania; Determination of No Significant Environmental Impact

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor has determined under the National Environmental Policy Act that the establishment of a Job Corps center at the former C. Howard Marcy State Hospital site does not constitute a major Federal action significantly affecting the environment.

FOR FURTHER INFORMATION CONTACT: Mr. Peter E. Rell, Director, Office of Job Corps, Room 6000, Patrick Henry Building, 601 D Street, NW., Washington, D.C. 20213. Telephone: (202) 376-2646.

SUPPLEMENTARY INFORMATION: Part B of Title IV of the Job Training Partnership Act 29 U.S.C. 1691 *et seq.*, directs the Secretary of Labor (Secretary) to establish Job Corps centers to provide occupational training to disadvantaged youths ages 14 through 21. The Secretary has issued regulations published at 20 CFR Part 684, implementing Title IV of JTPA. Pursuant to his authority, the Secretary is planning to relocate a Job Corps center provided an agreement can be reached on acquisition of the facilities.

Pursuant to the Council Environmental Quality regulations at 40 CFR Parts 1500 *et seq.*, and the Department of Labor regulations at 29 CFR Chapter II, the Department of Labor (DOL) conducted an environmental assessment as part of a site utilization study of the Center. DOL has determined that preparation of an environmental impact statement is not required, since the establishment of this Job Corps center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40 CFR 1508.14. The proposed Job Corps Center will be a training center with residential, nonresidential and educational facilities for approximately 340 disadvantaged youth, men and women, ages 16 through 21, who need and can benefit from intensive employment-related services.

The function of the center and the staff of approximately 110 will be to provide skill training in selected vocational courses and continuing and/or remedial education in academic subjects.

The proposed use of the facility is intended for essentially the same purpose as used by the previous occupant, specifically, residential living, rehabilitation, and education.

The center will be a self-contained facility located approximately 10 miles from the Pittsburgh business district and is bounded on the east and south by Leach Farm Road, on the west by Washington Boulevard, and on the north by a juvenile detention center and a Veterans' Hospital. The site surveyed for use by Job Corps consists of 16 buildings on 98.9 acres of land.

Water and sanitary services are provided by the City of Pittsburgh and the Allegheny County Water Authority, respectively. Electric power is supplied by the Duquesne Light Company of Pittsburgh. Natural gas is provided by the Equitable Gas Company. With regard to fire protection, there are three fire hydrants strategically located on the site. The nearest fire department is located within 3 miles of the site, with an estimated response time of ten minutes. No construction will be required.

The proposed Job Corps center will be operated in compliance with the Job Corps Environment Standards published at 20 CFR 684.125, and with applicable Federal, State and local regulations concerning environmental health.

The proposed Job Corps Center will comply with the water quality and related standards of the State and local governments, and with the standards established pursuant to the Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.*, with Executive Order 11752, and with regulations and guidelines of the United States Environmental Protection Agency.

The center installation will be designed, operated, and maintained so as to conform to Federal air quality standards, including those found in Executive Order 11752 and 40 CFR Part 86.

My determination is that the establishment and operation of the Center will have no adverse impact upon traffic, transportation systems, pedestrian or vehicular congestion, police protection services, fire protection services, public safety, legal services, or upon the aesthetics or residential quality of the nearby area. I further determine that the establishment and operation of the Center will have no adverse effects upon ecological systems, population distribution, air or water pollution. Municipal services, or health or life support systems. Accordingly, I hereby determine that the establishment of such Job Corps Center will not have a significant adverse impact upon the quality of the human environment of the nearby area, or the greater Pittsburgh community.

The Job Corps Center will be operated with the pass-leave procedures required by Job Corps regulations and operational procedures. I find that in light of the enrollment level and utilization of the pass-leave procedures, that congestion in the area will not increase.

There will be no material impact upon transportation or traffic within the area.

It is further determined that the establishment and operation of the Center is not likely to have a significant

adverse impact upon use of police services or the public safety. Adequate provisions are planned to carefully screen prospective enrollees so as to minimize the possibility of disciplinary problems, or problems with possible Center related public safety.

Adequate security personnel and protection will be provided at the Pittsburgh Job Corps center in accordance with Job Corps' operating procedrues and regulations.

I further find that fire protection services in the area will not be adversely affected and that systems in the facilities will be upgraded to further reduce risk of fire from the present risk level.

Additionaly, local health services will not be adversely affected because basic dental, medical, and other health-related services will be provided on site with Job Corps own facilities and personnel.

In conclusion, it is my determination, after careful review and consideration of the nature of the Job Corps proposed action, in light of the Job Corps's purposes, objectives, and operational procedures, that the impact upon the surrounding community of the establishment of the Center at the site will not be significant.

It is my careful determination that the environmental assessment conducted by the Department of Labor pursuant to 40 CFR Parts 1500 *et seq.*, clearly indicates that preparation of an environmental impact statement is not required, because the establishment of the Job Corps Center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40 CFR 1508.14.

Signed at Washington, D.C. this 2nd day of June, 1983.

Peter E. Rell,

Director, Office of Job Corps.

[FR Doc. 83-25024 Filed 9-22-83; 8:45 am]

BILLING CODE 4510-30-M

Job Corps Center; Joliet East Township High School, Joliet, Illinois; Determination of No Significant Environmental Impact

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor has determined under the National Environmental Policy Act that the establishment of a Job Corps center at the former Joliet East Township High School site does not constitute a major Federal action significantly affecting the environment.

FOR FURTHER INFORMATION CONTACT: Mr. Peter E. Rell, Director, Office of Job Corps, Room 6434, Patrick Henry Building, 601 D Street, NW., Washington, D.C. 20213. Telephone: (202) 376-2646.

SUPPLEMENTARY INFORMATION: Part B of Title IV of the Job Training Partnership Act, 29 U.S.C. 1691 *et seq.*, directs the Secretary of Labor (Secretary) to establish Job Corps centers to provide occupational training to disadvantaged youth ages 14 through 21. The Secretary has issued regulations published at 20 CFR Part 684, implementing Title IV of JTPA. Pursuant to his authority, the Secretary is planning to relocate a Job Corps center provided an agreement can be reached on acquisition of the facilities.

Pursuant to the Council Environmental Quality regulations at 40 CFR Parts 1500 *et seq.*, and the Department of Labor (DOL) conducted an environmental assessment as part of a site utilization study of the Center. DOL has determined that preparation of an environmental impact statement is not required, since the establishment of this Job Corps center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40 CFR 1508.14. The proposed Job Corps Center will be a training center with residential, nonresidential and educational facilities for approximately 400 disadvantaged youth, men and women, ages 16 through 21, who need and can benefit from intensive employment-related services.

The function of the center and the staff of approximately 130 will be to provide skill training in selected vocational courses and continuing and/or remedial education in academic subjects.

The proposed use of the facility is intended as a residential living and training center.

The center will be a self-contained facility located on Mills Road, approximately 2 miles southeast of Joliet, Illinois. The site is located within the Joliet Township Will County, Illinois. The site surveyed for use by Job Corps consists of 4 buildings on 57 acres of land.

Water and sanitary services are provided by the City of Joliet. Electrical power is supplied by the Commonwealth Edison Electric Company. Natural Gas is provided by the Northern Illinois Gas Company. With regard to fire protection, there are 8 fire hydrants connected to an 8" water loop which enters the site from Mills Road and encircles the complex. The Joliet Fire Department serves the area and is located approximatley 1½ miles from the site, with an estimated response time of five minutes. No construction will be required.

The proposed Job Corps center will be operated in compliance with the Job Corps Environmental Standards published at 20 CFR 684.125, and with applicable Federal, State and local regulations concerning environmental health.

The proposed Job Corps center will comply with the water quality and related standards of the State and local Governments, and with the standards established pursuant to the Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.*, with Executive Order 11752, and with regulations and guidelines of the United States Environmental Protection Agency.

The center installation will be designed, operated, and maintained so as to conform to Federal air quality standards, including those found in Executive Order 11752 and 40 CFR Part 86.

My determination is that establishment and operation of the Center will have no adverse impact upon traffic, transportation system, pedestrian or vehicular congestion, police protection systems, fire protection services, public safety, legal services,or upon the aesthetics or residential quality of the nearby area. I further determine that the establishment and operation of the Center will have no adverse effects upon ecological systems, population distribution, air or water pollution, municipal services, or health or life support systems. Accordingly, I hereby determine that the establishment of such Job Corps center will not have a significant adverse impact upon the quality of the human environment of the nearby area, or the greater Joliet community.

The Job Corps Center will be operated with the pass-leave procedures required by Job Corps regulations and operational procedures. I find that in light of the enrollment level and utilization of the pass-leave procedures, that congestion in the area will not increase.

There will be no material impact upon transportation or traffic within the area.

It is further determined that the establishment and operation of the Center is not likely to have a significant adverse impact upon use of police services or the public safety. Adequate provisions are planned to carefully screen prospective enrollees so as to minimize the possibility of disciplinary

problems, or problems with possible Center related public safety.

Adequate security personnel and protection will be provided at the Joliet Job Corps Center in accordance with Job Corp's operating procedures and regulations.

I further find that fire protection services in the area will not be adversely affected and that systems in the facilities will be upgraded if required to further reduce risk of fire from the present risk level.

Additionaly, local health services will not be adversely affected because basic dental, medical, and other health-related services will be provided on site with Job Corps own facilities and personnel.

In conclusion, it is my determination, after careful review and consideration of the nature of the Job Corps proposed action, in light of the Job Corps' purposes, objectives, and operational procedures, that the impact upon the surrounding community of the establishment of the Center at the site will not be significant.

It is my careful determination that the environmental assessment conducted by the Department of Labor pursuant to 40 CFR Parts 1500 *et seq.*, clearly indicates that preparation of an environmental impact statement is not required, because the establishment of the Job Corps Center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40 CFR 1508.14.

Signed at Washinton, D.C., this 16th day of September, 1983.

Peter E. Rell,

Director, Officer of Job Corps.

[FR Doc. 83-25925 Filed 9-22-83; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

Petitions for Mandatory Safety Standard Modification; Summary of Affirmative Decisions

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Notice of affirmative decisions issued by the Administrators for Coal Mine Safety and Health and Metal and Nonmetal Mine Safety and Health on petitions for modification of the application of mandatory safety standards.

SUMMARY: Under Section 101(c) of the Federal Mine Safety and Health Act of 1977, the Secretary of Labor may modify the application of a mandatory safety standard to a mine if the Secretary determines either or both of the following: that an alternate method exists at the petitioner's mine that will guarantee no less protection for the miners affected than that provided by the standard, or that the application of the standard to the petitioner's mine will result in a diminution of safety to the affected miners.

Summaries of petitions received by the Secretary appear periodically in the **Federal Register.** Final decisions on these petitions are based upon the petitioner's statement, comments and information submitted by interested persons and a field investigation of the conditions at the petitioner's mine. The Secretary has granted or partially granted the requests for modification submitted by the petitioners listed below. In some instances the decisions are conditioned upon the petitioner's compliance with stipulations stated in the decision.

FOR FURTHER INFORMATION CONTACT: The petitions and copies of the final decisions are available for examination by the public in the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Dated: September 15, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

AFFIRMATIVE DECISIONS ON PETITIONS FOR MODIFICATION

Docket No.	FR Notice	Petitioner	Regulations Affected	Summary of Findings
M-81-239-C	47 FR 6505	Ranger Fuel Corp.	30 CFR 75.1101-10	Installation of an automatic fire detection system on the underground belt conveyors with specified safeguards considered acceptable alternate method of compliance. Granted with conditions.
M-82-023-C	47 FR 13434	Peabody Coal Company	30 CFR 75.305	Due to adverse roof conditions, petitioner's proposal to establish and maintain specified air monitoring stations considered acceptable alternate method. Granted with conditions.
M-82-039-C	47 FR 30328	Van Mulvehill Coal Company, Inc.	30 CFR 75.1405	Use of coupling link between cars that is free to move vertically over a wide range of track variations with specified conditions considered acceptable alternate method. Granted with conditions.
M-82-040-C	47 FR 22241	Brown Badgett Coal Company, Inc.	30 CFR 75.1710	Use of cabs and canopies in specified low mining heights would result in a diminution of safety for the miners affected. Granted with conditions.
M-82-051-C	47 FR 24484	The New River Company	30 CFR 75.1710	Use of cabs or canopies in specified low mining heights would result in a diminution of safety for the miners affected. Granted with conditions.
M-82-052-C	47 FR 35368	Eastern Associated Coal Corp.	30 CFR 75.305	Petitioner's proposal to examine newly developed portions of the return airways of each section in their entirety on a weekly basis and monitor the Buzzard Creek fan for methane content considered an acceptable alternate method of compliance. Granted with conditions.
M-82-062-C	47 FR 30325	Clinchfield Coal Company	30 CFR 75.1710	Use of cabs or canopies on specified equipment in specified low mining heights would result in a diminution of safety for the miners affected. Granted in part with conditions.
M-82-069-C	47 FR 35369	Tuscaloosa Energy Corp.	30 CFR 75.1710	Use of cabs or canopies on the mine's electric face equipment in specified low mining heights would result in a diminution of safety. Granted with conditions.
M-82-076-C	47 FR 49117	Consolidation Coal Company	30 CFR 75.1105	Enclosing electrical installations in fireproof structures equipped with automatic fire suppression devices and specified safeguards considered acceptable alternate method. Granted with conditions.
M-82-077-C	47 FR 47484	Hard and Shiney Coal Company, Inc.	30 CFR 75.301	Proposed airflow reduction in petitioner's mine, which would maintain a safe and healthful atmosphere, considered acceptable alternate method of ventilation. Granted with conditions.
M-82-060-C	47 FR 50376	Kenellis Energies, Inc.	30 CFR 75.503	Metal locking devices, consisting of a fabricated metal bracket and a metal locking device, considered acceptable alternate method to padlocks for securing battery plugs to machine mounted battery receptacles on permissible, mobile, battery-powered machines. Granted with conditions.
M-82-062-C	47 FR 49118	Union Carbide Corporation	30 CFR 75.1105	Housing electrical equipment in a fireproof structure with specified safeguards considered acceptable alternate method of compliance. Granted with conditions.
M-82-065-C	47 FR 47483	Bethlehem Mines Corporation	30 CFR 75.1719	Installation of wire mesh with the longwall lighting system in use would result in a diminution of safety. Granted with conditions.
M-82-068-C	47 FR 56072	The New River Company	30 CFR 75.305	Due to deteriorating roof conditions, petitioner's proposal to establish three checkpoint stations at specified underground locations and one measuring station on the surface considered acceptable alternate method. Granted with conditions.
M-82-119-C	48 FR 96	Jeff Coal Company	30 CFR 75.301	Proposed airflow reduction in petitioner's mine which would maintain a safe and healthful atmosphere considered an acceptable alternate method of compliance. Granted with conditions.

AFFIRMATIVE DECISIONS ON PETITIONS FOR MODIFICATION—Continued

Docket No.	FR Notice	Petitioner	Regulations Affected	Summary of Findings
M-80-067-M	45 FR 61396	Atlas Minerals	30 CFR 57.4-61A	Installation of fire ventilation doors at petitioner's mine would result in a diminution of safety. Petitioner's current fire prevention methods considered acceptable alternate method. Granted with conditions.
M-80-102-M	45 FR 74095	Pea Ridge Iron Ore Company	30 CFR 57.4-61B	Proposal to shut down the main level fan in the event of a fire to divert air flow directly to the upcast mine exhaust shaft through the exhaust fan with specified safeguards considered acceptable alternate method of compliance. Granted with conditions.
M-80-185-M	45 FR 238	Sunshine Mining Company	30 CFR 57.19-70	Use of doors on hoisting conveyance used during shaft repair work would result in a diminution of safety for the miners affected. Granted with conditions.
M-80-112-M	45 FR 31726	The Bunker Hill Company	30 CFR 57.11-59	Petitioner's proposal to supply its hoist operators a specified air breathing system in lieu of providing a respirable atmosphere independent of the mine atmosphere considered acceptable alternate method of compliance. Granted with conditions.
M-81-001-M	46 FR 12584	Sunshine Mining Company	30 CFR 57.11-59	Use of air masks that attach to compressed air tanks considered acceptable alternate to providing underground hoist operator with respirable atmosphere independent of mine atmosphere. Granted with conditions.
M-81-006-M	46 FR 15002	J. S. Redpath Corp.	30 CFR 57.19-22	Use of the manufacturer's design of the winch drums with specified conditions considered acceptable alternate method of compliance. Granted with conditions.
M-81-008-M	46 FR 13862	St. Joe Minerals Corporation	30 CFR 57.4-61B	Petitioner's proposal to reverse air flow direction by primary fans at each mine considered alternate to installing fire doors in each opening of the underground shops. Granted with specific conditions for each mine.
M-81-021-M	46 FR 30800	Noranda Mining, Inc.	30 CFR 57.19-125	Petitioner's proposal to use a reel-type flat hoist rope without cutting off lengths at the drum considered acceptable alternate method. Granted with conditions.
M-81-028-M	46 FR 49230	American Gilsonite Co.	30 CFR 57.4-61A	Petitioner's specified mining practices considered acceptable alternative to installing fire ventilation doors. Granted with conditions.
M-81-30-M	46 FR 42545	Magma Copper Company	30 CFR 57.19-22	Use of the hoist manufacturer's method of fastening large ropes considered acceptable alternate method of compliance. Granted with conditions.
M-81-035-M	46 FR 46430	Union Carbide Corporation	30 CFR 57.4-61A	Construction and maintenance of refuge areas with specified safeguards and procedures considered acceptable alternate method of compliance. Granted with conditions.
M-81-073-M	47 FR 7868	Homestake Mining Company	30 CFR 57.11-59	Use of self-contained breathing apparatus presently installed at the mine's three underground hoists considered acceptable alternate method. Granted with conditions.
M-82-002-M	47 FR 8897	Morton-Norwich Products, Inc.	30 CFR 57.4-61A	Installation of ventilation doors in this single-level mine would result in a diminution of safety for the miners affected. Granted with specific conditions.

[FR Doc. 83-25927 Filed 9-22-83; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-83-78-C]

Petition for Mandatory Safety Standard Modification; Alabama By-Products Corp.

Alabama By-Products Corporation, P.O. Box 10248, Birmingham, Alabama 35202 has filed a petition to modify the application of 30 CFR 75.1103-4(a) (automatic fire sensor and warning device systems; installation; minimum requirements) to its Mary Lee No. 1 Mine (I.D. No. 01-00515) located in Walker County, Alabama. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that automatic fire sensor and warning device systems shall provide identification of fire within each belt flight (each belt unit operated by a belt drive).

2. Sections of the mine are advanced by driving five to seven entries abreast. One or two entries are used as intake aircourses and one or two are used as return aircourses. Two or three entries are neutral aircourses which are separated from the intake and return aircourses by permanent stoppings. One of the neutral aircourses will always double as a belt and track entry. Power of equipment on the track haulageway is generated from the electric trolley systems. There are currently five air shafts—three are intakes and two are returns. Each shaft measures 20 feet in diameter. A fan is used to draw air through each of the return air shafts. In addition to the air shafts, there is one slope entry approximately 21 feet wide and 8 feet high. The coal seam currently averages 51 inches in height.

3. As an alternate method, petitioner proposes to install low-level carbon monoxide (CO) detectors capable of detecting CO at a level of 1 ppm or less with an accuracy of plus or minus 1% of the full scale CO indication. These monitors will be positioned to monitor the air traveling in the belt haulage entry and provide alarm at a staffed location when CO exceeds 10 ppm above the ambient level. These monitors will be spaced as follows: a. In a velocity of less than 50 fpm, no monitor will be used;

b. In a velocity of 50 to 200 fpm, monitors will be spaced no more than 2,000 feet apart; and

c. In a velocity of 200 fpm, monitors will be spaced no more than 3,000 feet apart.

4. In addition, monitors will be visually checked once each working day and calibrated with a known concentration of CO at least once each 30 days and the results recorded in a book maintained on the surface. Heat sensors will remain at belt drives as required by § 75.1101. Petitioner will continue to isolate the belt entries which are used as intake entries from other intake and return entries with continuous permanent-type stoppings, and continue to provide an escapeway ventilated with intake air and effectively separated from the belt and track entries.

5. Petitioner states that the alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 24, 1983. Copies of the petition are available for inspection at that address.

Dated: September 15, 1983.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-25928 Filed 9-22-83; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-83-80-C]

Petition for Mandatory Safety Standard Modification; Donna Kay Coal Company, Inc.

Donna Kay Coal Company, Inc., P.O. Box 536, Neon, Kentucky 41840 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 7 Mine (I.D. No. 15-08476) located in Letcher County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. Petitioner states that the use of cabs or canopies on the mine's cutting machine, roof bolter, loader, shuttle cars and scoops would result in a diminution of safety for the miners affected because the coal bed height would cause the canopy to restrict the equipment operator's visibility, increasing the chances of an accident. The canopy could also strike and dislodge roof supports, creating the danger of a roof fall.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 24, 1983. Copies of the petition are available for inspection at that address.

Dated: September 15, 1983.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-25930 Filed 9-22-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-70-C]

Petition for Mandatory Safety Standard Modification; Kitt Energy Corp.

Kitt Energy Corporation, 455 Race Track Road, P.O. Box 500, Meadow Lands, Pennsylvania 15347 has filed a petition to modify the application of 30 CFR 75.110-2(b) (quantity and location of firefighting equipment) to its Kitt No. 1 Mine (I.D. No. 46-04168) located in Barbour County, West Virgnia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that waterlines be installed parallel to the entire length of belt conveyors and equipped with firehose outlets with valves at 300-foot intervals along each belt conveyor and at tailpieces; that at least 500 feet of firehose with fittings suitable for connections with each belt conveyor waterline system be stored at strategic locations along the belt conveyor; and that waterlines may be installed in entries adjacent to the conveyor entry belt as long as the outlets project in the belt conveyor entry.

2. The mine has a 4-inch aluminum waterline installed parallel to the entire length of the 1,855-foot slope belt conveyor, providing potential service only to the slope belt conveyor system. This waterline is pressurized at all times throughout the year, and, unless the system would be used for an actual fire or functional testing, the water in this line is at a continuous zero flow rate (water is not flowing but under pressure). This waterline is continuously subject to freezing and bursting because of its close proximity to the surface.

3. As an alternate method, petitioner proposes to keep this waterline dry. Along the slope belt conveyor, petitioner proposes to:

a. Place firehose outlets at 300-foot or less intervals;

b. Store at least 500 feet of firehose with fittings suitable for connection at strategic locations;

c. Install an automatic fire sensor and warning device system which provides both audible and visual signals to the assistant mine foreman's office, where mine personnel will be on duty while persons are underground. A mine telephone or equivalent system will be installed to communicate underground. Heat-point fire sensors will be installed above the elevation of the top belt as less than 50-foot intervals, and will activate the warning device system at 135 degrees Fahrenheit (F). An electric valve arangement, connected to the point-type fire sensors, will also activate at 135 degrees F, pressurizing the 4-inch pipeline with water. The electric valve will be installed at the main control located fifty feet outby the slope pit mouth.

4. In addition, petitioner states that:

a. All persons assigned to work in the area will be trained by a qualified person in the location, function, and use of the electric valve to pressurize the dry pipeline system;

b. the automatic fire sensor and warning device system will be inspected weekly by a certified electrician and a functional test of the complete system will be conducted at least once annually. Records of the inspections and tests will be kept in a log book specifically for that purpose;

c. The conveyor belt will be of approved flame resistant belting and protected by slippage control and sequence switches and a systematic program for cleanup along the belt conveyor will be in effect; and

d. A certified person will, within three hours before a production shift and before any person in such shift enters the underground area of the slope belt, make an examination of the entire length of the slope belt conveyor entry.

5. Petitioner states that the alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 24, 1983. Copies of the petition are available for inspection at that address.

Dated: September 15, 1983.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-25928 Filed 9-22-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-73-C]

Petition for Mandatory Safety Standard Modification; Mears Coal Co.

Mears Coal Company, Box 188, Dixonville, Pennsylvania 15734 has filed a petition to modify the application of 30 CFR 75.1100-2(e)(2) (quantity and location of firefighting equipment) to its Chestnut Ridge Mine (I.D. No. 36-01329), Dixon Run No. 3 Mine (I.D. No. 36-01359) and Penn Hill No. 2 Mine (I.D. No. 36-00921), all located in Indiana County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that one portable fire extinguisher and 240 pounds of rock dust be provided at each temporary electrical installation.

2. As an alternate method, petitioner proposes to provide two portable fire extinguishers or one extinguisher that has at least twice the minimum capacity at each temporary electrical installation.

3. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standards.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 24, 1983. Copies of the petition are available for inspection at that address.

Dated: September 15, 1983.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-25829 Filed 9-22-83; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Federal Advisory Council on Occupational Safety and Health; Meeting

Notice is hereby given that the Federal Advisory Council on Occupational Safety and Health, established under Section 1-5 of Executive Order 12196 of February 26, 1980, published in the **Federal Register** February 27, 1980 (45 FR 12769), will meet on October 12, 1983 starting at 10:00 AM in Rooms N3437 A,B,C,D of the Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. The meeting will be open to the public.

The agenda provides for:

I. Call to Order
II. Approval of Minutes of January 12, 1983 Meeting
III. Announcements
  A. FACOSH Appointments and Reappointments
  B. President's Safety and Health Award Winners
  C. Field Council Achievement Award Winners
IV. Services of NIOSH
V. Federal Agency Targeting Program
VI. Proposed Change to Articles of Organization
VII. Committee Reports
  A. Interdisciplinary Committee on Fleet Safety
  B. Interdisciplinary Committee on Hazard Abatement
VIII. New Business
IX. Adjournment

The Council welcomes written data, views or comments concerning safety and health programs for Federal employees, including comments on the agenda items. All such submissions received by close of business October 7, 1983, will be provided to the members of the Council and included in the record of the meeting.

The Council will consider oral presentations relating to agenda items. Persons wishing to orally address the Council at the meeting should submit a written request to be heard by close of business October 7, 1983. The request must include the name and address of the person wishing to appear, the capacity in which appearance will be made, a short summary of the intended presentation and an estimate of the amount of time needed.

All communications regarding this Advisory Council should be addressed to John E. Plummer, Director, Office of Federal Agency Programs, Department of Labor, OSHA, Frances Perkins Building, 200 Constitution Avenue, NW., Room N3613, Washington, D.C. 20210, telephone (202) 523-6021.

Signed at Washington, D.C. this 20th day of September, 1983.

Thorne G. Auchter,

Assistant Secretary.

[FR Doc. 83-26035 Filed 9-22-83; 8:45 am]

BILLING CODE 4510-26-M

Oregon State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the **Federal Register** (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision. The Notice of Approval of Revised Development Schedule was further published on April 1, 1974 in the **Federal Register.**

The Oregon plan provides for the adoption of Federal standards as State standards after comments and/or public hearing. Section 1952.108 of Subpart D sets forth the State's schedule for the adoption of Federal standards.

By letter dated August 24, 1982 from Darrel D. Douglas, Administrator, Accident Prevention Division, Workers' Compensation Department, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted a standard amendment identical to 29 CFR 1910.263(h)(7) as published in the **Federal Register** (36 FR 10466) on May 29, 1971.

This standard, which is contained in OAR 437-77-115(1), Oregon Occupational Safety and Health Code, was originally promulgated by the State after a notice was published in the Secretary of State's Administrative Rules Bulletin on June 1, 1982 pursuant to ORS Chapter 183.335. No written comments or requests for a public hearing were received. The Oregon amendment to the Bakery Equipment Standard was adopted July 9, 1982 and became effective August 15, 1982.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standard, it has been determined that the State standard continues to be identical to the Federal standard.

3. *Location of supplement for inspection and copying.* A copy of the standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Workers' Compensation Department, Labor and Industries Building, Salem, Oregon 97310; and the Office of State Programs, Room N-3613, Department of Labor Building, 200 Constitution Avenue NW, Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon plan as a proposed change and making the Regional Administrator's

approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective September 23, 1983.

[Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)]

Signed at Seattle, Washington this 8th day of September 1983.

James W. Lake,

Regional Administrator.

[FR Doc. 83-26038 Filed 9-22-83; 8:45 am]

BILLING CODE 4510-26-M

Pension and Welfare Benefit Programs Office

Employee Benefit Plans; Prohibited Transaction Exemptions; Control Data Retirement Plan, et al.

Summary: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have compiled with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

[Prohibited Transaction Exemption 83-149; Exemption Application No. D-3195]

Control Data Retirement Plan (the Plan) Located in Minneapolis, Minnesota

Exemption

The restrictions of section 406(a)(1)(A) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) of the Code, shall not apply to the put option given to the Plan by Control Data Corporation (CDC), the Plan sponsor, provided that the Plan receives no less than fair market value for each sale of MSCF stock pursuant to the put option.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on May 18, 1982 at 47 FR 21347.

Written Comments and Hearing Requests

The Department received 29 public comments and three requests for a hearing. The three commentators requesting a hearing raised no specific objection to the proposed exemption. The Department was unable to contact two of the three commentators requesting a hearing. One of the commentators did not provide the Department with an address or telephone number. The other commentator provided no telephone number and only a city and state for an address. The Department attempted, without success, to communicate with this person. The Department did contact the third commentator by telephone. This commentator offered no specific objection to the proposed exemption. In addition, since the Department is not granting any relief from section 406(b) of the Act (discussed below), there is no requirement under ERISA Procedure 75-1 that the Department provide the opportunity for a hearing. Therefore, the Department has determined that it would not be appropriate to hold a hearing regarding the proposed exemption.

Of the 29 comments, two were in favor of the granting of the exemption as proposed. The remaining 27 comments were opposed to the granting of the proposed exemption. The objections to the proposed exemption fell into two general categories.

The majority of the commentators stated that the proposed Plan investment in the Minnesota Seed Capital Fund (MSCF) was highly speculative in nature. In response, the applicant's representative stated that screening procedures used by MSCF assure that: (1) An investment prospect has a viable, innovative product or service; (2) the business has sufficient managerial and production capabilities; (3) the business has sufficient operating capital; and (4) a sound business plan has been established. In addition, the applicant's representative emphasized that a maximum of one percent of Plan assets may be invested in MSCF. Also, if the Plan wanted to sell its MSCF stock, and no MSCF shareholder purchased it pursuant to a right of first refusal given all shareholders at the stock's net book value (CDC and Mr. William Norris, chairman of the board of directors of MSCF and chief executive officer and chairman of the board of directors of CDC, have agreed to waive this right), CDC has agreed to a put option whereby CDC will purchase the stock at a price representing the greater of the stock's net book value or fair market value.

A second objection of the commentators was that the Plan's investment in MSCF would enhance the value of the MSCF stock held by CDC and Mr. Norris. The applicant's representative stated that any benefit to CDC and Mr. Norris would be indirect and could result in actual economic return only if CDC or Mr. Norris were to sell their MSCF stock for an amount greater than the $40 per share that all shareholders have paid. Additionally, as stated above, in the event the Plan decided to sell the MSCF stock, neither CDC nor Mr. Norris would be eligible to exercise a right of first refusal at the stock's net book value, which is given to all MSCF shareholders.

The notice of pendency had proposed relief from the provisions of section 406(a) and 406(b) (1) and (2) of the Act for purchases of MSCF stock by the Pla from MSCF up to one percent of Plan

assets and for the put option given the Plan by CDC. As the Plan's trustee and therefore a fiduciary under section 3(21)(A) of the Act, Northwestern National Bank of Minneapolis (Northwestern) may not lawfully excercise the authority, control or responsibility which makes it a fiduciary when it has an interest which may affect the excercise of its best judgement as a fiduciary. Nothing in the record that has been developed, including the above-described comments, has revealed any information that Northwestern has such an interest in the transactions described herein. Furthermore, it is the Department's view that the Plan's investment in MSCF, an entity in which CDC and Mr. Norris have an interest does not, in and of itself, constitute a violation of section 406(a)(1)(D) or 406(b)(1) and (2). If a Plan fiduciary engages in any self-dealing or represents a party whose interests are adverse to the Plan's, or if the Plan's purchase of MSCF stock is designed to benefit a party in interest, such transaction would constitute separate violations for which the Department has determined, after reviewing the record and the comments, that it would not grant relief under section 406(a)(1)(D), 406(b)(1) or (2). A determination of whether a violation of section 406(a)(1)(D) or 406(b)(1) and (2) would occur generally depends on the facts and circumstances of each case.

Therefore, the Department has concluded, after carefully examining the record and expecially the above-described comments, that exemptive relief for the requested transactions shall be limited to section 406(a)(1)(A) of the Act. In this regard, the Department notes that by limiting the exemptive relief to section 406(a)(1)(A), no exemption is provided for any use of Plan assets that is designed to benefit a party in interest. In addition, by so limiting the exemptive relief, there is no need to provide an exemption for the Plan's purchases of MSCF stock from MSCF, since MSCF is not a party in interest with respect to the Plan under section 3(14) of the Act and, therefore, such purchases would not constitute a sale or exchange between the Plan and a party in interest. The Department has further concluded that the transaction for which exemptive relief is being granted satisfies the statutory criteria of section 408(a) of the Act. Therefore, the Department has concluded that the exemption will be granted as described herein.

For Further Information Contact: Mr. Robert Sandler of the Department, telephone (202) 523-8195. (This is not a toll-free number.)

Crenshaw, Dupree and Milam Self-Employed Retirement Plan and Trust (the Plan) Located in Lubbock, Texas

[Prohibited Transaction Exemption 83-150; Exemption Application No. D-3953]

Exemption

The restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the past loan of $34,331 (the Loan) by the Plan to Crenshaw, Dupree and Milam, provided the terms of the Loan are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on July 22, 1983 at 48 FR 33564.

Effective date: This exemption is effective November 30, 1982.

For Further Information Contact: Ms. Linda M. Hamilton of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Woman's Clinic, P.A. Profit Sharing Plan (the Plan) located in Spartanburg, South Carolina

[Prohibited Transaction Exemption 83-151; Exemption Application No. D-4018]

Exemption

The restrictions of section 406(a) 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the cash sale for $114,100 of certain real property (the Real Property) by the Plan to woman's clinic, P.A., provided this amount is not less than the fair market value fo the Real Property at the time the transaction is consummated.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on July 22, 1983 at 48 FR 33567.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Profit Sharing Plan for the Employees of Frederick F. Hardin, M.D., P.C. (the P/S Plan) and the Frederick F. Hardin, M.D., P.C. Money Purchase Pension Plan (the M/P Plan) Located in Atlanta, Georgia

[Prohibited Transaction Exemption 83-152; Exemption Application No. D-4073]

Exemption

The restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to (1) the purchase of a promissory note (Note I) from Frederick F. Hardin, M.D., a party in interest with respect to the P/S Plan, by his individual account under the P/S Plan for a purchase price equal to the lesser of (a) the fair market value of Note I on the date of the purchase, or (b) 25% of the fair market value of Dr. Hardin's account under the P/S Plan on the date of the purchase; and (2) the purchase of a half interest in another promissory note (Note II) from Dr. Hardin by his individual account under the M/P Plan for a purchase price equal to the lesser of (a) the fair market value of such half interest on the date of the purchase, or (b) 25% of the fair market value of Dr. Hardin's account under the M/P Plan on the date of the purchase.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 12, 1983 at 48 FR 36697.

For Further Information Contact: Mrs. Miriam Freund, of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

[Prohibited Transaction Exemption 83-153; Exemption Application No. D-4368]

Equitable Life Assurance Society of the United States (Equitable) Located in New York City, New York

Exemption

The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to acquisition pursuant to a tender offer (the Offer) of certain notes (the Notes) by Equitable Life Mortgage and Realty Investors, Inc. (New Telmari) from employee benefit plans (the Plans) with respect to which New Telmari or Equitable is a party in interest, or certain related transactions which are entered into in connection with or as a

result of the Offer as described in the notice of pendency, provided that the terms and conditions of the Offer and the related transactions are at least as favorable to the Plans as those which are available to unrelated holders of the Notes.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 12, 1983 at 48 FR 36699.

For Further Information Contact: Richard Small of the Department, telephone (202) 523-7222. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 20th day of September 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 83-26085 Filed 9-22-83; 8:45 am]

BILLING CODE 4510-29-M

Employee Benefit Plans; Prohibited Transaction Exemptions; Proposed Exemptions; Pacific Coast Roofers Pension Plan

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register.** Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Pacific Coast Roofers Pension Plan (the Plan) Located in San Jose, California

[Application No. D-3706]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a)(1)(D) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(D) of the Code, shall not apply to the proposed use of Plan assets for the benefit of contributing employers to the Plan, pursuant to a reroofing loan program to be entered into between the Plan and Union Bank (the Bank).

Summary of Facts and Representations

1. The Plan, which covers workers in the roofing industry, is a multiemployer defined benefit plan established in accordance with section 302(c)(5) of the Labor Management Relations Act of 1947, as amended. The Plan currently has approximately 4,100 participants and approximately $35 million in net assets. The Plan is administered by a board of trustees (the Trustees) with an equal number of Trustees representing labor and management. The Trustees have delegated full investment management authority and responsibility under section 402(c)(3) of the Act to McMorgan & Company (McMorgan) as the Plan's investment manager (as defined in section 3(38) of the Act). McMorgan is an investment

advisor registered with the Securities and Exchange Commission under the Investment Advisers Act of 1940. McMorgan currently has approximately $2 billion in assets of approximately 47 employee benefit plans under management.

2. The Plan proposes to invest $3 million in certificates of deposit issued by the Bank, which has no current relationship with the Plan. McMorgan is authorized to make additional allocations to the program if it determines that such deposits are in the best interests of the Plan. However, such additional deposits, when added to the initial $3 million allocation, will not exceed 10% of the total value of the Plan's assets at the time of any such additional allocation. The Bank will subsequently make loans (the Loans) from its own funds to customers who meet the Bank's normal lending standards for similar loans, to finance residential reroofing jobs, provided the work is done by employers who are required under collective bargaining agreements to contribute to the Plan on behalf of the employees who would do the reroofing work.

3. The terms and conditions of the proposed agreement with the Bank are embodied in a written agreement (the Deposit Agreement). The Plan's $3 million deposit will be initially invested in a master certificate of deposit (Master CD) at the Bank's regular 30-day rate for large certificates of deposit, subject to adjustment higher or lower each month.

4. At the end of each month, funds would be transferred from the Master CD to certificates of deposit (Funding CD's) in the amount of the Loans made in that month. Due to banking restrictions, the amount of each Funding CD must be no less than $100,000. If Loans are made in an amount which is less than $100,000 in a particular month, $100,000 will nevertheless be transferred to a Funding CD, but no further amounts will be transferred to a Funding CD until the full $100,000 in Loans has been made in future months. The interest rate on the entire Funding CD would remain the same despite the fact that Loans (all of which would have a term of the same length as the term of the Funding CD) may be made in subsequent months at differing interest rates. Both the Loans and the Funding CD's would initially have terms of two years but could have terms of one or three years in the future.

5. The rate of interest on the Funding CD's will be equal to the average rate charged by the Bank under the Loans in the month that the Funding CD was purchased minus 4.42%.

The 4.42% deduction represents the Bank's compensation for its origination, servicing and assumption of the risk of loss with respect to the Loans. The maximum rate of interest the Bank may charge on the Loans is limited by the Unruh Act (California Civil Code § 1801 et seq.) under which the maximum interest rate is 16.42%. Therefore, the current maximum interest rate on a Funding CD would be 12% which would yield 12.68% on an annual basis.

6. The minimum Funding CD rate for an upcoming month will be set at a figure no less than 25 basis points below the effective annual yield at the end of the preceding month on comparable, insured fixed-income investments issued by other issuers which have maturities and dates of issue comparable to those available through the program. While McMorgan expects that in most instances the minimum Funding CD interest rate specified for any month will be equal to or greater than the rates available on comparable, insured fixed-income investments at the end of the preceding month unreduced by 25 basis points, McMorgan represents that the 25 basis points measure of flexibility will allow it to exercise its expertise as an investment manager to anticipate changes in interest rates and to obtain for the Plan a Funding CD rate based on the anticipated change. For example, if at the end of a month McMorgan expects that interest rates will decline during the coming month, but it does not have the authority to fix a minimum Funding CD interest rate lower than the current interest rate on comparable, insured fixed-income investments, the Plan might lose the opportunity to invest in a Funding CD which would have an interest rate (and effective annual yield) equal to or greater than that of the comparable investment issued at the end of the month for which the minimum rate was specified.

7. McMorgan has the responsibility to monitor the Plan's participation in the program and to evaluate whether or not it is in the best interest of the Plan to continue or suspend its participation in the program. Under the terms of the Deposit Agreement the Plan has the right: a) to inform the Bank prior to the beginning of a month of the minimum acceptable interest rate it will accept on a Funding CD issued in respect of Loans made during the month; b) to suspend the transfer of assets from the Master to a Funding CD in any month by giving notice to the Bank prior to the beginning of the month; and c) to terminate its participation in the program on 15 days' written notice to the Bank (upon termination, all Master and Funding CD's would continue until their maturities, at which time they would be paid by the Bank to the Plan).

8. When, in the judgment of McMorgan, the expected rate of return on Funding CD's issued through the program will not equal or exceed the rates available to the Plan on comparable, insured fixed-income investments for any significant period of time, McMorgan will suspend or terminate the Plan's participation in the program. In determining whether to suspend or to terminate the Plan's participation in the program, McMorgan will apply its expertise to assess how long the interest rates on Funding CD's available under the program are likely to remain below rates available on comparable, insured fixed-income investments. During a period of suspension, no new transfers from the Master CD to a Funding CD would be made except for Loans made prior to the suspension date.

9. McMorgan might also determine, in the context of its review of the Plan's allocation of assets among fixed-income and other types of investments or among certificates of deposit and other forms of fixed-income investments, that it would be in the interest of the Plan to reduce its investments in certificates of deposit. Such a determination would also enter into McMorgan's consideration of whether to suspend or terminate the Plan's participation in the program.

10. McMorgan has invested the Plan's assets in a broadly diversified portfolio of fixed-income securities, common stocks and real estate investments. In connection with the program of investments described in the application, McMorgan has evaluated the Plan's portfolio of fixed-income investments and has determined that the investment at this time of $3 million is insured certificates of deposit having rates of return which would be equal to or greater than those available in comparable, insured fixed-income investments would be an appropriate investment for the Plan. McMorgan has also determined that the purchase of Master and Funding CD's through participation in the program and under conditions that it will be monitoring, is consistent with the investment policy of the Plan and in the best interests of the Plan's participants and beneficiaries. This determination is supported by McMorgan's assessment of the economic merits of the investments without regard to any benefits accruing to the Plan or its participants and beneficiaries as a result of increased employment opportunities and employer contributions that may be generated by the program.

11. In summary, the applicant represents that the proposed

transactions satisfy the statutory criteria of section 408(a) due to the following:

(a) McMorgan, the Plan's independent investment manager, has reviewed the investment program described herein and believes that it is in the Plan's interest based solely on the economic and financial merits of the Plan's involvement in the program; and

(b) McMorgan will act on the Plan's behalf regarding the Plan's investment in Master and Funding CD's and will monitor all transactions relating to such investment.

For further information contact: Mr. Robert Sandler of the Department, telephone (202) 523-8195. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 13th day of September 1983.

Jeffrey N. Clayton,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 83-26084 Filed 9-22-83; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL COMMUNICATIONS SYSTEM

National Security Telecommunications Advisory Committee, Industry Executive Subcommittee; Meeting

A meeting of the Industry Executive Subcommittee of the National Security Telecommunications Advisory Committee (NSTAC) will be held beginning at 9:00 a.m. Tuesday, September 27, 1983. The meeting will be held at the Westgate Building of the MITRE Corporation, 1820 Dolley Madison Boulevard, McLean, Virginia. The agenda is as follows:

A. Opening Remarks.

B. Review of NSTAC Charges.

C. Briefing on Government Recommendations to the President.

D. Briefing from the Government National Coordinating Center (NCC) Implementation Group.

E. Formulation of actions in response to the National Corrdinating Mechanism (NCM) charges.

F. Formulation of actions in response to the Commercial Satellite Survivability (CSS) charges.

G. Formulation of actions in response to the Automated Information Processing (AIP) charges.

H. Formulation of actions in response to the Telecommunications Systems Survivability (TSS) charges.

I. New Business.

Any person desiring information about the meeting may telephone (202)692-9274 or write the Manager, National Communications System, 8th Street and South Court House Road, Arlington, Virginia 22204.

Joseph C. Wheeler,

Colonel, USAF NCS Joint Secretariat.

[FR Doc. 83-26218 Filed 9-22-83; 10:27 am]

BILLING CODE 3610-05-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

President's Committee on the Arts and Humanities; Meeting

Notice is hereby given on Plenary Meeting IV of the President's Committee on the Arts and the Humanities. The purpose of this meeting is to review committee activities and report progress. The Committee is charged with considering ways to increase private sector support for the arts and humanities, to consider appropriate Federal involvement in arts and humanities and to make recommendations to the President and to the National Endowment for the Arts and the National Endowment for the Humanities.

Plenary Meeting IV will convene at 9:00 a.m. on Tuesday, October 11, 1983 at the National Humanities Center in Research Triangle Park near Raleigh-Durham, North Carolina. Primary focus of the discussion will center upon the work of the President's Committee in the humanities. The agenda will include presentations by distinguished scholars William C. Friday, President of the University of North Carolina; John Hope Franklin, James B. Duke Professor of History at Duke University; and Archie K. Davis, Trustee of the National Humanities Center. Concluding remarks will be made by William Bennett, Chairman of the National Endowment for the Humanities. There will be a lunch break after which the meeting will resume at a time to be announced by the chairman. The meeting will conclude that afternoon.

This meeting, open to the public, is by reservation on a space available basis (room capacity 50 persons). Individuals wishing to attend should request reservations not later than Thursday, October 6. These reservations may be made by sending a post card with your full name, affiliation, and telephone number (so that you may be notified in the event of a change in schedule) to the President's Committee on the Arts and the Humanities, 1100 Pennsylvania Avenue, NW., Room 526, Washington, D.C. 20506. Or you may call 202-682-5409 or 212-883-6764.

Dated: September 16, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-26007 Filed 9-22-83; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Committee on Equal Opportunities in Science and Technology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Committee on Equal Opportunities in Science and Technology.

Place: Rm. 540, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Date: Tuesday and Wednesday, October 11–12, 1983.

Time: Tuesday, 9–5 p.m.; Wednesday, 9–3 p.m.

Type of meeting: Open.

Contact person: Ms. Jane Stutsman, Executive Secretary of the Committee, National Science Foundation, Rm. 428, 1800 G Street NW., Washington, D.C. 20550, Telephone: 202/357–7835.

Purpose of committee: To provide advice to the Foundation on policies and activities of the Foundation to encourage full participation of women, minorities and other groups currently underrepresented in scientific, engineering, professional and technical fields.

Summary minutes: May be obtained from the contact person at the above stated address.

Agenda: To review progress by the two subcommittees of the NSF Committee on Equal Opportunities in Science and Technology and to meet with the Director and other NSF staff.

Dated: September 20, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83–26033 Filed 9–22–83; 8:45 am]

BILLING CODE 7555-01-M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service; Consolidated Listing of Schedule A, B, and C Exceptions

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives a consolidated notice of all positions excepted under Schedule A, B, and C as of June 30, 1983, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

SUPPLEMENTARY INFORMATION: Civil Service Rule VI (5 CFR 6.1) requires the Office of Personnel Management (OPM) to publish notice of all exceptions granted under Schedules A, B, and C. 5 CFR 213.103(c) further requires that a consolidated listing, current as of June 30 of each year, shall be published annually as a notice in the Federal Register. That notice follows. OPM maintains continuing information on the status of all Schedule A, B, and C excepted appointing authorities. Interested parties needing information about specific authorities during the year may obtain information by contacting the Noncompetitive Staffing Branch, Room 6A12, Office of Personnel Management, 1900 E Street, NW., Washington, D.C. 20415, or by calling (202) 632–6000.

The following exceptions were current on June 30, 1983:

Schedule A

213.3102 Entire executive civil service.

(a) Positions of Chaplain and Chaplain's Assistant.

(b) Cooks, except at fixed locations such as hospitals quarantine stations, and penal institutions.

(c) Positions to which appointments are made by the President without confirmation by the Senate.

(d) Attorneys.

(e) Law clerk trainee positions. Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed 14 months pending admission to the bar. No person shall be given more than one appointment under this paragraph. However, an appointment which was initially made for less than 14 months may be extended for not to exceed 14 months in total duration.

(f) Chinese, Japanese, and Hindu interpreters.

(g) Any nontemporary position the duties of which are part-time or intermittent in which the appointee will receive compensation during his/her service year that aggregates not more than 40 percent of the annual salary rate for the first step of grade GS–3. This limited compensation includes any premium pay such as for overtime, night, Sunday, or holiday work. It does not, however, include any mandatory within-grade salary increases to which the employee becomes entitled subsequent to appointment under this authority. Appointments under this authority may not be for temporary project employment.

(h) Positions in Federal mental institutions when filled by persons who have been patients of such institutions and have been discharged and are certified by an appropriate medical authority thereof as recovered sufficiently to be regularly employed but it is believed desirable and in the interest of the persons and the institution that they be employed at the institution.

(i) Subject to prior approval of OPM, positions requiring temporary, part-time, or intermittent employment in wage board type occupations (i.e., position excluded from Classification Act coverage by section 202(7) of the Act) on construction or repair work, where the activity is carried on in localities where examination coverage for the positions has not been provided and where because of employment conditions there is a shortage of available candidates for the positions. Appointments under this paragraph shall not extend beyond 1 year and the employment thereunder shall not exceed 180 working days a year. Seasonal employments of a recurring nature are not authorized under this paragraph.

(j) Positions filled by: (1) Appointment of persons previously employed as National Guard Technicians under 32 U.S.C. 709(a) in positions at the same or equivalent grade level, or below, who are applying for or receiving an annuity under the provisions of 5 U.S.C. 8337(h) by reason of a disability that disqualifies them from membership in the National Guard or from holding the military grade required as a condition of their National Guard employment; or (2) reassignment, promotion or demotion within the same agency of former National Guard Technicians originally appointed under this authority.

(k) Positions without compensation provided appointments thereto meet the requirements of applicable laws relating to compensation.

(l) Positions requiring the temporary or intermittent employment of professional, scientific, or technical experts for consultation purposes.

(m) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) in field establishments outside central office and regional office cities of OPM where examination coverage has not been provided for the positions, as follows:

(1) For temporary, intermittent, or seasonal employment (exclusive of positions covered by paragraph (l) of this section) not to exceed 180 working days a year in the Departments of Agriculture, Commerce, Interior, and Energy, in the Federal Aviation Agency, and in the International Boundary and Water Commission; or

(2) When it is specifically held by OPM that this authority is applicable for employment in localities that are isolated with respect to labor supply and where there is a shortage of available candidates for the positions.

(n) Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis.

(o) Positions of a scientific, professional, or analytical nature when filled by bona fide members of the faculty of an accredited college or university who have special qualifications for the positions to which appointed. Employment under this provision shall not exceed 130 working days a year.

(p) Positions of a scientific, professional or analytical nature when filled by bona fide graduate students at accredited colleges or universities provided that the work performed for the agency is to be used by the student as a basic for completing certain academic requirements toward a graduate degree. Appointments under this authority may not exceed 1 year, but may be extended for additional period(s) not to exceed 1-year as long as the conditions for appointment continue to be met. The appointment of any individual under this authority shall terminate upon the individual's completion of requirements for the graduate degree.

(q) Positions at grade GS–7 and below when appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be:

(1) Bona fide high school science or mathematics teachers or (2) bona fide students at high schools or accredited colleges or universities who are pursuing courses related to the field in which employed. The appointment of any individual under this authority shall terminate upon the individual's ceasing to be enrolled in a qualifying educational program or to be employed as a teacher. No person shall be employed under this provision in (i) positions of a routine clerical type or (ii) positions in excess of 1040 working hours a year; except that the 1040 working-hours-a-year limitaiton shall not apply to positions at grade GS–4 and below which are established in connection with associate degree cooperative eduction programs. Students enrolled in bachelor's degree cooperative education programs as defined in 213.3202(a) shall not be employed under this provision. Appointments under this authority may be made only to positions for which qualification standards established under 5 CFR Part 302 are consistent with the education and experience standards established for comparable positions in the competitive service. Appointments under this authority may not be used to extend the service limits contained in any other appointing authority.

(r)–(s) [Reserved]

(t) Positions when filled by mentally retarded persons in accordance with written agreements executed between any agency and the OPM. Provisions to be included in such agreements are specified in the Federal Personnel Manual. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive status under the provisions of Executive Order 12125 and implementing regulations issued by the Office.

(u) Positions when filled by severely physically handicapped persons who: (1) Under a temporary appointment have demonstrated their ability to perform the duties satisfactorily; or (2) have been certified by counselors of State vocational rehabilitation agencies or the Veterans' Administration as likely to succeed in the performance of the duties. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive status under the provisions of Executive Order 12125 and implementing regulations issued by the Office.

(v) Between May 13 and September 30 only, temporary Summer Aid positions the duties of which involve work of a routine nature not regularly covered under the General Schedule requiring no specific knowledge or skills, when filled by youths, either (1) appointed under economic needs standards prescribed by the Office of Personnel Management or (2) who are mentally retarded or severely physically handicapped. Youths may not be appointed unless they have reached their 16th birthday. This paragraph shall apply only to positions for which pay is fixed at the highest Federal minimum wage rate established by the Fair Labor Standards Act of 1938, as amended.

(w) Part-time or intermittent positions, the duties of which involve routine work up to and including the GS–4 level of difficulty or equivalent under the Federal Wage System, when filled by bona fide students appointed under the Stay-in-School Program. Students may be appointed if they need the earnings from this employment to continue in school or if they are mentally retarded or severely physically handicapped, provided that the following conditions are met: (1) Appointees are enrolled in or accepted for enrollemnt as a resident student in a secondary school (or other appropriate school for mentally retarded students) or an institution of higher learning not above the baccalaureate level, accredited by a recognized accrediting body;

(2) Employment does not exceed 20 hours in any calendar week except that students may work full time during any period in which their school is officially closed and during any school vacation period.

(3) While employed, appointees continue to maintain an acceptable school standing, although they need not attend school during the summer;

(4) Appointees meet the economic criteria prescribed by the Office of Personnel Management, except that this requirement does not apply to mentally retarded or severely physically handicapped students appointed under the authority; and

(5) Salaries are fixed by the agency head at a level commensurate with the duties assigned and the expected level of performance.

Appointments under this authroity may not extend beyond 1 year. *However*, such appointments may be made for additional periods of not to exceed 1 year, each, if the conditions for initial appointment are still met. Students may not be appointed under this authority unless they have reached their 16th birthday. No new appointments may be made between May 13 and August 31, inclusive.

(x) Positions for which a local recruiting shortage exists when filled by inmates of Federal, District of Columbia and State (including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands) penal and correctional institutions under work-release programs authorized by the Prisoner Rehabilitation Act of 1965, the District of Columbia Work Release Act, or under work-release programs authorized by the States. Initial appointments under this authority may not exceed 1-year. An initial appointment may be extended for one or more periods not to exceed 1 additional year each upon a finding that the inmate is still in a work-release status and that a local recruiting shortage still exists. No person may serve under this authority longer than 1-year beyond the date of that person's release from custody.

(y) Positions at grade GS–2 and below for summer employment as defined in 213.3101(d), of assistants to scientific, professional, and technical employees, when filled by finalists in national science contests.

(z) Not to exceed 30 positions of assistants to top-level Federal officials when filled by persons designated by the President as White House Fellows.

(aa) Scientific and professional research associate positions at GS–11 and above when filled on a temporary basis by persons having a doctoral degree in an appropriate field of study for research activities of mutual interest

to appointees and their agencies. Appointments are limited to persons referred by the National Research Council under its post-doctoral research associate program, may not exceed 2 years, and are subject to satisfactory outcome of evaluation of the associate's research during the first year.

(bb) Positions when filled by aliens in the absence of qualified citizens. Appointments under this authority are subject to prior approval of the Office except when the authority is specifically included in a delegated examining agreement with the Office.

(cc) Positions at GS–15 and below when filled by persons identified as Interchange Executives by the President's Commission on Personnel Interchange. Appointments made under this authority may not extend beyond 2 years.

(dd)–(ee) [Reserved]

(ff) Not to exceed 25 positions when filled in accordance with an agreement between OPM and the Department of Justice by persons in programs administered by the Attorney General of the United States under Pub. L. 91–452 and related statutes. A person appointed under this authority may continue to be employed under it after he ceases to be in a qualifying program only as long as he remains in the same agency without a break in service.

(gg)–(hh) [Reserved]

(ii) Positions of Presidential Intern, GS–9 and 11, in the Presidential Management Intern Program. Initial appointments must be made at the GS–9 level. No one may serve under this authority for more than 2 years, unless extended with OPM approval for up to one additional year. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive appointment under the provisions of Executive Order 12364, in accordance with requirements published in the Federal Personnel Manual.

(jj) Legal intern position. Appointments under this paragraph shall be confined to bona fide students at recognized law schools who are candidates for J.D. or LL.B. degrees. Appointments under this authority may not exceed 1 year, but may be extended for additional period(s) not to exceed 1 year as long as the conditions for appointment continue to be met. The appointment of any individual under this authority shall terminate upon the individual's graduation from law school.

(kk) [Reserved]

(ll) Positions as needed of readers for blind employees, interpreters for deaf employees and personal assistants for handicapped employees, filled on a full time, part-time, or intermittent basis.

213.3103 Executive Office of the President.

(a) *Office of Administration* (1) Not to exceed seventy-five positions to provide administrative services and support to the White House office.

(b) *Office of Management and Budget.* (1) Not to exceed five positions at grades GS–9/15.

(c) *Council on Environmental Quality.* (1) Professional and technical positions in grades GS–13 through –15 on the staff of the Council.

(d)–(f) [Reserved]

(g) *National Security Council.* (1) All positions on the staff of the Council.

(h) *Office of Science and Technology Policy.* (1) Thirty positions of Senior Policy Analyst, GS–15; Policy Analyst, GS–11/14; and Policy Research Assistant, GS–9, for employment of anyone not to exceed 5 years on projects of a high priority nature.

213.3104 Department of State.

(a) *Office of the Secretary* (1) All positions, GS–15 and below, on the staff of the Family Liaison Office, Office of the Under Secretary for Management.

(2)–(5) [Reserved]

(b) *American Embassy, Paris, France.* (1) Chief, Travel and Visitor Unit. No new appointments may be made under this authority after August 10, 1981.

(c) *International Boundary and Water Commission, United States and Mexico.* (1) Gauge readers employed part-time or intermittently at isolated localities when in the opinion of OPM, appointment through competitive examination is impracticable.

(d) *International Boundary Commission, United States and Canada.* (1) Temporary and intermittent field employees such as instrumentmen, foremen, recorders, packers, cooks, and axemen, for not to exceed 180 working days within any 1 calendar year.

(e) *Bureau of Oceans and International Environmental and Scientific Affairs.* (1) Two Physical Science Administration Officer positions at GS–16.

(f) [Reserved]

(g) *Office of Refugee and Migration Affairs.* (1) Not to exceed 10 positions at grade 5 through 11 on the staff of the office.

(h) *Bureau of Administration.* (1) One Presidential Trip Specialist. No new appointments may be made under this authority after June 11, 1981. No one may serve under this authority longer than 5 years.

213.3105 Department of the Treasury.

(a) *Office of the Secretary.* (1) Not to exceed 20 positions at the equivalent of GS–13 through GS–17 to supplement permanent staff in the study of complex problems relating to international financial, economic, trade and energy policies and programs of the Government, when filled by individuals with special qualifications for the particular study being undertaken. Employment under this authority may not exceed 4 years.

(2) Not to exceed 20 positions, which will supplement permanent staff involved in the study and analysis of complex problems in the area of domestic economic and financial policy. Employment under this authority may not exceed 4 years.

(b) *U.S. Customs Service.* (1) Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(2) [Reserves]

(3) Positions of part-time, intermittent, or temporary Customs Inspectors, and Port Directors in Alaska paid at a rate not above GS–9 and for not more than 130 working days in a service year.

(4) Positions of day "pickup" laborers whose assignments are to intermittent duties of short duration that must be performed without delay in field establishments where hiring of "pickup" laborers is authorized by the Bureau of Customs headquarters. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Customs for more than 180 working days a year under this authority or under a combination of this authority and any other authority for excepted appointment that may be appropriate. This authority is not appropriate for job employment.

(5) Positions at GS–9 and below of Customs Enforcement Officer, Customs Inspector, Customs Marine Clerk/Officer, Customs Aid (sampling), Customs Warehouse Officer, Port Director, Interpreter, and Laborer, with duties of a continuing nature that require the part-time or intermittent service of an employee for not more than 700 hours in his service year. An individual appointed under this exception may not be employed in the Bureau of Customs under a combination of this and any other exception for more than 700 hours in his service year.

(6) Twenty-five positions of Criminal Investigator for special assignments.

(7)–(8) [Reserved]

(9) Not to exceed 25 positions of Customs Patrol Officers in the Papago Indian Agency in the State of Arizona when filled by the appointment of persons of one-fourth or more Indian blood.

(c) *Office of the Comptroller of the Currency* (1) Not to exceed six positions filled under the Professional Accounting Fellow Program. Appointments under this authority may not exceed 2 years.

(d) [Reserved]

(e) *Internal Revenue Service.* (1) Twenty positions of investigator for special assignments.

(f) [Reserved]

(g) *Bureau of Alcohol, Tobacco, and Firearms.* (1) One hundred positions of criminal investigator for special assignments.

(h) *Office of New York Finance.* (1) Not to exceed 10 positions. Employment under this authority may not exceed September 30, 1983.

(i) *Bureau of Government Financial Operations.* (1) Clerical positions at grades GS–5 and below established in Emergency Disbursing Offices to process emergency payments to victims of catastrophes or natural disasters requiring emergency disbursing services. Employment under this authority may not exceed 1 year.

213.3106 Department of Defense.

(a) *Office of the Secretary.* (1) Not to exceed 30 positions at grades GS–11/15 in the Defense Mobilization Systems Planning Activity, Office of the Deputy Assistant Secretary of Defense (Mobilization Planning and Requirements.) No new appointments may be made under this authority after March 31, 1984.

(2)–(5) [Reserved]

(6) One Executive Secretary, US–USSR Standing Consultative Commission and Staff Analyst (SALT), Office of the Assistant Secretary of Defense (International Security Affairs).

(7) Fifteen secretarial and staff support positions at GS–12 or below on the White House Support Group.

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force.)* (1) Professional positions in Military Dependent School Systems overseas.

(2) Positions in attache systems overseas, including all professional and scientific positions in the Naval Research Branch Office in London.

(3) Positions of clerk-translator, translator, and interpreter overseas.

(4) Positions of Educational Specialist the incumbents of which will serve as Director of Religious Education on the Staffs of the Chaplains in the military services

(5) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Director of Defense Research and Engineering of the Department of Defense when occupied by alien scientists initially employed under the program including those who have acquired United States citizenship during such employment.

(6) Positions in overseas installations of the Department of Defense when filled by dependents of military or civilian employees of the U.S. Government residing in the area. Employment under this authority may not extend longer than 2 months following the transfer from the area or the separation of a dependent's sponsor: *Provided*, that (i) a school employee may be permitted to complete the school year; and (ii) an employee other than a school employee may be permitted to serve up to 1 additional year when the military department concerned finds the additional employment is in the interest of management.

(c) [Reserved]

(d) *General.* (1) Positions concerned with advising, administering, supervising or performing work in the collection, processing, analysis, production, evaluation, interpretation, dissemination, and estimation of intelligence information, including scientific and technical positions in the intelligence function; and positions involved in the planning, programming, and management of intelligence resources when, in the opinion of OPM, it is impracticable to examine. This authority does not apply to positions assigned to Cryptologic and Communications Intelligence Activities/Functions.

(2) Positions involved in intelligence-related work of the cryptologic intelligence activities of the military departments. This includes all positions of intelligence research specialist, and similar positions in the intelligence classification series; all scientific and technical positions involving the applications of engineering, physical or technical sciences to intelligence work; and professional as well as intelligence technician positions in which a majority of the incumbent's time is spent in advising, administering, supervising, or performing work in the collection, processing, analysis, production, evaluation, interpretation, dissemination, or estimation of intelligence information or in the planning, programming, and management of intelligence resources.

(e) *Uniformed Services University of the Health Sciences.* (1) Positions of Dean, Associate Dean, Assistant Dean, faculty members, and teaching/research assistants.

(2) Positions established to perform work on projects funded from grants.

(f) *National Defense University.* (1) Not to exceed 16 positions of senior policy analyst, GS–15, at the strategic Concepts Development Center. Initial appointments to these positions may not exceed 3 years, but may be extended thereafter for additional period(s) not to exceed 1 year each.

213.3107 Department of the Army.

(a) *General.* (1) [Reserved]

(2) Unskilled laborers and munitions handlers engaged in handling Ordnance material, including ammunition, where temporary or intermittent employment is necessary.

(3)–(6) [Reserved]

(b) [Reserved]

(c) *Corps of Engineers.* (1) [Reserved]

(2) Nonsupervisory trades, crafts, and manual labor positions at grades WG–6 and below on survey, construction, short-term maintenance, or floating-plant operations, where because of turnover, lack of housing facilities, mobility of work site, or remoteness of personnel servicing facilities, an adequate labor force can be recruited only by immediate gate hiring on a local basis. This authority can be used only when OPM has determined that it is specifically applicable to a given situation; ordinarily, it will not be used for employment in OPM central office, regional, and branch office cities or in cities where there is a local OPM area office to service the employing establishment.

(d) *U.S. Military Academy, West Point, New York.* (1) Civilian professors, instructors, teachers (except teachers at the Children's School), Cadet Social Activities Coordinator, chapel organist and choir-master, Director of Intercollegiate Activities, Associate Director of Intercollegiate Athletics, Facility Manager, and librarian when filled by an officer of the Regular Army retired from active service, and the military secretary to the Superintendent when filled by a Military Academy graduate retired as a regular commissioned officer for disability.

(e)–(f) [Reserved]

(g) *Defense Language Institute.* (1) All positions of the faculty and staff which are classified in the GS–1700 occupational group, the GS–1040 Language Specialist series, and the GS–303 Bilingual Clerk series, that require either a proficiency in a foreign

language or a knowledge of foreign language teaching methods.

(2)–(4) [Reserved]

(h) *Army War College, Carlisle Barracks, Pa.* (1) Five positions of Educational Specialist for employment of not to exceed 1 year: Provided, that such employment may, with the prior approval of OPM, be extended for not to exceed 1 additional year.

(2) Nine senior policy analyst positions, GS–14/15, at the Strategic Studies Institute, Army War College, with appointments to be made initially for up to 3 years and thereafter extended annually if needed.

(3) Five research oriented faculty positions, GS–14/15, with the U.S. Army War College, at Carlisle Barracks, Pennsylvania, with appointments to be made initially for up to 3 years and thereafter extended mutually if needed.

(i) *Defense Systems Management School, Fort Belvoir, Va.* (1) The Deputy Commandant and professors in grades GS–13 through 15.

(j) *U.S. Military Academy Preparatory School, Fort Monmouth, New Jersey.* (1) Positions of Academic Director, Department Head and Instructor.

213.3108 Department of the Navy.

(a) *General.* (1) [Reserved]

(2) Positions of Student Pharmacist for temporary, part-time, or intermittent employment in U.S. Naval Regional Medical Centers, hospitals, clinics and departments when filled by students who are enrolled in an approved pharmacy program in a participating non-Federal institution, and whose compensation is fixed under 5 U.S.C. 5351–54. Employment under this authority may not exceed one year.

(3) [Reserved]

(4) Not to exceed 50 positions of resident-in-training at U.S. naval regional medical centers, hospitals, and dispensaries which have residency training programs, when filled by residents assigned as affiliates for part of their training from non-federal hospitals. Assignments shall be on a temporary (full-time or part-time) or intermittent basis, shall not amount to more than 6 months for any person, and shall be applied only to persons whose compensation is fixed under 5 U.S.C. 5351–54.

(5) [Reserved]

(6) Positions of Student Operating Room Technician for temporary, part-time or intermittent employment in U.S. naval regional medical centers and hospitals, when filled by students who are enrolled in an approved operating room technician program in a participating non-Federal institution, whose compensation is fixed under 5 U.S.C. 5351–54. Employment under this authority may not exceed 1 year.

(7) Positions of student social worker for temporary, part-time, or intermittent employment in U.S. naval regional medical centers, hospitals, and dispensaries, when filled by bona fide students enrolled in academic institutions: *Provided*, that the work performed in the agency is to be used by the student as a basis for completing certain academic requirements by such educational institution to qualify for a graduate degree in social work. This authority shall be applied only to students whose compensation is fixed under 5 U.S.C. 5351–54.

(8) Positions of student practical nurse for temporary, part-time, or intermittent employment in U.S. naval regional medical centers, hospitals, and dispensaries, when filled by trainees enrolled in a non-Federal institution in an approved program of educational and clinical training which meets the requirements for licensing as a practical nurse. This authority shall be applied only to trainees whose compensation is fixed under 5 U.S.C. 5351–54.

(9) One Personnel Security Specialist, Naval Personnel Program Support Activity, Bureau of Naval Personnel.

(10) Positions of medical technology intern in U.S. naval regional medical centers, hospitals, and dispensaries, when filled by students enrolled in approved programs of training in non-Federal institutions. Employment under this authority may be filled on a full-time, part-time, or intermittent basis but may not exceed 1 year. This authority shall be applied only to students whose compensation is fixed under 5 U.S.C. 5351–54.

(11) Positions of medical intern at U.S. naval regional medical centers, hospitals, and dispensaries, when filled by persons who are serving medical internships at participating non-Federal hospitals and whose compensation is fixed under 5 U.S.C. 5351–54. Employment under this authority may not exceed 1 year.

(12) Positions of student speech pathologist at U.S. naval regional medical centers, hospitals, and dispensaries, when filled by persons who are enrolled in participating non-Federal institutions, and whose compensation is fixed under 5 U.S.C. 5351–54. Employment under this authority may not exceed 1 year.

(13) Positions of student dental assistant in U.S. naval dental centers, clinics, and departments, when filled by persons who are enrolled in an approved dental assistant program in a participating non-Federal institution, and whose compensation is fixed under 5 U.S.C. 5351–54. Employment under this authority may not exceed 1 year.

(14) [Reserved]

(15) Marine positions assigned to a coastal or seagoing vessel operated by a naval activity for research or training purposes.

(b) *Naval Academy, Naval Postgraduate School, and Naval War College.* (1) Professors, instructors, and teachers; and the librarian, organist-choirmaster, registrar, the dean of admissions, and social counselors at the Naval Academy.

(c) [Reserved]

(d) *Military Sealift Command.* (1) All positions on vessels operated by the Military Sealift Command.

(e)–(f) [Reserved]

(g) *Office of Naval Research.* (1) Not to exceed 5 positions of Liaison Scientists, GS–13/15, in the office of Naval Research Branch Office in Japan, when filled by research scientists who have specialized experience in scientific disciplines of current interest to the Department and who have demonstrated ability to deal with the Japanese scientific community in their disciplines. An appointment under this authority may be made initially for a period not to exceed 2 years. With the prior approval of OPM, total employment under this authority may be for as long as 3 years.

213.3109 Department of the Air Force.

(a) *Office of the Secretary.* (1) One Special Assistant in the Office of the Secretary of the Air Force. This position has advisory rather than operating duties except as operating or administrative responsibilities may be exercised in connection with the pilot studies.

(b) *General.* (1) Professional, technical, managerial and administrative positions supporting space activities, when approved by the Secretary of the Air Force.

(2) Fifty-five positions engaged in interdepartmental defense projects involving scientific and technical evaluations.

(c) Not to exceed 14 professional positions, GS–11 through GS–15, in Detachment 6, 2762 Logistics Squadron (Special), Norton Air Force Base, California, which will provide logistic support management to specialized research and development projects. Employment under this authority may not exceed January 31, 1985.

(d) *U.S. Air Force Academy, Colorado.* (1) Positions of Cadet Hostesses, Instructors in Physical Education, and Instructors in Music (choirmasters).

(e) [Reserved]

(f) *Air Force Office of Special Investigations.* (1) Twenty-five positions of Criminal Investigator and Intelligence Research Specialist, GS–9 through GS–14, for indefinite employment on projects concerned with the security of national defense activities and materials.

(2) Not to exceed 25 positions of Criminal Investigators/Polygraph Examiners, GS–11 through GS–14, in the Air Force Office of Special Investigations, Polygraph Office, duty location nationwide, which will provide high level polygraph security screening for a highly classified, sensitive and compartmented special access program concerned with national defense activities and materials, for employment not to exceed April 30, 1987.

(g) Not to exceed 7 positions, GS–12 through 15, Headquarters Air Force Logistics Command, DCS Logistics Operation, Wright Patterson Air Force Base, Ohio, which will provide logistic support management staff guidance to classified research and development projects. Employment under this authority is not to exceed January 31, 1985.

213.3110 Department of Justice

(a) *General.* (1) Deputy U.S Marshals employed on an hourly basis for intermittent service.

(2) [Reserved]

(3) U.S. Marshal in the Virgin Islands.

(4) Staff positions, GS–15 and below, to assist in the resettlement of Cuban and Haitian entrants. Employment under this authority may not exceed September 30, 1984.

(5) Thirty positions of Field Representative and Field Representative Trainee, GS–5 through GS–14, in the Community Relations Service for temporary employment not to exceed one year. Employment under this authority may be extended for not to exceed one additional year.

(6) [Reserved]

(b) *Immigration and Naturalization Service.* (1) Not to exceed 700 positions at grades GS–15 and below engaged in planning for and implementing the processing of claims for resident status which may be submitted by aliens already in the United States as authorized by immigration control and reform legislation. Employment under this authority is not to exceed 4 years from the effective date of such legislation. New appointments under this authority may not be made after December 31, 1984 unless applicable authorizing legislation has been enacted.

(c) *Drug Enforcement Administration.* (1) [Reserved]

(2) 150 positions of Intelligence Research Agent and/or Intelligence Operation Specialist in the GS–132 series, grades GS–9 through GS–15.

(d) *U.S. Marshals Service.* (1) Three hundred intermittent positions of guard for employment not to exceed 1,040 hours a year.

213.3112 Department of the Interior.

(a) *General.* (1) Technical, maintenance, and clerical positions at or below grades GS–7, WG–10, or equivalent in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department.

(2) All positions on Government-owned ships or vessels operated by the Department of the Interior.

(3) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings, or other structures and prevent damages or theft of Government property. Such appointments shall not extend beyond 130 working days a year without the prior approval of OPM.

(4) Temporary, intermittent, or seasonal field assistants at GS–7, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority may not exceed 180 working days a year.

(5) Temporary positions established in the field service of the Department for emergency forest and range fire prevention or suppression and blister rust control for not to exceed 180 working days a year: *Provided,* That an employee may work as many as 220 working days a year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property.

(6) Persons employed in field positions, the work of which is financed jointly by the Department of the Interior and cooperating persons or organizations outside the Federal service.

(7) All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to providing services to Indians when filled by the appointment of Indians. The Secretary of the Interior is responsible for defining the term "Indian."

(8) Temporary, intermittent, or seasonal positions at GS–7 or below in Alaska, as follows: Positions in non-professional mining activities, such as those of drillers, miners, caterpillar operators, and samplers. Employment under this authority shall not exceed 180 working days a year and shall be appropriate only when the activity is carried on in a remote or isolated area and there is a shortage of available candidates for the positions.

(9) Temporary, part-time, or intermittent employment of mechanics, skilled laborers, equipment operators and tradesmen on construction, repair, or maintenance work for not to exceed 180 working days a year in Alaska, when the activity is carried on in a remote or isolated area and there is a shortage of available candidates for the positions.

(10) Seasonal airplane pilots and airplane mechanics in Alaska, not to exceed 180 working days a year.

(11) Temporary staff positions in the Youth Conservation Corps Centers operated by the Department of the Interior. Employment under this authority shall not exceed 11 weeks a year except with prior approval of OPM.

(12) Positions in the Youth Conservation Corps for which pay is fixed at the Federal minimum rate. Employment under this authority may not exceed 10 weeks.

(b) *Bureau of Indian Affairs.* (1)–(3) [Reserved]

(c) *Indian Arts and Crafts Board.* (1) The Executive Director.

(d) [Reserved]

(e) *Office of the Assistant Secretary, Territorial and International Affairs.* 1 [Reserved]

(2) Not to exceed 4 positions of Territorial Management Interns, grades GS–5, GS–7, or GS–9, when filled by territorial residents who are U.S. Citizens from the Virgin Islands or Guam; U.S. nationals from American Samoa; or in the case of the Northern Marianas, will become U.S. Citizens upon termination of the U.S. Trusteeship. Employment under this authority may not exceed 6 months.

(3) [Reserved]

(4) Special Assistants to the Governor of American Samoa who perform specialized administrative, professional, technical, and scientific duties as members of his immediate staff.

(f) *National Park Service.* (1) Park Ranger positions (appropriate specializations) at salaries equivalent to GS–5, or GS–4 and those equivalent to grade GS–7 or GS–6 in which the duties

are supervisory or are limited to a highly specialized part of the duties performed by career protective or interpretive personnel of the National Park Service. (The total number of Park Ranger and Park Technician positions at salaries equivalent to GS–7 and GS–6 excepted under this paragraph and paragraph (f)(2) of this section shall not exceed 200.) Employment under this paragraph is limited to persons who meet the qualification standards for each salary level which have been agreed upon by OPM and the Department. These standards include as a minimum the following number of previous seasons' experience in the National Park Service as a Park Ranger at a salary equivalent to the next lower grade:

(i) For IGS–7: Two seasons at IGS–6 level.

(ii) For IGS–6: Two seasons at IGS–5 level.

(iii) For IGS–5: One season at IGS–4 level.

Employment under this paragraph shall be only for duty that is temporary, intermittent, or seasonal, and no person shall be employed by the same appointing office in the National Park Service under this paragraph or a combination of this and any other excepting authorities in excess of 180 working days a year.

(2) Park Aid and Park Technician positions at salaries equivalent to GS–2 through GS–5 to perform technical and practical work supporting the management, conservation, interpretation, development, and use of park areas and resources; and positions at salaries equivalent to GS–7 and GS–6 in which the duties are supervisory or are limited to a highly specialized part of the duties performed by career resources management, interpretive or visitor service personnel of the National Park Service. (The total number of Park Technician and Park Ranger positions at salaries equivalent to GS–7 and GS–6 excepted under this paragraph and paragraph (f) (1) of this section shall not exceed 200.) Employment under this paragraph is limited to persons who meet the qualification standards for each salary level which have been agreed upon by OPM and the Department. These standards include as a minimum the following number of previous seasons' experience in the National Park Service as a Park Aid or Park Technician equivalent to the next lower grade:

(i) For IGS–7: Two seasons at IGS–6 level.

(ii) For IGS–6: Two seasons at IGS–5 level.

(iii) For IGS–5: One season at IGS–4 level.

(iv) For IGS–4: One season at IGS–3 level or its equivalent in experience.

(v) For IGS–3: One season at IGS–2 level or its equivalent in experience.

Employment under this paragraph shall be only for duty that is temporary, intermittent, or seasonal, and no person shall be employed by the same appointing office in the National Park Service under this paragraph or a combination of this and any other excepting authorities in excess of 180 working days a year.

(3) Seven full-time permanent and 31 temporary, part-time, or intermittent positions in the Redwood National Park, California, which are needed for rehabilitation of the park, as provided by Pub. L. 95–250.

(4) One Special Representative of the Director.

(g) *Bureau of Reclamation.* (1) Appraisers and examiners employed on a temporary, intermittent, or part-time basis on special valuation or prospective-entrymen-review projects where knowledge of local values or conditions or other specialized qualifications not possessed by regular Bureau employees are required for successful results. Employment under this provision shall not exceed 130 working days a year in any individual case: *Provided,* that such employment may, with prior approval of OPM, be extended for not to exceed an additional 50 working days in any single year.

(h) *Office of the Deputy Assistant Secretary for Territorial Affairs.* (1) Positions of Territorial Management Interns, GS–5, when filled by persons selected by the Government of the Trust Territory of the Pacific Islands. No appointment may extend beyond 1 year.

(i) *Office of Hearings and Appeals.* (1) [Reserved].

213.3113 Department of Agriculture.

(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. Except for positions for which selection is jointly made by the Department and the cooperating organization, this authority is not applicable to positions in the Agricultural Research Service, the Animal and Plant Health Inspection Service, or positions in the Statistical Reporting Service. This authority is not applicable to the following positions in the Agricultural Marketing Service: Agricultural Commodity grader (grain) and (meat), (poultry), and (dairy) agricultural commodity aid (grain), and tobacco inspection positions.

(2)–(4) [Reserved]

(5) Temporary, intermittent, or seasonal employment in the field service of the Department in positions at and below GS–7 and WG–10 in the following types of positions: Field assistants for subprofessional services; caretakers at temporarily closed camps or improved areas; forest workers engaged primarily for fire prevention or suppression activities and other forest workers employed at headquarters other than forest supervisor and regional offices; State performance assistants in the Agricultural Stabilization and Conservation Service; agricultural commodity aids (cotton) in the Agricultural Marketing Service; agricultural helpers, helper-leaders, and workers in the Agricultural Research and the Animal and Plant Health Inspection Service; and subject to prior OPM approval granted in the calendar year in which the appointment is to be made, other clerical, trades, crafts, and manual labor positions. Total employment under this subparagraph may not exceed 180 working days in a service year: *Provided,* that an employee may work as many as 220 working days in a service year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property. This paragraph does not cover trades, crafts, and manual labor positions covered by paragraphs (i) and (m) of 213.3102.

(6) [Reserved]

(7) Not to exceed 20 Program Assistants, whose experience acquired in positions excepted from the competitive civil service in the administration of agricultural programs at the State level is needed by the Department for the more efficient administration of its programs. No new appointment may be made under this authority after December 31, 1977.

(b) [Reserved]

(c) *Forest Service.* (1) [Reserved]

(2) Positions in Alaska of Laborers, Boat Operators, Mechanics, Equipment Operator, and Carpenters whose duties require the operation of boats in coastal waters and/or the establishment and maintenance of work camps in remote areas.

(d) *Agricultural Stabilization and Conservation Service.* (1) [Reserved]

(2) Members of State Committees: *Provided,* that employment under this authority shall be limited to temporary intermittent (WAE) positions whose principal duties involve administering

farm programs within the State consistent with legislative and Departmental requirements and reviewing national procedures and policies for adaptation at State and local levels within established parameters. Individual appointments under this authority are for 1 year and may be extended only by the Secretary of Agriculture or his designee. Members of State Committees serve at the pleasure of the Secretary.

(3) [Reserved]

(e) *Farmers Home Administration.* (1) [Reserved]

(2) County committeemen to consider, recommend, and advise with respect to the Farmers Home Administration program.

(3) Temporary positions whose principal duties involve the making and servicing of natural disaster emergency loans pursuant to current statutes authorizing natural disaster emergency loans. Appointments under this provision shall not exceed 1 year unless extended for one additional period not to exceed 1 year, but may, with prior approval of OPM, be further extended for additional periods not to exceed 1 year each.

(4) [Reserved]

(5) Temporary positions in State and county offices of the Farmers Home Administration whose principal duties involve the making and servicing of loans pursuant to the Economic Opportunity Act of 1964. Appointments under this provision shall not exceed 1 year unless extended with prior OPM approval for not to exceed 1 additional year.

(6) Professional and clerical positions in the Trust Territory of the Pacific Islands when occupied by indigenous residents of the Territory to provide financial assistance pursuant to current authorizing statutes.

(7) Positions concerned with an economic emergency loan program authorized by the Agricultural Credit Act of 1978, for seasonal employment not to exceed August 31, 1982.

(f) *Agricultural Marketing Service.* (1) Positions of Cotton, Tobacco Dairy, and Poultry Commodity Graders and Meat Acceptance Specialists, GS–11 and below, for employment not to exceed 1280 hours in a service year. Agricultural Commodity Graders (Cotton), GS–5, may be employed as trainees for the first appointment for an initial period of 6 months for training without regard to the hour limitation. Positions of Agricultural Commodity Technicians, GS–5 through GS–7, Agricultural Commodity Aids, GS–2 through GS–5, Clerks, GS–4 and below, and laborers employed on a seasonal basis not to exceed 180 days or 1280 hours a year.

(2) Positions of Raisin Inspectors and Aids and Processed Fruit and Vegetable Graders and Aids, GS–9 and below, for employment not to exceed 180 days in a service year. In unforeseen situations such as bad weather or crop conditions, unanticipated plant demands, or increased imports, employees may work up to 240 days in a service year.

(3) Milk Market Administrators.

(4) All positions on the staffs of Milk Market Administrators.

(5) [Reserved]

(g)–(i) [Reserved]

(j) *Food and Nutrition Service.* (1) [Reserved]

(2) Three hundred fifty positions of food assistance program specialist, GS–5/7, under the Child Nutrition Summer Feeding Program, for temporary employment not to begin before March 1 and not to exceed September 30 of each year, on a full-time, part-time, or intermittent basis.

(k) *Animal and Plant Health Inspection Service.* (1) [Reserved]

(2) Temporary field positions concerned with the control, suppression, and eradication of emergency livestock and plant diseases and emergency outbreaks of animal and plant pests. Persons appointed under this authority may not be employed in these positions in the Animal and Plant Health Inspection Service for longer than 1 year under this authority, or under a combination of this and any other authorities for excepted appointment that may be appropriate without prior approval of OPM. This authority shall be appropriate only in situations declared by the Secretary of Agriculture to be emergencies threatening the livestock and plant industries of the country.

(l) *Food Safety and Inspection Service.* (1)–(2) [Reserved].

(3) Positions of meat and poultry inspectors (veterinarians at GS–11 and below and nonveterinarians at appropriate grades below GS–11) for employment on a temporary, intermittent, or seasonal basis, not to exceed 1,280 hours a year.

(m) *Federal Grain Inspection Service.* (1) One hundred fifty positions of Agricultural Commodity Aid (Grain), GS–2/4; 100 positions of Agricultural Commodity Technician (Grain), GS–4/7; and 60 positions of Agricultural Commodity Grader (Grain), GS–5/9, for temporary employment on a part-time, intermittent, or seasonal basis not to exceed 1,290 hours in a service year.

213.3114 Department of Commerce

(a) *General.* (1)–(2)[Reserved]

(3) Not to exceed 50 scientific and technical positions whose duties are performed primarily in the Antarctic. Incumbents of these positions may be stationed in continental United States for periods of orientation, training, analysis of data, and report writing.

(b) *Office of the Secretary.* (1) One position of Administrative Assistant, GS–301–8, in the Office of Economic Affairs. New appointments may not be made after March 30, 1979.

(2)–(3) [Reserved]

(c) [Reserved]

(d) *Bureau of the Census.* (1) Managers, supervisors, technicians, clerks, interviewers, and enumerators in the field service, for temporary, part-time or intermittent employment in connection with major economic and demographic censuses or with surveys of a nonrecurring or noncyclical nature: *Provided,* that temporary, part-time employment will be for periods not to exceed 1 year; and that such appointments may be extended for additional periods of not to exceed 1 year each; but that prior Office approval is required for extension of total service beyond 2 years.

(2) Current Program Interviewers employed on an intermittent or part-time basis in the field service.

(3) [Reserved]

(e)(h) [Reserved]

(i) *Office of the Under Secretary for International Trade.* (1) Thirty positions at GS–12 and above in specialized fields relating to international trade or commerce in units under the jurisdiction of the Under Secretary for International Trade. Incumbents will be assigned to advisory rather than to operating duties, except as operating and administrative responsibility may be required for the conduct of pilot studies or special projects. Employment under this authority will not exceed 2 years for an individual appointee.

(2) Not to exceed 40 positions of Managers and Deputy Managers of International Trade Fairs and Exhibit Programs in foreign countries when the duties require a considerable portion of the employee's time to be spent in foreign countries.

(3) Not to exceed 30 positions in grades GS–12 through GS–15, to be filled by persons qualified as industrial or marketing specialists; who possess specialized knowledge and experience in industrial production, industrial operations and related problems, market structure and trends, retail and wholesale trade practices, distribution channels and costs, or business financing and credit practices applicable to one or more of the current segments

of U.S. industry served by the Under Secretary for International Trade, and the subordinate components of his organization which are involved in Domestic Business matters. Appointments under this authority may be made for a period of not to exceed two years and may, with prior approval of OPM, be extended for an additional period of two years.

(j) *National Oceanic and Atmospheric Administration.* (1) Subject to prior approval of OPM, which shall be contingent upon a showing of inadequate housing facilities, meteorological aid positions at the following stations in Alaska: Barrow, Bethal, Kotzebue, McGrath, Northway, and St. Paul Island.

(2) Positions requiring temporary employment of persons to perform duties which involve work associated with the inspection of fishery products. Appointment under this authority may be made for a period of 1 year (2,080 hours), with one extension not to exceed 2,080 hours. No person shall be employed under this authority in a supervisory position or in a position above grade GS–9, or equivalent. Positions filled under this authority may not exceed 20 percent of authorized fishery products inspection staff.

(3) All civilian positions on vessels operated by the National Ocean Survey.

(4) Temporary positions required in connection with the surveying operations of the field service of the National Ocean Survey. Appointment to such positions shall not exceed 8 months in any 1 calendar year.

(k) [Reserved]

(l) *National Telecommunication and Information Administration.* (1) Seventeen professional positions in grades GS–13 through GS–15.

(m) [Reserved]

213.3115 Department of Labor.

(a) *Office of the Secretary.* (1) Chairman and five members, Employees' Compensation Appeals Board.

(2) Chairman and two members, Benefits Review Board.

(b) *Bureau of Labor Statistics.* (1) Not to exceed 500 positions involving part-time and intermittent employment for field survey and enumeration work in the Bureau of Labor Statistics. This authority is applicable to positions where the salary is equivalent to GS–6 and below. Employment under this authority may not exceed, 1,600 work hours in a service year. No new appointment may be made under this authority after December 31, 1983.

(c) [Reserved]

(d) *Employment and Training Administration.* (1) Not to exceed 10 positions of supervisory manpower development specialist and manpower development specialist, GS–7/15, in the Division of Indian and Native American Programs, when filled by the appointment of persons of one-fourth or more Indian blood. These positions require direct contact with Indian tribes and communities for the development and administration of comprehensive employment and training programs.

213.3116 Department of Health and Human Services.

(a) *Saint Elizabeth's Hospital.* (1)–(4) [Reserved]

(5) 15 positions of psychodrama trainees, including interns and first- and second-year residents. This authority shall be applied only to positions with compensation fixed under 5 U.S.C. 5351 and 5352.

(6)–(8) [Reserved]

(9) Positions of Chaplain Residents: *Provided,* That employment under this authority shall not exceed 39 months for any individual. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of 5 U.S.C. 5351 and 5352.

(10) [Reserved]

(11) Ten positions of group dynamics and group psychotherapy trainees, including interns and residents in the Overholser Training and Research Division. Employment under this authority shall not exceed 2 years, and shall be applied only to positions with compensation fixed under 5 U.S.C. 5351 and 5352.

(12) Ten positions of Interns, Residents and Fellows for work in mental health and deafness. Employment under this authority may not exceed 1 year for any individual.

(13) Fifteen positions of Interns and Residents in Applied and Evaluative Research (Mental Health) Program. Employment under this authority may not exceed two years for any individual.

(b) *Public Health Service* (1) [Reserved]

(2) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(3) All positions in the Public Health Service Hospital, Carville, La.

(4) Positions concerned with problems in preventive medicine financed or participated in by the Department of Health and Human Services and a cooperating State, county, municipality, incorporated organization, or an individual in which at least one-half of the expense is contributed by the cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(5) Medical and dental interns, externs, and residents; and student nurses.

(6) Positions of scientific, professional, or technical nature when filled by bona fide students enrolled in academic institutions: *Provided,* That the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by an educational institution to qualify for a scientific, professional, or technical field: *And provided further,* That appropriate exclusions of the positions under the authority of Pub. L. 80–330 have been approved by the Office of Personnel Management.

(7) [Reserved]

(8) All positions in the Public Health Service and other positions in the Department of Health and Human Services directly and primarily related to providing services to Indians when filled by the appointment of Indians. The Secretary of Health and Human Services is responsible for defining the term "Indian."

(9) Twelve positions of Therapeutic Radiologic Technician Trainee in the Radiation Oncology Branch, National Cancer Institute. Employment under this authority shall not exceed 1 year for any individual. This authority shall be applied only to positions with compensation fixed under 5 U.S.C. 5351–5356.

(10) Health care positions of the National Health Service Corps for employment of any one individual not to exceed 4 years of service in health manpower shortage areas.

(11) Pharmacy Resident positions at GS–7 in the National Institutes of Health's Clinical Center, Pharmacy Department. Employment in these positions is confined to graduates of approved schools of pharmacy and is limited to a period not to exceed 12 months pending licensure.

(12) Hospital Administration Resident positions at GS–9 in the National Institutes of Health's Clinical Center, Bethesda, Maryland. Employment in these positions is confined to graduates of approved hospital or health care administration programs and is limited to a period not to exceed 1 year.

(c) [Reserved]

(d) *Social Security Administration.* (1) Six positions of social insurance representative in the district offices of the Social Security Administration in the State of Arizona when filled by the appointment of persons of one-fourth or more Indian blood.

(2) Seven positions of social insurance representative in the district offices of the Social Security Administration in the State of New Mexico when filled by the appointment of persons of one-fouth or more Indian blood.

(3) Two positions of social insurance representative in the district offices of the Social Security Administration in the State of Alaska when filled by the appointment of persons of one-fourth or more Alaskan Native blood (Eskimos, Indians, or Aleuts).

(4) Not to exceed 64 positions on the Refugee Program Staff.

(5) Eleven clerical and technical positions at grade GS–5 in the Social Security Administration which involve contact with recent Indochinese immigrants and which require a knowledge of Indochinese languages and an understanding of and sympathy for the problems faced by recent Indochinese immigrants.

(6) [Reserved]

(e) [Reserved]

(f) *The President's Council on Physical Fitness.* (1) Four staff assistants, The President's Council on Physical Fitness.

(g)-(i) [Reserved]

(j) *Health Care Financing Administration.* (1) [Reserved]

(2) Not to exceed 10 professional positions, GS–9 through GS–15, to be filled under the Health Care Financing Administration Professional Exchange Program. Appointments under this authority will not exceed 1 year.

(k) *Office of the Secretary.*

(1) [Reserved]

(2) Not to exceed 10 positions at grades GS–9/14 in the Office of the Assistant Secretary for Planning and Evaluation filled under the Policy Research Associate Program. New appointments to these positions may be made only at grades GS–9/12. Employment of any individual under this authority may not exceed 2 years.

(3) [Reserved]

213.3117 Department of Education.

(a) Positions concerned with problems in education financed and participated in by the Department of Education and a cooperating State educational agency, or university or college, in which there is joint responsibility for selection and supervision of employees, and at least one-half of the expense is contributed by the cooperating agency in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

213.3124 Board of Governors, Federal Reserve System.

(a) All positions.

213.3127 Veterans Administration.

(a) *Construction Division.* (1) Temporary construction workers paid from "purchase and hire" funds and appointed for not to exceed the duration of a construction project.

(b) Not to exceed 400 positions of rehabilitation counselors, GS–3 through GS–11, in Alcoholism Treatment Units and Drug Dependence Treatment Centers, when filled by former patients.

(c) [Reserved]

(d) Not to exceed 400 positions at grades GS–3 through GS–11, involved in the Veterans Administration Vietnam Era Veterans Readjustment Counseling Program. No one may serve under this authority after August 31, 1984.

213.3128 U.S. Information Agency.

(a) *Office of Congressional and Public Liaison.* (1) Two positions of Liaison Officer (Congressional), GS–14.

(b) Five positions of Supervisory International Exchange Officer (Reception Center Director), GS–13 and GS–14, located in ICA's field offices of New Orleans, New York, Miami, San Francisco and Honolulu. Initial appointments will not exceed December 31 of the calendar year in which appointment is made with extensions permitted up to a maximum period of 4 years.

213.3130 Securities and Exchange Commission.

(a)-(b) [Reserved]

(c) Positions of accountant and auditor, GS–13 through 15, when filled by persons selected under the SEC Accounting Fellow Program, as follows:

(1) Four positions, for employment of any one individual not to exceed 2 years; and

(2) Two additional identical positions, for employment of any one individual not to exceed 90 days, which may be used to provide a period of transition and orientation between Followship appointments. These additional identical positions must be filled by persons who either have completed a 2-year Followship or have been selected as replacement Fellows for a 2-year term. Appointments of outgoing Fellows under this authority must be made without a break in service of 1 workday following completion of their 2-year terms; incoming Fellows appointed under this provision must be appointed to 2-year Fellowships without a break in service of 1 workday following their 90-day appointments.

(d) Positions of Economist, GS–13 through 15, when filled by persons selected under the SEC Economic Fellow Program. No more than four positions may be filled under this authority at any one time. An employee may not serve under this authority longer than two years unless selected under provisions set forth in the Intergovernmental Personnel Act (IPA), 5 U.S.C. 3372(b)(2).

(e) [Reserved]

213.3131 Department of Energy.

(a) *General.* (1) Temporary, intermittent, or seasonal field assistants at GS–5, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority shall not exceed 130 working days a year. This authority shall not apply to positions of field assistants engaged in fishery management work in Alaska.

(b) *Bonneville Power Administration.* (1) Five Area Managers.

213.3132 Small Business Administration.

(a) When the President under 42 U.S.C. 1855–1855g, the Secretary of Agriculture under 7 U.S.C. 1961, or the Small Business Administration under 15 U.S.C. 636(b)(1) declares an area to be a disaster area, positions filled by temporary appointment of employees to make and administer disaster loans in the area under the Small Business Act, as amended. Service under this authority may not exceed 4 years, and no more than 2 years may be spent on a single disaster. Exception to this time limit may only be made with prior Office approval. Appointments under this authority may not be used to extend the 2-year service limit contained in paragraph (b) below. No one may be appointed under this authority to positions engaged in long-term maintenance of loan portfolios.

(b) When the President under 42 U.S.C. 1855–855g, or the Secretary of Agriculture under 7 U.S.C. 1961 or the Small Business Administration under 15 U.S.C. 636(b)(1), declares an area to be a disaster area, positions filled by temporary appointment of employees to make and administer disaster loans in that area under the Small Business Act, as amended. No one may serve under this authority for more than an aggregate of 2 years without a break in service of at least 6 months. Persons who have had more than 2 years of service under paragraph (a) of this section must have a break in service of at least 6 months following such service before appointment under this authority. No one may be appointed under this

authority to positions engaged in long-term maintenance of loan portfolios.

(c) Positions of Community Economic-Industrial Planner, GS-7 through 12, when filled by local residents who represent the interest of the groups to be served by the Minority Entrepreneurship Teams of which they are members. No new appointments may be made under this authority after May 1, 1977.

213.3133 Federal Deposit Insurance Corporation.

(a) All Liquidation Graded, temporary field positions concerned with the work of liquidating the assets of closed banks, of liquidating loans to banks, or of paying the depositors of closed insured banks.

213.3136 U.S. Soldiers' and Airmen's Home.

(a) All positions.

213.3137 General Services Administration.

(a) *General.* (1) Custodians, guards, watchmen, laborers, and other employees engaged in the custody, care, and preservation of plants, warehouses, shipyards, airfields, and surplus facilities of a similar nature pending disposition of such facilities.

(b) Not to exceed 15 positions at grades GS-14/15, in order to bring into the agency current industry expertise in various program areas. Appointments under this authority may not exceed 2 years.

(c)-(d) [Reserved]

213.3140 Civil Aeronautics Board.

(a) Not to exceed 40% of the Civil Aeronautics Board's authorized GS-15 and below positions. This authority may not be used for new appointments to positions which are identified for transfer to other Federal agencies as authorized under the mandates of the Airline Deregulation Act of 1978. Employment under this authority may not exceed December 31, 1984.

213.3141 National Labor Relations Board.

(a) Election Examiners for temporary, part-time or intermittent employment in connection with elections under the Labor-Management Relations Act.

213.3142 Export-Import Bank of the United States.

(a) One Special Assistant to the Board of Directors, grade GS-14 and above.

213.3146 Selective Service System.

(a) State Directors.

(b)-(c) [Reserved]

(d) Executive Secretary, National Selective Service Appeal Board.

213.3148 National Aeronautics and Space Administration.

(a) One hundred fifty alien scientists having special qualifications in the fields of aeronautical and space research where such employment is deemed by the Administrator of the National Aeronautics and Space Administration to be necessary in the public interest.

(b) Not to exceed 40 positions of fully qualified pilot and mission specialists astronauts.

(c)-(e) [Reserved]

(f) Positions of Program Coordinator/Counselor at grades GS-7/9/11 for part-time and summer employment in connection with the High School Students Summer Research Apprenticeship Program.

213.3152 U.S. Government Printing Office.

(a) Not to exceed three positions of Research Associate at grades GS-15 and below, involved in the study and analysis of complex problems relating to the reduction of the Government's printing costs and to provision of more efficient service to customer agencies and the public. Appointments under this authority may not exceed 1 year, but may be extended for not to exceed 1 additional year.

(b) Positions in the printing trades when filled by students majoring in printing technology employed under a cooperative education agreement with the University of the District of Columbia.

213.3154 Federal Home Loan Bank Board.

(a) One Secretary, Federal Home Loan Bank Board.

(b) [Reserved]

(c) Positions in the Federal Savings and Loan Insurance Corporation concerned with the work of liquidating the assets of closed insured institutions or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom; and positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned with paying the depositors of closed insured institutions. Appointments under this authority may not exceed 3 years.

213.3156 Commission on Civil Rights.

(a) Twenty-five positions at grade GS-11 and above of employees who collect, study, and appraise civil rights information to carry out the national clearinghouse responsibilities of the Commission under Pub. L. 88-352, as amended. No new appointments may be made under this authority after March 31, 1976.

213.3174 Smithsonian Institution.

(a) Not to exceed 25 positions at grades GS-11 and below which support planning and production of the Annual American Folklife Festival. Employment under this authority may not exceed 6 months in connection with any one Festival.

(b) All positions located in Panama which are part of or which support the Smithsonian Tropical Research Institute.

(c) One Russian Studies Program Administrator and one East Asian Studies Program Administrator in the Woodrow Wilson International Center for Scholars.

213.3182 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.*

(1) Until September 30, 1985, one position of Assistant Director, Artists-in-Education Programs, Office for Partnership, GS-301-14.

(2) Until September 30, 1985, one position of Director of Federal-State Partnership.

(3) Until September 30, 1985, one position of Director of Literature Programs.

(4) Until September 30, 1985, one position of Assistant Director of Theatre Programs.

(5) Until September 30, 1985, one position of Director of Folk Arts programs.

(6) Until September 30, 1985, one position of Director, Opera/Musical Theatre Programs.

(7) Until September 30, 1985, one position of Assistant Director of Opera/Musical Theatre Programs.

(8) Until September 30, 1985, one position of Assistant Director of Literature Programs.

(9) Until September 30, 1985, one position of Director of Locals Test Programs, Office of the Deputy to the Chairman for Public Partnership.

(10) Until September 30, 1985, one position of Deputy to the Chairman for Public Partnership.

(11) Until September 30, 1985, four Project Evaluators.

(12) Until September 30, 1985, one position of Director of Museum Programs.

(13) Until September 30, 1985, one position of Assistant Director of Folk Arts, Office of the Deputy Chairman for Programs.

(14) Until September 30, 1985, two positions of Assistant Director of Music Programs.

(15) Until September 30, 1985, one position of Director of Expansion Arts Programs.

(16) Until September 30, 1985, one position of Director of Media Arts Programs.

(17)–(19) [Reserved]

(20) Until September 30, 1985, one position of Director of Inter Arts Programs.

(21) Until September 30, 1985, one position of Assistant Director of Expansion of Arts Programs.

(22) Until September 30, 1985, one position of Assistant Director of Media Arts Programs.

(23) Until September 30, 1985, one position of Assistant Director of Design Arts Programs.

(24) Until September 30, 1985, one position of Assistant Director of Dance Programs.

(25) Until September 30, 1985, one position of Assistant Director of Visual Arts Programs.

(26) Until September 30, 1985, one position of Assistant Director of Museum Programs.

(27) Until September 30, 1985, one position of Assistant Director of Special Projects.

(28)–(29) [Reserved]

(30) Until September 30, 1985, one position of Director of Education Programs.

(31) Until September 30, 1985, one position of Director of Music Programs.

(32) Until September 30, 1985, one position of Director of Theater Programs.

(33) Until September 30, 1985, one position of Director of Dance Programs.

(34) Until September 30, 1985, one position of Director of Visual Arts Programs.

(35) Until September 30, 1985, one position of Director of Design Arts Program.

(36) [Reserved]

(37) Until September 30, 1985, one Director for State Programs.

(38) Until September 30, 1985, one Director for Artists-in Education Programs.

(b) *National Endowment for the Humanities.* (1)–(21) [Reserved]

(22) Until September 30, 1985, one position of Bicentennial Coordinator, Office of the Chairman.

(23)–(27) [Reserved]

213.3184 Department of Housing and Urban Development.

(a) One position of Special Advisor to the Regional Administrator, GS–310–14, in San Francisco. Employment under this authority may not exceed 2 years.

213.3191 Office of Personnel Management.

(a) Not to exceed 500 positions in Federal Job Information Centers, to be filled under the Community Outreach Information Network program. Appointments under this authority may not exceed 90 days, and no one may receive more than one appointment under the authority.

(b)–(c) [Reserved].

(d) Part-time and intermittent positions of test examiners at grades GS–8 and below.

213.3194 Department of Transportation.

(a) *U.S. Coast Guard.* (1) Not to exceed 25 positions of Marine Traffic Controller (Pilot), at grade GS–11 and below for temporary, intermittent or seasonal employment in the State of Louisiana. Temporary appointments may not exceed 1 year, and temporary appointees may be reappointed under this authority only after a break in service of at least 6 months. Intermittent or seasonal employment may not exceed 180 working days in a service year, except that this limitation for an individual employee may be extended to 220 days when necessitated by emergencies caused by unusual flooding conditions or high river stages.

(2) Lamplighters.

(3) Professors, Associate Professors, Assistant Professors, Instructors, one Principal Librarian, one Cadet Hostess, and one Psychologist (Counseling) at the Coast Guard Academy, New London, Conn.

(b) [Reserved]

(c) *Federal Highway Administration.* (1) Temporary, intermittent, or seasonal employment in the field service of the Federal Highway Administration at grades not higher than GS–5 for subprofessional engineering aide work on the highway surveys and constructions projects, for not to exceed 180 working days a year, when in the opinion of OPM, appointment through competitive examination is impracticable.

(d) [Reserved]

(e) *Maritime Administration.* (1)–(2) [Reserved]

(3) All positions on Government-owned vessels or those bareboats chartered to the Government and operated by or for the Maritime Administration.

(4)–(5) [Reserved]

(6) U.S. Merchant Marine Academy, positions of: Professors, Instructors, and Teachers: including heads of Department of Physical Education and Athletics, Humanities, Mathematics and Science, Maritime Law and Economics, Nautical Science, and Engineering; Coordinator of Shipboard Training; the Commandant of Midshipmen, the Assistant Commandant of Midshipmen; Director of Music; three Battalion Officers; three Regimental Affairs Officers; and one Training Administrator.

(7) U.S. Merchant Marine Academy positions of: Associate Deen; Registrar; Director of Admissions; Assistant Director of Admissions; Director, Office of External Affairs; Placement Officer; Administrative Librarian; Shipboard Training Assistant; three Academy Training Representatives; and one Education Program Assistant.

(f) [Reserved]

213.3195 Federal Emergency Management Agency.

(a) Field positions at grades GS–15 and below, or equivalent, which are engaged in work directly related to unique response efforts to environmental emergencies not covered by the Disaster Relief Act of 1974, Pub. L. 93–288, as amended. Employment under this authority may not exceed 36 months on any single emergency. Persons may not be employed under this authority for long-term duties or for work not directly necessitated by the emergency response effort.

213.3199 Temporary organizations.

(a) Positions at GS–15 and below on the staffs of temporary boards and commissions which are established by law or Executive order for specified periods not to exceed 4 years to perform specific projects. A temporary board or commission originally established for less than 4 years and subsequently extended may continue to fill its staff positions under this authority as long as its total life, including extension(s) does not exceed 4 years. No board or commission may use this authority for more than 4 years to make appointments and position changes unless prior approval of the Office is obtained.

(b) Positions at GS–15 and below on the staffs of temporary organizations established within continuing agencies when all of the following conditions are met: (1) The temporary organization is established by an authority outside the agency, usually by law or Executive order; (2) the temporary organization is established for an initial period of 4 years or less and, if subsequently extended, its total life including extension(s) will not exceed 4 years; (3) the work to be performed by the

temporary organization is outside the agency's continuing responsibilities; and (4) the positions filled under this authority are those for which other staffing resources or authorities are not available within the agency. An agency may use this authority to fill positions in organizations which do not meet all of the above conditions or to make appointments and position changes in a single organization during a period longer than 4 years only with prior approval of the Office.

Schedule B

213.3202 Entire executive civil service.

The provisions established under paragraphs (a) through (i) are authorized under provisions of E.O. 12015 and support career-related work-study programs. OPM's requirements relating to appointment under paragraphs (a) through (i) will be published in the Federal Personnel Manual. Further, appointments under paragraphs (a) through (i) are subject to all the requirements and conditions governing career or career-conditional appointments, including investigation by OPM to establish an appointee's qualifications and suitability. Appointments of participants may be converted to career or career-conditional at any time within a 120-day period after satisfactory completion of a career-related work-study program.

(a) Student positions established in connection with a bachelor's degree cooperative education program which provide for a formally arranged schedule of attendance at an institution of higher learning combined with at least 26 weeks, or 1040 hours, of study-related work in a Federal agency. The periods of work and study together must satisfy requirements for a bachelor's degree and must provide the experience necessary for a career or career-conditional appointment to administrative, professional or technical positions in the Federal career service upon the student's graduation.

(b) Student positions established in support of cooperative education programs for graduate students which provide for scheduled periods of attendance at a graduate school combined with at least 16 weeks or 640 hours of study-related work in a Federal agency. The periods of work and study must satisfy requirements for the graduate degree and provide experience necessary for career or career-conditional appointment in the Federal career service upon the student's graduation.

(c) Student positions established in connection with associate degree cooperative education programs which provide for formally arranged schedules of attendance at a recognized 2-year educational institution combined with at least 26 weeks or 1040 hours of study-related work in a Federal agency. The periods of work and study together must satisfy the requirements for graduation and must provide the experience necessary for career or career-conditional appointment in selected occupations in the Federal career service upon the student's graduation.

(d) Student positions established in connection with the Harry S. Truman Foundation Scholarship Program under the provisions of Pub. L. 93–642 to permit scheduled periods of attendance at institutions of higher education combined with at least 26 weeks or 1040 hours of study-related work in a Federal agency. The periods of work and study must satisfy requirements of programs established by agreement between the Harry S. Truman Scholarship Foundation and the employing agency and provide the experience necessary for career or career-conditional appointment in the Federal career service upon the student's graduation.

(e) Positions at shipyards, air rework facilities and other major industrial activities in the Department of the Navy which prepare students at the high school level, upon satisfactory completion of a cooperative education program of at least 1,040 hours for employment in preapprentice positions or in helper positions at the WG–5 level as pipefitters, marine machinist, inside machinist, welder, sheet metal mechanic, and such other occupations where the jouneyman level is WG–9 or above as the Associate Director, Staffing Group, shall have approved, provided that: (1) Not more than 25 percent of the positions in covered occupations will be filled annually at any single installation through this conversion authority, and (2) the maximum time during which any student will be employed in the program is 18 months, and (3) except for conditions specified in this authority, students will be subject to instructions governing all other high school vocational education students in cooperative education programs, and (4) any student who completes a program without a diploma must have an authenticated certificate from the school indicating satisfactory completion in his/her personnel folder.

(f) Positions under the Federal Junior Fellowship Program, a career-related work-study program covered under the provisions of E.O. 12015.

(g) Positions with the Social Security Administration, Department of Health, and Human Services, in a 2-year pilot, career-related work-study program under the provisions of E.O. 12015 for students employed under the Stay-in-School Program. Under this program, the number of annual conversions to competitive service entry level clerk-typist, clerk-stenographer, other general clerical positions, and technician positions related to computer science and the graphic arts are limited to not more than 10 percent of the positions filled in these occupations by the agency annually.

(h)–(i) [Reserved]

(j) Special executive development positions established in connection with Senior Executive Service candidate development programs which have been approved by OPM. A Federal agency may make new appointments under this authority for any period of employment not exceeding three years for one individual.

(k) Positions at grades GS–15 and below when filled by individuals who: (1) Are placed at a severe disadvantage in obtaining employment because of a psychiatric disability evidenced by hospitalization or outpatient treatment and have had a significant period of substantially disrupted employment because of the disability; and (2) are certified to a specific position by a State vocational rehabilitation counselor or a Veterans Administration counseling psychologist (or psychiatrist) who indicates that they meet the severe disadvantage criteria stated above, that they are capable of functioning in the positions to which they will be appointed, and that any residual disability is not job related. Employment of any individual under this authority may not exceed 2 years following each significant period of mental illness.

213.3203 Executive Office of the President.

(a) [Reserved]

(b) *Office of the Special Representative for Trade Negotiations.* (1) Seventeen positions of economist at grades GS–12 through GS–15.

213.3204 Department of State.

(a)-(c) [Reserved]

(d) Eight positions on the household staff of the President's Guest House (Blair and Blair-Lee Houses).

(e) Four Physical Science Administration Officer positions at GS–11 and GS–12 under the Bureau of Oceans and International Environmental and Scientific Affairs' Science, Engineering and Diplomacy Fellowship Program. Employment under this authority is not to exceed 1 year.

(f) Scientific, professional, and technical positions at grades GS–12 to GS–15 when filled by persons having special qualifications in foreign policy matters. Total employment under this authority may not exceed 4 years.

213.3205 Department of the Treasury.

(a) Positions of Deputy Comptroller of the Currency, Chief National Bank Examiner, Assistant Chief National Bank Examiner, Regional Administrator of National Banks, Deputy Regional Administrator of National Banks, Assistant to the Comptroller of the Currency, National Bank Examiner, Associate National Bank Examiner, and Assistant National Bank Examiner, whose salaries are paid from assessments against national banks and other financial institutions.

(b) [Reserved]

(c) Not to exceed two positions of Accountant (Tax Specialist) at grades GS–13 and above to serve as specialists on the accounting analysis and treatment of corporation taxes. Employments under this paragraph shall not exceed a period of 18 months in any individual case.

(d) Positions concerned with the protection of the life and safety of the President and members of his immediate family, or other persons for whom similar protective services are prescribed by law, when filled in accordance with special appointment procedures approved by OPM. Service under this authority may not exceed (1) a total of 4 years or (2) 120 days following completion of the service required for conversion under Executive Order 11203, whichever occurs first.

213.3206 Department of Defense.

(a) *Office of the Secretary.* (1) [Reserved]

(2) Professional positions at GS–11 through GS–15 involving systems, costs, and economic analysis functions in the Office of the Assistant Secretary (Program analysis and Evaluation); and in the Office of the Deputy Assistant Secretary (Systems Policy and Information) in the Office of the Assistant Secretary (Comptroller).

(3)–(4) [Reserved]

(5) Four Net Assessment Analysts.

(b) *Interdepartmental activities.* (1) Five positions to provide general administration, general art and information, photography, and/or visual information support to the White House Photographic Service.

(c) *National Defense University.* (1) Twenty-one positions for professor, GS–13/15, for employment of any one individual on an initial appointment not to exceed 3 years with an annual renewal provision indefinitely thereafter.

(d) *General.* (1) One position of Law Enforcement Liaison Officer (Drugs), GS–301–15, U.S. European Command.

213.3207 Department of the Army.

(a) *U.S. Army Command and General Staff College.* (1) Seven positions of professors, instructors, and education specialists. Total employment of any individual under this authority may not exceed 4 years.

(b) *Brooke Army Medical Center, Fort Sam Houston, Texas.* (1) Two Medical Officer (Surgery) positions, GS–12, in the Clinical Division, U.S. Army Institute of Surgical Research, whose incumbents are enrolled in medical school surgical residency programs. Employment under this authority shall not exceed 12 months.

213.3208 Department of the Navy.

(a) *Naval Underwater Systems Center, New London, Connecticut.* (1) One position of oceanographer, grade GS–14, to function as project director and manager for research in the weapons systems applications of ocean eddies.

(b) All civilian faculty positions of professors, instructors, and teachers on the staff of the Armed Forces Staff College, Norfolk, Virginia.

213.3209 Department of the Air Force.

(a) Not to exceed four interdisciplinary positions for the Air Research Institute at the Air University, Maxwell Air Force Base, Alabama, for employment to complete studies proposed by candidates and acceptable to the Air Force. Employment of any one individual is not to exceed 1 year. Such employment may be extended for not to exceed 1 additional year. Total employment of any one individual under this authority may not exceed 2 years.

(b) Civilian Deans and Professors at the Air Force Institute of Technology, Wright-Patterson Air Force Base, Dayton, Ohio.

(c) One Director of Instruction and 14 civilian Instructors at the Defense Institute of Security Assistance Management, Wright-Patterson Air Force Base, Dayton, Ohio. Individual appointments under this authority will be for an initial 3-year period which may be followed by an appointment of indefinite duration.

(d) Seven positions of professor or associate professor at the Air University, Maxwell Air Force Base, Ala., for employment of any one individual not to exceed 2 years. Such employment may be extended once for an additional period of 2 years. Total employment of any one individual under this authority may not exceed 4 years.

213.3210 Department of Justice.

(a) Criminal Investigator (Special Agent) positions in the Drug Enforcement Administration. New appointments may be made under this authority only at grades GS–5 through 11. Service under the authority may not exceed 4 years. Appointments made under this authority may be converted to career or career-conditional appointments under the provisions of Executive Order 12230, subject to conditions agreed between the Department and OPM.

(b) Positions of Port Receptionist and Supervisory Port Receptionist, Immigration and Naturalization Service.

(c) Not to exceed 50 positions at grades GS–7 through 15 assigned to regional task forces established to conduct special investigations to combat drug trafficking and organized crime.

(d) Until March 31, 1984, positions, other than those providing routine clerical and administrative support, on the staff of the offices of United States Trustees. Terms of service under this authority shall be established in accordance with provisions of the Bankruptcy Reform Act of 1978 and subsequent applicable legislation.

213.3212 Department of the Interior.

(a) Any competitive position at an Indian school when filed by the spouse of a competitive employee of the school, when because of isolation or lack of quarters, the OPM deems appointment through competitive examination impracticable.

213.3213 Department of Agriculture.

(a) *Office of International Cooperation and Development.* (1) Positions of a project nature involved in international technical assistance activities. Service under this authority may not exceed 2 years on a single project for any individual. No more than 20 new appointments may be made under this authority in any 12-month period.

213.3214 Department of Commerce.

(a) *Bureau of the Census.* (1) [Reserved]

(2) Not to exceed 50 Community Services Specialist positions at the equivalent of GS–5 through GS–12.

(b) *Economic Development Administration.* (1)–(2) [Reserved]

(c) *Minority Business Development Agency.* (1) One position of minority business opportunity specialist at grades

GS–9 through GS–15. This authority may not be used for new appointments after December 31, 1977.

(d) *Office of Telecommunications.* (1) Not to exceed 10 positions of Telecommunications Policy Analysts, grades GS–11 through 15. Employment under this authority may not exceed 2 years.

213.3215 Department of Labor.

(a) Positions of Chairman and Member, Wage Appeals Board.

213.3216 Department of Health and Human Services.

(a) *Public Health Service.* (1) Not to exceed 68 positions at GS–11 and below on the Health and Nutrition Examination Survey teams of the National Center for Health Statistics.

(b)-(c) [Reserved]

(d) *National Library of Medicine.* (1) Ten positions of Librarian, GS–7, the incumbents of which will be trainees in the Library Associate Training Program in Medical Librarianship and Biomedical Communications. Employment under this authority is not to exceed 1 year.

(e) [Reserved]

213.3217 Department of Education.

(a) Seventy-five positions, not in excess of GS–13, of a professional or analytical nature when filled by persons, other than college faculty members or candidates working toward college degrees, who are participating in midcareer development programs authorized by Federal statute or regulation, or sponsored by private nonprofit organizations, when a period of work experience is a requirement for completion of an organized study program. Employment under this authority shall not exceed 1 year.

(b) Fifty positions, GS–7 through GS–11, concerned with advising on education policies, practices, and procedures under unusual and abnormal conditions. Persons employed under this provision must be bona fide elementary school and high school teachers. Appointments under this authority may be made for a period of not to exceed 1 year, and may, with the prior approval of the Office of Personnel Management, be extended for an additional period of 1 year.

213.3227 Veterans Administration.

(a) Not to exceed 800 principal investigatory, scientific, professional and technical positions at grades GS–11 and above in the medical research program. Employment under this authority may not exceed 7 years for any individual.

213.3228 U.S. Information Agency.

(a) [Reserved]

(b) Positions of English Language Radio Broadcast Intern, GS–1001–5/7/9. Employment is not to exceed 2 years for any intern.

213.3231 Department of Energy.

(a) Twelve Exceptions and Appeals Analyst positions at grades GS–7 through 11, when filled by persons selected under DOE's fellowship program in its Office of Hearings and Appeals, Washington, D.C. Appointments under this authority shall not exceed 3 years.

213.3237 General Services Administration.

(a) One position of Deputy Director of Network Services.

213.3242 Export—Import Bank of the U.S.

(a) One position of Food Service Worker, WG–7804–3/4/5, in the Office of the President and Chairman.

213.3248 National Aeronautics and Space Administration

(a) Not to exceed 40 positions of Command Pilot, Pilot and Mission Specialist candidates at grade GR–7 through 15 in the Space Shuttle Astronaut program. Employment under this authority may not exceed 3 years.

213.3254 Federal Home Loan Bank Board.

(a) Positions of Accounting Policy Analyst, GS–13/14/15, in the Office of Examinations and Supervision filled in connectiion with a fellowship program. Appointments under this authority may not exceed 2 years. No more than two new appointments may be made under this authority during any consecutive 12-month period.

(b) Up to 73 positions at GS–15 and below in the Federal Home Loan Bank Board engaged in exploring methods to promote stability in the thrift industry, restore the industry to profitability, and protect individual savers.

213.3257 National Credit Union Administration.

(a) *Central Liquidity Facility.* (1) All managerial and supervisory positions at pay levels greater than the equivalent of GS–13.

213.3259 ACTION.

(a) *Office of Domestic and Anti-Poverty Operations.* (1) Not to exceed 25 positions of Program Specialist at grades GS–9 through GS–15.

(2) [Reserved]

(b) *Office of Voluntary Liaison.* (1) Three positions of Program Specialist at grades GS–7 through GS–15.

213.3272 Administrative Office of the U.S. Courts.

(a) Not to exceed 16 positions of Federal Probation System Administrator in the Division of Probation, when filled by Federal Probation Officers and/or Pretrial Services Officers on active service in the U.S. Courts.

(b) [Reserved]

(c) Three positions of Clerks Liaison Officer in the Division of Clerks of Court.

213.3274 Smithsonian Institution.

(a) *National Zoological Park.* (1) Four positions of Veteriniary Intern, GS–8/9/11. Employment under this authority is not to exceed 36 months.

(b) *Freer Gallery of Art.* (1) Not to exceed four positions of Oriental Art Restoration Specialist at grades GS–9 through GS–15.

213.3276 Appalachian Regional Commission.

(a) Two Program Coordinators.

213.3282 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.* (1) Until September 30, 1985, Assistant Director, Office of Program Development and Coordination.

(b) *National Endowment for the Humanities.* (1) Until September 30, 1985, Assistant Director, Research Materials Program, Division of Research Grants.

(2) Until September 30, 1985, Assistant Director, Higher Education Projects Program, Division of Education Programs.

(3) Until September 30, 1985, Deputy Director, Division of Education Programs.

(4) Until September 30, 1985, Director, Division of Research Grants.

(5) Until September 30, 1985, one position of Director, GS–1701–15, one position of Deputy Director, GS–1701–14, and six positions of Humanist Administrator, GS–1701–13, Division of State Programs.

(6) Until September 30, 1985, one Director and one Deputy Director, Division of Fellows and Seminars.

(7) Until September 30, 1985, one Humanist Administrator, Fellowships for College Teachers, Division of Fellowships.

(8) Until September 30, 1985, three positions of Humanist Administrator, Media Program, Division of General Programs.

(9) Until September 30, 1985, one position of Assistant Director for the Institutional Grants Program, Division of Education Programs.

(10) Until September 30, 1985, one position of Assistant Director for the Elementary and Secondary Education Program, Division of Education Programs.

(11) Until September 30, 1985, one position of Assistant Director for the Museums and Historical Organizations Program, Division of General Programs.

(12) Until September 30, 1985, one position of Humanist Administrator, Museums and Historical Organizations Program, Division of General Programs.

(13) Until September 30, 1985, one position of Humanist Administrator, Elementary and Secondary Education Program, Division of Education Programs.

(14) Until September 30, 1985, Director of General Programs.

(15) Until September 30, 1985, one Deputy Director of General Programs.

(16) Until September 30, 1985, one Humanist Administrator, Youth Programs, Division of General Programs.

(17) Until September 30, 1985, one Humanist Administrator, Program Development, Division of General Programs.

(18) Until September 30, 1985, one position of Director, Division of Education programs.

(19) Until September 30, 1985, one Special Assistant for Comparative Cultures, Office of the Chairman. Appointments under this authority may not exceed 4 years.

(20) [Reserved]

(21) Until September 30, 1985, one Challenge Grants Officer.

(22) Until September 30, 1985, one Assistant Director, Media Program, Division of General Programs.

(23) Until September 30, 1985, one position of Humanist Administrator, Publications Program, Division of Research Grants.

(24) Until September 30, 1985, one Deputy Director, Division of Reaearch Grants.

(25) Until September 30, 1985, one Humanist Administrator, Summer Seminars, Division of Fellowships.

(26) Until September 30, 1985, one position of Humanist Administrator, Humanities Libraries Projects, Division of General Programs.

(27) Until September 30, 1985, one position of Humanist Administrator, GS–14, Humanities Planning and Assessment Studies Program, Office of Planning and Policy Assessment.

(28) Until September 30, 1985, one position of Humanist Administrator, Program Development, Division of General Programs, GS–14.

(29) Until September 30, 1985, two positions of Humanist Administrator, GS–1701–14, in the Center of Research Programs and in the General Research Program, Division of Research Grants.

(30) Until September 30, 1985, one Assistant Director, Seminars of the Professions, Division of Fellowships and Seminars.

(31) Until September 30, 1985, one Assistant Director for Fellowships, Division of Fellowships and Seminars.

(32) Until September 30, 1985, one Humanist Administrator, Independent Study and Research Program, Division of Fellowships and Seminars.

(33) Until September 30, 1985, one Assistant Director, Special Projects Program, GM–1701–14, Division of General Programs.

(34) Until September 30, 1985, one Humanist Administrator, GS–1701–12, Central Disciplines in Undergraduate Education Program, Division of Education Programs.

213.3285 Pennsylvania Avenue Development Corporation.

(a) One position of Civil Engineer (Construction Manager).

213.3291 Office of Personnel Management.

(a) Not to exceed eight positions of Associate Director at the Executive Seminar Centers at grades GS–13 and GS–14. Appointments may be made for any period up to 3 years, and may be extended without prior approval for any individual. Not more than half of the authorized faculty positions at any one Executive Seminar Center may be filled under this authority.

(b) Twelve positions of faculty members at grades GS–13 through 15, at the Federal Executive Institute. Individual appointments under this authority may be made for initial period(s) up to 3 years which may be followed by an appointment of indefinite duration.

Schedule C

213.3303 Executive Office of the President

Council of Economic Advisors

CEA 2 Private Secretary to the Chairman.

CEA 4 Secretary to a Member of the Council of Economic Advisors.

CEA 5 Secretary to a Member of the Council of Economic Advisors.

Council on Environmental Quality

CEQ 2 Confidential Assistant to a Council Member.

Office of Administration

OA 8 Confidential Secretary to the General Counsel.

OA 9 Administrative Assistant to the Associate Director.

OA 10 Administrative Assistant to the Director.

Office of Management and Budget

OMB 5 Secretary to the Director.

OMB 8 Secretary to the Deputy Director.

OMB 10 Secretary to the Associate Director for Public Affairs.

OMB 11 Secretary to the Associate Director for NSIA.

OMB 12 Secretary to the Associate Director for Human and Community Affairs.

OMB 16 Secretary to the Assistant (Associate) Director.

OMB 20 Secretrary to the Administrator of the Office of Federal Procurement Policy.

OMB 21 Confidential Assistant to the Director.

OMB 23 Administrative Assistant to the Administrator, Information and Regulatory Affairs.

OMB 27 Secretary to the Assistant Director.

OMB 30 Legislative Assistant to the Assistant Director, Office of Legislative Affairs.

OBM 32 Secretary to the Executive Assistant to the Director.

OBM 33 Executive Assistant to the Deputy Director.

OBM 36 Public Affairs Assistant to the Assistant Director for Public Affairs.

OBM 37 Legislative Assistant to the Assistant Director for Legislative Affairs.

OMB 38 Confidential Secretary to the Counsel to the Director for Policy Analysis and Law.

OMB 39 Policy Analyst to the Director.

OMB 40 Special Assistant to the Administrator, Information and Regulatory Affairs.

OMB 41 Secretary (Steno) to the Assistant Director for Legislative Affairs.

OMB 43 Secretary (Steno) to the Associate Director for Economics and Planning.

OMB 46 Clerk Legislative Affairs to the Assistant Director for Legislative Affairs.

OMB 47 Public Affairs Specialist to the Assistant Director for Public Affairs.

OMB 48 Staff Assistant to the Director.

President's Commission on Executive Exchange

PCEE 1 Confidential Assistant to the Executive Director.
PCEE 3 Staff Assistant to the Executive Director.
PCEE 4 Secretary (Typing) to the Executive Director.
PCEE 5 Public Information Officer to the Executive Director.
PCEE 6 Staff Assistant (Typing) to the Executive Director.

Office of the United States Trade Representative

USTR 7 Director for Public Affairs.
USTR 10 Confidential Assistant to the Ambassador.
USTR 12 Special Assistant to the Executive Assistant to the Trade Representative.
USTR 14 Secretary (Steno) to the Trade Representative.
USTR 15 Confidential Secretary to the Deputy Trade Representative.
USTR 17 Public Information Officer to the Special Assistant for Congressional and Public Affairs.
USTR 18 Secretary (Steno) to the Ambassador.
USTR 19 Director for Congressional Affairs.
USTR 20 Deputy Director for Congressional Affairs.

213.3304 Department of State

ST 8 Secretary (Steno) to the Secretary.
ST 9 Secretarial Assistant (Steno) to the Secretary.
ST 42 Secretary (Steno) to the Under Secretary of State.
ST 51 Secretary (Steno) to the Legal Advisor.
ST 67 Secretary (Steno) to the Director, Bureau of Politico-Military Affairs.
ST 79 Special Assistant to the Ambassador-at-Large.
ST 81 Secretary (Steno) to the Assistant Secretary for Near Eastern and South Asian Affairs.
ST 86 Foreign Affairs Officer to the Senior Deputy Assistant Secretary.
ST 87 Special Assistant to the Senior Deputy Assistant Secretary for International Organization Affairs.
ST 95 Secretary (Steno) to the Ambassador-at-Large.
ST 97 Member, Policy Planning Staff to the Director.
ST 98 Secretary (Typing) to the Assistant Secretary for Congressional Relations.
ST 99 Secretary (Steno) to the Ambassador.
ST 102 Special Assistant to the Under Secretary.
ST 105 Special Assistant to the Assistant Secretary.
ST 106 Assistant to the Manager, President's Guest House.
ST 107 Secretary (Steno) to the Assistant Secretary.
ST 109 Secretary (Steno) to the Director, Management Operations.
ST 114 Coordinator for Caribbean Affairs.
ST 115 Public Information Specialist to the Ambassador-at-Large.
ST 116 Special Assistant to the Counselor.
ST 117 Confidential Clerk to the Secretary.
ST 118 Confidential Assistant to the Assistant Secretary.
ST 119 Secretary (Steno) to the Assistant Secretary.
ST 120 Special Assistant to the Spokesman, Office of the Spokesman.
ST 122 Staff Assistant to the Under Secretary for Management.
ST 124 Special Assistant to the Assistant Secretary, Bureau of International Organization Affairs.
ST 125 Secretary (Steno) to the Secretary.
ST 127 Secretary (Steno) to the Assistant Secretary.
ST 128 Legislative Officer to the Assistant Secretary.
ST 130 Member, Policy Planning Staff to the Director.
ST 132 Secretary (Steno) to the Deputy Secretary.
ST 134 Secretary (Steno) to the Deputy Secretary.
ST 139 Protocol Officer (Visits) to the Chief of Protocol.
ST 140 Secretary (Steno) to the Chief of Protocol.
ST 142 Housekeeper, Presidential Guest House.
ST 145 Member, Policy Planning Staff to the Director.
ST 148 Member, Policy Planning Staff to the Director.
ST 150 Staff Assistant to the Special Advisor to the Secretary.
ST 153 Special Assistant to the Assistant Secretary, Bureau of International Affairs.
ST 154 Congressional Relations Specialist to the Assistant Secretary, Bureau of International Organization Affairs.
ST 155 Protocol Officer (Visits) to the Chief of Protocol.
ST 156 Member, Policy Planning Staff to the Director.
ST 161 Secretary (Steno) to the Under Secretary for Management.
ST 167 Protocol Officer to the Chief of Protocol.
ST 168 Staff Assistant to the Legal Advisor.
ST 172 Special Assistant to the Under Secretary for Management.
ST 173 Special Assistant to the Under Secretary for Management.
ST 174 Public Information Specialist to the Assistant Secretary, Bureau of Public Affairs.
ST 175 Staff Assistant to the Assistant Secretary, Office of Congressional Relations.
ST 176 Staff Assistant to the Under Secretary for Management.
ST 177 Special Assistant to the Chairman, International Joint Commission.
ST 178 Secretary (Steno) to the Assistant Secretary, Bureau of International Narcotics Matters.
ST 179 Congressional Relations Officer to the Assistant Secretary, Office of Congressional Relations.
ST 180 Policy and Program Officer to the Assistant Secretary, Bureau of Human Rights and Humanitarian Affairs.
ST 181 Director, Office of Intergovernmental and Public Liaison.
ST 182 Special Assistant to the Assistant Secretary, Bureau of Consular Affairs.
ST 183 Public Affairs Advisor to the Assistant Secretary, Bureau of Human Rights and Humanitarian Affairs.
ST 184 Special Assistant to the Assistant Secretary, Office of African Affairs.
ST 186 Alternate Representative to the Ambassador, U.S. Permanent Representative to the Organization of American States.
ST 187 Secretary (Steno) to the Chairman, International Joint Commission.
ST 188 Special Assistant to the Assistant Secretary, Bureau of International Narcotics Matters.
ST 190 Special Assistant to the Ambassador.
ST 191 Secretary (Steno) to the Executive Assistant/Special Assistant to the Secretary.
ST 192 Staff Assistant to the Deputy Secretary of State.
ST 193 Assistant to the Under Secretary for Securtity Assistance, Science and Technology.
ST 195 Staff Assistant to the Assistant Secretary for Congressional Relations.
ST 197 Special Assistant to the Assistant Secretary for Oceans and International Environmental and Scientific Affairs.
ST 198 Special Assistant to the Deputy Secretary of State.
ST 199 Executive Assistant to the Ambassador-at-Large.

ST 200 Staff Assistant to the Deputy Secretary.
ST 201 Staff Assistant to the Ambassador-at-Large.
ST 202 Special Assistant to the Ambassador-at-Large.
ST 203 Staff Assistant to the Counselor.
ST 205 Secretary (Steno) to the Assistant Secretary for European Affairs.
ST 206 Special Assistant to the Under Secretary for Security Assistance, Science and Technology.
ST 208 Special Assistant to the Senior Deputy Assistant Secretary.
ST 209 Protocol Officer (Visits) to the Chief of Protocol.

213.3305 Department of the Treasury.

TREA 27 Staff Assistant (Coordination) to the Secretary.
TREA 28 Special Assistant to the Director of the Mint.
TREA 33 Special Assistant to the Assistant Secretary for Public Liaison and Consumer Affairs.
TREA 39 Staff Assistant to the Assistant Secretary for Legislative Affairs.
TREA 41 Staff Assistant to the Assistant Secretary for Public Affairs.
TREA 44 Confidential Assistant to the Assistant Secretary for Legislative Affairs.
TREA 47 Special Assistant to the Assistant Secretary for Legislative Affairs.
TREA 48 Public Information Specialist to the Assistant Secretary for Public Affairs.
TREA 52 Special Assistant to the Assistant Secretary for Legislative Affairs.
TREA 59 Special Assistant to the Assistant Secretary for Tax Policy.
TREA 60 Confidential Sectetary to the Assistant Secretary for Tax Policy.
TREA 89 Special Assistant to the Assistant Secretary for Legislative Affairs.
TREA 92 Director, Consumer Affairs.
TREA 93 Staff Assistant to the Assistant Secretary for Public Affairs.
TREA 94 Executive Assistant to the Commissioner of Customs.
TREA 96 Personal Assistant to the Commissioner of Customs.
TREA 97 Senior Assistant to the Assistant Secretary for Enforcement and Operations.
TREA 98 Assistant to the Director, Office of Revenue Sharing.
TREA 99 Staff Assistant to the Director, Office of Revenue Sharing.
TREA 100 Staff Assistant to the Deputy Assistant Secretary for Administration.
TREA 101 Director, Office of Business Affairs.
TREA 103 Staff Assistant to the Senior Deputy Comptroller for Operations.
TREA 104 Executive Assistant to the Special Assistant to the Commissioner for Legislative and Public Affairs.
TREA 105 Policy Adviser to the Commissioner.
TREA 106 Deputy Assistant Secretary (Operations) to the Assistant Secretary (Enforcement and Operations).
TREA 108 Special Assistant to the Treasurer of the United States.
TREA 109 Special Assistant to the Assistant Secretary for Public Affairs.
TREA 110 Staff Assistant to the Assistant Secretary for Electronic Systems and Information Technology.
TREA 111 Senior Adviser to the Assistant Secretary for Electronic Systems and Information Technology.
TREA 112 Confidential Assistant to the Director, Office of Revenue Sharing.
TREA 113 Executive Assistant to the Director, Office of Congressional and Public Affairs.
TREA 115 Staff Assistant to the Deputy Assistant Secretary for Financial Systems.

213.3306 Department of Defense.

DOD 3 Private Secretary to the Secretary of Defense.
DOD 5 Private Secretary to the Deputy Secretary.
DOD 6 Private Secretary to the Under Secretary for Research and Engineering.
DOD 8 Private Secretary to the Deputy Under Secretary for Research and Engineering (Tactical Warfare Programs).
DOD 9 Private Secretary to the Deputy Under Secretary for Research and Engineering (Stategic and Theater Nuclear Forces).
DOD 10 Private Secretary to the Deputy Under Secretary for Research and Engineering (Research and Advanced Technology).
DOD 13 Private Secretary to the Assistant Secretary for Manpower, Reserve Affairs and Logistics.
DOD 15 Private Secretary to the Assistant Secretary for Public Affairs.
DOD 18 Private Secretary to the Assistant Secretary (Comptroller).
DOD 19 Private Secretary to the Director, Program Analysis and Evaluation.
DOD 20 Private Secretary to the General Counsel.
DOD 22 Private Secretary to the Assistant to the Secretary of Defense for Atomic Energy.
DOD 23 Private Secretary to the Military Assistant to the Secretary.
DOD 30 Secretary (Steno) to the Defense Advisor to US NATO.
DOD 31 Private Secretary to the Assistant Secretary for Legislative Affairs.
DOD 32 Special Assistant to the Assistant Secretary of Defense for Legislative Affairs.
DOD 33 Personal Secretary to the Deputy Secretary.
DOD 34 Private Secretary to Principal Deputy Assistant Secretary of Defense for International Security Affairs.
DOD 35 Confidential Assistant to the Executive Secretary.
DOD 37 Assistant to the Secretary for Personnel Security.
DOD 51 Private Secretary to the Deputy Assistant Secretary for Manpower Reserve Affairs.
DOD 54 Private Secretary to the Judge, U.S. Court of Military Appeals.
DOD 55 Private Secretary to the Chief Judge, U.S. Court of Military Appeals.
DOD 56 Private Secretary to the Judge, U.S. Court of Military Appeals.
DOD 62 Private Secretary to the Personal Assistant to the President, White House Support Group.
DOD 66 Private Secretary to the Physician to the President, White House Support Group.
DOD 73 Private Secretary to the Assistant Secretary for Health Affairs.
DOD 75 Chauffeur to the Deputy Secretary.
DOD 84 Private Secretary to the Principal Deputy Assistant Secretary for Manpower, Reserve Affairs and Logistics.
DOD 89 Private Secretary to the Principal Deputy Assistant Secretary of Defense for Public Affairs.
DOD 91 Private Secretary to the Principal Deputy Assistant Secretary for Health Affairs.
DOD 98 Private Secretary to the Secretary of Defense Representative on Mutual and Balanced Force Reduction and Conference on Security and Cooperation in Europe.
DOD 101 Personal and Confidential Assistant to the Director of Net Assessment.

DOD 112 Special Assistant to the Assistant Secretary for Legislative Affairs.
DOD 119 Private Secretary to the Principal Deputy Director, Program Analysis and Evaluation.
DOD 148 Private Secretary to the Deputy Under Secretary (Policy).
DOD 156 Private Secretary to the Assistant Deputy Under Secretary (Policy).
DOD 170 Joint Chiefs of Staff Representative for Comprehensive Test Ban Treaty Negotiations.
DOD 171 Special Assistant to the Deputy Assistant Secretary, Manpower Reserve Affairs and Logistics.
DOD 174 Private Secretary to the Under Secretary for Policy.
DOD 175 Personal and Confidential Assistant to the Judge, U.S. Court of Military Appeals.
DOD 178 Special to the Assistant Secretary for Legislative Affairs.
DOD 181 Special Assistant for Policy Analysis to the Deputy Assistant Secretary for International Security Affairs.
DOD 187 Special Assistant for African Affairs to the Deputy Assistant Secretary for International Security Affairs.
DOD 189 Staff Assistant to the Deputy Secretary of Defense.
DOD 194 Private Secretary to the Assistant Secretary for International Security Policy.
DOD 205 Personal and Confidential Assistant to the Judge, U.S. Court of Military Appeals.
DOD 208 Private Secretary to the Military Assistant to the Vice President for National Security Affairs.
DOD 210 Chauffeur to the Security Adviser to the President.
DOD 212 Private Secretary to the Deputy Under Secretary, Research and Engineering (International Programs and Technology).
DOD 216 Private Secretary to the Principle Deputy Assistant Secretary for International Security Policy.
DOD 217 Private Secretary to the Deputy Under Secretary for Research and Engineering.
DOD 218 Private Secretary to the Assistant Secretary for Development and Support.
DOD 220 Assistant to the Director for Emergency Planning.
DOD 222 Executive Assistant to the Assistant Secretary for Research and Technology.
DOD 223 Assistant to the Director for White House TV, Motion Picture and Radio Services.
DOD 225 Special Assistant to the Director, Defense Security Assistance Agency.
DOD 226 Special Assistant to the Principal Deputy Assistant Secretary for Health Affairs.
DOD 227 Private Secretary to the Assistant Secretary for Research and Technology.
DOD 228 Private Secretary to the Director, Defense Testing and Evaluation.
DOD 229 Special Assistant to the Assistant Secretary for International Security Policy.
DOD 230 Special Assistant for Munitions Control to the Deputy Under Secretary for International Programs and Technology.
DOD 232 Special Assistant to the Assistant Secretary for International Security Policy.
DOD 234 Deputy Assistant to the Secretary and Deputy Secretary.
DOD 235 Special Assistant to the Assistant Secretary, Near Eastern, African and South Asian Affairs.
DOD 236 Special Assistant to the Assistant Secretary for Public Affairs.
DOD 238 Special Assistant to the Assistant Secretary for Legislative Affairs.
DOD 240 Special Counsel to the Assistant Secretary for International Security Policy.
DOD 241 Personal and Confidential Assistant to the Assistant Secretary for International Security Policy.
DOD 242 Personal Secretary to the Representative of the Secretary on the U.S. Delegation to Negotiations on Intermediate-Range Nuclear Forces.
DOD 244 Special Assistant to the Director, Defense Advanced Research Projects Agency.
DOD 245 Private Secretary to the Photographer to the President, White House Support Group.
DOD 247 Special Assistant to the Director, Department of Defense Dependents School.
DOD 248 Special Projects Assistant to the Deputy Assistant Secretary for Equal Opportunity and Safety Policy.
DOD 249 Special Assistant to the Director, Defense Audiovisual Agency.
DOD 250 Staff Assistant to the Assistant Secretary.
DOD 251 Assistant to the Deputy Assistant Secretary.
DOD 252 Confidential Assistant to the Secretary.
DOD 253 Executive Assistant to the Director for Small and Disadvantaged Business Utilization.
DOD 254 Special Assistant for Emergency Planning and Requirements.
DOD 255 Personal and Confidential Assistant to the Deputy Secretary.
DOD 256 Special Assistant to the Assistant Secretary for Manpower, Reserve Affairs and Logistics.
DOD 257 Special Assistant for Technology Transfer Policy.
DOD 258 Confidential Assistant to the Director for Emergency Planning.

213.3307 Department of the Army.

ARMY 1 Staff Assistant to the Secretary.
ARMY 2 Secretary (Steno) to the Under Secretary.
ARMY 5 Secretary (Steno) to the Assistant Secretary for Installations and Logistics.
ARMY 6 Secretary (Typing) to the Assistant Secretary, Research, Development and Acquisition.
ARMY 17 Secretary (Steno) to the Assistant Secretary, Civil Works.
ARMY 20 Adjutant General to the Director, Office of the Under Secretary.
ARMY 21 Secretary (Steno) to the General Counsel.
ARMY 25 Public Affairs Officer to the Chief, Office of the Chief of Public Affairs.
ARMY 30 Secretary (Typing) to the Principal Deputy Assistant Secretary.
ARMY 35 Confidential Assistant to the Deputy Director, Presidential Personnel.
ARMY 38 Plans Coordinator to the Chief of Public Affairs.
ARMY 40 Staff Advisor to the Deputy Assistant to the President.
ARMY 41 Assistant Director to the Chairman and Executive Director of the President's Foreign Intelligence Advisory Board.
ARMY 44 Executive Director to the Deputy Assistant Secretary, Reserve Affairs.
ARMY 45 Associate Director to the Director of Presidential Personnel.
ARMY 50 Confidential Staff Assistant to the Special Assistant to the President and Director, Office of Cabinet Affairs.
ARMY 51 Confidential Staff Assistant to the Deputy Director, Office of Private Sector Initiatives.

213.3308 Department of the Navy.

NAVY 2 Staff Assistant to the Secretary.
NAVY 7 Private Secretary to the Assistant Secretary of Research and Engineering Systems.

NAVY 20 Special Assistant to the Military Assistant to the President.
NAVY 23 Special Assistant to the Military Assistant to the President.
NAVY 25 Special Assistant to the Military Assistant to the President.
NAVY 27 Special Assistant for Emergency Planning to the Military Assistant to the President
NAVY 31 Staff Assistant to the Under Secretary.
NAVY 32 Private Secretary to the Assistant Secretary for Shipbuilding and Logistics.
NAVY 35 Staff Assistant to the Deputy Assistant Secretary.
NAVY 36 Staff Assistant to the Principal Deputy Assistant Secretary.
NAVY 37 Attorney-Adviser to the General Counsel.
NAVY 38 Private Secretary to the Under Secretary.
NAVY 39 Staff Assistant to the Principal Deputy Assistant Secretary.

213.3309 Department of the Air Force.

AF 2 Secretary (Steno) to the Under Secretary.
AF 3 Secretary (Steno) to the Assistant Secretary for Manpower, Reserve Affairs and Installations.
AF 5 Secretary (Steno) to the Assistant Secretary for Research, Development Logistics.
AF 6 Secretary (Steno) to the Assistant Secretary for Financial Management.
AF 8 Secretary (Steno) to the General Counsel.
AF 17 Administrative Officer to the Assistant to the Vice President for National Security Affairs.
AF 18 Special Assistant to the Assistant to the Vice President for National Security Affairs.
AF 20 Secretary (Steno) to the Military Assistant to the President.
AF 21 Special Assistant to the Military Assistant to the President.
AF 22 Secretary (Steno) to the Assistant to the Vice President for National Security Affairs.
AF 26 Special Assistant to the Assistant Secretary for Manpower, Reserve Affairs and Installations.
AF 28 Special Assistant to the General Counsel.
AF 29 Staff Assistant to the Secretary.
AF 30 Special Assistant to the Assistant to the President/Director of the White House Military Office.

213.3310 Department of Justice.

JUS 21 Confidential Assistant to the Assistant Attorney General, Antitrust Division.
JUS 23 Private Secretary to the Assistant Attorney General, Civil Division.
JUS 25 Confidential Assistant to the Assistant Attorney General, Criminal Division.
JUS 26 Confidential Secretary to the Assistant Attorney General, Tax Division.
JUS 27 Private Secretary to the Assistant Attorney General, Land and Natural Resources Division.
JUS 35 Secretary and Confidential Assistant to the U.S. Attorney, Office of Legal Counsel.
JUS 36 Secretary and Confidential Assistant to the U.S. Attorney.
JUS 37 Secretary and Confidential Assistant to the U.S. Attorney.
JUS 39 Secretary and Confidential Assistant to the U.S. Attorney.
JUS 53 Secretary (Steno) to the Assistant Attorney General, Civil Rights Division.
JUS 70 Special Assistant to the Assistant Attorney General, Civil Rights Division.
JUS 83 Confidential Assistance to the Attorney General.
JUS 97 Private Secretary to the Attorney General.
JUS 100 Assistant to the Director for Congressional and Public Affairs.
JUS 115 Confidential Assistant to the Assistant Attorney General, Office of Legislative Affairs.
JUS 122 Confidential Secretary to the Director of Public Affairs.
JUS 128 Secretary and Confidential Assistant to the U.S. Attorney.
JUS 133 Secretary (Steno) to the Attorney General.
JUS 147 Attorney-Advisor to the Assistant Attorney General, Civil Division.
JUS 152 Secretary and Confidential Assistant to the U.S. Attorney.
JUS 153 Special Assistant to the Director, Office of the Attorney General.
JUS 158 Secretary and Confidential Assistant to the U.S. Attorney.
JUS 166 Special Assistant to the Attorney General.
JUS 183 Attorney-Advisor to the Assistant Attorney General, Office of Boards and Divisions.
JUS 186 Special Assistant to the Assistant Attorney General, Criminal Division.
JUS 188 Special Assistant to the Assistant Attorney General, Antitrust Division.
JUS 190 Staff Assistant to the Assistant Attorney General.
JUS 195 Secretary (Typing) to the Commissioner, Immigration and Naturalization Service.
JUS 196 Atttorney-Advisor to the Assistant Attorney General, Civil Rights Division.
JUS 197 Staff Assistant to the Commissioner, Immigration and Naturalization Service.
JUS 198 Special Counsel to the Assistant Attorney General, Criminal Division.
JUS 199 Special Assistant to the Assistant Attorney General.
JUS 200 Secretary and Confidential Assistant to the U.S. Attorney.
JUS 201 Secretary and Confidential Assistant to the U.S. Attorney.
JUS 203 Special Assistant to the Commissioner, Immigration and Naturalization Service.
JUS 204 Secretary (Steno) to the Assistant Attorney General, Legislative Affairs.
JUS 205 Special Assistant (Security) to the Associate Commissioner for Enforcement, Immigration and Naturalization Service.
JUS 206 Staff Assistant to the Assistant Attorney General, Antitrust Division.
JUS 207 Staff Assistant to the Director, Office of Public Affairs.
JUS 209 Special Assistant to the Attorney General, Civil Rights Division.
JUS 210 Secretary (Steno) to the Attorney General.
JUS 212 Attorney-Advisor to the Deputy Assistnat to the Attorney General.
JUS 213 Staff Assistant to the Counselor to the Attorney General.
JUS 214 Confidential Assistant to the Assistant Attorney General, Office of Legal Policy.
JUS 215 Special Assistant to the Attorney General, Antitrust Division.
JUS 218 Confidential Assistant to the Administrator, Office of Juvenile Justice and Delinquency Prevention.
JUS 219 Special Assistant to the Assistant Attorney General, Tax Division.
JUS 220 Special Assistant to the Attorney General, Tax Division.
JUS 221 Personal Assistant to the Director, Bureau of Justice Statistics.
JUS 222 Secretary (Steno) to the Deputy Assistant Attorney General, Land and Natural Resources Division.
JUS 223 Staff Assistant (Typing) to the Associate Attorney General.
JUS 224 Special Assistant to the Deputy Attorney General.
JUS 225 Legal Aide to the Director, Regulatory and Legislative Affairs Staff.

213.3311 Federal Judicial Center

FJC 1 Secretary (Steno) to the Deputy Director.
FJC 2 Secretary (Steno) to the Director.

213.3312 Department of the Interior

INT 2 Confidential Assistant to the Secretary.
INT 18 Confidential Assistant to the Assistant Secretary, Energy and Minerals.
INT 25 Steward to the Secretary.
INT 92 Special Assistant to the Assistant Secretary for Policy, Budget and Administration.
INT 116 Special Assistant to the Deputy Assistant Secretary, Office of Territorial Affairs.
INT 118 Assistant (Congressional Liaison) to the Assistant Secretary for Energy and Minerals.
INT 141 Confidential Assistant to the Commissioner, Bureau of Reclamation.
INT 142 Special Assistant to the Director, Congressional and Legislative Affairs.
INT 148 Special Assistant to the Assistant Secretary for Fisheries, Wildlife and Parks.
INT 149 Special Assistant to the Assistant Secretary, Land and Water Resources.
INT 151 Staff Assistant to the Assistant Secretary for Energy and Minerals.
INT 152 Special Assistant to the Deputy Director of the National Park Service.
INT 153 Assistant to the Director for Congressional and Legislative Affairs.
INT 154 Special Assistant to the Director for Congressional and Legislative Affairs.
INT 165 Special Assistant to the Director, Bureau of Land Management.
INT 169 Special Assistant to the Assistant Secretary, Land and Water Resources.
INT 171 Public Information Officer for the Bureau of Reclamation.
INT 191 Special Assistant to the Director, Bureau of Land Management.
INT 193 Special Assistant to the Director, Office of Surface Mining and Reclamation.
INT 195 Special Assistant to the Assistant Secretary, Territorial and International Affairs.
INT 196 Special Assistant to the Assistant Secretary, Territorial and International Affairs.
INT 197 Special Assistant to the Assistant Secretary for Policy, Budget and Administration.
INT 199 Special Assistant to the Director, Office of Youth Programs.
INT 202 Special Assistant to the Director, National Park Service.
INT 204 Special Assistant to the Secretary.
INT 205 Special Assistant to the Assistant Secretary, Indian Affairs.
INT 207 Special Assistant to the Assistant Secretary, Territorial and International Affairs.
INT 208 Congressional Liaison Officer to the Director, Minerals Management Service.
INT 209 Special Assistant to the Director for State Liaison, Office of Water Policy.
INT 212 Special Assistant to the Secretary.
INT 215 Confidential Assistant to the Secretary.
INT 217 Special Assistant to the Assistant Secretary, Territorial and International Affairs.
INT 218 Special Assistant to the Deputy Assistant Secretary for Indian Affairs (Operations).
INT 219 Staff Assistant to the Public Information Officer, Bureau of Reclamation.
INT 220 Special Assistant to the Assistant Secretary, Territorial and International Affairs.
INT 222 Special Assistant to the Assistant Secretary, Fish and Wildlife.
INT 223 Special Assistant to the Assistant Director for State Liaison, Office of Water Policy.
INT 224 Special Assistant for Minority Business to the Deputy Assistant Secretary, Bureau of Indian Affairs.
INT 225 Special Assistant to the Director, Office of Surface Mining.
INT 226 Special Programs Liaison to the Associate Director, Bureau of Land Management.
INT 227 Special Assistant to the Assistant Secretary, Land and Water Resources.
INT 228 Special Assistant to the Assistant Secretary for Policy, Budget and Administration.
INT 229 Confidential Assistant to the Secretary.
INT 231 Special Assistant to the Assistant Secretary and Director, Office of Public Affairs.
INT 232 Special Assistant to the Executive Assistant.
INT 233 Special Assistant to the Assistant Director for State Liaison.
INT 234 Supervisory Attorney-Advisor (Legislation) to the Assistant to the Secretary and Director, Office of Congressional and Legislative Affairs.
INT 235 Confidential Assistant to the Director, Fish and Wildlife Service.
INT 236 Special Assistant for Congressional and Legislative Affairs to the Director, Geological Survey.
INT 237 Special Assistant to the Director, Fish and Wildlife Service.
INT 238 Director, Office of Congressional and Legislative Affairs.
INT 239 Assistant for Public Affairs to the Associate Director.
INT 240 Staff Assistant to the Assistant Director, Minerals Management Service.
INT 241 Congressional Affairs Officer, Fish and Wildlife Service.
INT 242 Special Assistant to the Assistant Director, Legislative and Congressional Affairs.
INT 243 Confidential Assistant to the Under Secretary.

213.3313 Department of Agriculture.

AGR 1 Administrative Assistant to the Secretary.
AGR 2 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 4 Special Assistant to the Assistant Secretary for Administration.
AGR 5 Confidential Assistant to the Secretary.
AGR 8 Chauffeur to the Secretary.
AGR 12 Private Secretary to the Under Secretary, International Affairs and Commodity Programs.
AGR 13 Private Secretary to the Assistant Secretary for Food and Consumer Services.
AGR 17 Private Secretary to the Administrator, Rural Electrification Administration.
AGR 19 Assistant to the Administrator, Rural Electrification Administration.
AGR 21 Private Secretary to the Deputy Secretary.
AGR 23 Private Secretary to the General Counsel.
AGR 24 Confidential Assistant to the Administrator, Farmers Home Administration.
AGR 25 Staff Assistant to the Administrator, Farmers Home Administration.
AGR 27 Private Secretary to the Administrator, Farmers Home Administration.
AGR 28 Member, Board of Directors, Federal Crop Insurance Corporation.
AGR 29 Member, Board of Directors, Federal Crop Insurance Corporation.
AGR 30 Private Secretary to the Manager, Federal Crop Insurance Corporation.

AGR 33 Confidential Assistant to the Administrator, Stabilization and Conservation Service.
AGR 34 Confidential Assistant to the Administrator, Stabilization and Conservation Service.
AGR 35 Private Secretary to the Administrator, Stabilization and Conservation Service.
AGR 48 Confidential Assistant to the Administrator, Food and Nutrition Service.
AGR 56 Private Secretary to the Assistant Secretary for Governmental and Public Affairs.
AGR 61 Private Secretary to the Assistant Secretary for Natural Resources and Environment.
AGR 62 Private Secretary to the Under Secretary for Small Community and Rural Development.
AGR 64 Confidential Assistant to the Under Secretary for Small Community and Rural Development.
AGR 65 Confidential Assistant to the Director for Congressional Public Affairs.
AGR 66 Confidential Assistant to the Director for Congressional Affairs.
AGR 74 Private Secretary to the Deputy Assistant Secretary for Food and Consumer Services.
AGR 76 Confidential Assistant to the Assistant Secretary for Marketing and Inspection Services.
AGR 77 Confidential Assistant to the Director, Congressional Affairs.
AGR 79 Confidential Assistant to the Deputy Administrator for Rural Development, Policy Management and Coordination.
AGR 80 Confidential Assistant to the Director, Rural Development Policy and Coordination.
AGR 81 Confidential Assistant to the Administrator, Farmers Home Administration.
AGR 97 Confidential Assistant to the Secretary.
AGR 100 Confidential Assistant to the Administrator, Food and Nutrition Service.
AGR 102 Special Assistant to the Assistant Secretary for Food and Consumer Services.
AGR 103 Confidential Assistant to the Administrator.
AGR 105 Confidential Assistant to the Director, Congressional and Public Affairs.
AGR 106 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 108 Private Secretary to the Deputy Under Secretary for International Affairs and Commodity Programs.
AGR 109 Confidential Assistant to the Deputy Director for Governmental and Public Affairs.
AGR 110 Confidential Assistant to the General Counsel.
AGR 111 Confidential Assistant to the Deputy Secretary.
AGR 115 Confidential Assistant to the Director, Public Affairs.
AGR 117 Confidential Assistant to the Director, Governmental and Public Affairs.
AGR 118 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 120 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 121 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 128 Private Secretary to the Administrator, Federal Grain Inspection Service.
AGR 129 Private Secretary to the Assistant Secretary for Marketing and Inspection Services.
AGR 130 Private Secretary to the Deputy Assistant Secretary for Marketing Inspection Services.
AGR 131 Private Secretary to the Deputy Assistant Secretary for Natural Resources and Environment.
AGR 133 Confidential Assistant to the Assistant Secretary for Economics.
AGR 135 Confidential Assistant to the Administrator for Food Safety and Quality Service.
AGR 136 Confidential Assistant to the Administrator for Food Safety and Inspection Service.
AGR 139 Confidential Assistant to the Executive Assistant to the Secretary.
AGR 141 Confidential Assistant to the Administrator for Food Safety and Inspection Service.
AGR 143 Confidential Assistant to the Administrator, Agricultural Marketing Service.
AGR 144 Confidential Assistant to the Administrator, Agricultural Marketing Service.
AGR 151 Confidential Assistant to the Administrator, Agricultural Marketing Service.
AGR 154 Confidential Assistant to the Administrator for the Food and Nutrition Service.
AGR 156 Confidential Assistant to the Administrator, Federal Grain Inspection Service.
AGR 157 Confidential Assistant to the Administrator, Foreign Agricultural Service.
AGR 158 Private Secretary to the Assistant Secretary for Science and Education.
AGR 159 Special Representative for the Administrator, Foreign Agricultural Service.
AGR 161 Confidential Assistant to the Assistant to the Secretary for Intergovernmental Affairs.
AGR 163 Confidential Assistant to the Secretary.
AGR 164 Confidential Assistant to the Assistant Secretary for Science and Education.
AGR 169 Private Secretary to the Deputy Assistant Secretary for Economics.
AGR 174 Special Assistant to the Director, Rural Development Policy.
AGR 175 Confidential Assistant to the Assistant to the Secretary for Intergovernmental Affairs.
AGR 178 Confidential Assistant to the Administrator, Rural Electrification Administration.
AGR 184 Secretary (Steno) to the Special Assistant to the Secretary.
AGR 185 Confidential Assistant to the Administrator, Agricultural Stabilization and Conservation Service.
AGR 187 Confidential Assistant to the Assistant Secretary for Food and Consumer Services.
AGR 188 Northeast Area Director, Office of State and County Operations.
AGR 189 Southeast Area Director, Office of State and County Operations.
AGR 191 Northwest Area Director, Office of State and County Operations.
AGR 192 Southwest Area Director, Office of State and County Operations.
AGR 193 Assistant to the Deputy Secretary.
AGR 194 Confidential Assistant to the Under Secretary for Small Community and Rural Development.
AGR 197 Special Assistant to the Assistant Secretary for Administration.
AGR 198 Special Assistant to the Manager, Federal Crop Insurance Corporation.
AGR 199 Staff Assistant to the Secretary.
AGR 200 Confidential Assistant to the Deputy Assistant Secretary for Administration.
AGR 205 Confidential Assistant to the Administrator.
AGR 206 Director, Office of the Consumer Advisor.
AGR 207 Member, Boards of Directors, Federal Crop Insurance Corporation.

AGR 208 Member, Boards of Directors, Federal Crop Insurance Corporation.
AGR 209 Confidential Assistant to the Chief, Soil Conservation Service.
AGR 210 Staff Assistant to the Administrator, International Cooperation and Development.
AGR 211 Deputy Director for the Office of Transportation.
AGR 212 Special Assistant to the Assistant Secretary for Administration.
AGR 213 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 215 Special Assistant to the Deputy Assistant Secretary for Administration.
AGR 216 Confidential Assistant to the Manager, Federal Crop Insurance Corporation.
AGR 217 Confidential Assistant to the Manager, Federal Crop Insurance Corporation.
AGR 218 Special Assistant to the Deputy Assistant for Administration.
AGR 219 Private Secretary to the Director for Minority Affairs.
AGR 220 Private Secretary to the Deputy Assistant Secretary for Administration.
AGR 221 Confidential Assistant to the Director for Minority Affairs.
AGR 222 Confidential Assistant to the Manager, Federal Crop Insurance Corporation.
AGR 223 Confidential Assistant to the Director for Minority Affairs.
AGR 224 Director, Congressional and Public Affairs Division.
AGR 225 Confidential Assistant to the Manager, Federal Crop Insurance Corporation.
AGR 226 Confidential Assistant to the Administrator, Food and Nutrition Service.
AGR 227 Private Secretary to the Chief, Soil Conservation Service.
AGR 228 Confidential Assistant to the Inspector General.
AGR 229 Secretary (Typing) to the Executive Assistant to the Secretary.
AGR 230 Secretary (Typing) to the Deputy Assistant Secretary for Administration.
AGR 231 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 332 Director, Legislative Affairs and Public Information Staff.
AGR 333 Private Secretary to the Special Assistant to the Secretary.
AGR 234 Confidential Assistant to the Administrator, Office of International Cooperation and Development.
AGR 235 Confidential Assistant to the Administrator, Agricultural Marketing Service.
AGR 236 Confidential Assistant to the Administrator (Congressional Affairs), Animal and Plant Health Inspection Service.
AGR 237 Private Secretary to the Administrator.
AGR 238 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 239 Deputy Director, Rural Development Policy.
AGR 240 Confidential Assistant to the Administrator.
AGR 242 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 243 Confidential Assistant to the Assistant Secretary for Public Affairs.

213.3314 Department of Commerce.

COM 1 Confidential Assistant to the Secretary.
COM 3 Confidential Assistant to the Secretary.
COM 4 Confidential Assistant to the Secretary.
COM 5 Confidential Assistant to the Special Assistant to the Secretary.
COM 12 Private Secretary to the Deputy Secretary.
COM 19 Chauffeur for the Secretary.
COM 21 Congressional Liaison Officer to the Assistant Secretary for Congressional Affairs.
COM 22 Congressional Liaison Officer to the Assistant Secretary for Congressional Affairs.
COM 42 Secretary (Steno) to the Commissioner, Patent and Trademark Office.
COM 72 Congressional Liaison Officer to the Assistant Secretary of Economic Development Administration.
COM 87 Private Secretary to the Administrator, National Oceanic and Atmospheric Administration.
COM 89 Private Secretary to the Deputy Administrator, National Oceanic and Atmospheric Administration.
COM 100 Confidential Assistant to the Director, Minority Business Development Agency.
COM 125 Private Secretary to the Assistant Secretary for Congressional Affairs.
COM 127 Private Secretary to the Assistant Secretary for Administration.
COM 136 Confidential Assistant to the Director, Bureau of Export Development.
COM 151 Private Secretary to the Deputy Secretary.
COM 152 Congressional Liaison Officer.
COM 153 Private Secretary to the Under Secretary for International Economic Policy.
COM 162 Confidential Assistant to the Assistant Secretary for International Economic Policy.
COM 165 Director, Executive Secretariat.
COM 174 Private Secretary to the Deputy Assistant Secretary for Congressional Affairs.
COM 181 Special Assistant to the Assistant Secretary for Communications and Information.
COM 183 Confidential Assistant to the Assistant Secretary for Communications and Information.
COM 184 Confidential Assistant to the Director, National Bureau of Standards.
COM 189 Private Secretary to the Associate Administrator, National Oceanic and Atmospheric Administration.
COM 191 Confidential Assistant to the General Counsel.
COM 192 Legislative Director, National Oceanic and Atmospheric Administration.
COM 200 Congressional Liaison Officer.
COM 201 Confidential Legislative Assistant to the Assistant Secretary for Congressional Affairs.
COM 202 Congressional Liaison Assistant to the Assistant Secretary for Congressional Affairs.
COM 203 Confidential Liaison Assistant to the Deputy Assistant and Intergovernmental Secretary.
COM 204 Special Assistant to the Associate Administrator, National Oceanic and Atmospheric Administration.
COM 207 Deputy Director, National Oceanic and Atmospheric Administration.
COM 212 Secretary to the Deputy Assistant Secretary for East Asia and the Pacific, International Trade Administration.
COM 217 Special Assistant to the Director, Office of Public Affairs.
COM 220 Confidential Assistant to the Deputy Assistant Secretary for East Asia and the Pacific, International Trade Administration.
COM 222 Private Secretary to the Inspector General.
COM 232 Special Assistant to the Assistant Secretary for Economic Development.
COM 236 Special Assistant to the Secretary.
COM 237 Special Assistant to the Under Secretary.

COM 247 Private Secretary to the Under Secretary for International Trade.
COM 248 Special Assistant to the Deputy Secretary.
COM 250 Private Secretary to the Deputy Under Secretary, International Trade Administration.
COM 254 Public Information Officer to the Director for Minority Business Development.
COM 258 Confidential Assistant to the Deputy Assistant Secretary for Imports, International Trade Administration.
COM 259 Confidential Assistant to the Deputy Under Secretary, International Trade Administration.
COM 262 Confidential Assistant to the Assistant Secretary for Trade Development.
COM 263 Confidential Assistant to the Assistant Secretary, International Trade Administration.
COM 266 Confidential Assistant to the Assistant Secretary, International Trade Administration.
COM 267 Confidential Assistant to the Deputy Assistant Secretary for Export Administration.
COM 270 Secretary (Typing) to the Special Assistant to the Secretary.
COM 274 Confidential Assistant to the Director, Office of Business Liaison.
COM 278 Confidential Policy Analyst to the Assistant Secretary, International Trade Administration.
COM 279 Special Assistant to the Inspector General.
COM 282 Special Assistant to the Deputy Assistant Secretary, Office of Congressional Affairs.
COM 283 Confidential Assistant to the Assistant Secretary, International Trade Administration.
COM 284 Special Assistant to the Deputy Assistant Secretary for Intergovernmental Affairs.
COM 285 Deputy Director, Office of Intergovernmental Affairs.
COM 287 Congressional Affairs Assistant to the Deputy Assistant Secretary for Congressional Affairs.
COM 288 Confidential Assistant to the Director, Office of Business Liaison.
COM 289 Confidential Assistant to the Director, Office of Intergovernmental Affairs.
COM 290 Confidential Assistant to the Director, Office of Business Liaison.
COM 291 Special Assistant to the Director, Office of Public Affairs.
COM 293 Special Assistant to the Director, Office of Intergovernmental Affairs.
COM 294 Confidential Assistant to the Special Assistant to the Secretary.
COM 295 Confidential Assistant to the Special Assistant to the Secretary.
COM 296 Confidential Assistant to the Special Assistant to the Secretary.
COM 297 Confidential Assistant to the Special Assistant to the Assistant Secretary for Administration.
COM 299 Confidential Assistant to the Director, Office of Productivity, Technology and Innovation.
COM 301 Special Assistant to the Deputy Assistant Secretary.
COM 302 Special Assistant to the Director, Office of Public Affairs.
COM 304 Confidential Assistant to the Under Secretary for Travel and Tourism.
COM 305 Private Secretary to the Under Secretary for Travel and Tourism.
COM 307 Special Assistant to the Deputy Assistant Secretary for Export Administration.
COM 308 Confidential Assistant to the Assistant Secretary for Trade Administration.
COM 309 Confidential Assistant to the Director, Minority Business Development Agency.
COM 310 Private Secretary to the Deputy Under Secretary, Tourism Administration.
COM 312 Confidential Assistant to the Director General of the Foreign Commercial Service.
COM 314 Confidential Assistant to the Special Assistant to the Secretary.
COM 317 Confidential Assistant to the Deputy Assistant Secretary for Trade Information and Analysis.
COM 319 Special Assistant to the Deputy Assistant Secretary for Import Administration.
COM 320 Confidential Assistant to the Special Assistant to the Secretary.
COM 322 Confidential Assistant to the Director for Productivity, Technology and Innovation.
COM 323 Special Assistant to the Assistant Secretary for Economic Development Administration.
COM 324 Confidential Assistant to the Assistant Secretary for International Economic Policy.
COM 325 Confidential Assistant to the Deputy Assistant Secretary for East Asia and the Pacific.
COM 326 Confidential Assistant to the Director General of the Foreign Commercial Service.
COM 328 Confidential Assistant to the Assistant Secretary for Trade Development.
COM 329 Congressional Liaison Specialist to the Under Secretary, International Trade Administration.
COM 330 Confidential Assistant to the Assistant Secretary for Trade Development.
COM 331 Confidential Assistant to the Assistant Secretary for Tourism Marketing.
COM 332 Confidential Assistant to the Deputy Assistant Secretary for Industry Projects.
COM 333 Confidential Assistant to the Deputy Associate Administrator for Policy Analysis and Development, National Telecommunications and Information Administration.
COM 334 Special Assistant to the Assistant Secretary for Trade Administration.
COM 335 Confidential Assistant to the Assistant Secretary for Congressional Affairs.
COM 336 Confidential Assistant to the Deputy Assistant Secretary for Export Enforcement.
COM 338 Press Secretary to the Secretary.
COM 339 Confidential Assistant to the Deputy Assistant Secretary for Intergovernmental Affairs.
COM 340 Special Assistant to the Assistant Administrator, National Oceanic and Atmospheric Administration.
COM 341 Private Secretary to the Deputy Secretary.
COM 342 Confidential Assistant to the Associate Deputy Secretary for Strategic Policy and Planning.
COM 343 Confidential Assistant to the Deputy Assistant Secretary for the U.S. and Foreign Commercial Services.
COM 344 Congressional Liaison Specialist to the Under Secretary, International Trade Administration.
COM 345 Confidential Assistant to the Under Secretary, International Trade Administration.
COM 346 Confidential Aide to the Special Assistant to the Secretary.
COM 347 Confidential Assistant to the Director, Office of Public Affairs.
COM 348 Special Assistant to the Director, Office of Public Affairs.
COM 349 Confidential Assistant to the Associate Administrator, National Oceanic and Atmospheric Administration.
COM 350 Deputy Director, Office of Business Liaison.
COM 351 Confidential Assistant to the Associate General Counsel for Legislation and Regulation.
COM 352 Information Receptionist to the Executive Assistant Secretary.
COM 353 Confidential Assistant to the Director General of U.S. and Foreign Commercial Services.
COM 354 Special Assistant to the Assistant Secretary for Communications and Information.

COM 355 Confidential Assistant to the Deputy Assistant Secretary for Export Development, International Trade Administration.
COM 356 Confidential Assistant to the Deputy Director, Office of Minority Business Development Agency.
COM 357 Confidential Assistant to the Director, Office of Export Trading Company Affairs.
COM 358 Special Assistant to the Deputy Assistant Secretary for Import Administration.
COM 359 Confidential Assistant to the Assistant Secretary for International Economic Policy.
COM 360 Congressional Liaison Officer to the Under Secretary for Economic Affairs.
COM 361 Special Assistant to the Director, Bureau of Census.
COM 362 Congressional Affairs Specialist to the Director, Office of Congressional Affairs, National Oceanic and Atmospheric Administration.
COM 363 Congressional Affairs Specialist to the Director, Office of Congressional Affairs, National Oceanic and Atmospheric Administration.
COM 365 Confidential Assistant to the Director, Minority Business Development Agency.

213.3315 Department of Labor

LAB 25 Assistant to the Deputy Under Secretary for Legislation and Intergovernmental Relations.
LAB 35 Special Assistant to the Director, Women's Bureau.
LAB 41 Confidential Assistant to the Deputy Under Secretary for Legislation and Intergovernmental Relations.
LAB 43 Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
LAB 44 Assistant to the Deputy Under Secretary for Legislation and Intergovernmental Relations.
LAB 45 Executive Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
LAB 49 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
LAB 62 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
LAB 64 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
LAB 84 Special Assistant to the Assistant Secretary for Labor-Management Relations.
LAB 91 Private Secretary to the Deputy Under Secretary for Legislation and Intergovernmental Relations.
LAB 92 Special Assistant to the Secretary.
LAB 99 Special Assistant to the Assistant Secretary, Employment and Training Administration.
LAB 100 Executive Assistant to the Deputy Under Secretary for International Affairs.
LAB 104 Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs.
LAB 105 Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs.
LAB 108 Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs.
LAB 109 Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs.
LAB 111 Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs.
LAB 113 Secretary (Typing) to the Regional Representative.
LAB 114 Secretary to the Regional Representative.
LAB 115 Secretary (Typing) to the Regional Representative.
LAB 116 Secretary (Typing) to the Regional Representative.
LAB 120 Secretary (Steno) to the Regional Representative.
LAB 121 Secretary (Typing) to the Regional Representative.
LAB 126 Special Assistant to the Deputy Under Secretary, Employment Standards Administration.
LAB 127 Special Assistant to the Director, Office of Worker's Compensation Programs.
LAB 128 Special Assistant to the Deputy Assistant Secretary, Employment and Training Administration.
LAB 129 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
LAB 131 Special Assistant to the Assistant Secretary, Employment and Training Administration.
LAB 132 Assistant to the Deputy Under Secretary for Legislation and Intergovernmental Relations.
LAB 135 Private Secretary to the Commissioner, Bureau of Labor Statistics.
LAB 139 Special Assistant to the Administrator, Wage and Hour Division.
LAB 141 Staff Assistant to the Director, Office of Workers' Compensation Programs.
LAB 143 Special Assistant to the Assistant Secretary, Employment and Training Administration.
LAB 145 Legislative Liaison Officer for Labor Management Services Administration.
LAB 159 Special Assistant to the Deputy Under Secretary for International Affairs.
LAB 161 Special Assistant to the Secretary.
LAB 163 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
LAB 167 Private Secretary to the Director, Women's Bureau.
LAB 169 Staff Assistant to the Assistant Secretary for Policy, Evaluation and Research.
LAB 171 Special Assistant to the Secretary.
LAB 172 Staff Assistant to the Secretary.
LAB 177 Secretary to the Secretary.
LAB 178 Executive Assistant to the Director, Federal Contract Compliance Programs.
LAB 179 Executive Assistant to the Deputy Under Secretary, Employment Standards Administration.
LAB 180 Assistant to the Deputy Under Secretary for Legislation and Intergovernmental Relations.
LAB 181 Staff Assistant to the Deputy Under Secretary for International Labor Affairs.
LAB 182 Staff Assistant to the Assistant Secretary for Labor Management Relations.
LAB 183 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
LAB 184 Special Assistant to the Deputy Under Secretary, Employment Standards Administration.
LAB 186 Special Assistant to the Director, Women's Bureau.
LAB 187 Special Assistant to the Assistant Secretary, Employment and Training Administration.
LAB 188 Confidential Staff Assistant to the Wage Hour Administrator.
LAB 189 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
LAB 190 Special Assistant to the Assistant Secretary for Policy, Evaluation and Research.
LAB 191 Secretary to the Secretary.
LAB 192 Staff Assistant to the Assistant Secretary for Labor Management Relations.
LAB 196 Executive Assistant to the Assistant Secretary for Veterans Employment.
LAB 198 Secretary (Steno) to the Deputy Solicitor.
LAB 199 Research Assistant to the Deputy Under Secretary for

Legislation and Intergovernmental Relations.
LAB 200 Special Assistant to the Assistant Secretary, Employment and Training Administration.
LAB 201 Secretary (Steno) to the Assistant Secretary for Mine Safety and Health.
LAB 202 Confidential Staff Assistant to the Assistant Secretary, Employment and Training Administration.
LAB 203 Special Assistant to the Assistant Secretary for Veterans' Employment.
LAB 204 Staff Assistant to the Assistant Secretary for Veterans Employment.
LAB 205 Staff Assistant to the Deputy Under Secretary for Legislation and Intergovernmental Relations.
LAB 207 Private Secretary to the Deputy Under Secretary for International Affairs.
LAB 209 Secretary to the Assistant for Veterans' Employment.
LAB 210 Special Assistant to the Assistant Secretary for Policy.
LAB 211 Special Assistant to the Secretary.
LAB 212 Private Secretary to the Chief of Staff.
LAB 213 Special Assistant to the Assistant Secretary for Employment and Training.
LAB 214 Private Secretary to the Deputy Under Secretary for Intergovernmental Affairs.
LAB 215 Staff Assistant to the Director, Women's Bureau.
LAB 216 Secretary (Typing) to the Assistant Secretary for Employment and Training.
LAB 217 Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs.
LAB 219 Staff Assistant to the Deputy Under Secretary for Intergovernmental Affairs.
LAB 221 Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs.

213.3316 Department of Health and Human Services.

HHS 11 Confidential Assistant to the Under Secretary.
HHS 17 Staff Assistant to the Secretary.
HHS 22 Assistant to the Secretary for Special Programs.
HHS 23 Assistant to the Secretary for Special Programs.
HHS 30 Special Assistant to the Secretary.
HHS 31 Special Assistant to the Secretary.
HHS 34 Assistant to the Secretary.
HHS 39 Confidential Assistant to the Secretary.
HHS 62 Special Assistant to the Assistant Secretary for Legislation.
HHS 120 Assistant to the General Counsel.
HHS 128 Special Assistant for Special Groups.
HHS 129 Special Assistant for Special Groups.
HHS 172 Director of Consumer Information.
HHS 187 Special Assistant to the Deputy Assistant Secretary for Legislation (Health).
HHS 213 Steward to the Secretary.
HHS 220 Confidential Assistant to the Deputy Assistant Secretary for Planning and Evaluation (Health).
HHS 226 Confidential Assistant to the Director, Office of Civil Rights.
HHS 230 Attorney-Advisor (Special Assistant to the General Counsel).
HHS 233 Confidential Executive Assistant to the Director, Office of Consular Affairs.
HHS 236 Director, Intergovernmental and Congressional Affairs.
HHS 237 Director, Intergovernmental and Congressional Affairs.
HHS 238 Director, Intergovernmental and Congressional Affairs.
HHS 239 Director, Intergovernmental and Congressional Affairs.
HHS 240 Director, Intergovernmental and Congressional Affairs.
HHS 241 Director, Intergovernmental and Congressional Affairs.
HHS 242 Director, Intergovernmental and Congressional Affairs.
HHS 244 Director, Intergovernmental and Congressional Affairs.
HHS 245 Director, Public Affairs.
HHS 246 Director, Public Affairs.
HHS 247 Director, Public Affairs.
HHS 248 Director, Public Affairs.
HHS 249 Director, Public Affairs.
HHS 250 Director, Public Affairs.
HHS 251 Director, Public Affairs.
HHS 252 Director, Public Affairs.
HHS 253 Director, Public Affairs.
HHS 254 Director, Public Affairs.
HHS 255 Director, Intergovernmental and Congressional Affairs.
HHS 264 Special Assistant to the Secretary.
HHS 265 Special Assistant to the Secretary.
HHS 268 Special Assistant to the Executive Secretary.
HHS 277 Special Assistant (Special Projects) to the Deputy Under Secretary for Intergovernmental Affairs.
HHS 284 Confidential Assistant to the Commissioner, Administration on Aging.
HHS 285 Confidential Assistant to the Secretary.
HHS 290 Director, Office of Public Affairs, Office of Human Development Services.
HHS 293 Special Assistant to the Commissioner, Administration for Children, Youth and Families.
HHS 307 Deputy Director to the Director, Office of Congressional Liaison.
HHS 316 Associate Commissioner, Office of Developmental Services.
HHS 318 Confidential Assistant to the Executive Assistant.
HHS 320 Special Assistant to the Assistant Secretary, Office of Planning and Evaluation.
HHS 330 Special Assistant to the Director.
HHS 336 Special Assistant to the Deputy Assistant Secretary, Office of Legislation (Welfare).
HHS 339 Confidential Assistant to the Deputy Assistant Secretary, Office of Legislation.
HHS 342 Confidential Assistant to the Deputy Assistant Secretary, Office of Legislation (Appropriations).
HHS 345 Congressional Liaison Specialist to the Assistant Secretary, Office of Legislation.
HHS 353 Special Assistant to the Deputy Under Secretary, Office of Intergovernmental Affairs.
HHS 354–Associate Commissioner for Office of Services for Children and Youth.
HHS 357 Public Information Officer to the Assistant Secretary for Health.
HHS 358 Congressional Liaison Specialist to the Deputy Assistant Secretary for Legislation.
HHS 359 Congressional Liaison Specialist to the Deputy Assistant Secretary, Office of Legislation.
HHS 361 Congressional Liaison Specialist to the Deputy Assistant Secretary, Office of Legislation.
HHS 362 Secretary (Steno) to the Assistant Secretary for Human Development Services.
HHS 364 Special Assistant to the Deputy Assistant Secretary, Office of Legislation (Health).
HHS 365 Special Assistant to the Administrator, Office of External Affairs.
HHS 366 Special Assistant to the Inspector General.
HHS 367 Confidential Assistant to the Associate Commissioner, Office of Governmental Affairs.
HHS 368 Director to the Associate Administrator, Office of Intergovernmental Affairs.
HHS 370 Confidential Assistant to Associate Administrator for External Affairs, Health Care Administration.

HHS 372 Special Assistant to the Director, Office of Program Coordination and Review.
HHS 373 Confidential Assistant to the Executive Secretary.
HHS 374 Confidential Assistant to the Executive Secretary.
HHS 376 Confidential Secretary to the Regional Director.
HHS 377 Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs.
HHS 380 Confidential Assistant to the Executive Assistant.
HHS 381 Confidential Assistant to the Regional Director.
HHS 382 Associate Commissioner, Administration for Children, Youth and Families.
HHS 383 Special Assistant to the Assistant Secretary for Public Affairs.
HHS 387 Confidential Assistant to the General Counsel.
HHS 388 Special Assistant to the Director, Office of Program Coordination and Review.
HHS 389 Special Assistant to the Director, Office of Program Coordination and Review.
HHS 391 Confidential Staff Assistant to the Assistant Secretary for Public Affairs.
HHS 394 Confidential Assistant to the Executive Secretary.
HHS 395 Special Assistant for Block Grants to the Director, Office of Community Services.
HHS 397 Special Assistant for Block Grants to the Director, Office of Community Services.
HHS 399 Special Assistant to the Assistant Secretary.
HHS 400 External Affairs Specialist to the Director, Office of Community Services.
HHS 402 External Affairs Specialist to the Director, Office of Community Services.
HHS 404 Confidential Assistant to the Chief of Staff.
HHS 405 Executive Assistant to the Administrator, Alcohol, Drug Abuse and Mental Health Administration.
HHS 406 Special Assistant to the Assistant Secretary.
HHS 407 Special Assistant to the Commissioner, Office of Human Development.
HHS 408 Confidential Assistant to the Director, Office of Community Services.
HHS 409 Public Affairs Specialist to the Director, Office of Public Affairs.
HHS 410 Deputy Director, Office of Legislation and Policy.
HHS 411 Confidential Assistant to the Associate Commissioner for Governmental Affairs.
HHS 412 Special Assistant to the Regional Director.
HHS 413 Special Assistant to the Deputy Assistant Secretary for Population Affairs.
HHS 414 Director, Congressional Affairs Staff.
HHS 415 Confidential Assistant to the Administrator, Alcohol, Drug Abuse and Mental Health Administration.
HHS 416 Confidential Assistant to the Administrator, Alcohol, Drug Abuse and Mental Health Administration.
HHS 418 Confidential Staff Assistant to the Chief of Staff.
HHS 419 Confidential Assistant to the Secretary.

213.3317 Department of Education.

EDU 4 Confidential Assistant to the Deputy Under Secretary for Intergovernmental and Interagency Affairs.
EDU 6 Confidential Assistant to the Executive Secretary.
EDU 8 Confidential Assistant to the Assistant Secretary, Office of Civil Rights.
EDU 9 Special Assistant to the Deputy Assistant Secretary, Office of Elementary and Secondary Education.
EDU 11 Personal Assistant to the Assistant Secretary, Office of Educational Research and Improvement.
EDU 13 Personal Assistant to the Assistant Secretary, Office of Special Education and Rehabilitative Services.
EDU 15 Special Assistant to the Deputy Under Secretary for Management.
EDU 16 Confidential Assistant to the General Counsel.
EDU 18 Attorney Advisor to the General Counsel.
EDU 19 Attorney Advisor to the General Counsel.
EDU 20 Steward.
EDU 28 Personal Assistant to the Deputy Under Secretary, Office of Intergovernmental and Interagency Affairs.
EDU 29 Special Assistant to the Executive Assistant.
EDU 31 Special Assistant to the Assistant Secretary, Office of Civil Rights.
EDU 33 Executive Assistant to the Assistant Secretary for Elementary and Secondary Education.
EDU 37 Special Assistant to the Secretary.
EDU 40 Confidential Assistant to the Executive Assistant.
EDU 42 Confidential Assistant to the Assistant Secretary, Postsecondary Education.
EDU 43 Personal Assistant to the Assistant Secretary, Office of Legislative and Public Affairs.
EDU 44 Director, Policy, Planning and Executive Operations Unit, Office of Elementary and Secondary Education.
EDU 46 Special Assistant to the Assistant Secretary for Vocational and Adult Education.
EDU 49 Confidential Assistant to the Deputy Assistant Secretary, Office of Legislation and Public Affairs.
EDU 52 Special Assistant to the Under Secretary.
EDU 53 Special Assistant to the Deputy Under Secretary for Intergovernmental and Interagency Affairs.
EDU 54 Confidential Assistant to the Executive Assistant.
EDU 57 Speechwriter to the Secretary.
EDU 61 Special Assistant to the Deputy Under Secretary, Office of Intergovernmental Affairs.
EDU 66 Special Assistant to the Secretary.
EDU 68 Confidential Assistant to the Deputy Under Secretary for Management.
EDU 69 Confidential Assistant to the Director, Regional Liaison.
EDU 72 Special Assistant to the Assistant Secretary, Office of Legislation and Public Affairs.
EDU 73 Special Assistant to the Assistant Secretary, Office of Legislation and Public Affairs.
EDU 75 Confidential Assistant to the Assistant Secretary, Office of Public Affairs.
EDU 77 Executive Assistant to the Assistant Secretary, Office of Civil Rights.
EDU 83 Special Assistant to the Deputy Under Secretary, Office of Planning and Budget.
EDU 88 Special Assistant to the Assistant Secretary for Elementary and Secondary Education.
EDU 89 Special Assistant to the Assistant Secretary for Elementary and Secondary Education.
EDU 90 Special Assistant to the Assistant Secretary for Vocational and Adult Education.
EDU 91 Special Assistant to the Assistant Secretary for Vocational and Adult Education.
EDU 94 Confidential Assistant to the Assistant Secretary, Office of Postsecondary Education.
EDU 98 Special Assistant to the Director, National Institute of Education.

EDU 99 Special Assistant to the Assistant Secretary, Office of Educational Research Improvement.
EDU 100 Confidential Assistant to the Deputy Under Secretary for Management.
EDU 103 Personal Assistant to the Commissioner, Office of Special Education and Rehabilitative Services.
EDU 105 Secretary to the Regional Representative.
EDU 107 Secretary to the Regional Representative.
EDU 108 Secretary to the Regional Representative.
EDU 109 Secretary to the Regional Representative.
EDU 110 Secretary to the Regional Representative.
EDU 111 Secretary to the Regional Representative.
EDU 112 Special Assistant to the Assistant Secretary, Office of Education Research and Improvement.
EDU 113 Confidential Assistant to the Assistant Secretary, Office of Education Research and Improvement.
EDU 115 Director, Division of International Development.
EDU 116 Confidential Assistant to the Assistant Secretary, Office of Postsecondary Education.
EDU 120 Director, Office of Editorial Services.
EDU 121 Special Assistant to the Commissioner, Office of Special Education and Rehabilitative Services.
EDU 123 Special Assistant to the Deputy Under Secretary, Office of Intergovernmental and Interagency Affairs.
EDU 126 Personal Assistant to the Deputy General Counsel.
EDU 129 Director of International Education Programs, Office of Postsecondary Education.
EDU 131 Secretary to the Regional Representative to the Under Secretary.
EDU 132 Confidential Assistant to the Deputy Under Secretary, Office of Management.
EDU 134 Confidential Assistant to the Deputy Under Secretary for Management.
EDU 136 Confidential Assistant to the Director, Office of Bilingual Education and Minority Languages Affairs.
EDU 137 Special Assistant to the Comptroller, Office of the Deputy Under Secretary for Management.
EDU 139 Special Assistant to the Deputy Director, National Institute of Education.
EDU 140 Special Assistant to the Assistant Secretary, Office for Civil Rights.
EDU 141 Director, Legislative Policy.
EDU 142 Director, Program Review, Office for Civil Rights.
EDU 143 Confidential Assistant to the Secretary.
EDU 144 Special Assistant to the Comptroller, Office of the Deputy Under Secretary for Management.
EDU 145 Special Assistant to the Deputy Under Secretary for Management.
EDU 147 Secretary's Regional Representative, Office of the Under Secretary.
EDU 148 Executive Assistant to the Deputy Under Secretary for Management.
EDU 149 Special Assistant to the Under Secretary.
EDU 152 Special Assistant to the Deputy Under Secretary, Office of Management.
EDU 153 Special Assistant to the Deputy Under Secretary for Intergovernment and Interagency Affairs.
EDU 155 Special Assistant to the Under Secretary.
EDU 156 Special Assistant to the Director, Office of Bilingual Education and Minority Languages Affairs.
EDU 157 Personal Assistant to the Deputy Under Secretary for Management.
EDU 159 Confidential Assistant to the Assistant Secretary, Postsecondary Education.
EDU 160 Special Assistant to the Deputy Assistant Secretary for Higher Education Programs.
EDU 161 Confidential Assistant to the Deputy Assistant Secretary for Higher Education Programs.
EDU 163 Special Assistant to the Deputy Assistant Secretary, Office of Postsecondary Education.
EDU 164 Special Counsel to the Under Secretary.
EDU 165 Legislative Liaison to the Assistant Secretary, Office of Legislation and Public Affairs.
EDU 166 Special Assistant to the Assistant Secretary, Office of Vocational and Adult Education.
EDU 167 Special Assistant to the Assistant Secretary, Office of Civil Rights.
EDU 168 Confidential Assistant to the Associate Deputy Under Secretary for Planning, Budget and Evaluation.
EDU 169 Special Assistant to the Under Secretary.
EDU 170 Deputy Commissioner, Rehabilitative Services Administration.
EDU 171 Director, Legislative Liaison Staff.
EDU 172 Legislative Liaison to the Director, Legislative Liaison Staff.
EDU 173 Special Assistant to the Deputy Assistant Secretary, Office of Civil Rights.
EDU 174 Confidential Assistant to the Assistant Secretary, Office of Legislative and Public Affairs.
EDU 175 Special Assistant to the Director, National Institute of Education.

213.3318 Environmental Protection Agency

EPA 5 Confidential Assistant to the Deputy Administrator.
EPA 10 Special Assistant to the Director, Office of Standards and Regulations.
EPA 18 Special Assistant to the Chief of Staff, Office of the Administrator.
EPA 42 Confidential Assistant to the Administrator.
EPA 52 Special Assistant to the Chief of Staff, Office of the Administrator.
EPA 61 Confidential Assistant to the Assistant Administrator for Administration.
EPA 65 Special Assistant to the Inspector General.
EPA 69 Deputy Director to the Director, Office of Congressional Liaison.
EPA 71 Assistant Director for Local Affairs to the Director, Office of Intergovernmental Liaison.
EPA 72 Congressional Relations Specialist to the Deputy Director, Office of Congressional Liaison.
EPA 75 Congressional Relations Officer to the Deputy Director, Office of Congressional Liaison.
EPA 77 Special Assistant to the Regional Administrator.
EPA 78 Confidential Assistant to the Director, Office of Enforcement Counsel.
EPA 81 Special Assistant to the Assistant Administrator for Solid Waste and Emergency Response.
EPA 82 Special Assistant for Regulatory Affairs to the Director, Office of Federal Activities.
EPA 83 Special Assistant to the Regional Administrator.
EPA 84 Special Assistant to the Associate Administrator, Office of Policy and Resources Management.
EPA 86 Special Assistant to the Regional Administrator.
EPA 87 Special Assistant to the Regional Administrator for

Congressional and Intergovernmental Liaison.
EPA 88 Special Assistant to the Associate Administrator for Policy and Resources Management.
EPA 90 Special Assistant to the Director, Office of Intergovernmental Liaison.
EPA 91 Local Affairs Specialist to the Director, Office of Intergovernmental Liaison.
EPA 94 Special Assistant to the Regional Administrator.
EPA 95 Special Assistant to the Administrator.
EPA 96 Confidential Assistant to the Assistant Administrator for Air, Noise and Radiation.
EPA 97 Special Assistant to the Director, Office of Public Affairs.
EPA 98 Special Assistant to the Director, Office of Public Affairs.

213.3319 Administrative Conference of the United States.

ACUS 2 Secretary (Steno) to the Chairman.

213.3320 Inter-American Foundation.

IAF 9 Confidential Assistant to the President (Mexico, Central America, Panama Region).
IAF 10 Confidential Assistant to the President (Caribbean, Brazil Region).
IAF 11 Confidential Assistant to the President (Andean Region).
IAF 12 Confidential Assistant to the President (Central Region).
IAF 13 Confidential Assistant to the President.
IAF 14 Special Assistant to the President.

213.3322 Interstate Commerce Commission.

ICC 1 Confidential Assistant to the Commissioner.
ICC 2 Confidential Assistant to the Commissioner.
ICC 4 Secretary (Typing) to the Chairman.
ICC 6 Confidential Assistant to the Commissioner.
ICC 8 Confidential Assistant to the Chairman.
ICC 9 Confidential Assistant to the Commissioner.
ICC 18 Public Information Officer to the Chairman.
ICC 19 Staff Advisor (Transportation) to the Commissioner.
ICC 22 Staff Advisor (Economics) to the Commissioner.
ICC 40 Staff Advisor (Economics) to the Managing Director.
ICC 41 Staff Advisor (Transportation) to the Director.
ICC 42 Staff Advisor (Editorial) to the Chairman.

213.3323 Overseas Private Investment Corporation.

OPIC 1 Chauffeur to the President.
OPIC 15 Assistant to the President.
OPIC 18 Administrative Aide to the President.
OPIC 19 Secretary (Steno) to the Executive Vice President.

213.3325 The Tax Court of the United States.

TCOUS 1 Attorney-Advisor to the Judge.
TCOUS 2 Attorney-Advisor to the Judge.
TCOUS 3 Attorney-Advisor to the Judge.
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TCOUS 32 Attorney-Advisor to the Judge.
TCOUS 33 Attorney-Advisor to the Judge.
TCOUS 34 Law Clerk to the Judge.
TCOUS 35 Law Clerk to the Judge.
TCOUS 36 Law Clerk to the Judge.
TCOUS 37 Law Clerk to the Judge.
TCOUS 38 Law Clerk to the Judge.
TCOUS 40 Secretary and Confidential Assistant to the Judge.
TCOUS 41 Secretary and Confidential Assistant to the Judge.
TCOUS 42 Secretary and Confidential Assistant to the Judge.
TCOUS 43 Secretary and Confidential Assistant to the Judge.
TCOUS 44 Secretary to the Judge.
TCOUS 45 Secretary and Confidential Assistant to the Judge.
TCOUS 46 Secretary and Confidential Assistant to the Judge.
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TCOUS 61 Secretary and Confidential Assistant to the Judge.
TCOUS 62 Secretary and Confidential Assistant to the Judge.

213.3327 Veterans Administration.

VA 3 Confidential Assistant to the Associate Deputy Asministrator.
VA 5 Confidential Assistant to the Deputy Administrator.
VA 11 Confidential Assistant to the Administrator of Veterans Affairs.
VA 13 Confidential Assistant to the Deputy Administrator.
VA 14 Confidential Assistant to the Deputy Administrator.
VA 15 Confidential Assistant to the Administrator.
VA 30 Confidential Assistant to the Associate Deputy Administrator for Congressional and Public Affairs.

VA 31 Confidential Assistant to the Associate Deputy Administrator for Congressional and Public Affairs.
VA 32 Confidential Assistant to the Associate Deputy Administrator for Logistics.
VA 34 Confidential Assistant to the Assistant Deputy Administrator for Congressional Affairs.
VA 35 Confidential Assistant to the Deputy Administrator.
VA 37 Confidential Assistant to the Special Assistant to the Administrator.

213.3328 U.S. Information Agency

USIA 2 Special Assistant to the Director.
USIA 12 Special Assistant (Congressional Relations) to the General Counsel.
USIA 14 Special Assistant to the Associate Director for Programs.
USIA 21 Special Assistant to the Director.
USIA 22 Director, New York Foreign Press Center.
USIA 25 Counselor for Press and Public Affairs to the Associate Director for Programs.
USIA 26 Staff Assistant to the Associate Director for Programs.
USIA 29 Assistant to the Director.
USIA 30 Staff Assistant to the Director.
USIA 32 Director, Office of International Visitors.
USIA 33 Staff Assistant to the Director, Office of Public Liaison.
USIA 34 Staff Assistant to the Special Assistant, Private Sector Liaison.
USIA 37 Staff Assistant to the Special Assistant, Private Sector Liaison.
USIA 40 Staff Specialist to the Special Assistant, Private Sector Liaison.
USIA 41 Staff Specialist to the Special Assistant, Private Sector Liaison.
USIA 42 Secretary (Typing) to the Deputy Director.
USIA 43 Special Assistant to the Associate Director for Educational and Cultural Affairs.
USIA 45 Special Assistant to the Associate Director for Programs.
USIA 47 Special Assistant (Congressional Relations) to the General Counsel.
USIA 48 Deputy for Editorial Comment to the Director of Programs, Voice of America.
USIA 49 Special Projects Officer to the Director.
USIA 50 Special Assistant to the Deputy Associate Director for Educational and Cultural Affairs.
USIA 53 Director of Audience Relations.
USIA 55 Staff Assistant to the Associate Director for Programs.
USIA 56 Staff Specialist to the Director, Office of Private Sector Liaison.
USIA 57 Special Assistant to the Associate Director for Educational and Cultural Affairs.
USIA 59 Staff Assistant to the Deputy Director.
USIA 60 Confidential Assistant to the Associate Director for Broadcasting.
USIA 61 Special Assistant to the General Counsel.
USIA 62 Special Assistant to the Associate Director for Broadcasting.
USIA 63 Special Assistant to the Director of Public Liaison.
USIA 64 Staff Assistant to the Director of Public Liaison.
USIA 65 Special Assistant (Cultural Centers and Resources) to the Associate Director for Educational and Cultural Affairs.
USIA 66 Staff Assistant to the Director, Office of Public Liaison.
USIA 67 Special Assistant to the Associate Director for Educational and Cultural Affairs.
USIA 68 Special Assistant for Congressional Relations to the General Counsel.
USIA 69 Staff Assistant to the Special Assistant (Director, Office of Private Sector Programs).
USIA 70 Special Assistant to the General Counsel
USIA 71 Staff Assistant (Cultural Property) to the Associate Director for Educational and Cultural Affairs.
USIA 72 Special Assistant to the Deputy Director.
USIA 73 Special Assistant to the Associate Director for Educational and Cultural Affairs.
USIA 75 Special Assistant (Congressional Relations) to the General Counsel and Congressional Liaison.
USIA 76 Special Assistant (Media Relations) to the Director, Office of Public Liaison.

213.3330 Securities and Exchange Commission.

SEC 2 Executive Aide (Typing) to the Executive Assistant to the Chairman.
SEC 3 Confidential Assistant to the Commissioner.
SEC 4 Confidential Assistant to the Commissioner.
SEC 5 Confidential Assistant to the Commissioner.
SEC 8 Secretary (Steno) to the Chief Accountant.
SEC 11 Confidential Assistant to the Chairman
SEC 12 Public Information Officer to the Chairman.
SEC 15 Secretary (Typing) to the Director, Market Regulation Division.
SEC 16 Secretary (Steno) to the Director.
SEC 19 Secretary (Typing) to the Director, Corporate Finance Division.
SEC 20 Legislative Affairs Officer to the Chairman.
SEC 21 Confidential Advisor on Corporate Practices to the Director, Division of Enforcement.

213.3331 Department of Energy.

DOE 2 Confidential Assistant (Secretary) to the Secretary.
DOE 8 Confidential Assistant (Secretary) to the Special Assistant.
DOE 9 Secretary (Confidential Assistant) to the General Counsel.
DOE 11 Private Secretary to a Member, Federal Energy Regulatory Commission.
DOE 12 Private Secretary to a Member, Federal Energy Regulatory Commission.
DOE 15 Confidential Assistant (Secretary) to the Administrator, Energy Information Administration.
DOE 16 Confidential Assistant (Secretary) to the Administrator, Economic Regulatory Administration.
DOE 17 Confidential Assistant (Secretary) to the Inspector General.
DOE 19 Confidential Assistant (Secretary) to the Director, Energy Research.
DOE 34 Special Assistant to the Administrator, Economic Regulatory Administration.
DOE 40 Legal Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
DOE 41 Legal Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
DOE42 Legal Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
DOE 43 Legal Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
DOE 49 Legal Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
DOE 51 Legal Assistant to the Chairman, Federal Energy Regulatory Commission.
DOE 52 Staff Assistant to the Assistant Secretary for International Affairs.
DOE 55 Staff Assistant to the Special Assisant to the Secretary.
DOE 59 Staff Assistant to the Director, Office of Energy Research.

DOE 60 Confidential Assistant to a Member of the Commission, Federal Energy Regulatory Commission.
DOE 68 Confidential Assistant to a Member of the Commission, Federal Energy Regulatory Commission.
DOE 69 Staff Assistant (Legislative Affairs) to the Assistant to the Secretary.
DOE 74 Staff Assistant to the General Counsel.
DOE 75 Legal Adviser to a Member of the Commission, Federal Energy Regulatory Commission.
DOE 77 Staff Assistant to the Administrative Assistant to the Secretary and Chief of Staff.
DOE 95 Staff Assistant to the Deputy Secretary.
DOE 105 Confidential Assistant to a Member, Federal Energy Regulatory Commission.
DOE 106 Confidential Assistant to a Member of the Commission, Federal Energy Regulatory Commission.
DOE 109 Private Secretary of a Member of the Commission, Federal Energy Regulatory Commission.
DOE 110 Private Secretary to a Member of the Commission, Federal Energy Regulatory Commission.
DOE 111 Private Secretary to the Chairman, Federal Energy Regulatory Commission.
DOE 112 Private Secretary to the Chairman, Federal Energy Regulatory Commission.
DOE 114 Special Assistant to the Administrator, Bonniville Power Administration.
DOE 171 Executive Assistant to the Assistant Secretary, Office of Conservation and Renewable Energy.
DOE 172 Staff Assistant to the Assistant Secretary for Conservation and Renewable Energy.
DOE 174 Staff Assistant to the Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness.
DOE 178 Legislative Affairs Specialist to the Deputy Asssistant Secretary for Congressional Affairs.
DOE 185 Confidential Assistant (Secretary) to the Director, Office of Congressional and Public Affairs.
DOE 186 Staff Assistant to the Director, Office of Congressional and Public Affairs.
DOE 190 Staff Assistant to the Secretary.
DOE 192 Staff Assistant to the Special Assistant, Office of Programs and Policy.
DOE 197 Director, Division of Congressional Liaison.
DOE 222 Confidential Assistant (Secretary) to the Assistant Secretary, Office of Congressional, Intergovernmental and Public Affairs.
DOE 226 Advisor to a Member of the Commission.
DOE 228 Advisor to a Member of the Commission.
DOE 233 Speech Writer to the Director, Office of Public Affairs.
DOE 234 Director, Office of Public Affairs.
DOE 235 Staff Assistant to the Dirctor, Office of Policy Planning and Analysis.
DOE 237 Staff Assistant to the Special Assistant to the Secretary for Programs and Policies.
DOE 239 Staff Assistant to the Special Assistant to the Secretary.
DOE 240 Staff Assistant to the Assistant Secretary, Office of Congressional, Intergovernmental and Public Affairs.
DOE 245 Staff Assistant to the Assistant Secretary for Conservation and Renewable Energy.
DOE 246 Staff Assistant to the Assistant Secretary for Conservation and Renewable Energy.
DOE 248 Confidential Assistant to the Chairman, Federal Energy Regulatory Commission.
DOE 251 Intergovernmental Affairs Specialist to the Director of Intergovernmental Affairs.
DOE 256 Confidential Assistant to the General Counsel, Federal Energy Regulatory Commission.y
DOE 259 Private Secretary to the Chairman, Federal Energy Regulatory Commission.
DOE 262 Staff Assistant to the Deputy Assistant Secretary for Congressional, Intergovernmental and Public Affairs.
DOE 263 Staff Assistant to the Assistant Secretary for Management and Administration.
DOE 264 Staff Assistant to the Administrator, Energy Information Administration.
DOE 265 Special Assistant to the Secretary.
DOE 266 Staff Assistant to the Secretary.
DOE 267 Staff Assistant to the Director, Office of Minority Economic Impact.
DOE 268 Secretary (Confidential Assistant) to the Assistant Secretary for Management and Administration.
DOE 269 Intergovernmental Affairs Specialist to the Principle Deputy Assistant Secretary.
DOE 270 Public Affairs Specialist to the Director, Office of Public Affairs.
DOE 271 Staff Assistant to the General Counsel.

213.3332 Small Business Administration.

SBA 11 Director of Congressional Relations.
SBA 18 Executive Assistant to the Administrator.
SBA 19 Special Assistant to the Deputy Administrator.
SBA 30 Special Assistant to the Associate Administrator for Minority, Small Business and Capital Ownership Development.
SBA 35 Special Assistant to the Associate Administrator for Minority, Small Business and Capital Ownership Development.
SBA 39 Assistant Administrator for Public Communications.
SBA 48 Special Assistant to the Director, Office of Congressional and Legislative Affairs.
SBA 51 Confidential Assistant to the Deputy Administrator.
SBA 55 Special Assistant to the Deputy Administrator.
SBA 56 Confidential Assistant and Secretary to the Inspector General.
SBA 64 Special Assistant to the Regional Administrator.
SBA 65 Special Assistant to the Regional Administrator.I16SBA 66 Special Assistant to the Regional Administrator.
SBA 68 Confidential Assistant to the Regional Administrator.
SBA 69 Special Assistant to the Regional Administrator.
SBA 70 Special Assistant to the Regional Administrator.
SBA 71 Assistant to the Regional Administrator.
SBA 73 Special Assistant to the Regional Administrator.
SBA 91 Special Assistant to the Assistant Administrator for Public Communication.
SBA 92 Confidential Program Assistant to the Special Assistant.
SBA 94 Special Assistant to the Administrator.
SBA 95 Special Assistant to the Administrator.
SBA 97 Confidential Assistant to the General Counsel.
SBA 99 Special Assistant to the Regional Administrator.
SBA 100 Special Assistant to the Regional Administrator.
SBA 102 Director, Office of Congressional and Legislative Affairs.

SBA 103 Confidential Assistant to the Administrator.
SBA 104 Special Assistant to the Associate Deputy Administrator for Special Programs.
SBA 105 Special Assistant to the Administrator.
SBA 106 Director, Private Sector Initiatives.
SBA 107 Confidential Assistant to the Associate Deputy Administrator for Special Programs.
SBA 108 Director, Office of Public Affairs.
SBA 109 Assistant Director for Public Affairs.
SBA 110 Confidential Program Assistant to the Associate Administrator for Finance and Investment.

213.3333 Federal Deposit Insurance Corporation.

FDIC 2 Secretary to the Members.
FDIC 7 Special Assistant to the Director, Congressional Liaison Staff.

213.3334 Federal Trade Commission.

FTC 2 Director, Office of Public Affairs.
FTC 6 Director, Office of Congressional Relations.
FTC 8 Special Assistant (Economic Adviser) to the Commissioner.
FTC 9 Staff Assistant to the Chairman.

213.3337 General Services Administration.

GSA 16 Confidential Assistant to the Administrator, Public Buildings Service.
GSA 24 Special Assistant to the Commissioner.
GSA 70 Confidential Assistant to the Director of Communications.
GSA 79 Confidential Assistant to the Regional Administrator.
GSA 81 Special Assistant to the Director of Organization and Personnel.
GSA 88 Confidential Assistant to the Regional Administrator.
GSA 89 Confidential Assistant to the Director of Congressional Affairs.
GSA 90 Special Assistant to the Director of Congressional Affairs.
GSA 91 Confidential Assistant to the Commissioner, Public Building Service.
GSA 93 Executive Assistant to the Administrator.
GSA 97 Confidential Assistant to the Executive Director, Property Review Board.
GSA 99 Confidential Assistant to the Regional Administrator.
GSA 100 Director of Executive Secretariat.
GSA 102 Confidential Assistant to the Regional Administrator.
GSA 103 Confidential Assistant to the Executive Director, Property Review Board.
GSA 104 Director, Office of Communications.
GSA 105 Deputy Director, Office of Public Affairs.
GSA 106 Special Assistant to the Director, Office of Communications.
GSA 107 Special Assistant to the Associate Administrator for Policy and Management Systems.
GSA 108 Chief of Staff.

213.3338 Federal Communications Commission.

FCC 7 Paralegal Specialist to the Attorney-Advisor.
FCC 9 Communications Analyst to the Administrative Assistant to the Chairman.
FCC 10 Legislative Affairs Officer to the General Counsel.

213.3339 U.S. International Trade Commission.

ITC 5 Secretary (Typing) to the Chairman.
ITC 6 Staff Assistant (Economics) to the Commissioner.
ITC 7 Staff Assistant to the Chairman.
ITC 13 Staff Assistant (Legal) to a Chairman.
ITC 14 Confidential Assistant to a Commissioner.
ITC 15 Staff Assistant (Legal) to a Commissioner.
ITC 18 Confidential Assistant to a Commissioner.
ITC 20 Staff Assistant (Legal) to a Commissioner.
ITC 23 Staff Assistant to the Chairman.
ITC 24 Staff Assistant (Legal) to a Commissioner.
ITC 27 Congressional Liaison for the Chairman.
ITC 31 Staff Assistant (Economics) to a Commissioner.
ITC 32 Staff Assistant to a Commissioner.
ITC 33 Staff Assistant to the Chairman.

213.3340 Civil Aeronautics Board.

CAB 13 Community Relations Representative to the Director.
CAB 18 Community Relations Representative to the Director.

213.3341 National Labor Relations Board.

NLRB 2 Confidential Assistant to the Chairman.
NLRB 3 Confidential Assistant to a Board Member.
NLRB 4 Confidential Assistant to a Board Member.
NLRB 5 Confidential Assistant to a Board Member.
NLRB 6 Confidential Assistant to a Board Member.
NLRB 9 Confidential Staff Assistant to the General Counsel.
NLRB 16 Staff Assistant to the Executive Assistant.

213.3342 Export-Import Bank of the United States.

EXIM 1 Confidential Assistant to the President and Chairman.
EXIM 2 Private Secretary to the First Vice President and Vice Chairman.
EXIM 3 Private Secretary to the Director.
EXIM 4 Private Secretary to the Director.
EXIM 5 Secretary (Steno) to the Director.
EXIM 12 Secretary (Steno) to the Senior Vice President.
EXIM 15 Secretary (Steno) to the President and Chairman.
EXIM 16 Administrative Assistant (Steno) to the General Counsel.
EXIM 24 Secretary (Steno) to the Senior Vice President-Director for Credits and Financial Guarantees.
EXIM 26 Assistant to the President and Chairman.
EXIM 34 Special Assistant to the First Vice President and Vice Chairman.

213.3344 Occupational Safety and Health Review Commission.

OSHRC 2 Special Assistant to the Chairman.
OSHRC 6 Confidential Assistant to a Commissioner.
OSHRC 9 Secretary to the Special Counsel to the Chairman.

213.3346 Selective Service System.

SSS 9 Director of Congressional Affairs.
SSS 10 Special Assistant to the Director.
SSS 11 Secretary (Steno) to the Director.

213.3348 National Aeronautics and Space Administration.

NASA 1 Secretary (Steno) to the Administrator.

213.3350 Foreign Claims Settlement Commission of the United States.

FCSC 3 Private Secretary to the Chairman.

213.3351 Federal Mine Safety and Health Review Commission.

FM 1 Secretary (Steno) to the Commissioner.
FM 3 Confidential Secretary to the Commission.

FM 4 Confidential Secretary to the Commissioner.
FM 5 Confidential Secretary to the Chairman.
FM 7 Attorney-Adviser (General) to a Commissioner.
FM 8 Attorney-Adviser (General) to a Commissioner.
FM 9 Attorney-Adviser (General) to a Commissioner.
FM 10 Attorney-Adviser (General) to a Commissioner.
FM 12 Confidential Secretary to the General Counsel.

213.3352 Government Printing Office.

GPO 3 Congressional Relations Officer.
GPO 6 Confidential Assistant to the Public Printer.
GPO 7 Confidential Assistant to the Deputy Public Printer.
GPO 10 Staff Assistant to the Legislative Liaison Officer.
GPO 11 Secretary to the Congressional Relations Officer.
GPO 12 Staff Assistant to the Legislative Liaison Officer.
GPO 13 Policy Affairs Specialist to the Legislative Liaison Officer.
GPO 14 Deputy Congressional Relations Officer.

213.3354 Federal Home Loan Bank Board.

FHLB 3 Secretary to a Board Member.
FHLB 6 Assistant to a Board Member.
FHLB 8 Secretary to the Executive Staff Director.
FHLB 10 Secretary (Steno) to the Assistant to a Board Member.
FHLB 11 Director, Office of Communications.
FHLB 14 Secretary to the General Counsel.
FHLB 21 Secretary (Steno) to the Congressional Liaison.
FHLB 25 Staff Assistant to the Congressional Liaison.
FHLB 26 Secretary (Typing) to the Director.
FHLB 27 Secretary to the Deputy General Counsel.
FHLB 32 Secretary to the Director.

213.3356 Commission on Civil Rights.

CCR 12 Confidential Assistant to the Vice Chairperson.
CCR 13 Special Assistant to the Chairman.

213.3357 National Credit Union Administration.

NCUA 2 Public Information Officer to the Chairman.
NCUA 3 Legislative Liaison Officer to the General Counsel.
NCUA 13 Staff Assistant to the Chairman.
NCUA 14 Special Assistant to the Board Member.
NCUA 15 Secretary (Typing) to the General Counsel.

213.3359 ACTION.

ACT 23 Special Assistant to the Director.
ACT 29 Staff Assistant to the Director.
ACT 30 Special Assistant to the Assistant Director for Policy and Planning.
ACT 31 Special Assistant to the Director.
ACT 34 Special Assistant to the Director.
ACT 41 Deputy Assistant Director for Planning and Budget.
ACT 43 Staff Assistant to the Assistant Director.
ACT 45 Public Information Officer to the Assistant Director, Office of Recruitment and Communication.
ACT 48 Special Assistant to the Deputy Director.
ACT 52 Deputy Assistant Director for Legislative and Governmental Affairs.
ACT 54 Special Assistant to the Deputy Director.
ACT 56 Special Assistant to the Associate Director.
ACT 58 Special Assistant to the Director.
ACT 59 Secretary (Typing) to the Director.
ACT 61 Legislative Officer to the Assistant Director.
ACT 62 Special Assistant to the Assistant Director for Volunteer Liaison.
ACT 63 Young Volunteers Program Officer to the Deputy Associate Director.
ACT 66 Special Assistant to the Assistant Director.
ACT 67 Special Assistant to the Assistant Director.
ACT 68 Special Assistant to the Director.
ACT 69 Assistant Director to the Director, Office of Legislative and Governmental Affairs.
ACT 70 Staff Assistant to the Public Information Officer.
ACT 73 Special Assistant to the Assistant Director, Office of Compliance.
ACT 74 Special Assistant to the Public Information Officer.
ACT 75 Special Assistant to the Deputy Assistant Director.
ACT 76 Special Assistant to the Director, Vietnam Veterans Leadership Program.

213.3360 Consumer Product Safety Commission.

CPSC 12 Special Assistant to a Commissioner.
CPSC 14 Special Assistant to a Commissioner.
CPSC 16 Director, Office of Congressional Relations.
CPSC 23 Secretary (Steno) to a Commissioner.
CPSC 25 Staff Assistant to a Commissioner.
CPSC 28 Staff Assistant to a Commissioner.
CPSC 35 Confidential Assistant to the Chairman.
CPSC 36 Special Assistant to the Chairman.
CPSC 39 Supervisory Public Affairs Specialist to the Director.
CPSC 40 Congressional Relations Specialist to the Director.
CPSC 41 Special Assistant to the Chairman.
CPSC 42 Public Affairs Specialist to the Chairman.

213.3364 U.S. Arms Control and Disarmament Agency.

ACDA 1 Private Secretary to the Director.
ACDA 2 Private Secretary to the Deputy Director.
ACDA 5 Private Secretary to the Assistant Director.
ACDA 7 Private Secretary to the General Counsel.
ACDA 11 Congressional Affairs Specialist to the Deputy Director.
ACDA 15 Secretary to the Executive Director, General Advisory Committee.
ACDA 18 Secretary to the Special Representative for Negotiations.
ACDA 19 Private Secretary to the Special Representative for Long Range Theatre Nuclear Forces.
ACDA 20 Special Assistant to the Deputy Director for Public Affairs.
ACDA 22 Private Secretary to the Assistant Director for Multilateral Affairs Bureau.
ACDA 23 Staff Assistant to the Assistant Director for Multilateral Affairs.
ACDA 24 Staff Assistant to the Assistant Director for Multilateral Affairs.

213.3367 Federal Maritime Commission.

FMC 3 Confidential Assistant to a Commissioner.
FMC 4 Confidential Assistant to a Commissioner.
FMC 5 Confidential Assistant to a Commissioner.

FMC 7 Secretary (Steno) to a Commissioner.
FMC 8 Secretary (Steno) to a Commissioner.
FMC 10 Secretary (Steno) to a Commissioner.
FMC 21 Counsel to the Chairman
FMC 22 Special Assistant to the Chairman.
FMC 23 Secretary (Steno) to the Counsel to the Chairman.
FMC 24 Chauffeur-Messenger to the Chairman.

213.3368 Agency for International Development.

AID 20 Special Assistant to the Assistant Administrator (Asia).
AID 21 Special Assistant to the Assistant Administrator, Bureau for Africa.
AID 23 Special Assistant to the Assistant Administrator, Bureau of Latin America and the Caribbean.
AID 32 Speical Assistant to the Assistant Administrator.
AID 33 Special Assistant to the Director, Office of Legislative Affairs.
AID 35 Special assistant to the Director.
AID 36 Deputy Director, Women in Development.
AID 37 Deputy Director to the Director, Office of Legislative Affairs.
AID 38 Deputy Director, Office of External Relations.
AID 40 Special Assistant to the Assistant Administrator, Bureau for Africa.
AID 42 Confidential Assistant to the Associate Deputy Administrator for External Relations.
AID 43 Confidential Assistant to the Administrator.
AID 44 Special Assistant to the Assistant Administrator, Bureau for Food for Peace and Voluntary Service.
AID 45 Deputy Director, Office of Public Affairs.

213.3372 Administrative Office of United States Courts.

AOUSC 2 Attorney-Advisor to the Legislative Affairs Officer.
AOUSC 4 Attorney-Advisor to the Legislative Affairs Officer.

213.3376 Appalachian Regional Commission

ARC 8 Public Affairs Liaison.
ARC 9 Special Assistant to the Alternate Federal Co-Chairman.

213.3377 Equal Employment Opportunity Commission.

EEOC 8 Secretary (Steno) to a Member.
EEOC 10 Special Assistant to a Commissioner.
EEOC 11 Secretary (Steno) to a Member.
EEOC 13 Secretary to the Chairman.
EEOC 15 Public Affairs Specialist to the Director.
EEOC 17 Special Assistant to a Member.
EEOC 18 Attorney-Adviser a Vice Chairman.
EEOC 22 Congressional Affairs Officer to the Chairman.
EEOC 23 Special Assistant to the Executive Director.
EEOC 33 Congressional Liaison Assistant to the Director of Congressional Affairs.
EEOC 35 Secretary (Steno) to the Director.
EEOC 37 Social Science Research Specialist to the Director, Office of Policy Implementation.
EEOC 38 Congressional Liaison Assistant to the Director, Office of Congressional Affairs.
EEOC 39 Congressional Liaison Assistant to the Director, Office of Congressional Affairs.

213.3379 Commodity Futures Trading Commission.

CFTC 4 Administrative Assistant to a Commissioner.
CFTC 5 Administrative Assistant to a Commissioner.
CFTC 6 Administrative Assistant to a Commissioner.
CFTC 7 Public Information Officer to a Chairman.
CFTC 8 Congressional Relations Officer to the Chairman.
CFTC 12 Special Assistant to a Commissioner.
CFTC 20 Governmental Affairs Specialist to the Chairman.
CFTC 21 Governmental Affairs Specialist to the Chairman.

213.3382 National Foundation on the Arts and the Humanities.

NEA 2 Assistant to the Chairman.
NEA 9 Congressional Liaison Officer to the Chairman.
NEA 23 Director of Policy, Planning and Research to the Chairman.
NEA 25 Staff Assistant to the Deputy Chairman for Programs.
NEA 38 Special Assistant to the Director of Policy, Planning and Research.
NEA 44 Congressional Liaison Specialist to the Congressional Liaison Officer.
NEA 49 Associate Deputy Chairman for Programs.
NEA 51 Executive Director, President's Committee on the Arts and Humanities.
NEA 52 Deputy to the Chairman for Private Partnership.
NEH 39 Congressional Liaison Specialist.
NEH 46 Special Assistant to the Chairman.
NEH 48 Congressional Liaison Officer to the Chairman.

213.3384 Department of Housing and Urban Development.

HUD 1 Confidential Assistant to the Secretary.
HUD 35 Senior Assistant for Legislation to the Deputy Assistant Secretary for Legislation and Congressional Relations.
HUD 36 Assistant for Congressional Relations to the Deputy Assistant Secretary.
HUD 37 Assistant for Congressional Relations to the Deputy Assistant Secretary.
HUD 39 Assistant for Congressional Relations to the Deputy Assistant Secretary.
HUD 41 Assistant for Congressional Relations to the Deputy Assistant Secretary.
HUD 42 Assistant for Congressional Relations to the Deputy Assistant Secretary.
HUD 45 Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.
HUD 60 Public Information Officer to the Assistant to the Secretary for Public Affairs.
HUD 65 Special Assistant to the Assistant Secretary for Community Planning and Development.
HUD 68 Executive Assistant to the Assistant Secretary for Community Planning and Development.
HUD 76 Confidential Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity.
HUD 78 Special Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity.
HUD 114 Special Assistant to the Secretary (Executive Secretariat Operations).
HUD 126 Special Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity.
HUD 135 Special Assistant to the Deputy Assistant Secretary for Fair Housing and Equal Employment Opportunity.
HUD 137 Special Assistant to Assistant Secretary for Fair Housing and Equal Opportunity.
HUD 153 Executive Assistant to the President, Government National Mortgage Association.

HUD 157 Special Assistant to the General Manager, New Community Development Corporation.
HUD 160 Special Assistant to the Assistant Secretary for Policy Development and Research.
HUD 164 Intergovernmental Relations Officer to the Deputy Under Secretary for Intergovernmental Relations.
HUD 170 Special Assistant to the Deputy Assistant Secretary for Economic Affairs.
HUD 174 Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.
HUD 175 Assistant for Congressional Relations to the Deputy Assistant Secretary.
HUD 179 Confidential Assistant to the Under Secretary.
HUD 181 Executive Assistant to the General Manager, New Community Development Corporation.
HUD 184 Senior Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.
HUD 191 Special Assistant Secretary for Policy Development and Research.
HUD 193 Special Assistant to the General Counsel.
HUD 195 Special Assistant to the Assistant Secretary for Community Planning and Development.
HUD 197 Special Advisor to the Deputy Under Secretary for Intergovernmental Relations.
HUD 202 Executive Assistant to the Deputy Assistant Secretary for Legislation and Congressional Relations.
HUD 203 Senior Legislative Specialist to the Deputy Assistant Secretary for Legislation.
HUD 204 Special Assistant to the Assistant Secretary for Legislation and Intergovernmental Relations.
HUD 206 Intergovernmental Relations Officer to the Deputy Under Secretary for Intergovernmental Relations.
HUD 207 Intergovernmental Relations Officer to the Deputy Under Secretary.
HUD 208 Intergovernmental Relations Officer to the Deputy Under Secretary for Intergovernmental Relations.
HUD 211 Assistant for Congressional Relations.
HUD 218 Executive Assistant to the Regional Administrator.
HUD 222 Special Assistant for Congressional Relations and Public Affairs.
HUD 225 Executive Assistant to the Regional Administrator.
HUD 226 Executive Assistant to the Regional Administrator.
HUD 227 Executive Assistant to the Regional Administrator.
HUD 228 Special Assistant to the Assistant Secretary for Public Affairs.
HUD 240 Special Assistant to the Assistant to the Secretary for Public Affairs.
HUD 245 Intergovernmental Relations Officer to the Deputy Under Secretary.
HUD 247 Executive Assistant to the Associate General Deputy Assistant Secretary, Office of Housing.
HUD 255 Executive Assistant to the Assistant Secretary for Policy Development and Review.
HUD 258 Staff Assistant to the Under Secretary.
HUD 260 Executive Assistant to the Assistant Secretary for Housing.
HUD 261 Special Assistant to the Secretary for Indian and Alaska Native Programs.
HUD 266 Special Assistant to the President, Government National Mortgage Association.
HUD 268 Executive Assistant to the Deputy Assistant Secretary for Policy and Budget.
HUD 272 Special Assistant to the Assistant Secretary, Office of Community Planning and Development.
HUD 274 Special Assistant to the Secretary.
HUD 275 Special Assistant to the Under Secretary.
HUD 276 Staff Assistant to the Assistant Secretary for Housing.
HUD 283 Director, Office of Small and Disadvantaged Business Utilization.
HUD 285 Senior Legislative Specialist to the Deputy Assistant Secretary for Legislation.
HUD 287 Special Assistant to the Regional Administrator.
HUD 288 Assistant for Congressional Relations to the Deputy Assistant Secretary.
HUD 293 Staff Assistant to the President, Government National Mortgage Association.
HUD 312 Special Assistant to the Regional Administrator.
HUD 315 Special Assistant to the Deputy Assistant Secretary.
HUD 316 Special Assistant to the Regional Administrator.
HUD 317 Special Assistant to the Regional Administrator.
HUD 319 Executive Assistant to the Regional Administrator.
HUD 320 Special Assistant to the Assistant Secretary for Administration.
HUD 322 Special Assistant to the Regional Administrator.
HUD 323 Executive Assistant to the General Deputy Assistant Secretary.
HUD 324 Special Assistant to the Regional Administrator.
HUD 325 Special Assistant to the Director, Office of Small and Disadvantaged Business Utilization.
HUD 326 Staff Assistant to the Secretary.
HUD 328 Deputy Assistant to the Secretary for Public Affairs.
HUD 329 Special Assistant to the Assistant Secretary for Labor Relations.
HUD 332 Special Assistant to the Regional Administrator.
HUD 335 Special Assistant to the Assistant Secretary for Community Planning and Development.
HUD 336 Special Assistant to the Assistant Secretary for Public Affairs.
HUD 337 Public Affairs Specialist to the Assistant to the Secretary.
HUD 340 Staff Assistant to the Secretary.
HUD 343 Special Assistant to the Regional Administrator.
HUD 345 Staff Assistant to the Deputy Assistant Secretary for Multifamily Housing Programs.
HUD 346 Special Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity.
HUD 349 Executive Assistant to the Assistant Secretary for Housing.
HUD 350 Special Assistant for Regional Council Programs.
HUD 351 Special Assistant to the Regional Administrator.
HUD 352 Executive Assistant to the Regional Administrator.
HUD 353 Staff Assistant to the President for Solar Energy and the Energy Conservation Bank.
HUD 354 Special Assistant to the Deputy Assistant Secretary for Public and Indian Housing.
HUD 355 Special Assistant to the Regional Administrator.
HUD 356 Executive Assistant to the Regional Administrator.
HUD 358 Secretary to the Manager, Solar Energy and the Energy Conservation Bank.
HUD 359 Special Assistant to the Regional Administrator.
HUD 361 Special Assistant to the Regional Administrator.
HUD 362 Staff Assistant to the Deputy Assistant Secretary for Housing.

HUD 364 Special Advisor for Minority Programs to the Deputy Under Secretary for Intergovernmental Relations.
HUD 365 Staff Director, Federal Regional Council.
HUD 367 Special Assistant to the Regional Administrator.
HUD 368 Special Assistant to the Regional Administrator.
HUD 369 Special Assistant to the Deputy Assistant Secretary for Policy and Budget.
HUD 370 Special Assistant to the Deputy Assistant Secretary for Public and Indian Housing.
HUD 372 Confidential Assistant to the Assistant for Public Affairs.
HUD 375 Special Assistant (Legislative Aide) to the Assistant Secretary for Legislation and Congressional Relations.

213.3389 National Mediation Board.

NMB 49 Special Assistant to the Chairman.
NMB 52 Confidential Assistant to the Chairman.
NMB 53 Confidential Assistant to a Member.
NMB 54 Confidential Assistant to a Member.

213.3391 Office of Personnel Management.

OPM 1 Special Assistant to the Director.
OPM 2 Staff Assistant (Typing) to the Director.
OPM 4 Special Assistant to the Deputy Director.
OPM 5 Supervisory Special Assistant to the Director.
OPM 6 Special Assistant to the Director.
OPM 7 Special Assistant to the General Counsel.
OPM 8 Confidential Assistant to the Director.
OPM 9 Confidential Assistant to the General Counsel.
OPM 10 Staff Assistant to the Supervisory Special Assistant to the Director.
OPM 11 Confidential Assistant to the Deputy Director.
OPM 12 Regional Representative to the Director.
OPM 13 Regional Representative to the Director.
OPM 14 Regional Representative to the Director.
OPM 15 Regional Representative to the Director.
OPM 16 Regional Representative to the Director.
OPM 17 Staff Assistant (Typing) to the Director.
OPM 18 Staff Assistant to the Deputy Director.
OPM 20 Special Assistant to the Assistant Director for Public Affairs.
OPM 21 Special Assistant to the Executive Assistant Director of Policy and Communications
OPM 22 Special Assistant to the General Counsel.
OPM 23 Supervisory Public Affairs Specialist to the Assistant Director for Public Affairs.

213.3392 Federal Labor Relations Authority.

FLRA 1 Confidential Secretary to the Chairman.
FLRA 5 Executive Assistant to a Member.
FLRA 6 Executive Assistant to a Member.

213.3393 Pension Benefit Guaranty Corporation.

PBGC 1 Secretary (Steno) to the Executive Director.
PBGC 2 Secretary (Steno) to the Executive Director.
PBGC 3 Secretary (Typing) to the Deputy Executive Director.
PBGC 4 Special Assistant to the Executive Director.

213.3394 Department of Transportation.

DOT 1 Confidential Secretary to the Secretary.
DOT 3 Personal Assistant to the Secretary.
DOT 14 Chauffeur to the Secretary.
DOT 38 Special Assistant to the Deputy Administrator, National Highway Traffic Safety Administration.
DOT 40 Special Assistant to the Administrator, Urban Mass Transportation Administration
DOT 43 Confidential Secretary to the Administrator.
DOT 54 Congressional Liaison Officer to the Director, Congressional Affairs.
DOT 55 Congressional Liaison Officer to the Director, Congressional Affairs.
DOT 56 Special Assistant to the Administrator.
DOT 60 Congressional Liaison Officer to the Director, Congressional Affairs.
DOT 77 Special Assistant to the Director of Public Affairs.
DOT 78 Special Assistant to the Assistant Secretary for Governmental Affairs.
DOT 100 Chief, Consumer Participation Division to the Director.
DOT 105 Secretary (Steno) to the Federal Highway Administrator.
DOT 110 Private Secretary to the Chief Counsel
DOT 114 Special Assistant to the Administrator, Federal Highway Administration.
DOT 117 Staff Assistant to the Secretary.
DOT 121 Congressional Liaison Officer to the Director, Office of Congressional Affairs.
DOT 122 Special Assistant to the Director, Executive Secretariat.
DOT 123 Intergovernmental Liaison Officer to the Director, Office of Intergovernmental Affairs.
DOT 125 Special Assistant to the General Counsel.
DOT 126 Director, Office of Public Affairs, Federal Highway Administration.
DOT 127 Special Assistant to the Assistant Secretary for Budget and Programs.
DOT 128 Special Assistant to the Federal Highway Administrator.
DOT 129 Special Assistant to the General Counsel.
DOT 142 Intergovernmental Liaison Specialist to the Director, Office of Intergovernmental Affairs.
DOT 145 Staff Assistant to the Secretary.
DOT 147 Staff Assistant to the Director, Office of Public Affairs.
DOT 148 Special Assistant to the Director, Office of Public Affairs.
DOT 150 Special Assistant to the Administrator, National Highway Traffic Safety Administration.
DOT 153 Congressional Liaison Officer to the Assistant Secretary for Governmental Affairs.
DOT 157 Secretary (Steno) to the Associate Administrator for Policy and International Aviation.
DOT 158 Confidential Secretary to the General Counsel.
DOT 159 Special Assistant to the Administrator, Federal Highway Administration.
DOT 161 Special Assistant to the Inspector General.
DOT 184 Staff Assistant to the Regional Representative of the Secretary.
DOT 185 Special Assistant to the Assistant Secretary for Policy and International Affairs.
DOT 192 Special Assistant to the Director, Office of Small and Disadvantaged Utilization.
DOT 193 Special Assistant to the Director of Civil Rights.
DOT 194 Special Assistant to the Administrator, National Highway Traffic Safety Administration.

DOT 196 Special Assistant to the Regional Representative of the Secretary.
DOT 197 Staff Assistant to the Secretary.
DOT 201 Director, Executive Staff, President's Commission on Drunk Driving.
DOT 206 Staff Assistant to the Assistant Secretary for Budget and Programs.
DOT 207 Staff Assistant to the Inspector General.
DOT 208 Director, Executive Secretariat, Urban Mass Transportation Administration.
DOT 211 Staff Assistant to the Administrator, Office of Administration, Urban Mass Transportation Administration.
DOT 213 Staff Assistant to the Director, Office of Civil Rights.
DOT 214 Staff Assistant to the Director, Office of Civil Rights.
DOT 215 Special Assistant to the Director, Office of Public Affairs and Consumer Participation.
DOT 216 Special Assistant to the Administrator, Federal Aviation Administration.
DOT 217 Special Assistant to the Administrator, Research and Special Programs Administration.
DOT 220 Minority Business Resource Officer to the Director, Small and Disadvantaged Business Utilization.
DOT 221 Secretary to the Administrator, Maritime Administration.
DOT 222 Special Assistant to the Assistant Secretary for Policy and International Affairs.
DOT 223 Advisor to the Associate Administrator for Traffic Safety Programs.
DOT 225 Special Assistant to the Regional Representative.
DOT 226 Confidential Assistant to the Maritime Administrator.
DOT 227 Congressional Liaison Specialist to the Director, Office of Congressional Affairs.
DOT 228 Special Assistant to the Administrator.
DOT 229 Staff Assistant to the Maritime Administrator.
DOT 230 Deputy Director, Office of Public and Congressional Affairs.
DOT 231 Policy Advisor to the Associate Administrator.
DOT 232 Special Assistant to the Regional Administrator.
DOT 233 Staff Assistant to the General Counsel.
DOT 234 Secretary (Steno) to the Special Assistant to the Secretary.
DOT 235 Special Assistant to the Secretary.
DOT 236 Special Assistant to the Director, Office of Public and Congressional Affairs.
DOT 237 Special Assistanctto the Director of Public Affairs.
DOT 238 Congressional Liaison Specialist to the Director, Office of Congressional Affairs.
DOT 239 Staff Assistant to the Maritime Administrator.
DOT 240 Special Assistant to the Assistant Administrator, Public Affairs.
DOT 241 Secretary (Typing) to the Coordinator for Minority Affairs.
DOT 242 Deputy Director of Executive Secretariat.

213.3395 Federal Emergency Management Agency.

FEMA 1 Executive Assistant (Steno) to the Director.
FEMA 3 Director, Congressional Relations.
FEMA 24 Assistant to the Director for Program Planning.
FEMA 25 Assistant to the Director for Program Planning.
FEMA 28 Special Assistant to the Director.
FEMA 29 Special Assistant to the Associate Director.
FEMA 30 Assistant to the Director.
FEMA 32 Deputy Director, Office of Congressional Relations.

213.3396 National Transportation Safety Board.

NTSB 1 Administrative Assistant to the Member.
NTSB 2 Secretary (Typing) to the Chairman.
NTSB 25 Special Assistant to a Board Member.
NTSB 30 Confidential Assistant to the Chairman.
NTSB 31 Confidential Assistant to a Board Member.
NTSB 32 Special Assistant to the Chairman.
NTSB 33 Confidential Assistant to a Board Member.
NTSB 34 Confidential Assistant to a Board Member.
NTSB 92 Government and Public Affairs Officer.
NTSB 98 Special Assistant to a Board Member.
NTSB 102 Special Assistant and Counsel to the Chairman.
NTSB 104 Special Assistant to a Member.

Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 83-25708 Filed 9-22-83; 8:45 am]

BILLING CODE 6325-01-M

Privacy Act of 1974; Proposed New Routine Use for an Existing System of Records

AGENCY: Office of Personnel Management.

ACTION: Notice of a proposed new routine use for an existing system of records.

SUMMARY: The purpose of this document is to propose a new routine use for the Office of Personnel Management's Civil Service Retirement and Insurance Records System (OPM/CENTRAL–1). The routine use, once in effect, will permit the disclosure of information from this system of records to other Federal agencies and to approved debt collection agencies.

The information will be used only for duly authorized debt collection on behalf of the United States, in accordance with the provisions of Pub. L. 97–365, known as the "Debt Collection Act of 1982," enacted October 25, 1982.

DATES: Any interested party may submit written comments regarding this proposal. To be considered, comments must be received by October 24, 1983. Unless a notice to the contrary is published, this routine use will become effective 30 days after the end of the comment period.

ADDRESS: Address comments to: Jerome D. Julius, Assistant Director for Pay and Benefits Policy, Compensation Group, Office of Personnel Management (Room 4351), 1900 E Street, NW., Washington, D.C. 20415. Comments received will be available for public inspection at the above address from 9 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: R. Bruce Hughes, Paralegal Specialist, Technical Analysis Division, Office of Pay and Benefits Policy, Compensation Group, (202) 632–4684.

SUPPLEMENTARY INFORMATION: Government studies revealed the need to establish an efficient debt collection process in order to diminish the significant amount of money owed to the Government which represents a substantial cost to taxpayers. In addition, uncollected debts to the Federal Government could contribute to a loss of confidence by the taxpayers in the Government and its programs. Failure to pursue an efficient and aggressive policy in the collection of these debts may be viewed as a lack of fiscal responsibility during a period when citizens are required to make sacrifices to cut Federal spending.

The Debt Collection Act of 1982 contains legislative authority to

strengthen the capacity of executive branch agencies to collect money owed to them. The Office of Management and Budget considers it imperative that this important legislation be implemented on a Government-wide basis as quickly and effectively as possible.

Formerly, Federal agencies that sought to recover debts owed by Federal employees were obliged either to sue the debtor or submit a Standard Form 2805, "Request for Recovery of Debt Due the United States," to OPM and await the employee's separation or retirement. The debt was then collected from a refund of retirement contributions or from annuity payable to the former employee. Now, the agency may submit a request to the individual's next employing agency and recovery may be pursued after certification that the necessary due process procedures have been properly observed.

In the past, Federal agencies were unable to use the same techniques and tools commonly used in private sector credit management because of the limitations imposed by the Privacy Act and other legal restrictions which inhibited the Government's use of credit bureau reporting and the use of commercial collection agencies. Now, the Debt Collection Act of 1982 provides for the disclosure of the amount and current status of an individual's debt to the Government to a consumer reporting agency, after careful review and observance of specified due process procedures, and permits the head of an agency to enter into contracts for debt collection services to recover indebtedness owed to the United States. This proposed addition to the routine uses of OPM/CENTRAL–1 permits the disclosure of certain information concerning the debtor to the head of another agency (or his/her designee) and to private sector collection contractors, under the provisions of section 13 of the Debt Collection Act of 1982.

In addition to improving the debt collection posture for Federal agencies generally, this authority will also enhance OPM's ability to recover debts from former Federal employees, or their survivors or beneficiaries, who have received overpayments of benefits from the Civil Service Retirement Fund, exhausted their administrative remedies for review of the overpayment, and still failed to return the overpaid funds.

Former employees, retirees, or survivors and beneficiaries whose benefits have terminated and who are indebted to the Fund for overpaid benefits, may become employed in Federal service at a future date. For retirees, this includes disability annuitants who have been found medically recovered or economically restored to earning capacity, and discontinued service retirees, all of whom are eligible for reemployment in the career service. OPM would then be able to collect the debt due the Fund through the employing agencies. For debtors who have no additional Federal employment relationship, the routine use will enable OPM to pursue collection of debts via private collection agencies.

Office of Personnel Management.

Donald J. Devine,

Director.

The following routine use will be added to OPM's system of records (OPM/CENTRAL–1). The current notice of this system is published at 47 FR 16474 *et seq.* (April 16, 1982).

OPM/Central–1

SYSTEM NAME:

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

hh. To disclose to a Federal agency or to a person or organization contracting with a Federal agency for the purpose of rendering collection services within the purview of section 13 of the Debt Collection Act of 1982, in response to a written request from the head of the agency or his/her designée, or from the debt collection contractor, the following data concerning an individual owing a debt to the Federal Government : (i) The debtors' name, address, Social Security number, and other information necessary to establish the identity of the individual, (ii) the amount, status, and history of the claim, and (iii) the agency or program under which the claim arose.

* * * * *

[FR Doc. 83-26075 Filed 9-22-83; 8:45 am]
BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13510; 812-5565]

Home Life Insurance Company, et al.; Application

September 16, 1983.

Notice is hereby given that Home Life Equity Fund, Inc. ("HL Equity Fund"), 253 Broadway, New York, New York 10007, and Home Life Bond Fund, Inc. ("HL Bond Fund"), open-end management investment companies registered under the Investment Company Act of 1940 ("Act"), Home Life Investment Plan (the "Investment Plan") and Home Life Field Profit Sharing Plan (the "Field Plan"), profit sharing plans under the Internal Revenue Code of 1954 (collectively, the "Plans") and, Home Life Insurance Company ("Home Life"), a mutual life insurance company organized under the laws of the State of New York (hereinafter collectively called "Applicants"), filed an application on June 6, 1983 pursuant to Section 17(b) of the Act for an order exempting certain proposed transactions from the provisions of Section 17(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below, and are referred to the Act for a statement of the relevant statutory provisions.

Applicants seek an order of the Commission to allow Home Life to issue a group pension contract ("Contracts") to the trustees of each of the Plans in exchange for the assets of a portfolio consisting primarily of common stocks of each of the Investment Plan and the Field Plan (collectively, the "Plan Stock Funds") and a portfolio consisting primarily of bonds of each of the Investment Plan and the Field Plan (collectively, the "Plan Bond Funds"). Such assets will be held in a separate account designated Home Life Separate Account B (the "Account"). The Account is not registered as an investment company pursuant to an exemption provided by Section 3(c)(11) of the Act.

Substantially simultaneously with the issuance of the Contracts to the Plans, Home Life will (i) transfer all of the assets of the Plan Stock Funds to HL Equity Fund in exchange for HL Equity Fund shares, and (ii) transfer all of the assets of the Plan Bond Funds to HL Bond Fund in exchange for HL Bond Fund shares. The number of HL Equity Fund and HL Bond Fund shares to be issued will be determined by dividing (i) the value of the assets of the Plan Stock Funds and the Plan Bond Funds, respectively, as of the close of trading on the New York Stock Exchange on the date of the transfer by (ii) the net asset value per share of HL Equity Fund and HL Bond Fund, respectively, as of the close of trading on the Exchange on such date. The shares of the HL Funds so issued will be held in the Account. All assets transferred to the HL Funds will be compatible with the respective investment objectives, policies, and restrictions of the HL Funds.

Applicants state that the proposed transactions will not be effected unless all assets transferred to the HL Funds have been approved by Home Life, acting as investment adviser, and the

Board of Directors of each of the respective HL Funds as suitable investments. In addition, all assets of the Plans and the HL Funds at the time of the exchanges must have readily ascertainable market values. Applicants represent that on the basis of the foregoing there is no possibility of unfairness in the terms of the transactions or of inadequate consideration being paid for the shares issued by the HL Funds. Applicants further state that the proposed transactions will avoid unnecessary brokerage expenses which would otherwise be borne by shareholders of the HL Funds and by trustees of the Plans.

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 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.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-26056 Filed 9-22-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13508; 811-662-1]

Life Insurance Investors, Inc.; Filing of Application

September 16, 1983.

Notice is hereby given that Life Insurance Investors, Inc. ("Applicant"), 700 Harrison Street, Topeka, KS, 66636, registered under the Investment Company Act of 1940 ("Act") as an open-end, non-diversified, management investment company, filed an application on July 22, 1983, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company, as defined in the Act. All interested persons are referred to the application on file with the Commission, for a statement of the representations contained therein, which are summarized below and to the Act for the text of the provisions from which Applicant seeks to be exempted.

The application states that an "Agreement and Plan of Reorganization" was unanimously approved by Applicant's board of directors on July 25, 1981, and approved by a majority of its shareholders on October 16, 1981. Applicant states that on November 11, 1981, Security Equity Fund acquired substantially all of the assets of Applicant in exchange for shares of Security Equity Fund, and that Applicant presently has no assets.

Applicant represents that it has no debts or other outstanding liabilities, and it is not a party to any litigation or administrative proceeding. Applicant states that within the last 18 months it has not transferred any of its assets to a separate trust. Finally, Applicant states that is not now engaged, and does not propose to engage, in any business activity other than that necessary to wind up its affairs.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than October 10, 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.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-26054 Filed 9-22-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13506; 811-3244]

Racz Multi-Equity Growth Fund, Inc.; Filing of Application

September 16, 1983.

Notice is hereby given that Racz Multi-Equity Growth Fund, Inc. ("Applicant"), c/o Kramer, Coleman & Rhine, Esqs., 437 Madison Avenue, New York, NY, 10022, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on May 31, 1983, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company. 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.

The application states that on March 31, 1983, Applicant's board of directors and stockholders approved liquidation. Applicant represents that on April 28, 1983, it distributed the net proceeds of the liquidation to its shareholders. The application further represents that Applicant now has no securityholders. Finally, Applicant states that it is not now engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than October 11, 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.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-26055 Filed 9-22-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13507; 811-3280]

Racz Strategic Metals Equity Fund, Inc.; Filing of Application

September 16, 1983.

Notice is hereby given that Racz Strategic Metals Equity Fund, Inc. ("Applicant"), c/o Kramer, Coleman & Rhine, Esqs., 437 Madison Avenue, New York, NY 10022, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed

an application on May 31, 1983, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company. 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.

The application states that on January 12, 1983, Applicant's board of directors and its stockholders approved Applicant's liquidation. The application further represents that Applicant now has no securityholders. Finally, Applicant states that it is not now engaged in, nor does it propose to engage in, any business activities other that those necessary for the winding up of its affairs.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than October 11, 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.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-26056 Filed 9-22-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13511; 811-2109]

TDP&L Bond Account, Inc.; Filing of Application

September 16, 1983.

Notice is hereby given that TDP&L Bond Account, Inc. ("Applicant"), 28 State Street, Boston, Massachusetts, 02109, registered under the Investment Company Act of 1940 (the "Act"), as an open-end, diversified management investment company, filed an application on June 21, 1983, for an order of the Commission, pursuant to Section 8(f) of the Act and Rule 8f-1 thereunder, declaring that Applicant has ceased to be an investment company as defined by the Act.

Applicant states that it filed a registration statement under the Act on June 21, 1972, as TDP&L Investment Account "A", Inc. and a registration statement under the Securities Act of 1933 on June 21, 1972, as TDP&L Investment Account "A", Inc. The number of shares covered by the registration statements is 504,183. Applicant states that it made a limited public offering to pension plans, profit-sharing plans, endowments, and foundations which were clients of Applicant's investment adviser, Thorndike, Doran, Paine & Lewis.

According to the application, the Applicant's Board of Directors, at a duly noticed meeting held July 20, 1982, voted unanimously to recommend to shareholders liquidation of Applicant. It is stated that 21 of Applicant's 24 shareholders were present or represented at a special meeting of shareholders held October 29, 1982. All 21 voted to adopt the proposed plan of liquidation.

Applicant states that on October 29, 1982 (the date of liquidation), it has 180,480 shares of common stock outstanding with an aggregate net asset value of $14,372,334. Applicant states that all of its assets were distributed in cash to shareholders on October 29, 1982. Applicant states further that shareholders were paid on the basis of a net asset value per share of $78.02 and a liquidating dividend per share of $1.62. The total amount of the distribution was $14,372,334. It is stated that there are no shareholders of Applicant to whom distribution has not been made and that Applicant has retained no assets.

Applicant states that it has no securityholders and that it is not a party to any litigation or administrative proceedings. Applicant further maintains that it is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs. Applicant states that it intends to file for dissolution under Maryland law.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than October 11, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues 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.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-26057 Filed 9-22-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13513; 811-977]

Virginia Capital Corporation; Filing of Application

September 16, 1983.

Notice is hereby given that Virginia Capital Corporation ("Applicant"), 7th and Franklin Building, Richmond, VA. 23219, formerly licensed by the Small Business Administration ("SBA") as a small business investment company, registered under the Investment Company Act of 1940 ("Act") as a closed-end, diversified, management investment company, filed an application on June 16, 1983, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company, as defined in the Act. All interested person are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a Virginia corporation, states that on August 31, 1960, it filed a registration statement pursuant to Section 8(b) of the Act. Its registration statement filed under the Securities Act of 1933 (File No. 2-16988) was declard effective October 19, 1960, and an initial public offering commenced immediately thereafter.

Applicant represents that on May 12, 1982, its board of directors approved a Plan of Complete Liquidation and Dissolution ("Plan"). Applicant states that a majority of its shareholders approved the Plan. Applicant states that on August 10, 1982, it sold to Allied Investment Corporation ("Allied") approximately 60% of its portfolio investments for a total purchase price of $4,076,336.00 which consisted of the payment of cash to Applicant in the amount of $399,218.06 and the assumption by Allied of the debt due the SBA on SBA Debentures issued by Applicant in the approximate amount of $3,675,000.00. Applicant states that in connection with that sale it surrendered

its small business investment company license to the SBA. Applicant represents that on June 7, 1983, it made a final distribution to all of its securityholders and that it now has no securityholders.

Applicant represents that it has retained no assets and no debts or other outstanding liabilities, and it is not a party to any litigation or administrative proceeding. Applicant states that within the last 18 months it has not transferred any of its assets to a separate trust. Finally, Applicant states that it is not now engaged, and does not propose to engage, in any business activities other than those necessary to wind up its affairs.

Notice is further given that any intereste person wishing to request a hearing on the application may, not later than October 14, 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 adffidavit 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. 83-25062 Filed 9-22-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-20188; File No. SR-CBOE-83-31]

Self-Regulatory Organizations; Proposed Rule Change By Chicago Board Options Exchange, Inc. Relating to Margins

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(l), notice is hereby given that on September 6, 1983, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of Proposed Rule Change

Margins

Rule 24.11

(a) No change

(b) No change

(c) No change

(d) No margin is required in respect of call option contracts on a market index carried in a short position where the customers has delivered promptly, after the options are written, to the Member Organization with which such position is maintained, an Index Option Escrow Receipt in a form satisfactory to the Exchange, issued by a bank or trust company pursuant to specific authorization from the customer which certifies that the issuer of the agreement holds at least ten (10) qualified securities with a market value, at the time the option is written, of not less than 100 percent of the option aggregate current index value for the account of the customer from which the issuer will promptly pay the Member Organization the exercise settlement amount in the event the account is assigned an exercise notice.

. . . Interpretations and Policies:

.01 The term "aggregate current index value" means the current index value times the index multiplier; the term "aggregate exercise price" means the exercise price times the index multiplier; and the term "exercise settlement amount" means the difference between the aggregate exercise price and the aggregate current index valued (as such terms are defined in Article XVII of the By-Laws of the Options Clearing Corporation).

.02 For purposes of Rule 24.11(d) a bank or trust compony is qualified to issue an Index Options Escrow Receipt if it is organized under the laws of the United States or a State thereof and is regulated and examined by federal or state authorities having regulatory authority over banks or trust companies.

.03 A security is qualified if:

(a) Exchange securities: it is an equity security listed and registered on a national securities exchange and it meets the listing standards of the New York Stock Exchange or the American Stock Exchange; or

(b) OTC securities: it is an equity security listed on the current NASDAQ "National List."

.04 No individual security may represent more than 15 percent of the collateral.

.05 When one or more securities are substituted for securities held by the bank, the substitution should not impair the value of the collateral held by the bank at the time the substitution is made.

II. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statement may be examined at the places specified in Item IV below and is set forth in section (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

Under existing margin rules for each call option contract on an index which is carried in a short position, a customer must deposit and maintain in a margin account an amount equal to at least 100% of the current market value of the contract plus 10% of the current index value times the index multiplier. The proposed rule change will permit the customer to use an Index Option Escrow Receipt in lieu of meeting the existing margin requirements.

Under the proposal rule a U.S. bank or trust company may issue an escrow receipt to the customer's broker. The issuer of the receipt promises to pay the broker the exercise settlement amount in the event the customer is assigned an exercise notice. In order to issue the escrow receipt the bank or trust company must certify that it holds at least ten (10) "qualified" securities for the account of the customer. The securities must have a market value, at the time the option is written, of not less than 100% of the aggregate current index value. The aggregate current index value is the level of the index derived from the reported prices of the underlying securities times the index multiplier. If the current index value is 150 and the index multiplier is 100, the aggregate current index value is $15,000. To assure that the stocks serving as collateral are not unduly concentrated, no stock may represent more than 15% of the aggregate current index value. A security is qualified to be used as collateral if (i) it is an equity security listed and registered on a national securities exchange and it meets the listing standards of the NYSE or the American Stock Exchange, or (ii) it is an equity security listed on the current NASDAQ "National List."

The National Association of Securities Dealers determines semi-annually which

stocks shall be on the "National List", using the following criteria:

A. Domestic Common Stock

The financial criteria for domestic common stock are separated into two alternative categories detailed below. Issuers which meet either one of the alternative criteria will be included in the National List regardless of their dollar volume. Alternative No. 1 includes a net income requirement while Alternative No. 2 has no income requirement but establishes higher financial requirements for those development companies which have no operating income:

Alternative No. 1

1. 350,000 Publicly Held Shares
2. Market Value of Publicly Held Shares of $2,000,000
3. Minimum Bid Price of $3.00
4. Net Income of $300,000 in the previous fiscal year or in two of the last three fiscal years.

Alternative No. 2

1. 800,000 Publicly Held Shares
2. Market Value of Publicly Held Shares of $8,000,000
3. Net Worth of $8,000
4. Incorporated for 4 Years

B. Foreign Securities

Foreign issues and American Depository Receipts. (ADR's) registered pursuant to Section 12(g) under the Securities Exchange Act of 1934, as well as issues for which all relevant information has been filed with the Securities and Exchange Commission pursuant to Rule 12g–3–2, shall meet the same criteria as domestic common stock except that the publicly held shares requirement for ADR's shall be determined by the number of ADR's outstanding.

C. Warrants

Common stock of issuer must be in the National List and all criteria for domestic common stock apply except that the publicly held shares requirement is replaced with 450,000 warrants publicly held at the time of the initial distribution.

D. Convertible Debentures

Common stock of issuers must be in the National List and $100 million of the issue must be outstanding.

E. Units

All criteria for domestic common stock apply except that the publicly held shares requirement is replaced with 350,000 publicly held units at time of initial distribution.

F. Rights

Automatically included if common stock of issuer is quoted in the National List.

G. Preferred Stock, Shares of Certificates of Beneficial Interest of Trusts, Limited Partnership Interests, Real Estate Investment Trusts and Closed End Funds

Same criteria as domestic common stock

H. New Issues

Securities that meet the above criteria immediately following an initial distribution or secondary offering will be added to the National List on the day of the distribution.

The statutory basis for the proposed rule change is Section 6(b)(5) under the Securities Exchange Act of 1934, in that the proposal will facilitate the use of index options.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that this rule change will have any adverse effect on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

September 16, 1983.

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[Release No. 34-20189; File No. SR-MSRB-83-13]

Self-Regulatory Organizations; Proposed Rule Changes By Municipal Securities Rulemaking Board Relating to Uniform Practice and Customer Confirmations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 7, 1983, the Municipal Securities Rulemaking Board filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

The Municipal Securities Rulemaking Board ("Board") is filing herewith amendments to rules G–12 on uniform practice and G–15 on customer confirmations. The text of the proposed rule changes appears in Exhibit 1.

II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Changes

A. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Changes

Board rule G–12 sets forth certain standards governing the confirmation, comparison, clearance and settlement of transactions between municipal securities brokers and municipal securities dealers. Rule G–15 sets forth standards, substantially similar to those of rule G–12(c), regarding confirmations of transactions sent by municipal securities brokers and dealers to customers; the rule does not currently set forth standards concerning the clearance and settlement of such transactions. The proposed rule changes adopt amendments to both rules that will require, when effective, that certain of these transactions be compared (confirmed and acknowledged, in the case of customer transactions) and settled via book-entry through facilities offered by registered clearing agencies.

a. *Background.* Since its inception the Board has viewed the promotion of efficiency in the clearance and settlement of municipal securities transactions as an important objective of its rulemaking. The Board has recently concluded that it would be appropriate at this time to take regulatory action that would significantly increase the usage of automated systems for the clearance and settlement of municipal securities transactions. The Board has arrived at this view for several reasons:

(1) The Board is satisfied that the use of automated clearance systems will, in the aggregate, result in substantial cost savings to the municipal securities industry and other participants in the municipal securities markets. The extremely repetitive and labor-intensive processes currently followed in the clearance of most municipal securities transactions, and the relative inefficiency in clearance resulting from such processes, impose substantial burdens on industry members and others in terms of operational expenses, interest costs, and increased capital needs. The elimination of the need to follow these processes through the use of automated systems to clear municipal securities transactions will unquestionably reduce such expenses substantially in the aggregate.

(2) The Board also believes that the transition to the use of registered form municipal securities mandated by the Tax Equity and Fiscal Responsibility Act of 1982 both increases the difficulties in the clearance of physical municipal securities and provides an opportunity for the adoption of more efficient clearance systems. The municipal securities industry's unfamiliarity with the general use of registered instruments, and the necessity to record all transfers of securities on the books of a registrar of transfer agent will reduce further the industry's efficiency in handling physical municipal securities, contributing to increases in costs. These increases in costs, together with increases in issuance costs resulting from the registration requirement, have prompted many municipal securities issuers and industry members to consider, and a substantial number to adopt, automated clearance systems as the means of distributing and subsequently trading issues of registered municipal securities. The Board is of the view that this process can be further encouraged by regulatory action to increase the use of automated clearance systems.

(3) The Board also deems such action to be appropriate at this time in view of the adoption in 1982 of certain amendments to the rules of the National Association of Securities Dealers, Inc., and various of the securities exchanges to mandate the use of automated clearance systems for certain transactions in corporate securities with customers. These amendments generally preclude broker-dealers who are participants in a securities depository from effecting transactions for the accounts of customers who also are participants in a securities depository on a receipt vs. payment ("RVP") or delivery vs. payment ("DVP") basis unless the facilities of a securities depository are used for the confirmation and book-entry settlement of such transactions. The Board has concluded that the adoption at this time of rule changes similar to these amendments would offer benefits to members of the municipal securities industry.

For these reasons the Board has adopted the proposed rule changes, which are described more fully below.

b. *The Proposed Rule Changes.* The requirements of the proposed rule changes are as follows: With respect to inter-dealer transactions, the proposed rule changes incorporate into rule G–12 a new section (f), which provides: (1) That transactions must be compared through the automated facilities of a registered clearing corporation if the parties to the transaction are clearing corporation participants and the securities are eligible for comparison, and (2) that successfully compared transactions must be cleared and settled via book-entry through the facilities of a securities depository if the parties are depository participants and the securities are depository-eligible. With respect to customer DVP/RVP transactions, the proposed rule changes incorporate into rule G–15 a new section (d) which provides as follows:

(1) With respect to all DVP/RVP transactions with customers, the proposed rule changes require that the municipal securities broker or dealer: (a) Obtain the name and address of the customer's clearing agent and the name and account number of the customer as known to the agent, (b) identify such transactions as DVP or RVP transactions on the trading ticket, (c) send the confirmation to the customer not later than the first business day following the trade date, and (d) obtain a representation (either written or oral) from the customer that instructions regarding the transaction will be transmitted to the customer's agent by certain specified times.

(2) With respect to DVP/RVP transactions between dealers and customers which are depository participants, the proposed rule changes require that the transaction be confirmed and acknowledged through the facilities of a securities depository if the securities involved in the transaction have been assigned a CUSIP number, and that the transaction be settled via book-entry if the securities are depository-eligible.

The proposed rule changes also effect certain structural changes to rules G–12 and G–15. The proposed rule changes rescind existing section (f) of rule G–12; the Board is of the view that the requirements of the existing section (f) are duplicative of other Board rules (most particularly, rule G–33 on calculations). The proposed rule changes also retitle rule G–15 "Confirmation, Clearance and Settlement of Transactions with Customers," and renumber the existing provisions of the rule as new section (a), "Customer Confirmations." New sections (b) and (c) of the revised rule G–15 are designated in the proposed rule changes as "reserved for future rulemaking;" the Board released on August 15, 1983 an exposure draft of new sections (b) and (c) of the revised rule, which would establish standards for settlement dates and physical deliveries on transactions with customers.

(b) The proposed rule changes are adopted pursuant to section 15B(b)(2)(C) of the Securities Exchange Act of 1934, as amended, which requires and empowers the Board to adopt rules

designed * * * to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest * * *

The proposed rule changes are also consistent with the objectives of Section 17A of the Act.

The Board believes that the proposed rule changes will foster cooperation and coordination with persons engaged in clearing, settling, processing information with respect to, and facilitating transactions in municipal securities since the proposed rule changes will significantly increase the volume of information concerning municipal securities transactions transmitted or exchanged and compared by automated means. Therefore, in the Board's view, the proposed rule changes will promote more expeditious exchange of transaction information, more efficient comparison of transactions, and prompt identification and resolution of problem transactions.

The Board believes that the proposed rule changes will remove impediments to and perfect the mechanism of a free and open market in municipal securities and act to protect investors and the public interest due to the more efficient functioning of the clearance and settlement process for municipal securities. The more efficient exchange of transaction information and identification and resolution of problem transactions discussed above will remove burdens on the functioning of the municipal securities markets. The elimination of the physical delivery of securities will similarly enhance the efficiency of the market, minimize or eliminate the performance of duplicative clearance functions, and reduce delays in the settlement of transactions due to problems with the handling of physical instruments. This increase in the efficiency of the settlement process will promote a more efficient market generally, in accordance with the public interest in a smoothly functioning market for the securities of state and local governments and other political subdivisions or instrumentalities.

The Board also is of the view that the proposed rule changes are fully consistent with the objectives of Section 17A of the Act and further the development of the national system for the clearance and settlement of transactions mandated under such Section.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act; the Board further believes that any competitive impact resulting from the proposed rule changes will be relatively insignificant and far outweighed by the cost savings to be realized, in the aggregate by the municipal securities industry and investors in municipal securities.

With respect to competition between municipal securities brokers and dealers, the Board believes that the limitation of the application of the proposed rule changes to only those persons who have elected to participate in a clearing corporation or depository minimizes substantially the competitive effects directly attributable to the adoption of the proposed rule changes. The Board does not perceive that the requirement in the proposed rule changes for the use of automated confirmation or comparison systems will have any impact on competition between municipal securities brokers and dealers, since the requirement simply modifies the means of transmission of transaction information and the procedure for comparison of such information for all persons subject to the requirement, without making any distinction among classes of such persons.

With respect to the requirement in the proposed rule changes for book-entry settlement of certain transactions, the Board believes that such requirement may have a different impact on municipal securities brokers and dealers whose clients are primarily individual rather than institutional investors, since the former class of dealers may have greater need to withdraw securities (previously delivered to them via book-entry in accordance with the proposed rule changes) from the depository to satisfy delivery obligations to their clients, and, consequently, incur higher costs. The Board notes, however, that the need to withdraw securities can be substantially minimized through the use of safekeeping arrangements; the Board also believes that this differential in cost impact, to the extent it is, in fact, experienced, is substantially outweighed by the aggregate cost savings and increased clearance efficiency resulting from the proposed rule changes. The Board does not perceive any other potential impact on competition between municipal securities brokers and dealers resulting directly from the adoption of the proposed rule changes.

With respect to competition between clearing agents and competition between custodial or safekeeping agents, the Board does not believe that any significant effects on competition will be realized that is not significantly outweighed by the aggregate cost savings and increased efficiency resulting from the adoption of the proposed rule changes.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Changes Received from Members, Participants, or Others

The Board released versions of the proposed rule changes in exposure draft form in July 1982 and March 1983. A total of 51 letters of comment were received on these exposure drafts from 33 commentators. The majority of the commentators responding to the releases supported adoption of requirements similar to the proposed rule changes. Certain of the commentators on the drafts suggested changes which the Board has incorporated in the proposed rule changes.

In addition to these suggestions, the commentators raised a variety of issues concerning the proposals set forth in the exposure drafts, as follows:

(1) Certain of the commentators disputed the existence or the causes of a "DK" problem with respect to municipal securities transactions. The Board continues to believe that the "DK" problem in the clearance of municipal securities is likely to be at least as severe as that in the clearance of other types of securities; the concerns expressed by others of the commentators appear to confirm this view. This "DK" problem appears to be attributable to delays in the receipt of confirmations by customers, and in the receipt of instructions by customers' clearing agents, due to problems with the mail service and fluctations in the volume of transactions. The proposed rule changes to rule G–15 would substantially eliminate those problems by automating the confirmation and instructions transmission processes.

(2) Certain of the commentators expressed concern that the depositories' limited experience in handling municipal securities transactions and the municipal securities industry's limited experience in using automated systems for the clearance of transactions might make the adoption of such a proposal premature. The Board believes that the existing programs for the automated clearance and settlement of municipal securities transactions have been successful and have clearly

demonstrated the feasibility and usefulness of such systems for municipal securities. With respect to the inexperience of certain municipal securities brokers and dealers, the Board believes that the provision in the proposed rule changes for a "phased-in" implementation of the requirements should alleviate any difficulties in this regard.

(3) Commentators stressed the importance of a functioning interface between the clearing corporations and depositories offering automated clearance and settlement services for municipal securities transactions, and also urged that the depositories develop essentially identical eligibility standards. The Board shares the commentators' perception of the importance of both of these issues, but does not believe that the adoption of the proposed rule changes should be delayed pending their resolution. Further, the Board understands that the two depositories currently involved in the book-entry settlement of municipal securities transactions already are interfaced with respect to transactions in registered municipal securities, and have agreed in principle on an interface between their systems for bearer municipal securities.

(4) Several commentators urged that the Board require that all municipal securities brokers and dealers become participants in registerd clearing agencies. The Board continues to believe that it would not be appropriate to propose such a rule at this time.

(5) One commentator noted that the Federal Reserve banks were considering making available for municipal securities transactions services comparable to their existing book-entry delivery system for certain U.S. government securities; this commentator urged the Board to include in the proposed rule changes a provision recognizing the potential existence of such services. The Board views with interest the Federal Reserve banks' consideration of the establishment of such a system for municipal securities transactions, but believes that it would be inapporpriate to include in the proposed rule changes at this time a provision relating to a bookentry delivery system that does not currently exist with respect to the issues of municipal securities potentially subject to the proposed rule changes. At such time as the Federal Reserve banks implement such a system the Board will consider the adoption of appropriate amendments to its rules with respect to the use of such a system.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 16, 1983.

George A. Fitzsimmons,

Secretary.

Exhibit 1—Texts of Proposed Rule Changes [1]

Rule G–12. Uniform Practice

(a) through (e) No change.

(f) Use of Automated Comparison, Clearance, and Settlement Systems.

(i) Notwithstanding the provisions of sections (c) and (d) of this rule, with respect to a transaction in municipal securities which are eligible for comparison through the facilities of a clearing agency registered with the Securities and Exchange Commission, if both parties to such transaction are members in one or more of such clearing agencies (and such clearing agencies are interfaced or linked for comparison purposes), each party to the transaction shall submit to its clearing agency information concerning the transaction, as reqired by the clearing agency's rules, for purposes of automated trade comparison. The provisions of this paragraph (i) shall apply to transactions effected on or after August 1, 1984.

(ii) Notwithstanding the provisions of section (e) of this rule, if a transaction submitted to one or more registered clearing agencies for comparison in accordance with paragraph (i) above has been compared successfully, and if such transaction involves municipal securities which are eligible for deposit at one or more securities depositories registered with the Securities and Exchange Commission in which both parties to the transaction are members, the parties to such transaction shall settle the transaction by book-entry through the facilities of the depository or through the interface or link, if any, between the depositories. The provisions of this paragraph (ii) shall apply to transactions effected on or after February 1, 1985.

(iii) For purposes of this section (f) a municipal securities broker or municipal securities dealer who clears transactions through an agent who is a member of a registered clearing agency or a registered securities depository shall be deemed to be a member of such registered clearing agency or registered securities depository.

[(f) Payment.

[(i) Calculation of Interest. Unless otherwise agreed by the parties in the settlement of transactions in interest-paying securities there shall be added to the dollar price interest at the rate specified in the security, which shall be computed up to but not including the settlement date.

[(ii) Calculation of Price. Calculations to determine the price and yield to maturity of municipal securities shall be made in accordance with applicable rules of the Board, if any.]

(g) through (k) No change.

* * * * *

[1] *Italics* indicate additions; [brackets] indicate deletions. The texts of the proposed rule changes reflect certain other rule changes currently pending at the Commission (*see* File Nos. SR–MSRB–83–9, 83–11, and 83–12).

Rule G–15. *Confirmation, Clearance and Settlement of Transactions with Customers* [Customer Confirmations].

(a) *Customer Confirmations.*

(i) At or before the completion of a transaction in municipal securities with or for the account of a customer, each broker, dealer or municipal securities dealer shall give or send to the customer a written confirmation of the transaction containing the following information:

(A) [(i)] name, address, and telephone number of the broker, dealer, or municipal securities dealer, provided, however, that the address and telephone number need not be stated on a confirmation sent through the automated confirmation facilities of a clearing agency registered with the Securities and Exchange Commission;

(B) [(ii)] name of customer;

(C) [(iii)] designation of whether the transaction was a purchase from or sale to the customer;

(D) [(iv)] par value of the securities;

(E)[(v)] description of the securities, including at a minimum the name of the issuer, interest rate, maturity date and if the securities are limited tax, subject to redemption prior to maturity (callable), or revenue bonds, an indication to such effect, including in the case of revenue bonds the type of revenue, if necessary for a materially complete description of the securities, and in the case of any securities, if necessary for a materially complete description of the securities, the name of any company or other person in addition to the issuer obligated, directly or indirectly, with respect to debt service or, if there is more than one such obligor, the statement "multiple obligors" may be shown;

(F)[(vi)] trade date and time of execution, or a statement that the time of execution will be furnished upon written request of the customer;

(G)[(vii)] CUSIP number, if any, assigned to the securities;

(H)[(viii)] settlement date;

(I)[(ix)] yield and dollar price as follows:

(1)[(A)] for transaction effected on a yield basis, the yield at which transaction was effected and the resulting dollar price shall be shown. Such dollar price shall be calculated to the lowest of price to call, price to par option, or price to maturity.

(2)[(B)] for transaction effected on the basis of dollar price, the dollar price at which transaction was effected, and the lowest of the resulting yield to call, yield to par option, or yield to maturity shall be shown.

(3)[(C)] for transactions at par, the dollar price shall be shown.

In cases in which the resulting dollar price or yield shown on the confirmation is calculated to call or par option, this must be stated, and the call or option date and price used in the calculation must be shown;

(J)[(x)] amount of accrued interest;

(K)[(xi)] extended principal amount;

(L)[(xii)] total dollar amount of transaction;

(M)[(xiii)] the capacity in which the broker, dealer or municipal securities dealer effected the transaction, whether

(1)[(A)] as a principal for its own account,

(2)[(B)] as an agent for the customer,

(3)[(C)] as an agent for a person other than the customer, or

(4)[(D)] as an agent for both the customer and another person; and

(N)[(xiv)] instructions, if available, regarding receipt or delivery of securities, and form of payment, if other than as usual and customary between the parties.

(ii)[(b)] If the broker, dealer or municipal securities dealer is effecting a transaction as agent for the customer or as agent for both the customer and another person, the confirmation shall set forth *(A)*[(i)] either the name of the person from whom the securities were purchased or to whom the securities were sold for the customer or a statement that this information will be furnished upon request of the customer, and *(B)*[(ii)] the source and amount of any commission or other remuneration received or to be received by the broker, dealer or municipal securities dealer in connection with the transaction.

(iii)[(c)] In addition to the information required by paragraphs *(i) and (ii)*[(a) and (b)] above, each confirmation to a customer shall contain the following information, if applicable:

(A)[(i)] the dated date if it affects the price or interest calculation, and the first interest payment date if other than semi-annual;

(B)[(ii)] if the securities are "fully registered" "registered as to principal only," or available only in book-entry form, a designation to such effect;

(C)[(iii)] if the securities are "called" or "pre-refunded," a designation to such effect, the date of maturity which has been fixed by the call notice, and the amount of the call price;

(D)[(iv)] if the securities are "callable," a statement that the yield set forth pursuant to *item (2) of* subparagraph *(a)(i)(I)* [(viii) of paragraph (a)] may be affected by the exercise of a call provision, and that information relating to call provisions is available upon request. A statement, in a footnote or otherwise, to the following effect will be deemed to satisfy this requirement:

"Call features may exist which could affect yield; complete information will be provided upon request";

(E)[(v)] denomination of securities other than bonds and, if other than the following, denominations of bonds:

(1)[(A)] for bearer bonds, denominations of $1,000 or $5,000 par value, and

(2)[(B)] for registered bonds, denominations which are multiples of $1,000 par value, up to $100,000 par value;

(F)[(vi)] any special instructions or qualifications, or factors affecting payment of principal or interest, such as *(1)*[(A)] "ex legal," or *(2)*[(B)] if the securities are traded without interest, "flat," or *(3)*[(C)] if the securities are in default as to the payment of interest or principal, "in default," or *(4)*[(D)] with respect to securities with periodic interest payments, if such securities pay interest on other than a semi-annual basis, a statement of the basis on which interest is paid; and

(G)[(vii)] such other information as may be necessary to ensure that the parties agree to the details of the transaction.

(iv)[(d)] The confirmation for a transaction in securities traded on a discounted basis (other than discounted securities traded on a yield-equivalent basis) shall not be required to show the yield and dollar price information specified in subparagraph *(I)*[(ix)] of paragraph (a)*(i)* nor the accrued interest specified in subparagraph *(J)*[(x)] of paragraph (a)*(i)*. Such confirmation shall, however, contain the rate of discount and resulting dollar price. Such confirmation may, in lieu of the resulting dollar price and the extended principal amount specified in subparagraph *(K)*[(xi)] of paragraph (a)*(i)*, show the total dollar amount of the discount.

(v)[(e)] The confirmation for a transaction in securities maturing in more than two years and paying investment return solely at redemption shall not show the par value of the securities specified in subparagraph (D)[(iv)] of paragraph (a)(i) and shall not be required to show the amount of accrued interest specified in subparagraph (J)[(x)] of paragraph (a)(i). Such confirmation shall, however, show the maturity value of the securities and specify that the interst rate on the securities is "0%."

(vi)[(f)] The initial confirmation for a "when, as and if issued" transaction shall not be required to contain the information specified in subparagraphs *(H), (J), (K), (L) and (N)* [(viii), (x), (xi),

(xii) and (xiv)] of paragraph (a)*(i)* or the resulting dollar price as specified in *item (1) of* subparagraph *(I)*[(ix)].

(vii)[(g)] Information requested pursuant to this rule shall be given or sent to the customer within five business days following the date of receipt of a request for such information; provided however, that in the case of information relating to a transaction executed more than 30 calendar days prior to the date of receipt of a request, the information shall be given or sent to the customer within 15 business days following the data of receipt of the request.

(viii)[(h)] For purposes of this rule, the time of execution of a transaction shall be the time of execution reflected in the records of the broker, dealer or municipal securities dealer pursuant to rule G–8 of the Board or Rule 17a–3 of the Commission.

(ix)[(i)] For purposes of this rule, the term "customer" shall mean any person other than a broker, dealer or municipal securities dealer acting in its capacity as such or an issuer in transactions involving the sale by the issuer of a new issue of its security.

(b) [reserved for future rulemaking]

(c) [reserved for future rulemaking]

(d) Delivery/Receipt vs. Payment Transactions.

(i) No broker, dealer or municipal securities dealer shall accept an order from a customer pursuant to an arrangement whereby payment for securities received (RVP) or delivery against payment of securities sold (DVP) is to be made to or by an agent of the customer unless all of the following procedures are followed:

(A) the broker, dealer or municipal securities dealer shall have received from the customer prior to or at the time of accepting such order, the name and address of the agent and the name and account number of the customer on file with the agent;

(B) the memorandum of such order made in accordance with the requirements of paragraph (a)(vi) or (a)(vii) of rule G–8 shall include a designation of the fact that it is a delivery vs. payment (DVP) or receipt vs. payment (RVP) transactions;

(C) the broker, dealer or municipal securities dealer shall give or send to the customer a confirmation in accordance with the requirements of section (a) of this rule with respect to the execution of the order not later than the close of business on the next business day after any such execution; and

(D) the broker, dealer or municipal securities dealer shall have obtained a representation from the customer (1) that the customer will furnish the agent instructions with respect to the receipt or delivery of the securities involved in the transaction promptly upon receipt by the customer of each confirmation, or the relevant data as to each execution, relating to such order, (2) that, with respect to a transaction subject to the provisions of paragraph (ii) below, the customer will furnish the agent such instructions in accordance with the rules of the registered clearing agency through whose facilities the transaction has been or will be confirmed, and (3) that, with respect to all other transactions, the customer will assure that such instructions are delivered to the agent no later than:

(a) in the case of a purchase by the customer where the broker, dealer or municipal securities dealer is to deliver the securities to the customer's agent against payment (DVP), the close of business on the fourth business day after the trade date of execution of the transaction as to which the particular confirmation relates; or

(b) in the case of a sale by the customer where the broker, dealer or municipal securities dealer is to receive the securities from the customer's agent against payment (RVP), the close of business on the third busines day after the date of execution of the transaction as to which the particular confirmation relates.

(i) No broker, dealer or municipal securities dealer who is, or whose clearing agent is, a participant in a clearing agency registered with the Securities and Exchange Commission shall effect a transaction in any municipal security to which a CUSIP number has been assigned on a delivery vs. payment or receipt vs. payment basis for the account of a customer who is, or whose agent is, a participant in such clearing agency (or in a clearing agency interfaced or otherwise linked with such clearing agency) unless the facilities of such clearing agency (or the facilities of a clearing agency interfaced or otherwise linked with such clearing agency, as necessary) are used for the confirmation and acknowledgement of such transaction. The provisions of this paragraph (ii) shall apply to transactions effected on or after August 1, 1984.

(ii) No broker, dealer or municipal securities dealer who is, or whose clearing agent is, a paticipant in a clearing agency registered with the Securities and Exchange Commission shall effect a transaction in any municipal security which is eligible for book-entry settlement through the facilities of such clearing agency on a delivery vs. payment or receipt vs. payment basis for the account of a customer who is, or whose agent is, a participant in such clearing agency (or in a clearing agency interfaced or otherwise linked with such clearing agency) unless the facilities of such clearing agency (or the facilities of a clearing agency interfaced or otherwise linked with such clearing agency, as necessary) are used for the book-entry settlement of such transaction. The provisions of this paragraph (iii) shall apply to transactions effected on or after February 1, 1985.

[FR Doc. 83-26059 Filed 9-22-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 20196 SR-MSRB-83-7]

Municipal Securities Rulemaking Board; Order Approving Proposed Rule Change

September 19, 1983.

The Municipal Securities Rulemaking Board ("MSRB"), 1150 Connecticut Avenue NW., Washington, D.C. 20036, submitted on July 26, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b–4 thereunder, to require that the terms of any put option or repurchase agreement be set forth, in writing, on the confirmation of the customer's transaction or accompany such confirmation, and be recorded on a dealer's books and records pursuant to MSRB Rule G–8(a)(v). The proposed rule change eliminates language specifying that put options be "bona fide" and that repurchase agreements be "issued in the ordinary course of business". The MSRB states that requiring these instruments to be in writing will make enforcement of the rule easier and eliminate the need for the qualifying language currently contained in MSRB Rule. G–25. The MSRB has requested that the proposed rule change become effective 60 days after approval by the Commission.

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 Release No. 20059, August 5, 1983) and by publication in the Federal Register (48 FR 36717, August 12, 1983). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB, in particular, the requirements of Section 15B 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 it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-26061 Filed 9-22-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-20190; File No. SR-NYSE-83-43]

Self-Regulatory Organizations; Proposed Rule Change By New York Stock Exchange, Inc.; Relating to the Expiration Cycle for Index Group Options.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 14, 1983, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change provides for the retention of nine-month options on a quarterly (March) cycle and the addition of three-month options expiring during the other eight months, thereby creating monthly expirations.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) *Purpose.* The Exchange's index group options are presently designed, like individual stock options, to expire after nine months and at three-month intervals. The proposed rule change would amend Rule 703 to provide for the additional listing of three-month contracts expiring during the months not included in the designated quarterly cycle, thereby causing the Exchange's index option series to expire monthly, rather than quarterly. Thus, index group options would expire in consecutive months, and, with respect to each underlying index group, series expiring in five different months would be open for trading at any given time. Three of them would have been listed as nine-month options expiring on the designated quarterly cycle. The other two would have been listed as three-month options expiring in the off-cycle months.

For any 12-month period, maintaining monthly expirations in this manner would require the listing of a nine-month option on the quarterly cycle on the Monday following the expiration date in each of the four quarterly cycle months. In each of the other eight months, a three-month option would be listed. To illustrate this, a year's cycle that assumes a March expiration cycle for the longer-term options is shown in Figure 1. Each row shows the first letter of the expiration months of the series trading during the last part (after the expiration date) of the month indicated in the left-most column. The underscoring identifies the expiration month of the newly-opened series.

FIGURE 1

Monthly Expirations, March Cycle

		1983						1984										1985		
1983	OCT.	N	D	J		M			J											
	NOV.		D	J	F	M			J											
	DEC.			J	F	M			J			S								
1984	JAN.				F	M	A		J			S								
	FEB.					M	A	M	J			S								
	MAR.						A	M	J			S			D					
	APR.							M	J	J		S			D					
	MAY								J	J	A	S			D					
	JUNE									J	A	S			D			M		
	JULY										A	S	O		D			M		
	AUG.											S	O	N	D			M		
	SEP.												O	N	D			M		J
	OCT.													N	D	J		M		J

The specification of a March expiration cycle for the Exchange's nine-month composite index group options supersedes the Exchange's recent specification of a February cycle. (File No. SR–NYSE–83–26, approved in Release No. 34–20104 (August 23, 1983).) The Exchange restores the Exchange's nine-month options to the same cycle used by the Exchange's affiliated contract market, the New York Futures Exchange, Inc., for its futures contract based upon the Exchange's composite index. This will facilitate investment and hedging strategies employing both types of index instruments.

The Exchange intends to follow individual stock options with respect to expirations and the introduction of new series. For example, index group options would continue to expire on the Saturday following the third Friday of each expiration month. Immediately following the expiration of particular series, the Exchange would open new series—but their term would, as discussed above, depend upon whether or not the expiring series were on the designated quarterly cycle.

The proposed rule change, in providing for monthly expirations, is similar to changes recently filed by the American Stock Exchange, Inc. ("AMNEX") and the Chicago Board Options Exchange, Inc. ("CBOE"). (File Nos. SR–AMEX–83–18 & SE–CBOE–83–29.) The Exchange's filing is designed to protect the Exchange's competitive position by permitting it to trade index group options with monthly expirations in the event the Commission approves the AMEX or CBOE proposal.

The Exchange's retention of longer-term options trading on a quareterly cycle represents a departure from the AMEX and CBOE proposals. The Exchange believes that there may be sufficient investor interest in longer-term options to warrant their retention. Because such interest cannot be met by shorter-term options, the retention of longer-term options is likely to have little impact on the liquidity and depth of the Exchange's shorter-term options. Longer-term index group options are, in the way in which they are likely to be used, a different class of options from their shorter-term counterparts. Moreover, Rule 703 presently permits the Exchange to trade at one time series expiring in as many as six month. Therefore, the proposal actually reduces the number of series that the Exchange would be authorized to list. Thus, any concern regarding proliferation of series would seem to be misplaced. In addition, as noted above, retention of longer-term series on a March cycle facilitates strategies using both options and futures based upon the Exchange's composite index.

(2) *Statutory Basis.* The Exchange believes that the proposed rule change is consistent with the requirements of the 1934 Act and the rules and regulations thereunder applicable to the Exchange in that it will enable the Exchange to offer competitive index group options, thereby promoting market competition in index products. In particular, retention of longer-term contracts will maximize the utility of index group options to certain market participants (including the use of those options to transfer the risks of stock ownership), thereby serving to protect investors and the public interest in furtherance of section 6(b)(5).

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition. As noted in the Exchange's response to Item II(A), the proposed rule change is prompted by competitive considerations.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments regarding the proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 16, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-26000 Filed 9-22-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-20184; File No. SR-NYSE-83-37]

Self-Regulatory Organizations; Proposed Rule Change By New York Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 12, 1983, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change sets forth the conditions that must be satisfied if no margin is to be required by Exchange Rule 431 with respect to a put or call on an option contract (including a put or call on an index stock group) that is carried "short" in a customer's account against a letter of guarantee. In order for the member organization which carries the account to permit the put or call to be free of any margin requirement under Rule 431 if it wishes, the proposed rule change (new subparagraph (iv) to Rule

431(d)(2)(H)) imposes several requirements which depend on such facts as whether the option carried "short" is a put or a call and whether it is on an underlying stock or on an index stock group.

In all cases, the proposed rule change requires the letter of guarantee to be issued by a bank or trust company (other than the customer) which is satisfactory to the Exchange. The letter of guarantee must also be in a form satisfactory to the Exchange. The form of letter required by the Exchange, which will include the standards that the custodian bank or trust company must meet in order to be acceptable to the Exchange, is in the process of being developed and is expected to be substantially similar to the option guarantee letter already in use.

In the case of a call on a stock index group, the custodian bank or trust company must certify in its letter of guarantee that it holds for the account of the customer as security for the letter at least ten "qualified securities" which have an aggregate market value, computed as at the close of business on the day the call is written, not less than the aggregate current index value computed as at the same time, and that the custodian bank or trust company will promptly pay to the member organization the "exercise settlement amount" (as that term is defined in the proposed rule change (see, amendment to Rule 431(d)(2)(C))) in the event the account is assigned an exercise notice with respect to the call. The proposed rule change defines the term "qualified security" for purposes of the proposed rule change to mean any equity security traded on either the New York or American Stock Exchanges, or any equity security traded on any other national securities exchange, provided such security substantially meets the original listing standards of either New York exchange, or any NASDAQ security that substantially meets each of the criteria set forth in paragraph (b)(4)(i) or (b)(4)(ii) of Rule 11Aa2-1 under the Securities Exchange Act of 1934, as amended (the "Act"). In order to assure diversity within the portfolio of securities held by the custodian bank or trust company, no single qualified security may represent more than 15% of the total collateral held by the custodian for the account of the customer.

In the case of any other call option contract, the letter of guarantee must certify that the custodian bank or trust company holds for the customer as security for the letter, the underlying security (or any other security immediately convertible into the underlying security without the payment of money) and that the custodian bank or trust company will promptly deliver the underlying security to the member organization in the event the account is assigned an exercise notice.

In the case of any put option contract (including a put on an index stock group), the letter of guarantee must certify that the custodian bank or trust company holds for the account of the customer as security for the letter, cash or cash equivalents which have an aggregate market value, computed as at the close of business on the day the put is written, of not less than 100% of the aggregate exercise price and that the custodian bank or trust company will promptly pay the aggregate exercise price of the put to the member organization in the event the account is assigned an exercise notice. The term "cash equivalents" is defined to mean those instruments referred to in §220.8(a)(3)(ii) of Regulation T.

The form of letter required by the Exchange will include provisions designed to assure that the security (whether qualified securities, the underlying security, or cash or cash equivalents) remains in the possession of the custodian bank or trust company, free and clear of any claim by such custodian.

Finally, the proposed rule change amends the definition of "covered" in Rule 700(b) of the Exchange so as to include within the meaning of that term, the "short" position of either a put or call option as to which the writer's obligation is secured by a letter of guarantee that satisfies the requirements of new subparagraph (iv) of Rule 431(d)(2)(H).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to remove from Rule 431's margin requirements a put or call (including a put or call on an index stock group) that is carried "short" in a customer's account against a letter of guarantee meeting specified conditions. Another purpose is to expand the definition of "covered" in Rule 700(b) so as to include a "short" position in either a put or call option as to which the writer's obligation is secured by a letter of guarantee that satisfies the requirements of the new Rule 431(d)(2)(H)(iv).

Statutory Basis. The basis under the Act for the proposed rule change is section 6(b)(5) of the Act which requires the rules of an exchange to promote just and equitable principles of trade, remove impediments to, and perfect the mechanisms of, a free and open market and to protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will, in fact, provide additional flexibility to customers and will provide them with an additional means by which puts and calls carried "short" in their accounts can be considered by the carrying member organization to require no margin under Rule 431.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has neither solicited nor received any written comments regarding the proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer periods: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed change should be disapproved.

The Exchange has urged the Commission to approve the proposed

rule change prior to the commencement of trading in options on the Exchange.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be sumbitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 15, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-26060 Filed 9-22-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular on Control System Operation Tests

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Draft Advisory Circular (AC) availability and request for comments.

SUMMARY: This AC provides information and guidance concerning control system operation tests required for certification of small airplanes. This guidance material is applicable for new, amended and supplemental type certificates and alterations that affect the substantiating control system operation tests.

DATE: Commenters must identify File AC 23.683–XX; Subject: Control System Operation Tests, and comments must be received on or before November 7, 1983.

ADDRESS: Send all comments on the draft AC to: Federal Aviation Administration, ATTN: Regulations and Policy Office (ACE–110), 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph W. Burress, Aerospace Engineer, Regulations and Policy Office (ACE–110), Aircraft Certification Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; Commercial Telephone (816) 374–6941, or FTS 758–6941.

SUPPLEMENTARY INFORMATION: Any person may obtain a copy of this draft AC by writing to: Federal Aviation Administration, Aircraft Certification Division, Regulations and Policy Office (ACE–110), 601 East 12th Street, Kansas City, Missouri 64106.

Comments Invited: Interested parties are invited to submit comments on the draft AC. The draft AC and comments received may be inspected at the offices of the Regulations and Policy Office (ACE–110), Room 1656, Federal Office Building, 601 East 12th Street, Kansas City, Missouri, between the hours of 7:30 a.m. and 4:00 p.m. on weekdays, except Federal holidays.

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

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-25915 Filed 9-22-83; 8:45 am]

BILLING CODE 4910-13-M

Advisory Circular on Control Surface; Flutter in Small Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Draft Advisory Circular (AC) availability and request for comments.

SUMMARY: This AC provides information and guidance on acceptable methods to ensure freedom from flutter, control reversal and divergence after a failure in the primary flight control system, tab control system or flutter damper.

DATE: Commenters must identify File AC 23.629–XX; Subject: Control Surface Flutter in Small Airplanes, and comments must be received on or before November 7, 1983.

ADDRESS: Send all comments on the draft AC to: Federal Aviation Administration, ATTN: Regulations and Policy Office (ACE–110), 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Edward A. Gabriel, Aerospace Engineer Regulations and Policy Office (ACE–110), Aircraft Certification Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; Commercial Telephone (816) 374–6941, or FTS 758–6941.

SUPPLEMENTARY INFORMATION: Any person may obtain a copy of this draft AC by writing to: Federal Aviation Administration, Aircraft Certification Division, Regulations and Policy Office (ACE–110), 601 East 12th Street Kansas City, Missouri 64106.

Comments Invited: Interested parties are invited to submit comments on the draft AC. The draft AC and comments received may be inspected at the offices of the Regulations and Policy Office (ACE–110), Room 1656, Federal Office Building, 601 East 12th Street, Kansas City, Missouri, between the hours of 7:30 a.m. and 4:00 p.m. on weekdays, except Federal holidays.

Issued in Kansas City, Missouri.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-25917 Filed 9-22-83; 8:45 am]

BILLING CODE 4910-13-M

Advisory Circular on Landing Gear; Doors and Retraction Mechanism

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Draft Advisory Circular (AC) availability and request for comments.

SUMMARY: This AC provides information and guidance concerning the structural substantiation to the loads resulting from all yawing conditions for the landing gear doors and retraction mechanism of small airplanes. This guidance material is applicable for new, amended, and supplemental type certificates and alterations that affect the landing gear doors and retraction mechanism.

DATE: Commenters must identify File AC 23.279–1; Subject: Landing Gear Doors and Retraction Mechanism, and comments must be received on or before November 7, 1983.

ADDRESS: Send all comments on the draft AC to: Federal Aviation Administration, ATTN: Regulations and Policy Office (ACE –110), 601 East 12th Street, Kansas City, Missouri 64106

FOR FURTHER INFORMATION CONTACT: Mr. Joseph W. Burress, Aerospace Engineer, Regulations and Policy Office (ACE–110), Aircraft Certification Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; Commercial Telephone (816) 374–6941, or FTS 758–6941.

SUPPLEMENTARY INFORMATION: Any person may obtain a copy of this draft AC by writing to: Federal Aviation

Administration, Aircraft Certification Division, Regulations and Policy Office (ACE- 110) 601 East 12th Street, Kansas City, Missouri 64106;

Comments Invited: Interested parties are invited to submit comments on the draft AC. The draft AC and comments received may be inspected at the offices of the Regulations and Policy Office (ACE-110), Room 1656, Federal Office Building, 601 East 12th Street, Kansas City, Missouri , between the hours of 7:30 a.m. and 4:00 p.m. on weekdays, except Federal Holidays.

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

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-25018 Filed 9-22-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Public Information Collection Requirements Submitted to OMB for Review

On September 19, 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: 1545-0152
Form Number: 3115
Type of Review: Revision
Title: Application for Change in Accounting Method
OMB Number: 1545-0064
Form Number: 4029
Type of Review: Revision
Title: Application for Exemption from Tax on Self-Employment Income and Waiver of Benefits

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512-0029
Form Number: ATF F-10
Type of Review: Extension
Title: Application for Registration of Firearms Required by Certain Governmental Entities
OMB Reviewer: Norman Frumkin (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Dated: September 19, 1983.

Cathy L. Thomas,

Departmental Reports Management Office.

[FR Doc. 83-26066 Filed 9-22-83; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 186
Friday, September 23, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 A.M., Tuesday, September 27, 1983.

PLACE: 2033 K Street NW., Washington, D.C., Fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Proposed Contract Market Designation for Chicago Mercantile Exchange: Gulf Coast Leaded Gasoline, Unleaded Gasoline: No. 2 Fuel Oil
Rule Enforcement Review (Closed)
Financial Rule Enforcement Review (Closed)

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1348-83 Filed 9-21-83; 3:46 p.m.]
BILLING CODE 6351-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 am (eastern time), Tuesday, September 27, 1983.

PLACE: Commission Conference Room No. 200, second floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Announcement of Notation Votes.
2. Report on Commission Operations (Optional).
3. Freedom of Information Act Appeal No. 83-7-043(a)-FOIA-IN, 83-7-043-(b)-FOIA-IN, 83-7-043-(c)-FOIA-IN, 83-7-043-(d)-FOIA-IN concerning documents relating to four charges filed under the ADEA.
4. Freedom of Information Act Appeal No. 83-7-FOIA-58-NO concerning documents relating to the issuance of a Letter of Warning.
5. Freedom of Information Act Appeal No. 83-06-FOIA-131-MK concerning all documents relating to a charge filed under the Age Discrimination in Employment Act.
6. Freedom of Information Act Appeal No. 83-6-FOIA-40-DT concerning a copy of a closed ADEA charge file.
7. Freedom of Information Act Appeal No. 83-8-FOIA-2-AT concerning a copy of Title VII charge file.
8. Management Directive on Official Time.

Closed:

1. Litigation Authorization; General Counsel Recommendations.
2. Proposed Withdrawal of Commissioner Charges.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides recorded announcements a full week in advance of future Commission sessions. Please telephone (202) 634-6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634-6748.

[S-1343-83 Filed 9-21-83; 11:59 am]
BILLING CODE 6570-06-M

3

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 48, Page No. —. None at this time. Date published, Wednesday, September 21, 1983.

PLACE: Board room, sixth floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202-377-6970).

CHANGES IN THE MEETING: The following item has been withdrawn from the Bank Board meeting scheduled Thursday, September 22, 1983, at 10:30 a.m.

Accounting for Uncollectible Income
[No. 54, September 20, 1983]

[S-1339-83 Filed 9-20-83; 4:17 pm]
BILLING CODE 6720-01-M

4

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 48, Page No.—None at this time. Date published, Wednesday, September 21, 1983.

PLACE: Board room, sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee, (202-377-6070).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting scheduled Thursday, September 22, 1983, at 10:30 a.m.

Management Official Interlocks

[S-1340-83 Filed 9-21-83; 10:57 am]
BILLING CODE 6720-01-M

5

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 48, Page No.—None at this time. Date published, Wednesday, September 22, 1983.

PLACE: Board room, Sixth floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202-377-6970).

CHANGES IN THE MEETING: The following item has been withdrawn from the open portion of the Bank Board meeting scheduled for Thursday, September 22, 1983 at 10:30 a.m.:

Industry Conflicts of Interest.
[No. 55, September 21, 1983]

[S-1344-83 Filed 9-21-83; 12:02 pm]
BILLING CODE 6720-01-M

6

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., September 28, 1983.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Sea-Land Service, Inc. 10 percent general rate increase applying between U.S. Atlantic and Gulf ports and ports in the U.S. Virgin Islands.
2. Agreement No. 10402-1: Modification of the Bank and Savill Line, Ltd., Joint Service and Agreement No. 10355-1: Modification of

the Bank and Savill/Shipping Corporation of New Zealand Joint Service to increase their scopes to include U.S. Atlantic ports; provide for intermodal authority; and give greater flexibility to their fleet.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S-1342-83 Filed 9-21-83; 11:20 am]

BILLING CODE 6730-01-M

7

FEDERAL RESERVE SYSTEM

Committee on Employee Benefits of the Federal Reserve System

TIME AND DATE: 10 a.m., Thursday, September 29, 1983.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. The Committee's agenda will consist of matters relating to: (a) The general administrative policies and procedures of the Retirement Plan, Thrift Plan, Long-Term Disability Income Plan, and Insurance Plan for Employees of the Federal Reserve System; (b) general supervision of the operations of the Plans; (c) the maintenance of proper accounts and accounting procedures in respect to the Plans; (d) the preparation and submission of an annual report on the operations of each of such Plans; (e) the maintenance and staffing of the Office of the Federal Reserve Employee Benefits System; and (f) the arrangement for such legal actuarial, accounting, administrative, and other services as the Committee deems necessary to carry out the provisions of the Plans.

Specific items will include: (1) Office of Employee Benefits' revised 1983 and proposed 1984 budgets; (2) supplement to allowances of Reserve Bank Plan retirees; (3) changes to economic assumptions underlying the funding of the Retirement Plan; (4) proposals regarding survivorship and other optional benefits under the Retirement Plan; and (5) proposed changes to the rules for administering the Thrift Plan.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: September 21, 1983.

James McAfee,

Associate Secretary of the Board.

[S-1347-83 Filed 9-21-83; 3:42 pm]

BILLING CODE 6210-01-M

8

NUCLEAR REGULATORY COMMISSION

DATE: Week of September 26, 1983.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open closed.

MATTERS TO BE DISCUSSED: *Tuesday, September 27:*

2:00 p.m.:
Briefing on Report of Committee on Rights of Individuals in Investigations (Public Meeting)

Wednesday, September 28:

10:00 a.m.:
Briefing by Torrey Pines, Inc. on Independent Review of Zimmer Project Management (Public Meeting)
2:00 p.m.:
Discussion of Regulatory Reform Task Force—Administrative Proposals—Revisions to Part 2 (Public Meeting)

Thursday, September 29:

9:30 a.m.:
Discussion of TMI-1 Restart proceeding (Open/Closed—Exemption 5 and 10)
2:00 p.m.
Briefing by Executive Branch (Closed—Exemption)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Amendments to 10 CFR 50 Related to Anticipated Transients Without Scram (ATWS) Events (Tentative)

Friday, September 30:

10:00 a.m.
Discussion/Possible Vote on SECY-83-293—Amendments to 10 CFR 50—ATWS Events (Public Meeting) (Tentative)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

September 20, 1983.

Walter Magee,

Office of the Secretary.

September 20, 1983.

[S-1345-83 Filed 9-21-83; 12:51 pm]

BILLING CODE 7590-01-M

9

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

STATUS: Closed meetings.

PLACE: 450 5th Street NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Wednesday, September 14, 1983.

CHANGE IN THE MEETING: Additional items. The following additional item was considered at a closed meeting scheduled for Tuesday, September 20, 1983, at 10 a.m.:

Litigation matter

The following additional items will be considered at a closed meeting scheduled for Thursday, September 22, 1983, following the 10 a.m. open meeting:

Settlement of injunctive action
Institution of administrative proceeding of an enforcement nature

Chairman Shad and Commissioners Longstreth and Treadway determined that Commission business required the above changes that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Robert Lipsher at (202) 272–3195.

September 21, 1983.

[S-1341-83 Filed 9-21-83; 11:20 am]

BILLING CODE 8010-01-M

10

TENNESSEE VALLEY AUTHORITY

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: September 22, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Tuesday, September 27, 1983.

PREVIOUSLY ANNOUNCED PLACE OF MEETING: TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

ADDITIONAL MATTER: The following item is added to the previously announced agenda:

D. *Personnel Items*
5. Personal services contract for marketing services—investment recovery project.

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.

SUPPLEMENTARY INFORMATION:

TVA Board Action

The TVA Board of Directors has found, the public interest not requiring otherwise, that TVA business requires the subject matter of this meeting to be changed to include the additional item shown above and that no earlier announcement of this change was possible.

The members of the TBA Board voted to approve the above findings and their approvals are recorded below.

Dated: September 21, 1983.

C. H. Dean, Jr.,

S. David Freeman,

Richard M. Freeman.

[S-1346-83 Filed 9-21-83; 2:51 pm]

BILLING CODE 8120-01-M

federal register

Friday
September 23, 1983

Part II

Department of Energy

Bonneville Power Administration

Billing Credits Policy

DEPARTMENT OF ENERGY

Bonneville Power Administration

Billing Credits Policy

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of Billing Credits Policy.

SUMMARY: The Pacific Northwest Electric Power Planning and Conservation Act (Regional Act) provides, among other things, that the BPA Administrator shall grant billing credits to BPA's customers. Billing credits may be in the form of adjustments to customers' power bills or equivalent cash payments. They are intended to compensate customers for electric power resources which are developed or acquired and used to reduce customers' net requirements for electric power or reserves purchased from BPA. To qualify for a billing credit, the reduction in a customer's net requirements for electric power must reduce BPA's obligation to acquire power resources. The amount of a billing credit is limited by the cost of the alternative resources which BPA can defer acquiring due to the availability of a billing credit resource.

This policy interprets the applicable provisions of the Regional Act, prescribes criteria for customer and resource eligibility for billing credits, establishes a procedure whereby customers may apply for billing credits, establishes general procedures for BPA's evaluation and approval of billing credit applications, and prescribes how billing credits will be granted and administered.

The alternative cost for billing credit resources will published as a separate notice in the **Federal Register** later this year. BPA will not accept applications for billing credits until that time.

Related Notice: See notice being published in this edition of the **Federal Register** under "Notice of Comment Period on Cost-Effectiveness Requirement in Billing Credits Policy" which announces BPA's solicitation of further comment on the provision in the final Billing Credits Policy concerning the cost-effectiveness of individual billing credit resources.

EFFECTIVE DATE: This policy is effective September 23, 1983.

FOR FURTHER INFORMATION CONTACT: Ms. Donna L. Geiger, Public Involvement Manager, P.O. Box 12999, Portland, Oregon 97212, 503–230–3478.

Oregon callers outside of Portland may use the toll-free number 800–452–8429; callers in California, Idaho, Montana, Nevada, Utah, Wyoming, and Washington may use 800–547–6048.

Ms. Eleanor Y. Adelman, Billing Credits Coordinator, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208, 503–230–3602.

Mr. George E. Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97208, 503–230–4551.

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503–687–6952.

Mr. Ronald H. Wilkerson, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–456–2518.

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509–662–4377, extension 379.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406–329–3860.

Mr. Richard D. Casad, Puget Sound Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206–442–4130.

Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Popular, Walla Walla, Washington 99362, 509–525–5500, extension 701.

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706.

Mr. Frederic D. Rettenmund, Boise District Manager, Owyhee Plaza, Suite 245, 1109 Main St., Boise, Idaho, 208–334–9138.

SUPPLEMENTARY INFORMATION:

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Supplementary Information to the Policy
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  E. Methodology for Determining Alternative Cost—Section 10
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Billing Credits Policy (with separate Table of Contents)
Appendix I
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Appendix III

This notice has three main parts: Supplementary information to the policy; the text of the policy itself; and three appendices to the policy. The supplementary information provides background on the development of the policy, as well as a section by section commentary on the meaning of the policy. Next is the actual text of the policy, followed by three appendices. The fourth appendix, the Record of Decision, is not being published because of its length and is being made available to those who have participated in the policy development process. Copies of the Record of Decision may be obtained by contracting the Public Involvement Office, Bonneville Power Administration, at the address or phone numbers listed above.

The Record of Decision provides a detailed description of the decisionmaking process employed by BPA in regard to each of the major policy issues. For each issue, BPA considered carefully all public comments submitted on the policy as well as information developed by staff. BPA then selected those policy alternatives that were determined to contribute to the most effective billing credits policy. The Record of Decision, accordingly, contains a concise statement of each of 36 issues, the proposed policy on those issues, a description of all alternatives considered and the arguments supporting each alternative, BPA's decision for each issue, and the reasons for that decision, including BPA's response to public comments.

I. Introduction

A. Billing Credits

Section 6(h) of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act) (Pub. L. 96–501, 94 Stat. 2697 *et seq.*) directs the Administrator of the BPA, to grant billing credits to customers upon request for resources that reduce the obligation of the Administrator to acquire resources under the Regional Act. Such resources include: (1) Conservation activities independently undertaken or continued by a customer, or a political subdivision served by such customer, after the effective date of the Regional Act, December 5, 1980; and (2) resources other than conservation constructed, completed, or acquired by a customer, an entity acting on behalf of such

customer, or a political subdivision served by such customer after the effective date of the Regional Act. Retail rate structures which are voluntarily implemented by BPA customers and which induce conservation or installation of consumer-owned renewable resources also qualify for billing credits upon the same showing as required for other conservation activities or the development of renewable resources.

B. BPA Authority and Functions

Congress created BPA in 1937 to act as marketing agent for power to be generated by the Bonneville Dam. By subsequent legislation and executive orders, BPA was authorized to market the power from 29 additional Federal dams in the Pacific Northwest. BPA also markets the output from the 800,000-kilowatt Hanford generating plant owned by the Washington Public Power Supply System, the 30 percent of the 1,080,000-kilowatt Trojan nuclear plant output owned by the Eugene Water & Electric Board, and the City of Idaho Falls' 27,000-kilowatt hydroelectric project. To accomplish its power marketing mission, BPA has designed and built the nation's largest network of long-distance, high-voltage transmission lines. BPA does not own dams or power plants. The Federal hydroelectric projects for which BPA Is the marketing agent are built and operated ty the U.S. Army Corps of Engineers and the Bureau of Reclamation.

C. Regional Act

The Regional Act, enacted December 5, 1980, is intended to help the region achieve an adequate power supply, hold electric rates lower then they would otherwise be, and encourage reliance on conservation and renewable resources in meeting the region's energy needs. The Regional Act directs BPA to serve the net requirements of any regional electric utility requesting such service, and to serve existing direct-service industrial customers (DSI's) at specified contract demands. The Act also authorizes direct service to Federal agencies in the region. As a result, BPA's obligation to serve its customers under the Regional Act is likely to be greater than it was prior to the Regional Act.

BPA is not authorized to own or construct electric generating facilities. However, the Regional Act directs BPA to acquire rights to the output or capability of electric power resources to serve increased customer requirements. Such resources have been defined to include conservation activities that displace the use of electric power; direct-application renewable resource measures, such as solar collectors, that displace the use of electric power; and electric generating facilities. The Regional Act directs BPA to apply the following ordering of priorties in acquiring resources:

(1) Conservation;

(2) Renewable resources;

(3) Generating resource; utilizing waste heat or generating resources of high fuel conversion efficiency; and

(4) All other types of resources, such as conventional fuel-fired generating plants.

BPA is also authorized to acquire resources to assist in meeting the responsibility of Federal Agencies that operate hydroelectric facilities on the Columbia River and its tributaries to protect, mitigate, and enhance fish and wildlife.

The Regional Act establishes the Pacific Northwest Electric Power and Conservation Planning Council (Regional Council), the primary function of which is to establish a regional plan for meeting electric power requirements, and a regional fish and wildlife program. BPA's resource acquisitions are expected to be consistent with the regional plan and with the fish and wildlife program.

The Regional Act directs BPA to grant billing credits to a customer upon request for actions which reduce its power requirements and thereby reduce BPA's obligation to acquire resources. Congress included the billing credit mechanism in the Regional Act to permit local initiative in implementing conservation and developing generating resources as an alternative to BPA's acquisition of resources. Billing credits may be in the form of adjustment to a customer's power bill or equivalent cash payments. The adjustment to the customer's bill is calculated so that, when combined with the cost savings the customer realizes by displacing the purchase of electric power from BPA through the use of a billing credit resource, it provides the customer an amount equal to the cost BPA is able to defer by not having to acquire resources when the billing credit resource is a conservation activity, or an amount equal to the lesser of the BPA alternative cost or the net cost of the billing credit resource when the billing credit resource is a resource other than conservation.

This method of calculating billing credits, commonly referred to as the "rate impact test," is required by the Regional Act. This test requires that, as a result of granting a billing credit for a conservation activity, BPA's firm power rates shall be the same as they would otherwise have been if BPA has been obligated to acquire other resources in lieu of granting the billing credit. The test requires that, as a result of granting a billing credit for a resource other than conservation, BPA's firm power rates shall be no greater then they would otherwise have been if BPA had been obligated to acquire resources in lieu of granting the billing credit.

The first step in the approval process for billing credits is notification to interested persons of completed applications which have been received. After evaluating the application and determining that a resource qualifies for a billing credit, BPA will conditionally approve the billing credit application, negotiate a billing credit contract with the customer, comply with the formal notice provisions of Section 6(c) of the Regional Act in all cases and with the procedural provisions of section 6(c) in the case of billing credits for major resources, and then grant the billing credit. The procedural requirements of section 6(c) permit the Regional Council to review BPA's determination regarding whether granting a billing credit for a major resource is consistent with the Council's plan, or in the absence of a plan, is consistent with the requirements of section 4(e) of the Regional Act.

Eligibility for payment of the credit begins when the resource actually begins to reduce the customer's load on BPA and the Administrator has determined that the billing credit resource will reduce BPA's obligation to acquire resources during a substantial portion of the period in which the billing credit resource is offered to BPA.

BPA may grant a customer retroactive billing credits back to the earliest date that all billing credit qualifying criteria are met, including the customer's purchasing of electric power pursuant to a Regional Act power sales contract and BPA's having deferred a resource acquisition because of the potential billing credit resource having reduced the Administrator's obligation. During the period between the effective dates of the Regional Act power sales contracts and the effective date of this policy, BPA has experienced substantial planning and operating surpluses. It is therefore unlikely that deferral of a BPA resource acquisition can be demonstrated for this period.

D. Billing Credits Policy Development Process

BPA began the process of developing the Billing Credits Policy on March 25, 1981, by publishing a notice of intent to develop policy guidelines and a methodology to compute billing credits

(46 FR 18583), implementing section 6(h) of the Regional Act. BPA mailed this request for comments to approximately 2,000 people in the region, including BPA customers, State and local government representatives, and other interested individuals and groups. About 400 persons responded that they wished to be kept informed of the development of the policy. A BPA task force reviewed the 23 written comments received, evaluated other information, and identified more than 20 key issues which became the structural framework for the development of the initial proposal.

On August 28, 1981, BPA mailed an invitation to those who had submitted comments and other interested persons to attend an informal meeting on september 10. At this meeting, BPA presented a general overview of the issues involved in implementing billing credits and explained the proposed procedure and schedule for developing the policy. Because of the complexity of many of the issues, the participants asked for more time to evaluate and discuss them. BPA agreed to hold a subsequent series of five "rap sessions" between September 22 and October 20 to discuss BPA's policy alternatives for many of the key issues.

On September 15, 1981, BPA mailed a letter to the participants describing the series of five rap sessions and providing a schedule outlining when each issue would be discussed. Approximately 50 individuals participated in each of the rap sessions.

A preliminary draft of the policy was mailed to the rap session participants on January 11, 1982, and an informal meeting was held January 20 and 21, 1982, to discuss the draft. This meeting was useful for identifying and correcting problems with the draft in terms of its completeness, clarity, and consistency.

On March 5, 1982, BPA published a proposed Billing Credits Policy in the **Federal Register** (47 FR 9760). Copies of this notice were sent to all interested persons in the region and written comments were accepted until April 23, 1982.

In response to public interest, BPA held three types of public meetings concerning the proposed policy: a technical meeting for BPA customers and other interested in a detailed explanation of the proposal; six public information forums to explain the proposal and answer questions; and four public comment forums where oral comments were received. The technical meeting was held in Portland, Oregon on March 22, 1982. The information forums took place on March 23 in Portland, Oregon; March 24 in Seattle, Washington; March 25 in Eugene, Oregon; March 30 in Richland, Washington; March 31 in Boise, Idaho; and April 1 in Missoula, Montana. The four comment forums were held: in Boise, Idaho on April 19 and in Portland, Oregon; Seattle, Washington; and Missoula, Montana, on April 20.

A total of 136 comments, including approximately 1,000 separate recommendations, were received by BPA in the form of 80 letters, 49 oral and/or written statements submitted at public comment forums, 6 position papers, and 1 telephone call. As shown by the following tabulation, the comments came from a broad range of entities throughout the region.

Type of entity responding	Total number of comments
Citizen Action Organizations	30
Individuals	26
Local Governments	26
Preference Customers	22
State Governments	11
Energy Development/Management Concerns	6
Investor-Owned Utilities (IOU's)	3
Gas Companies	2
Direct-Service Industries (DSI's)	2
Other Industries	2
Indian Tribes/Fisheries	2
Federal Agencies	2
Regional Council	1
Labor Unions	1
Total	136

Copies of the complete set of comments were sent to those requesting them. In addition, BPA distributed summaries of the comments received to all interested persons. (Further discussion of the public comments received on this draft policy can be found in Appendix IV.)

A BPA staff team reviewed all comments received on the proposed policy, grouping them according to 36 issues. To facilitate analysis of certain issues, a set of models of a simplified hypothetical power system was developed. These models demonstrated the effects that different policy alternatives could have on power rates and the amounts of billing credits.

At BPA's invitation, an Inter-Party Billing Credits Work Group was formed to assist the staff in the evaluation of the models and the conclusions to be drawn from them. The group consisted of representatives of: (1) The three major BPA customer groups, i.e., publicly owned utilities, investor-owned utilities, and direct-service industries; (2) State and local governments; and (3) public interest groups. The Inter-Party Billing Credits Work Group met with the BPA staff three times during May and June 1982.

Following these meetings, the Staff Evaluation of the Official Record, Proposed Billing Credits Policy, was prepared. In addition to the models developed by the staff, the Staff Evaluation contained for each issue: (1) A definition of the issue; (2) a summary of the proposed policy; (3) a summary of the principal recommendations and arguments contained in the public comments; (4) an analysis of alternatives recommended in the comments or identified by BPA staff; and (5) the staff's recommendation to the Administrator.

On August 19, 1982, a draft of the Staff Evaluation was distributed to all those who had submitted comments on the proposed Billing Credits Policy or who had requested to be kept informed of developments on this policy. All interested parties were invited to attend a public meeting on September 1 and 2, 1982, to discuss the draft Staff Evaluation. Thirty-one persons participated in these meetings with BPA staff. In addition, 21 letters and 2 telephone comments were received on the draft Staff Evaluation.

The final Staff Evaluation of the Official Record was submitted to the Administrator on October 1, 1982. The Administrator's decisions on the policy issues are described in the Record of Decision. On the basis of the Administrator's policy decisions, the final billing credits policy was prepared.

Because a significant amount of the policy language had changed since the publication of the proposed policy, editorial comment on the accuracy and clarity of the language in the draft of the final policy was solicited. On June 13, 1983, a copy of the draft final policy was sent to all interested parties. Sixteen written comments were received in response. One-half of these comments was from preference customers. The remainder was submitted by Congressional representatives, the Northwest Power Planning Council, DSI's, State and local governments, and citizen action organizations. The comments addressed a variety of editorial matters and also a number of substantive issues on which comments had been previously submitted and considered. Many of the suggestions for improving the accuracy and clarity of the final language have been incorporated into this final policy.

II. Compliance With National Environmental Policy Act (NEPA)

The National Environmental Policy Act (NEPA) requires Federal agencies to document how environmental quality has been considered in agency decisionmaking. BPA prepared an Environmental Assessment (EA) to

determine the impacts which might occur as a result of implementing the Billing Credits Policy. The EA and preliminary Finding of No Significant Impact (FONSI) were distributed to the public on June 18, 1982, for a public review and comment period, which closed on July 26, 1982. Public and agency review of the EA did not reveal additional impacts. The FONSI was approved by the DOE on August 29, 1983.

III. Major Provisions

A. Policies and Purposes—Section 1

This section of the policy states the objectives which BPA expects to achieve through implementing billing credits. It also describes the purposes of the policy.

BPA's objectives for billing credits are based on its understanding that Congress included the provisions for billing credits in the Regional Act primarily to give BPA's customers, political subdivisions, and other local interests, the option of developing electric power resources for their own use in lieu of purchasing equivalent amounts of power from BPA.

A device like billing credits is necessary because BPA rates for firm power are based on average costs. Because the relatively low costs of old facilities (which primarily Federal hydroelectric projects) are averaged with the higher costs of new facilities, BPA's firm power rates are substantially below the current cost of most new power facilities. Without billing credits, customers would have less incentive to develop their own resources, because the cost of doing so likely would exceed the savings they would realize by reducing their power purchases from BPA.

An alternative to BPA's average cost rates would be require that BPA base rates on marginal cost, i.e., the cost that would result if all power requirements were met with new facilities. This would encourage customers to develop their own resources, because the power purchase costs they could save by replacing purchases from BPA with their own resources would be at an equivalent level. Marginal cost BPA rates, however, would substantially increase power costs to all regional consumers.

Congress chose billing credits as the mechanism for giving customers and other local interests the option of developing resources by removing the disincentive which average cost BPA rates present to such resource development. (This subject is also discussed in Appendix IV, Issue 36, Adequacy of Incentives.)

Billing credits will remove the disincentive of average cost rates by simulating the effects of marginal cost rates. This will be done by calculating a billing credit for a conservation activity so that the amount of the credit (i.e., the adjustment to the customer's power bill from BPA), when combined with the amount of the cost saving the customer realizes by reducing its purchase of power from BPA through its conservation activity, will equal the cost BPA saves through the resulting reduction in its need to acquire additional resources. A billing credit for a resource other than conservation will be calculated in the same way, except that the amount received by the customer, when combined with the amount of the cost savings the customer realizes by reducing its purchase of power from BPA through use of its billing credit resource, will equal the lesser of the cost saved by BPA or the net cost of the billing credit resource. (For further information, see Appendix IV, Issue 4, Billing Credit Formula.)

As a result, for developing a conservation activity which reduces BPA's need to acquire resources, the customer will receive a total compensation (billing credit plus the value of displaced purchases) which will equal BPA's alternative cost, i. e., the cost BPA saves by not having to acquire a new resource. If the cost to the customer of its conservation activity is less than BPA's alternative cost, the customer will gain financially. This finanicial incentive for stimulating development of conservation as the preferred resource is based on the requirement in section 6(h)(3) of the Regional Act that billing credits for conservation be based on BPA's alternative cost.

For resources other than conservation, customers will receive a benefit (billing credit plus the value of displaced purchases) equal to the lesser of BPA's alternative cost or the customer's net cost of its resource. Provided the customer's net cost is less than or equal to the BPA alternative cost, the customer will be fully compensated by the billing credit for its cost (including compensation for risk) of developing the resource. The customer must absorb costs, if any, in excess of the alternative cost.

This method of calculating billing credits will accomplish another important objective, that of protecting the rates of other customers from adverse impact as a result of BPA's granting billing credits in lieu of acquiring resources. This result, which is mandated by the Regional Act, follows from the use of the BPA alternative cost as a ceiling from which billing credit is calculated. Consequently, the impact on BPA's rates of granting billing credits will not exceed that of acquiring resources.

Depending upon individual circumstances, customers may choose options other than seeking a billing credit. They may offer a resource to BPA for acquisition, offer it to another entity for acquisition, sell the output to other entities, use the resource for their own needs without a billing credit, or choose not to develop a resource.

BPA has placed only one condition on the disposition of billing credits granted by BPA. If a customer applies for a billing credit based on a billing credit resource developed by a political subdivision served by such customer, the customer must include in its application evidence that it has negotiated an agreement with the political subdivision on the disposition to be made of the billing credit. (This provision is included in section 12(a) of the policy. The rationale for the requirement is found in Appendix IV, Issue 15, Pass Through of Billing Credit Benefits.)

BPA's other key objectives are to administer billing credits consistent with BPA's conservation and resource acquisition programs, consistent with BPA's fish and wildlife and environmental responsibilities, compatible with the planning and operation of the regional power system, and not inconsistent with the Regional Council's plan and fish and wildlife program. (Also see Appendix IV, Issue 17, Application of sections 4(e)(1) and 4(e)(2) of Regional Act; and Issue 19, Fish and Wildlife Criteria.)

BPA believes that the billing credits policy is not inconsistent with either the Regional Council's plan adopted on April 27, 1983, or the fish and wildlife program adopted on November 15, 1982. In the event that BPA is later persuaded that the Billing Credits Policy impedes the effective implementation of the plan or the program, or any subsequent revsions thereto, BPA reserves the right to modify this policy as may be necessary to permit the plan or program to be effective in the manner and for the purposes set forth in sections 4 and 6 of the Regional Act. (For further background on this subject, see Appendix IV, Issue 31, Amendment of Policy to Fit Regional Plan.)

BPA intends to implement the billing credits program in a manner compatible with orderly resource planning. BPA may establish a "billing credit window,"

whereby billing credit applications would have to be received during a specified period to receive priority for billing credits beginning in a certain year. If BPA develops such queuing criteria, they will be published with the annual publication of the alternative costs.

Additionally, as BPA develops other programs and policies, the billing credits policy will be reviewed, and, if necessary, modified to ensure that relevant billing credit terms and conditions are comparable to those which would apply were BPA to acquire a comparable resource.

B. Definitions—Section 2

This section defines the terms used in the policy that have a special meaning. Many of the definitions are taken directly from the Regional Act. Others are based on the Regional Act but have been expanded to clarify BPA's interpretation. Other definitions are unique to this policy.

As a general rule, BPA intends the terms "shall" to mean "must" and "may" to indicate discretion. BPA intends the term "may not" to mean "lack of discretion" or "without authority."

The defined terms which have particular importance are discussed below in alphabetical order.

1. The term *"acquire"* means to purchase the right to the output or capability of a resource. BPA may not construct or own a generating facility and as a result, can only acquire rights to a generating facility's output or capability. BPA customers are not limited by this constraint.

2. The *"Administrator's obligation to acquire resources"* refers to the Administrator's obligation to acquire resources to meet BPA's contractual obligations to its customers as provided by section 6(a) of the Regional Act. BPA's contractual obligations arise through the signing of power sales contracts pursuant to section 5(b) or section 5(d) of the Regional Act. These contractural obligations may include the providing of reserves for firm electrical power.

With certain limitations, section 5 of the Regional Act obligates the Administrator to meet the portion of a customer's load which the customer requests BPA to meet. Electric utilities may request that BPA meet that portion of their loan which exceeds their resources. DSI's may only request power up to their contract demand as specified in their power sales contract. Upon such request, the Administrator is obligated to acquire sufficient resources to meet that request.

Because the Administrator may acquire conservation and other nongenerating resources to meet BPA customers' needs, the Administrator's obligation to acquire resources is measured not only by the amount of electric power purchased from BPA, but also by the amount of electric power that would have been purchased from BPA had BPA not implemented conservation programs, or otherwise met customers' needs with nongenerating resources. This concept is sometimes called the "imputed load" of a customer—the sum of generating and nongenerating resources used to satisfy a customer's electric power needs.

Under sections 5(b) and 5(d) of the Regional Act, the Administrator's contractual obligation is to meet the firm electric power needs of its customers. The Administrator is not obligated to acquire resources to meet customer requests for nonfirm electric power. Any reduction of the Administrator's obligation to acquire resources is, by definition, a reduction in the firm electric power needs of a customer. Thus, a billing credit resource may reduce the Administrator's obligation to acquire resources only to the degree it produces or saves firm electric power.

3. BPA has used the term *"alternative cost"* to describe the unit cost to BPA that would be recovered in BPA's firm wholesale power rates were BPA obligated to acquire resources in lieu of granting a billing credit. This alternative cost is expressed in the same form as BPA 's rates. The alternative cost includes an adjustment to account for the differences, if any, in impact on BPA firm power rates that occur when BPA acquires conservation or other direct-application resources rather than acquiring generating resources. The alternative cost is also adjusted to account for the differences in impact on BPA 's rates of recovering the costs of conservation through charges rather than through rates. (See discussion of definition of "charges.")

The procedure which BPA will use to calculate the alternative cost is set forth in section 10 of the policy. The principal provisions of section 10 are discussed below under E, Methodology for Determining Alternative Cost. BPA's reasons for adopting this methodology are explained in Appendix IV, Issue 2, Alternative Cost.

4. BPA has defined the term *"billing credit"* to reflect the basic purpose of billing credits as described in section 1, i.e., to provide customers with the option of developing resources for their own use by removing the economic disincentive to doing so imposed by BPA's average cost power rates. When the billing credit resource is conservation, the adjustment to the power bill, when combined with the amount the customer saves by reducing its purchases from BPA as a result of implementing conservation, will provide the customer with total compensation equal to BPA's alternative cost.

When the billing credit resource is a resource other than conservation, the adjustment to the power bill, when combined with the amount the customer saves by reducing its purchases from BPA through using its billing credit resource, will provide the customer total compensation equal to the net cost of the billing credit resource up to the limit of BPA's alternative cost. This result holds true whether the billing credit is subtracted from or added to the customer's power bill, i.e., whether the credit is positive or negative. The billing credit will be subtracted from the customer's bill whenever the alternative cost exceeds BPA's wholesale firm power rate, and will be added to the bill whenever alternative cost is less than that rate.

It should be noted that a customer granted billing credits captures a total benefit equal to the cumulative sum of any positive billing credits plus the cumulative value of the electric power that the billing credit customer avoids purchasing from BPA. A billing credit that is negative has no effect on these benefits, because without the billing credit resource, the billing credit customer would have had to purchase electric power from BPA at a rate that exceeds the alternative cost by the amount of the negative billing credit. If, however, the negative billing credit were foregone, the billing credit customer would capture an additional benefit at the expense of other BPA customers' rates. Thus, as compared to purchasing electric power from BPA, a billing credit customer receives a benefit equal to the cumulative sum of the billing credits in addition to the benefit received by avoiding purchasing electric power from BPA.

The methodology for calculating billing credits is set forth in section 11 of the policy. The principal provisions of that section are explained below under F, Methodology for Calculating Billing Credits. BPA's reasons for adopting this methodology are explained in Appendix IV, Issue 4, Billing Credit Formula; and Issue 3, Negative Billing Credit.

5. The term *"billing credit resource"* means a conservation activity, a resource other than conservation, or a retail rate structure which is eligible for a billing credit. A billing credit resource is of value to BPA only to the extent that

the customer assumes the obligation of the Administrator to serve a portion of the customer's firm load. This concept is discussed further in D below, which explains certain provisions of section 9 of the policy.

6. BPA has defined the term *"charge"* to describe the concept of recovering a portion of the costs of conservation activities, or other direct-application resources which displace power system generation, through means other than including such costs in electric power rates.

BPA is examining the issue of how best to recover the costs of conservation and direct-application resources, i.e., through rates or some form of charges. The degree to which BPA recovers the costs of acquiring conservation or other resources through charges will affect the impact of acquisitions on BPA's rates. Therefore, the alternative cost must reflect that same impact.

BPA's determination on the use of charges will affect the calculation of alternative cost because the acquisition of conservation and of direct-application resources impacts rates differently than the acquisition of generation. Conservation and direct-application resources do not increase the units of electric power available for BPA sale. Thus unit power rates must increase to recover the cost of such resources. If all costs of acquiring such resources were recovered through rates, rates would be higher than if the same load growth were met with the acquisition of generating resources, with the same unit power cost. This is due to the fact that when generation is acquired there are greater unit sales over which costs may be spread.

However, by recovering a portion of conservation costs other than through sales of electric power, the impact on rates of acquiring conservation can be reduced. This effect must be accounted for in applying the rate impact test. For purposes of calculating a billing credit according to the formula in the policy, the portion of conservation costs recovered through charges must be put into a form compatible with other variables in the formula. Thus, the policy provides for the charge to be expressed as the costs recovered through charges divided by the amount of electric power saved by the conservation or direct-application renewable resource. The charge is weighted to reflect varying proportions of such resources among the alternative resources.

This adjustment is specified in section 10 of the policy. The reasons for the adjustment and the significance of collecting costs through charges are further explained in Appendix IV, Issue 1, Rate Impact Test; and Issue 2, Alternative Cost.

7. BPA has used the term *"conditional approval"* to establish the point at which a customer will be notified that its billing credit resource is eligible for a billing credit. Conditional approval does not entitle a customer to receive a billing credit. Several additional steps are necessary. Actual granting (payment) of a billing credit will not occur until: (1) All procedural requirements have been completed; (2) a billing credit contract has been signed which establishes a value for the billing credit; and (3) the billing credit resource has begun to produce the expected energy or capacity (or, in the case of conservation activities, the expected energy or capacity savings).

For purposes of determining when a billing credit decision is a final action under section 9(e) of the Regional Act, BPA believes that the decision process is complete and, therefore, final once BPA publishes a final notice of decision in the **Federal Register** as provided in section 13 of the policy.

8. BPA uses the Regional Act's definition of *"conservation."* In order to qualify as conservation a resource must pass a two-part test. First, the resource must reduce electric power consumption. Second, the reduction in consumption must occur as a result of an increase in the efficiency of energy production, use, or distribution.

BPA believes there are two fundamental ways in which to look at efficiency. One is to look at a resource in terms of its ability to produce usable energy per unit of potential energy consumed. An example of a conservation activity that meets this test would be to replace incandescent light bulbs with fluorescent bulbs. Fluorescent bulbs produce more light per unit of electricity consumed than do incandescent bulbs. The second way to view efficiency is to focus on the task to be done and find ways to perform the task with less energy. An example of a conservation activity that meets this test would be to irrigate an orchard at night to reduce evaporation losses. The reduction in evaporation loss reduces the amount of pumped water needed to irrigate the orchard. Thus, energy is saved because the task, to irrigate the orchard, is being accomplished with less energy. While curtailments and changes in life style may save energy, they do not do so as a result of an increase in the efficiency of energy production, use, or distribution and thus do not constitute conservation as defined by the Regional Act.

It has been suggested to BPA that reductions of electric energy consumption achieved through switches from electric power to fossil fuels could qualify for a billing credit as a conservation activity. BPA believes that this interpretation of conservation may conflict with the Regional Act definition of a renewable resource, which provides that a switch from electric power to a renewable fuel is a direct-application renewable resource and not a conservation activity.

As explained in Appendix IV, Issue 26, Shifts Among Alternative Energy Forms, BPA has decided at this time to: (1) Use the Regional Act without further clarification; and (2) adopt no specific provisions either supporting or precluding billing credits for reductions in customers' net electric power requirements achieved through shifts to alternative fuels.

9. The term *"conservation activity"* has been defined to include only actions which directly result in energy conservation. A result of this definition is that the mere enactment of legislation at either the State or local level by itself will not qualify as a conservation activity. To qualify as a conservation activity, measures which produce energy savings must actually be installed. For example, meansures resulting from State or local efficiency standards can, however, qualify for billing credits, upon an adequate showing of resulting savings, if they (1) apply to end uses of electricity that are not subject to surchargeable standards under the Council's plan (e.g., residential appliances); or (2) apply to end uses subject to surchargeable standards but have earlier effective dates than those provided in the plan (e.g., a residential building code effective on January 1, 1985); or (3) are more stringent than the applicable surchargeable standard for the end use in question (e.g., a commercial lighting standard that exceeds the Council's minimum specifications).

10. The Regional Act established *"cost-effectiveness"* as a criterion for BPA resource acquisitions. However, because section 6(h) of the Regional Act establishes the rate impact test as the mechanism which controls the amounts of the billing credit, BPA has decided not to require that billing credit resources be cost-effective.

There are at least three major differences between cost-effectiveness and the rate impact test. First, cost-effectiveness is cost based, while the rate impact test is based on the impact on BPA rates. Second, cost-effectiveness requires that the Administrator acquire

resources at "an estimated incremental system cost no greater than that of the least-cost similarly reliable and available alternative measure or resource;" while the rate impact test allows BPA to grant billing credits for a range of acceptable resources so long as the impact on BPA's rates is no greater than that of an acquisition. Finally, cost-effectiveness includes a broad set of regional and life cycle costs associated with a resource, including distribution, transmission, waste disposal, quantifiable environmental costs and benefits, etc. The rate impact test is based on BPA rates which do not necessarily reflect either regional or full life cycle costs. Therefore, BPA believes that the rate impact test has the effect of replacing cost-effectiveness by limiting the amount of a billing credit such that the decision to grant billing credits may no adversely affect BPA's rates.

By not requiring that billing credit resources be cost-effective, BPA provides an opportunity for resource sponsors to develop more expensive resources and receive compensation from BPA to the extent that the region benefits from the resource. For example, local authorities might wish to develop a resource that is more costly than the BPA alternative cost, because the resource confers some other local benfits in addition to power generation. If the resource met the other eligibility requirements, BPA could grant a billing credit for the resource, based on a level up to the BPA alternative cost. Other ratepayers are not harmed by the decision to grant the billing credit, because BPA's payment is limited by the alternative cost and the locality pays the remaining costs. BPA believes that this ability to accommodate local initiative is an important benefit in the billing credit program. It represents another opportunity for customers to develop resources independently of BPA and regional programs and priorities. The rationale for this decision is set forth in Appendix IV, Issue 17, Application of sections 4(e)(1) and 4(e)(2) of the Regional Act.

11. The Regional Act defines the term *"customer"* as anyone who contracts for the purchase of power from the Administrator pursuant to the Regional Act. The significance of this definition is that the Regional Act stipulates that only "customers" can be granted billing credits. Coupled with the requirement that a billing credit resource reduce the customer's net requirement for electric power from BPA, this definition means that only customers that are requesting power from BPA under power sales contracts pursuant to sections 5(b) and 5(d) of the Regional Act may qualify for billing credits. This policy is spelled out in section 3 of this policy, and further described under section C below. The rationale for this position is set forth in Appendix IV, Issue 11, Power Sales Contract Required for Eligibility.

12. BPA has defined the term *"entity acting on behalf of a customer"* as any entity which develops a billing credit resource for a customer pursuant to a contract between the entity and the customer. There must be a contractual relationship between the entity and the customer for the entity to be "acting on behalf of" the customer. Any entity, including an individual entrepreneur, an energy management company, a construction contractor, etc., may be an "entity acting on behalf of a customer" and may develop a resource for which the customer may be eligible for a billing credit as provided in sections 5, 6, and 7 of the policy. In the Regional Act, this provision applies specifically to resources other than conservation. However, BPA believes Congress did not intend to restrict customers from acting through other entities in the development of conservation activities, even though entities are not expressly mentioned in section 6(h)(1)(A) of the Regional Act with respect to conservation activities, nor are they mentioned in section 4 of the policy. Hence, with regard to eligibility of conservation activities developed by entities other than customers, BPA will also treat them as the customer's resource provided the entity was acting for the customer pursuant to a contract. Further explanation of this issue is contained in Appendix IV, Issue 21, Entity Acting of Behalf of Customers.

13. The Regional Act authorizes BPA to grant billing credits for *"independently undertaken"* conservation activities. Therefore, one of the principal qualifying factors for conservation billing credits, which is set forth in section 4 of the policy, is that the conservation activity must be "independently undertaken."

BPA has defined this term to mean independent of BPA and independent of activities which, if not adopted, may be subject to a rate surcharge as per section 4(f) of the Regional Act. Only activities over and above BPA conservation activities and activities subject to surcharge will therefore be considered to be "independently undertaken."

A conservation program initiated by a customer or a political subdivision prior to adoption of that program by BPA will qualify for a billing credit until a substantially similar program is adopted by BPA. At that time, no further billing credits will be granted for additional conservation measures installed under such program, but all billing credits granted for previously installed measures will continue over the remainder of the terms of the applicable billing credit contracts.

This policy means that even if a conservation activity is not carried out completely independent of BPA, or even if it is substantially similar (i.e., differs only in one significant respect) from a BPA conservation activity, if it results in savings beyond those resulting from the BPA program, the sponsor could be eligible for billing credits for the greater savings.

BPA does not construe "independently undertaken" as including programs which differ from BPA programs only in that their savings are achieved at lesser per unit cost due to administrative efficiencies or other logistic differences. It also excludes customer contributions required for participation in BPA programs. Where BPA has determined that its funding levels (including any required matching funds or cost sharing plans) are sufficient incentive for consumer response, the customer may not receive a billing credit for its contribution.

A legal mandate to implement a conservation program will not, by itself, disqualify an applicant from receiving a billing credit, provided the mandated program is undertaken independently of BPA as described above and of a surcharge. In addition, BPA financing of a research and development project that contributes to a conservation technology becoming commercially viable will not disqualify such a conservation technology from being eligible for a billing credit. Thus, implementation of a particular conservation activity that uses such technology may be eligible for a billing credit if the activity itself is independent of any form of BPA assistance.

BPA does not intend to grant a billing credit for a conservation activity that is implemented in order to avoid a rate surcharge for failure to adopt model conservation standards pursuant to section 4(f) of the Regional Act. Section 4(f) permits the Council to request BPA to impose a rate surcharge of between 10 and 50 percent of their current rate on a customer who did not achieve conservation savings comparable to those which would have been achieved had that customer adopted the conservation standards recommended by the Council in the plan. The reason for this view is that BPA believes that the motivation of a customer to avoid

the rate surcharge is sufficient incentive to stimulate customers to implement such conservation. To pay a customer a billing credit in addition is unnecessary. This is particularly true since BPA is likely to be funding or otherwise assisting customers in achieving the conservation savings subject to the surcharge. This position will foster consistency with the standards developed by the Council which has taken into account financial assistance made available by BPA to consumers to achieve the recommended savings.

Conservation activities rejected by BPA due to adverse environmental effects will not be eligible for billing credits unless the customer can demonstrate that such effects have been acceptably mitigated, or are not associated with the sponsor's activities. This is to maintain consistency among BPA's programs.

The rationale for the BPA definition of "independently undertaken" is set forth in Appendix IV, Issue 22, Independently Undertaken.

14. The definition of a *"major resource,"* which is taken from the Regional Act, applies to any resource that (1) has a planned capability greater than 50 average megawatts, and (2) if acquired by BPA, is acquired for a period of more than 5 years. BPA's interpretation is that the 50-average megawatt limitation is measured in terms of firm capability. Major resources are subject to the more extensive notice and public review requirements established by section 6(c) of the Regional Act.

15. BPA has defined the elements to be included in *"net costs"* of resources other than conservation.

The cost elements cover not only construction and operation costs, but also reasonable financing costs and compensation for risk. If BPA were to acquire a resource directly, it may assume the risk that the project might not operate as planned. If therefore appears appropriate to compensate customers for risks entailed in developing a billing credit resource. BPA assumes that resource developers will receive sufficient compensation through the risk premium included in net costs to induce them to undertake the project and that further incentives are not necessary.

Net costs may not include any portion of costs which have been financed by funds obtained from government grants or similar gifts. BPA does not believe that costs covered by grant monies are costs actually incurred by a customer in developing a billing credit resource.

BPA has revised the definition of "net costs" in the final policy as compared with the proposed policy to include resource acquisition costs incurred by a customer as mandated by Federal law. However, acquisition costs incurred as a result of State or local law which establishes minimum prices for utility acquisition of resources will not be accepted, unless the costs are no greater than would have resulted from an arm's-length negotiation between the resoruce owner and the customer. BPA believes that federally imposed price levels affect all ratepayers in the region, whereas State-imposed price levels might allow an individual State to capture the rate benefit for developing a resource costing less than BPA's alternative cost for the benefit of the State's ratepayers rather than for the benefit of the region's ratepayers. Where BPA can review a transaction between a resource developer and the customer, and determine that the contract price is comparable to that which would have been developed in good faith, arm's-length negotiation; such costs may be considered to be reasonably incurred.

To the extent that sales of energy (such as secondary energy or energy produced during displacement and sold outside the customer's normal service area) can be attributed to a billing credit resource, they will be deducted from resource costs in determining net costs.

Additional explanation of BPA's interpretation of net costs is set forth in Appendix IV, Issue 8, Net Costs of Resources.

16. For the purpose of determining eligibility for billing credits, *"political subdivision served by a customer"* is defined to include States, State agencies, cities, towns, counties, multi- and special-purpose districts (i.e., water, sewer, school, etc.) and Indian tribes.

BPA has included States and State agencies in the definition of "political subdivision" in recognition of their opportunity to develop resources which may qualify a customer for a billing credit pursuant to sections 4, 5, 6, and 7 of the policy. It is BPA's interpretation of the Regional Act, however, that legislation, in and of itself, does not qualify for billing credits. Activities which produce or save electric power must actually be implemented. The rationale for this position is set forth in Appendix IV, Issue 27, Political Subdivision.

17. The term *"resource priority scheme"* is based on section 4(e)(1) of the Regional Act, which requires that priority be given to resources that the Regional Council determines to be cost-effective in the following order: first, to conservation; second, to renewable resources; third, to generating resources utilizing waste heat or generating resources of high fuel conversion efficiency; and fourth, to all other resources. Because BPA is not requiring billing credit resources to be cost-effective, it has established a specific application of the resource priority scheme for the billing credit policy. The billing credit resource priority scheme retains the Congressional intent that a conservation activity always receive first priority for a billing credit, and then uses the relative rate impact of other resources to determine the appropriate order for granting other billing credits.

The billing credit resource priority scheme is guided by the following principles:

(a) A billing credit for a conservation activity may never be displaced by a billing credit for a lower priority resource. If BPA considered only costs or rate impact in its selection, BPA would grant the billing credit for the lower priority resource whenever the net costs of the resource other than conservation were less than alternative cost. This decision would inappropriately reverse the priority given to conservation, regardless of the activity's net costs, as indicated by section 6(h)(1)(A) and section 6(b)(5) of the Regional Act.

(b) Among competing resources other than conservation, billing credits will be granted in the order of the resource's net costs, all other factors being equal. This decision will facilitate lower regional power rates.

(c) Among resources other than conservation that would have equivalent rate impacts, BPA will grant billing credits in the order in which the resources rank on the resource priority scheme.

Sections 5, 6, and 7 of the policy prescribe how the priority scheme will be applied to competing billing credit applications. The rationale for this application is explained in Appendix IV, Issue 17, Application of Sections 4(e)(1) and 4(e)(2) of Regional Act.

18. BPA has established a special billing credit category of *"small resources"* for any resource other than conservation with a planned capability of 5 average megawatts or less, and a planned peak capability of 15 megawatts or less. Section 9(i) of the policy allows the Administrator to exempt small resources from certain requirements of the policy to ease the development of small resources. This is explained under section D below, as well as in Appendix IV, Issue 16, Small Resources.

19. The definition of *"voluntarily implemented"* retail rate structure reflects BPA's recognition that all

utilities are subject to some form of rate approval authority and cannot act independently of such authority. Consequently, a retail rate structure will be considered to be voluntarily implemented, and hence, potentially eligible for a billing credit as provided in section 8 of the policy, upon approval by the duly constituted rate approval authority with jurisdiction over the rates of that utility (i.e., a public utility commission (PUC), a city council, a public utility district board, etc.) upon a showing by the utility that (1) it had initiated an action which led to the rates being approved; and (2) the rate structure goes beyond merely reflecting the cost effects of BPA's wholesale rate structure. The latter criteria is intended to preclude eligibility for merely adopting a rate structure similar to BPA's were BPA to adopt a rate structure designed to induce conservation.

Implementation of rates pursuant to a legal mandate from any governmental authority other than that of the duly constituted rate approval authority will be considered not to have been voluntarily implemented. For example, a PUC order issued pursuant to the mandates of a Federal or State law would not be considered voluntarily implemented.

To qualify for a billing credit, the customer must demonstrate that the rates voluntarily implemented have induced conservation or the installation of consumer-owned renewable resources which reduce BPA's obligation to acquire resources.

For further explanation, refer to Appendix IV, Issue 23, Voluntarily Implemented.

C. Eligibility and Qualifying Resources—Sections 3 through 8

These sections of the policy define who and what is eligible for billing credits. The principal provisions are based on BPA's interpretation of section 6(h) of the Regional Act which authorizes BPA to grant billing credits for the following:

1. Conservation activities independently undertaken or continued after December 5, 1980 (the effective date of the Regional Act), by customers or political subdivisions served by customers, which reduce BPA's obligation to acquire resources;

2. Resources other than conservation, constructed, completed or acquired after December 5, 1980, by a customer, an entity acting on behalf of such customer, or a political subdivision served by such customer, which reduce BPA's obligation to acquire resources; or

3. Retail rate structures voluntarily implemented by customers after December 5, 1980, which induce conservation or installation of consumer-owned renewable resources which reduce BPA's obligation to acquire resources.

A firm power sales contract between BPA and a customer, coupled with a request to meet that customer's load in excess of its own resources, establishes the underlying obligation for BPA to acquire resources to meet a customer's firm loads. Bcause a billing credit is a substitute for the acquisition of resources by BPA, BPA is not authorized to grant a billing credit without the underlying obligation established by a power sales contract under the Regional Act. BPA does not believe that pre-Regional Act power sales contracts or residential exchange contracts executed under section 5(c) of the Regional Act create an obligation to acquire resources to meet a customer's firm load.

Under this criterion, a customer with only a residential exchange contract would not qualify for billing credits. Because equal amounts of power are exchanged, there can be no change in BPA's net obligation to acquire other resources as a result of the exchange. Pre-Regional Act contracts provide for energy allocations, rather than purchases of additional resources by BPA, as the remedy for a BPA insufficiency of resources. Furthermore, such contracts do not provide for the purchase of power pursuant to the Regional Act and are not linked to participation in the other Regional Act objectives.

This position is further explained in Appendix IV, Issue 11, Power Sales Contract Required for Eligibility.

BPA will only accept an application from a customer, although the billing credit resource may be owned or controlled by another entity.

Billing credits will be granted (as provided by section 6(h)(1)(B) of the Regional Act) for "resources constructed, completed, or acquired after the effective date of this Act" or for conservation activities or retail rate structures effectuated after the date of the Act. The date on which a customer initiated a conservation program is immaterial to the eligibility of a conservation activity for a billing credit. The critical date is that on which the activity producing the actual energy savings (i.e., a water heater wrap, ceiling insulation, solar hot water heater, etc.) was effective. BPA had no obligation to acquire resources, implement conservation, grant billing credits, etc., prior to enactment of the Regional Act. Conservation measures which a customer made effective prior to the date of enactment of the Regional Act were presumably actions taken by that customer to serve its own existing obligations. Consequently, if a conservation measure was made effective on or before December 5, 1980, it is not eligible for a billing credit. If it was made effective after December 5, 1980, it may qualify.

Conservation programs initiated before the enactment of the Regional Act and continued after that date will be entitled to billing credits to the extent that new conservation activities are implemented under the program after December 5, 1980. BPA has interpreted the phrase, "conservation activities continued" after December 5, 1980, to refer to new activities carried out under pre-existing programs. Only activities effectuated after December 5, 1980, are eligible for billing credits because BPA had no obligation to acquire resources pursuant to the Regional Act before that date.

For generating resources, the "effective date" depends on when the resource is completed and begins producing power. Typically, there is a lengthy testing period following the construction of a generating resource. The resource might therefore be "constructed," but would not be "completed" until all testing was finished and the plant was certified for commercial operation. If this occurred on December 6, 1980, it would be considered "effective" after December 5, 1980, and could be eligible for billing credits. For further explanation, see Appendix IV, Issue 13, When Entitlement Starts.

BPA may grant a customer retroactive billing credits back to the earliest date that all billing credit qualifying criteria are met, including a customer's purchasing electric power pursuant to a Regional Act power sales contract and BPA's having deferred a resource acquisition because the potential billing credit resource had reduced the Administrator's obligation. During the period between the effective dates of the Regional Act power sales contracts and the effective date of this policy, BPA has experienced substantial planning and operating surpluses. It is therefore unlikely that deferral of a BPA resource acquisition can be demonstrated for this period.

BPA has included a provision for retroactivity in anticipation of some future case where customers might apply for retroactive billing credit. For example, a customer applying for a billing credit based on an existing resource might receive billing credits

back to the point when the resource could have qualified, had the application been completed earlier. (Also see Appendix IV, Issue 12, Retroactivity.)

Because the granting of billing credits is controlled by the rate impact test (see Appendix IV, Issue 1, Rate Impact Test) BPA does not require that billing credit resources be shown to be cost-effective. Competing billing credit applications, however, are subject to the requirements of the resource priority scheme, and they must be determined to be not inconsistent with the regional plan and the fish and wildlife program promulgated by the Regional Council. (These requirements are explained further in the preamble discussion of the definition of "resource priority scheme," and in Appendix IV, Issue 17, Application of sections 4(e)(1) and 4(e)(2) of the Regional Act.)

In addition, paragraph (b)(2), of sections 5, 6, and 7 of the policy, provides that the Administrator gives due consideration to environmental quality, system compatibility, and the protection, mitigation, and enhancement of fish and wildlife, in addition to determining whether a billing credit resource other than conservation is inconsistent with the regional plan or with the fish and wildlife program. BPA included this provision to make clear that environmental factors will be taken into account in deciding whether to approve a billing credit application, even in cases where the resource is not inconsistent with the fish and wildlife program or the regional plan. Where the Council has adequately addressed in the regional plan or fish and wildlife program the environmental effects, including the impacts on fish and wildlife, of a specific resource for which a billing credit is sought, BPA may rely on that analysis in meeting BPA's environmental obligations. For resources not specifically analyzed by the Council in the regional plan or fish and wildlife program, BPA will give due consideration to environmental quality, system compatibility, and the protection, mitigation, and enhancement of fish and wildlife. These factors will be taken into account regardless of the geographic location of the billing credit resource.

In addition, BPA will take into account quantifiable environmental cost and benefits directly attributable to a billing credit resource. The authority for this decision stems from two sources: (1) The Regional Act; and (2) the National Environmental Policy Act (NEPA). BPA believes Congress intended that BPA take environmental quality and fish and wildlife factors into account when making decisions on billing credit applications. Similarly, BPA believes Congress intended that BPA take into account the degree to which a resource, other than conservation, offered for a billing credit is compatible with the planning and operation of the regional power system. Even though BPA does not believe that a billing credit resource need be shown to be cost-effective, BPA believes that quantifiable environmental costs and benefits directly attributable to a billing credit resource ought to be taken into account in determining whether to grant a billing credit. In effect, BPA will apply the same environmental and engineering standards and analyses to a resource, other than conservation, offered for a billing credit as BPA would were that resource offered to BPA for acquisition. By using the term "give due consideration to" BPA intends to "informedly weigh" these factors against one another. Thus, BPA may deny a billing credit for a resource, other than conservation, for environmental (including fish and wildlife), reasons even when that resource is not inconsistent with the fish and wildlife program or the regional plan. Conversely, BPA may deny a billing credit for a resource, other than conservation, where the resource is incompatible with the planning and operation of the regional power system.

These principles do not apply to conservation activities because these factors are not included in section 6(h)(1)(A) of the Regional Act. Apparently Congress believed that granting a billing credit for conservaiton would never be inconsistent with the regional plan, the fish and wildlife program, or th e considerations of section 4(e)(2) of the Regional Act. However, BPA will not grant a billing credit for a conservation activity that BPA has excluded from its own programs for environmental reasons, unless the customer can demonstrate that such environmental factors have been acceptably mitigated or are not applicable to the proposed billing credit resource.

D. General Conditions Governing Granting and Administering Billing Credits—Section 9

This section prescribes several specific conditions which must be met in granting and administering billing credits. The principal provisions are:

1. *Inclusion in BPA budget*

Although BPA may conditionally approve a billing credit at any time that it receives a complete application, actual payment of the credit may not occur until the costs of the billing credit (including retroactive payments, if any) have been included in BPA's annual or amended budget submission to Congress. BPA plans to include the costs of approved billing credits in the budget for the first fiscal year in which the credit is to be paid, but normally no sooner than the next regular budget submission. Ordinarily, BPA must wait a reasonable time after the budget is submitted before commencing payment to assure that Congress does not intend to take exception to the budget. (Also see Appendix IV, Issue 33, Budget Procedures.)

2. *Actual Reduction in Net Requirements and Reduced Obligation to Acquire Resources*

BPA may not actually grant (commence payment of) a billing credit until:

(a) The billing credit resource has actually reduced the customer's net requirement for firm electric power or reserves purchased from BPA, i.e., the billing credit resource is actually saving or producing electric power for the customer, and the customer is putting a load on BPA;

(b) BPA has determined that the billing credit resource will reduce BPA's obligation to acquire resources during a substantial portion of the time that the billing credit resource will be available to BPA; and

(c) In the case of a DSI customer, the customer reduces its contract demand for an agreed upon amount and time as specified in the billing credit contract.

BPA recognizes that a customer may reduce its net requirements for supply of electric power or reserves from BPA without reducing BPA's obligation to acquire resources under the Regional Act. BPA does not believe it has the authority to grant billing credits unless both conditions are met. Granting a billing credit confers a benefit on BPA's other customers by reducing BPA's obligation to acquire resources and relieving BPA of the costs of such acquisition. Unless the reduction in a customer's net requirement for supply of electric power or reserves actually reduces BPA's obligation to acquire resources, no benefits are conferred on BPA's other customers. This means, among other things, that a customer, which has signed a Regional Act power sales contract, must request BPA to meet its load in excess of its own resources to be eligible for a billing credit.

BPA will make available to customers information on resources forecasted to be acquired. Such information will

include a forecast of BPA's loads and resources. The amount of capacity or energy on which the customer's billing credit would be based would be adjusted to reflect the loads by months and hours for the year BPA needs to acquire resources.

An additional aspect which must be specifically addressed involves the difference between firm power and industrial firm power. Because BPA relies on its right to interrupt a portion of a DSI's service for reserves, a reduction in the contract demand of a DSI power sales contract does not produce an equal reduction of BPA's obligation to acquire resources. For example, BPA is not obligated to acquire resources to serve the top quartile of the DSI load. Hence, the amount of power upon which a DSI billing credit would be based would be approximately 75 percent of what it would be were the top quartile an obligation for which BPA would be obligated to acquire resources. As a result, in valuing any DSI billing credit resource, BPA must take into account: (1) The nonfirm nature of portions or interruptable nature of portions of the DSI load; (2) the extent to which BPA's available reserves are reduced; and (3) the extent to which BPA must acquire reserves from other sources.

Since BPA's obligation to supply electric power or reserves to a customer is established by its power sales contract, the power sales contract will be used as the basis for determining the actual change of the customer's net requirements.

In order to confer a benefit on BPA's ratepayers, a DSI must reduce its contract demand upon receiving a billing credit, thereby reducing the amount of industrial firm power which BPA is contractually obligated to provide.

For further explanation of these conditions, refer to Appendix IV, Issue 14, Contract Demand Reduction.

3. *Customer's Commitment to Billing Credit Resource Performance*

Because a billing credit resource must reduce BPA's obligation to acquire resources to qualify for a billing credit, BPA will actually defer the acquisition of some alternative resource. BPA will thus be relying on the performance of the customer's billing credit resource to meet BPA's obligations. The customer must therefore sign a billing credit contract that obligates the customer to reduce its net requirements for firm electric power or reserves from BPA by the amounts and for the periods stipulated in the contract. In the event that the customer's billing credit resource fails to perform to contract specifications, the contract will obligate the customer to supply replacement power. While the requirement for reserves will apply to both conservation resources and to resources other than conservation, the Administrator may waive this requirement in the case of small resources.

4. *Compliance with NEPA and Other Environmental Laws*

BPA may not approve a billing credit it has complied with NEPA and other applicable environmental laws. (Also see Appendix IV, Issue 17, Application of sections 4(e)(1) and 4(e)(2) of Regional Act, and Issue 19, Fish and Wildlife Criteria).

5. *Duration of a Billing Credit*

BPA believes that the purpose of the acquisition authority granted BPA under the Regional Act is to acquire resources on a long-term basis to meet its contractual obligations. Congress expected resource costs to increase over time and provided BPA with long-term acquisition authority to provide a sound planning basis for the region's utilities and to provide service to the region's ratepayers at the lowest possible cost. Therefore, BPA believes that ideally it should only grant a billing credit where the customer intends to reduce BPA's obligation to acquire resources on a long-term basis.

However, many customers and potential resource sponsors have requested that they be permitted to offer billing credit resources for shorter or longer periods of time than that of the life of the resource that BPA is deferring due to the availability of the billing credit resource. In order to accommodate these requests, and at the same time capture the benefits of resource acquisition, BPA will permit resources to be offered for as little as 5 years provided that the alternative cost is reduced to account for the lower value of shorter term resources. BPA will calculate such adjustment using either the formulas set forth in Appendix I or other appropriate formulas or methodologies that BPA may develop to account for differences in the service of life of the billing credit resource as compared to the service life of those resources which form the basis for the alternative cost. (See section 10(b) of the policy.)

The payment level is reduced to account for several factors. First, resources which BPA uses to meet its obligations must be replaced at the end of their useful life. During the useful life of a resource, capital and other fixed costs incurred in the construction or implementation of a resource remain constant for that period of time. To the extent that resource costs are increasing, a resource will be relatively inexpensive at the end of its useful life compared to the cost of a resource to replace it. BPA expects resource costs to increase for the foreseeable future. As a result, long-term resources have a greater value. BPA intends to reflect this principle in calculating the alternative cost for short-term resources. Second, the availability of resources may be reduced due to development of sites by others, or changed regulatory requirements. Third, BPA will incur additional administrative costs for each acquisition required to replace the short-term billing credit resource. Fourth, BPA may have to forego the collection of future negative billing credits. And fifth, if the billing credit contract were terminated by the customer before its normal expiration date, high-spot market purchase costs may be incurred by BPA during the period of time it takes to replace the withdrawn billing credit resource. Other factors may also be found to exist.

Two factors have been identified which would reduce the cost of future resource acquisitions. Improved technology or productivity could reduce costs, or at least off-set inflation to some degree. It is also possible that inflation could be replaced by significant deflation, thus making a short-term, billing credit resource advantageous.

The rationale for this provision is set forth in Appendix IV, Issue 5, Time Adjustment of Alternative Cost; and Issue 6, Offering Period.

6. *Termination of a Billing Credit Contract or Withdrawal of All or a Portion of a Billing Credit Resource*

Customers may terminate a billing credit contract or withdraw any portion of a billing credit resource. Prior to termination or withdrawal, customers must provide BPA with the same notice as required for the removal of a resource from the firm resource exhibit to a Regional Act utility power sales contract. These notice provisions are summarized in Appendix III.

BPA will require the customer to pay a termination charge to compensate BPA's other customers for not receiving the entire benefit of the billing credit resource that was expected. The termination charge will attempt to replicate the rate impact on BPA's other customers that would have resulted from granting the billing credit for the period up to termination. Compliance with the rate impact test requires that there be a termination charge.

BPA intends to make the termination provisions of a billing credit contract consistent with those that would apply were BPA to have acquired the resource. If BPA were ever to have a policy allowing a resource sponsor to terminate a resource acquisition contract without penalty, then billing credit contracts may be allowed certain similar terms.

The rationale for the termination charge is described in Appendix IV, Issue 5, Time Adjustment of Alternative Cost, and Issue 7, Termination Charges.

7. *The Administrator's Right to Reschedule Billing Credit Resources*

Provided that a billing credit contract is in effect prior to the completion of a billing credit resource, BPA may reschedule the completion of the billing credit resource if such action would benefit BPA's customers. For example, due to changing conditions, rescheduling may provide BPA with a better balance of loads and resources. BPA will adjust the billing credit or otherwise appropriately compensate the customer for any increased costs attributable to rescheduling as such costs occur.

8. *The Administrator's Right to Displace a Billing Credit Resource*

BPA may displace a billing credit resource which has displaceable costs whenever BPA has sufficient power to serve the load being served by the displaced resource and it is economical to use such surplus power for displacement.

BPA will displace only those billing credit resources that have displaceable costs. BPA will determine, based on information to be provided by the customer, what costs are displaceable. BPA will provide reasonable notice to customers of its intent to displace a billing credit resource and the expected duration of the displacement.

BPA will allow resources associated with commercial or industrial activities, such as cogenerators and municipal garbage burners, to be operated during displacement. For all other resources, BPA will retain the right to shut down the resource it it is displaced, unless otherwise stipulated by contract. BPA does not recognize multipurpose hydro projects as being associated with commercial and industrial activities, and will retain the right to shut down such resources.

If a displaced billing credit resource associated with a commercial or industrial activity is operated, the customer may not use the output to reduce the amount of power it would purchase from BPA, and may not be compensated by BPA via the billing credit for any costs incurred as a result of operating the resource as compared to not operating the resource.

BPA recognizes that multipurpose projects and cogeneration may pose problems with respect to displacement if the customer does not have the ability or the right to displace the operation of such resources. In constructing or acquiring such resources, customers are urged to provide such ability or to acquire such rights in order to assure that costs to be borne by BPA ratepayers will be minimized. BPA will examine the extent to which such efforts have been made in determining what costs are displaceable. This cost information is required as part of a billing credit application as provided in section 12 of the policy.

9. *The Administrator's Right to Request Refinancing of and Improvement of Billing Credit Resources*

When the amount of a billing credit is based on the net cost of a billing credit resource, and such net cost is less than alternative cost or could become less than alternative cost, BPA may request the customer receiving the billing credit to refinance the billing credit resource, to install improvements to reduce the net cost of the billing credit resource, or to increase the efficiency of the resource where feasible. The customer will be expected to make a reasonable effort to implement such actions and, if requested, BPA will endeavor to assist the customer in such effort. If a customer fails to make a reasonable effort to comply with BPA's request, and BPA determines that the customer could have reduced the net cost of the resource or increased its efficiency by making a reasonable effort, BPA may reduce the billing credit by the amount of the ratepayers' benefit foregone due to the inaction of the customer. Such a reduction will place the ratepayers in the same position in which they otherwise would be had the customer not failed to act. Any request by BPA for improvements to, or refinancing of, a billing credit resource will be made in accordance with prudent utility practice. The customer shall not be required to refinance a billing credit resource or finance improvements if it can be demonstrated that to do so would have a significant detrimental financial effect upon the customer and its ratepayers.

10. *Special Arrangements for Small Resources*

A small resource is defined as any resource other than conservation having a planned capability of 5 average megawatts or less and a planned peak capability of 15 megawatts or less. (See definition in section 2 of policy.) BPA may exempt small resources offered for billing credits from the requirement of section 9(c) of the policy that the billing credit contract obligate the customer to, in effect, guarantee the performance of the resource. By publishing a finding in the **Federal Register**, BPA also may deem the net costs of small resources to be equal to BPA's alternative cost, thereby basing any billing credits granted on the alternative cost rather than the net cost of the resource.

The objective of these special provisions, which are discretionary on BPA's part, is to facilitate the development of small resources by reducing the administrative costs of dealing with such resources. The rationale for these provisions is explained in Appendix IV, Issue 16, Small Resources.

E. *Methodology for Determining Alternative Cost—Section 10*

This section of the policy establishes the methodology by which BPA will initially determine and subsequently adjust alternative cost. The concept of using an "alternative cost" as the basis for calculating the amount of a billing credit is based on the rate impact test described above.

BPA intends to determine alternative cost based upon the cost to BPA of those resources that it might otherwise have acquired, but which could be deferred as the result of a billing credit resource becoming available. These deferred resources may be either specifically identified resources or generic resource types. (This subject is treated at length in Appendix IV, Issue 2, Alternative Cost.)

BPA will annually publish the alternative cost in the **Federal Register**. Forecasts of alternative cost will be published for as many years as it is feasible to compile the necessary data. The alternative cost publication will include a forecast of deferrable resources or resource types and their estimated real levelized cost and estimated nominal cost streams. BPA will first make a preliminary determination of alternative cost and will solicit public comments. Following a review period, BPA will publish a final alternative cost.

The **Federal Register** notice will include an estimate of the real, levelized cost of each year's deferrable resource acquisitions. A nominal cost stream which represents a reasonable approximation of the cost of acquiring the deferrable resources that would have been recovered in BPA's firm power rates will also be published. This

nominal cost stream is referred to as the Administrator's alternative cost.

For example, BPA may identify a resource that could be acquired and come into service in 1995 with its costs beginning to appear in that year's firm power rates. If that resource could reasonably be deferred as a result of a billing credit resource becoming available, the cost of the deferrable resource would be the basis for determining the alternative cost for 1995. The same process will be followed for each year in the planning period. The alternative cost for each year may be based on a single resource if only a single deferrable resource is identified for that year, or on a weighted average of a group of resources if a group of resources is identified as being deferrable.

An adjustment to the alternative cost must be made whenever conservation or direct-application resources are among the resources on which the alternative cost is based. This is because acquiring conservation and direct-application resources may produce a different rate impact than generating resources acquired by BPA by reducing the quantity of power units sold and thus necessitating a higher unit rate to recover all costs. The adjustment is accomplished by subtracting from the portion of the alternative cost based upon such conservation or direct-application resources, the charges, if any, applied by BPA to recover the costs of conservation and direct-application resources, and adding the weighted average firm power rates expected to be paid by customers that would have implemented the conservation measures or direct-application resources included in the alternative cost. (This subject is further discussed in Appendix IV, Issue 2, Alternative Cost.)

The alternative cost will always be specified in the billing credit contract. That alternative cost will be the Administrator's published alternative cost (ie., the nominal cost stream which represents a reasonable approximation of the cost of acquiring deferrable resources that would have been recovered in BPA's firm power rates), unless the billing credit sponsor can demonstrate that a different alternative cost is justified because: (1) The billing credit resource will benefit BPA's customers over the term of the billing credit contract; and (2) it is not financially feasible for the resource sponsor to offer the billing credit resource under the alternative cost streams of the published Administrator's alternative cost.

Sponsors that meet these requirements may be granted an alternative cost which has the same real levelized cost as the published alternative cost, but which has a nominal cost stream that more closely follows the nominal cost stream of the billing credit resource. In negotiating this tailored alternative cost, BPA will use the published nominal cost stream of the deferred resources of the published alternative cost as a benchmark to determine when an unacceptably adverse short-term impact on BPA's rates would occur. The Administrator may not, in any case, establish an alternative cost for a billing credit such that the real levelized cost is greater than that of the deferrable resource acquisition over the life of the billing credit contract.

BPA has included a provision providing for a negotiated alternative cost to allow BPA to grant billing credits for a desirable resource whose sponsor is financially unable to accept billing credits based on the Administrator's alternative cost. An example of this would be a small utility with limited financial flexibility, sponsoring a resource with a cost stream substantially different than the nominal cost stream of the deferred resources constituting the Administrator's alternative cost. An additional requirement for receiving the negotiated alternative cost is that the resource benefit BPA's customers over the life of the billing credit contract. Examples of such benefits would be holding rates down, environmental enhancement, or high system compatibility.

Because the formula used for calculating billing credits (see section 11 of the policy) involves subtracting the customer's firm power rate from the alternative cost, the alternative cost must be put in the same form as the firm power rate. This is done by classifying the alternative cost into capacity and energy components, and time-differentiating the capacity and energy components in a manner compatible with BPA's current firm power rates.

Both the Administrator's published alternative cost and the alternative cost specified in the billing credit contract (which may or may not be the same), will be divided into fixed and variable cost components. BPA will track the Administrator's published alternative cost over time, and will make adjustments as necessary to reflect those costs BPA would have incurred had BPA acquired the deferred resource in lieu of granting billing credits. For example, if an alternative cost were based on a deferred coal plant, BPA would track the price of coal and other costs of running the facility, and would adjust the alternative cost upward or downward as necessary. In tracking and adjusting the alternative cost, BPA will use cost indices applicable to the electric utility industry of other appropriate means. (Also see Appendix IX, Issue 9, Cost Adjustment.)

To ensure that billing credits calculated from an alternative cost different than the Administrator's alternative cost do not have a long-term adverse rate impact, an overpayment account will be established. Any amount by which a negotiated alternative cost differs from the Administrator's alternative cost (as adjusted over time), or the net cost of a resource, as appropriate, will represent an underpayment or an overpayment. BPA will account for this amount, including interest, in an overpayment account. Any balance remaining in the overpayment account will be added to the termination charge when the billing credit contract expires or is terminated. BPA may periodically adjust the customers' billing credit to reduce the balance in the overpayment account.

To account for differences between the service life of the deferred resources used to calculate the Administrator's alternative cost and the duration of the billing credit contract, BPA will apply a service life adjustment. BPA will calculate this adjustment using either the formulas set forth in Appendix I or other appropriate formulas or methodologies that BPA may develop to account for such differences in service lives. (Also see Appendix IV, Issue 5, Time Adjustment of Alternative Costs.)

BPA recognizes that there may be a time lapse between the Administrator's decision whether to acquire a resource and the time that resource would actually begin to produce energy for or reduce load on BPA. Therefore, whenever a billing credit contract is executed at the time the Administrator otherwise would have had to make a commitment to acquire the alternative resources deferred because of the availability of the billing credit resource, the Administrator may include in the billing credit contract a guaranteed minimum alternative cost. BPA intends that the duration and terms of such a guarantee shall reflect the terms and conditions BPA would grant to a comparable resource acquisition. BPA currently envisions that a guaranteed minimum alternative cost would be granted for a duration no greater than 7 years.

BPA sees several advantages in being able to provide for a guaranted minimum alternative cost. Such a guarantee will provide some certainty to a resource sponsor that their alternative

cost will be at least at this level. The guarantee may also enhance the attractiveness of the resource on the financial market and thereby allow the sponsor to receive more favorable financing terms. If such favorable financing brings the resource's net costs below alternative cost, the result will be advantageous to BPA's ratepayers. Additionally, it is beneficial to BPA to have advance knowledge of the availability of billing credit resource. The guaranteed minimum alternative cost is a way of providing for this "planning certainty."

BPA considered including in the policy special provisions that would have governed the granting of billing credits during periods of resource sufficiency or surplus when no resource acquisitions were deferred. Such provisions, however, may send a misleading and possibly inappropriate signal to the region about the value of such resources. BPA therefore will grant billing credits only on the basis of deferred resource acquisitions.

However, awards may be made to resources that are developed during a surplus period, provided that a substantial portion of their projected output will serve to displace a subsequent BPA acquisition. For example, if BPA were to base the alternative cost for 1990 on the deferral of generating resources whose costs would first appear in that year's rates, long-lived conservation measures might qualify for billing credits in 1986 or 1987 based on their capacity to defer these resources and payment obligations.

F. Methodology for Calculating Billing Credits—Section 11

This section of the policy establishes the methodology that BPA will use for calculating billing credits.

The objective in calculating a billing credit is to comply as closely as possible with the rate impact tests prescribed by sections 6(h) (3) and (4) of the Regional Act. Billing credits will be calculated and applied monthly.

1. BPA will calculate billing credits for conservation as follows:

a. The credit will be calculated by first subtracting the customer's wholesale firm power rate from the alternative cost specified in the customer's billing credit contract. The difference between the rate and the alternative cost will be multiplied by the quantities of capacity and energy by which the conservation activity actually reduces the customer's net requirements for capacity and energy from BPA. Whenever the customer's wholesale firm power rate is less than the alternative cost, the credit shall be subtracted from the customer's power bill. If the rate is greater than the alternative cost, the credit will be added to the customer's power bill.

b. If the customer has executed a Residential Purchase and Sales Agreement with BPA pursuant to section 5(c) of the Regional Act in addition to a section 5(b) power sales contract, BPA will use an alternative formula or other appropriate methodologies for calculating the credit which takes into account the rate impacts of the exchange contract. Alternative formulas are described in Appendix II.

2. BPA will calculate billing credits for resources other than conservation as follows:

a. BPA will use the cost data furnished in the application, and subsequently furnished in the customer's annual report on each billing credit resource, in establishing the net cost of the resource.

b. If the net cost of the resource is determined to be greater than or equal to the alternative costs specified in the customer's billing credit contract, the billing credit will be calculated by first subtracting the customer's wholesale firm power rate from the alternative cost. The difference betwen the rate and the alternative cost will be multiplied by the quantities of capacity and energy by which the resource actually reduces the customer's net requirements for capacity and energy from BPA. Whenever the customer's wholesale firm power rate is less than the alternative costs, the credit shall be subtracted from the customer's power bill. If the rate is greater than the alternative costs, the credit will be added to the customer's power bill.

c. If the net cost of the resource is determined to be less than the alternative cost specified in the customer's billing credit contract, the billing credit will be calculated by subtracting the customer's wholesale firm power rate from the net costs of the resource when the rate is less than net cost. This amount will be multiplied by the quantities of capacity and energy by which the resource reduces the customer's net requirements from BPA, and the product will be subtracted from the customer's power bill. When the customer's wholesale firm power rate is greater than the net cost of the resource but less than the alternative cost, the billing credit will be zero. When the rate is greater than the alternative cost, the billing credit will be based on the difference between the net cost and the rate, and will be added to the customer's power bill.

d. Whenever the billing credit is based on the net cost of the resource (net cost is less than alternative cost), BPA will adjust the credit after the close of each operating year based on any difference between the actual net cost as contained in the customer's annual report and the net cost used in the calculation month by month during that year.

e. If the customer has executed a Residential Purchase and Sales Agreement contract with the Administrator pursuant to section 5(c) of the Regional Act, in addition to a power sales contract described in section 3 of the policy, BPA will use alternative formulas or other appropriate methodologies for calculating the credit which take into account the rate impacts of the exchange contract. Alternative formulas are described in Appendix II.

G. Application Procedure—Section 12

This section prescribes how customers may apply to BPA for billing credits. Its key provisions are:

1. BPA will consider granting a billing credit only upon receipt of a written application made in accordance with the billing credits policy;

2. Only individual customers may apply (consolidated applications by joint construction entities were considered, but not adopted for the reasons set forth in Appendix IV, Issue 35, Consolidated Applications from Joint Construction Entities); and

3. The customer carries the burden of proving its entitlement to a billing credit, which means that the customer must include sufficient data in its application to enable BPA to determine whether to grant a billing credit and, if so, the amount and duration of the billing credit.

It is appropriate that the customer carry the burden of proof, because only the customer can supply the necessary information. Within the limits of its staff capability, BPA will advise and assist customers in resolving questions they may encounter in preparing applications.

BPA urges that customers planning to apply for billing credits consult at an early date with the BPA Area Office or District Office which serves them. This will be of mutual benefit to BPA and customers. It will facilitate BPA's planning process and will benefit sponsors by enabling BPA to budget for billing credits at an earlier date.

BPA urges that customers assure that all pertinent information is fully documented before submitting the application. Incomplete applications will be returned to the customer. It is of particular importance to document how much the billing credit resource will reduce the customer's net requirements

for capacity and energy from BPA, including the time periods of such reduction. For resources other than conservation, cost data must be complete, including an explanation and justification of the amount included in net costs for return on envestment or risk. All underlying assumptions and methodologies used must be explained, such as how conservation savings or the impacts of retail rate structures have been determined. Sources of data must be identified, and must be amenable to independent verification.

H. The Administrator's Decisionmaking Process—Section 13

This section describes the BPA administrative process for granting billing credits. It is based on section 6(h) of the Regional Act, which contains procedures that apply to each decision to grant a billing credit. Section 6(c) of the Regional Act contains additional procedures applicable only to a billing credit for a major resource. BPA has not yet developed a policy for implementing section 6(c) procedures. In developing the decisionmaking process for billing credits, BPA integrated the requirements of sections 6(h) and 6(c) into the billing credit policy.

BPA views its decisionmaking process as consisting of four components: (1) Notification to the public and other interested persons; (2) conditional approval of eligibility based on cost, engineering, environmental, and other Regional Act criteria; (3) negotiation of a proposed billing credit contract; and (4) completion of procedural requirements of the Regional Act.

Prior to conditionally approving a billing credit, BPA will comply with applicable environmental laws, including NEPA; will assess the resource's impact on fish and wildlife; and will decide how to integrate the resource into the regional power system. Following these actions, BPA will, within a reasonable time, conditionally approve applications that meet all the relevant criteria.

Conditional approval of a billing credit resource means that the information in the application demonstrates that the resource has met the eligibility test for a billing credit. The conditional approval will be the basis for contract negotiations, in which the specific provisions governing the value of the billing credit, the operating schedule, payment procedures, oversight provisions, and similar negotiable terms will be developed.

BPA has established broad oversight requirements governing all billing credit resources, but will specify in the billing credit contract the requirements applicable to the specific resource. Section 6(i) of the Regional Act expressly requires BPA to exercise such oversight in the case of a billing credit for a major resource. BPA believes that section 6(i) of the Regional Act removed BPA's discretion not to oversee the construction and operation of a major billing credit resource. However, it does not preclude BPA from overseeing the construction and operation of a nonmajor billing credit resource. BPA's authority to oversee the construction and operation of such resources is found in section 2(f) of the Bonneville Project Act of 1937. That section was specifically incorporated into section 9(a) of the Regional Act. Section 2(f) provides the Administrator with the authority to enter into contracts on such terms and conditions as the Administrator believes are necessary or appropriate to carry out BPA's mission.

One of BPA's legislative directives is to act in a prudent, businesslike manner. BPA believes that overseeing construction and operation of each billing credit resource is prudent, businesslike conduct. Hence, BPA intends to retain the right to oversee the construction and operation of all billing credit resources. Exactly how BPA will oversee a particular billing credit resource must necessarily be determined on a case-by-case basis. (Also see Appendix IV, Issue 29, Oversight.)

I. Administering Approved Billing Credit Contracts—Section 14

1. *Payment.* BPA normally will pay billing credits by adjusting the customer's power bill. Payment by cash may be necessary to avoid possible conflicts with BPA's net billing agreements with some of its customers. The conflict may arise because a billing credit could impair the net billing capacity of some customers—a result prohibited by the net billing agreements.

2. *Customer's Annual Report.* Because the amount of a billing credit changes over time, there is a need for updating information so that BPA may adjust the billing credit consistent with the rate impact test. Thus, BPA requires that customers prepare and submit an annual report on their billing credit resources so that BPA may adjust the billing credit correctly. To minimize the reporting burden, customers may use information contained in other reports submitted to BPA. However, customers must assure that all specific information required by section 14(b) of the policy is provided.

3. *Adjustment of a Billing Credit.* To maintain compliance with the rate impact test, BPA will adjust a billing credit as appropriate whenever conditions change which affect the amount of the credit. BPA does not expect that its adjustments will produce the identical rate impact from billing credits as the rate impact that would have occurred had the billing credit resource not been developed. However, BPA believes that its approach will reasonably approximate the theoretically correct rate impact. For example, adjustments may be made for changes in the net costs of the billing credit resource, the customer's wholesale power rate, or in the performance or availability of the billing credit resource.

Adjustments may be in favor of either the customer or BPA. Because such adjustments will not necessarily be evenly balanced, BPA will add accumulated interest to the amounts of the adjustments to better assure equity.

If the alternative cost that is established by contract with a customer causes other customers' rates to be higher than they otherwise would be in any year, the amount by which that alternative cost exceeds the nominal cost stream upon which the billing credit would otherwise be based is an overpayment to the billing credit customer. The overpayment will be recovered from the billing credit customer at a later time during the term of the billing credit contract or at termination. BPA will charge an appropriate interest rate on any such overpayments.

4. *Administrator's Periodic Review and Audit.* To assist in satisfying the duties of BPA's Disbursing Officer and to help fulfill BPA's oversight responsibilities, the policy provides BPA the right to audit and inspect billing credit resources. BPA must also have access to information necessary to verify the accuracy of data supplied to BPA upon which BPA will base payment of a billing credit.

5. *Remedies.* BPA believes that a remedies section is necessary to ensure that billing credits are granted and administered in a manner consistent with this policy. BPA believes that the best remedy is to adjust a billing credit so as to correct deviations that occur as a result of a customer's not meeting the requirements of the policy or to terminate a billing credit, if necessary, and impose a termination charge.

J. Reconsideration of the Administrator's Decisions—Section 15

BPA has provided an informal mechanism by which customers and other affected entities may request the Administrator to reconsider billing credit decisions.

Through this process BPA hopes to prevent unnecessary litigation. At the same time, BPA wishes to avoid creating a formal appeals process which would place the Administrator in a role that more appropriately belongs to the courts.

The right to request reconsideration is extended to all parties which may be adversely affected by either a decision to enter into a billing credit contract or a decision related to the administration of billing credits in general.

In the case of the decision to enter into a billing credit contract, BPA intends to accept requests for reconsideration during the 30 days immediately following publication of the final decision in the **Federal Register.**

In the case of other final decisions of the Administrator made in accordance with the provisions of this policy, BPA intends to accept requests for reconsideration during the 30 days immediately following notice of such decisions.

For further information, see Appendix IV, Issue 24, Reconsideration of Administrator's Decisions.

K. Records and Access to Information—Section 16.

This section makes clear that the Administrator's obligations with respect to trade secrets, proprietary information, the Privacy Act, and the Freedom of Information Act apply to customers seeking billing credits. (Also see Appendix IV, Issue 28, Trade Secrets.)

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Authority: The Pacific Northwest Electric Power Planning and Conservation Act [Pub. L. 96–501, 94 Stat. 2697 *et seq.* [16 U.S.C. 839 *et seq.*]]; the Federal Columbia River Transmission System Act [Pub. L. 93–454, 88 Stat. 1376 *et seq.* [16 U.S.C. 838 *et seq.*]], as amended by Pub. L. 96–501; and the Bonneville Project Act [Pub. L. 75–239, 50 Stat. 731 *et seq.* [16 U.S.C. 832 *et seq.*]], as amended by Pub. L. 76–429, Pub. L. 79–201, Pub. L. 79–550, and Pub. L. 89–448.

Billing Credits Policy

Section 1: Policies and Purposes

(a) *Policies.* The Administrator's policy objectives are to use the authority to grant billing credits to assure that:

(1) Customers are compensated as provided in the Regional Act for actions taken which reduce the Administrator's obligation to acquire resources that otherwise would be needed to meet contractual obligations to serve customers's loads, thereby removing the disincentive for taking such actions inherent in the Administrator's average cost wholesale firm electric power rates;

(2) Billing credit resources are intergrated into the Administrator's resource acquisition programs, thereby minimizing overall costs;

(3) The amounts of billing credits are determined in compliance with the Regional Act so that:

(i) As a result of granting billing credits to any customer for conservation activities, the rates to other customers will be the same as they otherwise would have been if the Administrator had been obligated to acquire other resources to serve customer's loads in lieu of granting such billing credits; and

(ii) As a result of granting billing credits to any customer for resources other than conservation, the rates to other customers will be no greater than they otherwise would have been if the Administrator had been obligated to acquire other resources to serve customer's loads in lieu of granting such billing credits;

(4) Billing credit resource sponsors will be able to exercise their initiative in determining what resources, if any, they will choose to develop, and in determining the disposition of the benefits of receiving billing credits;

(5) Billing credits are administered in a manner consistent with the Administrator's conservation and other resource acquisition programs; and

(6) The granting of a billing credit is not inconsistent with the regional plan, the fish and wildlife program, or the Administrator's obligations when granting a billing credit to give due consideration to:

(i) Environmental quality;

(ii) System compatibility; and

(iii) The protection, mitigation, and enhancement of fish and wildlife.

(b) *Purposes.* The purposes of this policy are to:

(1) Prescribe customer and resource eligibility criteria for billing credits;

(2) Prescribe a procedure whereby customers may apply for billing credits;

(3) Provide a procedure by which the Administrator will evaluate applications for billing credits and determine the amount of billing credits to be granted;

(4) Prescribe general conditions governing the granting and administration of billing credits; and

(5) Encourage timely applications for billing credits so as to facilitate planning and reduce uncertainties.

Section 2: Definitions

(a) "Acquire" means to purchase the right to all or a portion of the output or capability of a resource but, in the case of the Administrator, may not include the purchase of any generating facility.

(b) "Administrator" means the Administrator of the Bonneville Power Administration.

(c) "Administrator's obligation to acquire resources" means the Administrator's obligation to acquire firm resources pursuant to section 6(a) of the Regional Act.

(d) "Alternative cost" means the estimated unit costs set forth in the same form as the Administrator's rates for firm wholesale electric power, used in the formula for calculating a billing credit, that would be recovered in the Administrator's rates for firm electric power, of resources that the Administrator otherwise would acquire in lieu of granting billing credits unless otherwise established by contract. Alternative cost is the basis for a billing credit for a conservation activity and is the upper limit on the amount of a billing credit for a resource other than conservation.

(e) "Billing credit" means an adjustment to a customer's electric power bill or an equivalent cash payment that, when combined with the cost savings a customer realizes by displacing the purchase of firm electric power from the Administrator through the use of a billing credit resource, provides such customer an amount equal to the Administrator's alternative cost when the billing credit resource is a conservation activity, or an amount equal to the lesser of the Administrator's alternative cost or the net cost of the billing credit resource when the billing credit resource is a resource other than conservation.

(f) "Billing credit contract" means a written contract between the Administrator and the customer receiving a billing credit setting forth the terms and conditions by which the Administrator will grant the billing credit.

(g) "Billing credit resource" means a resource potentially eligible for a billing credit or for which a billing credit has been granted. Such term includes conservation activities, renewable resources, multipurpose projects, and other resurces, including retail rate structures that induce conservation or installation of consumer-owned renewable resources.

(h) "BPA" means the Bonneville Power Administration.

(i) "Budget submittal" means the Administrator's annual or amended budget submittal to the Congress made pursuant to the Federal Columbia River Transmission System Act (16 U.S.C. 838(j)).

(j) "Capability" means the ability of a resource to produce or save capacity and energy.

(k) "Capacity" means: (1) The maximum power that can be produced by a generating resource at specified times under specified conditions; or (2) the maximum rate at which power can be saved by a nongenerating resource at specified times under specified conditions. Capacity is expressed in units of either kilowatts or saved kilowatts.

(l) "Charges"mean any method of recovering the cost of acquiring resources other than through the Administrator's power rates. (See definition of rate.)

(m) "Conditional approval" means the Administrator's approval of a billing credit application conditioned on: (1) Negotiating a billing credit contract; and (2) completing notice and other procedures.

(n) "Conservation" means any reduction in electric power consumption as a result of increases in the efficiency of energy use, production, or distribution.

(o) "Conservation activity" means the construction, installaion, or making operative of a facility or measure for the purpose of achieving conservation. Enacting legislation, including building codes, in and of itself, does not constitute a conservation activity.

(p) "Consumer" means any end user of electric power.

(q) "Contract demand" means the maximum capacity which a DSI is entitled to purchase from the Administrator as specified in Exhibit C of its power sales contract.

(r) "Cost-effective," when applied to any measure or resource referred to in the Regional Act, means that such measure or resource must be forecast: (1) To be reliable and available within the time it is needed; and (2) to meet or reduce the electric power demand, as determined by the Regional Council or the Administrator, as appropriate, of the consumers of the customers at an estimated incremental system cost no greater than that of the least-cost similarly reliable and available alternative measure or resource, or any combination thereof.

(s) "Customer" means anyone who contracts for the purchase of power from the Administrator pursuant to the Regional Act.

(t) "Direct-service industrial customer" (DSI) means an industrial customer that contracts for the purchase of power from the Administrator for direct consumption.

(u) "Displace a billing credit resource" means to reduce a billing credit by the amount of the resource's displaceable costs.

(v) "Displaceable costs" mean that portion of the customer's net costs of a billing credit resource that BPA determines should be saved by the customer following prudent utility practices when the resource is not operated for electric power generation.

(w) "Electric power" means electric peaking capacity, or electric energy, or both.

(x) "Entity acting on behalf of such customer" means any entity that develops a billing credit resource for a customer pursuant to a contract between the entity and the customer.

(y) "Firm electric power" means electric power continuously available except when restricted, suspended, interrupted, interfered with, or curtailed as a result of the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service sections of the General Contract Providions Exhibit of the customer's power sales contract.

(z) "Firm resource" means that portion of a resurce that produces or saves firm electric power.

(aa) "Firm resource exhibit" means the firm resource exhibit provided for by a customer's power sales contract or by the billing credit contract if the customer's power sales contract does not contain a firm resource exhibit that accounts for the billing credti resource.

(bb) "Fish and wildlife program" means the fish and wildlife program adopted by the Regional Council pursuant to section 4(h) of the Regional Act.

(cc) "Fixed costs" mean that portion of net costs or of alternative costs that does not significantly vary with the quantity of electric power saved or produced.

(dd) "Grant a billing credit" means: (1) To adjust a customer's electric power bill from the Administrator; or (2) to disburse cash by check or other appropriate instrument in lieu of, or in addition to, adjusting a customer's electric power bill pursuant to the billing credit contract.

(ee) "Independently undertaken" conservation activity means that portion of a conservation activity which is not: (1) Offered; planned and budgeted; made operative; funded or otherwise directly assisted by the Administrator; (2) implemented in order to avoid a surcharge for failure to adopt model conservation standards, as provided by

section 4(f) of the Regional Act; or (3) a conservation activity specifically rejected by the Administrator due to adverse environmental effects, unless the sponsor can demonstrate that such effects have been mitigated to an extent acceptable by the Administrator, or that such effects are not associated with the sponsor's activity.

(ff) "Indian tribe" means any Indian tribe or band which is located in whole or in part in the region and which has a governing body which is recognized by the Secretary of the Interior.

(gg) "Load" means the amount of electric power required to meet demand.

(hh) "Major resource" means any resource that: (1) Has a planned capability greater than 50 average megawatts; and (2) if acquired by the Administrator, is acquired for a period of more than 5 years. Such term does not include any resource acquired pursuant to section 11(b)(6) of the Federal Columbia River Transmission System Act.

(ii) "Model conservation standards" mean those standards promulgated by the Regional Council and included in its plan as provided for by section 4(e)(3) of the Regional Act.

(jj) "Multipurpose project" means any project that is designed to serve a purpose other than power generating and which also produces electric power.

(kk) "NEPA" means the National Environmental Policy Act of 1969, Pub. L. 91–190, as amended by Pub. L. 94–52, and Pub. L. 94–83.

(ll) "Net costs" mean those costs actually incurred to develop, operate, and maintain a billing credit resource in accordance with prudent business and utility practices. The term includes reasonable financing costs, compensation for risk, and resource acquisition costs incurred by the customer including those mandated by Federal, but not State, law establishing minimum prices for utility acquisition of resources. Net costs do not include governmental financial assistance. Revenues from the sale of power generated by the billing credit resource and sold outside of the customers normal service area are applied to reduce the net cost. Net costs do not include the portion of resource acquisition costs mandated by State laws which exceed the acquisition cost that would reasonably have resulted from an arm's-length negotiation between the resource owner and the customer acquiring the resource or another appropriate party to which such cost is paid. Net costs are used in calculating billing credits for resources other than conservation, and for that purpose are calculated on a unit cost basis compatible with the Administrator's rates for firm electric power.

(mm) "Nonmajor resource" means any resource that either: (1) Has a planned capability less than or equal to 50 average megawatts; or (2) is acquired by the Administrator for 5 years or less. Such term does not include any resource acquired pursuant to section 11(b)(6) of the Federal Columbia River Transmission System Act.

(nn) "Operating year" means the year from July 1 to June 30.

(oo) "Pacific Northwest," "region," or "regional" means: (1) The area consisting of the State's of Oregon, Washington, and Idaho, the portion of the State of Montana west of the Continental Divide, and such portions of the States of Nevada, Utah, and Wyoming as are within the Columbia River drainage basin; and (2) any contiguous areas, not in excess of 75 air miles from the area referred to in (1) above, which are a part of the service area of a rural electric cooperative customer served by the Administrator on the effective date of the Regional Act, which has a distribution system from which it serves both within and without such region.

(pp) "Political subdivision served by a customer" means any governmental unit which purchases electric power from a customer including, but not limited to, State agencies, cities, counties, municipalities, special-purpose districts, and Indian tribes, but not including Federal agencies.

(qq) "Rate" means any method of recovering the cost of acquiring a resource through the Administrator's sales of electric power.

(rr) "Regional Act" means the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96–501.

(ss) "Regional Council" means the Pacific Northwest Electric Power and Conservation Planning Council established pursuant to section 4 of the Regional Act.

(tt) "Regional plan" means the Regional Electric Power and Conservation Plan (including any amendments thereto), adopted pursuant to the Regional Act.

(uu) "Renewable resource" means a resource which uses solar, wind, hydro, geothermal, biomass, or similar sources of energy and which either is used for electric power generation or will reduce the electric power requirements of a consumer, including by direct application.

(vv) "Reserves" means the electric power needed to provide service to customers or consumers in the event of generation or transmission system outages, adverse streamflows, delays in the completion of new resources, or other factors which may restrict generating capability or increase loads. Reserves normally are provided from additional resources acquired for that purpose; or from contractual rights to interrupt, curtail, or otherwise withdraw portions of the electric power supplied to customers.

(ww) "Resource" means: (1) Electric power, including the actual or planned electric power capability of generating facilities; or (2) actual or planned load reduction resulting from direct application of a renewable energy resource by a consumer, or from a conservation measure.

(xx) "Resource priority scheme" means first priority to conservation and net cost being equal, second priority to renewable resources, third priority to generating resources utilizing waste heat and to generating resources of high fuel conservation efficiency, and fourth priority to all other resources.

(yy) "Small resource" means a resource other than conservation with a planned capability of 5 average megawatts or less and a planned peak capability of 15 megawatts or less.

(zz) "Time-differentiated" means, when applied to a power rate, that the unit cost has been disaggregated to reflect a different value during specified time periods, such as winter or summer, weekdays or weekends, time of day, etc.

(aaa) "Unit cost" means the cost of a unit of power, such as a kilowatt of capacity or a kilowatthour of energy.

(bbb) "Variable cost" means that component of net costs or alternative costs that varies significantly with the quantity of electric power saved or produced.

(ccc) "Voluntarily implemented" retail rate structure means a retail rate structure or that portion of a retail rate structure that is adopted by a customer for reasons than to: (1) Satisfy Federal or State statutory mandates; (2) comply with an order initiated by a State regulatory authority; or (3) reflect the cost effects of rate design concepts included in BPA's wholesale rates.

Section 3: Qualifying Applicants

(a) Any of the following customers may request a billing credit:

(1) An investor-owned utility that has a firm requirements power sales contract pursuant to section 5(b) of the Regional Act in effect;

(2) A public body or cooperative entitled to preference and priority under the Bonneville Project Act of 1937 that has a firm requirements power sales

contract pursuant to section 5(b) of the Regional Act in effect;

(3) A Federal agency that has a firm requirements power sales contract pursuant to section 5(b) of the Regional Act in effect;

(4) A direct-service industrial customer that has an industrial firm power sales contract pursuant to section 5(d) of the Regional Act in effect.

(b) Customers must submit applications completed in accordance with this policy to be considered for billing credits.

Section 4: Qualifying Conservation Activities

(a) The Administrator may execute a contract to grant a billing credit to a customer for a conservation activity only when it:

(1) Is demonstrated to be:

(i) A conservation activity;

(ii) Made effective after December 5, 1980;

(iii) Independently undertaken or continued by:

(A) Such customer; or

(B) A political subdivision served by such customer;

(2) Reduces the customer's net requirement for supply of firm electric power or reserves from the Administrator; and

(3) Reduces the Administrator's obligation to acquire resources during a substantial portion of the duration of the billing credit contract.

(b) The Administrator may execute a contract to grant billing credit for a conservation activity made effective between December 5, 1980, and the date the customer signs a power sales contract described in section 3 of this policy, for the remaining useful life of such conservation activity, commencing upon the effective date of such power sales contract.

Section 5: Qualifying Renewable Resources

(a) The Administrator may execute a contract to grant a billing credit to a customer for a renewable resource only when it:

(1) Is demonstrated to be:

(i) A renewable resource;

(ii) Constructed, completed, or acquired after December 5, 1980 by either:

(A) Such customer;

(B) An entity acting on behalf of such customer; or

(C) A political subdivision served by such customer;

(iii) Not inconsistent with the fish and wildlife program;

(iv) Not inconsistent with the regional plan;

(2) Reduces the customer's net requirement for supply of firm electric power or reserves from the Administrator; and

(3) Reduces the Administrator's obligation to acquire resources during a substantial portion of the duration of the billing credit contract.

(b)(1) In addition to determining whether a renewable resource is inconsistent with the fish and wildlife program and the regional plan, if they are in effect, and, to the extent that the Regional Council has not adequately addressed such considerations in the regional plan, the Administrator shall, before conditionally approving a billing credit application, give due consideration to:

(i) Environmental quality;

(ii) Compatibility with the planning and operation of the regional power system; and

(iii) The protection, mitigation, and enhancement of fish and wildlife and related spawning grounds and habitat, including sufficient quantities and qualities of flows for successful migration, survival, and propagation of anadromous fish.

(2) In analyzing the environmental effects of a renewable resource, the Administrator shall take into account quantifiable environmental costs and benefits directly attributable to a resource.

(3) Neither the Administrator nor a customer seeking a billing credit need show that a renewable resource is cost-effective to be eligible for a billing credit.

(4) The Administrator may not execute a contract to grant a billing credit for a renewable resource:

(i) In lieu of executing a contract to grant a billing credit for a conservation activity; or

(ii) In lieu of executing a contract to grant a billing credit for a resource other than conservation where the granting of that latter billing credit would result in lower rates to other customers than would result from granting a billing credit for the renewable resource.

(c) In the case of a renewable resource that is a major resource, if either the Regional Council or the Administrator determines that such resource is inconsistent with the regional plan, the fish and wildlife program or, if no plan is in effect, the criteria of section 4(e)(1) and the considerations of 4(e)(2) of the Regional Act, then the Administrator may execute a contract to grant a billing credit only in accordance with paragraph (h) of section 13 of this policy.

(d) The Administrator may execute a contract to grant a billing credit to a customer for a renewable resource constructed, completed, or acquired between December 5, 1980, and the date such customer signs a power sales contract described in section 3 of this policy for the remaining useful life of such resource commencing upon the effective date of such power sales contract.

Section 6: Qualifying Multipurpose Projects

(a) The Administrator may execute a contract to grant a billing credit to a customer for a multipurpose project only when it:

(1) Is demonstrated to be:

(i) A multipurpose project;

(ii) Constructed, completed, or acquired after December 5, 1980 by either:

(A) Such customer;

(B) An entity acting on behalf of such customer; or

(C) A political subdivision served by such customer;

(iii) Not inconsistent with the fish an wildlife program;

(iv) Not inconsistent with the regional plan;

(2) Reduces the customer's net requirement for supply of firm electric power or reserves from the Administrator; and

(3) Reduces the Administrator's obligation to acquire resources during a substantial portion of the duration of the billing credit contract.

(b) (1) In addition to determining whether a multipurpose project is inconsistent with the fish and wildlife program and the regional plan, if they are in effect, and to the extent that the Regional Council has not adequately addressed such considerations in the regional plan, the Administrator shall, before conditionally approving a billing credit application for a multipurpose project, give due consideration to:

(i) Environmental quality;

(ii) Compatibility with the planning and operation of the regional power system; and

(iii) The protection, mitigation, and enhancement of fish and wildlife and related spawing grounds and habitat, including sufficient quantities and qualities of flows for successful migration, survival, and propagation of anadromous fish.

(2) In analyzing the environmental effects of a multipurpose project, the Administrator shall take into account quantifiable environmental costs and benefits directly attributable to a project.

(3) Neither the Administrator nor a customer seeking a billing credit need show that a multipurpose project is cost-effective to be eligible for a billing credit.

(4) The Administrator may not execute a contract to grant a billing credit for a multipurpose project:

(i) In lieu of executing a contract to grant a billing credit for a conservation activity;

(ii) In lieu of executing a contract to grant a billing credit for a resource other than conservation where the grant of that latter billing credit would result in lower rates to other customers than would result from granting a billing credit for the multipurpose project; or

(iii) In lieu of executing a contract to grant a billing credit for a resource higher on the resource priority scheme where the granting of that latter billing credit has the same impact on other customers' rates as would result form granting a billing credit for the multipurpose project.

(c) In the case of a multipurpose project that is a major resource, if either the Regional Council or the Administrator determines that such resource is inconsistent with the regional plan, the fish and wildlife program, or any of the criteria of section 4(e)(1) and the considerations of section 4(e)(2) of the Regional Act, then the Administrator may execute a contract to grant a billing credit only in accordance with paragraph (h) of section 13 of this policy.

(d) The Administrator may execute a contract to grant a billing credit to a customer for a multipurpose project constructed, completed, or acquired between December 5, 1980, and the date such customer signs a power sales contract described in section 3 of this policy for the remaining useful life of such resource commencing upon the effective date of such power sales contract.

(e) In the case of a multipurpose project: (1) Other than one uniquely suitable for development by the customer seeking the billing credit; (2) which is a major resource; an (3) which was not under construction on December 5, 1980; the customer must demonstrate that resources in excess of the customer's reasonable load growth have been offered to others pursuant to section 6(m) of the Regional Act for ownership, participation, or other sponsorship.

Section 7: Other Qualifying Resources

(a) The Administrator may execute a contract to grant a billing credit to a customer for a resource other than a conservation activity, a renewable resource, or a multipurpose project only when it:

(1) Is demonstrated to be:

(i) A resource other than a conservation activity, a renewable resource, or a multipurpose project;

(ii) Constructed, completed, or acquired after December 5, 1980 by either:

(A) Such customer;

(B) An entity acting on behalf of such customer; or

(C) A political subdivision served by such customer;

(iii) Not inconsistent with the fish and wildlife program; and

(iv) Not inconsistent with the regional plan;

(2) Reduces the customer's net requirement for supply of firm electric power or reserves from the Administrator; and

(3) Reduces the Administrator's obligation to acquire resources during a substantial portion of the duration of the billing credit contract.

(b)(1) In addition to determining whether a resource is inconsistent with the fish and wildlife program and the regional plan, if they are in effect, and, to the extent that the Regional Council has not adequately addressed such considerations in the regional plan, the Administrator shall, before conditionally approving a billing credit application, give due consideration to:

(i) Environmental quality;

(ii) Compatibility with the planning and operation of the regional power system; and

(iii) The protection, mitigation, and enhancement of fish and wildlife and related spawning grounds and habitat, including sufficient quantities and qualities of flows for successful migration, survival, and propagation of anadromous fish.

(2) In analyzing the environmental effects of the resource, the Administrator shall take into account quantifiable environmental costs and benefits directly attributable to the resource.

(3) Neither the Administrator nor a customer seeking a billing credit need show that a resource is cost-effective in order to be eligible for a billing credit.

(4) The Administrator may not execute a contract to grant a billing credit for a resource other than a conservation activity, a renewable resource, or a multipurpose project:

(i) In lieu of executing a contract to grant a billing credit for a conservation activity;

(ii) In lieu of executing a contract to grant a billing credit for a resource other than conservation where the granting of that latter billing credit would result in lower rates to other customers than would result from granting a billing credit for the resource other than a conservation activity, a renewable resource, or a multipurpose project; or

(iii) In lieu of executing a contract to granting a billing credit for a resource higher on the resource priority scheme where the granting of that latter billing credit has the same impact on other customers' rates as would result from granting a billing credit for a resource other than a conservation activity, renewable resource, or multipurpose project.

(c) In the case of a resource other than a conservation activity, a renewable resource, or a multipurpose project that is a major resource, if either the Regional Council or the Administrator determines that such resource is inconsistent with the regional plan, fish and wildlife program, or with any of the criteria of section 4(e)(1) and the considerations of section 4(e)(2) of the Regional Act, then the Administrator may execute a contract to grant a billing credit only in accordance with paragraph (h) of section 13 of this policy.

(d) The Administrator may execute a contract to grant a billing credit to a customer for a resource other than a conservation activity, a renewable resource, or a multipurpose project, constructed, completed, or acquired between December 5, 1980, and the date such customer signs a power sales contract described in section 3 of this policy for the remaining useful life of such resource, commencing upon the effective date of such power sales contract.

(e) In the case of a major resource other than a conservation activity, a renewable resource, or multipurpose project, except one which was under construction on December 5, 1980, the customer must also demonstrate that resources in excess of that customer's reasonable load growth have been offered to others pursuant to section 6(m) of the Regional Act for ownership, participation, or other sponsorship.

Section 8: Qualifying Retail Rate Structures

(a) The Administrator may execute a contract to grant a billing credit to a customer for a retail rate structure only when it:

(1) Is demonstrated to be:

(i) A retail rate structure;

(ii) Voluntarily implemented;

(iii) After December 5, 1980;

(iv) By such customer; and

(2) Induces either:

(i) Conservation; or

(ii) Installation of consumer-owned renewable resources.

(b) If the retail rate structure induces conservation, the Administrator shall treat the induced conservation as though it resulted from a conservation activity undertaken by the customer, and may execute a contract to grant a billing credit only if the Administrator determines that such induced conservation meets the requirements applicable to a qualifying conservation activity as set forth in section 4 of this policy.

(c) If the retail rate structure induces installation of a consumer-owned renewable resource, the Administrator shall treat that resource as a customer-owned renewable resource, and may execute a contract to grant a billing credit only if the Administrator determines that such renewable resource meets the requirements applicable to a qualifying renewable resource as set forth in section 5 of this policy.

Section 9: General Conditions Governing Granting and Administering Billing Credits

(a) *Prerequisites for Granting Billing Credits: Budget*

(1) The Administrator may not grant a billing credit until 90 days after the date on which the cost of the billing credit (including retroactive payment, if any) has been included in the Administrator's budget submittal.

(2) The Administrator shall include the costs of each approved billing credit in the budget submittal for the first fiscal year in which the billing credit is to be paid and in each budget submittal for each fiscal year in which a billing credit will be paid thereafter. The Administrator may prepare an amended budget submittal to facilitate prompt payment of an approved billing credit where the approval falls between normal budget submittal dates, but the Administrator is not obligated to do so.

(b) *Prerequisites for Granting Billing Credits: Actual Reduction in Net Requirements and Reduced Obligation to Acquire Resources*

The Administrator may not grant a billing credit for any billing credit resource until:

(1) The customer is placing a load on BPA and the billing credit resource actually reduces the customer's net requirement for supply of firm electric power or reserves from the Administrator;

(2) The Administrator has determined that the billing credit resource will reduce the Administrator's obligation to acquire resources during a substantial portion of the period for which the billing credit resource is offered to the Administrator; and

(3) In the case of a DSI, the customer reduces its contract demand by the amount stipulated in the billing credits contract over the period the billing credit is to be granted.

(c) *Prerequisites for Granting Billing Credits: Customer's Commitment to Billing Credit Resource Performance*

The Administrator may not grant a billing credit until a customer has signed a billing credit contract which, among other things, commits the customer to use the billing credit resource to reduce the customer's net requirement for firm electric power or reserves from the Administrator in the amounts and throughout the periods specified in such contract. If the billing credit resource is not available to achieve such reduction, the customer shall provide equivalent electric power or reserves to achieve such reduction according to the terms of the billing credit contract.

(d) *Compliance with NEPA and Other Environmental Laws*

(1) The Administrator may not conditionally approve a billing credit application until the Administrator satisfies the requirements of NEPA and other applicable environmental laws.

(2) The Administrator may not grant a billing credit until the customer demonstrates that it has complied with Federal, State, or local environmental laws applicable to the resource.

(3) The Administrator shall coordinate BPA's environmental analysis with other Federal and State environmental analyses.

(e) *Duration of a Billing Credit*

A customer may offer a billing credit resource for a billing credit for any period ranging from 5 years up to the estimated useful life of the billing credit resource.

(f) *Termination of a Billing Credit Contract or Withdrawal of All or a Portion of a Billing Credit Resource*

(1) A customer may terminate a billing credit contract or withdraw all or a portion of a billing credit resource on the same conditions with the same notice requirements, as described in Appendix III, as for removal of a firm resource from a firm resource exhibit in a utility power sales contact described in sections 3(a)(1), 3(a)(2) or 3(a)(3) of this policy. Withdrawal of all of a billing credit resource shall constitute termination of the billing credit contract. Once a portion of a billing credit resource has been withdrawn, the customer must reapply to receive a billing credit for such withdrawn portion.

(2) The Administrator may terminate a billing credit contract:

(i) Under the conditions specified in section 14(e) of this policy; or

(ii) As mutually agreed upon in the billing credit contract.

(3)(i) The customer shall pay the Administrator a termination charge if the customer terminates a billing credit contract or withdraws a portion of a billing credit resource prior to the expiration of the term specified in such contract or if the Administrator terminates the contract due to the customer's breach of contract or the billing credits policy.

(ii) The termination charge to be paid by a customer will be the sum of (A) the cumulative difference, including accumulated interest thereon, between the billing credits actually granted and the amount that would have been granted had the billing credit resource initially been made available for the period up to termination or withdrawal, and (B) any additional amounts that may be necessary to recover the costs arising from premature termination of a billing credit contract in excess of that.

(iii) The Administrator shall compute interest at the Administrator's weighted average direct borrowing rate for the period of time during which the Administrator granted billing credits to the customer prior to it terminating the billing credit contract or withdrawing a portion of the billing credit resource.

(4) The Administrator shall pay the customer a termination charge as specified in the billing credit contract if the Administrator terminates a billing credit contract for reasons other than the conditions specified in section 14(e) of this policy. The amount of such termination charge, if any, to be paid by the Administrator will be determined through negotiation between the Administrator and the customer.

(5) The Administrator may include in the billing credit contract such other termination provisions that are consistent with provisions that may be included in an acquisition contract were the Administrator to acquire the billing credit resource.

(g) *The Administrator's Right to Reschedule Billing Credit Resources*

(1) If a billing credit contract is in effect prior to the time a billing credit resource is completed, the Administrator may reschedule the completion of such resource if doing so can be reasonably

expected to benefit the Administrator's ratepayers.

(2) To the extent the customer incurs additional costs in the construction or implementation of the billing credit resource due to such rescheduling, the Administrator shall adjust the billing credit or otherwise appropriately compensate the customer for such additional cost as it occurs.

(3) If a customer's billing credit resource is rescheduled by the Administrator, the customer may revise its firm resource exhibit in its power sales contract to reflect the rescheduling.

(4) The Administrator shall provide reasonable notice of the rescheduling of a billing credit resource and shall indicate the revised date for completing the resource.

(h) *The Administrator's Right to Displace Billing Credit Resources*

(1) The Administrator may displace a billing credit resource which has displaceable costs whenever the Administrator determines that resources are available in excess of those needed to meet the Administrator's contractual obligations sufficient to serve that portion of the customer's load being served by the billing credit resource to be displaced.

(2) BPA will normally retain the right to shut down a billing credit resource, other than a billing credit resource associated with industrial or commercial activity, unless otherwise specified by contract. Paragraph (3) below will apply to any billing credit resource displaced by the Administrator over which the Administrator does not exercise its right to shut down, pursuant to this paragraph (2).

(3) A customer may continue to operate a billing credit resource, associated with an industrial or commercial process, which the Administrator has displaced if:

(i) Such operation does not reduce the amount of electric power the customer otherwise would have purchased from the Administrator; and

(ii) The customer agrees that any costs incurred as a result of operating the resource that are considered by the Administrator to be displaceable costs will not be reimbursed by the Administrator.

(4) To the extent the billing credit resource is not operated the Administrator shall provide to the customer, upon request, without charge, electric power in amounts equal to that which otherwise would be generated by the displaced billng credit resource.

(5) The Administrator shall make an initial determination and periodic adjustments as required of the displaceable cost of a billing credit resource.

(6) The Administrator shall provide reasonable notice of the dispalcement of a billing credit resource and shall estimate the length of time that the billing credit resource will be displaced.

(i) *The Administrator's Right to Request Refinancing and Improvement of Billing Credit Resources*

(1) Whenever the Administrator is granting a billing credit resource for a resource other than conservation where the net cost of the billing credit resource is less than the applicable alternative cost, or could become less than the applicable alternative cost, the Administrator may request the customer receiving the billing credit to make good faith efforts to:

(i) Refinance the billing credit resource, if possible, to reduce the net cost thereof; or

(ii) Install improvements which will increase the efficiency, increase the output, or reduce the net costs of the billing credit resource.

(2) If requested by a customer, the Administrator shall endeavor to assist the customer in facilitating the requested refinancing or installation of improvements.

(3) If the customer fails to make good faith efforts to comply with the Administrator's request, and the Administrator determines that by making such an effort the cutomere could have reduced the net costs of the billing credit resource or increased the efficiency of the billing credit resource to the benefits of BPA's ratepayers, the Administrator may reduce the billing credit by the amount of the ratepayers' benefits foregone.

(j) *Specail Arrangements for Small Resources*

(1) The Administrator may exempt a small resource from the requirements of section 9(c) of this policy.

(2) The Administrator may, by publishing a finding in the **Federal Register**, deem the net costs of a small resource to be equal to the Admiistrator's alternative cost as of the small resource's effective date for reducing the Administrator's obligation to require resources.

Section 10: Methodology for Determining Alternative Cost

(a) *Determination of Alternative Cost*

(1) The Administrator shall annually prepare and publish in the **Federal Register** a forecast or resources expected to be acquired which could be deferred as a result of billing credit resource becoming available. Prior to publication, the Administrator shall prepare a preliminary determination and solicit public comment thereon.

(2) The Administrator shall include in such publication: (i) An estimate of the real levelized cost of such deferrable resource acquisitions; and (ii) a nominal cost stream which represents a reasonable approximation of the cost of acquiring the deferrable resources that would have been recovered in the Administrator's firm power rates.

(3) Whenever the cost of conservation activities or direct application renewable resources are included in the Administrator's estimate to deferrable resources, the Administrator shall adjust the portion of the nominal cost stream based on such resources by subtracting any charges that would have been used to recover the costs of acquiring such resources and adding the weighted averages firm power rates of those customers who would have implemented such resources.

(4) The Administrator shall by contract specify the alternative cost upon which a billing credit will be based.

(5) The nominal cost stream described in subparagraph (a)(2)(ii) above, as adjusted according to paragraph (a)(3) above, shall constitute the Administrator's alternative cost specified in the billing credit contract upon which the billing credit will be paid unless otherwise agreed to by contract pursuant to paragraph (a)(6).

(6) The alternative cost established in paragraph (a)(4) above may not exceed in any year the Administrator's alternative cost described in paragraph (a)(5) above unless a customer demonstrates that:

(A) Granting the billing credit for the specific billing credit resource in question will demonstrably benefit the Administrator's customers over the term of the billing credit contract, and

(B) Offering of such billing credit resource is not financially feasible to the customer under the Administrator's alternative cost that would otherwise apply.

(7) The Administrator may not in any case establish by contract pursuant to paragraph (a)(6) above an alternative cost for a billing credit resource that exceeds the lesser of:

(A) The real levelized cost described in subparagraph (a)(2)(i), or

(B) The real levelized net cost of the resource over the term of the billing credit contract for a resource other than conservation.

(7) The Administrator shall include in the billing credit contract as an exhibit the Administrator's alternative cost described in paragraph (a)(5).

(8) The Administrator shall determine the fixed and variable cost components of each year's alternative cost.

(9) The Administrator shall classify, as appropriate, each year's alternative cost into a capacity and energy component, and shall further disaggregate such capacity and energy components in a manner compatible with that used to time differentiate the Administrator's wholesale firm power rates.

(b) *Service Life Adjustment*

The Administrator shall adjust the fixed cost component of the alternative cost determined pursuant to paragraph (a)(4) to account for differences in the service life of the billing credit resource as compared to the service life of those resources the Administrator would have acquired in lieu of granting the billing credit. The Administrator shall calculate the service life adjustment using either the formulas set forth in Appendix I or other appropriate formulas or methodologies that the Administrator may develop to account for such differences in the service lives.

(c) *Adjustment of Alternative Cost*

(1)(A) The Administrator shall track overtime changes, in the costs of the resources forming the base for the Administrator's alternative cost which would have occurred had the Administrator acquired such resources in lieu of granting the billing credit. In such tracking, the Administrator may use cost indices applicable to the electric utility industry or other suitable means.

(B) Based on the tracking described in subparagraph (c)(1)(A) above, the Administrator may adjust the Administrator's alternative cost as appropriate to avoid imposing an unacceptably adverse rate impact on the Administrator's other customers in any given year.

(2)(A) Whenever an alternative cost is established pursuant to paragraph (a)(6), an overpayment account will be established which shall account for payments, including interest, which exceed the amount which would have been paid had the billing credit been based on the Administrator's alternative cost.

(B) The Administrator shall apply any balance remaining in the overpayment account as a termination charge at the time the billing credit contract expires.

(C) The Administrator may from time to time adjust the billing credit so as to reduce the balance in the overpayment account.

(d) *Guaranteed Minimum Alternative Cost*

Whenever a billing credit contract is executed at a time when the Administrator otherwise would have had to make a commitment to acquire the alternative resources deferred because of the availability of the billing credit resource, the Administrator may, subject to the limitations set forth in paragraph (a)(7), include in the billing credit contract a guaranteed minimum alternative cost applicable to such billing credit resource.

Section 11: Methodolgy for Calculating Billing Credits

(a) *Billing Credits for a Conservation Activity*

(1) The Administrator shall determine the billing credit by calculating the difference between the Administrator's wholesale firm power rate applicable to the customer and the alternative cost established pursuant to in section 10(a)(4) of this policy, and multiplying the difference by the amount by which the conservation activity actually reduces the customer's net requirement for supply of firm electric power or reserves from the Administrator as determined by the Administrator pursuant to section 13(c) of this policy. The billing credit will be subtracted from the customer's power bill whenever the Administrator's wholesale firm power rate applicable to the customer is less than the alternative cost established pursuant to section 10(a)(4) of this policy and added to the customer's power bill whenever the Administrator's wholesale firm power rate applicable to the customer is greater than the alternative cost established pursuant to section 10(a)(4) of this policy.

(2) If the customer has executed a Residential Purchase and Sale Agreement with the Administrator pursuant to section 5(c) of the Regional Act, in addition to a power sales contract described in section 3 of this policy, the Administrator shall calculate the billing credit by using either the alternative formulas set forth in Appendix II or other appropriate formulas that the Administrator may develop to account for the effects of an exchange contract on rates.

(b) *Billing Credits for a Resource Other Than Conservation*

(1) The Administrator shall determine the net costs of the billing credit resource based initially on the cost data provided by the customer in its application for the billing credit and subsequently from the cost data provided by the customer in the customer's annual report.

(2) For a resource other than the conservation which has a net cost determined to be greater than or equal to the alternative cost as established pursuant to section 10(a)(4) of this policy, the Administrator shall determine the billing credit by calculating the difference between the Administrator's wholesale firm power rate applicable to the customer and the alternative cost established pursuant to 10(a)(4) of this policy, and multiplying the difference by the amount by which the resource actually reduces the customer's net requirement for supply of firm electric power or reserves from the Administrator as determined by the Administrator pursuant to section 13(c) of this policy. The billing credit will be subtracted from the customer's power bill whenever the Administrator's wholesale firm power rate applicable to the customer is greater than the alternative cost established pursuant to section 10(a)(4) of this policy.

(3)(i) For a resource other than conservation which has a net cost determined to be less than the alternative cost established pursuant to section 10(a)(4) of this policy, the Administrator shall determine the billing credit by calculating the difference between the Administrator's wholesale firm power rate applicable to the customer and the net cost of the resource, and multiplying the difference by the amount by which the resource actully reduces the customer's net requirement for supply of firm electric power or reserves from the Administrator as determined by the Administrator pursuant to section 13(c) of this policy.

(ii) The billing credit will be subtracted from the customer's power bill whenever the Administrator's wholesale firm power rate applicable to the customer is less than the current net cost of the resource.

(iii) The billing credit will be deemed to be zero if the Administrator's wholesale firm power rate applicable to the customer is greater than the net cost of the billing credit resource, but less than the alternative cost established pursuant to section 10(a)(4) of this policy.

(iv) The billing credit will be added to the customer's power bill whenever the Administrator's wholesale firm power rate applicable to the customer is greater than the alternative cost established pursuant to section 10(a)(5) of this policy.

(v) The billing credit to be added to the power shall be the difference between the net cost of the resource and the Administrator's wholesale firm power rate applicable to the customer multiplied by the amount by which the resource actually reduces the customer's net requirement for supply of firm electric power or reserves from the Administrator.

(4) If the customer has executed a Residential Purchase and Sales Agreement with the Administrator pursuant to section 5(c) of the Regional Act in addition to a power sales contract described in section 3 of this policy, the Administrator shall calculate the billing credit by using either the alternative formulas set forth in Appendix II or other appropriate formulas that the Administrator may develop to account for the effects of an exchange contract on rates.

Section 12: Application Procedure

(a) *General Requirements*

(1) The Administrator will consider granting a billing credit only upon receipt of a written application submitted in accordance with this policy. Customers are encouraged to consult with BPA's Area and District Offices early in the planning process to facilitate preparation and review of their applications. BPA will exchange planning and operation information with customers as provided in the power sales contracts identified in section 3(a) of this policy.

(2) A customer may submit an application for a billing credit in accordance with guidelines to be established by the Administrator. The Administrator recommends that customers apply for a billing credit after the planning stage but prior to beginning construction or implementation of a billing credit resource.

(3) the customer shall carry the burden of proving that the appropriate criteria necessary to receive a billing credit have been satisfied.

(4)(i) A customer applying for a billing credit must submit such information as will permit the Administrator to determine:

(A) Whether to grant a billing credit; and

(B) The amount and duration of the billing credit.

(ii) While the information required from a customer varies with the type and size of the billing credit resource as well as other factors, the customer must include at least the following information in its application:

(A) A technical description of the resource, including such information as the type of resource, principal features, engineering characteristics, size, and location;

(B) The amount of energy and capacity which the resource will produce or save, the time periods in which such production or savings will occur, and the geographic points or locations at which the output or savings will be used or delivered to serve the customer's load;

(C) The amount by which the resource is expected to reduce the customer's net requirement for supply of firm electric power or reserves from the Administrator and the time periods in which such reduction will occur;

(D) Significant dates, such as the start and completion of construction or installation, commercial operation, and the dates between which the customer expects to reduce the Administrator's obligation to acquire resources under the Regional Act;

(E) A description of the assumptions and methodologies the customer used in preparing information contained in the application;

(F) The status of any required licenses or permits, including copies of licenses or permits that have been granted;

(G) A description of the environmental effects the billing credit resource may have; mitigating measures, if any, to be taken; and the status of any environmental reviews, permits, or other actions which may be required;

(H) A description of the impacts, if any, which the billing credit resource may have on fish and wildlife; any consultations concerning fish and wildlife impacts with the Federal and the region's State fish and wildlife agencies, and the region's Indian tribes, including recommendations from such consultations, if any; the mitigating measures, if any, to be taken; and the opportunities, if any, which may be present for enhancing fish and wildlife;

(I) For a billing credit based on a resource developed by a political subdivision served by the customer making the application, evidence that the customer and the political subdivision have mutually resolved how and to what extent the customer will pass through the billing credit benefits to the political subdivision; and

(J) Such other information as may be either requested by the Administrator or required by this policy.

(5) A customer must include documentation supporting the information contained in the application.

(6) A customer must submit an original and two copies of its application together with a transmittal letter addressed to the Administrator.

(7) A customer wishing to protect trade secrets or other proprietary information must specifically identify such information.

(8) The application must contain a statement, signed by a duly authorized representative of the customer, certifying the accuracy of the information contained therein.

(b) *Specific Requirements: Resources Other Than Conservation*

(1) For resources other than conservation, the customer must submit such cost data as will enable the Administrator to verify:

(i) The net costs of the resource;

(ii) The fixed and variable cost components, including displaceable costs;

(iii) A classification of the net costs to capacity and energy; and

(iv) A means of time differentiating the net costs compatible with the manner in which BPA's then current firm power rates are time differentiated.

(2) The applicant also must submit an explanation of the financing, cost estimating, accounting, or other methodology used in estimating or determining net costs, including the amount included and the rationale for the cost of capital, risk premium, or return on investment.

(3) In the case of a multipurpose project, the applicant shall provide such information as will permit the Administrator to verify the net cost allocated to electric power production after allocating the total costs of the project among electric power production and other project purposes.

(4)(i) If the resource for which the application is being submitted is acquired by the customer from another party, the customer shall indicate whether the acquisition is:

(A) At the customer's initiative;

(B) Mandated by Federal law; or

(C) Mandated by State law.

(ii) If the billing credit resource acquisition is mandated by a State law, the customer shall:

(A) Identify the State law and summarize its applicable provisions;

(B) Describe the terms and conditions of the acquisition and how they were negotiated or otherwise determined pursuant to the State law; and

(C) Itemize the actual net costs of the resource if the actual net costs of the resource are less than the amount paid by the customer for the resource.

(5) The customer shall describe the extent of its ability to discontinue operation of the billing credit resource for the purpose of identifying its displaceable costs when the

Administrator is able to displace the resource. If the resource is not displaceable, the customer shall explain why the nature of the resource or the customer's rights to use the resource do not permit displacement. Whenever the resource is displaceable, the customer shall identify such costs in the cost data submitted for the resource.

(c) *Specific Requirements: Conservation*

The customer shall submit evidence that the conservation activity is independently undertaken.

(d) *Specific Requirements: Retail Rate Structures*

(1) The customer shall submit evidence that its retail rate structure is a voluntarily implemented retail rate structure.

(2) The customer shall specify whether it is applying for a billing credit for:

(i) Conservation induced by its retail rate structure;

(ii) The installation of consumer-owned renewable resources induced by its retail rate structure; or

(iii) Both conservation and consumer-owned renewable resources induced by its retail rate structure.

(3) The customer shall also demonstrate that:

(i) Its methodology for quantifying the reduction in net requirements for firm electric power or reserves attributable to its retail rate structure distinguishes among the load reductions resulting from conservation and consumer-owned renewable resources, and other causes;

(ii) The conservation induced by its retail rate structure meets the qualifications set forth in section 4 of this policy for a conservation billing credit; and

(iii) The consumer-owned renewable resources induced by its retail rate structure meet the qualifications set forth in section 5 of this policy for a renewable resource billing credit.

Section 13: The Administrator's Decisionmaking Process

(a) *Review of Application*

(1) The Administrator shall review each billing credit application to determine whether the application contains such information as will enable the Administrator:

(i) To make a decision consistent with the requirements of this policy;

(ii) To comply with NEPA and other applicable environmental laws; and

(iii) To satisfy the Administrator's obligation to give due consideration to the protection, mitigation, and enhancement of fish and wildlife.

(2) The Administrator may return applications which contain information insufficient to process the billing credit application. In such instances, the Administrator shall briefly explain in a letter to the applicant why the application is inadequate, describe any missing information, and provide an opportunity to submit an amended application.

(3) The Administrator shall provide written notice of all complete billing credit applications received to the Regional Council, the governor of each State in which the billing credit resource would be constructed or implemented, or which would be affected by the billing credit resource, the Administrator's customers, Federal and State fish and wildlife agencies and Indian tribes affected by the billing credit resource, and other interested parties including local governments. Such notice shall contain the name and address of the applicant, the location and description of the billing credit resource, and information on the availability of the application.

(b) *NEPA and Other Environmental Considerations*

Prior to conditionally approving an application for a billing credit, the Administrator must comply with NEPA and other applicable environmental laws.

(c) *Integration of the Billing Credit Resource with the Regional Power System*

(1) The Administrator shall appraise the capability of the billing credit resource in relation to the Administrator's resource acquisition program to determine with respect to each billing credit resource:

(i) The dates between which the billing credit resource will reduce the Administrator's obligation to acquire resources; and

(ii) The amount by which the billing credit resource reduces the customer's net requirement for supply of firm electric power or reserves from the Administrator.

(2) In determining the amount by which a billing credit resource actually reduces the customer's net requirement for supply of firm electric power or reserves from the Administrator:

(i) The Administrator shall make a separate determination for the amount of capacity and energy reduction during each time period for which the Administrator's then current firm power rates are time-differentiated;

(ii) For a generating billing credit resource, the amount of the reduction shall be equal to the sum of the metered output of the billing credit resource, and other power, if any, provided pursuant to section 9(c) of this policy, less losses incurred in delivering the output to the points of delivery as specified in the billing credit contract;

(ii) For a conservation activity or other nongenerating resource, the amount of the reduction shall be as determined by the Administrator based on the best available information as to the actual capacity and energy savings attributable to the resource; and

(iv)[A] In the case of a billing credit granted to a DSI, the amount of the reduction shall be 75 percent of the metered or estimated capability of the billing credit resource or power provided pursuant to section 9(c), to account for the lesser benefit the Administrator receives from a reduction of a DSI's net requirement because of the Administrator's rights to interrupt service to DSI's.

(B) This basic reduction may be increased or decreased if the Administrator determines such further adjustment is justified in a specific case based on additional information submitted by the DSI during the negotiation of a billing credit contract.

(d) *Decision on Applications*

(1) The Administrator shall, within a reasonable time of completing the analysis of the application and of completing NEPA or other applicable procedures, either:

(i) Conditionally approve the billing credit; or

(ii) Deny the application by letter, stating the reasons for rejecting the application.

(2) Written notice of any complete billing credit application which is rejected shall be provided by the Administrator to the Regional Council, the governor of each State in which the billing credit resource would be constructed or implemented, or which would be affected by the billing credit resource, the Administrator's customers, Federal and State fish and wildlife agencies and Indian tribes affected by the billing credit resource, and other interested parties including local governments. Such notice shall contain the name and address of the applicant, the location and description of the billing credit resource, and a statement of the reasons for rejection.

(3) Upon conditionally approving a billing credit the Administrator shall set forth the reasons for the conditional approval in a draft administrative record to be made available for public review and comment according to the

procedures of subsections (f) and (g) as appropriate.

(4) A letter of denial shall constitute the administrative record for applications rejected by the Administrator.

(5) The decision either to conditionally approve or to deny the billing credit application shall be made based upon the billing credit policy in effect at the time the decision is made.

(e) *Billing Credit Contract Negotiation*

(1) Subsequent to giving conditional approval, the Administrator shall, within a reasonable time, begin negotiating a billing credit contract.

(2) The Administrator shall include in all billing credit contracts such terms as will be appropriate and necessary to insure compliance with this policy, including but not limited to:

(i) That the customer will operate a generating billing credit resource in a manner compatible with the planning and operation of the region's power system;

(ii) That the billing credit resource will be constructed, scheduled, completed, and operated in a timely fashion;

(iii) That the customer shall provide equivalent electric power or reserves to assure that it will be able to reduce its net requirement for firm electric power or reserves from the Administrator by the amounts and for the time periods stipulated in the billing credits contract in the event the billing credit resource is not operative;

(iv) That the costs of the billing credit resource are as low as reasonably possible consistent with:

(A) Sound engineering, operating, and safety practices;

(B) Sound business and financing practices;

(C) The protestion, mitigaion, and enhancement of fish and wildlife, including related spawning grounds and hibitat affected by the development of such resources; and

(D) The requiements of the Regional Act;

(v) That the Administrator has the right to exercise effective oversight, inspection, audit, and review of such construction and operation;

(vi) That the Administrator has the authority to approve all costs of, and proposals for, major modifications in construction, scheduling, operations or financing;

(vii) That the Administrator is provided with such information as is necessary to evaluate such construction and operation;

(viii) That the resource is constructed and oparated in a manner consistent with the customer's power sales contract and other agreements and policies related to the construction and operation of the region's resources;

(ix) That the Administrator may displace a billing credit resource which has displaceable costs in accordance with the terms of section 9(h) of this policy; and

(x) That the Administrator may reschedule a billing credit resource under construction in accordance with the terms of section 9(g) of this policy; and

(xi) That the Administrator may require the customer to make good faith efforts to refinance or make improvments to the resource in accordance with section 9(i) of this policy.

(3) The Administrator shall require that a customer receiving billing credtis shall not sell power from a billing credit resource, either directly or indirectly except to those consumers within that customer's service area in the Pacific Northwest to the extent such consumers are normally dependent on the Purchaser for their firm power supplies.

(f) *Procedures for Nonmajor Billing Credit Resources*

(1) Once the Administrator and the applicant have negotiated a proposed billing credit contract, the Administrator shall, prior to signing the billing contract, publish notice of the proposed billing credit contract in the **Federal Register** and provide a copy of such notice to the Regional Council, the governer of each State in which the billing credit resource would be constructed or implemented or which would be affected by the billing credit resource, the Administrator's customers, Federal and State fish and wildlife agencies and Indian tribes affected by the billing credit resource, affected local governments, and other interested parties including local governments.

(2) The Administrator shall include in such notice the methodology the Administrator proposes to use in determining the amount of the proposed billing credit, and the availability of the draft administrative record.

(3)(i) Anyone wishing to comment to the Administrator on the proposed billing credit contract must do so in writing within 30 days of the date of the notice.

(ii) The Administrator's staff shall evaluate any comments that are submitted and make a recommendation to the Administrator.

(iii) The Administrator shall include any comments and recommendations as part of the administrative record.

(4) After the 30-day comment period, the Administrator may:

(i) Sign the billing credit contract;

(ii) Renegotiate the proposed billing credit contract as the Administrator deems appropriate; or

(iii) Deny the billing credit application.

(5) Administrator may republish notice of the proposed billing credit contract if the Administrator and the customer renegotiate the proposed billing credit contract and the renegotiated billing credit contract differs from the initial proposed billing credit contract sufficiently to warrant republication.

(6) Before the Administrator grants a billing credit, the Administrator shall:

(i) Publish notice of the decision in the **Federal Register** and provide a copy of such notice to the Regional Council, the government of each State in which the billing credit resource would be constructed or implemented or which would be affected by the billing credit resource, the Administrator's customers Federal and State fish and wildlife agencies and Indian tribes affected by the billing credit resource, and other interested parties including affected local governments; and

(ii) Note the billing credit and include the cost of the billing credit in the Administrator's budget submittal.

(7) The Administrator may not grant a billing credit until 90 days after the date on which the billing credit was noted in the budget submittal or 90 days after the date on which such decision has been published in the **Federal Register**, whichever is later.

(g) *Procedures for Major Billing Credit Resources*

(1) Once the Administrator and the applicant have negotiated a proposed billing credit contract, the Administrator shall, prior to signing the billing credit contract, publish notice of the proposed billing credit contract in the **Federal Register** and provide a copy of such notice to the Regional Council, the governor of each State in which the billing credit resource would be constructed or implemented or which would be affected by the billing credit resource, the Administrator's customers, Federal and State fish and wildlife agencies and Indian tribes affected by the billing credit resource, and other interested parties including affected local governments.

(2) The Administrator shall include in such notice the methodology the Administrator proposes to use in determining the amount of the proposed billing credit, and the availability of any draft administrative record.

(3) Within 60 days of publication of notice of the proposed billing credit contract in the **Federal Register**, the Administrator shall conduct one or more public hearings presided over by a hearing officer, at which testimony and evidence shall be received, with opportunity for rebuttal and cross-examination as the hearing officer deems appropriate.

(4) The Administrator shall develop an administrative record which shall include the transcripts of the public hearings, exhibits, and other materials and information submitted to or developed by the Administrator.

(5) The Administrator shall make public and provide to the Regional Council a written decision containing:

(i) A finding that granting the billing credit is not inconsistent with the regional plan, or if no regional plan is in effect, not inconsistent with the criteria of section 4(e)(1) and the considerations of section 4(e)(2) of the Regional Act.

(ii) A finding that the billing credit resource will reduce the Administrator's obligation to acquire resources.

(6) The Administrator shall take no further action before the earlier of 60 days from the date the written decision is received by the Regional Council or the date the Council determines whether the billing credit is inconsistent with the plan, or if no plan is in effect, inconsistent with the criteria of section 4(e)(1) and the considerations of section 4(e)(2) of the Regional Act.

(7) Before the Administrator grants a billing credit, the Administrator shall:

(i) Submit to the appropriate Congressional Committees:

(A) The administrative record;

(B) The consistency determination by the Regional Council; if any; and

(C) A statement of NEPA compliance procedures followed or to be followed.

(ii) Publish notice of the decision in the **Federal Register** and provide a copy of such notice to the Regional Council, the governor of each State in which the billing credit resource would be constructed or implemented or which would be affected by the billing credit resource, the Administrator's customers, Federal and State fish and wildlife agencies and Indian tribes affected by the billing credit resource, and other interested parties including affected local governments; and

(iii) Note the billing credit and include the cost of the billing credit in the Administrator's budget submittal.

(8) The Administrator may not grant a billing credit until 90 days after the date on which the billing credit was noted in the budget submittal or 90 days after the date on which such decision has been published in the **Federal Register**, whichever is later.

(h) *Procedures for Inconsistent Major Billing Credit Resources*

The Administrator may not grant a billing credit for a major resource determined by the Administrator or by the Regional Council to be inconsistent with the regional plan, the fish and wildlife program, inconsistent with the criteria of section 4(e)(1) and the considerations of section 4(e)(2) of the Regional Act unless:

The Administrator finds that, notwithstanding such inconsistency, such billing credit resource is needed to meet the Administrator's obligation to acquire resources under the Regional Act; and

(2) The expenditure of funds for such billing credit has been specifically authorized by Act of Congress.

Section 14: Administering Approved Billing Credit Contracts

(a) *Payment*

(1) The Administrator shall grant a billing credit by adjusting the customer's monthly power bill. The billing credit may be subtracted from or added to the customer's power bill. When it is subtracted from the bill, the Administrator may, as an alternative to reducing the bill, pay the credit by check or other appropriate instrument.

(b) *Customer's Annual Report*

(1) Within 60 days after the start of each operating year, each customer that has received a billing credit during the previous operating year shall submit to the Administrator an annual report for each of the customer's billing credit resources.

(2) The customer shall include in the report such information as will enable the Administrator to evaluate the continued effectiveness of the billing credit resource and, if necessary, adjust the customer's billing credit.

(3) The annual report must fully describe:

(i) The performance of the billing credit resource over the previous operating year in terms of electric power produced or saved during each time period for which the Administrator's then applicable firm power rates are time-differentiated;

(ii) For resources other than conservation, the net costs of the billing credit resource during the previous operating year, itemized by the fixed and variable cost components, and the cost reductions, if any, which resulted from the Administrator's displacement of the billing credit resource;

(iii) For resources other than conservation, any anticipated changes in the net costs reasonably expected to be incurred by the customer during the next 3 operating years, including changes attributable to anticipated refinancing or installation of improvements; and

(iv) Any other information that the Administrator may request.

(c) *Adjustment of a Billing Credit*

(1) The Administrator shall adjust a billing credit whenever necessary to reflect changes in conditions, including, but not limited to:

(i) Changes in the customer's wholesale power rate;

(ii) Changes in the applicable alternative cost;

(iii) Changes in the net costs of the billing credit resource; and

(iv) Changes in the performance of small resource billing credit resource to the extent not covered by the reserve requirement specified in section 9(c).

(v) Withdrawal of all or a portion of a billing credit resource;

(vi) Rescheduling of a billing credit resource; and

(vii) Discovery of any errors in or miscalculations of a billing credit.

(2) Whenever the Administrator adjusts the amount of a billing credit, the Administrator shall notify the customer by letter, briefly stating the reasons for such adjustment.

(3) Whenever the Administrator adjusts a billing credit, such adjustment shall include accumulated interest thereon, computed at the Administrator's weighted average borrowing rate, for the period of time between the date that the over or under payment occurs and the date the adjustment is made.

(4) The Administrator shall keep track of any amounts, including interest if applicable, by which the alternative cost upon which the billing credit is based exceeds the nominal cost stream established pursuant to section 10(a)(5). This amount shall be the overpayment account and shall be settled either by reducing the future billing credits or by a charge upon termination of the billing credit contract.

(d) *Administrator's Periodic Review and Audit*

(1) The Administrator may audit, inspect, or otherwise review any aspect of the construction or operation of any resource for which the Administrator grants or intends to grant a billing credit as the Administrator deems appropriate to carry out the Administrator's responsibilities under the Regional Act

consistent with sound business practices.

(2) Customers receiving billing credits shall make available to the Administrator such information as the Administrator may request in conducing such audit, inspection, or other review.

(3) The Administrator may conduct, upon reasonable notice, such onsite inspections of a billing credit resource as the Administrator may deem necessary to verify the accuracy of any information provided by the customer or to otherwise perform the Administrator's duties.

(e) *Remedies*

(1) The Administrator may adjust a billing credit or terminate a billing credit contract and impose a termination charge whenever the Administrator determines that a customer has failed to met the requirements of this policy or the customer's billing credit contract. The Administrator may temporarily adjust or cease granting a billing credit pending a final determination.

(2) Prior to taking any such action, the Administrator shall:

(i) Give 30 days' notice to the customer in writing stating the nature of the breach; and

(ii) State the course of conduct the customer must pursue to cure the breach.

(3) In addition to any termination charge imposed pursuant to paragraph 14(e)(1) above, the Administrator may determine that further amounts are due from overpayment of the billing credit.

Section 15: Reconsideration of the Administrator's Decisions

(a) *Right to Request Reconsideration*

Any customer or other entity who believes that it has been adversely affected by a final decision of the Administrator related to billing credits may request that the Administrator reconsider the decision. Requests must be submitted to the Administrator in writing within 30 days of receipt of notice of such decision.

(b) *The Administrator's Response*

The Administrator shall respond in writing within a reasonable time stating the decision and the reasons for that decision.

Section 16: Records and Access to Information

(a)(1) Customers supplying proprietary information that is intended by the customer to be disclosed in confidence to the Administrator must specifically identify such information.

(2) The Administrator shall maintain the confidentiality of such proprietary information to the extent permitted by law.

(b) Customers must maintain such records as will permit the Administrator to exercise prudent oversight including audit, inspection, or other review of any aspect of the construction and operation of a billing credit resource as the Administrator determines may be appropriate.

(c) Customers must comply with the requirements of the Privacy Act, Pub. L. 93–579, 88 Stat. 1896.

(d) The Administrator and the Administrator's customers shall make all records relating to billing credits available to any entity who may wish to inspect or copy such records only in accordance with the requirements of the Trade Secrets Act, 18 U.S.C. 1905, the Freedom of Information Act, 5 U.S.C. 552, and the Privacy Act, Pub. L. 93–579, 88 Stat. 1896.

Section 17: Modification of the Policy

(a) BPA reserves the right to amend this policy as may be necessary to permit the Northwest Power Planning Council's plan and fish wildlife program and any subsequent revisions thereto to be effective in the manner and for the purposes set forth in sections 4 and 6 of the Regional Act.

Issued in Portland, Oregon, on September 1, 1983.

Robert E. Ratcliffe,

Acting Administrator.

Appendix I—Formulas for Service Life Adjustment for Fixed Cost Component of Alternative Cost

To decrease the fixed cost component of alternative cost when a billing credit resource is made available to the Administrator for a shorter period than the Administrator otherwise would acquire resources:

Assume: (1) A rate for escalation of fixed costs due to all factors which may affect fixed costs; (2) the BPA financing rate; and (3) the period for which the Administrator will acquire resources.

Using a base of 100, apply the escalation rate to calculate the increase each year in annual fixed cost over the period for which resources are expected to be acquired. Using the BPA financing rate, calculate the present worth of the amount of the increase in annual fixed costs over the remainder of the resource acquisition period. Using the BPA financing rate, calculate the sinking fund payment that, starting with the first year, will accumulate to an amount equal to the present worth of the increase in annual fixed cost. As the base is 100, the amount of the sinking fund payment is the percentage by which the fixed cost component of alternative cost should be reduced.

The table below shows an example of the application of the methodology.

Resource life [1] or availability to BPA	Annual fixed cost [2] component of alternative resource cost	Present worth [3] of increased resource cost over remaining life	Sinking fund [3] to equal present worth
0	100.00		
1	105.00	33.05	33.05
2	110.25	67.65	31.47
3	115.76	103.87	29.91
4	121.55	141.78	28.39
5	127.63	181.42	26.91
10	162.89	406.53	20.02
15	207.89	675.32	14.20
20	265.33	966.75	9.44
25	338.64	1197.68	5.63
30	432.19	1113.55	2.56
35	551.60		

[1] It is assumed that resources to be acquired by the Administrator have an average useful life of 35 years.
[2] Assumed to escalate at 5 percent per year due to all risk factors.
[3] Calculated at estimated BPA interest rate of 15 percent.

To increase the fixed cost component of alternative cost when a billing credit resource is made available to the Administrator for a longer period than the Administrator otherwise would acquire resources:

Using the same assumptions regarding cost escalation, financing rates, etc., used in the formula for calculating a reduction for shorter lived resources, calculate the annuity that will pay for the present worth of the increased resource costs that the Administrator may avoid as a result of a billing credit resource having a longer period of availability to the Administrator than the resources the Administrator otherwise would acquire. Use the percentage rate represented by the annuity to increase the fixed cost component of alternative cost.

The table below shows an example of the application of the methodology.

Billing credit resource life	Increase in annual fixed cost [1]	Present worth of cost increase deferrable [2]	Cumulative present worth	Annuity to pay for cumulative [2] present worth
36	479.18	3.13	3.13	.47
37	506.14	2.89	6.02	.91
38	536.55	2.66	8.68	1.31
39	570.48	2.45	11.13	1.67
40	603.99	2.25	13.38	2.01
41	639.20	2.08	15.46	2.32
42	676.16	1.91	17.37	2.61
43	714.97	1.75	19.12	2.88
44	755.72	1.61	20.73	3.13
45	798.50	1.49	22.22	3.33

[1] Assumed to escalate at 5 percent per year, due to all risk factors.
[2] Calculated at interest rate of 15 percent.

Appendix II—Alternative Formulas for Calculating Billing Credits for Customers Who Have Executed Section 5(c) Exchange Contracts in Addition to Section 5(b) or Section 5(d) Power Sales Contracts

BC = Billing Credit
PC = Program Cost for Conservation
RC = Cost of Resource other than Conservation
AC = Alternative Cost
ASC = Average System Cost
7b = BPA Rate for General Requirements of Preference Customers
7f = BPA Rate for Firm Power Sales other than under 7b Rate
%Res = Percent of Customer's Total Load which is exchanged with BPA
%Ramp = Percent of Residential Load Eligible for Exchange, i.e., the Percent Ramp In

Note.—Use formulas as stated whenever the billing credit customer displaces purchases at the 7(f) rate, but substitute the 7(b) rate wherever the 7(f) rate appears in the formulas when the billing credit customer displaces 7(b) purchases.

When Billing Credit Is for Conservation Is Residential Load

When PC is less than BC:

$$BC = AC - 7f + \%\text{Ramp}\,(ASC - 7b) + \%\text{Res}\,(7f - ASC)$$

When PC is greater than BC:

$$BC = \frac{AC - 7f + \%\text{Ramp}\,(ASC - 7b) + \%\text{Res}\,(7f - ASC - PC)}{1 - \%\text{Res}}$$

The following formula is used to calculate the "breakpoint," i.e., whether PC is less than BC or greater than BC, to select which of the above formulas to apply.

$$PC = BC$$
$$PC = AC - 7f + \%\text{Ramp}\,(ASC - 7b) + \%\text{Res}\,(7f - ASC)$$

When Billing Credit Is for Conservation in Other Than Residential Load

When PC is less than BC:

$$BC = AC - 7f + \%\text{Res}\,(7f - ASC)$$

When PC is greater than BC:

$$BC = \frac{AC - 7f + \%\text{Res}\,(7f - ASC - PC)}{1 - \%\text{Res}}$$

The following formula is used to calculate the "breakpoint," i.e., whether PC is less than BC or greater than BC to select which of the above formulas to apply.

$$PC = BC$$
$$PC = AC - 7f + \%\text{Res}\,(7F - ASC)$$

When Billing Credit Is for Small Generating Resource Where the Net Cost of the Resource Is Less Than Alternative Cost but Has Been Deemed To Be Equal To or Greater Than Alternative Cost

When RC is less than BC:

$$BC = AC - 7f + \%\text{Res}\,(7f)$$

When RC is greater than BC:

$$BC = \frac{AC - 7f + \%\text{Res}\,(7f - RC)}{1 - \%\text{Res}}$$

The following formula is used to calculate the "breakpoint," i.e., whether RC is less than BC or greater than BC to select which of the above formulas to apply.

$$RC = BC$$
$$RC = AC - 7f + \%\text{Res}\,(7F)$$

When the Billing Credit Is for Resource Other Than Conservation and Amount Is Based on Net Cost of Resource

When RC is less than AC:

$$BC = RC - 7f$$

When RC is greater than AC:

Same as for small resource with amount based on alternative cost.

The following formula is used to calculate the "breakpoint," i.e., whether RC is less than BC or greater than BC to select which of the above formulas to apply.

$$RC = 7f$$

Appendix III—Conditions Under Which Customers May Withdraw All or Part of a Billing Credit Resource

In order to withdraw a billing credit resource or any portion of a billing credit resource, the customer shall notify the Administrator in writing at least 6 months preceding the beginning of the operating year in which the customer intends to withdraw the billing credit resource. Such notice shall include the time periods of the withdrawal and the amounts to be withdrawn. Withdrawal is permitted only under the following conditions.

(1) Any billing credit resource may be withdrawn from participation in the billing credit program if the resource is permanently discontinued because of loss of resource or loss of contract rights resulting from factors beyond the reasonable control of the customer and which the best efforts of the customer are unable to remedy. Any billing credit resource may be withdrawn if the resource is permanently discontinued because of obsolescence or retirement to the extent and for the operating years that the customer has consulted with the Administrator regarding such discontinuance and BPA has agreed in writing to such discontinuance. Lack of an adequate power supply to replace the discontinued billing credit resource shall not be sufficient reason for the Administrator to withhold agreement to such discontinuance.

(2) Any billing credit resource may be withdrawn if and to the extent that the Administrator is expected to have an excess of firm resources over its firm load in the first operating year for which the customer proposes withdrawing its billing credit resource. The Administrator's expected firm load-resource balance will be determined from the then latest publication of the Administrator's firm loads and planned firm resources issued by the Administrator. If the customer and other customers under similar billing credit contracts propose to withdraw billing credit resources in excess of the Administrator's expected firm load-resource balance, the Administrator shall allocate the amount of billing credit resources which each such customer may withdraw giving priority among competing requests in the order that written notice of withdrawal was first received. The Administrator shall notify the customer in writing within 30 days after the receipt of such notice of any limitation on the amount of the billing credit resource which it may withdraw.

(3) Any billing credit resource may be withdrawn to the extent that equivalent capacity and energy capability from another firm resource is substituted and, for utility customers, is added to the customer's firm resource exhibit to its power sales contract or to its billing credit contract as appropriate, for the remaining portion of the original billing credit contract term. Such resource shall be one which was not planned as of December 5, 1980, to meet the firm load growth in the Pacific Northwest or, if so planned, has been offered for sale to the Administrator and the Administrator has declined such offer.

(4) Any billing credit resource may be withdrawn to the extent that such resource is correspondingly added to the firm resources of other BPA customers in such a manner that the Administrator's total firm obligations to supply power are not changed.

(5) Any billing credit resource may be withdrawn to the extent such resource was acquired by the Administrator from the customer pursuant to a separate agreement.

(6) Any billing credit resource may be withdrawn if and to the extent that the Administrator has given prior written consent.

(7) The capacity portion of any billing credit resource to which the preceding paragraphs do not apply may be withdrawn upon 5 years written notice and the energy portion of such resource may be withdrawn upon 7 years written notice to the Administrator.

[FR Doc. 83-25016 Filed 9-22-83; 8:45 am]
BILLING CODE 6450-01-M

[BPA File No. BCE-1]

Comment Period on Cost-Effectiveness Requirement in Billing Credits Policy

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of comment period.

SUMMARY: BPA requests public comment on whether its final Billing Credits Policy should be amended to require

that a resource be required to undergo a cost-effective determination to establish the resource's elgibility for a billing credit. The final policy does not now contain such a requirement.

Responsible Official: Ms. Eleanor Y. Adelman, Billing Credits Coordinator.

DATE: Comments will be accepted through November 7, 1983.

ADDRESSES: Comments should be submitted to Ms. Donna L. Geiger, Public Involvement Manager, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Ms. Donna L. Geiger, Public Involvement Manager, at the above address or 503–230–3478. Oregon callers may use the toll-free number 800–452–8429; callers in California, Idaho, Montana, Nevada, Utah, Washington, and Wyoming may use 800–547–6048.

Ms. Eleanor Y. Adelman, Billing Credits Coordinator, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208, 503–230–3602;

Mr. George E. Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97208, 503–230–4551;

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503–687–6952;

Mr. Ronald H. Wilkerson, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–456–2518;

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509–662–4377, extension 379;

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406–329–3860;

Mr. Richard D. Casad, Puget Sound Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206–442–4130;

Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509–525–5500, extension 701;

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706;

Mr. Frederic D. Rettenmund, Boise District Manager, Owyhee Plaza, Suite 245, 1109 Main Street, Boise, Idaho, 209–334–9138.

SUPPLEMENTARY INFORMATION:

BPA's Billing Credits Policy, which is published in final form in this edition of the **Federal Register** under "Notice of Billing Credits Policy," provides that a resource need not be shown to be cost-effective to be eligible for a billing credit. BPA is seeking comments on this policy provision to determine whether the Billing Credits Policy should be amended to require that a resource undergo a cost-effectiveness determination, as per section 4(e)(1) of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act), to establish its eligibility for a billing credit.

BPA believes that section 6(h) of the Regional Act establishes billing credits as a mechanism that is distinct from a resource acquisition. Billing credits were included in the Regional Act to remove the disincentive to independent resource development inherent in BPA's melded rates. Congress established a rate impact test as the standard upon which the granting of billing credits is based. The rate impact test is bases on the cost to BPA, in terms of the impact on BPA's rates, of alternative resources BPA would otherwise be obligated to acquire in lieu of granting a billing credit. This test protects regional ratepayers from higher BPA rates due to the granting of a billing credit as compared to the rates that would otherwise occur were BPA obligated to acquire alternative resources in lieu of granting the billing credit.

BPA's original proposed Billing Credits Policy, published in the **Federal Register** on March 5, 1982 (47 FR 9760), did not require that a resource be shown cost-effective to be eligible for a billing credit. This issue received relatively few comments during the official comment period which ended on April 23, 1982. On April 27, 1983, the Northwest Power Planning Council (Regional Council) adopted its Regional Conservation and Electric Power Plan, which provides that all BPA resource acquisitions must be cost-effective. On July 8, 1983, the Regional council formally expressed concern that the lack of a cost-effectiveness determination to establish a resource's eligibility for a billing credit may constitute an inconsistency between the Billing Credits Policy and the Regional Council's plan.

BPA believes that a billing credit is distinct from a resource acquisition, and believes that the final Billing credits Policy is consistent with section 6(h)(1)(B) of the Regional Act which provides that, to be eligible for a billing credit, a resource other than conservation may not be "inconsistent with the plan or in the absence of a plan, not inconsistent with the criteria of section 4(e)(1) and the considerations of section 4(e)(2) of this Act." However, because of the Regional Council's concern that there may be an inconsistency between the Council's plan and the Billing Credit Policy, BPA will reconsider the issue of the cost-effectiveness determination requirement for eligibility for a billing credit.

BPA is therefore accepting comment on the issue of whether the final Billing Credits Policy should be amended to require a cost-effectiveness determination for a resource to be eligible for a billing credit. Comments on the relationship of a cost-effectiveness requirement for a billing credit and such factors as consistency with the Regional Council's plan, encouragement of local initiative, fostering of new resources, etc., would be particularly useful to BPA.

Further background information on the issue of cost-effectiveness can be found in the final Billing Credits Policy which is being published simultaneously and in Appendix IV to that document. Copies may be obtained from the BPA Public Involvement office at the address and telephone number listed above.

Issued in Portland, Oregon, on September 1, 1983.

Robert E. Ratcliffe,

Acting Administrator.

[FR Doc. 83-25017 Filed 9-22-83; 8:45 am]

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federal register

Friday
September 23, 1983

Part III

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Arkansas:	
AR83-4049	July 15, 1983.
AR83-4069	Sept. 16, 1983.
Colorado: CO83-5115	July 29, 1983.
Indiana: IN83-2071	Sept. 9, 1983.
Iowa	
IA82-4049	Oct. 8, 1982.
IA83-4056	July 29, 1983.
Louisiana:	
LA83-4019	Feb. 4, 1983.
LA83-4059	Aug. 5, 1983.
Nevada:	
NV82-5114	Aug. 6, 1982.
NV83-5103	Mar. 18, 1983.
New Mexico:	
NM83-4032	Apr. 15, 1983.
Pennsylvania:	
PA82-3007	Feb. 26, 1982.
PA82-3011	Mar. 12, 1982.
PA82-3012	Mar. 5, 1982.
PA81-3072	Oct. 2, 1981.
PA83-3001	Aug. 19, 1983.
Texas:	
TX83-4003	Jan. 7, 1983.
TX83-4002	Do.
TX83-4005	Do.
Wisconsin: WI83-2068	Sept. 2, 1983.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:	
AL81-1271 (AL83-1609)	July 24, 1981.
AL81-1248 (AL83-1070)	June 12, 1981.
Kentucky:	
KY82-1056 (KY83-1064)	Oct. 1, 1982.
KY80-1087 (KY83-1065)	Aug. 1, 1980.
KY80-1116 (KY83-1066)	Oct. 31, 1980.
KY81-1206 (KY83-1067)	Apr. 17, 1981.
KY79-1162 (KY83-1068)	Dec. 14, 1979.
Massachusetts: MA81-3054 (MA83-3046)	Sept. 4, 1981.
Nevada: NV82-5113 (NV83-5121)	Aug. 6, 1982.
Wisconsin:	
WI82-2074 (WI83-2075)	Feb. 26, 1982.
WI82-2006 (WI83-2075)	Mar. 5, 1982.

Cancellation of Modifications to General Wage Determination Decisions

The numbers of the modifications being cancelled and their dates of publication in the **Federal Register** are listed with each State.

KS83-4103—Modification #5—Shawnee County, Kansas, dated September 2, 1983 (Building Construction)

KS83-4014—Modification #5—Sedgwick County, Kansas, dated September 2, 1983 (Building Construction)

KS83-4009—Modification #5—Leavenworth County, Kansas, dated September 2, 1983 (Building Construction)

Cancellation of General Wage Determination Decision

The General Wage Decision listed below is cancelled. Agencies with construction projects pending to which the cancelled decision would have been applicable should utilize the Project Determination procedure by submitting Form SF-308. See Regulations Part 1 (29 CFR), Section 1.5. Contracts for which bids have been opened shall not be affected by this notice. Also, consistent with 29 CFR 1.7(b)(2), the incorporation of the cancelled decision in contract specifications, the opening of bids for which is within (10) days of this notice, need not be affected.

SD81-5151, Meade and Pennington Counties, South Dakota—Building Construction

Signed in Washington, D.C. this 16th day of September 1983.

Dorothy P. Come,

Administrator.

BILLING CODE 4510-27-M

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits
DECISION #AR83-4049-Mod.#4 48FR32450-July 15, 1983 SEBASTIAN, CRAWFORD AND WASHINGTON COUNTIES, ARKANSAS		
ADD:		
CRAWFORD & SEBASTIAN COS.:		
Soft floor layers	$11.19	1.54
DECISION #AR83-4069-MOD.#1 48FR September 16, 1983 PULASKI AND JEFFERSON COUNTIES, ARKANSAS		
CHANGE:		
ELECTRICIANS:		
Electricians	14.70	2.90
Cable splicers	14.825	2.90
DECISION NO. CO83-5115 - Mod. #1 (48 FR 34598 - July 29, 1983) Delta, Garfield, Gunnison, Mesa, Montrose, and Pitkin Counties, Colorado		
Change:		
Carpenters:		
Area 1:		
Zone 1	$14.87	$3.57
Zone 2	15.37	3.57
Zone 3	15.62	3.57
Electricians:		
Electricians	15.88	1.75+ 4%
Cable Splicers	16.13	1.75+ 4%

	Basic Hourly Rates	Fringe Benefits
DECISION NO. IA82-4049 - MOD. #9 (47 FR 44667 - 10/8/82) Scott County, Iowa		
CHANGE:		
Carpenters:		
Carpenters	$14.91	3.08
Sheet metal workers	13.53	3.57
DECISION NO. IA83-4056 - MOD. #2 (48 FR 34611 - 7/29/83) Black Hawk,Cerro Gordo, Clintdh,Des Moines, Dubuque,Johnson,Linn & Polk Cos., Iowa		
CHANGE:		
Bricklayer & stonemason:		
Zones 6 & 7	14.04	.57
Carpenters:		
Zone 5 - Carpenters	11.62	1.04
Piledrivermen	12.02	1.04
Millwrights	12.12	1.04
Elevator constructors:		
Zones 1,5,6 & 7:		
Mechanics	12.55	3.00+a
Helpers	70%JR	3.00+a
Helpers (Prob.)	50%JR	
Plumbers & pipefitters:		
Zones 6 & 7	13.05	2.27
Sheet metal workers:		
Zones 1, 2 & 8	15.55	2.99
Zones 3,4 & 5	13.53	3.57

MODIFICAITONS P. 2

	Basic Hourly Rates	Fringe Benefits
DECISION NO. LA83-4019 - MOD. #7 (48 FR 5448 - 2/4/83) Calcasieu Par.,Louisiana		
CHANGE:		
Tile setters	$14.07	1.70
DECISION NO. LA83-4059 - MOD. #2 (48 FR 35836 - 8/5/83) Statewide Louisiana		
CHANGE:		
Asbestos workers:		
Zone 3	15.50	2.82
Electricians:		
Zone 1 - Electricians	17.64	13-5/10%
Cable splicer	17.89	"
Zone 6 - Electricians	15.90	1.15+ 3½%
Cable splicer	16.40	"
Zone 8 - Electricians	15.28	.80+ 3½%
Cable splicer	15.53	"
Glaziers - Zone 3	15.87	1.21
Line construction:		
Zone 2:		
Linemen	17.64	13-5/10%
Cable splicers	17.89	"
Equipment operators	75%JR	"
Truck drivers & groundmen	45%JR	"
Zone 6:		
Linemen,equip. ops.	15.90	1.15+ 3½%
Cable splicers	16.40	"
Groundmen	4.19	"
Marble,tile & terrazzo workers & finishers:		
Zone 2 -Tile setters	14.07	1.70

	Basic Hourly Rates	Fringe Benefits
DECISION NO. MD83-3006-Mod. #1 (48 FR 15424-April 8,1983) Washington County, Maryland		
CHANGE:		
Bricklayers	$9.75	.27
Carpenters	7.96	.36
Cement Masons	6.83	.28
Electricians	9.00	.79
Glaziers	8.22	.39
Laborers	5.65	.34
Plumbers	8.41	.72
Sheet Metal Workers	7.78	.22
Tile Setters	7.66	.32
Backhoe	7.05	.30
DECISION NO. IN83-2071 Mod # 1 (48 FR 40823 - September 9, 1983) ADAMS, . . . ,WHITLEY COS. INDIANA		
CHANGE:		
CARPENTERS; MILLWRIGHTS; PILEDRIVERMEN & SOFT FLOOR LAYERS		
Area 3:		
Carpenters & Millwright	$15.95	3.35
Area 4:		
Carpenters & Soft Floor Layers	14.21	2.02
Millwrights	14.96	2.02
Piledrivermen	14.71	2.02
Area 6:		
Carpenters & Soft Floor Layers	14.39	2.49
Millwrights	14.69	2.49
Piledrivermen	14.59	2.49

DECISION NO. NV82-5114 - Mod. #7 (47 FR 34312 - August 6, 1982) Nevada Test Site including Tonopah Test Range in Clark, Lincoln, and Nye Counties, Nevada	Basic Hourly Rates	Fringe Benefits
Change:		
Asbestos Workers	$19.41	$3.76
Cement Masons	12.73	6.95
Electricians:		
Electricians; Equipment Operators; Linemen	18.74	5.04+3%
Cable Splicers	19.07	5.04+3%
Groundman	14.992	5.04+3%
Elevator Constructors:		
Mechanics	22.24	2.66+a
Helpers	15.57	2.66+a
Probationary Helpers	11.12	
Painters:		
Brush; Roller	15.46	3.66
Paperhangers; Spray; Steel; Sandblasters; Swing Stage; Tapers	15.81	3.66
Buffing Steel; Sandblaster, Steel	16.07	3.66
Plumbers; Steamfitters	21.10	4.13
Power Equipment Operators: (Except Piledriving and Steel Erection):		
Group 1	15.08	6.31
Group 2	15.32	6.31
Group 3	15.56	6.31
Group 4	15.67	6.31
Group 5	15.86	6.31
Group 6	15.96	6.31
Sheet Metal Workers	17.85	6.02
Sprinkler Fitters	21.32	3.23
Truck Drivers:		
Group 1	15.46	3.11
Group 2	15.57	3.11
Group 3	15.62	3.11
Group 4	15.78	3.11
Group 5	15.96	3.11

DECISION NO. NV83-5103 - Mod. #4 (48 FR 11629 - March 18, 1983) Statewide (does not include the Nevada Test Site and Tonopah Test Range, and Highway Construction in Douglas County), Nevada	Basic Hourly Rates	Fringe Benefits
Change:		
Cement Masons:		
Area 2:		
Cement Masons	$14.80	$5.05
Mastic, Magnesite and all Composition Masons	15.05	5.05
Troweling Machine; Grinder Operator and Kelly Float	15.30	5.05
Area 3:		
Cement Masons	16.55	5.05
Mastic, Magnesite and all Composition Masons	16.80	5.05
Troweling Machine; Grinder Operator and Kelly Float	17.05	5.05
Plumbers; Steamfitters:		
Area 1	21.25	4.13
Power Equipment Operators:		
Clark, Esmeralda, Lincoln, and Nye Cos.:		
Group 1	16.24	7.14
Group 2	16.52	7.14
Group 3	16.81	7.14
Group 4	16.95	7.14
Group 5	17.17	7.14
Group 6	17.28	7.14
Group 7	17.40	7.14
Group 8	17.57	7.14
Group 9	17.70	7.14
Sheet Metal Workers:		
Area 2	18.13	4.23
Soft Floor Layers:		
Area 1	18.23	2.80
Sprinkler Fitters	21.32	3.23

DECISION NO. PA82-3007 MOD. NO. 15 (47 FR 8529 - February 26, 1982) BUCKS, CHESTER, DELAWARE, MONTGOMERY & PHILADELPHIA COUNTIES, PENNSYLVANIA	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Boilermakers	$18.88	2.865
Bricklayers:		
Zone 1		
New Residential under 4 stories	14.77	2.57
Bricklayers:		
All Other Work		
Zone 2	15.06	2.54
Electricians		
Zone 2		
Commercial	18.61	15-4%
Zone 3		
Residential up to and including 3 stories	10.62	2.07+3%
Elevator Constructors	18.665	3.00+a+b
Elevator Constructors Helpers	13.065	3.00+a+b
Elevator Constructors Helpers (Prob.)	9.33	
Ironworkers:		
All Other Work		
Zone 3		
Reinforcing	16.82	5.75
Lathers		
Zone 1	14.67	5.01
Zone 2	16.23	3.06
Marble Setters	14.20	3.20
Painters:		
Zone 2		
Commercial, brush	14.83	2.75
Commercial, spray	15.33	2.75
Zone 4		
Brush	14.86	3.28
Steel	15.61	3.28
Plasterers		
All Other Work		
Zone 1	16.61	1.53
Roofers:		
All Other Work		
Zone 1	18.17	2.73+*
Mechanic II - Handle and transport all materials tools, and equipment; clean-up debris (Zone 1)	8.25	2.73+*
Roofers:		
Zone 1		
Shingle, Slate or Tile	13.20	2.10
Mechanic II - Handle and transport all materials tools, and equipment; clean-up debris		
Zone 1	6.25	2.10
Stonemasons		
Zone 1	14.20	3.10
Asbestos Workers		
Zone 1	18.26	3.58

DECISION NO. PA83-3001 - MOD. #2 (48 FR 37805 - August 19, 1983) Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Jugiata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming and York Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits
CHANGE:		
POWER EQUIPMENT OPERATORS: HEAVY CONSTRUCTION		
(Zone 1)		
Group 1	16.24	22.6% + a
Group 2	15.95	"
Group 3	15.87	"
Group 4	14.30	"
Group 5	13.82	"
Group 6	12.90	"
Group 7	16.49	"
Group 7-A	16.74	"
Group 7-B	16.99	"
POWER EQUIPMENT OPERATORS (HIGHWAY CONSTRUCTION, AND WATER LINES CONSTRUCTION		
(OFF PLANT SITE)		
GROUP 1	13.25	25.6%
GROUP 2	12.41	25.6%
GROUP 3	11.90	25.6%
GROUP 4	11.46	25.6%
GROUP 5	10.91	25.6%
GROUP 6	13.50	25.6%
GROUP 6-A	13.75	25.6%
GROUP 6-B	14.00	25.6%

DECISION NO. PA81-3072 MOD. NO. 10 (46 FR 48851 - October 2, 1981) Adams & York Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Ironworkers	$17.265	3.745

DECISION NO. PA82-3011 - MOD. #6 (47 FR 10563 - March 12, 1982) Bradford, Tioga, & Union Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos Workers	16.33	2.31
Ironworkers:		
Structural, Ornamental & Reinforcing	17.265	3.745

DECISION NO. PA82-3012 - MOD. #6 (47 FR 9681 - March 5, 1982) Columbia, Montour, & Snyder Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos Workers:		
Columbia & Montour Cos.	16.33	2.31
Ironworkers:		
Montour & Snyder Counties	17.265	3.745

DECISION NO. WI83-2068 - MOD. #2 (48 FR 40096 September 2, 1983) Milwaukee, Ozaukee, Waukesha, & Washington Counties, Wisconsin	Basic Hourly Rates	Fringe Benefits
ADD:		
Communication Systems Installer	$11.88	3.59
Insulators	12.50	3.91
Soft Floor Layers	13.13	4.03

DECISION NO. TX83-4003 - MOD. #5 (48 FR 935 - 1/7/83) Bexar County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Elevator Constructors:		
Mechanics	$14.295	3.00+a
Helpers	70%JR	3.00+a
Helpers (Prob.)	50%JR	

DECISION NO. TX83-4002 - MOD. #7 (48 FR 931 - 1/7/83) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Plumbers & Pipefitters	14.80	2.91
Sheet Metal Workers	15.20	1.84+3%

DECISION NO. TX83-4005 - MOD. #5 (48 FR 934 - 1/7/83) Lubbock County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Sheet Metal Workers	15.20	1.84 +3%

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits
DECISION #NM83-4032-MOD.#11		
48FR16413-April 15, 1983		
STATEWIDE, NEW MEXICO		
CHANGE:		
Sprinkler fitters	$16.17	3.23
OMIT:		
CARPENTERS:		
Dwelling houses and apartments not to exceed two stories in height:		
Zone I-A	8.15	2.80
Zone I-B	9.65	2.80
Zone I-C	10.40	2.80
Building, Heavy and Residential Construction, Dwelling houses and apartments over two stories in height:		
Zone 2-A	13.80	2.80
Zone 2-B	15.30	2.80
Zone 2-C	16.05	2.80
ADD:		
CARPENTERS:		
Residential Construction including erection alteration, repair, modification, addition to single family houses, walk-up apartments and walk-up condominium)		
Zone I-A	8.15	2.80
Zone I-B	9.65	2.80
Zone I-C	10.40	2.80
Building, Heavy and Residential construction other than single family houses, walk-up apartments and walk-up condominium:		
Zone 2-A	13.80	2.80
Zone 2-B	15.30	2.80
Zone 2-C	16.05	2.80

Basic Hourly Rates	Fringe Benefits

SUPERSEDEAS DECISION

STATE: KENTUCKY

COUNTIES: BOONE, CAMPBELL, KENTON, & PENDLETON

DECISION NUMBER: KY83-1064

DATE: DATE OF PUBLICATION

Supersedes Decision Number KY82-1056, dated October 1, 1982, in 47 FR 43522.

DESCRIPTION OF WORK: HEAVY & HIGHWAY CONSTRUCTION PROJECTS.

	Basic Hourly Rates	Fringe Benefits
CARPENTERS	$17.00	2.625
CEMENT MASONS	15.38	2.12
ELECTRICIANS:		
Linemen	18.75	3% + 3.30
Groundmen	14.06	"
IRONWORKERS:		
Reinforcing	16.58	3.62
Structural	16.68	3.68
LABORERS:		
GROUP 1	12.82	3.05
GROUP 2	12.945	3.05
GROUP 3	13.02	3.05
GROUP 4	13.17	3.05
GROUP 5	13.47	3.05
PAINTERS:		
Brush	17.90	1.00
Spray	18.40	1.00
Sandblast, waterblast, & hopper tender	18.65	1.00
On Bridges when highest point of clearance is sixty feet (60') or more:		
Brush & Spray	18.90	1.00
Sandblast, waterblast, & hopper tender	19.65	1.00
PILEDRIVERMEN	$17.00	2.625
PIPEFITTERS	16.23	3.375
PLUMBERS	15.97	3.42
TRUCK DRIVERS:		
Driver, single axle dump & flat bed trucks, semi-trailer or pole trailer when used to pull building materials and equipment, dump truck tandem axle, & distributors	12.34	71.50a
Driver, Euclid & other heavy earth moving equipment, low boy, winch truck & A-Frame truck when used in transporting materials, Roes Carrier, fork lift truck when used in transporting building materials, & pavement breakers	12.44	71.50a
Driver on mixer trucks (all types)	12.37	71.50a
Truck mechanic	12.34	71.50a
Greaser, tire changer, & mechanic helper	12.16	71.50a
Mobile batch truck helper, & truck helper	12.05	71.50a

FOOTNOTE 'a': Per week per employee who has been employed a minimum of twenty (20) work days within any ninety (90) consecutive day period for that employer.

CLASSIFICATION DEFINITIONS - LABORERS:

GROUP 1 - Laborers (construction), plant laborers or yardmen, right-of-way laborers, landscape laborers, utility men or handymen, joint setter, carpenter tender, waterproofing laborers, slurry seal, seal coating, surface treatment or road mix laborers, riprap laborers or grouter, asphalt laborers, dump man (batch trucks), guardrail and fence installer, mesh handler and placers, concrete curing applicator, scaffold erector.

GROUP 2 - Asphalt raker, concrete puddler, kettleman (pipeline), all machine driven tools (gas, electric, air), mason tenders, mortar mixer, sheeting and shoring man, surface grinder man, power buggy and wheelbarrow (power).

GROUP 3 - Form setter, bottom man, welder tender (pipeline), concrete saw man, cutting with burning torch, pipe layer, hand spiker (railroad), car pusher (without air), underground man (working in sewer and waterline, cleaning and repairing and reconditioning), tunnel laborer (without air), and caisson, cofferdam (below 25 ft. deep), air track and wagon drill.

GROUP 4 - Blaster and powder man, muckers, wrencher (mechanical joint and utility pipeline), burner, top lander.

GROUP 5 - Curb setter, and cutter, miner (without air), concrete crew in tunnels, utility pipeline tapper, gunnite nozzleman, waterline caulker.

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits
CLASS A	$16.39	3.36
CLASS B	16.27	3.36
CLASS C	15.23	3.36
CLASS D	14.80	3.36
CLASS E	10.94	3.36

WELDERS:	Basic Hourly Rates	Fringe Benefits
Receive rate prescribed for craft performing operation to which welding is incidental.		

CLASSIFICATION DEFINITIONS - POWER EQUIPMENT OPERATORS:

CLASS A - Air compressor on steel erection, boiler operator on compressor or generator when mounted on a rig, cableways, combination concrete mixer & tower, concrete plants (over 4 yds. capacity), concrete pumps, cranes (all types, including A-frame, boom truck, cherry picker), derricks, draglines, dredge (dipper, clam or suction), elevating grader or euclid loader, floating equipment (all types), helicopter crew (operator hoist or winch), hoes (all types), hoisting engines or shaft or tunnel work, hoisting engines, industrial type tractor, jet engine dryer (D8 or D9) diesel tractor, locomotives (standard gauge), maintenance operator class A mixer, paving (single or double drum), mucking machines, multiple scraper, piledriving machines (all types), power shovels, Quad 9 (double pusher), refrigerating machine (freezer operation), Rotary drill on caisson work, slip-form paver, tower derricks, tree shedder, trench machines (over 2½' wide), truck mounted concrete pumps tug boat, tunnel machine, wheel excavator.

CLASS B - Asphalt paver, automatic subgrader machine, self-propelled (CMI type), bulldozers, endloader, kolman loader (production type - Dirt), lead grease man, maintenance operators Class B, power grader, power scoops & scrapers, push cat, trench machines (2½' wide & under).

CLASS C - Air compressors on tunnel work (low pressure), asphalt plant, locomotive (narrow gauge), mixers, concrete (more than 1 bag capacity), mixers, side loader (1 bag capacity), power boilers over 15 lbs. pressure, pump operator installing and operating well points, pumps (4" and over discharge), rollers (asphalt, utility operator - small equipment), welding machines & generators.

CLASS D - Backfillers, bar, joint & mesh installing machines, batch plant, bull floats, burlap & curing machines, compressors (portable - sewer, heavy & highway), concrete plant (capacity 4 yds. & under), concrete saw (multiple), conveyors (highway), crushers, deckhand, drill (highway with integral power), farm type tractors with attachments (highway). finishing machines, fireman, floating equipment (all types), fork lift (highway), form trenches, hydro seeders, plant mixers, post driver, post hole digger (power auger), power brush burner, power form handling equipment, road widening trencher, rollers (brick, grade, macadam), self-propelled power spreaders, self-propelled subgraders, steam firemen, tractor (pulling sheepfoot) miller or grader), vibratory compactors (with integral power), Boring machine operators (4.5" or less), hydro hammer, pavement breaker.

CLASS E - Drum fireman, asphalt plant, tenders - inboard-outboard motor boat-launch, oil heaters (asphalt plants), oilers, power driven heaters, pumps (under 4" discharge), signalmen, tire repairmen.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii).

STATE: ALABAMA COUNTIES: * See Below
DECISION NUMBER: AL83-1069 DATE: DATE OF PUBLICATION
Supersedes Decision No.: AL81-1271 dated July 24, 1981 in 46 FR 38241.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION consisting of single family homes and apartments up to and including four stories.

*COUNTIES: AUTAUGA, BULLOCK, BUTLER, CHILTON, CLARKE, CONECUH, COOSA, CRENSHAW, DALLAS, ELMORE, LOWNDES, MONROE, MONTGOMERY, PIKE, & WILCOX.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANICS	$ 7.55	
BRICKLAYERS	8.59	
CARPENTERS	7.36	
CEMENT MASONS	7.07	
DRYWALL FINISHERS	6.00	
DRYWALL HANGERS	5.59	
ELECTRICIANS	8.53	
INSULATION INSTALLERS	4.65	
IRONWORKERS	6.50	
LABORERS:		
Pipelayers	4.50	
Unskilled	4.33	
LATHERS	7.70	
PAINTERS	6.73	
PILEDRIVERMEN	12.40	
PLASTERERS	7.00	
POWER EQUIPMENT OPERATORS:		
Asphalt Spreader	6.35	
Asphalt Raker	5.27	
Ashpalt Roller	5.00	
Backhoe	5.50	
Bulldozer	5.00	
Concrete Pump	8.30	
Dump Truck	5.50	
Loader	5.42	
Motor Grader	6.20	
Roller	4.50	
Tractor	4.42	
PLUMBERS & PIPEFITTERS	$ 7.44	
ROOFERS	7.00	
SHEET METAL WORKERS	6.66	
SOFT FLOOR LAYERS	5.00	
TILE SETTERS	7.61	
TRUCK DRIVERS	4.37	
WELDERS--Receive rate prescribed for craft performing operation to which welding is incidental.		

Unlisted classifications needed for work not included within the scope of this classification may be added only after award as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: ALABAMA

COUNTIES: CALHOUN, CHEROKEE, CLEBURNE, DeKALB, & ETOWAH

DECISION NUMBER: AL83-1070

DATE: DATE OF PUBLICATION

Supersedes Decision No. AL81-1248 dated June 12, 1981 in 46 FR 31186.

DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION consisting of single family homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANICS	$ 6.78	
BRICKLAYERS	7.00	
CARPENTERS	6.83	
CEMENT MASONS	7.63	
DRYWALL FINISHERS	7.01	
DRYWALL HANGERS	6.00	
ELECTRICIANS	10.45	
INSULATORS	4.65	
LABORERS	4.35	
PAINTERS	7.40	
POWER EQUIPMENT OPERATORS:		
Asphalt Distributor	5.13	
Asphalt Paving Machine (Spreader)	5.63	
Asphalt Raker	4.20	
Asphalt Roller	5.46	
Backhoe	5.90	
Bulldozer	6.12	
Front End Loader	6.46	
Scraper	5.00	
Sheepfoot Roller	5.00	
PLUMBERS & PIPEFITTERS	$ 9.04	
ROOFERS	6.32	
SHEET METAL WORKERS	5.97	
SOFT FLOOR LAYERS	6.25	
TILE SETTERS	7.00	
TRUCK DRIVERS	4.60	
WELDERS--Receive rate prescribed for craft performing operation to which welding is incidental.		

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: KENTUCKY

COUNTIES: BOYD, CARTER, ELLIOT, FLEMING, GREENUP, JOHNSON, LAWRENCE, LEWIS, MARTIN, MORGAN, & ROWAN.

DECISION NUMBER: KY83-1065

DATE: DATE OF PUBLICATION

Supersedes Decision Number KY80-1087, dated August 1, 1980, in 45 FR 51411.

DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - includes single family homes and apartments up to and including four (4) stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING & HEATING MECHANICS	$ 6.85	
BRICKLAYERS	8.16	
CARPENTERS	7.24	
CEMENT MASONS	7.00	
DRYWALL FINISHERS	7.10	
DRYWALL HANGERS	6.59	
ELECTRICIANS	7.05	
INSULATION INSTALLERS	5.00	
LABORERS:		
General laborers	4.75	
Mason tenders	5.00	
PAINTERS	6.26	
PLUMBERS & PIPEFITTERS	8.07	
POWER EQUIPMENT OPERATORS:		
Backhoe	6.81	
Bulldozer	7.60	
ROOFERS	6.70	
SHEET METAL WORKERS	$ 6.74	
SOFT FLOOR LAYERS	6.25	
TRUCK DRIVERS	5.33	
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: KENTUCKY
COUNTIES: BREATHITT, FLOYD, KNOTT, LETCHER, MAGOFFIN, PERRY, & PIKE.
DECISION NUMBER: KY83-1066 DATE: DATE OF PUBLICATION
Supersedes Decision Number KY80-1116, dated October 31, 1980, in 45 FR 72441.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - includes single family homes and apartments up to and including four (4) stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING & HEATING MECHANICS	$ 7.93	
BRICK & BLOCK LAYERS	11.00	
CARPENTERS	8.05	
CEMENT MASONS	8.32	
DRYWALL FINISHERS	9.48	
DRYWALL HANGERS	9.44	
ELECTRICIANS	7.58	
INSULATION INSTALLERS	6.09	
IRONWORKERS	6.47	
LABORERS:		
General laborers	5.52	
Asphalt rakers	7.03	
PAINTERS	7.30	
PLUMBERS & PIPEFITTERS	8.15	
ROOFERS	8.50	
SHEET METAL WORKERS	7.59	
SOFT FLOOR LAYERS	7.08	
TILE SETTERS	6.79	
TRUCK DRIVERS	8.30	
POWER EQUIPMENT OPERATORS:		
Backhoe	$ 9.58	
Bulldozer	8.20	
Front end loader	8.58	
Motor grader	9.13	
Paver	6.25	
Roller	10.36	
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, .5 (a) (1) (ii)).		

SUPERSEDEAS DECISION

STATE: KENTUCKY
COUNTIES: FRANKLIN, GRANT, HENRY, OWEN, & SHELBY.
DECISION NUMBER: KY83-1067 DATE: DATE OF PUBLICATION
Supersedes Decision Number KY81-1206, dated April 17, 1981, in 46 FR 22548.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - included single family homes and apartments up to and including four (4) stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING & HEATING MECHANICS	$ 7.04	
BRICK & BLOCK LAYERS	7.79	
CARPENTERS	6.41	
CEMENT MASONS	6.56	
DRYWALL FINISHERS	8.01	
DRYWALL HANGERS	7.82	
ELECTRICIANS	6.42	
INSULATION INSTALLERS	5.67	
LABORERS - GENERAL	4.44	
PAINTERS	6.69	
PLUMBERS & PIPEFITTERS	6.51	
ROOFERS	6.89	
SHEET METAL WORKERS	7.48	
SOFT FLOOR LAYERS	8.14	
TILE SETTERS	8.34	
TRUCK DRIVERS	6.19	
POWER EQUIPMENT OPERATORS:		
Backhoe	$ 5.00	
Bulldozer	6.75	
Roller	6.75	
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).		

SUPERSEDEAS DECISION

STATE: KENTUCKY
COUNTIES: ADAIR, CLINTON, CUMBERLAND, GREEN, METCALFE, MONROE, & TAYLOR.
DECISION NUMBER: KY83-1068 DATE: DATE OF PUBLICATION
Supersedes Decision Number KY79-1162, dated December 14, 1979, in 44 FR 72795.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - includes single family homes and apartments up to and including four (4) stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING & HEATING MECHANICS	$ 5.50	
BRICKLAYERS	6.78	
CARPENTERS	5.62	
CEMENT MASONS	5.73	
DRYWALL FINISHERS	6.31	
DRYWALL HANGERS	5.92	
ELECTRICIANS	6.84	
INSULATION INSTALLERS	5.07	
LABORERS - GENERAL	4.90	
PAINTERS	5.64	
PLUMBERS & PIPEFITTERS	6.46	
POWER EQUIPMENT OPERATORS:		
Backhoe	7.50	
Bulldozer	6.50	
Front end loader	6.00	
ROOFERS	5.80	
SHEET METAL WORKERS	5.63	
SOFT FLOOR LAYERS	$ 6.19	
TILE SETTERS	5.00	
TRUCK DRIVERS	4.50	
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: MASSACHUSETTS
COUNTIES: ESSEX, SUFFOLK, MIDDLESEX, NORFOLK, BRISTOL, PLYMOUTH, BARNSTABLE, DUKES, NANTUCKET
DECISION NUMBER: MA83-3046 DATE: DATE OF PUBLICATION
Supersedes Decision No. MA81-3054 dated September 4, 1981, in 46 FR 44631.
DESCRIPTION OF WORK: Building Projects (including Residential), Heavy and Highway Project, and Marine Projects.

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS		
Area 1	17.56	3.31
Area 2	16.88	3.88
BOILERMAKERS	18.16	3.381
BRICKLAYERS; CEMENT MASONS (except in areas 2,3,4,5,7&8); PLASTERERS; STONE MASONS; POINTERS; CAULKERS and CLEANERS:		
Areas 1, 2, & 3	14.70	2.29
Residential & Veneer Plastering	11.76	2.29
Area 4		
Except Plasterers	14.45	2.57
Plasterers	11.87	3.23
Residential & Veneer Plastering	11.56	2.57
Areas 5, 6, 7	16.65	3.34
Residential & Veneer Plastering	11.80	2.24
Area 8 & 9	14.75	2.24
Residential & Veneer Plastering	11.80	2.24
Area 10		
Residential & Veneer Plastering	11.32	2.84
Area 11	16.80	3.75
Area 12	14.40	2.59
Residential & Veneer Plastering	11.52	2.59
Area 13	14.75	2.19
Residential & Veneer Plastering	11.80	2.19
Area 14	14.75	2.24
Residential & Veneer Plastering	11.80	2.24
Area 15		
Except plastering	14.75	2.24
Plastering	11.87	3.23
Residential & Veneer Plastering	11.80	2.24
Area 16		
Residential & Veneer Plastering	11.40	2.24
CARPENTERS		
Area 1	14.85	2.63
Area 2	16.01	3.75
Area 3	15.86	3.60
Area 4	17.11	3.67
Area 5	14.88	2.52
CEMENT MASONS:		
Areas 1, 6, 9, 10, 11, 12, 13, 14, 15 & 16 - See BRICKLAYERS		
Area 2	11.69	1.45
Areas 3, 4 & 5	12.15	1.95
Areas 7 & 8:		
Projects $1 million and over	16.55	2.77
Projects $250,000 to $1 million	14.90	2.77
Projects less than $250,000	13.24	2.77
Residential	13.24	2.77
ELECTRICIANS:		
Area 1:		
Contracts over $30,000	14.65	3.15+ 3%
Contracts of $30,000 or less	13.25	3.15+ 3%
Area 2	16.77	3.70+ 3%
Area 3	15.00	3.58+ 3%
Area 4	17.05	2.12+ 3%
Area 5	16.00	1.81+ 11%
Area 6	18.35	3.78+ 3%
Area 7	16.85	.04+ 29%
Area 8	15.00	3.00+ 3.25%
Residential	11.75	3.00+ 3.25%
Area 9	15.00	1.75+ 16.5%

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	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION:		
Driver Groundmen	13.60	1.20+ d+ 3.375%
Groundman	11.05	1.20+ d+ 3.375%
MARBLE, TILE & TERRAZZO WORKERS	16.50	3.45
MILLWRIGHTS	16.90	3.95
PAINTERS:		
Sign Painters (Statewide)	12.55	1.84
Area 1:		
New Construction:		
Brush; Taper	14.31	2.91
Spray; Sandblast	15.31	2.91
Steel	16.83	2.91
Repaint:		
Brush; Taper	12.81	2.91
Spray; Sandblast	13.81	2.91
Steel	16.83	2.91
Area 2:		
Brush; Taper; Paperhanging	15.76	3.37
Sandblasting; swing stage	16.76	3.37
Spray; Steel	17.26	3.37
Repaint up to 3 stories (including basements and subbasements) and new housing 2 stories and less:		
Brush; Taper; Paperhanging	13.40	3.37
Sandblasting; Swing stage	14.25	3.37
Spray; Sandblast; Steel	14.67	3.37
Area 3:		
Brush	16.08	3.05
Wall Coverings	16.33	3.05
Spray; Sandblast	17.08	3.05
Steel	18.20	3.05
Repaint	13.67	3.05
Residential	12.06	3.05
Area 4:		
New Construction:		
Brush	13.70	2.53
Spray; Sandblasting	14.70	2.53
Steel	14.95	2.53
Repaint & Residential:		
Brush	13.15	2.53
Spray; Sandblasting	14.15	2.53
Steel	14.40	2.53
Area 5:		
Brush; Roller	13.13	2.38
Taping	13.23	2.38
Paperhangers; Vinyl installers	13.63	2.38
Spray	14.63	2.38
Sandblast; chipping; hammer; power brush	14.88	2.38
Steel	16.38	2.38
Steel spray	17.88	2.38
Steel: sandblast; chipping; hammers; power tools	18.13	2.38
Interior repaint (except power plants):		
Brush; Roller	11.82	2.38
Sprayers	13.32	2.38
Sandblasters; chipping; hammers; power tools	13.57	2.38

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	Basic Hourly Rates	Fringe Benefits
ELECTRICIANS:		
Area 10	14.45	3.60+ 3%+a
Area 11:		
Electrical contracts over $75,000	15.98	1.00+ 17.5%
Electrical contracts under $75,000	11.99	1.00+ 17.5%
ELEVATOR CONSTRUCTORS	18.28	2.69+ b+c
ELEVATOR CONSTRUCTORS HELPERS	12.80	2.69+ b+c
ELEVATOR CONSTRUCTORS' PROBATIONARY HELPERS	9.14	
GLAZIERS:		
Area 1	17.45	2.14
Area 2	13.78	2.53
IRONWORKERS:		
Area 1	15.39	5.51
Area 2	16.65	4.25
Area 3	16.65	4.25
Area 4	15.03	4.45
LABORERS (BUILDING):		
Class I	13.20	2.40
Class II	13.45	2.40
Class III	13.70	2.40
Class IV	13.95	2.40
Class V	14.20	2.40
LABORERS (WRECKING):		
Class I	9.95	2.40
Class II	13.05	2.40
Class III	13.15	2.40
Class IV	13.30	2.40
Class V	13.55	2.40
Class VI	13.80	2.40
LABORERS (HEAVY & HIGHWAY):		
Class I	13.20	2.40
Class II	13.45	2.40
Class III	13.95	2.40
Class IV	14.20	2.40
Tunnels, caisson and Cylinder Work in Compressed Air:		
Class V-A	18.70	2.40
Class V-B	20.20	2.40
Class V-C	20.35	2.40
Class V-D	20.43	2.40
Class V-E	20.93	2.40
Free Air Operation:		
Shield driven and liner plate in free air:		
Class VI-A	14.50	2.40
Class VI-B	13.65	2.40
Cleaning concrete and caulking tunnel (both new and existing):		
Class VI-C	13.65	2.40
Class VI-D	13.975	2.40
Rock shaft, concrete lining of same and tunnel in free air:		
Class VI-E	13.40	2.40
Class VI-F	13.55	2.40
Class VI-G	13.65	2.40
Class VI-H	14.50	2.40
LABORERS (OPEN AIR CAISSONS, UNDERPINNING AND TEST BORING INDUSTRIES):		
Open Air Caisson, Underpinning Work and Boring Crew:		
Class I-A	13.20	2.40
Class I-B	13.95	2.40
Test Boring:		
Class II-A	13.20	2.40
Class II-B	14.07	2.40
LATHERS	11.90	1.58
LINE CONSTRUCTION:		
Lineman	17.00	1.20+ d+ 3.375%
Equipment Operators & Cablemen	14.45	1.20+ d+ 3.375%

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	Basic Hourly Rates	Fringe Benefits
PILEDRIVERMEN	16.65	2.90
PLASTERERS-SEE BRICKLAYERS, ETC.		
PLASTERERS TENDERS	13.45	2.40
PLUMBERS, PIPEFITTERS & STEAMFITTERS:		
Area 1:		
Plumbers	17.63	4.60
Repairs: Replacing defective fixtures, appliances and defective piping, valves or fittings serving same (which means the fixtures and appliances in a single family house, one apartment, or not more than one group of fixtures in same building that tie into the same soil or waste stack. Replacing of piping limited to piping in the same immediate area of items served by the piping.)	17.40	4.60
Pipefitters	18.20	3.75
Area 2	15.05	2.72
Area 3	17.67	2.70
Area 4		
Plumbers & pipefitters	19.37	2.34
Area 5		
Plumbers & steamfitters	12.91	1.85+ 4%
Area 6		
Plumbers & pipefitters	15.50	5.88
Area 7		
Plumbers & pipefitters	16.83	2.67
Area 8:		
Plumbers & steamfitters	17.39	3.13
Nursing homes and rest homes that do not exceed 4 stories; Repair or renovation in an existing building without change in exterior dimension by way of addition thereto;	12.83	3.13
Residential	12.83	3.13
POWER EQUIPMENT OPERATORS (BUILDING, HEAVY & HIGHWAY, & MARINE CONSTRUCTION)		
Class I	17.61	2.81+e
Hourly premium for boom lengths including jib:		
Over 150 ft. + .64		
Over 185 ft. + 1.14		
Over 210 ft. + 1.59		
Over 250 ft. + 2.41		
Over 295 ft. + 3.35		
Class II	17.49	2.81+e
Class III	14.78	2.81+e
Class IV	16.09	2.81+e
Class V	13.13	2.81+e
Class VI	13.92	2.81+e
ROOFERS		
Area 1:		
Journeyman	13.45	2.95
Pitch work	14.45	2.95
Area 2	10.45	1.55
SHEET METAL WORKERS		
Area 1	18.25	3.89
Residential	12.78	2.89
Area 2	14.38	3.64+ 3%
SPRINKLER FITTERS		
Area 1	18.30	2.41
Area 2	16.37	3.15
TILE & MARBLE FINISHERS	10.24	1.75
TERRAZZO FINISHERS	10.95	1.10
TRUCK DRIVERS (HEAVY & HIGHWAY CONSTRUCTION):		
Class I	12.86	3.00+ e+f
Class II	13.03	3.00+ e+f

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	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS (HEAVY & HIGHWAY CONSTRUCTION): CONT'D		
Class III	13.10	3.00+ e+f
Class IV	13.22	3.00+ e+f
Class V	13.32	3.00+ e+f
Class VI	13.61	3.00+ e+f
Class VII	13.90	3.00+ e+f

WELDERS - receive rate prescribed for craft to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

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FOOTNOTES:

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

a. Apprentice training: $1.00 per week per journeyman.

b. Paid holidays: A through F and the day after Thanksgiving Day.

c. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

d. Paid holidays: A through F and Bunker Hill Day, provided the employee has been employed 5 working days prior to any one of the listed holidays.

e. Paid holidays: A through F, Washington's Birthday, Patriots Day, Columbus Day and Veterans Day.

f. Paid Vacation: 4 months to 1 year- ½ day's pay per month; 1-5 years - 1 week; 5-10 years - 2 weeks; 10 years or more - 3 weeks. Employee must have received pay for 120 days during last year of employment.

AREA DESCRIPTIONS

ASBESTOS WORKERS:

AREA 1: ESSEX; SUFFOLK; MIDDLESEX; BARNSTABLE (except Barnstable, Borne, Falmouth, Mashpee, Sandwich).

AREA 2: NORFOLK (Bellingham, Franklin, Plainville, Wrenham); BRISTOL (except Easton); PLYMOUTH (Lakeville, Mattapoisett, Middleboro, Rochester, Wareham); BARNSTABLE (Barnstable, Borno, Falmouth, Mashpee, Sandwich); DUKES; NANTUCKET.

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AREA DESCRIPTIONS

BRICKLAYERS; CEMENT MASONS; PLASTERERS; STONE MASONS; POINTERS, CAULKERS AND CLEANERS:

AREA 1: ESSEX (Beverly, Manchester, Gloucester, Rockport, Wenham, Hamilton, Essex, Ipswich, Rowley, Newbury, Newburyport, Lynn, Lynnfield, Wakefield, Saugus, Swampscott, Nahant, Marblehead, Salem, Peabody, Danvers, Middleton, Topsfield).

AREA 2: ESSEX (Amesbury, Andover, Boxford, Georgetown, Groveland, Haverhill, Lawrence, Merrimac, Methuen, North Andover, Salisbury, West Newbury); MIDDLESEX (Reading, North Reading).

AREA 3: MIDDLESEX (Wakefield).

AREA 4: SUFFOLK; MIDDLESEX (Arlington, Cambridge, Everett, Malden, Medford, Melrose, Somerville); NORFOLK (Brookline, Milton).

AREA 5: MIDDLESEX (Stoneham, Winchester, Woburn).

AREA 6: MIDDLESEX (Belmont, Concord, Lexington, Lincoln, Sudbury, Waltham, Watertown, Wayland, Weston).

AREA 7: MIDDLESEX (Burlington).

AREA 8: MIDDLESEX (Acton, Bedford, Billerica, Carlisle, Chlemsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, Wilmington).

AREA 9: MIDDLESEX (Ashby, Ayer, Boxboro, Ft. Devens, Groton, North Acton, Pepperell, South Acton, Townsend, Shirley, West Acton).

AREA 10: MIDDLESEX (Ashland, Framingham, Holliston, Hopkinton, Hudson, Maynard, Natick, Sherborn, Stow); NORFOLK (Medfield, Medway, Millis).

AREA 11: MIDDLESEX (Newton only); NORFOLK (Dover, Needham, Wellesley).

AREA 12: NORFOLK (Bellingham, Canton, Dedham, Foxboro, Franklin, Norfolk, Norwood, Plainville, Sharon, Walpole, Westwood, Wrentham); PLYMOUTH (Lakeville only); BRISTOL (Attleboro, North Attleboro, Mansfield, Raynham, Taunton, Berkley, Norton, Dighton, Rehoboth, Seekonk).

AREA 13: NORFOLK (Braintree, Cohasset, Quincy, Weymouth); PLYMOUTH (Hingham, Hull, Scituate, the Islands of Quincy).

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BRICKLAYERS; CEMENT MASONS; PLASTERERS; STONE MASONS; POINTERS; CAULKERS AND CLEANERS: (CONT'D

AREA 14: NORFOLK (Avon, Holbrook, Randolph, Stoughton); BRISTOL (Easton, North Easton, South Easton); PLYMOUTH (Abington, Bridgewater, Brockton, Carver, Duxbury, East Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Middleboro, Pembroke, Plymouth, Rockland, West Bridgewater, Whitman).

AREA 15: PLYMOUTH (Norwell).

AREA 16: BRISTOL (Acushnet, Dartmouth, Fairhaven, Fall River, Freetown, New Bedford, Somerset, Swansea, Westport); PLYMOUTH (Marion, Mattapoisett, Rochester, Wareham); BARNSTABLE; DUKES; NANTUCKET.

CARPENTERS:

AREA 1: Ipswich, Essex, Gloucester, Rockport, Topsfield, Hamilton, Wendham, Middleton, Danvers, Beverly, Manchester, Peabody, Salem, Marblehead).

AREA 2: ESSEX (Amesbury, Boxford, Georgetown, Groveland, Haverhill, Merrimack, Newbury, Newburyport, Rowley, Salisbury, West Newbury, Andover, Lawrence, Methuen, North Andover, West Andover); MIDDLESEX (Acton, Billerica, Boxboro, Carlisle, Chlemsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford).

AREA 3: ESSEX (Lynn, Lynnfield, Nahant, Saugus, Swampscott); MIDDLESEX (Remainder of County); NORFOLK (except Brookline, Dedham, Milton, Avon, Randolph, Holbrook, Staughton); PLYMOUTH (Duxbury, Hanover, Hingham, Hull, Marsfield, Norwell, Pembroke, Rockwell, Scituate); BRISTOL (Attleborough, North Attleborough).

AREA 4: SUFFOLK; MIDDLESEX (Belmont, Cambridge, Everett, Malden, Medford, Somerville); NORFOLK (Brookline, Dedham, Milton).

AREA 5: NORFOLK (Avon, Holbrook, Randolph, Staughton); BRISTOL (Remainder of County); BARNSTABLE; DUKES; NANTUCKET.

ELECTRICIANS:

AREA 1: ESSEX (Salem, Marblehead, Peabody, Danvers, Beverly, Hamilton, Wenham, Topsfield, Ipswich, Essex, Manchester, Gloucester, Rockport).

AREA 2: ESSEX (Andover, Lawrence, Methuen, North Andover, Salisbury, West Newbury, Amesbury, Boxford, Georgetown, Groveland, Haverhill, Merrimac, Newbury, Newburyport, Rowley).

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ELECTRICIANS: CONT'D

AREA 3: MIDDLESEX (Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, Wilmington).

AREA 4: MIDDLESEX (Asby, Ayer, Ft. Devens, Groton, Pepperell, Shirley, Townsend).

AREA 5: MIDDLESEX (Ashland, Hopkinton, Hudson, Marlboro, Stow).

AREA 6: ESSEX (Lynn, Lynnfield, Nahant, Saugus, Swampscott); SUFFOLK; MIDDLESEX (Remainder of County); NORFOLK (except Avon, Holbrook, Randolph, Stoughton, Plainville); PLYMOUTH (Hingham, Hull).

AREA 7: NORFOLK (Plainville); BRISTOL (Attleboro, North Attleboro, Seekonk).

AREA 8: BRISTOL (Mansfield, Norton, Taunton, Raynham, Rehoboth, Dighton, Berkley); PLYMOUTH (Lakeville, Middleboro).

AREA 9: BRISTOL (Fall River, Freetown, Somerset, Sawnsea, Westport).

AREA 10: BRISTOL (Acushnet, Dartmouth, Fairhaven, New Bedford, North Dartmouth, South Dartmouth); PLYMOUTH (Mattapoisett, Rochester, Wareham); BARNSTABLE; DUKES; NANTUCKET.

AREA 11: NORFOLK (Avon, Holbrook, Randolph, Stoughton); BRISTOL (Easton); PLYMOUTH (Remainder of County).

GLAZIERS:

AREA 1: ESSEX; SUFFOLK; MIDDLESEX: NORFOLK; PLYMOUTH (except Carver, Lakeville, Middleboro, Marion, Mattapoisett, Rochester, Wareham); DUKES; NANTUCKET.

AREA 2: BRISTOL; PLYMOUTH (Carver, Lakeville, Middleboro, Marion, Mattapoisett, Rochester, Wareham); BARNSTABLE.

IRONWORKERS:

AREA 1: ESSEX (Lawrence, Methuen, North Andover, Andover, Haverhill, Boxford, Danvers, Georgetown, West Newbury, Merrimac, Rowley, Topsfield, Gloucester, Newburyport, Salisbury, Amesbury, Hamilton, Ipswich, Newbury, Wenham, Essex, Rockport); MIDDLESEX (Groveland, Lowell, Tewksbuty, Dracut, Billerica, Chlemsford, Dunstable, Tyngsboro, North Reading, Wilmington, Middleton, Acton, Groton, Pepperell, Carlisle, Littleton, Townsend, Westford).

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IRONWORKERS: CONT'D

AREA 2: ESSEX (Beverly, Swampscott, Lynn, Lynnfield, Manchester, Marblehead, Nahant, Salem, Saugus, Swampscott); SUFFOLK; MIDDLESEX (Arlington, Bedford, Belmont, Burlington, Cambridge, Concord, Everett, Framingham, Lexington, Lincoln, Malden, Maynard, Medford, Melrose, Natick, Newton, Reading, Sherborn, Somerville, Stoneham, Sudbury, Wakefield, Waltham, Watertown, Wayland, Weston, Winchester, Woburn); NORFOLK (Avon, Braintree, Brookline, Canton, Cohassett, Dedham, Dover, Foxboro, Holbrook, Medfield, Millis, Milton, Needham, Norfolk, Norwood, Quincy, Randolph, Sharon, Stoughton, Walpole, Wellesley, Westwood, Weymouth); BRISTOL (Easton); PLYMOUTH (Abington, Bridgewater, Brockton, Duxbury, East Bridgewater, Halifax, Hanover, Hanson, Hingham, Hull, Kingston, Marshfield, Norwell, Pembroke, Plymouth, Plympton, Rockland, Scituate, West Bridgewater, Whitman).

AREA 3: MIDDLESEX (Ashby, Shirley, Ayer, Boxboro, Stow, Hudson, Marlborough, Ashland, Hopkinton, Holliston, Medway).

AREA 4: NORFOLK (Billingham, Franklin, Plainville, Wrentham); BRISTOL (Acushnet, Attleboro, Berkley, Dartmouth, Dighton, Fairhaven, Fall River, Freetown, Mansfield, New Bedford, North Attleboro, Norton, Raynham, Reboboth, Seekonk, Somerset, Swansea, Taunton, Westport); PLYMOUTH (Lakeville, Marion, Mattapoisett, Middleboro, Rochester, Wareham); BARNSTABLE; DUKES; NANTUCKET.

LABORERS (WRECKING):

AREA 1: ESSEX; SUSSEX; MIDDLESEX; NORFOLK; PLYMOUTH.

AREA 2: BRISTOL; BARNSTABLE; DUKES; NANTUCKET.

PAINTERS:

AREA 1: ESSEX; SUFFOLK; MIDDLESEX (Arlington, Belmont, Cambridge, Everett, Malden, Medford, Melrose, North Reading, Reading, Somerville, Stoneham, Wakefield, Winchester, Woburn); NORFOLK (Except Dover, Medfield, Medway, Millis, Needham, Wellesley); BRISTOL (except Acushnet, Dartmouth, Fairhaven, New Bedford); PLYMOUTH (except Marion, Mattapoisett, Rochester, Wareham).

AREA 2: MIDDLESEX (Bedford, Billerica, Burlington, Carlisle, Chlemsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, Wilmington).

AREA 3: MIDDLESEX (Ashby, Townsend, Pepperell, Groton, Shirley, Ayer).

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PAINTERS: CONT'D

AREA 4: MIDDLESEX (Boxboro, Acton, Concord, Stow, Manyard, Lincoln, Lexington, Hudson, Sudbury, Wayland, Weston, Waltham, Watertown, Newton, Marlboro, Framingham, Natick, Ashland, Sherborn, Hopkinton, Holliston); NORFOLK (Dover, Medfield, Medway, Millis, Needham, Wellesley).

AREA 5: BRISTOL (Acushnet, Dartmouth, Fairhaven, New Bedford); PLYMOUTH (Marion, Mattapoisett, Rochester, Wareham); BARNSTABLE; DUKES; NANTUCKET.

PLUMBERS, PIPEFITTERS & STEAMFITTERS:

AREA 1: ESSEX (Lynn, Lynnfield, Nanhant, Saugus, Swampscott); SUFFOLK; MIDDLESEX (Arlington, Cambridge, Everett, Malden, Medford, Melrose, Newton, North Reading, Reading, Somerville, Stoneham, Wakefield, Watertown, Winchester, Woburn); NORFOLK (Bellingham, Braintree, Brookline, Canton, Cohasset, Dedham, Foxboro, Franklin, Millis, Milton, Needham, Norfolk, Norwood, Plainville, Quincy, Sharon, Walpole, Westwood, Weymouth, Wrenthram); PLYMOUTH (Hingham, Hull, Scituate).

AREA 2: ESSEX (Methuen, Lawrence, Groveland, Georgetown, Andover, North Andover).

AREA 3: ESSEX (Remainder of County).

AREA 4: MIDDLESEX (Acton, Ayer - except West of Greenville branch of the Boston and Maine Railroad, Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Pepperell, Tewksbury, Tyngsboro, Westford, Wilmington).

AREA 5: MIDDLESEX (Ashby, Townsend, Groton, Shirley, Ft. Devens, Ayer - West of Greenville branch of the Boston and Maine Railroad).

AREA 6: MIDDLESEX (Ashland, Belmont, Concord, Framington, Holliston, Hopkington, Lexington, Lincoln, Marlboro, Maynard, Natick, Sherborn, Sudbury, Stow, Waltham, Wayland, Weston, Hudson); NORFOLK (Medway, Medfield, Dover, Wellesley).

AREA 7: NORFOLK (Avon, Bolbrook, Randolph, Stoughton); BRISTOL (Attleboro, Berkley, Dighton, Easton, Mansfield, North Attleboro, Norton, Raynham, Rehoboth, Taunton; PLYMOUTH (except Marion, Mattapoisett, Rochester, Wareham).

AREA 8: BRISTOL (Acushnet, Dartmouth, Fairhaven, Fall River, Freetown, New Bedford, Somerset, Swansea, Westport, Seekonk); PLYMOUTH (Marion, Mattapoisett, Rochester, Wareham); BARNSTABLE; DUKES; NANTUCKET.

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ROOFERS:

AREA 1: ESSEX; SUFFOLK; MIDDLESEX; NORFOLK; BRISTOL (Attleboro, North Attleboro, Mansfield, Easton, Norton, Taunton, Raynham); PLYMOUTH (Abington, Brockton, Bridgewater, East Bridgewater, Halifax, Hanover, Hanson, Marshfield, Norwell, Pembroke, Plymouth, Scituate, Rockland, West Bridgewater).

AREA 2: BRISTOL (Seekonk, Rehoboth, Dighton, Berkley, Swansea, Somerset, Fall River, Freetown, Westport, Dartmouth, New Bedford, Acushnet, Fairham); PLYMOUTH (Carver, Lakeville, Marion, Mattapoisett, Middleboro, Rochester, Wareham); BARNSTABLE; DUKES; NANTUCKET.

SHEET METAL WORKERS:

AREA 1: ESSEX; SUFFOLK; MIDDLESEX; NORFOLK; BRISTOL (Attleboro, North Attleboro, Mansfield, Easton, Norton, Taunton, Raynham Berkley); PLYMOUTH (except Marion, Mattapoisett, Rochester, Wareham).

AREA 2: BRISTOL (Acushnet, Dartmouth, Dighton, Fairhaven, Fall River, Freetown, Rehoboth, Seekonk, Somerset, Swansea, Westport, New Bedford); PLYMOUTH (Marion, Mattapoisett, Rochester, Wareham); BARNSTABLE; DUKES; NANTUCKET.

SPRINKLER FITTERS:

AREA 1: ESSEX; SUFFOLK; MIDDLESEX (except Ashby, Townsend, and portions of Pepperell and Shirley beyond 35 mile radius from Boston City Hall); NORFOLK; BRISTOL (portion within 35 mile radius of Boston City Hall); PLYMOUTH (portion within 35 mile radius of Boston City Hall).

AREA 2: MIDDLESEX (Ashby, Townsend, portions of Pepperell and Shirley beyond 35 mile radius of Boston City Hall); NORFOLK (beyond 35 mile radius of Boston City Hall); PLYMOUTH (beyond 35 mile radius of Boston City Hall); BARNSTABLE; DUKES; NANTUCKET.

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LABORERS (BUILDING):

CLASS I: Laborers, carpenters tenders.
CLASS II: Jackhammer operator, pavement breakers, asphalt rakers, carbide core drilling machine, chain saw operator, pipelayer, barco type jumping tampers, laser beam, concrete pump, mason tenders, motorized mixers, ride-on motorized buggy, fence and beam rail erectors.
CLASS III: Air track, block pavers, rammers, curb setter.
CLASS IV: Blasters, powdermen.
CLASS V: Pre-cast floor and roof plank erectors.

LABORERS (WRECKING - AREA 1):

CLASS I: Yardmen laborers.
CLASS II: Yardmen burners, sawyers.
CLASS III: Wrecking laborers.
CLASS IV: Adzeman.
CLASS V: Burners, Jackhammers.
CLASS VI: Asbestos removers, small front loaders on tracks and bobcat operators.

LABORERS (HEAVY & HIGHWAY):

CLASS I: Laborers, carpenter tenders, cement finisher tenders.
CLASS II: Asphalt rakers, fence and guard rail erector, laser beam operator, mason tender, pipelayer, pneumatic drill operator, pneumatic drill operator, pneumatic tool operator, wagon drill operator.
CLASS III: Air track operator, block pavers, rammer, curb setters.
CLASS IV: Blasters, powdermen.

Tunnels, Caisson and Cylinder Work in Compressed Air:

CLASS V-A: Powder watchmen, top men on iron bolt, change house attendant.
CLASS V-B: Brakeman, trackman, groutman, laborerer, outside lock tender, lock tender, guage tenders.
CLASS V-C: Motormen.
CLASS V-D: Blaster.
CLASS V-E: Mucking machine operator.

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LABORERS (HEAVY & HIGHWAY):

Free Air Operation:

Shield driven and liner plate tunnel in free air:
CLASS VI-A: Miners, miner welder, conveyor operator, motormen, mucking machine operator, nozzle men, grout men, shaft and tunnel steel and rodmen, shield and erector arm operators.
CLASS VI-B: Brakemen, trackmen.
Cleaning concrete and caulking tunnel (both new and existing):
CLASS VI-C: Concrete workers, strippers and form movers (wood & steel).
Rock shaft, concrete lining of same and tunnel in free air:
CLASS VI-E: Change house attendants.
CLASS VI-F: Laborers, topside.
CLASS VI-G: Brakeman, trackman, tunnel laborers, shaft laborers.
CLASS VI-H: Miner, cage tender, bellman.

LABORERS (OPEN AIR CAISSONS, UNDERPINNING AND TEST BORING INDUSTRIES)
Includes installation and performance of caissons of all types, underpinning, soil test borings, core borings, diamond drill soundings, wash borings, auger borings, shot drilling, grouting (cement, chemical, etc.), installation of earth and rock anchors, tiebacks, ground water observation wells and monitoring wells, installation of instrumentation, drilling and installation of horizontal drains, lagging (carrying of bands and settling bands in place), installation and extraction of grout pipes, pit work, hand excavation and labor required in pile driving and related work, welding of caissons not driven by pile driving equipment, pouring of concrete piles and caissons of all types, cutting-off concrete piles and clean-up:

Open Air Caisson, Underpinning Work and Boring Crew:

CLASS I-A: Laborers, top man.
CLASS I-B: Bottom man.

Test Boring:

CLASS II-A: Laborer.
CLASS II-B: Driller.

POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION):

CLASS I: Cranes, shovels, truck cranes, cherry pickers, dragline, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, bor-

DECISION NO. MA83-3046

POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION): CONT'D

CLASS I: (CONT'D) ing machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks.
CLASS II: Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site).
CLASS III: Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pullsometers, concrete mixers, values controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragm pump, lighting plants.
CLASS IV: Assistant engineers (firemen).
CLASS V: Assistant engineers (other than truck cranes and gradalls).
CLASS VI: Assistant engineers (on truck cranes and gradalls).

POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY CONSTRUCTION):

CLASS I: Power shovels, cranes, truck cranes, derricks, pile drivers, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, three drum machines, pumpcrete machines, ske loaders, shovel dozers, front end loaders, mucking machines, shaft hoists, steam engines, backhoe, gradalls, cable ways fork lifts, cherry pickers, boring machines, rotary drills, post hole hammers, port hole diggers, asphalt plant on job site, concrete batching and/or mixing plant on job site, crusher plant on job site, paving concrete mixers, timber jacks.
CLASS II: Sonic or vibratory hammers, graders; scrapers; tandem scrapers, bulldozer, tractors, mechanic maintenance, York rakes, mulching machines paving screed machines, stationary steam boilers, paving concrete finishing machines, grout pumps, potable steam boilers, portable steam generators, rollers, spreaders, asphalt pavers, locomotives or machines used in place thereof, tampers, self propelled or tractor drawn, cal tracks, ballast regulators, rail anchor machines, switch tampers.
CLASS III: Pump (1-3 grouped), compressors; welding machine (1-3 grouped), generators, lighting plants, heaters (power driven) (1-5), syphons-pulsometers, concrete mixers, valves controlling permanent plant air steam, conveyors, wellpoint system (operating and installing).

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POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY CONSTRUCTION): CONT'D

CLASS IV: Assistant engineers (firemen).
CLASS V: Assistant engineers (other than truck cranes and gradalls).
CLASS VI: Assistant engineers (on truck cranes and gradalls).

POWER EQUIPMENT OPERATOR (MARINE CONSTRUCTION):

CLASS I: Shovels, Cranes, Truck Cranes, Cherry Pickers, Derricks, Pile Drivers two or more Drum Machines, Lighterns, Derrick Boats, Trenching, Mechanic Hoists Pavement Breakers, Cement Concrete Paveers, Draglines, Hoisting Engines, Pumpcrete Machines, Elevating Graders, Shovels, Dozers, Frontend Loaders, Backhoe, Gradalls, Cable Way, Boring Machines, Rotary Drills, Post Hole Hammer, Post Hole Diggers, Fork Lifts, Timber Jacks, Asphalt Plant (on site), Concrete Batching &/or Mixing Plant (on site), Crusher Plant, (on site), Paving Concrete Mixers.
CLASS II: Portable Steam Boilers, Portable Steam Generators, Sonic or Vibratory Hammer, Graders, Scrapers, Tandem Scrapers, Concrete Pumps, Bulldozers, Tractors, York Rakes, Mulching Machines, Rollers, Spreader, Tamper self-propelled or Tractor Drawn, Asphalt Pavers, Concrete Mixers with side Loaders, Mechanics - Maintenance, Cal Truck, Ballast, Regulator, Switch Tampers, Rail Anchor Machines, Tire Trucks.
CLASS III: Pumps, Compressors, Welding Machines, Heaters (Power Driven), Valves controlling Permanent Plan Air or Steam, Well Point Systems, Augers - Powered by Independence Engines & Attached to Pile Drivers, Hydraulic Saws, Generators, Lighting Plants, Syphons-Pulsometers, Concrete Mixers, Conveyors.
CLASS IV: Assistant engineers (firemen).
CLASS V: Assistant engineers (other than truck cranes and gradalls).
CLASS VI: Assistant engineers (on truck cranes and gradalls).

TRUCK DRIVERS (HEAVY & HIGHWAY CONSTRUCTION):

CLASS I: Station wagons, panel trucks and pickup trucks.
CLASS II: Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift operators.
CLASS III: Three axle equipment and tiremen.
CLASS IV: Four and five axle equipment.
CLASS V: Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachual, mechanics, paving restoration equipment, mechanics.
CLASS VI: Specialized earth moving equipment over 35 tons.
CLASS VII: Trailers for earth moving equipment (double bookup).

SUPERSEDEAS DECISION

STATE: Nevada COUNTY: Clark County (does not include the Nevada Test Site)
DECISION NUMBER: NV83-5121 DATE: Date of Publication
Supersedes Decision Number NV82-5113 dated August 6, 1982, in 47 FR 34320
DESCRIPTION OF WORK: Residential Projects consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$20.59	$3.76
BOILERMAKERS	21.39	3.86
BRICKLAYERS; STONEMASONS	16.59	1.86
CARPENTERS:		
Carpenters; Drywall; Floor Layers; Lathers; Patent Scaffold Erector; Power Saw Operator	17.41	4.05
Millwrights	16.91	6.55
Piledrivermen	17.61	4.05
CEMENT MASONS:		
Cement Masons	17.58	3.70
Cement Floor Finishing Machine; Color Work	17.93	3.70
ELECTRICIANS:		
Electricians; Technicians	21.93	5.04+ 3%
Cable Splicers	22.26	5.04+ 3%
ELEVATOR CONSTRUCTORS:		
Mechanics	22.24	2.69+ a
Helpers	15.57	2.69+ a
Probationary Helpers	11.12	
GLAZIERS	10.00	2.35
IRONWORKERS:		
Fence Erectors Ornamental; Reinforcing; Structural	18.91	5.53
	19.80	5.53
MARBLE SETTERS	16.59	1.86
MARBLE, TERRAZZO, TILE FINISHERS	12.90	1.80
MASON TENDERS	13.87	2.58
PAINTERS:		
Brush; Roller Paperhangers; Spray; Steel; Swing Stage; Sandblaster; Tapers	18.30	1.86
	18.65	1.86
PLASTER TENDERS	15.97	3.62
PLASTERERS	18.20	3.70
PLUMBERS; STEAMFITTERS	21.25	4.13
ROOFERS	22.40	1.00
SHEET METAL WORKERS	20.02	5.61
SOFT FLOOR LAYERS	18.23	2.80
SPRINKLER FITTERS	$21.32	$3.23
TERRAZZO WORKERS; TILE SETTERS	16.59	1.86
LABORERS:		
Group 1	13.60	3.19
Group 2	13.81	3.19
Group 3	13.91	3.19
Group 4	14.00	3.19
Group 5	14.10	3.19
POWER EQUIPMENT OPERATORS: (Except Piledriving and Steel Erection):		
Group 1	16.24	7.14
Group 2	16.52	7.14
Group 3	16.81	7.14
Group 4	16.95	7.14
Group 5	17.17	7.14
Group 6	17.28	7.14
Group 7	17.40	7.14
Group 8	17.57	7.14
Group 9	17.70	7.14
TRUCK DRIVERS:		
Group 1	14.18	2.54
Group 2	14.29	2.54
Group 3	14.34	2.54
Group 4	14.50	2.54
Group 5	14.68	2.54
Group 6	15.18	2.54

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental

FOOTNOTE:
a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; and Christmas Day

LABORERS

Group 1: Cutting Torch Operator (demolition); Dry Packing of concrete and filling of Form-bolt Holes; Fine Grader, highway and street paving, airport runways and similar type heavy construction; Spotter, Debris Handler, and Dumpman; Gas and oil Pipeline Laborer; Guinea Chaser; Laborer, demolition (cleaning of bricks, lumber, etc.); Laborer, general or construction; Laborer, packing rod steel and pans; Laborer, temporary water lines (portable type); Landscape Gardener and Nurseryman; Tarman and Mortarman, Kettleman, Potman and Man applying asphalt, Lay-kold creosote, lime and similar type materials ("applying" means applying, dipping, brushing or handling of such materials for pipe wrapping and waterproofing); Underground Laborer, including Caisson Bellowers; Window cleaner

Group 2: Asphalt Raker, Ironer, Spreader, Luteman; Buggymobile Man; Cement Dumper (on one yard or larger mixers and handling bulk cement); Cesspool Digger and Installer; Chucktender (except tunnels); Concrete Core Cutter; Concrete Curer, Impervious Membrane and Oiler of all materials; Concrete Saw Man, excluding tractor type, cutting, scoring old or new concrete; Gas and oil Pipeline Wrapper, Pot Tender and Form Man; Making and Caulking of all non-metallic Pipe Joints; Operators and Tenders of pneumatic and electric tools, Vibrating Machines, hand propelled Trenching Machines, Impact Wrench multiplate and similar mechanical tools not separately classified herein; Operator of cement grinding machine; Riprap Stonepaver; Roto-scraper; Sandblaster (Pot Tender); Scaler; Septic Tank Digger and Installer (Lead Man); Tank Scaler and Cleaner; Tree Climber, Faller, Chain Saw Operator, Pittsburgh Chipper and similar type Brush Shredders

Group 3: Gas and oil Pipeline Wrapper, 6 in. pipe and over; Jackhammer and/or Pavement Breaker; Laying of all non-metallic pipe, including sewer pipe, drain pipe andunderground tile; Oversize Concrete Vibrator Operator, 70 lbs. and over; Rock Slinger; Scaler (using Boa'n Chair or Safety Belt or power tools)

Group 4: Cribber or Shorer, Legging, Sheeting, Trench Bracing, hand guided Lagging Hammer; Head Rock Slinger; Powderman - Blaster, all work of loading holes, placing and blasting of all powder and explosives of whatever type, regardless of method used for such loading and placing; Sandblaster (Nozzleman); Steel Headerboard Man

Group 5: Driller (Core, Diamond or Wagon), Joy Driller Model TW-M-2A, Gardner-Denver Model DH 143 and similar type Drills

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Brakeman; Compressor Operator; Engineer Oiler; Generator Operator; Heavy Duty Repairman Tender; Pump; Signalman; Switchman

Group 2: Concrete Mixer Operator, skip type; Conveyor Operator; Fireman; Hydrostatic Pump Operator; Oiler, Crusher (asphalt or concrete plant); Plant Operator, generator, pump or compressor; Rotary Drill Tender (oilfield); Skiploader - wheel type up to 3/4 yd. with attachment; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant Operator; Trenching Machine Oiler; Truck Crane Oiler

Group 3: A-Frame or Winch Truck; Elevator Operator (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Power driven Jumbo Form Setter; Ross Carrier; Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (asphalt or concrete); Bridge type Unloader and Turntable Operator; Chip Spreading Machine; Concrete Pump (small portable); Dinky Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (grease truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-hammer-Aero Stomper; Power Sweeper; Roller (compacting); Screed (asphalt or concrete); Trenching Machine (up to 6 ft.)

Group 5: Asphalt Plant Engineer; Concrete Batch Plant; Backhoe (up to and including 3/4 yds.); Bit Sharpener; Concrete Joint Machine (canal and similar type); Concrete Planer; Deck Engine; Forklift (under 5 ton capacity); Machine Tool; Maginnis Internal Full Slab Vibrator; Mechanical Berm (curb or gutter concrete or asphalt); Mechanical Finisher (concrete-Clary-Johnson-Bidwell or similar); Pavement Breaker; Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment, (single engine, up to and including 25 yds. struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power-driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive (over 10 and up to and including 30 tons); Stinger Crane (Austin-Westerm or similar type); Skiploader Crawler and wheel type (over 3/4 yds. and up to and including 1½ yds.); Tractor-Bulldozer, Tamper, Scraper (single engine, up to 100 HP, Flywheel and similar types, up to and including D-5 and similar types)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection) (Cont'd)

Group 6: Asphalt or Concrete Spreading (tamping or finishing); Asphalt Paving Machine (Barber Greene or similar type); BHL Lima Road Pactor or similar; Bridge Crane; Pipe Laying Machine (cast in place); Combination Mixer and Compressor (Gunite work); Concrete Pump (truck mounted); Concrete Mixer; Crane (up to and including 25 tons); Crushing Plant; Elevating Grader; Forklift (over 5 tons); Grade Checker; Gradeall; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine (Vagtborg and similar types); Lift Mobile; Loader-Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine (1/4 yd. - rubber-tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding Caisson type); Rubber-tired Earth Moving Equipment Operator (single engine - Caterpillar, Euclid, Athey Wagon and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds. struck); Rubber-tired Scraper (self-loading - paddle wheel type-John Deere, 1040 and similar single unit); Skiploader (Crawler and wheel type, over 1½ yds. up to and including 6½ yds.); Surface Heaters and Planers; Rubber-tired Earth Moving Equipment, multiple engine (up to and including 25 yds. struck); Trenching Machine (over 6 ft. depth capacity, manufacturer's rating); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger than D-5 100 flywheel HP and over or similar)(Bulldozer, Tamper, Scraper and Push Tractor single engine); Tractor (boom attachments); Traveling Pipe Wrapping, Cleaning and Bending; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yd. and up to 5 cu. yds. M.R.C.)

Group 7: Crane (over 25 tons up to and including 100 tons M.R.C.); Derrick Barge, Dual Drum Mixer; Hoist, Stiff Legs, Guy Derrick or similar type, up to and including 100 tons; Monorail Locomotive (diesel, gas or electric); Motor Patrol-blade Operator (single engine); Multiple engine tractor Operator (Euclid and similar type except Quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine, over 50 yds. struck); Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar)(over 25 yds. and up to 50 cu. yds. struck); Tractor Loader Operator (Crawler and wheel type over 6½ yds.); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Operator (over 5 cu. yds. M.R.C.); Woods Mixer and similar Pugmill Equipment; Heavy Duty Repairman - Welder Combination

Group 8: Auto Grader; Automatic Slip Form; Crane (over 100 tons); Hoist Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator (less than 750 cu. yds.); Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol (multi engine); Pipe Mobile Machine; Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired self-loading Scraper (Paddle Wheel-Auger type self-loading) (2 or more units); Tandem Equipment (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine; Rubber-tired Scraper (pushing without Push Cat, Push-pull) (50¢ per hour additonal)

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Wheel Excavator (over 750 cu. yds.); Remote controlled Earth Moving Equipment ($1.00 per hour additonal to base rate)

TRUCK DRIVERS

Group 1: Dump Trucks (less than 12 yds.); Trucks (legal payload capacity less than 15 tons); Water and Fuel Trucks (under 2500 gallons); Pickups; Service; Repairman Tender; Drivers of busses (on jobsite used for transportation of up to 25 passengers); Teamster equipment (highest rate for dual craft operation)

Group 2: Dump Trucks (12 yds. but less than 16 yds.); Trucks (legal payload capacity between 15 and 20 tons); Water and Fuel Trucks (2500 gallons to 4000 gallons); Truck Driver working on gas and oil Pipeline (including Winch Truck and all sizes of trucks); Truck Greaser and Tireman; Drivers of busses (on jobsite used for transportation of more than 25 passengers); Bootman

Group 3: Dumpcrete (less than 6½ yds.); Transit-mix (less than 3 yds.)

Group 4: Dump Trucks (16 yds. up to and including 22 yds.); Trucks (legal payload capacity 20 tons but less than 30 tons); Water and Fuel Trucks (4000 gallons but less than 6000 gallons); Dumpcrete (6½ yds. and over); Transit-mix (3 yds. but less than 6 yds.); Euclid-type Spreader Trucks; Dumpster; Fork Lift; Ross Carrier - highway; Road Oil Spreading Truck, time spent spreading oil

Group 5: Dump trucks (over 22 yds.); Trucks (legal payload capacity 20 tons and over); Water and Fuel Trucks (6000 gallons and over); Transit-mix (6 yds. and over); Truck Repairman

Group 6: D.W. and similar-type equipment, D.W. 10 and D.W. 20; Euclid-type equipment, LeTourneau Pulls, Terra Cobras and similar types of equipment; also PB and similar-type trucks when performing work within teamster jurisdiction, regardless of types of attachment including power units pulling off highway Belly Dumps in Tandem

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: WISCONSIN

COUNTIES: Ashland, Bayfield and Douglas

DECISION NO. WI83-2074

DATE: Date of Publication

Supersedes Decision No. WI82-2004 dated February 26, 1982 in 47 FR 8541

DESCRIPTION FO WORK: Building (including Residential) Construction

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$19.15	1.46
BOILERMAKERS	16.12	2.825
BRICKLAYERS	15.53	1.55
CARPENTERS:		
Ashland County	12.95	2.35
Bayfield & Douglas Cos. (Residential) Bayfield & Douglas Cos.	14.00	2.80
	9.33	1.71
(Residential) Ashland	9.57	2.35
CEMENT MASONS:		
Douglas County	15.85	.70
Ashland & Beyfield Co.	14.71	1.55
ELECTRICIANS	15.75	27½%
Residential	9.75	1.38+ 3%
ELEVATOR CONSTRUCTORS	15.03	2.69
Helpers	10.52	2.69
Helpers (Probationary)	7.515	
IRONWORKERS	15.82	2.60
LINE CONSTRUCTION		
Linemen	15.47	.65 +9½%
Heavy Equipment Operator	13.92	.65 +9½%
Light Equipment Operator	12.38	.65 +9½%
Heavy Groundman - Truck Driver	10.83	.65 +9½%
Light Groundman - Truck Driver	10.06	.65 +9½%
Groundman	8.51	.65 +9½%
MILLWRIGHTS & PILEDRIVERMEN:		
Ashland County	13.15	2.35
Bayfield & Douglas Cos.:		
Millwrights	14.22	2.80
Piledrivermen	14.22	2.80
PAINTERS:		
Brush	14.61	1.53
Spray	15.21	1.53
PLASTERERS	12.50	.85
PLUMBERS	17.36	3.35
ROOFERS	14.83	3.30
SHEET METAL WORKERS	19.19	2.27
SOFT FLOOR LAYERS	14.00	2.80
SPRINKLER FITTERS	16.67	2.83
TERRAZZO WORKERS	15.53	1.56
TILE SETTERS	15.53	1.56
Welders receive rate prescribed for craft performing operation to which welding is incidental.		
LABORERS:		
Laborers:		
Ashland County only	10.88	1.68
General Laborer	10.88	1.68
Concrete Work and Carrying reinforcing or any steel	10.93	1.68
Mason Tenders, Bricklayers' Tenders, Sewer Differs, Pipelayers, Operating Small Mixers or Mixing by hand, Operating Power Tools such as Jackhammers, Vibrator, Air Spade and Forklift	11.03	1.68
Bayfield & Douglas Cos. General Laborer, Mason Tender, Mortar Mixer, Air Hammer, Air Spade & Jack Hammer Operators	12.47	1.43
Plasterer Laborer	12.72	1.43
POWER EQUIPMENT OPERATORS		
Group 1	15.22	2.90
Group 2	14.92	2.90
Group 3	14.56	2.90
Group 4	14.44	2.90
Group 5	13.88	2.90
Group 6	13.41	2.90

DECISION NO. WI83-2074

CLASSIFICATION DEFINITIONS

POWER POWER EQUIPMENT OPERATORS

Group 1 - Cranes, Shovels, draglines, Backhoes, Clamshells, Derricks, Caisson Rigs, Pile Driver, Skid Rigs, Dredge Operator and Traveling Cranes (Bridge Type), Concrete Paver (over 27E), Concrete Spreader and Distributor

Group 2 - Material Hoists, Tractor or Truck MOunted Hydraulic Backhoe, Tractor or Truck Mounted Hydraulic Crane (5 tons or Under), Manhoist, Tractor (over 40 H.P.), Bulldozer H.P.), Endloader (over 40 H.P.), Forklift (25' and over), Motor Patrol, Scraper Operator, Sideboom, Straddle, Carrier, Mechanic and Welder, Bituminous Plant and Paver Operator, Roller (over 5 tons), Rotary Drill Operator and Blaster, Trencher (wheel type or chain type having over 8-inch bucket), Elevator

Group 3 - Concrete and Grout Pumps, Backfiller, Concrete Auto Breaker (large), Concrete Finishing (Road Type), Roller (Rubber Tire), Concrete Batch Hopper, Concrete Conveyor Systems, Concrete Mixers (14S or over), Screw Type Pumps, and Gypsum Pumps, Tractor, Bulldozer, Endloader (under 40 H.P.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial Locomotives, Roller (under 5 tons) and Firemen (pile drivers and derricks)

Group 4 - Hoists (automatic), Forklift (12' to 25'); Tampers-Compactors riding type), Assistant Engineer, "A" Frame and Winch Trucks, Concrete-auto Breaker, Hydro-Hammer (small), Booms and Sweeper, Hoists (tugger) Stump Chipper (large), Boats, Safety, Work, Barges and (launch)

Group 5 - Shoulding Machine Operator, Screed Operator, Farm or Industrial Tractor Mounted Equipment, Post Hole Diggers, Stone Crushers and Screening Plants, Firemen (asphalt Plants), Air Compressor (300 CFR or over)

Group 5 - Generators over 150 KW, Pumps over 3" Augers (vertical and horizontal), Combination Small Equipment Operator; Air, Electric Hydraulic Jacks (Slip Form), Compressors (under 300 CFM); Generators (under 150 KW), Pumps (3" and under); Winches (small electric), Oiler and Greaser, Boiler Operators (Temporary heat), Rotary Drill Helpers, Conveyors, Forklift (12" and under)

SUPERSEDEAS DECISION

STATE: WISCONSIN

COUNTIES: Barron, Dunn, Polk, and St. Croix

DECISION NUMBER: WI83-2075

DATE: Date of Publication

Supersedes Decision No. WI82-2006 dated March 5, 1982 in 47 FR 9687

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$17.08	2.93
BOILERMAKERS	16.12	2.285
BRICKLAYERS	15.90	1.54
CARPENTERS:		
Carpenters	13.66	2.11
Millwrights & Pile-drivermen	14.06	2.11
CEMENT MASONS	15.90	1.54
ELECTRICIANS	15.48	15%
ELEVATOR CONSTRUCTORS:		
Mechanic	16.43	2.465
Helpers	11.50	2.465
Helpers (Prob.)	8.215	
IRONWORKERS:		
Structural, Ornamental and Reinforcing	16.05	2.59
LABORERS:		
General	11.72	1.43
Mason Tenders	11.97	1.43
Jackhammer Operator	12.02	1.43
LATHERS	13.66	2.11
LINE CONSTRUCTION:		
Linemen	15.47	.65 +10%
Heavy Equipment Operator	13.92	.65 +10%
Light Equipment Operator	12.38	.65 +10%
Heavy Groundman Truck-driver	10.83	.65 +10%
Light Groundman Truck-driver	10.06	.65 +10%
PAINTERS:		
Brush & Swing Stage	13.00	.15 +5%
Spray	13.50	.15 +5%
Structural Steel	14.00	.15 +5%
PLASTERERS	13.76	1.91
PLUMBERS & STEAMFITTERS	14.42	3.55
ROOFERS	14.27	
SHEET METAL WORKERS	15.94	1.68
POWER EQUIPMENT OPERATORS		
Group 1	15.22	2.90
Group 2	14.92	2.90
Group 3	14.56	2.90
Group 4	14.44	2.90
Group 5	13.88	2.90
Group 6	13.41	2.90

[FR Doc. 83-25751 Filed 9-22-83; 8:34 am]

BILLING CODE 4510-27-C

DECISION NO. WI83-2075

CLASSIFICATION DEFINITIONS

POWER POWER EQUIPMENT OPERATORS

Group 1 - Cranes, Shovels, draglines, Backhoes, Clamshells, Derricks, Caisson Rigs, Pile Driver, Skid Rigs, Dredge Operator and Traveling Cranes (Bridge Type), Concrete Paver (over 27E), Concrete Spreader and Distributor

Group 2 - Material Hoists, Tractor or Truck MOunted Hydraulic Backhoe, Tractor or Truck Mounted Hydraulic Crane (5 tons or Under), Manhoist, Tractor (over 40 H.P.), Bulldozer H.P.), Endloader (over 40 H.P.), Forklift (25' and over), Motor Patrol, Scraper Operator, Sideboom, Straddle, Carrier, Mechanic and Welder, Bituminous Plant and Paver Operator, Roller (over 5 tons), Rotary Drill Operator and Blaster, Trencher (wheel type or chain type having over 8-inch bucket), Elevator

Group 3 - Concrete and Grout Pumps, Backfiller, Concrete Auto Breaker (large), Concrete Finishing (Road Type), Roller (Rubber Tire), Concrete Batch Hopper, Concrete Conveyor Systems, Concrete Mixers (14S or over), Screw Type Pumps, and Gypsum Pumps, Tractor, Bulldozer, Endloader (under 40 H.P.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial Locomotives, Roller (under 5 tons) and Firemen (pile drivers and derricks)

Group 4 - Hoists (automatic), Forklift (12' to 25'); Tampers-Compactors riding type), Assistant Engineer, "A" Frame and Winch Trucks, Concrete-auto Breaker, Hydro-Hammer (small), Booms and Sweeper, Hoists (tugger) Stump Chipper (large), Boats, Safety, Work, Barges and (launch)

Group 5 - Shoulding Machine Operator, Screed Operator, Farm or Industrial Tractor Mounted Equipment, Post Hole Diggers, Stone Crushers and Screening Plants, Firemen (asphalt Plants), Air Compressor (300 CFR or over)

Group 5 - Generators over 150 KW, Pumps over 3" Augers (vertical and horizontal), Combination Small Equipment Operator; Air, Electric Hydraulic Jacks (Slip Form), Compressors (under 300 CFM); Generators (under 150 KW), Pumps (3" and under); Winches (small electric), Oiler and Greaser, Boiler Operators (Temporary heat), Rotary Drill Helpers, Conveyors, Forklift (12" and under)

Federal Register

Friday
September 23, 1983

Part IV

Department of Housing and Urban Development

Office of the Assistant Secretary for Community Planning and Development

Community Development Block Grants

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-83-1005]

Community Development Block Grants

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Final rule.

SUMMARY: This final rule amends regulations governing the Community Development Block Grant (CDBG) program to reflect changes made in the Housing and Community Development Act of 1974 by the Housing and Community Development Act of 1980 (Pub. L. 96-399) and the Housing and Community Development amendments of 1981 (Pub. L. 97-35). These legislative amendments and this final rule provide grantees greater flexibility in administering this CDBG program. The rule amends several Subparts of Part 570 in their entirety including Subpart A—General Provisons, Subpart C—Eligible Activities, Subpart D—Entitlement Grants, Subpart K—Other Program Requirements and Subpart M—Loan Guarantees. This rule also includes a new § 570.901 in Subpart O—Program Management and the deletion of Subpart B, formerly Allocation and Distribution of Funds. Other sections in Subpart O and other Subparts of Part 570 are unaffected by this final rule.

EFFECTIVE DATE: November 1, 1983.

FOR FURTHER INFORMATION CONTACT: James R. Broughman, Office of Block Grant Assistance, Department of HUD, 451 Seventh Street, S.W., Washington, D.C. 20410; (202) 755-9267. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: On October 4, 1982, the Department published an interim rule (47 FR 43900) to amend the regulations governing the Community Development Block Grant (CDBG) program to reflect changes made in the Housing and Community Development Act of 1974 (the Act) by the Housing and Community Development Amendments of 1978 (Pub. L. 95-557), Housing and Community Development Act of 1980 (Pub. L 96-399), and the Housing and Community Development Amendments of 1981 (Pub. L. 97-35).

Under section 7(o)(3) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)(3)) the interim rule was subjected to a delay in its effective date for a period of 30 calendar days of continuous session of Congress after publication. This requirement may be waived by the Chairmen and Ranking Minority Members of the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Banking, Finance and Urban Affairs; however, the Secretary's requests for such waivers were not granted. In the absence of a waiver, and with the adjournment of the Second Session of the 97th Congress in December, the earliest possible effective date of the October 4, 1982 interim rule would have been late March 1983.

The 60-day period for public comments on the interim rule ended on December 3, 1982. On December 7, 1982 the Subcommittee on Housing and Community Development of the House Committee on Banking, Finance and Urban Affairs held a hearing for the purpose of permitting members of the Subcommittee and the public to express their views on the published interim rule. Prior to this hearing, representatives of the Department held several discussions with majority and minority staffs of the House and Senate oversight committees as well as with major constituent groups. The Department's Assistant Secretary for Community Planning and Development and General Counsel presented and discussed at the hearing several changes from the published interim rule which the Department proposed to incorporate in its final rule in response to the major comments already received. See *Community Development Block Grant Entitlement Regulation, Hearing Before the Subcommittee on Housing and Community Development, House Committee on Banking, Financial and Urban Affairs*, 97th Cong., 2nd Sess. (1982) (Serial No. 97-101) (hereinafter cited as *"Hearing"*).

On December 10, 1982, the Chairman of the House Subcommittee on Housing and Community Development, in a letter to the Secretary, summarized a number of issues discussed at the hearing and specified a number of recommended changes to the published interim rule. The Secretary responded on December 16, 1982, noting that the Department was then considering the comments made by Subcommittee members at the hearing and by the Chairman in his letter, the testimony of other witnesses at the hearing, and the written comments received during the public comment period as part of the Department's process of preparing a final rule.

On February 24, 1983, the Assistant Secretary for Community Planning and Development responded further to the Chairman, describing the response to each suggestion made which the Department then contemplated incorporating into its final rule. The Assistant Secretary also confirmed that the Department would not permit the interim rule previously published to become effective. Copies of the Assistant Secretary's 18-page letter were sent to each member of the Subcommittee and to the Chairman and Ranking Minority Member of the Senate Banking Committee. Except as may be indicated below, the final rule published herewith is consistent with the modifications proposed by the Department at the hearing on December 7, 1982, and with the Assistant Secretary's letter.

The Chairman's letter dated December 10, 1982, is reproduced in the printed record of the Hearing at page 109; Secretary Pierce's response dated December 16, 1982, is reproduced at page 114; and the Assistant Secretary's letter dated February 24, 1983, is reproduced at page 115.

Inasmuch as the published interim rule did not become effective and, in effect, has been treated as a proposed rule, it is referred to throughout this preamble as the "proposed rule." The Department received over 100 letters pursuant to the solicitation for public comment, including 16 letters from Mayors, Boards of Commissioners, and other representatives of Entitlement communities, 26 from agencies of general local government, and 51 from public interest and other groups.

Among the most frequently mentioned subjects in the comments received in writing or made at the hearing were: overall benefit to low and moderate income persons; specific standards for determining how activities meet one of the three broad national objectives; the absence of requirements for minimizing displacement; and the limitation on expenditures for planning and administration. Following is a description of the principal issues raised and the changes from the proposed rule being incorporated into this final rule.

Subpart A—General Provisions

Primary Objective

A commenter recommended retention of the current rules concerning the objectives of the Act. The current rule recites at § 570.2 the primary objective and nine specific objectives of the Act as set forth in Section 101(c) of the Act. The Department continues to believe that a verbatim repetition of the detailed program objectives found in sections 101 (c) and (d) of the Act is not necessary.

because they do not relate directly to program requirements as set forth in these regulations. Accordingly, this section contains only the primary objective.

Definition of "Low and Moderate Income"

A large number of comments were received on the definition of low and moderate income contained in the proposed rule reflecting a high level of interest in this provision. As indicated in the preamble to the proposed rule, the definition in the current rule is based primarily on the 80 percent of median income standard established for housing programs under the United States Housing Act of 1937. The proposed rule contained a modification of the definition to more closely follow the language of the 1937 Act. This proposed definition reflected a change in how determination is made of the income characteristics of geographical areas in certain communities which are located in MSAs and in virtually all communities located in nonmetropolitan areas. The effect is to use the income limits established for Section 8 rental subsidy eligibility purposes for determinations of whether households are considered to be of low and moderate income for the CDBG entitlement and HUD-administered small cities program. While a few commenters supported the revised definition, remarking that it would provide greater uniformity in the treatment of lower income persons under the program, most comments received expressed objections to the change, many of them based on apparent misunderstanding of how it would affect program operations.

Several commenters favored retaining the current definition because they felt that income limits would be more restrictive than under the revision and it would constrain communities attempting to use funds to benefit the full income range of moderate income persons. One commenter believed the definition would penalize central cities with less affluent suburbs, believing that these cities would have a lower income limit. This commenter recommended that the income limit be based on whichever median income is greater; the Metropolitan Statistical Area (MSA) or the Entitlement community.

A number of commenters, however, recommended that the definition should be tightened to target funds to the lowest income group. One recommended that the standard should be based on the median income of the Entitlement jurisdiction or the MSA, whichever is *lower.*

One commenter appeared to assume that the low and moderate level is based on 50 percent of the median; however, it is now and is intended to be based on 80 percent of the median family income.

One commenter requested clarification of the use of the one-person household income limits for more than one unrelated individual living in the same dwelling unit. Where the size and income of the household is known and the activity assisted with CDBG benefits the entire household (e.g., housing rehabilitation), the income limit for that size of household is to be used. For activities benefiting individual persons, however, they should be considered as individual "households."

One commenter opposed the ground rule set forth in the preamble that, where income levels are known for households in general for a particular geographical area, but not for individual households, the Section 8 limit for a four-person household is to be used as the limit applicable to all households in that area, except that the income limit for a one-person household shall be used for unrelated individuals. Except for those cases where Section 8 uses the median of a different area, this is the procedure that has been used in the Entitlement program since 1978 for determining area income characteristics for program benefit purposes and thus is not a change.

Several commenters objected to the discretion given the Secretary to establish income limits higher or lower than 80 percent of the median for the area when he determines that such variations are necessary because of unusually high or low family incomes, believing that such discretion would result in less targeting toward low and moderate income households. The proposed definition is virtually identical to the definition of low and moderate income contained in Title II of the Act, which authorizes the Section 8 rental assistance program. In practice, the Secretarial discretion to use "higher or lower than 80 percent of the median of the area," in case of unusually high or low family incomes, has been carried out primarily by using the median income level of the applicable *Census region* where the local incomes are exceptionally high or low. The use of the statutory definition underpinning Section 8 for CDBG purposes coupled with the declaration that HUD will use Section 8 eligibility limits for determining whether persons are considered as being low and moderate income persons under this program will serve to keep these two programs targeted on the same general populations. Since CDBG recipients have already been using Section 8 limits for determining eligibility for direct benefits, such as rehabilitation and public services, the effects on targeting should be relatively small.

Two commenters indicated objections to the new definition knowing that HUD no longer determines Section 8 income limits tied exclusively to local market areas, and instead makes determinations based upon multi-state regional areas in some cases. One of these commenters concluded that Section 8 income limits are often too high or low in relation to many specific cities in the multi-state region, and the Secretary therefore, will be burdened with an inordinate number of requests for exceptions to the Section 8 income limits. While this commenter is correct in stating that the Secretary may grant exceptions to the Section 8 income limits, the commenter appears to be unaware that the Secretary has always had the authority to grant exceptions where communities feel and it can be substantiated that the income limits are to high or too low. In the past, HUD has not been overly burdened by requests for exceptions, and the Department expects that existing procedures will continue to work smoothly and in a fair manner for this purpose.

In the preamble to the proposed rule, the Department specifically invited comments on its continued use of "80 percent of median" as the basis for determining what is "moderate" income under this program, given that somewhat higher levels are used for purposes of certain other programs administered by HUD and that, in the Section 8 program, 80 percent of median income is defined as "lower income." Six comments were received on this issue. Only one commenter expressed the opinion that the 80 percent level was too low, and suggested that use of the median level would be more appropriate. Four commenters supported continued usage of the 80 percent standard, with two of them indicating that, if anything, it may already be too high rather than too low. One other commenter, also believing the 80 percent level is too inclusive, stated that if the standard remains at 80 percent, it should be applied to the MSA median or the median of the unit of general local government, *whichever is lower.* This would, of course, serve to reduce the number of households deemed to be of moderate income for the less affluent communities in metropolitan areas. The Department believes that these comments generally support the current CDBG practice of equating moderate

income with the 80 percent of median level, and therefore finds no basis for changing its definition for this purpose.

The Department has also determined that the comments received on its proposed definition change do not provide sufficient basis to modify the proposed approach, which provides for a more uniform identification of persons deemed to be low and moderate income. Several editorial changes have been made, however. The terms "low and moderate income families" and "lower income families" have been changed to "low and moderate income household" and "lower income household," respectively. This change has been made because the term "household" is used in program operational requirements throughout the regulations and is, therefore, the term for which a definition is needed. The definition itself is essentially unchanged. The definition of "low and moderate income person" and "lower income person" has also been revised to clarify that for an unrelated individual to qualify as a low and moderate income person, such an individual must have an income below the one-person Section 8 income limit.

In order to help clarify how the revised definition will affect the program, however, the following describes the effects on the Entitlement and HUD-administered Small Cities programs (Subpart F) separately:

Entitlement program:

Under the revised definition, income characteristics of geographical areas being treated with CDBG funds will be determined based on the Section 8 eligibility limit for a four-person household. For most Entitlement grantees, this will be no change from the "80 percent of MSA median income level" under current rules. For about 200 communities, it will mean an increase in the number of households counted as lower income, since the Section 8 limits are based on the applicable Census Regional median income level when it is higher than the community's MSA median income. For a small number of cities located in exceptionally high income MSAs, there may be a decrease in the number of areas qualifying as predominantly lower income, because the Department has instituted use of a ceiling level on the Section 8 limits for such cities. However, since this ceiling was applied for the first time after the 1980 Census, and 1980 data have just recently become available at the sub-city level, little change in local programming should be required by these cities to incorporate the new definition.

HUD-Administered Small Cities Program:

The impact of the revised definition on non-entitlement communities located in an MSA will be identical to that described above for the Entitlement program. The effects for those located in non-metropolitan areas will be more pronounced, however. Section 8 limits for non-entitlement areas are set based on the median income of the applicable non-metropolitan county as adjusted for areas of unusually low or high income. Since the current definition uses the "non-metropolitan area of the applicable State," this will mean a change for virtually all non-entitlement communities in non-metropolitan areas, either expanding or contracting the number of persons deemed to be low and moderate income, depending on local circumstances.

In order to mitigate any adverse effects on communities for which the revised definition results in a smaller number of persons considered to be lower income under the CDBG program, the Department will continue to recognize the use of the current definition for the purpose of determining benefits of any activities for which block grant funds were obligated prior to the end of the program year funded from 1983 appropriations.

Allocation of Funds

Comment was received concerning the proposed deletion of the details on the allocation of grants under the Secretary's Fund or the reallocation of CDBG funds at § 570.4. The commenter recommended retaining provisions in the regulations outlining the distribution of such discretionary funds on the basis that the law itself does not detail all areas of potential discretionary power held by HUD in making these grant funds available.

With respect to the Secretary's Fund, neither Subpart B in the current rule, nor § 570.4 in the proposed rule addresses allocations under that fund. Detailed provisions concerning the Secretary's Fund are included in Part 570, Subpart E and in Part 571. Therefore, further details on the Secretary's Fund have not been included in this final rule. With regard to reallocation, the process in specified in detail in section 106(c) of the Act, and need not be repeated in this rule, particularly since it does not provide for much discretion on HUD's part. However, the term "reallocation" has been added to the text of the section and the title of this section has also been revised.

Waivers

Several comments were received concerning the criteria to be used by the Department for granting a waiver to the CDBG regulations at § 570.5 when a regulatory provision is not specifically required by law. Most of these commenters felt that it was desirable to retain the dual threshold requirement for granting a waiver, i.e. that it must be determined that undue hardship would result from applying the regulatory requirement and that the application of the requirement would adversely affect the purposes of the Act. They pointed out that by allowing a waiver to be granted solely on the basis that an undue hardship can be shown, could result in waivers being granted which did not further the purposes of the Act. The Department believes that the complexity and diversity of communities' needs and situations make it important to retain the authority to waive certain regulatory provisions under appropriate circumstances. However, in light of the comments received, HUD believes it is not necessary to amend the current provision for this purpose. Accordingly, the final rule retains the current provision without change.

Subpart C—Eligible Activities

Compliance With Primary Objectives

Several changes are made in the final rule at § 570.200(a)(2), Compliance with Primary Objectives. These changes relate to new provisions in § 570.901 which establish review standards for evaluating whether a grantee's use of funds, taken as a whole, are appropriate to further the primary objective of the Act. The scope of these interrelated changes is more fully described below.

Other Eligibility Requirements

While no specific public comments addressed the reference to OMB Circular A-87, "Cost Principles Applicable to Grants and Contracts with State or Local Governments," consultation with the Office of Management and Budget subsequent to publication of the proposed rule confirmed that the applicability of this circular is not limited to administrative costs. Therefore, the paragraph describing the requirement for compliance with this circular is moved from § 570.206 to § 570.200(a)(4) in this final rule. In addition, this paragraph now includes reference to OMB Circular A-122, "Cost Principles for Nonprofit Organizations."

Special Assessments

A number of commenters indicated objections to the provision that would allow communities to recover non-CDBG funds used with CDBG funds, through special assessments. They hold that low and moderate income persons would be adversely affected having to pay such special assessments. Other commenters supported the new provision. One even suggested that CDBG funds used for capital improvements should also eventually be recovered by placing a lien on property owned by a low and moderate income household which would be paid upon sale of the property, thus avoiding "windfall profits" to such a household.

The Department has considered these varied comments and has decided to retain the provision as stated in the proposed rule. In the past, many local officials have objected to the current rule which prohibits special assessments whenever any amount of CDBG funds is used to finance a capital improvement. Many localities found this rule to be overly restrictive and a disincentive to using CDBG funds for infrastructure improvements.

In revising this provision, the Department sought a middle ground, permitting special assessments to recover local, but not CDBG funds. This flexibility is particularly important where the only available local funds are those through revenue bonds for which the only source of repayment is special assessments. In addition, a restriction on the recovery of local funds was considered an inappropriate intrusion in what should be a local matter. Under the revised rule, lower income households would benefit from the reduced amount of the assessment (compared to non-CDBG assisted improvements) and by the option provided in the regulation for localities to pay all or part of the assessment on behalf of lower income households.

While acknowledging that some potential exists for hardships on lower income households, the Department believes that this change is needed to provide grantees with necessary flexibility to meet local needs. Potential hardships can be avoided by funding a significant amount of total improvement costs from CDBG (thus reducing the amount of the assessment) and, where necessary, using additional CDBG funds to pay all or part of the special assessment on behalf of lower income households.

Local Determinations

A few commenters objected to the proposed deletion of several requirements contained in the current regulation for prior approval by HUD for certain activities, such as public facilities, not specifically listed in the current rule or activities eligible only when undertaken by subrecipients under § 570.204(c)(4) of the current rule. Although the revised rule at § 570.200(e) no longer requires prior HUD approval, it does require that the grantee make and keep on file written determinations for all activities which are subject to special restrictions by the HCD Act. A major objective of the 1981 statutory amendments was to reduce Federal intrusion into local affairs. Since the statute does not require prior HUD approval of these determinations, no changes from the proposed rule have been made in this regard in the final rule.

Limitation of Planning and Administrative Costs

The current regulation limits planning and administrative costs to 20 percent of "total program resources." The proposed rule would have limited these costs to 20 percent of the "annual grant" (§ 570.200(g)). Numerous local government commenters objected to the more restrictive provision and pointed out that many CDBG programs involve funding levels significantly in excess of the grant amount, due mainly to program income generated from previous activities.

In recognition of this concern, § 570.200(g) has been revised to specify that program income, as well as new grant funds, will be included for purposes of computing the limit. The Department will continue to encourage grantees to consider ways to limit the amount of funds used for planning and administrative costs, consistent with the need for prudent management and accountability in the use of public funds.

Section 570.200(g) has been further revised to state that recipients of entitlement grants made under Subpart D will be considered to be in conformance with this limitation if expenditures for planning and administration during the most recently completed program year did not exceed 20 percent of the sum of the entitlement grant made for that year and the program income received during that year. This provision was added because typically, during any given program year, an entitlement grantee carries out a mix of activities funded from several CDBG entitlement grants made over successive years. For example, during 1982 many entitlement grantees carried out some activities funded from CDBG grants made in 1979, 1980, 1981, as well as 1982. In accounting for planning and administrative costs, experience has shown that it is burdensome and impractical for grantees to apportion planning and administrative expenditures to each source year of CDBG funds utilized during a program year to carry out CDBG activities, and then apply the 20 percent limitation to each separate grant.

Instead, reviews for conformance with the limitation will focus on total expenditures for planning and administration during the grantee's most recently completed program year, without regard to the source year of funds. The Department believes that a grantee whose total expenditures for planning and administration are within 20 percent of grant funds plus program income received will have met the Congressional intent of the limitation.

Since Secretary's Fund grants made under Subpart E and HUD-administered Small Cities grants made under Subpart F are awarded on a competitive basis, rather than on an annual entitlement basis, recipients of these grants are normally not faced with the problem of distributing, planning, and administrative costs among several grants being carried out simultaneously. Therefore, conformance with the 20 percent limitation by these recipients will continue to be determined by examining expenditures for planning and administration under each separate grant.

Acquisition

One commenter requested restoration of the list of specific categories of eligible acquisition contained in § 570.201(a) of the current rule. These categories provide an extensive description of the specific types of property authorized to be acquired and also include a general category of property to be used for other public purposes. The Department does not believe it is necessary to retain this list since acquisition of property is covered under the general heading of acquisition for public purposes. Therefore, no change from the proposed rule is made in this final rule (see § 570.201(a)).

Management of Acquired Properties

Clarification was requested as to whether management of properties purchased with CDBG funds, locally classified as interim assistance, would still be eligible. Such costs are not eligible under the interim assistance provision at § 570.201(f). They are eligible as a cost related to disposition under § 570.201(b).

Public Facilities and Improvements

A number of commenters objected to the deletion of the specific listing of eligible activities in § 570.201(c) and recommended that this list be retained. In addition, several commenters requested clarification of the eligibility of specific public facilities and improvements. Since the HCD Amendments of 1981 revised section 105 (a)(14) of the Act to make eligible virtually *all* public facilities and improvements carried out by public or private nonprofit entities, the Department has decided that the listing of public facilities and improvements in section 105(a)(2) of the Act should not be included in the regulation (although the special qualifications on eligibility included in that section continue to apply) since it might be misinterpreted to be a complete listing of all public buildings and improvements that could be assisted.

One commenter requested clarification of the eligibility of the purchase of furnishings and personal property for a public facility. The revised section on ineligible activities already provides such clarification at § 570.207(b)(1)(ii). Furnishings and personal property are generally ineligible, with specific exceptions. While real property improvements are eligible public facilities costs, furnishings and personal property may be provided with CDBG funds only for provision of a public service or for administration of CDBG activities, including general management, oversight and coordination.

Public Services

A number of comments were received concerning the provision at § 570.201(e) that limits public service activity to 10 percent of grant funds received. Several expressed support for the 10 percent limitation placed on public service activities, but one opposed the limitation on the grounds that it prevents communities from addressing very pressing needs. This provision, however, must be retained to implement a specific requirement in section 105(a)(8) of the Act.

One commenter suggested that the 10 percent limit be computed based on total program resources, not simply the annual grant amount. Another recommended that the 10 percent limitation be administered by charging public service costs to the program year in which the funds are *expended*, rather than obligated.

In the final rule, the Department has reworded this subparagraph but has decided to retain the 10 percent limitation based on the annual grant amount since this approach most closely reflects the provision in the Act. The use of fund obligations rather than expenditures is also retained for Entitlement grantees because grantees can more readily control the amount of funds obligated. If expenditures were used, a grantee could inadvertently exceed the limit if, for example, a subrecipient expended funds in one year that the grantee expected to have been expended in another year.

One commenter favored even tighter restrictions on public service activities and suggested requiring that public services should be provided only if all other resources are exhausted, no other agency provides the service, and the activity addresses an emergency need. Since the Act was specifically revised to delete similar limitations, it would be inappropriate to impose such limitations administratively.

Several commenters expressed a need for clarification of the public service activities provision. One stated that energy conservation activities should not be exclusively classified as a public service. The Department agrees and notes that under the proposed and final rule, energy conservation directly related to rehabilitation is eligible as rehabilitation. On the other hand, energy conservation information and counseling provided to households that is not directly tied to actual rehabilitation is eligible as a public service.

One commenter indicated a need for further clarification of restrictions placed on public service activities other than the 10 percent limit, apparently misinterpreting the provision regarding a new or increased level of service. The commenter believed that a service previously provided with CDBG funds would not be eligible because it would not be a "new" service. This assumption is not correct. A new or increased level of service is based only on services provided in the previous 12 months by the locality with *State or local funds*. Thus, a public service activity is eligible for CDBG funding even if the same activity or level of service had been previously financed with CDBG or other Federal funds.

Rehabilitation

A number of comments were received concerning revision of § 570.202, which was intended to make clear that with one exception *any* public or private, residential or nonresidential building is eligible for rehabilitation assistance. (The exception is any building used for the general conduct of government.) Some commenters felt that the provision should be more restrictive regarding rehabilitation of public housing, closed school buildings and historic structures. Other commenters expressed concern that buildings receiving rehabilitation assistance might be used for ineligible activities. Since section 105(a)(4) of the Act contains no restrictions on the types of buildings eligible for rehabilitation, it is appropriate that the provision at § 570.202 implementing this section be nonrestrictive as well. The regulation makes clear that publicly owned nonresidential buildings must be otherwise eligible for assistance. Thus, an ineligible building, such as a city hall, cannot be rehabilitated with CDBG funds, except for historic preservation and removal of architectural barriers. This represents no change from the current rule.

Several commenters suggested that rehabilitation standards would be weakened by deletion of the requirement that buildings acquired for the purpose of rehabilitation meet the Section 8 Existing Housing Quality Standards (24 CFR 882.109) and the Cost Effective Energy Conservation Standards (24 CFR Part 39). Since the Act does not specify that uniform Federal standards must apply to CDBG-funded rehabilitation activities, the Department believes that imposition of such standards should be left to the grantee's discretion.

One commenter requested clarification of § 570.202(b) in order to determine whether certain costs associated with financing rehabilitation activities, such as closing costs for a loan, were eligible. The Department believes that the provision, in stating that *all* financing and/or refinancing costs for rehabilitation under the CDBG program are eligible, makes sufficiently clear that closing costs are eligible as well. This paragraph has been modified, however, to describe certain insurance costs that are eligible as part of the cost of rehabilitation.

One commenter believed that the proposed rule expanded historic preservation to include the conversion or expansion of property for any ineligible use by deleting reference to this restriction. This was not intended and was explicitly stated in the preamble to the proposed rule. However, in order to make this point clear § 570.202(d) in the final rule includes specific reference to this restriction.

Special Economic Development Activities

Several comments were received concerning special economic

development activities. One pointed out that rehabilitation is not explicitly mentioned in § 570.203(a) of the proposed rule, although it is mentioned in both the preamble and in section 105(a)(14)(B) of the Act. This term was omitted because rehabilitation is eligible under section 105(a)(4) of the Act and § 570.202 of this rule. Reference to this point is now included in this section.

One commenter requested that the term "economic development" be defined, while another asked for clarification of the requirement that under § 570.203 an activity must be "necessary or appropriate to carry out an economic development project." This provision is authorized by section 105(a)(17) of the Act, which limits these activities to those necessary or appropriate to carry out an economic development project. The Department expects grantees to include a brief statement in the project file containing the required determination. Regarding the term "economic development," the Department believes that any specific definition could create unwarranted confusion and inappropriately restrict the use of CDBG funds. Therefore, this final rule does not include such a definition.

An additional commenter expressed opposition to the proposed inclusion of new housing construction as an eligible economic development activity under § 570.203. Upon further review, it was concluded that new housing construction was not intended to be part of the costs authorized by the amendment to the Act concerning economic development and the final rule is revised accordingly. Nevertheless, in some instances, new housing may be part of a commercial structure receiving CDBG assistance as an economic development project. Where this occurs, the provision concerning facilities with both eligible and ineligible uses at § 570.200(b)(1) would apply. Under this provision, costs clearly attributable to the commercial or industrial portion of the project would be eligible, while costs attributable to the housing portion would not.

Special Activities by Subrecipients

Two commenters objected to the continued inclusion of the provision at § 570.204 which allows certain subrecipients to carry out otherwise ineligible activities. However, this provision is retained in order to inplement section 105(a)(15) of the Act which authorize specified subrecipients to carry out any neighborhood revitalization, community economic development or energy conservation project "in furtherance of the objectives of section 101(c)."

One request was made that the terms neighborhood revitalization, community economic development, and energy conservation be defined in the rule. In the opinion of the Department, each of these terms represents a broad objective which should be defined in a manner consistent with local needs and conditions. Grantees will continue to be responsible for demonstrating how a particular activity undertaken by a subrecipient meets one of these objectives.

An urban county suggested that the definition of "neighborhood" at § 570.204(c)(1) be broadened to include an area covering two or more contiguous smaller communities having a total population of less than 25,000. Generally, it would be inappropriate for this purpose to broaden the definition of neighborhood to include areas which include two or more independent units of general local government, even though both are participants in an Urban County CDBG program. It should be noted, however, that the rule specifies that HUD will generally defer to the designation of neighborhood in comprehensive plans, ordinances, or other local documents. Where questions arise in this regard, grantees are encouraged to consult with the HUD Field Office serving their jurisdiction.

Eligible Planning Activities and Administrative Costs

Several commenters expressed the opinion that certain planning activities and administrative costs eligible under the provisions at § 570.205 and § 570.206 should be eligible activities not subject to the 20 percent limitation, since they are more related to specific activities than to general planning or administration.

In considering this point, the Department has determined that the cost of completing environmental reviews of specific activities is eligible under § 570.201–§ 570.204 and costs associated with implementing an urban homesteading program are eligible under § 570.202. Such costs may be charged to the specific eligible activity rather than to the category of general planning and administration. The final rule clarifies this point.

However, several commenters raised questions concerning what costs constitute administration or planning (and thus are subject to the 20 percent limitation) and what costs constitute activity implementation. Particular comment was received concerning the reference to the "management of multi-activity projects" in § 570.206(a). Moreover, the Department's Office of the Inspector General recently completed a 6-month study of the application and interpretation of planning and administrative costs compliance by certain entitlement grantees. The study raises a number of issues regarding varied interpretations of what functions constitute administration and planning, versus activity delivery functions.

The Inspector General is currently reviewing its draft findings in preparation of a final report and recommendations. Pending further reviews and consultations, the Department is considering the issuance of a separate proposed rulemaking in the near future in order to more clearly describe general administrative and planning costs, and distinguish such costs from activity delivery costs. For this final rule, the only change in § 570.206(a) related to this point is the deletion of specific reference to multi-activity projects since the paragraph covers "management" (but not implementation) functions whether for a single activity or for a multi-activity project.

The Department has also determined that further clarification is necessary of administrative costs in support of housing. This paragraph at § 570.206(g) has been retitled and modified to include separate description of its applicability in the Entitlement and HUD-administered Small Cities programs and to clarify eligible costs related to mortgage revenue bonds and to existing housing.

Other Eligibility Issues

One commenter suggested that grantees should be able to provide loan assistance for any activity eligible for grant assistance. A number of activities may be assisted through loans, such as rehabilitation and assistance to for profit business for an economic development project. In the case of CDBG funds provided by the grantee to any of the three specific subrecipient entities described in § 570.204(c), however, the Act (at section 105(a0(15)) specifies that such funds must be provided in the form of grants.

Another commenter suggested that management of Federally subsidized housing should be eligible as an administrative activity under § 570.206. However, the Act contains no authorization to support eligibility of such costs. CDBG funds may be used to assist Federally subsidized housing where the activity is specifically eligible, such as rehabilitation under § 570.202 or

public services for tenants under § 570.201(e).

A local government offical recommended that activities under CDBG should be ineligible "if there exists a Federal agency that customarily funds the proposed activity." Such a restriction would be clearly inconsistent with the Act. In addition, experience indicates that grantees do seek and utilize all Federal funds available and use CDBG funds to supplement such other resources. Therefore, such a restriction is unwarranted and unnecessary.

Several comments indicated a need for additional explanation of the last sentence of § 570.207(a)(1). This provision was included to make clear that where acquisition of land includes a building of facility which is to be used for the general conduct of government (which is ineligible) the portion of the acquisition cost which is attributable to the *land only* is nevertheless eligible.

Finally, it should also be noted that "Means of carrying out eligible activities," § 570.200(f), has been rewritten for greater clarity.

Subpart D—Entitlement Grants

Presubmission Requirements

Many commenters requested strengthening of the citizen participation provisions at § 570.301. Several who generally welcomed the less prescriptive provisions nevertheless suggested additional procedures to strengthen specific aspects. A major concern involved the inaccessibility of specific kinds of information regarding the CDBG program where State or local law does not presently require public access. In particular, one commenter noted that State or local law often does not guarantee public access to CDBG records maintained by subrecipients. Accessibility of CDBG records is a subject which will be addressed in amendments to Subpart J of the Regulations, to be proposed at a later date and subject to further public comment at that time.

Several commenters stressed increased importance of access to program records because the final statement currently required is much more general in nature than the previously required application and, therefore, the public has less information concerning local program benefit and other issues. One stated that, "There is no way the public can be expected to know what is actually planned, i.e., failure (of the statement) to indicate the location of a project, number of projected beneficiaries, program design," and further requested a mimimum definition of what it means to "publish" the statement and what is the content of a "proposed activity." In response to such concerns, the Department has determined that it is necessary to require proposed activities to be described in sufficient detail, including their location, to allow citizens to determine the degree to which they may be affected, and that the proposed statement must be published community-wide. Any single definition of "publish" would be unduly restrictive and such a definition is not included in the final rule.

Several commenters expressed concern the lack of a process for amending a statement after it has been submitted to HUD. The statute now requires public examination and appraisal of statements as well as one or more public hearings. According to the Senate Report on the 1981 Amendments, the purpose of these provisions is to promote the public accountability of grantees, S. Rep. No. 97–87, at 3. Therefore, HUD believes that Congress did not intend for activities carried out with CDBG funds to be substantially different from those in the final statement. As a result, the final rule contains a provision (at §570.301(b)) which requires grantees to provide affected citizens an opportunity to comment on proposed amendments (in a manner deemed appropriate by the grantee) and make available to the public and submit to HUD any amendments that are adopted.

Several commenters expressed concern about the lack of a regulation prescribing an administrative complaint process. Two of these remarked that litigation should not be the only recourse for resolving serious questions raised by citizens concerning local CDBG programs. They recommended that grantees be required to respond to complaints within a reasonable time in a less formal and less costly arena than the courts. While not included in regulatory form the Department will continue to follow its long-standing process for dealing with CDBG program complaints. In this process, the Department refers the complaint to the grantee for direct response to the complaining party; however, the Department reviews grantee responses to complaints for possible indications that the grantee has not complied with its certifications. Further discussion concerning complaints relating to acceptance of certifications is included below.

Two comments were received which suggested that the requirement for a specific notice of public hearing(s) be retained, including bi-lingual publication when appropriate. The commenters suggested that grantees should be required to assure that the public hearing(s) is held at a convenient time and place. Other commenters mentioned the importance of involving citizens in the decisionmaking process. They noted, for example, that some urban renewal projects in the 1960's had negative effects precisely because citizens had no part in planning such projects. It was also noted that citizens advisory committees composed of low and moderate income persons and minorities provide local officials with important insight which balance the pressures from other organized groups. In assessing these comments, the Department has been guided by the language of the Senate Report on the 1981 Amendments which states:

> The Committee is convinced that adequate and effective citizen participation is a well established element of the community development process. We discussed at length whether or not to include detailed citizen procedural requirements in the certifications required for entitlement communities. Our decision not to do so was based on the inappropriateness of rigid legislative prescriptions, not on a lack of concern about the importance of citizen participation. For this reason, the proposed amendments would require publication of the proposed activities and public hearing(s) which we believe adequate to assure full participation by affected citizens. We have full confidence, that the vast body of state and local laws governing the local policy making process and the experience gained by citizen groups interacting with local policy makers on community development will sustain this activity. S. Rep. 97–87, at 3.

Consistent with this guidance, the Department will not mandate any rigid procedures and will rely on State or local law to specify procedures regarding adequate notice of public hearing(s).

Other commenters supported publication of a notice concerning the local CDBG program but objected to publication of the statement in full because they felt it would be too lengthy and that publication would be too costly. However, section 104(a)(2)(B) of the Act requires publication of the proposed statement. The proposed statement need not be lengthy, however, and grantees may choose to provide supplementary information to the public through various other means.

One commenter favors a provision that would require more than one public hearing on proposed activities. The 1981 amendments clearly do not support such a requirement. However, the grantee has the option of holding more than one public hearing.

Certifications

A number of commenters proposed retaining the existing certifications; either the certifications in the existing regulations or those used for the FY 1982 grants, in lieu of the proposed certifications at § 570.303. They generally believe that certifications should be more specific, providing applicable statutory or other citations more than minimal references or information. Although the certifications have been shortened to include only those mandated in Section 104(b) of the statute, with all other applicable laws referenced in Subpart K, there has been no dilution in the grantee's responsibility to comply with these laws. The Department therefore does not believe it is necessary or sufficiently useful to elaborate on such details in the certifications themselves. As in the past, grantees will be subject to reviews to assure compliance with applicable laws.

Several commenters were specifically concerned over listing Title VI and Title VIII of the Civil Rights Act in the certifications with no explanatory language. They felt that in the absence of the "front end" review, the certifications take on greater importance and that the proposed language is vague and will make enforcement more difficult. In addition, there was concern over the deletion of specific reference to Section 109 of the HCD Act and Executive Orders 11063 and 11246 from the certifications. By deleting these specific references, they felt that the Department was deemphasizing them and there is an increased likelihood that they would be overlooked or ignored. With specific respect to the lack of explanatory language for Title VI and Title VIII in the certifications, a full explanation is included in Subpart K, along with the other applicable laws. This in no way de-emphasizes the applicability of the civil rights laws to the CDBG program. Also, since Section 109 and Executive Orders 11063 and 11246 are also covered in Subpart K, the grantee's responsibility for adhering to these laws is made explicit. Again, reviews will be conducted for all Entitlement grantees to assure compliance with these applicable laws.

Two commenters stated that it was premature to eliminate the certification on the Architectural Barriers Act of 1968 and made reference to the Department's statement that its future promulgation of regulations under Section 504 of the Rehabilitation Act of 1973 "may be applicable" to facilities developed with CDBG assistance. The elimination of this certification is not based upon future promulgation of Section 504 regulations. As stated in the Preamble to the proposed rule, Architectural Barriers Act accessibility standards are not imposed by the Architectural Barriers Act on the CDBG program. The Preamble noted the prospects of overlap by virtue of the Section 504 coverage. The Department's proposed rule implementing Section 504 of the Rehabilitation Act of 1973 was published on May 6, 1983 (48 FR 20638) and describes requirements for the CDBG and other HUD programs with respect to nondiscrimination based on handicap.

Two commenters were concerned over the provision which states that the certifications will be accepted unless there is "independent evidence . . . which tends to challenge in a substantial manner the certifications made by the grantee. . . ." They proposed that certifications from the recipients be subject to performance and compliance monitoring and reviews by HUD.

The Department intends to continue to monitor and review a grantee's performance against its certifications and will, further, consider relevant evidence from any other sources that might be made available in this regard. Such reviews will continue without change in accordance with the standards currently in effect at § 570.909.

One commenter was concerned over the certification at § 570.303(e) which requires that the grantee give maximum feasible priority to two of the three broad national objectives of the CDBG program. The commenter believes that this language conflicts with the primary objective of the CDBG program of principal benefit to low and moderate income persons, and, therefore, the certification should be eliminated or revised to reflect the primary objective. The wording has been revised to reflect more clearly the relationship between the first two and the third broad national objectives. This specific certification is, however, required by the Act. Further, other proposed revisions in this final rule should serve to help clarify the importance of the primary objective.

Displacement

Many commenters expressed objections to the deletion of provisions relating to involuntary displacement. All of these commenters favored imposition of a requirement for a local strategy to minimize involuntary displacement and mitigate any adverse effects. Several commenters favored a more stringent provision requiring localities to *avoid* involuntary displacement. Others indicated that the Department should at least acknowledge its obligation to minimize involuntary displacement, consistent with other program goals and objectives, as stated under Section 902 of the Housing and Community Development Amendments of 1978 (42 U.S.C. 5313 note).

In response to these concerns the Department has added a provision in Subpart D at § 570.305 (previously reserved). This provision will supplement two other requirements already contained in Subpart D that, as a part of HAP preparation, grantees must estimate the amount of public and private displacement and take into account the objective of helping displaced persons relocate within their own neighborhoods in the selection of general locations for newly constructed or substantially rehabilitated publicly assisted housing. The new provision requires that where CDBG activities could result in involuntary permanent displacement, grantees must develop, adopt, make public and implement a statement of local policy indicating the steps that will be taken to minimize such displacement and mitigate its adverse effects on low and moderate income households. Other additions to the regulations concerning displacement are in Subpart K—Other Program Requirements, and are described below.

Housing Assistance Plan—General

A large number of commenters suggested fundamental changes in the Housing Assistance Plan (HAP) ranging from elimination of the form altogether to deletion of various requirements and modification of the timing of the submission. One commenter recommended elimination or further simplification of the HAP because many of the current HAP requirements such as households expected to reside (ETR), housholds expected to be displaced, and the lack of local control over the availability and allocation of HUD resources limit the usefulness of the HAP. One questioned whether the HAP retained any usefulness in meeting housing needs since the regulations no longer require that a minimum of 15 percent of housing needs be addressed by the 3-year HAP goals. Another noted that the HAP still requires estimates of vacant housing but suggested that these estimates are unreliable and that this requirement should be deleted. One commenter recommended that ETR should be eliminated entirely because it serves no useful purpose due to the unreliability of the estimates. In response to this wide array of comments, it should be noted that the

HAP is a statutory requirement which must be met in order for Entitlement communities to receive CDBG funds. Furthermore, the statute specifically requires estimates of vacant housing and of lower income households expected to reside (ETR). Thus, they simply cannot be eliminated by regulation.

In addition, many comments were received on other specific HAP issues and several commenters suggested specific modifications related to the HAP, as discussed below.

Housing Assistance Plan—Timing

Several commenters favored the proposed modification to the timing of the HAP submission and supported a uniform performance time period to evaluate HAP performance for all grantees.

Some, however, suggested delaying implementation of the modification to the timing of HAP submissions. One indicated that it would be appropriate to delay implementation until 1980 census data becomes available. (These data have subsequently been made available to all grantees.) Another indicated that local public and governing body review has already been completed in some jurisdictions using the previous HAP forms and that these modifications could create a hardship for such grantees. One commenter requested that a cost/benefit analysis be completed prior to implementing the new HAP submission timing. Another objected to the modification of the HAP at this time believing it could result in funding delays for early grantees. One recommended that the timing of the HAP not be modified because it was more appropriate to consider the HAP in the context of the CDBG final statement.

All of these comments were considered, but because virtually all 3-year HAPs (many of which were already extended) have already expired, HUD believes this is the most appropriate time to introduce not only the new timing but the other new regulatory provisions as well, and that the new timing has advantages that outweigh those of the alternatives. Minor changes have been made to clarify this section.

Housing Assistance Plan—Expected to Reside (ETR)

Two commenters indicated objections to the deletion of language in the ETR provision which allows these estimates to be adjusted so as to avoid total needs exceeding the overall proportion of lower income households in the area and recommended that this language be restored. The regulations clearly permit the HUD methodology for ETR, which allows this adjustment to be used.

Two commenters indicated that HUD should provide more specific methodology to develop ETR estimates for communities that do not participate in an Areawide Housing Opportunties Plan (AHOP). They fear that failure to specify a uniform methodology will result in less reliable estimates and limit HUD's ability to monitor this aspect of the HAP. However, no data have ever been available on a national basis which directly reflects the ETR statutory provisions. Thus, the Department has decided that local discretion should be permitted in order to assure that the best data locally available may be used. This necessitates permitting flexibility not only in the development of data, but also with respect to the methodology used.

Housing Assistance Plan—Conditions and Needs

Several commenters indicated disapproval of the lack of specific information required regarding the special needs of minorities, female-headed households, and the handicapped. As with the ETR, no national data exist for these categories and it is necessary to allow discretion for each locality, subject to HUD approval, to develop these elements.

One commenter favored eliminating any requirement to assess the special needs of the handicapped or single-headed households. Another commenter recommended inclusion of an assessment of the special needs of migrant workers. The requirement for assessing the housing needs of handicapped is statutory and cannot be eliminated. The regulations provide for estimating single headed household needs only to the extent that they represent a special housing need. Migrant worker housing needs will be expected to be addressed in the HAPs of those localities where such needs represent special conditions or needs affecting a particular group of lower income households in the community. (The listing in § 570.306(d)(2)(ii) is not intended to be all inclusive.)

One commenter requested clarification of the treatment in the HAP of dormitory-type facilities, particularly in the context of college towns. The HAP deals with housing units as defined by the Bureau of the Census. This definition does not include rooms in dormitory-type structures as separate units. Changes to these sections of the rule have been made to clarify that data sources used in developing the HAP must be identified.

Housing Assistance Plan—Narrative

The 1981 Amendments to the Act, among other things, deleted requirements for an application including a 3-year community development plan which demonstrates a comprehensive strategy for meeting identified community development and housing needs. A regulatory component of this requirement was a strategy "for increasing the choice of housing opportunities for low and moderate income persons, including members of minority groups and female households, including efforts to achieve spatial deconcentration of such housing opportunities and actions to affirmatively further fair housing" (current § 570.304(b)(2)(iii)). One commenter recommended that this requirement be preserved by being incorporated into the HAP. The Department notes that the obligation of grantees to administer all programs relating to housing and community development in a manner to affirmatively further fair housing remains an independent obligation under this final rule (see § 570.601(b)) and believes that incorporation of this specific tool into the detailed requirements of the HAP is not a mandatory prerequisite in all cases toward fulfillment of that obligation, particularly in view of the other extensive requirements of the HAP as well as other available means of focusing efforts toward fulfillment of fair housing objectives.

Housing Assistance Plan—Goals

Several commenters pointed out that the HAP regulations should only require grantees to maintain proportionality of HAP goals to needs between household types for *renter* subsidy goals. Appropriate corrections have been made as it was the intention of the Department to continue household type proportionality only for households requiring rental subsidies.

Others recommended that a 10 percent variation be allowed in the proportionality required in goals between household type needs, feeling that greater flexibility is appropriate to account for variations between different housing markets. One recommended that all proportionality between household type goals be deleted because Federal housing policy has made it increasingly difficult to meet goals proportionately, and it would be more appropriate to rely on the private marketplace and housing need to direct local housing programs. A complete discussion of why proportionality for

rental subsidy goals is being maintained was contained in the preamble to the proposed rule (47 FR 43907; October 4, 1982). In addition, it should be noted that § 570.306(d)(3)(iii) does provide specific exceptions to proportionality.

One commenter noted that the HAP provisions address certain housing needs of non-low and moderate income households, which the commenter believes to be a significant departure from the previous purpose of the HAP. In fact, however, the change that has been made is to follow more closely the statutory HAP provisions and to require establishment of goals for "units to be assisted" in relation to the housing unit deficiencies that have always been identified in the HAP. The fact that some of the units to be assisted may be occupied by higher income households (who can receive CDBG assistance only in limited cases) does not mean that the need to improve or replace such units should be ignored in preparing the HAP. This change is not expected to reduce the importance placed on assisting lower income households in the HAP.

One commenter, noting that the new HAP provisions include goals for State and local housing programs, recommended that the HAP incorporate only HUD assisted housing goals. This provision does not reflect any change to the current requirements governing HAP goals, and there is no statutory basis for making the HAP relate only to HUD programs.

Two commenters suggested that § 570.306(e)(3)(iv) should be strengthened to assure that rental units should be *occupied by* as well as affordable to low and moderate income households. These commenters' points are well taken, and appropriate changes are being made not only to this Section but also to § 570.901, defining standards for compliance with the primary objectives. Another commenter indicated that § 570.306(e)(3)(iv) is too restrictive and that the provision should be modified so that the requirement for the majority of units rehabilitated to be affordable for low and moderate income households apply only to units assisted through HUD programs. The statute, however, requires that in the case of subsidized rehabilitation the community make adequate provisions to assure that a preponderance of persons assisted should be of low and moderate income.

One commenter recommended the deletion of the requirement that the grantee describe *specific* actions it will take to address special housing needs and to ensure timely implementation of the three year HAP goals. There is basically no change in this regulatory provision from the previous rule. This portion of the HAP has proven to be very useful and is therefore being retained.

There was diverse reaction to the requirement at § 570.306(e)(1) of the proposed rule that the grantee develop a definition of substandard housing to include at a minimum units not meeting Section 8 Existing Housing Quality Standards. One commenter misinterpreted this provision to mean that the Section 8 Existing Housing Quality Standards would no longer apply to rehabilitation goals and that grantees would have complete discretion to apply local standards. On the other hand, another commenter recommended that reference to the Section 8 Existing Housing Quality Standards should be deleted from the HAP provisions because local standards are adequate. The purpose of this provision is to consider local standards to be fully acceptable for purposes of defining standard and substandard units in the HAP if, at a minimum, they meet the Section 8 Existing Housing Quality Standards.

Housing Assistance Plan—Performance Standards

One commenter objected to the absence of specific HAP performance standards or review procedures. HAP performance standards are found at § 570.909(e) which is not part of this final rule and remains unchanged. HAP performance standards are currently being reviewed. Any proposed revisions will be published for public comment before they are implemented.

Urban Counties

Two commenters suggested that urban counties operating under cooperation agreements should not be required to notify their included units of general local government of the opportunity to be excluded from the urban county. In fact, the Act requires that a county seeking to include a unit of general local government as a part of its urban county consortium must either execute a cooperation agreement with that unit of general local government or notify that unit of its opportunity to be excluded from the consortium. Which action is required of the county with regard to a particular unit of general local government is determined by relative authorities given to the county and the unit of general local government by State enabling law. However, in no case would the county be required to take both actions.

One commenter requested further clarification of § 570.307(c) regarding whether a public housing authority is considered a "designated agency" of the county when HUD is determining whether a county has adequate authority to carry out essential housing and community development activities (i.e. to act as an urban county). HUD considers a county housing authority to be a designated agency of the county as described at § 570.307(c). Thus, the powers of such a housing authority are ascribed to the county in determining its qualification as an urban county.

The final rule also includes a technical revision to paragraph (d)(3) in order to clarify the status of newly incorporated units of general local government which are established during the three-year urban county qualification period.

Subpart K—Other Program Requirements

General

A significant number of comments opposed the deletion of references to statutes and Executive Orders not referred to in the Act and for which other departments or agencies have specific enforcement authority. Commenters asserted that many grantees will have a difficult time complying with all applicable laws if they are not made aware of their responsibilities by the Department.

Several commenters suggested that it was premature to delete references to Executive Order 11246 and the Hatch Act prior to review by the enforcing agencies.

With the exception of Executive Order 11246, the Department continues to believe that its regulatory requirements should be limited to statutes and Executive Orders referred to in the Act of for which the Secretary has specific enforcement authority. In the case of Executive Order 11246, specific reference in Subpart K has been restored based on a recent opinion of the Solicitor of Labor to the effect that Part III of E.O. 11246 (Non-Discrimination Provisions in Federally-assisted contracts) is applicable to all CDBG programs, including the Entitlement and States programs. Therefore, § 570.607, Employment and Contracting Opportunities, has been expanded to include a paragraph on compliance with Executive Order 11246. The implementing regulations are those issued by the Secretary of Labor, who has enforcement responsibilities for this executive order. Reference to Executive Order 11246 was previously in § 570.307(l)(5).

Fair Housing

Several commenters requested that the proposed provision in Subpart K at § 570.601 be strengthened by retaining language in the current rule. The current rule (§ 570.307(l)) requires each grantee to certify that, in addition to meeting the obligation imposed by the Secretary pursuant to section 808(e)(5) of the Civil Rights Act of 1968 to administer its housing and community development programs in a manner to affirmatively further fair housing, it will take action to affirmatively further fair housing in the sale or rental of housing, the financing of housing and the provision of brokerage services. These normally are not governmental functions and opportunity for effective action in these areas may not be available to every grantee. Moreover, the range of possible actions available to grantees to fulfill their responsibility to affirmatively further fair housing is broader than that suggested by the certification, including counseling services, assistance to fair housing groups, voluntary affirmative lending, realtor, and home builder plans, education programs, and local compliance and monitoring processes. Accordingly, the additional language is not being retained. As in the past, grantee performance will be reviewed to ensure compliance and to institute appropriate corrective and remedial action where necessary.

Provision Regarding the Handicapped

Objection was raised to the elimination of references to the Architectural Barriers Act and, in two instances, commenters requested further clarification and examples of actions to be taken to assist handicapped persons.

As related in the preamble to the proposed rule, the Department's current regulation had imposed the accessibility standards issued pursuant to the Architectural Barriers Act upon structures constructed or altered with CDBG assistance as an administratively adopted requirement, notwithstanding that such requirements are not imposed by the Architectural Barriers Act itself. By its own terms and by specific reference in Section 109 of the Act, Section 504 of the Rehabilitation Act of 1973 is applicable to any program or activity funded in whole or in part with CDBG assistance. The Department published a regulation implementing Section 504 in programs and activities receiving Federal financial assistance from HUD on May 6, 1983 (48 FR 20638). On June 15, 1983, the effective date of the regulation was withdrawn and the public comment period on the regulation, treated as a proposed rule, was extended to September 6, 1983 (48 FR 27528). The proposed rule contains, among other things, provisions regarding accessibility to non-housing and housing facilities which would be applicable to facilities assisted by CDBG funds or within which an assisted program or activity is conducted, application or participation in such a program or activity is made, or benefits distributable pursuant to such a program or activity are distributed. Upon publication of a final rule, specific reference thereto will be incorporated in Part 570, Subpart K.

Labor Standards

One commenter requested further clarification of "direct financing" and the applicability of Davis-Bacon to the CDBG program at § 570.605. Another recommended that commercial rehabilitation costing less than $25,000 be excluded from Davis-Bacon applicability. One supported the Department's position to exclude loan guarantees and default reserves from Davis-Bacon coverage, but felt that in order to maintain consistency and eliminate an overly restrictive rule, HUD should also exempt principal reduction payments, grant rebates, and partial grants because they do not constitute "direct financing".

Because of the complexities of this issue, the Department believes its current interpretation of what constitutes financing for this purpose is appropriate. The use of CDBG funds for principal reduction, rebates, and partial grants does in fact constitute financing and therefore should require compliance with the labor standards provision.

The suggestion that commercial rehabilitation costing less than $25,000 be excluded from Davis-Bacon applicability could not be considered since procurement standards in OMB Circular A-102, Attachment O, require that all construction contracts in excess of $2,000 include Davis-Bacon requirements where the governing program legislation makes such requirements applicable, as does section 110 of the Act.

The final rule includes "subcontractors" in the first sentence. It was inadvertently omitted in the proposed rule.

Acquisition and Relocation

In the preamble to the proposed rule, the Department indicated that it has consulted the Department of Justice regarding applicability of the Uniform Relocation Act (URA) to the CDBG program in view of the *en banc* decision of the Fifth Circuit Court of Appeals in *Goolsby* v. *Blumenthal*, 590 F.2d 1360 (5th Cir. 1979), cert. denied, 444 U.S. 970 (1979) (URA not applicable to general revenue sharing). Even so, the proposed rule continued URA coverage pending a final determination of this issue. Several commenters expressed support of the continued application of the URA to the CDBG program at § 570.606.

After publication of the proposed rule, the Department of Justice determined that notwithstanding *Goolsby* v. *Blumenthal*, the URA is applicable to all sections of the CDBG program. The Department of Justice found that the URA was clearly applicable to the CDBG program prior to the 1981 Amendments to the Act and that there was no indication that the provisions of the 1981 Amendments were intended to eliminate the applicability of the URA. Therefore, no changes have been made in this final rule. More detailed explanation of URA requirements can be found at 24 CFR Part 42 which is referenced in § 570.606(a).

One commenter suggested a need for clarification of the application of URA to the CDBG program; in particular, that the Department should make clear that non-CDBG funded acquisition that is for a CDBG assisted activity must comply with URA. The Department believes that the regulation at § 570.606(a) is sufficiently clear on this point and therefore no change is made in this final rule.

Lead-Based Paint

The preamble to the proposed rule invited comments on the applicability of certain portions of the HUD regulation implementing the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4831). Specifically, the Department indicated that Subparts A and C of the regulations at 24 CFR Part 35 extended the applicability of section 302 of the Lead-Based Paint Poisoning Prevention Act to CDBG activities even though such activities are not "housing assistance payments" within the meaning of section 302 of the Act.

One commenter was in favor of revising the reference to the Lead-Based Poisoning Prevention Act at § 570.608, indicating agreement with the General Counsel's interpretation of section 302 of the Act.

On the other hand, another commented that the local community relied solely upon Federal law to alleviate the lead-based paint hazard in its community because its State law did not address the issue.

Since only two comments were received and expressed conflicting views on the issue, HUD has concluded that its current requirements do not pose

a hardship and are generally supported by the public. Therefore, the final rule includes the requirements as it currently exists.

Audits

One commenter objected to the qualifications for auditors which are indirectly incorporated in Subpart K at § 570.610 through reference to OMB Circular A102 which in turn references GAO auditing standards. The commenter felt that the cutoff date of December 31, 1970 as one criterion for a licensed public accountant qualified to conduct an audit of a local program was arbitrary and discriminatory. While the Department believes that this is a concern that should be addressed on its merits, it would not be appropriate to deviate unilaterally from government-wide standards. This concern is more appropriately addressed to the GAO. It should also be noted that this provision does not establish any new requirement. Essentially the same provision was formerly included as one of the specifically enumerated certifications.

Conflict-of-Interest

Comment was received indicating that the conflict-of-interest provision at § 570.611 was overly restrictive, particularly in regard to community advisory boards.

The Department believes the conflict-of-interest provision provides adequate opportunity for relief from the conflict of interest restrictions for members of community advisory boards, as well as others who would be caused undue hardship and whose exclusion from program participation would adversely affect the purposes of the Act. Therefore, the applicability provisions have not been changed. The only change in the final rule is the clarification of several cross-references in paragraph (a)(2).

Displacement

As noted above, a new section is now included in Subpart D, describing the requirements for Entitlement grantees when involuntary permanent displacement occurs. In addition, a new § 570.612 also addresses the concern about displacement. This section defines displacement and restates the general policy that, consistent with other program objectives and goals, involuntary displacement of persons from their homes and neighborhoods should be minimized. This provision, along with the other provisions added and retained in Subpart D, responds to the concerns expressed by a number of commenters and should ensure that displacement is appropriately addressed.

Subpart M—Loan Guarantees

Loan Guarantee Provision

A number of commenters expressed concern that failure to use the primary objectives of the Act as a criterion for an activity to qualify for a section 108 loan guarantee would lead to the funding of activities not meeting that requirement.

The proposed rule did specifically indicate that Subpart O, including the provisions at § 570.901, would apply to loan guarantee activities. However, the procedures contemplated would have paralleled those applicable to any other CDBG activity, where HUD would not undertake specific front end review for compliance. In consideration of these comments, however, and of the fact that loan guarantee assistance involves specific prior approval by HUD, the final rule includes reference to § 570.200 as one of the requirements of eligible activities (see § 570.701). Therefore, compliance with the primary objectives will be evaluated as part of Area Office reviews specified at § 570.702(d)(2). Furthermore, § 570.702(b)(1) now includes a provision requiring applicants for loan guarantees to include information on how the activities meet the standards for compliance with one of the broad national objectives so that the Area Office can carry out this review responsibility.

Several objections were also raised to the provision which stated that HUD will not consider the economic feasibility of activities proposed to be undertaken with the proceeds of a guaranteed loan. Economic feasibility has never been a consideration in HUD's review of loan guarantee applications since the guaranteed loan funds are secured by the recipient's pledge of current and future grant funds. Therefore, this provision, unchanged from the current rule, has been retained.

The final rule also includes a technical correction to the first sentence in § 570.700(a).

Subpart O—Program Management

Scope of This Rule

Several commenters apparently misunderstood the scope of changes made to Subpart O. The proposed rule merely adds § 570.901 without affecting other sections at § 570.900 and §§ 570.905–570.913. Thus, the current regulations concerning Secretarial review of a recipient's performance at § 570.909 as well as other sections in Subpart O remain in effect without change as a result of this rule. In the near future, the Department expects to publish a proposed revision to those other sections of Subpart O, as well as Subpart J—Grant Administration.

Review of Overall Program Benefit

A large number of comments were received concerning HUD's intentions to review each grantee's program for compliance with the primary objectives. The proposed rule would continue the requirement under current rules that CDBG recipients limit assistance to activities that address one of the three broad national objectives: Benefit low and moderate income persons; prevent or eliminate slums or blight; and, meet other community development needs having a particular urgency. However, the proposed rule did not contain any requirement concerning the extent to which a grantee's overall use of funds benefits low and moderate income persons. Although not statutorily required, the current rule contains a provision that would require each annual entitlement grant to be used to principally benefit low and moderate income persons. Accordingly, the Department had been conducting an annual review of a grantee's overall program benefit, although it appears that most commenters were unaware that, based on the 1978 statutory amendments, HUD's review for this purpose has been limited to determining whether the extent of overall program benefit was plainly inappropriate to the grantee's stated needs.

HUD's assertion in the preamble to the proposed rule that it no longer would review each grantee for overall program benefit was met with strong opposition. Among all of the written comments received, the most frequently mentioned concern centered on the Department's proposed deletion of such a review. Over two-thirds of the comenters raised this issue. All but one opposed this proposal. In addition, similar concerns were separately expressed by members of Congress and staff of the authorizing committees of both Houses of Congress.

A large number of these commenters expressed the belief that this issue goes to the heart of the program and that failure to require that grantees use the funds principally to benefit low and moderate income persons would lead to the program becoming no different than general revenue sharing. Almost all of these commenters re-stated or made reference to the primary objective of the Act, emphasizing the last phrase, "principally for persons of low and moderate income," and clearly implied that this program *objective* should be implemented as a program *requirement*

applied to each Entitlement grantee. The National Committee Against Discrimination in Housing (NCDH) perhaps expressed the consensus view most succinctly in its comment. It stated that "activities which meet any one of the three broad national objectives, when taken as a whole, must, consistent with Congressional intent, principally benefit lower income people if the primary objective is to be met."

A substantial number of commenters appeared to be interpreting HUD's statement in the preamble, that it would no longer conduct a review of a grantee's overall program with respect to benefit to low and moderate income persons, as meaning that there would be no review even of individual activities to determine compliance with the primary objectives, despite the fact that section 570.901 stated that such a review would be made.

This was the principal subject of the hearing held on December 7, 1982, before the House Subcommittee on Housing and Community Development. In his letter to the Secretary dated December 10, 1982, the Subcommittee Chairman requested, among other changes, that the regulations be amended to require that each grantee's program as a whole must principally benefit low and moderate families and that a review standard be added for this purpose. *Hearing* at 109–10. For the reasons stated below, the final rule, which provides for HUD's review of the program as a whole, does not reflect the majority of funds rule as a substantive requirement, but does employ it as a safe harbor performance review standard.

At the hearing, the Department's General Counsel related at length the reasons why the Department had deleted from its proposed regulation any equivalent of the current provision, located at § 570.302(b)(2), which required that each annual application for funds must provide that the applicant's program as a whole shall principally benefit low and moderate income persons. In that testimony, the General Counsel stated.

> The basis for the Department's deletion of the program-as-a-whole requirement lies in the Department's reading of legislative history up to and culminating in the amendments made in 1978. *Hearing* at 35.

Briefly, the Conference Report on the 1978 Amendments states "that any percentage limitations on the level of funds to be allocated shall be strictly avoided, except for review purposes, in order to take account of unique community needs."

The immediate provocation for the 1978 amendments (approved October 31, 1978) was the Department's "program-as-a-whole" regulation (March 1, 1978, 43 FR 8450) plus the further regulatory provision that for review purposes, an application would be presumed to meet that requirement if 75 percent of program funds were used for projects and activities which principally benefit low and moderate income persons. The intensity of conviction which the principle of these regulations aroused is seen in a joint letter from then-Chairman Ashley and then-Ranking Minority Member Brown to Secretary Harris dated November 4, 1977, in which they stated that they did

> not concur in the requirement for a set percentage of funds, at minimum, to be spent for the single purpose of benefiting low- and moderate-income persons. . . . The placement of one purpose as more primary than another is neither consistent with the language of the statute nor with the legislative history.

Following adoption of the 1978 amendments, Congressmen Ashley and Brown further confirmed their intent that the adopted amendments barred HUD from imposing percentage-of-funds requirements in the following floor colloquy:

> MR. BROWN. First, with respect to my amendment concerning administration by HUD of the Community Development Block Grant program, am I correct that during the Conference the Senate proposed Report language to the House which agreed with the House position that percentage requirements in program regulations, I repeat program regulations, are "not consistent" with the intent of Congress.
>
> MR. ASHLEY. The gentleman from Michigan is absolutely correct. The statement of the managers, though not containing this specific language, makes clear the position of the conferees that those regulations, must be changed. 124 Cong. Rec. H 1349 (daily ed. Oct. 14, 1978).

In addition to the 1978 legislative history, the Department was also cognizant of the fact that in 1977, during its markup of the HUD authorization bill, the House Banking Committee rejected an amendment which would have statutorily mandated a 50 percent of expenditures test for lower income benefit.

The Department never considered, either after 1978 or before then, that the program-as-a-whole provision was required as a statutory matter. Section 101(c) of the Act is a purpose clause; it states an objective that is hoped to be achieved or furthered through activities assisted by CDBG funds. The program-as-a-whole requirement was added to the program regulations in 1978 as a permissible exercise of administrative lawmaking designed to further assure the achievement of the statute's stated objective. As stated above, the Department has read the 1978 Amendments that were subsequently enacted as holding that the imposition of a strict percentage of funds requirement is not a permissible means of seeking to achieve that objective. It was on that basis that the Department proposed elimination of the program-as-a-whole provision.

At the Subcommittee hearing, the Department proposed to include a review of the program as a whole for the purpose of determining whether an entitlement grantee's use of funds has been plainly inappropriate to furthering the primary objective of the Act. In discussing this matter, the General Counsel stated:

> . . . on the basis of the concerns expressed both by Congressional sources and by constituent groups, particularly those representing the grantee governments themselves, we have concluded that we have left an important gap which we should fill. In the context of an entitlement grant to a metropolitan city or urban county undertaking a range of diverse activities, it may not be enough to require only that each activity must qualify under one of the three categories of the certification.
>
> Without imposing a mechanical counting test either on a grantee's annual program or on its program over any other pre-fixed period of time, the Department sees a need to retain the disciplinary ability to determine that a grantee's use of funds taken as a whole has been plainly inappropriate to furthering the primary objective of the statute. "Plainly inappropriate" is a standard with historical statutory precedent in precisely this context. *Hearing* at 36.

The provision offered at that time described in general terms the factors that would be used in making such a determination, but did not propose to include a specific review standard in the regulations. However, in further responding to the Subcommittee Chairman's letter subsequent to the hearing, the Assistant Secretary confirmed an intention to include in the regulations the presumption that an entitlement grantee would be considered to have carried out its activities in furtherance of the primary objective if, during the report period under consideration, the majority of funds expended met the regulatory standard for addressing the objective of benefiting low- and moderate-income persons. *Hearing* at 126.

As explained in the Assistant Secretary's letter, the major reason for the Department's decision not to include a substantive requirement that a

majority of funds to be spent for activities benefiting low- and moderate-income persons lies in the legislative history outlined above. An additional reason, however, arises from the arbitrariness of the counting rules, particularly in the contexts of certain kinds of eligible activities. Even arbitrary rules may have usefulness as first-level review standards, both because of the predictability they afford and the fact that they will deal satisfactorily with the majority of cases notwithstanding their arbitrariness. When arbitrary rules are elevated to substantive program requirements having the force and effect of law, however, distortions may result which are contrary to the intended flexibility of the program.

For purposes of discussion of this point, eligible block grant activities may be divided into direct benefit activities and area benefit activities. Both types of activities are equally eligible and may equally further the Act's primary objective, but are a benefit activities simply do not fit as easily into the beneficiary-counting exercise. This difference between direct benefit and area benefit activities was recognized, not for the first time, in the Comptroller General's recent report, "HUD Needs to Better Determine Extent of Community Block Grants' Lower Income Benefits," which noted:

> Part of the problem is the inherent difficulty in precisely determining who benefits from certain types of community development activities without conducting painstaking and expensive research. For example, some areawide projects—like parks and community centers—may benefit large segments of the population over different periods of time. Direct benefit activities, such as housing rehabilitation, which collect information through applications, should present fewer beneficiary identification problems (page 23).

Additional difficulties in determining the beneficiaries of area benefit activities arise from determinations of the appropriate area and availability of data relative to any area other than census tracts. This factor was noted in the Subcommittee's Staff Report on the CDBG Program published in 1977, which observed:

> While [census tract] data are indicative of the distribution of CDBG funds they are not conclusive. It is probable that in many census tracts included in these surveys CDBG activities were focused on "pockets" that could be characterized as very low-income within the tracts. It is, of course, also possible that activities were focused in areas with incomes above the low- and moderate-income level within these tracts. (Committee Print at 22.)

As a result of these inherent difficulties, the Department's rules regarding qualification of an area benefit activity as one benefiting low- and moderate-income persons are necessarily arbitrary. The current and proposed regulations provide that in the case of area benefit activities, an activity which is claimed to benefit an area where the majority of residents are claimed to be low- and moderate-income receives 100 percent credit for low and moderate-benefit count, and an activity (such as a slum or blight activity) in an area where 45 percent of the residents can be claimed to be low- and moderate-income persons generally receives zero credit. (This majority-of-benefit approach has been adopted and continued notwithstanding that the "maximum feasible priority" statutory requirement refers only to activities which will benefit low- and moderate-income families without the qualifier "principally." The final rule does provide, however, flexibility where a grantee has no or few areas containing a majority of low- and moderate-income families.)

HUD believes that the imposition on grantees of a requirement that their choice of activities must result in an ability to claim that not less than half of their program funds can be counted as "low/mod benefit" funds under administrative counting rules as arbitrary as these, cannot be reconciled with the statute's clear deference to the strategic choices of grantees. It may artificially subordinate worthy area benefit activities to direct benefit activities simply because beneficiaries of the latter can be identified and counted more easily. Moreover, the subordination becomes more severe as the area affected by the activity varies farther from census tract boundaries (and, equally, the data become less reliable as the period since the last decennial Census increases). To a not insignificant extent, therefore, such a requirement could run counter to otherwise desirable targeting to concentrated, but small, areas.

The criticism of the arbitrariness of the low- and moderate-income benefit qualification rules may seem equally applicable in the context of testing individual activities for qualification under the so-called "three-pronged test." Nevertheless, the possible distortions and inflexibility produced are not nearly so potentially serious, mainly because so many area benefit activities which do not quite qualify as low- and moderate-income benefit activities can be qualified for slum or blight prevention or elimination. The "three-pronged test" for eligibility of individual activities has been applied continuously since 1976 and HUD believes it important that it be retained.

For qualification of a grantee's use of funds taken as a whole, however, it is for the reasons stated above that HUD is adopting a necessarily more flexible approach that will permit an examination in the light of the actual activities proposed and undertaken by the grantee. The HUD review process includes several review levels, and for this reason the review standards to be applied at different levels are usually regarded as internal procedures which are appropriate on staff handbooks and instructions. (The review procedures which HUD Field personnel are instructed to employ are fully known to grantees, to whom our Handbooks and other Field instructions are made available without charge.) In this instance, however, because of the importance of the subject matter and the desirable stress on the Act's primary objective which the standard serves to emphasize, the Department has included the safe-harbor review standard in the regulation. The standard is keyed to funds expended during a reporting period covered by a performance report. If the conclusive results do not appear at the first level of review, then the inquiry would proceed to a new level of specificity which would include, among other things, the use of funds in previous years and the nature of activities undertaken which the rules do not qualify automatically as low- and moderate-income activities (e.g., area benefit activities in areas where 45 percent of the residents are low- and moderate-income persons).

For all of the reasons stated above, the final rule does not require a majority-of-funds provision as a substantive requirement. It includes the provision described at the December 7 hearing, providing for a Departmental review of the program as a whole, on a post expenditure basis, to determine whether such expenditures may be plainly inappropriate to furthering the primary objective of the Act. Coupled with the above described review approach, the Department believes that this represents the most manageable response, consistent with the statute, to the common expectations regarding the direction of the program which have come to be shared by the Congress, the Department, and the program's constituents.

Standards for Activities Benefiting Low and Moderate Income Persons

The Department received numerous comments from various interested

parties concerning the separate standards under which an activity would be considered to meet the objective of benefit to low and moderate income persons (§ 570.901(b)(1)). Views similar to those in the written comments were also expressed by several witnesses at the hearing before the House Subcommittee on Housing and Community Development.

With few exceptions, the commenters asserted that some of these standards were not strict or specific enough to ensure that low and moderate income persons would actually benefit from activities that apparently met the standards as set forth in the proposed rule. One commenter recommended that the provisions at § 570.302(d) of the current rule be retained.

The Department has carefully considered all these comments and is making a number of changes from the proposed rule.

First, § 570.901(b)(1) now includes a statement that the *actual net effect* of the activity is the basis for meeting the objective of benefit to low and moderate income persons. It further states that location, while typically an important factor in designing an activity to meet this standard, does not conclusively demonstrate that an activity will, in fact, benefit low and moderate income persons. This is essentially similar to a statement in the current regulations at § 570.302(g) and responds to the concern that the proposed rule would have permitted an activity to qualify merely because it was located in an area with a majority of low and moderate income persons. While such a result was not intended, these changes have been made to avoid any misunderstanding.

Second, the standard at § 570.901(b)(1)(i) is revised to conform to the change described above. Under this standard, an activity must be "designed" so that a majority of beneficiaries are low and moderate income persons. Location is one factor in the design of an activity that is used in determining whether an activity meets this standard.

Third, the examples illustrating this standard have been expanded to clarify how it will be applied to an activity that provides assistance to a neighborhood commercial area. Where an activity consists of general improvements to a neighborhood commercial area, the activity will meet this standard if the commercial area principally serves a residential area with a majority of low and moderate income persons. Assistance to an individual business, however, will meet this standard only if the business provides services principally to residents of such an area (or if a majority of the jobs to be created or retained are or will be available to low and moderate income persons as specified in the second example under this standard).

There was also widespread concern expressed about the standard in the published proposed rule for multifamily residential rehabilitation deemed to benefit low and moderate income persons, at § 570.901(b)(1)(iv)(B). These commenters objected to relying on affordability in this standard and to allowing grantees to determine the criteria for affordability. In response to this concern this standard has been revised to require that a majority of the rehabilitated units must be *occupied by* low and moderate income persons at affordable rents in order to meet the objective of benefit to such persons. Grantees will be required to adopt and make public the criteria they will use for determining "affordable rents."

There was near unanimity among commenters in objecting to the standard which provided that in certain localities that meet the distress criteria for the Urban Development Action Grant program, any activity to create or retain jobs would be deemed to benefit low and moderate income persons. The commenters asserted that this presumption of benefit was not appropriate even for the limited group of severely distressed communities covered by this standard. These commenters believe that any CDBG economic development activity that meets one of the broad national objectives on the basis of job creation or retention should target such jobs to low and moderate income persons even in severely distressed communities. Although some flexibility in this regard was deemed to be appropriate, particularly in the case of severely distressed communities have difficulty attracting or retaining any type of jobs, the Department has deleted this standard in the final rule.

The standard at § 570.901(b)(1)(vi) concerning the use of CDBG funds to reduce the development costs of the new construction of multifamily nonelderly housing was the subject of numerous comments. Under the proposed provision, such activities would qualify as benefiting low and moderate income persons if at least 20 percent of the units were occupied by such households. The commenters objected to allowing an activity to meet this objective where less than a majority of the beneficiaries would be low and moderate income. As explained in the preamble to the proposed rule the Department believes there is good reason for considering such activities to meet this objective. In order to minimize the potential for abuse, however, this provision has been amended to limit the amount of CDBG funds that can be used to assist such projects where less than a majority of the units will be occupied by low and moderate income households. Under this limitation, the proportion of total development cost to be borne by CDBG funds is limited to the proportion of total units in the project that will be occupied by low and moderate income households. It is also appropriate to note that this standard in no way modifies the limited circumstances under which CDBG funds are eligible to finance new housing construction (see § 570.207(b)(3) in the final rule).

Several commenters, especially those representing urban county Entitlement grantees, objected to the absence of any standard similar to that in § 570.302(d)(5) of the current regulations. Under that provision, a grantee with few or no areas where low and moderate income persons constitute a majority could undertake an activity deemed to benefit low and moderate income persons provided that the activity served an area which was among those with the highest proportion of such persons and met certain other requirements. Although there was some objection to the inclusion of such a standard in the revised rules, the final rule does include a provision similar to the current rule. With the deletion of prior HUD review and approval of such activities at the time the grant is made, however, more specificity is needed regarding what areas will be considered to be among those having the largest proportion of low and moderate income persons in the grantee's jurisdiction. As included in this final rule, the standard provides that an area that is within the upper one-fourth of all areas of the community in terms of the degree of concentration of low and moderate income persons will be considered to meet this test. To provide affected grantees with the opportunity to make any necessary adjustments in their planned use of CDBG funds, this particular part of the standard will not become effective until a grantee's program year funded from 1985 appropriations has begun.

Other comments received included a recommendation that for area benefit activities, 75 percent of the residents of the area must be low and moderate income in order to meet this objective. The Department believes that such a standard would be overly restrictive. Another commenter suggested that rehabilitation assistance should not be treated separately, but should qualify

under this objective without regard to the income of the benefiting household as long as the assistance is provided to a structure located in a low and moderate income area, as permitted under the current rule. The Department has concluded, however, that the more specific standards for residential rehabilitation deemed to benefit low and moderate income persons are necessary. Appropriate allowance is made for assisting upper income households under the standards for the objective of preventing or eliminating slums and blight. The standard in this final rule, unlike the current rule, ensures that low and moderate income persons actually benefit from residential rehabilitation activities that qualify under the low and moderate income benefit objective.

The final rule also clarifies the example concerning assistance for facilities used primarily by low and moderate income persons. The final rule includes a statement that senior centers and centers for the handicapped will generally be presumed to be facilities used principally by low and moderate income persons.

Benefit to Low as Well as Moderate Income Households

Several commenters indicated that language should be included to require that low as well as moderate income needs must be addressed.

In response to this concern, a provision has been added to § 570.901(b)(1) which admonishes grantees to "appropriately ensure that assisted activities do not benefit moderate income families to the exclusion of low income families." As an indication of Congressional concern over this point, it is noted that in 1977, Congress specifically amended the "maximum feasible priority" provision of the Act (then Section 104(b)(2)) to refer to "low *and* moderate income families" instead of "low *or* moderate income families." The admonition incorporated into the regulation is based upon the legislative explanation of that statutory change (Senate Report No. 95–175, at 12).

Standards for Activities Which Aid in the Prevention or Elimination of Slum or Blight

A significant number of commenters indicated that standards for meeting the objective of eliminating or preventing slums or blight at § 570.901(b)(2) were less restrictive and, when coupled with loosened overall benefit provisions, would result in significantly fewer benefits to low and moderate income persons. Most of these commenters specifically objected to new language which would allow a local designation of slum or blighted area "where there are objectively determinable signs of physical deterioration throughout the area."

The proposed rule would have authorized an area as slum or blighted where there are such signs, even though the area may not meet a slum or blight definition under State or local law. The Department proposed this change believing that the definitions under such laws might, in some cases, be unduly limiting and preclude treatment of areas with clear signs of deterioration. The general concern expressed by the commenters, however, was that the alternative criterion was considerably less restrictive than the standards in State or local laws, and that area qualification should be limited to standards under such laws.

Given the widespread concern about the implication of this change, a review was conducted of applicable laws of each of the 50 States. Based on this review, the Department has concluded that the definition contained in most State laws employs criteria that are so vague or broadly described that sole reliance on such definitions would likely result in qualifying some areas that would not be commonly regarded as slum or blight.

Definitions in many State laws include such criteria as "diversity of ownership" or "defective or unusual conditions of title" as conditions qualifying an area as "blighted." Other definitions use vague terms such as "socially undesirable land uses" which provide questionable guidance in reaching a common understanding of whether an area is truly "blighted." The Department is therefore convinced that a regulation relying exclusively on such definitions would not be responsive to the fundamental concern about the standards for slum or blighted areas expressed by interested parties.

It is recognized that these State laws were enacted in order to implement the Federal urban renewal program. Under that program, however, designated slum and blight areas had to meet certain federally established conditions and further required development of a comprehensive treatment plan for the area. Both the area designation and the treatment plan also required prior Federal approval. During the first few years of the CDBG program, the regulations provided for the completion of planned treatment for a federally designated urban renewal area, but did not specifically contemplate newly designated areas. Since 1978, the regulations have relied on State and local laws to define slum or blighted areas, but additionally required that such areas be approved as Neighborhood Strategy Areas (NSAs). The NSA requirement that comprehensive area treatment plans, somewhat comparable to those under urban renewal, be approved by HUD prior to designation appears to have served to discourage selection of areas that were not clearly blighted. Many commenters appeared to have recognized this and recommended that the requirement for an NSA be retained for this purpose. However, NSA designation requires front-end review and approval by HUD. Furthermore, such designation proved to be one of the most confrontational and time consuming aspects of the application process. Retaining the requirement for NSAs would serve to dilute significantly the reduction in Federal involvement expected to result from deleting the application requirement for Entitlement grantees and would thus be contrary to the general direction of the 1981 statutory amendments.

The Department therefore decided it would be best to modify the proposed rule to require that a slum or blighted area must qualify *both* under State or local laws as well as specific tests for physical deterioration in order to ensure reasonable standards for the implementation of this objective of the Act.

The final rule has also been modified to clarify that objectively determinable signs of physical deterioration in such areas are to be in the form of a substantial number of deteriorating or dilapidated buildings or improvements throughout the area, and that CDBG assisted activities in such an area must be designed to address one or more of the conditions which qualified the area as slum or blighted. The reference to "substantial number" provides for a judgment of reasonableness without establishing arbitrary numerical standards. The final rule also contains requirements for local documentation of area boundaries and qualifying conditions in such areas.

One commenter felt that too much emphasis was placed on indicators of physical deterioration to determine if an area qualifies as slum or blighted. The commenter suggested that other indicators should also be included such as vacancy rates. As described above, the standard in this final rule requires a determination that conditions in a delineated area meet standards under State or local law. Excessive vacancies could be one of those standards. However, the area must also be one in

which there is a substantial number of deteriorating or dilapidated buildings or improvements. High vacancy rates alone could not qualify an area as slum or blighted.

Other issues concerning the standards under this objective were raised in the public comments. Several commenters concluded that, in the absence of tightened restrictions on activities qualifying under this objective, a numerical standard should be put in place limiting the amount of CDBG funds that can be spent on such activities. Since the final rule includes both more specific standards for activities deemed to meet the objective of eliminating or preventing slums or blight as well as a review for the appropriateness of the extent of benefit to low and moderate income persons, specific limits on the proportion of CDBG funds that can be spent on activities that meet this objective are not necessary.

Residential Rehabilitation under the Slum/Blight Provision

Residential rehabilitation under the slum/blight objective at § 570.901(b)(2)(i)(B) was addressed by several commenters. They suggested that significant abuse could occur where relatively minor code violations in a unit occupied by an upper-income household could be brought to local standard with CDBG funds and then general, and less critical, improvements could be subsidized with CDBG funds while ignoring more critical needs of low and moderate income households. These commenters concluded that residential rehabilitation should be allowed (under this objective) only if it is restricted solely to "conditions detrimental to public health and safety" for units not occupied by low and moderate income households.

After consideration of these comments, the Department has decided to retain without substantive change the special provision concerning residential rehabilitation considered to meet the objective of preventing or eliminating slums and blight. It would be theoretically possible under this standard to provide assistance to an upper income household to correct a few minor deficiencies and also include a significant amount of funds for improvements unrelated to conditions that made the structure substandard. Most grantees, however, when providing assistance to households above the low and moderate income level, provide a shallower subsidy (e.g., higher interest rates for direct CDBG loans) or combine a limited amount of CDBG subsidy with substantial amounts of private funds. The Department expects that grantees will continue this practice and recognizes the appropriateness of providing some form of assistance to households who are often only marginally above the low and moderate income level and require some public assistance in order to afford needed improvements. It should also be noted that under the current rule, a structure occupied by an upper income household, but located in a low and moderate income area designated for comprehensive treatment, can receive rehabilitation assistance without *any* restrictions. In fact, assistance to such an upper income household would meet the standard for benefit to low and moderate income persons under the current rule. (Apparently the commenters were not aware of this fact.) The proposed rule provides a significant degree of protection against abuses which could occur under the current rule concerning rehabilitation in a slum or blighted area, and continues the current provision limiting assisted rehabilitation outside slum and blighted areas to the correction of conditions detrimental to public health and safety or to assist low and moderate income households. Nevertheless, the Department will consider the need for futher restrictions if significant problems arise in the future.

One commenter requested further clarification as to whether residential rehabilitation can be undertaken under this standard and address some, but not all, code violations. Assuming that the commenter equates substandardness with local code violations (the grantee's definition of substandard structures may, but need not be the same as local codes), the standard does not generally require correction of all code violations. However, CDBG funds may be used for general improvements only if all substandard conditions (code violations) are corrected. The standard thus permits the use of CDBG funds to correct some, but not all substandard conditions so long as no CDBG assistance is provided for general improvements.

Prevention of Blight

Several commenters suggested that the rules place total emphasis upon elimination but not prevention of blight. One commenter offered the example of flooding which threatens their community and, in the past, has resulted in blight to other areas, but under this provision, they would not be allowed to prevent this blighting condition.

Other commenters suggested that blight can be prevented through general economic development activities such as the provision of working capital or equipment financing. The commenters cite, for example, the provision of working capital to a firm that may otherwise go out of business where the area is already suffering from abandonment and decay. The commenters believe that such activities prevent further blight from forming and therefore should qualify under this objective. There are significant problems in devising any standard which specifically recognizes the *prevention* of slums and blight. While elimination of existing conditions of blight can be based on a variety of objectively verifiable conditions, prevention of slums and blight is generally subjective. In the situation described above, it would be possible to verify that the use of CDBG funds to make improvements to a *currently vacant* structure to permit its reuse, would remedy one of the blighting conditions (vacant structures) which qualified the area as slum or blight. On the other hand, assistance to a currently functioning business in the form of working capital or similar subsidies, on the basis that the business might otherwise leave the area, requires a lengthy and complex analysis of the profitability of the business in comparison to industry standards in order to verify the assertion. This process imposes a heavy burden for documentation and trained analysts which is inconsistent with the streamlining of the CDBG program. The Department believes that prevention of blight is adequately addressed through the provision which, as under the current rule, permits elimination of specific conditions of blight or deterioration on a spot basis, thus preventing the spread to adjacent properties or areas. The Department has concluded, therefore, that it would be inappropriate to revise these standards to expand the authorized *prevention* of slums and blight, especially since numerous other commenters urged that these standards should be tightened. Instead, the final rule includes the revised standard for activities in slum or blighted areas described above.

Historic Preservation

One commenter objected to the apparent deletion of historic preservation under this provision. The provision concerning historic preservation as an activity that meets the standard for prevention or elimination of slums or blight has, however, not been deleted. The standard at § 570.901(b)(2)(ii) includes

historic preservation and is essentially unchanged from the provision at § 570.302(e)(2) of the current rule.

Standards for Activities Designed to Meet Community Development Needs Having a Particular Urgency

Numerous comments were received regarding the deletion of the 18-month standard for recency of origin. Each of them held that this standard should be restored. One commenter, responding to the deletion of the 18-month standard, recommended that language be added restricting urgent need activities to no more than 10 percent of all program funds. One commenter indicated that the language requiring that localities first exhaust all other sources of funds prior to using CDBG funds to address an urgent need should be tightened since every locality can plead poverty. An alternate test suggested was: "Can the city pay without "undue burden'." These comments coupled with concerns raised by the Congress have convinced the Department to restore the 18-month standard in the final rule, in order to affirm our continuing position that an activity can qualify under this provision only in unusual and critical circumstances.

Geographical Targeting

A number of commenters responded to the deletion of Neighborhood Strategy Area (NSA) provisions and indicated that they favored restoration of Departmental encouragement of geographical targeting. Many of these commenters feared that CDBG funds would be ineffectively dispersed throughout the community due to political pressure.

As some of these commenters mentioned, neither the statute nor the regulations have ever required grantees to geographically target CDBG funds unless they chose to undertake activities for which such targeting was a condition of eligibility (as was formerly the case with public services). The decision to delete NSA provisions was based partly on their non-statutory basis as well as several other reasons. Deletion of these provisions are not intended to discourage geographical targeting, but, consistent with other statutory and regulatory changes, to avoid inappropriate Federal intrusion in the administration of local CDBG programs. While some grantees may de-emphasize targeting, many localities have indicated that they plan to continue to concentrate CDBG activities. The deletion of the grant application and detailed front-end application reviews also provided another reason for deletion of NSA provisions. Without detailed information formerly contained in the application, it would be difficult if not impossible for the Department to review and approve NSA designations. Finally, the statutory deletion of the requirement limiting public service activities to geographical areas where concentrated community development activities were being carried out provides additional reason for the deletion of NSA provisions.

Sanctions

Several comments were received regarding procedures to be used by the Department in taking sanctions against grantees as specified in Subpart O. Four commenters suggested that further detailed and specific procedures and requirements be added to § 570.901(f) regarding a determination by HUD of a grantee's failure to address primary objectives. They felt that the Department should be required to provide advance notice of grant conditions or reductions and that a formal, required negotiation process be described in the regulations.

Two commenters addressed the deletion of the application process and its effects on post-review and grant sanctions. They indicated that if more emphasis were placed on pre-grant making review and cooperation, despite the elimination of the grant application, the need for sanctions would be lessened.

These comments will be more adequately addressed in sections of Subpart O that were not included in this final rule but are currently under revision and will be published for public comment. While the deletion of a detailed front-end review may be troublesome for some grantees, it should be kept in mind that, in the past, the detailed front-end review of the grant application did not alleviate the need, in limited cases, for sanctions against grantees. Future revisions to Subpart O are expected to retain most of the procedures currently in effect.

Other Information

The Finding of No Significant Impact with respect to the environment made in conjunction with the Proposed rule published on October 4, 1982 and discussed above remains applicable and is in no way altered by this final rule. It was made in accordance with HUD regulations at 24 CFR Part 50 which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 10278, 451 Seventh Street, S.W., Washington, D.C. 20410.

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

This rule is being developed in a manner that deregulates many provisions in prior regulations which established administrative requirements that exceed statutory requirements. The program provides sample funds to cover expenditures connected with the administrative costs of the program. These Subparts are applicable primarily to Entitlement communities that, by definition, are not small entities. Portions of this regulation, particularly Subpart C — Eligible Activities, are applicable to small cities located in those few States that have not yet chosen to operate their own small cities program. There are only a few minor provisions in Subpart C which establish special administrative requirements. Therefore, pursuant to the provisions of 5 U.S.C. 605(b)] the Regulatory Flexibility Act), the undersigned certifies that this rule does not have a significant economic impact on a substantial number of small entities.

This rule was listed in the Department's Semiannual Agenda of Regulations published on April 25, 1983 (48 FR 18087), pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The programs affected by this rule and their program numbers in the Catalog of Federal Domestic Assistance are as follows:

Community Development Block Grant Entitlement—14.218;
Community Development Block Grant Small Cities—14.219;
Urban Development Action Grant—14.221;
Indian Community Development Block Grant—14.223;
Secretary's Discretionary Fund/ Territories Program—14.225;
Secretary's Discretionary Fund/ Community Development Technical Assistance Grants 14.227; and

Community Development Block Grant/State's Program—14.228 (only as specified).

OMB Control Number

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), the reporting or recordkeeping provisions that are included in this regulation have been or will be submitted for approval to the Office of Management and Budget (OMB). Applicable OMB approval numbers are included in the text of the regulation.

List of Subjects in 24 CFR Part 570

Community development block grants, Grant programs: housing and community development, Loan programs: housing and community development, Low- and moderate-income housing, New communities, Pockets of poverty, Small cities.

Accordingly, the Department amends 24 CFR Part 570 as follows:

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

1. The Table of Contents to Subparts A, B, C, D, K, M and O of 24 CFR Part 570 is amended to read as follows:

Subpart A—General Provisions

Sec.
570.1 Purpose.
570.2 Primary objective.
570.3 Definitions.
570.4 Allocation of funds.
570.5 Waivers.

Subpart B—[Reserved]

Subpart C—Eligible Activities

570.200 General policies.
570.201 Basic eligible activities.
570.202 Eligible rehabilitation and preservation activities.
570.203 Special economic development activities.
570.204 Special activities by subrecipients.
570.205 Eligible planning and policy—planning—management—capacity building activities.
570.206 Eligible administrative costs.
570.207 Ineligible activities.

Subpart D—Entitlement Grants

570.300 General.
570.301 Presubmission requirements.
570.302 Submission requirements.
570.303 Certifications.
570.304 Making of grants.
570.305 Displacement.
570.306 Housing assistance plan.
570.307 Urban counties.
570.308 Joint requests.
* * * * *

Subpart K—Other Program Requirements.

570.600 General.
570.601 Pub. L. 88-352 and Pub. L. 90-284; and Executive Order 11063.
570.602 Section 109 of the Act.
570.603 Labor standards.
570.604 Environmental standards.
570.605 National Flood Insurance Program.
570.606 Relocation and acquisition.
570.607 Employment and contracting opportunities.
570.608 Lead-based paint.
570.609 Use of debarred, suspended, or ineligible contractors or subrecipients.
570.610 Uniform administrative requirements and cost principles.
570.611 Conflict of interest.
570.612 Displacement.
* * * * *

Subpart M—Loan Guarantees

570.700 Eligible applicants.
570.701 Eligible activities.
570.702 Application requirements.
570.703 Loan requirements.
570.704 Federal guarantee.
570.705 Applicability of rules and regulations.
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Subpart O—Program Management

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570.901 Review for compliance with primary objectives.
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2. Subpart A of Part 570 is revised to read as follows:

Subpart A—General Provisions

§ 570.1. Purpose.

(a) This Part describes policies and procedures applicable to the following programs authorized under Title I of the Housing and Community Development Act of 1974, as amended:

(1) Entitlement grants program (Subpart D);

(2) Small Cities program: HUD-administered CDBG nonentitlement funds (Subpart F);

(3) State's program: State-administered CDBG nonentitlement funds (Subpart I);

(4) Secretary's Fund program (Subpart E);

(5) Urban Development Action Grant program (Subpart G); and

(6) Loan Guarantees (Subpart M).

(b) Subparts A, C, J, K and O apply to all of the above programs administered by HUD but do not apply to the State's Program (Subpart I) except to the extent expressly referred to (as, for example, in § 570.4). (Until Subparts J, K and O are amended to more completely reflect the Housing and Community Development Amendments of 1981, they should be read as applying to the Entitlement grants program in a manner which recognizes the deletion of the application requirements for grants made in Federal Fiscal Year 1982 and thereafter.)

§ 570.2 Primary objective.

The primary objective of Title I of the Housing and Community Development Act of 1974, as amended, is the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income.

§ 570.3 Definitions.

(a) "Act" means Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 *et seq.*).

(b) "Age of housing" means the number of existing year-round housing units constructed in 1939 or earlier, based on data compiled by the United States Bureau of the Census referable to the same point or period of time, available from the latest decennial census except that the 1980 census data will not be used until Fiscal Year 1984.

(c) "Applicant" means a State, unit of general local government, or Indian tribe which makes application pursuant to the provisions of Subparts E, F, G or M.

(d) "Chief Executive Officer" of a State or unit of local government means the elected official, or the legally designated official, who has the primary responsibility for the conduct of that entity's governmental affairs. Examples of the "chief executive officer" of a unit of local government are: the elected mayor of a municipality; the elected county executive of a county; the chairman of a county commission or board in a county that has no elected county executive; the official designated pursuant to law by the governing body of the unit of general local government.

(e) "City" means, for purposes of Entitlement grant and Urban Development Action Grant eligibility: (1) Any unit of general local government which is classified as a municipality by the United States Bureau of the Census or (2) any other unit of general local government which is a town or township and which, in the determination of the Secretary: (i) Possesses powers and performs functions comparable to those associated with municipalities; (ii) is closely settled (except that the Secretary may reduce or waive this requirement on a case by case basis for the purposes of the Action Grant program); and (iii) contains within its boundaries no incorporated places as defined by the United States Bureau of the Census, which have not entered into cooperation agreements with such town or township for a period covering at least 3 years to undertake or to assist in the undertaking of essential community development

and housing assistance activities. The determination of eligibility of a town or township to qualify as a city will be based on information available from the United States Bureau of the Census and information provided by the town or township and its included units of general local government. For purposes of urban development action grant eligibility only, "city" includes Guam, the Virgin Islands, and Indian tribes which are eligible recipients under the State and Local Government Fiscal Assistance Act of 1972 and located on reservations or in Alaskan Native Villages.

(f) "Discretionary grant" means a grant made from the Secretary's Fund in accordance with Subpart E.

(g) "Entitlement amount" means the amount of funds which a metropolitan city or urban county is entitled to receive under the Entitlement grant program, as determined by formula set forth in section 106 of the Act.

(h) "Extent of growth lag" means the number of persons who would have been residents in a metropolitan city or urban county, in excess of the current population of such metropolitan city or urban county, if such metropolitan city or urban county had a population growth rate, between 1960 and the date of the most recent population count available from the United States Bureau of the Census referable to the same point or period in time, equal to the population growth rate for such period of all metropolitan cities.

(i) "Extent of housing overcrowding" means the number of housing units with 1.01 or more persons per room as based on data compiled and published by the United States Bureau of the Census available from the lastest census referable to the same point or period in time, except that 1980 census data will not be used until Fiscal Year 1984.

(j) "Extent of poverty" means the number of persons whose incomes are below the poverty level based on data compiled and published by the United States Bureau of the Census available from the latest census referable to the same point or period in time and the latest reports from the Office of Management and Budget. For purposes of this Part, the Secretary has determined that it is neither feasible nor appropriate to make adjustments at this time in the computations of "extent of poverty" for regional or area variations in income and cost of living.

(k) "HUD" means the Department of Housing and Urban Development.

(l) "Identifiable segment of the total group of lower income persons in the community" means female-headed households, and members of a minority group which includes Black, American Indian/Alaskan Native, Hispanic, Asian/Pacific Islander, and other groups normally identified by race, color, or national origin.

(m) "Indian tribe" means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaska Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638) or under the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92-512).

(n) "Low and moderate income household" or "lower income household" means a household whose income does not exceed 80 percent of the median family income for the area, as determined by HUD with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

(o) "Low and moderate income person" or "lower income person" means a member of a family having a family income within the limits determined in accordance with § 570.3(n) or any unrelated individual whose income does not exceed the one-person limit determined in accordance with § 570.3(n).

(p) "Metropolitan area" means a metropolitan statistical area, as established by the Office of Management and Budget. An area which was classified as a metropolitan area under criteria in effect as of December 31, 1979 shall continue to be so classified through Fiscal Year 1983 if it continues to meet such criteria.

(q) "Metropolitan city" means: (1) A city, within a metropolitan area, which is a central city of such area, as defined and used by the Office of Management and Budget (any such city which was classified as a central city as of December 31, 1979, shall continue to be so classified through Fiscal Year 1983), or (2) any other city, within a metropolitan area, which has a population of fifty thousand. Any city which has been classified as a metropolitan city because it has a population of at least fifty thousand will continue to be so classified through Fiscal Year 1983.

(r) "Nonentitlement amount" means the amount of funds which is allocated for use in a State's nonentitlement area as determined by formula set forth in section 106 of the Act.

(s) "Nonentitlement area" means an area which is not a metropolitan city or not included as part of an urban county.

(t) "Population" means the total resident population based on data compiled and published by the United States Bureau of the Census available from the latest census, or which has been upgraded by the Bureau to reflect the changes resulting from the Boundary and Annexation Survey, new incorporations, and consolidations of governments pursuant to § 570.4, and which reflects, where applicable, changes resulting from the Bureau's latest population determination through its estimating technique using natural changes (birth and death) and net migration, and is referable to the same point or period in time.

(u) "Secretary" means the Secretary of Housing and Urban Development.

(v) "State" means any State of the United States, or any instrumentality thereof approved by the Governor; and the Commonwealth of Puerto Rico.

(w) "Unit of general local government" means any city, county, town, township, parish, village, or other general purpose political subdivision of a State; Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa, or a general purpose political subdivision thereof; a combination of such political subdivisions recognized by the Secretary; the District of Columbia; and the Trust Territory of the Pacific Islands. Such term also includes a State or a local public body or agency (as defined in section 711 of the Housing and Urban Development Act of 1970), a community association, or other entity, which is approved by the Secretary for the purpose of providing public facilities or services to a new community as part of a program meeting the eligibility standards of section 712 of the Housing and Urban Development Act of 1970 or Title IV of the Housing and Urban Development Act of 1968.

(x) "Urban county" means any county within a metropolitan area which has qualified for a three-year period, pursuant to § 570.307, and which, at the time of qualification, is authorized under State law to undertake essential community development and housing assistance activities in its unincorporated areas, if any, which are not units of general local government, and: (1) Has a combined population of two hundred thousand or more (excluding the population of metropolitan cities and Indian tribes therein) in such unincorporated areas and in its included units of general local government: (i) In which it has authority

to undertake essential community development and housing assistance activities and which do not elect to have their population excluded or (ii) with which it has entered into cooperation agreements to undertake or to assist in the undertaking of essential community development and housing activities, or (2) has population in excess of one hundred thousand, a population density of five thousand persons per square mile, and contains within its boundaries no incorporated places as defined by the United States Bureau of the Census. Any urban county which qualified as an urban county in Fiscal Year 1981, the population of which includes all of the population of the county (other than the population of metropolitan cities therein), and the population of which for Fiscal Year 1982 falls below the amount required by clause (1) of the preceding sentence by reason of the 1980 decennial census shall be considered as meeting the population requirements of such clause for Fiscal Year 1983 and shall not be subject to the provisions of § 570.307 in that fiscal year.

(y) "Urban Development Action Grant" (UDAG) means a grant made by the Secretary pursuant to section 119 of the Act and Subpart G of this Part.

§ 570.4 Allocation of funds.

(a) The determination of eligibility of units of general local government to receive entitlement grants, the entitlement amounts, the allocation of appropriated funds to States for use in nonentitlement areas, the reallocation of funds, and the allocation of appropriated funds for discretionary grants under the Secretary's Fund shall be governed by the policies and procedures described in sections 106 and 107 of the Act, as supplemented in this section.

(b) The definitions in § 570.3 shall govern in applying the policies and procedures described in sections 106 and 107 of the Act.

(c) In determining eligibility for entitlement and in allocating funds under sections 106 of the Act for any Federal Fiscal Year, the Department will recognize corporate status and geographical boundaries and the status of metropolitan areas and central cities effective as of July 1 preceding such Federal Fiscal Year, subject to the following limitations:

(1) With respect to corporate status, as certified by the applicable State and available for processing by the Census Bureau as of such date;

(2) With respect to boundary changes or annexations, as accepted for use by the Office of Revenue Sharing (ORS) for the same fiscal year and available for processing by the Census Bureau as of such date, except that any such boundary changes or annexations which result in the population of a unit of general local government reaching or exceeding 50,000 shall be recognized for this purpose whether or not such changes are accepted for use by the ORS; and,

(3) With respect to the status of Metropolitan Statistical Areas and central cities, as officially designated by the Office of Management and Budget as of such date.

(d) In determining whether a county qualifies as an urban county, and in computing Entitlement amounts for urban counties, the demographic values of population, poverty, housing overcrowding, and age of housing of any Indian tribes located within the county shall be excluded. In allocating amounts to States for use in nonentitlement areas, the demographic values of population, poverty, housing overcrowding, and age of housing of all Indian tribes located in nonentitled areas shall be excluded. It is recognized that all such data on Indian tribes are not generally available from the United States Bureau of the Census and that missing portions of data will have to be estimated. In accomplishing any such estimates the Secretary may use such other related information available from reputable sources as may seem appropriate, regardless of the data's point or period of time and shall use the best judgment possible in adjusting such data to reflect the same point or period of time as the overall data from which the Indian tribes are being deducted, so that such deduction shall not create an imbalance with those overall data.

(e) Amounts remaining after closeout of a grant which are required to be returned to HUD under the provisions of § 570.512, Grant closeouts, shall be considered as funds available for reallocation.

§ 570.5 Waivers

The Secretary may waive any requirement of this Part not required by law whenever it is determined that undue hardship will result from applying the requirement and where application of the requirement would adversely affect the purposes of the Act.

3. Subpart B of Part 570 is removed and is being reserved for future use.

Subpart B—[Reserved]

4. Subpart C of Part 570 is revised to read as follows:

Subpart C—Eligible Activities

§ 570.200 General policies

(a) *Determination of eligibility.* An activity may be financed in whole or in part with Community Development Block Grant (CDBG) funds only if all of the following requirements are met:

(1) *Compliance with section 105 of the Act.* Each activity must meet the eligibility requirements of section 105 of the Act as further defined in this Subpart.

(2) *Compliance with primary objectives.* The Act establishes as its primary objective the development of viable urban communities, including decent housing and a suitable living environment, and expanding economic opportunity, principally for persons of low and moderate income. For grant recipients under the Entitlement and HUD-administered Small Cities programs, this overall objective is achieved through a program where the projected use of funds has been developed so as to give maximum feasible priority to activities which will carry out one of the broad national objectives of benefit to low and moderate income families or aid in the prevention or elimination of slums or blight; the projected use of funds may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. The choice of eligible activities on which block grant funds are to be expended represents the recipient's determination as to which approach or approaches will best serve these primary objectives, subject to the Secretary's authority to determine that a grantee has failed to carry out its activities in accordance with the primary objective of the Act. Consistent with the foregoing, each recipient under the Entitlement and HUD-administered Small Cities programs must ensure, and maintain evidence, that each of its CDBG funded activities meets one of the broad national objectives as contained in its certification, and each Entitlement grantee must be prepared to demonstrate that its use of funds, taken as a whole, is being carried out to further the primary objective of the Act.

(3) *Compliance with environmental review procedures.* The environmental review and clearance procedures set forth at 24 CFR Part 58 must be completed for each activity (or project

as defined in 24 CFR Part 58), as applicable.

(4) *Cost principles.* Costs incurred, whether charged on a direct or an indirect basis, must be in conformance with the requirements of OMB Circulars A-87, "Cost Principles Applicable to Grants and Contracts with State and Local Governments" or A-122, "Cost Principles for Non-profit Organizations," as applicable. All items of cost listed in Attachment B of those Circulars are allowable without prior approval of HUD to the extent they comply with the general policies and principles stated in Attachment A of such Circulars and are otherwise eligible under this Subpart. However, pre-agreement costs are limited to those costs described at § 570.200(h).

(5) *Other requirements.* Each activity must comply with all requirements of this Part as they may apply under Subparts D, E, F, and G.

(b) *Special policies governing facilities.* The following special policies apply to:

(1) *Facilities containing both eligible and ineligible uses.* A public facility otherwise eligible for assistance under the CDBG program may be provided with program funds even if it is part of a multiple use building containing ineligible uses, if:

(i) The facility which is otherwise eligible and proposed for assistance will occupy a designated and discrete area within the larger facility; and

(ii) The recipient can determine the costs attributable to the facility proposed for assistance as separate and distinct from the overall costs of the multiple-use building and/or facility.

Allowable costs are limited to those attributable to the eligible portion of the building or facility.

(2) *Fees for use of facilities.* Reasonable fees may be charged for the use of the facilities assisted with CDBG funds, but charges, such as excessive membership fees, which will have the effect of precluding low and moderate income persons from using the facilities are not permitted.

(c) *Special assessments under the CDBG program.* The following policies relate to the use of special assessments under the CDBG program:

(1) *Definition of special assessment.* The term "special assessment" means a fee or charge levied or filed as a lien against a parcel of real estate as a direct result of benefit derived from the installation of a public facility improvement, such as streets, curbs, and gutters. The amount of the fee represents the pro rata share of the capital costs of the public improvement levied against the benefiting properties. This term does not relate to taxes, or the establishment of the value of real estate for the purpose of levying real estate, property, or ad valorem taxes.

(2) *Special assessments to recover capital costs.* There can be no special assessment to recover that portion of a capital expenditure funded with CDBG funds. Recipients may, however, levy assessments to recover the portion of a capital expenditure funded from other sources. Funds collected through such special assessments are not program income.

(3) *Other uses of CDBG funds for special assessments.* Program funds may be used to pay all or part of special assessments levied against properties owned and occupied by low and moderate income persons when such assessments are used to recover that portion of the capital cost of public improvements financed from sources other than community development block grants, provided that:

(i) The assessment represents that property's share of the capital cost of the eligible facility or improvement; and

(ii) The installation of the public facilities and improvements was carried out in compliance with requirements applicable to activities assisted under this Part.

(d) *Consultant activities.* Consulting services are eligible for assistance under this Part for professional assistance in program planning, development of community development objectives, and other general professional guidance relating to program execution. The use of consultants is governed by the following:

(1) *Employer-employee type of relationship.* No person providing consultant services in an employer-employee type of relationship shall receive more than a reasonable rate of compensation for personal services paid with CDBG funds. In no event, however, shall such compensation exceed the maximum daily rate of compensation for a GS-18 as established by Federal law. Such services shall be evidenced by written agreements between the parties which detail the responsibilities, standards, and compensation.

(2) *Independent contractor relationship.* Consultant services provided under an independent contractor relationship are governed by the Procurement Standards of Attachment O of OMB Circular No. A-102 and are not subject to the GS-18 limitation.

(e) *Recipent determinations required as a condition of eligibility.* In several instances under this Subpart, the eligibility of an activity depends on a special local determination. Recipients shall maintain documentation of all such determinations. A written determination is required for any activity carried out under the authority of §§ 570.201(c)(1), 570.201(f), 570.202(b)(3), 570.203, 570.204, and 570.206(f). A written determination is also required for certain relocation costs under § 570.201(i).

(f) *Means of carrying out eligible activities.* Activities eligible under this Subpart may be undertaken either:

(1) by the recipient through:

(i) Its employees; or

(ii) Procurement contracts governed by the requirements of Attachment O of OMB Circular A-102; or

(2) Through agreements with subrecipients;

except that activities authorized in § 570.204(a)(2) may only be undertaken by subrecipients specified in that section.

(g) *Limitation on planning and administrative costs.* (Effective date: This paragraph is effective beginning with the first grant made under Subparts E or F, or the first program year commencing on or after the effective date of this rule.) No more than 20 percent of the sum of any grant plus program income shall be expended for planning and administrative costs, as defined in §§ 570.205 and 570.206 respectively. Recipients of Entitlement grants under Subpart D will be considered to be in conformance with this limitation if *expenditures* for planning and administration during the most recently completed program year did not exceed 20 percent of the sum of the Entitlement grant made for that program year and the program income received during that program year.

(h) *Reimbursement for pre-agreement costs.* Prior to the effective date of the grant agreement, a recipient may obligate and spend local funds for the purpose of environmental assessments required by 24 CFR Part 58, for the planning and capacity building purposes authorized by § 570.205(b), for engineering and design costs associated with an activity eligible under § 570.201 through § 570.204, for the provision of information and other resources to residents pursuant to § 570.206(b), and for relocation and/or acquisition activities carried out pursuant to § 570.606. After the effective date of the grant agreement, the recipient may be reimbursed with funds from its grant to cover those costs, provided such locally funded activities were undertaken in compliance with the requirements of this Part and 24 CFR Part 58.

(i) *Urban Development Action Grant.* Grant assistance may be provided with Urban Development Action Grant funds,

subject to the provision of Subpart G, for:

(1) Activities eligible for assistance under this Subpart; and

(2) Notwithstanding the provisions of § 570.207, such other activities as the Secretary may determine to be consistent with the purposes of the Urban Development Action Grant program.

§ 570.201 Basic eligible activities.

Grant assistance may be used for the following activities:

(a) *Acquisition.* Acquisition in whole or in part by a public agency or private nonprofit entity, by purchase, lease, donation, or otherwise, of real property (including air rights, water rights, rights-of-way, easements, and other interests therein) for any public purpose, subject to the limitations of § 570.207(a).

(b) *Disposition.* Disposition, through sale, lease, donation, or otherwise, of any real property acquired with CDBG funds or its retention for public purposes, including reasonable costs of temporarily managing such property or property acquired under urban renewal, provided that the proceeds from any such disposition shall be program income subject to the requirements set forth in § 570.506.

(c) *Public facilities and improvements.* Acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements, except as provided in § 570.207(a), carried out by the recipient or other public or private nonprofit entities. In undertaking such activities, design features and improvements which promote energy efficiency may be included. Such activities may also include the execution of architectural design features, and similar treatments intended to enhance the aesthetic quality of facilities and improvements receiving CDBG assistance, such as decorative pavements, railings, sculptures, pools of water and fountains, and other works of art. Nonprofit entities and subrecipients as specified in § 570.204 may acquire title to public facilities such as senior centers, centers for the handicapped, or neighborhood facilities. When such facilities are owned by nonprofit entities or subrecipients, they shall be operated so as to be open for use by the general public during all normal hours of operation. Public facilities and improvements eligible for assistance under this paragraph are subject to the policies in § 570.200(b) and the restrictions specified below.

(1) Parks, playgrounds, and recreational facilities established as a result of reclamation and other construction activities carried out in connection with a river and adjacent land, and flood and drainage facilities are eligible only where assistance has been determined to be unavailable under other Federal laws or programs. No CDB funds may be obligated or expended for activities specified in this subparagraph until the recipient has complied with the following requirements:

(i) An application or written request has been made to the Federal agency that customarily funds the proposed activity within the recipient's jurisdiction; and

(ii) The application or request has been rejected, or the recipient has been advised that funds will not be made available for at least 90 days after the date of the application or request, or there has been no response from the Federal agency after 45 days from the date of the application or request.

(2) The following facilities are eligible only when located in or serving areas where other community development activities have been or are being carried out:

(i) Parking facilities;

(ii) Fire protection facilities and equipment; and

(iii) Solid waste disposal, recycling or conversion facilities.

(d) *Clearance activities.* Clearance, demolition, and removal of buildings and improvements, including movement of structures to other sites. Demolition of HUD assisted housing units may be undertaken only with the prior approval of HUD.

(e) *Public services.* (Effective date: This paragraph is effective as of the beginning of the recipient's program funded from Federal Fiscal Year 1982 and subsequent appropriations.) Provision of public services (including labor, supplies, and materials) which are directed toward improving the community's public services and facilities, including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, energy conservation, welfare, or recreational needs. In order to be eligible for CDBG assistance, public services must meet each of the following criteria:

(1) A public service must be either: (i) A new service, or (ii) a quantifiable increase in the level of a service above that which has been provided by or in behalf of the unit of general local government (through funds raised by such unit, or received by such unit from the State in which it is located) in the twelve calendar months prior to the submission of the statement. (An exception to this requirement may be made if HUD determines that the decrease in the level of a service was the result of events not within the control of the unit of general local government.)

(2) The amount of funds used for public services, including services provided by subrecipients under § 570.204, shall not exceed 10 percent of each grant except as provided in subparagrah (3) below. For Entitlement grants under Subpart D, compliance is based on the amount of funds obligated for public service activities in each program year compared to the Entitlement grant made for that program year.

(3) A recipient which allocated more than 10 percent of its grant for public services in its program funded from Federal Fiscal Year 1981 appropriations, may obligate more than 10 percent of its grant for public sevices in each of its program years funded from Federal Fiscal Years 1982, 1983, or 1984 appropriations so long as the amount obligated in any such program year does not exceed the amount allocated in Fiscal Year 1981. For the purposes of this provision, the Fiscal Year 1981 allocation is the amount specified for public service activities in the Cost Summary applicable to the program funded from Fiscal Year 1981 appropriations, as of October 1, 1981.

(f) *Interim assistance.*

(1) The following activities may be undertaken on an interim basis in areas exhibiting objectively determinable signs of physical deterioration where the recipient has determined that immediate action is necessary to arrest the deterioration and that permanent improvements will be carried out as soon as practicable:

(i) The repairing of streets, sidewalks, parks, playgrounds, publicly owned utilities, and public building; and

(ii) The execution of special garbage, trash, and debris removal, including neighborhood cleanup campaigns, but not the regular curbside collection of garbage or trash in an area.

(2) In order to alleviate emergency conditions threatening the public health and safety in areas where the chief executive officer of the recipient determines that such an emergency condition exists and requires immediate resolution, CDBG funds may be used for:

(i) The activities specified in subparagraph (1) above, except for the repair of parks and playgrounds;

(ii) For the clearance of streets, including snow removal and similar activities; and

(iii) The improvement of private properties.

All activities authorized under this subparagraph are limited to the extent necessary to alleviate emergency conditions.

(g) *Payment of the non-Federal share* required in connection with a Federal grant-in-aid program undertaken as part of CDBG activities, provided, that such payment shall be limited to activities otherwise eligible under this Subpart.

(h) *Urban renewal completion.* Payment of the cost of completing an urban renewal project funded under Title I of the Housing Act of 1949 as amended. Further information regarding the eligibility of such costs is set forth in § 570.801.

(i) *Relocation.* Relocation payments and assistance for permanently or temporarily displaced individuals, families, businesses, nonprofit organizations, and farm operations where: (1) Required under the provisions of § 570.606(a); and (2) relocation payments and assistance are determined by the recipient to be appropriate as provided in § 570.606(b).

(j) *Loss of rental income.* Payments of housing owners for losses of rental income incurred in holding, for temporary periods, housing units to be utilized for the relocation of individuals, and families displayed by program activities assisted under this Part.

(k) *Removal of architectural barriers.* Special projects directed to the removal of material and architectural barriers which restrict the mobility and accessibility of elderly or handicapped persons to publicly owned and privately owned building, facilities, and improvements. Further information regarding the removal of architectural barriers is available in the current publication of the American National Standards Institute, Inc., ANSI A117.1.

(l) *Privately owned utilities.* CDBG funds may be used to acquire, construct, reconstruct, rehabilitate, or install the distribution lines and facilities of privately owned utilities, including the placing underground of new or existing distribution facilities and lines.

§ 570.202 Eligible rehabilitation and preservation activities.

(a) *Types of buildings and improvements eligible for rehabilitation assistance.* CDBG funds may be used to finance the rehabilitation of:

(1) Privately owned buildings and improvements;

(2) Low income public housing and other publicly owned residential buildings and improvements; and

(3) Publicly owned nonresidential buildings and improvements otherwise eligible for assistance.

Specific information on historic properties is included in paragraph (d) of this section.

(b) *Types of assistance.* CDBG funds may be used to finance the following types of rehabilitation activities, and related costs, either singly, or in combination, through the use of grants, loans, loan guarantees, interest supplements, or other means for buildings and improvements described in paragraph (a) of this section:

(1) Assistance to private individuals and entities, including profit making and nonprofit organizations, to acquire for the purpose of rehabilitation, and to rehabilitate properties for use or resale for residential purposes;

(2) Labor, materials, and other costs of rehabilitation of properties, including repair directed toward an accumulation of deferred maintenance, replacement of principal fixtures and components of existing structures, installation of security devices, and renovation through alterations, additions to, or enhancement of existing structures, which may be undertaken singly, or in combination;

(3) Loans for refinancing existing indebtedness secured by a property rehabilitated with CDBG funds if such financing is necessary or appropriate to achieve the recipient's community development objectives;

(4) Improvements to increase the efficient use of energy in structures through such means as installation of storm windows and doors, siding, wall and attic insulation, and conversion, modification, or replacement of heating and cooling equipment, including the use of solar energy equipment;

(5) Improvements to increase the efficient use of water through such means as water saving faucets and shower heads and repair of water leaks;

(6) Financing of costs associated with the connection of residential structures to water distribution lines or local sewer collection lines;

(7) For rehabilitation carried out with CDBG funds, costs of:

(i) Initial homeowner warranty premiums;

(ii) Hazard insurance premiums, except where assistance is provided in the form of a grant; and

(iii) Flood insurance premiums for properties covered by the Flood Disaster Protection Act of 1973, pursuant to § 570.605;

(8) Costs of tools to be lent to owners, tenants, and others who will use such tools to carry out rehabilitation; and

(9) Rehabilitation services, such as rehabilitation counseling, energy auditing, preparation of work specifications, loan processing, inspections, and other services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in rehabilitation activities authorized under this section, under section 312 of the Housing Act of 1964, as amended, and under section 810 of the Act.

(c) *Code enforcement.* Code enforcement in deteriorating or deteriorated areas where such enforcement together with public improvements, rehabilitation, and services to be provided, may be expected to arrest the decline of the area.

(d) *Historic preservation.* CDBG funds may be used for the rehabilitation, preservation, and restoration of historic properties, whether publicly or privately owned. Historic properties are those sites or structures that are either listed in or eligible to be listed in the National Register of Historic Places, listed in a State or local Inventory of Historic Places, or designated as a State or local landmark or historic district by appropriate law or ordinance. Historic preservation does not include, however, the expansion of properties for ineligible uses, such as buildings for the general conduct of government.

(e) *Renovation of closed school buildings.* CDBG funds may be used to renovate closed school buildings for use as an eligible public facility, for a commercial or industrial facility, or for housing.

§ 570.203 Special economic development activities.

A recipient may use CDBG funds for special economic development activities authorized under this section if it determines that such activities are necessary or appropriate to carry out an economic development project. Special economic development activities are permitted in addition to other activities authorized in this Subpart which may be carried out as part of an economic development project. Special activities authorized under this section do not include assistance for the construction of new housing. Special economic development activities include:

(a) The acquisition, construction, reconstruction, or installation of commercial or industrial buildings, structures, and other real property equipment and improvements, including railroad spurs or similar extensions. Such activities may be carried out by the recipient, subrecipients, or private for profit businesses. (Rehabilitation of commercial or industrial buildings and improvements is eligible under § 570.202.)

(b) The provision of assistance to private for profit businesses, including, but not limited to, grants, loans, loan guarantees, interest supplements, technical assistance, and other forms of support, for any other activity necessary or appropriate to carry out an economic development project, excluding those described as ineligible in § 570.207(a).

§ 570.204 Special activities by subrecipients.

(a) *Eligible activities.* The recipient may grant CDBG funds to any of the three types of subrecipients specified in paragraph (c) below, to carry out a neighborhood revitalization, community economic development, or energy conservation project. Such a project may include:

(1) Activities listed as eligible under this Subpart; and

(2) Activities not otherwise listed as eligible under this Subpart, except those described as ineligible in § 570.207(a), when the recipient determines that such activities are necessary or appropriate to achieve its community development objectives.

(b) *Recipient responsibilities.* Recipients under Subparts D, F, or G are responsible for ensuring that CDBG funds are utilized by subrecipients in a manner consistent with the requirements of this Part and other applicable Federal, State, or local law. Grantees are also responsible for carrying out the environmental review and clearance responsibilities.

(c) *Eligible subrecipients.* The following are subrecipients authorized to receive grants under this section.

(1) *Neighborhood-based nonprofit organizations.* A neighborhood-based nonprofit organization is an association or corporation, duly organized to promote and undertake community development activities on a not-for-profit basis within a neighborhood. An organization is considered to be neighborhood-based if the majority of either its membership, clientele, or governing body are residents of the neighborhood where activities assisted with CDBG funds are to be carried out. A neighborhood is defined as:

(i) A geographic location within the jurisdiction of a unit of general local government (but not the entire jurisdiction) designated in comprehensive plans, ordinances, or other local documents as a neighborhood;

(ii) The entire jurisdiction of a unit of general local government which is under 25,000 population; or

(iii) A neighborhood, village, or similar geographical designation, in a new community as defined in § 570.403(a).

(2) *Section 301(d) Small Business Investment Companies.* A section 301(d) Small Business Investment Company is an entity organized pursuant to section 301(d) of the Small Business Investment Act of 1958 (15 U.S.C. 681(d)), including those which are profit making.

(3) *Local Development Corporations.* A local development corporation is:

(i) An entity organized pursuant to Title VII of the Headstart, Economic Opportunity, and Community Partnership Act of 1974 (42 U.S.C. 2981) or the Community Economic Development Act of 1981 (42 U.S.C. 9801 *et seq.*);

(ii) An entity eligible for assistance under section 502 or 503 of the Small Business Investment Act of 1958 (15 U.S.C. 696);

(iii) Other entities incorporated under State or local law whose membership is representative of the area of operation of the entity (including nonresident owners of businesses in the area) and which is similar in purpose, function, and scope to those specified in (i) or (ii) above; or

(iv) A State development entity eligible for assistance under Section 501 of the Small Business Investment Act of 1958 (15 U.S.C. 695).

§ 570.205 Eligible planning and policy—planning—management—capacity building activities

(a) Planning activities which consist of all costs of data gathering, studies, analysis, and preparation of plans and implementing actions, including, but not limited to:

(1) Comprehensive plans;

(2) Community development plans;

(3) Functional plans, in areas such as:

(i) Housing, including the development of a Housing Assistance Plan;

(ii) Land use;

(iii) Economic development;

(iv) Open space and recreation;

(v) Energy use and conservation;

(vi) Floodplain management in accordance with the requirements of Executive Orders 11988 and 11990;

(vii) Transportation;

(viii) Utilities; and

(ix) Historic preservation.

(4) Other plans and studies such as:

(i) Small area and neighborhood plans;

(ii) Capital improvements programs;

(iii) Individual project plans (but excluding engineering and design cost related to a specific activity which are eligible as part of the cost of such activity under §§ 570.201–570.204);

(iv) The reasonable costs of general environmental and historic preservation studies. However, costs necessary to comply with 24 CFR Part 58, including project specific environmental assessments and clearances for activities eligible for assistance under this Part are eligible as part of the cost of such activities under §§ 570.201–570.204 and are therefore not planning costs for the purposes of § 570.200(g).

(v) Strategies and action programs to implement plans, including development of codes, ordinances and regulations necessary to implement such plans; and

(vi) Support of clearinghouse functions.

(b) *Policy—planning—management—capacity building activities* which will enable the recipient to:

(1) Determine its needs;

(2) Set long-term goals and short-term objectives, including those related to environmental design;

(3) Devise programs and activities to meet these goals and objectives;

(4) Evaluate the progress of such programs and activities in accomplishing these goals and objectives; and

(5) Carry out management, coordination and monitoring of activities necessary for effective planning implementation.

§ 570.206 Eligible administrative costs.

Payment of reasonable administrative costs and carrying charges related to the planning and execution of community development activities financed in whole or in part with funds provided under this Part and housing activities covered in the recipient's Housing Assistance Plan (HAP).

(a) *General management, oversight, and coordination.* Reasonable costs of overall program management, coordination, monitoring, and evaluation, and similar costs associated with management, but excluding activity delivery costs which are eligible as part of the cost of carrying out the activity under § 570.201 through § 570.204. Such costs include, but are not limited to, necessary expenditures for the following:

(1) Salaries, wages, and related costs of the recipient's staff, the staff of local public agencies, or other staff engaged in general management, coordination, monitoring, and evaluation;

(2) Travel costs incurred for official business in carrying out the program;

(3) Administrative services performed under third party contracts or agreements, including such services as general legal services, accounting services, and audit services; and

(4) Other costs for goods and services required for administration of the

program, including such goods and services as rental and maintenance of office space, insurance, utilities, office supplies, and rental or purchase of office equipment.

(b) *The provision of information and other resources to residents* and citizen organizations participating in the planning, implementation, or assessment of activities being carried out with CDBG funds.

(c) *Provision of fair housing counseling services* and other activities designed to further the fair housing objectives of Title VIII of the Civil Rights Act of 1968 and the housing objective of promoting greater choice of housing opportunities and avoiding undue concentrations of assisted persons in areas containing a high proportion of lower income persons.

(d) *Provision of assistance to facilitate performance and payment bonding* necessary for contractors carrying out activities assisted with CDBG funds including payment of bond premiums on behalf of contractors.

(e) *Indirect costs.* Costs may be charged to the CDBG program under a cost allocation plan prepared in accordance with OMB Circulars A-87, or A-122 as applicable.

(f) *Submissions or applications for Federal programs.* Preparation of documents required for submission to HUD or States to receive funds under the CDBG and UDAG programs. In addition, CDBG funds may be used to prepare applications for other Federal programs where the recipient determines that such activities are necessary or appropriate to achieve its community development objectives.

(g) *Administrative expenses to facilitate housing.* The construction of new housing or direct financing of new or existing housing is not an eligible use of CDBG funds, except as described in § 570.207(b)(3). However, CDBG funds may be used for necessary administrative expenses in planning or obtaining financing for housing units as follows: for Entitlement grantees, assistance authorized by this paragraph is limited to units which are identified in the grantee's HUD approved Housing Assistance Plan; for Small cities grantees, assistance authorized by this paragraph is limited to facilitating the purchase or occupancy of existing units which are to be occupied by lower income households, or the construction of rental or owner units where at least 20 percent of the units in each project will be occupied at affordable rents/costs, by lower income persons. Examples of eligible actions are as follows:

(1) The cost of conducting preliminary surveys and analysis of market needs;

(2) Site and utility plans, narrative descriptions of the proposed construction, preliminary cost estimates, urban design documentation, and "sketch drawings," but excluding architectural, engineering, and other details ordinarily required for construction purposes, such as structural, electrical, plumbing, and mechanical details;

(3) Reasonable costs associated with development of applications for mortgage and insured loan commitments, including commitment fees, and of applications and proposals under the Section 8 Housing Assistance Payments Program pursuant to 24 CFR Part 880-883;

(4) Fees associated with processing of applications for mortgage or insured loan commitments under programs including those administered by HUD, Farmers Home Administration (FmHA), Federal National Mortgage Association (FNMA), and the Government National Mortgage Association (GNMA);

(5) The cost of issuance and administration of mortgage revenue bonds used to finance the acquisition, rehabilitation, or construction of housing, but excluding costs associated with the payment or guarantee of the principal or interest on such bonds; and

(6) Special outreach activities which result in greater landlord participation in Section 8 existing, or similar program for lower income persons.

§ 570.207 Ineligible activities.

The general rule is that any activity that is not authorized under the provisions of §§ 570.201-206 of this Subpart is ineligible to be carried out with CDBG funds. This section identifies two specific activities that are ineligible and provides guidance thought to be necessary in determining the eligibility of several other activities frequently associated with housing and community development.

(a) The following activities may not be carried out using CDBG funds:

(1) Buildings, or portions thereof, used predominantly for the general conduct of government cannot be assisted with CDBG funds. Such buildings include, but are not limited to, city halls and other headquarters of government where the governing body of the recipient meets regularly, courthouses, jails, police stations, and other State or local government office buildings. This does not exclude, however, the removal of architectural barriers under § 570.201(k) and historic preservation under § 570.202(d) involving any such building. Also, where acquisition of real property includes an existing improvement which is to be utilized in the provision of a building or facility for the general conduct of government, the portion of the acquisition cost attributable to the land is eligible.

(2) *General government expenses.* Except as otherwise specifically authorized in this Subpart or under OMB Circular A-87, expenses required to carry out the regular responsibilities of the unit of general local government are not eligible for assistance under this Part.

(3) *Political activities.* CDBG funds shall not be used to finance the use of facilities or equipment for political purposes or to engage in other partisan political activities, such as candidate forums, voter transportation, or voter registration. However, a facility originally financed in whole or in part with CDBG funds may be used on an incidental basis to hold political meetings, candidate forums, or voter registration campaigns, provided that all parties and organizations have access to the facility on an equal basis, and are assessed equal rent or use charges, if any.

(b) The following activities may not be carried out with CDBG funds unless authorized under provisions of § 570.203 or as otherwise specifically noted herein, or when carried out by a subrecipient under the provisions of § 570.204.

(1) *Purchase of equipment.* The purchase of equipment with CDBG funds is generally ineligible.

(i) *Construction equipment.* The purchase of construction equipment is ineligible, but compensation for the use of such equipment through leasing, depreciation, or use allowances pursuant to OMB Circulars A-87 or A-122 as applicable for an otherwise eligible activity is an eligible use of CDBG funds. However, the purchase of construction equipment for use as part of a solid waste disposal facility is eligible under § 570.201(c)(2).

(ii) *Furnishings and personal property.* The purchase of equipment, fixtures, motor vehicles, furnishings, or other personalty not an integral structural fixture is generally ineligible. CDBG funds may be used, however, to purchase, or to pay depreciation or use allowances (in accordance with OMB Circulars A-87 or A-122, as applicable), for such items when necessary for use by a recipient or its subrecipients in the administration of activities assisted with CDBG funds, or when eligible as fire fighting equipment, or as a public service pursuant to § 570.201(e).

(2) *Operating and maintenance expenses.* The general rule is that any expense associated with repairing, operating or maintaining public facilities and services is ineligible. Specific exceptions to this general rule are operating and maintenance expenses associated with public service activities, interim assistance, and office space for program staff employed in carrying out the CDBG program. For example, where a public service is being assisted with CDBG funds, the cost of operating and maintaining that portion of the facility in which the service is located is eligible as part of the public service. Examples of ineligible operating and maintenance expenses are:

(i) Maintenance and repair of streets, parks, playgrounds, water and sewer facilities, neighborhood facilities, senior centers, centers for the handicapped, parking and similar public facilities. Examples of maintenance and repair activities for which CDBG funds may not be used include the filling of pot holes in streets, repairing of cracks in sidewalks, the mowing of recreational areas, and the replacement of expended street light bulbs.

(ii) Payment of salaries for staff, utility costs and similar expenses necessary for the operation of public works and facilities; and

(3) *New housing construction.* Assistance may not be used for the construction of new permanent residential structures or for any program to subsidize or finance such new construction, except:

(i) As provided under the last resort housing provisions set forth in 24 CFR Part 42; or,

(ii) When carried out by a subrecipient pursuant to § 570.204(a)(2).

For the purpose of this paragraph, activities in support of the development of low or moderate income housing including clearance, site assemblage, provision of site improvements and provision of public improvements and certain housing preconstruction costs set forth in § 570.206(g), are not considered as activities to subsidize or finance new residential construction.

(4) *Income payments.* The general rule is that assistance shall not be used for income payments for housing or any other purpose. Examples of ineligible income payments include the following: payments for income maintenance, housing allowances, down payments, and mortgage subsidies.

5. Subpart D of Part 570 is revised to read as follows:

Subpart D—Entitlement Grants

§ 570.300 General.

This Subpart describes the policies and procedures governing the making of Community Development Block grants to Entitlement communities. The policies and procedures set forth in Subparts A, C, J, K, and O of this Part also apply to Entitlement grantees.

§ 570.301 Presubmission requirements.

(a) Prior to the submission to HUD for its annual grant, the grantee must:

(1) Develop a proposed statement of community development objectives and projected use of funds, including the following items:

(i) The community development objectives the grantee proposes to pursue; and

(ii) The community development activities the grantee proposes to carry out with anticipated CDBG funds, including all funds identified in paragraph (a)(2)(i) below, to address its identified community development objectives. Each such activity must:

(A) Address at least one of the three broad national objectives;

(B) Be eligible pursuant to the provisions of Subpart

(C) Be described in sufficient detail, including location, to allow citizens to determine the degree to which they may be affected.

(2) Meet the following citizen participation requirements:

(i) Furnish citizens with information concerning the amount of CDBG funds expected to be available (including the annual grant, program income, surplus from urban renewal settlement, and proceeds from HUD guaranteed loans) for community development and housing activities, and the range of activities that may be undertaken with those funds;

(ii) Hold at least one public hearing to obtain the views of citizens on the grantee's housing and community development needs; and

(iii) Publish community-wide its proposed statement of community development objectives and projected use of funds so as to afford affected citizens an opportunity to examine the statement's contents, and to provide comments on the proposed statement and on the grantee's community development performance.

(3) Prepare its final statement of community development objectives and projected use of funds. Once the grantee has completed the citizen participation requirements in paragraph (a)(2) above, the grantee must consider any such comments and views received and if the grantee deems appropriate modify the proposed statement. The grantee shall make the final statement available to the public. The final statement may include activities which do not either benefit low and moderate income persons or prevent or eliminate slums and blight only if the grantee identifies such activities in the final statement and certifies that such activities are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available.

(4) Submit and receive approval of its Housing Assistance Plan in accordance with § 570.306.

(b) The grantee may elect not to carry out an activity contained in its final statement or to carry out activities other than those described in such statement, provided it has afforded affected citizens an opportunity to comment on the proposed changes. The grantee shall make available to the public and shall submit to HUD a description of any changes adopted. The procedures in this paragraph shall also be followed when a grantee deletes an activity from or adds an activity to those activities described in applications approved prior to Fiscal Year 1982.

§ 570.302 Submission requirements.

(a) *Content.* In order to receive its annual CDBG Entitlement grant, a grantee must submit the following:

(1) Standard Form 424;

(2) A copy of the grantee's final statement of community development objectives and projected use of funds, covering the same items as listed in § 570.301(a)(1); and

(3) Certifications satisfactory to the Secretary covering all of the items listed in § 570.303.

(b) *Timing of submissions.*

(1) In order to facilitate continuity in its program, the grantee should submit its final statement to HUD at least 30 days prior to the start of its community development program year, but in no event will HUD accept a submission for a grant earlier than December 1 or later than the first working day in September of the Federal Fiscal Year for which the grant funds are appropriated.

(2) A program year shall run for a twelve month period. A grantee may, however, either shorten or lengthen its program year, provided HUD receives written notice of a lengthened program year at least two months prior to the date the program year would have ended if it had not been lengthened, or HUD receives notice of a shortened

program year at least two months prior to the end of the shortened program year.

(The OMB has approved Standard Form 424 under No. 29–RO218)

§ 570.303 Certifications.

The grantee shall submit certifications that:

(a) It possesses legal authority to make a grant submission and to execute a community development and housing program;

(b) Its governing body has duly adopted or passed as an offical act a resolution, motion or similar action authorizing the person identified as the official representative of the grantee to submit the final statement and all understandings and assurances contained therein, and directing and authorizing the person identified as the offical representative of the grantee to act in connection with the submission of the final statement and to provide such additional information as may be required.

(c) Prior to submission of its final statement to HUD, the grantee has:

(1) Met the citizen participation requirements of § 570.301(a)(2);

(2) Prepared its final statement of community development objectives and projected use of funds in accordance with§ 570.301(a)(3) and made the final statement available to the public;

(d) The grant will be conducted and administered in compliance with:

(1) Title VI of the Civil Rights Act of 1964 (Pub. L. 88–352; 42 U.S.C. 2000d *et seq.*); and,

(2) Title VIII of the Civil Rights Act of 1968 (Pub. L. 90–284; 42 U.S.C. 3601 *et seq.*).

(e) It has developed its final statement of projected use of funds so as to give maximum feasible priorty to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. (The final statement of projected use of funds may also include activites which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available.)

(f) It is following a current housing assistance plan which has been approved by HUD pursuant to§ 570.306.

(g) It will comply with the other provisions of the Act and with other applicable laws.

§ 570.304 Making of grants.

(a) *Acceptance of final statement and certifications.* The final statement and certifications will be accepted by the responsible HUD Field Office unless it is determined that one or more of the following requirements have not been met.

(1) *Completeness.* The submission shall include all of the components required in § 570.302(a).

(2) *Timeliness.* The submission must be received within the time period established in § 570.302(b)(1).

(3) *Certifications.* In the absence of independent evidence (which may, but need not, be derived from performance reviews and audits performed by the Secretary pursuant to section 104(d) of the Act) which tends to challenge in a substantial manner the certifications made by the grantee, such certifications will be deemed satisfactory to the Secretary if made in compliance with the requirements of § 570.303. If such independent evidence is available to the Secretary, however, the Secretary may require such further information or assurances to be submitted by the grantee as the Secretary may consider warranted or necessary in order to find the grantee's certifications satisfactory.

(b) *Grant agreement.* The grant will be made by means of a grant agreement executed by both HUD and the grantee.

(c) *Grant amount.* The Secretary will make a grant in the full Entitlement amount, generally within the last 30 days of the grantee's current program year unless:

(a) The final statement or certifications are not received by the first working day in September or are not acceptable under paragraphs (a)(1) and (3) of this section in which case the grantee will forfeit the entire entitlement amount; or

(2) The grantee's performance does not meet the standards prescribed in Subpart O and the grant amount is reduced.

(d) *Conditional grant.* The Secretary may make a conditional grant in which case the obligation and utilization of grant funds for activities may be restricted. Conditional grants may be made where there is substantial evidence that there has been, or there will be, a failure to meet the performance standards described in Subpart O. In such case, the reason for the conditional grant, the actions necessary to remove the condition and the deadline for taking those actions shall be specified. Failure to satisfy the condition may result in a reduction in the Entitlement amount pursuant to Subpart O.

§ 570.305 Displacement.

Where one or more CDBG activities could result in displacement, as defined in § 570.612(a), the grantee shall develop, adopt, and make public a statement of local policy indicating the steps that will be taken, consistent with other goals and objectives of the CDBG program, to minimize displacement of persons from their homes and neighborhoods and to mitigate the adverse effects of any such displacement on low and moderate income persons. These actions, together with implementation of the local policy, will demonstrate compliance with the general policy on displacement described in § 570.612(b).

§ 570.306 Housing assistance plan.

(a) *Purpose.* In its housing assistance plan (HAP), each metropolitan city and urban county surveys its housing conditions, assesses the housing assistance needs of its low and moderate income (lower income) households, specifies goals for the number of dwelling units and lower income households to be assisted, and indicates the general locations of proposed assisted housing for lower income persons.

(b) *Use.* A grantee's HAP is a basis upon which HUD approves or disapproves assisted housing in the grantee's jurisdiction and against which HUD moniters a grantee's provision of assisted housing.

(c) *Grantee's responsibility.* Each grantee is responsible for implementing its HAP expeditiously. This includes the timely achievement of goals for assisted housing. Each grantee is expected to use all available resources and, when needed, to take all actions within its control to implement the approved HAP. Performance under the HAP is one of the factors considered in grantee performance reviews conducted as provided in Subpart O of this Part. Subpart O also provides further requirements relating to the responsibility of the grantee in implementing its HAP.

(d) *General.*

(1) The HAP consists of the five components described in paragraph (e). The HAP shall be submitted to HUD by an authorized representative of the grantee.

(2) Each city or county which expects to receive an Entitlement grant shall submit a HAP between September 1 and October 31 prior to its submission of the final statement required by § 570.302 of this Part. The HAP will be considered in effect from October 1 through September 30 for purposes of crediting performance against the goals established regardless of the specific date that HUD approves the HAP. A grantee which has a three

year goal which will be in effect for the fiscal year in which the final statement is to be submitted need only submit an annual goal and may incorporate by reference (to the extent that there have been no significant changes) the other required portions of the HAP.

(3) Any newly entitled community which was not made aware of its entitlement status by August 31 shall be considered unable to comply with the October 31 deadline and may submit an interim HAP in accordance with the requirements of paragraph (e)(6) of this section in lieu of the requirements of paragraphs (e)(1) through (e)(5).

(4) *For Fiscal Year 1983 Only:* Any Entitlement grantee which has not submitted a HAP for Fiscal Year 1983 must do so no later than [60 days from the effective date of this rule].

(e) *Housing conditions, needs, goals, and locations.*

(1) *Conditions.* The grantee shall describe the condition of the current housing stock in the community by providing a statistical profile (including an identification of data sources and data time frames) by tenure type (renter and owner), which describes housing conditions by the number of occupied and vacant units in standard and substandard condition. The grantee shall develop its own definition of substandard housing which, at a minimum, shall include units which do not meet the Section 8 Existing Housing Quality Standards (24 CFR 882.109) and shall include such definition in its submission. In addition, the grantee shall identify the number of its occupied and vacant substandard housing units which it considers to be suitable for rehabilitation, and include its definition of suitable for rehabilitation in the HAP submission.

(2) *Needs.*

(i) The grantee shall assess the housing assistance needs of lower income households currently residing in the community by tenure and, for households requiring rental subsidies, by household type (elderly, small family and non-elderly individuals, and large family), including households expected to be involuntarily displaced by public and private action over the three year period of the HAP. The grantee shall also assess the housing assistance needs of lower income households that could reasonably be expected to reside in the community. Such households are those that could be expected to reside in the community as a result of existing and projected employment opportunities or as estimated in a community accepted State or regional housing opportunity plan approved by the Secretary, and the estimate shall consider changes in population known to have occurred since the last Census. For elderly households, the estimate of those that are expected to reside in the community must be based on the number known to be seeking assisted housing in the community or using the community's health services. In no case shall the estimate of all households expected to reside be less than zero.

(ii) A narrative statement accompanying the needs shall indicate the composition of the needs of lower income persons including separate numerical estimates, by tenure and household type, for households to be involuntarily displaced, households expected to reside, and total minority households. This narrative statement shall also include the source and date of the data used in developing the needs assessment. In addition, the narrative shall include a description which summarizes any special housing conditions and/or any special housing needs of particular groups of lower income households in the community. Such description shall include but need not be limited to, discussion of the special housing needs and/or conditions of:

(A) Individual minority groups;

(B) Impact of conversion of rental housing to condominium or cooperative ownership;

(C) Handicapped persons; and

(D) Single heads of household.

All handicapped single person households (elderly and nonelderly) as well as two person households which include one elderly person and one handicapped person, must be included in the elderly category, but separately identified in the narrative. All other nonelderly handicapped persons must be included with small or large family households, according to the size of their households

(3) *Three year goal.*

(i) The grantee shall specify a realistic three year goal by tenure type for goals which are designed to improve the condition of the housing stock, and also by household type for the number of households to be assisted with rental subsidies. The three year goal must include all assisted housing resouces which can be expected to be available to the grantee. In addition, the grantee shall identify the maximum number of HUD assisted rental units it will accept during that three year period of each housing type (for example, new, rehabilitation, existing) in an amount at least equal to the total number of HUD assisted rental goals by household type.

(ii) Goals relating to improving the condition of the housing stock should be based on an evaluation of the data presented in the housing conditions portion of the HAP as well as other current data available to the grantee.

(iii) The goals relating to households to be assisted with rental subsidies must be proportional to need by household type, except that HUD may approve or require a different proportion in cases of:

(A) Disproportionate provision of assisted housing under a previous HAP;

(B) Significant displacement of a particular household type;

(C) Adjustments for projects of feasible size;

(D) Natural disasters; or

(E) Meeting the requirements of 105 (f) and (h) of the Housing Act of 1949, as amended (42 U.S.C. 1450 *et seq.*).

(iv) The majority of goals for the rehabilitation of dwelling units must assist lower income households. For this purpose, publicly assisted rehabilitation of a dwelling unit shall be deemed to assist a lower income household when the dwelling unit, after rehabilitation, is *owned and occupied by*, or if rented, is occupied at afforable rents by, a lower income household.

(v) Each grantee shall include a narrative describing those *specific* actions which the grantee will take to address any special housing conditions or needs identified in § 570.306(e)(2)(ii) above as well as any actions determined necessary to ensure the timely achievement of its three year goals (including a discussion of any expected or known impediments and planned remedies).

(4) *Annual goal.*

(i) The grantee shall specify an annual goal which must include all assisted housing resources which can be expected to be available to the grantee; be established considering feasible project size; and constitute reasonable progress towards meeting the three year goal. In addition, the grantee shall indicate its preference for the distribution of HUD's assisted rental housing by housing type (for example, new, rehabilitation, existing).

(ii) In its annual goal, the grantee shall also describe the *specific* actions (including any new problems encountered and planned remedies) it will take during the year to meet its annual goal and, as appropriate, its three year goal. The grantee must also include a description of the provisions that it will make to assure that a majority of dwelling units to receive rehabilitation subsidy will assist lower income households.

(5) *General locations.*

(i) A grantee having goals for new construction or substantial rehabilitation shall identify general locations of proposed projects with the objective of furthering community revitalization, promoting housing opportunity, enabling persons that are to be involuntarily displaced to remain in their neighborhoods, avoiding undue concentrations of assisted housing in areas containing high proportions of lower income persons, and assuring the availability of public facilities and services.

(ii) The grantee may, at its option, designate any of the general locations identified pursuant to subparagraph (5)(i) above as *High Priority* areas. (Under provisions of HUD's assisted housing ranking procedures, a higher rating can be obtained under the ranking criteria with respect to responsiveness of proposed projects to preferences and priorities of applicable HAPs.)

(iii) Each general location identified under subparagraph (5)(i) above must contain at least one site which conforms to the Departmental regulations and policies relating to the site and neighborhood standards established for the appropriate HUD assisted housing program.

(iv) Identification of the general locations must be accomplished by attaching a map to the HAP except that the HUD Field Office may accept a listing where it determines that the development of a map would present a hardship for the grantee.

(6) *Interim HAP.* A newly entitled grantee which has not been notified by HUD in sufficient time to meet the October 31 HAP submittal deadline (see § 570.306(d)(3)) shall submit an interim HAP at least 45 days prior to the submission of its final statement. Such submission shall include a narrative description of the condition of the housing stock; a narrative assessment of the housing assistance needs of lower income households; a realistic annual goal indicating the number of dwelling units by housing type, and lower income households by household type, to be assisted during the balance of the fiscal year; and a listing of general locations of proposed new construction and substantially rehabilitated housing for lower income persons. This HAP submission will be effective through September 30 of the year in which it is submitted.

(f) *Amendments to the HAP.* The grantee shall notify HUD within 45 days of any changes it makes to its HAP.

(g) *HUD review of HAPs, Interim HAPs, and Amendments.* HUD will review these HAP submissions to assure that the requirements of this regulation have been met, and will approve them unless the grantee's stated conditions and needs are plainly inconsistent with significant facts or data generally available; the grantee's proposed goals and activities are plainly inappropriate to meeting those conditions or needs; or the HAP fails to comply with other provisions of these regulations. Within 30 days of the date that the submission is received, HUD will notify the grantee in writing that the submission has been approved, disapproved, or that a final decision is still pending (in which case HUD may take no more than 30 additional days to decide whether to approve or disapprove the submission). In the event that HUD has not notified the grantee in writing within 30 days of receipt, the submission shall be considered fully approved.

(The OMB has approved the Housing Assistance Plan, Forms HUD–7091.1 and HUD–7091.2, under No. 2506–0063.)

§ 570.307 Urban counties.

(a) *Determination of qualification.* The Secretary will determine the qualifications of counties to receive entitlements as urban counties upon receipt of qualification documentation from counties at such time, and in such manner and form as prescribed by HUD. The Secretary shall determine eligibility and applicable portions of each eligible county for purposes of fund allocation under section 106 of the Act on the basis of information available from the U.S. Bureau of the Census with respect to population and other pertinent demographic characteristics, and based on information provided by the county and its included units of general local government.

(b) *Qualification as an urban county.* A county will qualify as an urban county if such county meets the definitinon as § 570.3(x). As necessitated by this definition, the Secretary shall determine which counties have authority to carry out essential community development and housing assistance activities in their included units of general local government without the consent of the local governing body and which counties must execute cooperation agreements with such units to include them in the urban county for qualification and grant calculation purposes.

(c) *Essential activities.* For purposes of this section, the term "essential community development and housing assistance activities" means community renewal and lower income housing activities, specifically urban renewal and publicly assisted housing. In determining whether a county has the required powers, the Secretary will consider both its authority and, where applicable, the authority of its designated agency or agencies.

(d) *Period of qualification.*

(1) The qualification by HUD of an urban county shall remain effective for three successive federal fiscal years regardless of changes in its population during that period, except as provided under paragraph (f) of this section.

(2) During the period of qualification, no included unit of general local government may withdraw from nor be removed from the urban county for HUD's grant computation purposes, and no unit of general local government covering additional area may be added to the urban county.

(3) If some portion of an urban county's unincorporated area becomes incorporated during the three year urban county qualification period, the newly incorporated unit of general local government shall not be excluded from the urban county nor shall it be eligible for a separate grant under Subparts D, F, or I of this Part until the end of the urban county's current three year qualification period, unless the urban county fails to receive a grant for any year during that qualification period.

(e) *Grant ineligibility of included units of general local government.*

(1) An included unit of general local government cannot become eligible for an Entitlement grant as a metropolitan city during the period of qualification of the urban county (even if it becomes a central city of the metropolitan area or its population surpasses 50,000 during that period). Rather, such a unit of general local government shall continue to be included as an intergral part of the urban county for the remainder of the urban county's qualification period, and no separate grant amount shall be calculated for the included unit.

(2) An included unit of general local government which is part of an urban county shall be ineligible to apply for grants under Subpart F, or to be a recipient of assistance under Subpart I, during the entire period of urban county qualification.

(f) *Failure of an urban county to receive a grant.* Failure of an urban county to receive a grant during any year shall terminate the existing qualification of that urban county, and that county shall requalify as an urban county before receiving an Entitlement grant in any successive Federal fiscal year. Such termination shall release units of general local government included in the urban county, in subsequent years, from the prohibition to receive grants under paragraphs

(d)(3), (e)(1) and (e)(2) of this section. For this purpose an urban county shall be deemed to have received a grant upon having satisfied the requirements of sections 104 (a), (b) and (c) of the Act, without regard to adjustments which may be made to this grant amount under sections 104(d) or 111 of the Act.

(g) *Notifications of the opportunity to be excluded.* Any county seeking to qualify for an Entitlement grant as an urban county for any Federal fiscal year shall notify each unit of general local government which is located, in whole or in part, within the county and which would otherwise be included in the urban county, but which is eligible to elect to have its population excluded from that of the urban county, that it has the opportunity to make such an election, and that such an election, or the failure to make such an election, shall be effective for the three year period for which the county qualifies as an urban county. These notifications shall be made by a date specified by HUD. A unit of general local government which elects to be excluded from participation as a part of the urban county shall notify the county and HUD in writing by a date specified by HUD.

§ 570.308 Joint requests.

(a) *Joint requests and cooperation agreements.*

(1) Any urban county and any metropolitan city located, in whole or in part, within that county may submit a joint request to HUD to approve the inclusion of the metropolitan city as a part of the urban county for purposes of planning and implementing a joint community development and housing program. Such a joint request shall only be considered if submitted at the time the county is seeking its three year qualification or requalification as an urban county. Such a joint request shall, upon approval by HUD, remain effective for the period for which the county is qualified as an urban county. An urban county may be joined by more than one metropolitan city, but a metropolitan city located in more than one urban county may only be included in one urban county for any program year. A joint request shall be deemed approved by HUD unless HUD notifies the city and the county of its disapproval and the reasons therefore within 30 days of receipt of the request by HUD.

(2) Each metropolitan city and urban county submitting a joint request shall submit an executed cooperation agreement to undertake or to assist in the undertaking of essential community development and housing assistance activities, as defined in § 570.307(c).

(b) *Joint grant amount.* The grant amount for a joint recipient shall be the sum of the amounts authorized for the individual Entitlement grantees, as described in section 106 of the Act. The urban county shall be the grant recipient.

(c) *Effect of inclusion.* Upon urban county qualification and HUD approval of the joint request and cooperation agreement, the metropolitan city shall be considered a part of the urban county for purposes of program planning and implementation for the period of the urban county qualification, and shall be treated the same as any other unit of general local government which is a part of the urban county.

(d) *Submission requirements.* In requesting a grant under this Part, the urban county shall make a single submission which meets the submission requirements of this Subpart D and covering all members of the joint recipient.

6. Subpart K of Part 570 is revised to read as follows:

Subpart K—Other Program Requirements

§ 570.600 General

(a) Section 104(b) of the Act provides that any grant under section 106 of the Act shall be made only if the grantee certifies to the satisfaction of the Secretary, among other things, that the grant "will be conducted and administered in conformity with Pub. L. 88–352 and Pub. L. 90–284," and, further, that the grantee "will comply with the other provisions of this title and with other applicable laws." Section 104(d)(1) of the Act requires that the Secretary determine with respect to grants made pursuant to section 106(b) (Entitlement Grants) and 106(d)(2)(B) (HUD-Administered Small Cities Grants), at least on an annual basis, among other things, "whether the grantee has carried out [its] certifications in compliance with the requirements and the primary objectives of this title and with other applicable laws * * *." Certain other statutes are expressly made applicable to activities assisted under the Act by the Act itself, while other laws not referred to in the Act may be applicable to such activities by their own terms. Certain statutes or Executive Orders which may be applicable to activities assisted under the Act by their own terms are administered or enforced by governmental departments or agencies other than the Secretary or the Department. This Subpart K enumerates laws which the Secretary will treat as applicable to grants made under section 106 of the Act, other than grants to States made pursuant to section 106(d) of the Act, for purposes of the determinations described above to be made by the Secretary under section 104(d)(1) of the Act, including statutes expressly made applicable by the Act and certain other statutes and Executive Orders for which the Secretary has enforcement responsibility. The absence of mention herein of any other statute for which the Secretary does not have direct enforcement responsibility is not intended to be taken as an indication that, in the Secretary's opinion, such statute or Executive Order is not applicable to activities assisted under the Act. For laws which the Secretary will treat as applicable to grants made to States under section 106(d) of the Act for purposes of the determination required to be made by the Secretary pursuant to section 104(d)(2) of the Act, see § 570.496.

(b) This Subpart also sets forth certain additional program requirements which the Secretary has determined to be applicable to grants provided under the Act as a matter of administrative discretion.

(c) In addition to grants made pursuant to section 106(b) and 106(d)(2)(B) of the Act (Subparts D and F of this Part, respectively), the requirements of this Subpart K are applicable to grants made pursuant to sections 107 and 119 of the Act (Subparts E and G, respectively).

§ 570.601 Pub. L. 88–352 and Pub. L. 90–284; Executive Order 11063.

Section 104(b) of the Act provides that any grant under section 106 of the Act shall be made only if the grantee certifies to the satisfaction of the Secretary that the grant "will be conducted and administered in conformity with Pub. L. 88–352 and Pub. L. 90–284." Similarly, section 107 provides that no grant may be made under that section (Secretary's Discretionary Fund) or section 119 (UDAG) without satisfactory assurances to the same effect.

(a) "Pub. L. 88–352" refers to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), which provides that no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Section 602 of the Civil Rights Act of 1964 directs each Federal department and agency empowered to extend Federal financial assistance to any program or activity by way of grant to effectuate the foregoing prohibition

by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the statute authorizing the financial assistance. HUD regulations implementing the requirements of Title VI with respect to HUD programs are contained in 24 CFR Part 1.

(b) "Pub. L. 90-284" refers to Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 *et seq.*), popularly known as the Fair Housing Act, which provides that it is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States and prohibits any person from discriminating in the sale or rental of housing, the financing of housing, or the provision of brokerage services, including in any way making unavailable or denying a dwelling to any person, because of race, color, religion, sex, or national origin. Title VIII further requires the Secretary to administer the programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of Title VIII. Pursuant to this statutory direction, the Secretary requires that grantees administer all programs and activities related to housing and community development in a manner to affirmatively further fair housing.

(c) Executive Order 11063, as amended by Executive Order 12259, directs the Department to take all action necessary and appropriate to prevent discrimination because of race, color, religion (creed), sex, or national origin, in the sale, leasing, rental, or other disposition of residential property and related facilities (including land to be developed for residential use), or in the use or occupancy thereof, if such property and related facilities are, among other things, provided in whole or in part with the aid of loans, advances, grants, or contributions agreed to be made by the Federal Government. HUD regulations implementing Executive Order 11063 are contained in 24 CFR Part 107.

§ 570.602 Section 109 of the Act.

(a) Section 109 of the Act requires that no person in the United States shall on the ground of race, color, national origin or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with community development funds made available pursuant to the Act. For purposes of this section "program or activity" is defined as any function conducted by an identifiable administrative unit of the recipient, or by any unit of government, subrecipient, or private contractor receiving community development funds or loans from the recipient. "Funded in whole or in part with community development funds" means that community development funds in any amount in the form of grants or proceeds from HUD guaranteed loans have been transferred by the recipient or a subrecipient to an identifiable administrative unit and disbursed in a program or activity.

(b) *Specific discriminatory actions prohibited and corrective actions.*

(1) A recipient may not, under any program or activity to which the regulations of this Part may apply directly or through contractual or other arrangements, on the ground of race, color, national origin, or sex:

(i) Deny any facilities, services, financial aid or other benefits provided under the program or activity.

(ii) Provide any facilities, services, financial aid or other benefits which are different, or are provided in a different form from that provided to others under the program or activity.

(iii) Subject to segregated or separate treatment in any facility in, or in any matter of process related to receipt of any service or benefit under the program or activity.

(iv) Restrict in any way access to, or in the enjoyment of any advantage or privilege enjoyed by others in connection with facilities, services, financial aid or other benefits under the program or activity.

(v) Treat an individual differently from others in determining whether the individual satisfies any admission, enrollment, eligibility, membership, or other requirement or condition which the individual must meet in order to be provided any facilities, services or other benefit provided under the program or activity.

(vi) Deny an opportunity to participate in a program or activity as an employee.

(2) A recipient may not utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination on the basis of race, color, national origin, or sex, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity with respect to individuals of a particular race, color, national origin, or sex.

(3) A recipient, in determining the site or location of housing or facilities provided in whole or in part with funds under this part, may not make selections of such site or location which have the effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination on the ground of race, color, national origin, or sex; or which have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act and of this section.

(4)(i) In administering a program or activity funded in whole or in part with CDBG funds regarding which the recipient has previously discriminated against persons on the ground of race, color, national origin or sex, the recipient must take affirmative action to overcome the effects of prior discrimination.

(ii) Even in the absence of such prior discrimination, a recipient in administering a program or activity funded in whole or in part with CDBG funds should take affirmative action to overcome the effects of conditions which would otherwise result in limiting participation by persons of a particular race, color, national origin or sex. Where previous discriminatory practice or usage tends, on the ground of race, color, national origin or sex, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this part applies, the recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purpose of the Act.

(iii) A recipient shall not be prohibited by this part from taking any action eligible under Subpart C to ameliorate an imbalance in services or facilities provided to any geographic area or specific group of persons within its jurisdiction, where the purpose of such action in to overcome prior discriminatory practice or usage.

(5) Notwithstanding anything to the contrary in this section, nothing contained herein shall be construed to prohibit any recipient from maintaining or constructing separate living facilities or rest room facilities for the different sexes. Furthermore, selectivity on the basis of sex is not prohibited when institutional or custodial services can properly be performed only by a member of the same sex as the recipients of the services.

(c) Section 109 of the Act further provides that any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.C.C. 6101 *et seq.*) or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) shall also apply to any program or activity funded in whole or in part with funds made available pursuant to the Act.

§ 570.603 Labor Standards.

Section 110 of the Act requires that all laborers and mechanics employed by contractors or subcontractors on construction work financed in whole or in part with assistance received under the Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). By reason of the foregoing requirement, the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 *et seq.*) also applies. However, these requirements apply to the rehabilitation of residential property only if such property is designed for residential use of eight or more families. With respect to the labor standards specified in this section, the Secretary of Labor has the authority and functions set forth in Reorganization Plan Number 14 of 1950 (5 U.S.C. 1332-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

§ 570.604 Environmental standards.

Section 104(f) expresses the intent that "the policies of the National Environmental Policy Act of 1969 and other provisions of law which further the purposes of such Act (as specified in regulations issued by the Secretary) * * * [be] most effectively implemented in connection with the expenditure of funds under" the Act. Such other provisions of law which further the purposes of the National Environmental Policy Act of 1969 are specified in regulations issued pursuant to section 104(f) of the Act and contained in 24 CFR Part 58. Section 104(f) also provides that, in lieu of the environmental protection procedures otherwise applicable, the Secretary may under regulations provide for the release of funds for particular projects to grantees who assume all of the responsibilities for environmental review, decisionmaking, and action pursuant to the National Environmental Policy Act of 1969, and the other provisions of law specified by the Secretary as described above, that would apply to the Secretary were he/she to undertake such projects as Federal projects. Grantees assume such environmental review, decisionmaking, and action responsibilities by execution of grant agreements with the Secretary. The procedures for carrying out such environmental responsibilities are contained in 24 CFR Part 58.

§ 570.605 National Flood Insurance Program.

Section 202(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106) provides that no Federal officer or agency shall approve any financial assistance for acquisition or construction purposes (as defined under section 3(a) of said Act (42 U.S.C. 400(a)), on and after July 1, 1975 (or one year after a community has been formally notified of its identification as a community containing an area of special flood hazard, whichever is later) for use in any area that has been identified by the Director of the Federal Emergency Management Agency (see Section 202 of Reorganization Plan No. 3 of 1978, 43 FR 41943) as an area having special flood hazards unless the community in which such area is situated is then participating in the National Flood Insurance Program. Notwithstanding the date of HUD approval of the recipient's application (or, in the case of grants made under Subpart D, the date of submission of the grantee's final statement pursuant to § 570.302), funds provided under this Part shall not be expended on or after July 1, 1975, or one year after a community has been formally notified, whichever is later, for acquisition or construction purposes in an area so identified as having special flood hazards which is located in a community not in compliance with the requirements of the National Flood Insurance Program pursuant to section 201(d) of said Act (42 U.S.C. 4105(d)). The use of any funds provided under this part for acquisition or construction purposes in identified special flood hazard areas shall be subject to the mandatory purchase of flood insurance requirements of section 102(a) of said Act (42 U.S.C. 4012a).

§ 570.606 Relocation and acquisition.

(a) Section 210 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4630) (the "Uniform Act") provides that the head of a Federal agency shall not approve any grant to, or contract or agreement with, a "State agency" (as defined in Section 101 of the Uniform Act, 42 U.S.C. 4601, and 24 CFR 42.85 which includes any department, agency or instrumentality of a State or of a political subdivision of a State) under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any persons, unless he/she receives satisfactory assurance from such State agency that certain requirements of the Uniform Act with respect to relocation payments and assistance will be met. Such assurances will be provided in the grant agreement executed by the grantee (see § 570.304(b)). The requirements of the Uniform Act and HUD implementing regulations (24 CFR Part 42) apply to any acquisition of real property by a "State agency" that is carried out with the intention that such acquisition be for a community development activity assisted under this Part and to the displacement of any family, individual, business, nonprofit organization, or farm that results from such acquisition.

(1) Any acquisition of real property by a "State agency" and any displacement resulting from such acquisition of real property shall be considered to be for an activity assisted under the CDBG program and to be subject to the regulations at 24 CFR Part 42 if the acquisition or displacement occurs on or after the date of the submission of the application requesting Federal financial assistance which is granted for a activity for which the acquisition has been or will be undertaken (or, in the case of a grant made pursuant to Subpart D, the date of submission of the grantee's final statement pursuant to § 570.302). However, if the recipient determines that any acquisition or displacement was not carried out for an assisted activity, and the HUD Area Office serving the locality concurs in that determination, such acquisition or displacement shall not be subject to these regulations. The recipient's request for HUD concurrence shall include its certification that at the time of the acquisition it did not intend to use the property for an assisted activity and appropriate documentation to establish that fact.

(2) The recipient or HUD, which shall monitor compliance with the Uniform Act, may determine that an acquisition prior to submission of an application for financial assistance (or final statement) and any resulting displacement were carried out for an assisted activity and are subject to these regulations. In the absence of such a determination by the recipient or HUD, any such acquisition or displacement occurring prior to submission of an application (or final statement) shall not be subject to these regulations. The recipient may at any time request a HUD determination as to whether or not such an acquisition and any resulting displacement are considered to be for an assisted activity and to be subject to these regulations. The request shall be submitted to the HUD Area Office and shall include appropriate background documentation.

(3) If the owner or occupant of a property disagrees with the recipient's determination that the Uniform Act and regulations at 24 CFR Part 42 do not apply to the acquisition of the property or to a displacement resulting from the acquisition, he/she may file an appeal under 24 CFR Part 42 Subpart J (Appeals), whether or not the acquisition or displacement occurs before or after submission of the application for financial assistance (or final statement). The specific payments and other assistance for which an appeal may be filed are set forth in 24 CFR 42.703(a).

(4) The costs of relocation payments and assistance under Title II of the Uniform Act shall be paid from funds provided by this Part and/or such other funds as may be available by the locality from any source.

(b) Pursuant to section 105(a)(11) of the Act, the grantee may also provide relocation payments and assistance for individuals, families, businesses, nonprofit organizations and farm operations displaced by an activity that is not subject to the Uniform Act, and also may provide relocation payments andother assistance at levels above those established under the Uniform Act. Unless such payments and assistance are made pursuant to State or local law, the recipient shall make such payments only upon the basis of a written determination that such payments are appropriate (see § 570.201(i)) and shall adopt a written policy available to the public setting forth the relocation payments and assistance it elects to provide and providing for equal payments and assistance within each class of displacees.

(c) Section 305 of the Uniform Act (42 U.S.C. 4655) provides that the head of a Federal agency shall not approve any grant to, or contract or agreement with, a State agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property unless he/she receives satisfactory assurances from such State agency that: (1) In acquiring real property it will be guided, to the greatest extent practicable under State law, by the land acquisition policies in section 301 of the Uniform Act (42 U.S.C. 4651) and the provisions of section 302 thereof (42 U.S.C. 4651) and (2) property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304 of the Uniform Act (42 U.S.C. 4653, 4654). Appropriate assurances to such effect will be provided in the grant agreement executed by the grantee.

§ 570.607 Employment and contracting opportunities.

(a) Grantees shall comply with Executive Order 11246 and the regulations issued pursuant thereto (41 CFR Chapter 60) which provides that no person shall be discriminated against on the basis of race, color, religion, sex, or national origin in all phases of employment during the performance of Federal or federally assisted construction contracts. As specified in Executive Order 11246 and the implementing regulations, contractors and subcontractors on Federal or federally assisted construction contracts shall take affirmative action to insure fair treatment in employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay, or other forms of compensation and selection for training and apprenticeship.

(b) Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) requires, in connection with the planning and carrying out of any project assisted under the Act, that to the greatest extent feasible opportunities for training and employment be given to lower income persons residing within the unit of local government or the metropolitan area (or nonmetropolitan county) in which the project is located, and that contracts for work in connection with the project be awarded to eligible business concerns which are located in, or owned in substantial part by persons residing in the same metropolitan area (or nonmetropolitan county) as the project. Grantees shall adopt appropriate procedures and requirements to assure good faith efforts toward compliance with the statutory directive. HUD regulations at 24 CFR Part 135 are not directly applicable to activities assisted under this Part but may be referred to as guidance indicative of the Secretary's view of the statutory objectives in other contexts.

§ 570.608 Lead-based paint.

(a) Section 401(b) of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4831(b)) directs the Secretary to prohibit the use of lead-based paint in residential structures constructed or rehabilitated with Federal assistance in any form. Such prohibitions are contained in 24 CFR Part 35, Subpart B, and are applicable to residential structures constructed or rehabilitated with assistance provided under this Part.

(b) Section 302 of the Lead-Based Poisoning Prevention Act (42 U.S.C. 4822) directs the Secretary to establish procedures to eliminate as far as practicable the hazards of lead-based paint poisoning with respect to any existing housing which may present hazards and which is covered by an application for mortgage insurance or housing assistance payments under a program administered by the Secretary. Pursuant to such authority and the Secretary's general rulemaking authority, the Secretary has promulgated requirements regarding the elimination of lead-based paint hazards in HUD-associated housing at 24 CFR Part 35, Subpart C, and requirements regarding notification to purchasers and tenants of HUD-associated housing constructed prior to 1950 at 24 CFR Part 35, Subpart A. The requirements of 24 CFR Part 35, Subpart A, are applicable to purchasers and tenants of residential structures constructed prior to 1950 and assisted under this Part, and the requirements of 24 CFR Part 35, Subpart C, are applicable to existing residential structures which are rehabilitated with assistance provided under this Part.

§ 570.609 Use of debarred, suspended, or ineligible contractors or subrecipients.

CDBG funds shall not be used directly or indirectly to employ, award contracts to, or otherwise engage the services of, or fund any contractor or subrecipient during any period of debarment, suspension, or placement in ineligibility status under the provisions of 24 CFR Part 24.

§ 570.610 Uniform administrative requirements and cost principles.

The recipient, its agencies or instrumentalities, and subrecipients shall comply with the policies, guidelines, and requirements of OMB Circular Nos. A-102, Revised, A-110, A-87, and A-122, as applicable, as they relate to the acceptance and use of Federal funds under this Part.

§ 570.611 Conflict of interest.

(a) *Applicability.*

(1) In the procurement of supplies, equipment, construction, and services by recipients, and by subrecipients (including those specified at § 570.204(c)), the conflict of interest provisions in Attachment O of OMB Circulars A-102, and A-110, respectively, shall apply.

(2) In all cases not governed by Attachment O or OMB Circulars, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient,

by its subrecipients, or to individuals, businesses and other private entities under eligible activities which authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties of facilities pursuant to § 570.202, or grants, loans and other assistance to businesses, individuals and other private entities pursuant to §§ 570.203, 570.204 or 570.455).

(b) *Conflicts prohibited.* Except for approved eligible administrative or personnel cost, the general rule is that no persons described in paragraph (c) below who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this Part or who are in a position to participate in a decisionmaking process or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. For the UDAG program, the above restrictions shall apply to all activities that are a part of the UDAG project, and shall cover any such interest or benefit during, or at any time after, such person's tenure.

(c) *Persons covered.* The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or subrecipients under § 570.204, which are receiving funds under this Part.

(d) *Exceptions: threshold requirements.* Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it determines that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project. An exception may be considered only after the recipient has provided the following:

(1) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and

(2) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

(e) *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d) of this section, HUD shall consider the cumulative effect of the following factors, where applicable:

(1) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available;

(2) Whether an opportunity was provided for open competitive bidding or negotiation;

(3) Whether the person affected is a member of a group or class of low or moderate income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

(4) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decisionmaking process with respect to the specific assisted activity in question;

(5) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section;

(6) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

(7) Any other relevant considerations.

§ 570.612 Displacement

(a) *Definition.* "Displacement" means the involuntary movement, except temporary relocation, of a household from a dwelling unit resulting from its acquisition, rehabilitation, or demolition when: (1) Funded in whole or in part with CDBG funds; or (2) funded with non-CDBG funds where the acquisition, rehabilitation, or demolition is a prerequisite for an activity carried out with CDBG funds (e.g. acquisition of land with local funds for a neighborhood facility to be constructed with CDBG funds). "Displacement" also means the involuntary movement, except temporary relocation, of a household from a dwelling unit necessitated by CDBG assisted code enforcement.

(b) *General policy.* Section 902 of the Housing and Community Development Amendments of 1978 (Pub. L. 95–557) provides that, in the administration of Federal housing and community development programs, consistent with other program objectives and goals, involuntary displacement of persons from their neighborhoods should be minimized. This general policy is implemented in the Entitlement grant program through the requirements of § 570.305. It is implemented in the HUD-administered Small Cities program by means of selection criteria described in § 570.424(c) and § 570.428(c), and in the Urban Development Action Grant program by means of the selection criterion described in § 570.459(l).

7. Subpart M of Part 570 is revised to read as follows:

Subpart M—Loan Guarantees

§ 570.700 Eligible applicants.

(a) Units of general local government entitled to receive a grant under section 106(a) of the Act (metropolitan cities and urban counties) may apply for loan guarantee assistance under this Subpart.

(b) Public agencies may be designated by eligible units of general local government to receive a loan guarantee on notes or other obligations issued by the public agency in accordance with this Subpart. In such case the applicant unit of general local government shall be required to pledge its current and future grants under Title I as security for the notes or other obligations issued by the public agency.

§ 570.701 Eligible activities.

Loan guarantee assistance under this Subpart may be utilized for the following activities undertaken by the unit of general local government or its designated public agency, provided such activities are otherwise eligible under the provisions of § 570.201 through § 570.203 and meet the requirements of § 570.200.

(a) Acquisition of improved or unimproved real property in fee or by long-term lease, including acquisition for economic development purposes.

(1) Acquisition for economic development purposes may include agreements for the purchase of real property to be improved by the seller prior to the acquisition. Obligations to purchase under such agreements may be contingent on the procurement of interim financing by the seller, and may provide for a leaseback of the improved property to the seller, including an option to purchase after full payment of the loan guaranteed under this Subpart.

(2) In the purchase of real property pursuant to paragraph (a)(1) of this section, the assisted activity includes the acquisition and/or improvements undertaken by the seller in whole or in part with interim financing obtained in reliance on the obligation to purchase the improved property with guaranteed loan funds. The agreement described in paragraph (a)(1) of this section shall specify that the obligation to purchase is contingent on compliance in the undertaking of interim financed activities with the requirements

applicable to activities assisted under this Subpart.

(b) Rehabilitation of real property owned or acquired by the unit of general local government or its designated public agency.

(c) Payment of interest on obligations guaranteed under this Subpart.

(d) Relocation payments and assistance for individuals, families, businesses, nonprofit organizations and farm operations displaced as a result of activities financed with loan guarantee assistance.

(e) Clearance, demolition and removal, including movement of structures to other sites, of buildings and improvements on real property acquired or rehabilitated pursuant to paragraphs (a) and (b) of this section.

(f) Site preparation, including construction, reconstruction, or installation of public improvements, utilities, or facilities (other than buildings) related to the redevelopment or use of the real property acquired or rehabilitated pursuant to paragraphs (a) and (b) of this section.

§ 570.702 Application requirements.

(a) *Presubmission requirements.*

(1) Prior to submission of an application for loan guarantee assistance to HUD, the applicant must comply with the presubmission requirements specified in § 570.301 with respect to the activities proposed for loan guarantee assistance.

(2) If an application for loan guarantee assistance is simultaneous with the applicant's submission for its entitlement grant, the applicant may utilize the statement of community development objectives and projected use of funds prepared for its annual grant pursuant to § 570.301 by including and identifying the activities to be undertaken with the guaranteed loan funds.

(b) *Submission requirements.* An application for loan guarantee assistance shall be submitted to the appropriate HUD Area Office and shall consist of the following:

(1) A copy of the applicant's final statement of community development objectives and projected use of guaranteed loan funds.

(2) A description of how each of the activities to be carried out with the guaranteed loan funds meets one of the standards in § 570.901(b).

(3) A schedule for repayment of the loan which identifies the sources of repayment.

(4) A certification providing assurance that the applicant possesses legal authority to make the pledge of grants required under § 570.703(b)(2).

(5) Certifications required pursuant to § 570.303. For the purposes of this requirement, the terms "grant" and "CDBG" in such certifications shall also mean loan guarantee.

(c) *Economic feasibility and financial risk.* The Secretary will make no determination with respect to the economic feasibility of projects proposed to be funded with the proceeds of guaranteed loans; such determination is the responsibility of the applicant. In determining whether a loan guarantee constitutes an acceptable financial risk, the Secretary will consider the applicant's current and future entitlement block grants as the primary source of loan repayment. Approval of a loan guarantee under this Subpart is not to be construed, in any way, as indicating that HUD has agreed to the feasibility of a project beyond recognition that block grant funds should be sufficient to retire the debt.

(d) *HUD review and approval of applications.*

(1) HUD will normally accept the grantee's certifications. The Secretary reserves the right, however, to consider relevant information which challenges the certifications and to require additional information or assurances from the grantee as warranted by such information.

(2) The Area Office shall review the application for compliance with requirements specified in this Subpart and forward the application together with its recommendation for approval or disapproval of the requested loan guarantee to HUD Headquarters.

(3) The Secretary may disapprove an application, or may approve loan guarantee assistance for an amount less than requested, for any of the following reasons:

(i) The Secretary determines that the guarantee constitutes an unacceptable financial risk. Factors that will be considered in assessing financial risk shall include, but not be limited to, the following:

(A) The length of the proposed repayment period;

(B) The ratio of expected annual debt service requirements to expected annual grant amount;

(C) The applicant's status as a metropolitan city or urban county during the proposed repayment period; and

(D) The applicant's ability to furnish adequate security pursuant to § 570.703(b).

(ii) The guarantee requested exceeds the maximum loan amount specified under §570.703(a).

(iii) Funds are not available in the amount requested.

(iv) The applicant's performance does not meet the standards prescribed in § 570.909.

(v) Activities to be undertaken with the guaranteed loan funds are not listed as eligible under § 570.201 through § 570.203 and § 570,701 (a) through (f).

(4) The Secretary will notify the applicant in writing that the loan guarantee request has either been approved, reduced or disapproved. If the request is reduced or disapproved, the applicant shall be informed of the specific reasons for reduction or disapproval. If the request is approved, the Secretary shall issue an offer of commitment to guarantee obligations of the applicant or the designated public agency subject to such conditions as the Secretary may prescribe, including the conditions for release of funds described in paragraph (e).

(e) *Environmental review.* The applicant shall comply with HUD environmental review procedures (24 CFR Part 58) leading to certification for the release of funds for each project carried out with loan guarantee assistance. These procedures set forth the regulations, policies, responsibilities and procedures governing the carrying out of environmental review responsibilities of applicants.

For the purposes of this paragraph, the "release of funds" shall be deemed to occur at the time of guarantee of notes or other obligations by the Secretary.

§ 570.703 Loan requirements.

(a) *Maximum loan amount.* No guarantee or commitment to guarantee shall be made with respect to any note or other obligation if the total outstanding notes or obligations guaranteed under this Subpart on behalf of the applicant and each public agency duly designated by the applicant would thereby exceed an amount equal to three times the amount of the entitlement grant made pursuant to § 570.304 to the applicant.

(b) *Security requirements.* To assure the repayment of notes or other obligations and charges incurred under this Subpart and as a condition for receiving loan guarantee assistance, the applicant (or the applicant and designated public agency, where appropriate) shall:

(1) Enter into a contract with HUD, in a form acceptable to the Secretary, for repayment of notes or other obligations guaranteed hereunder;

(2) Pledge any grant made or for which the applicant may become eligible under this Part; and

(3) Furnish, at the discretion of the Secretary, such other security as may be

deemed appropriate by the Secretary in making such guarantees, including increments in local tax receipts generated by the activities assisted under this Part or disposition proceeds from the sale of land or rehabilitated property.

(c) *Use of grants for loan repayment.* Notwithstanding any other provision of this Part:

(1) Grants allocated to an applicant under this Part (including program income derived therefrom) are authorized for use in the payment of principal and interest due (including such servicing, underwriting, or other costs as may be authorized by the Secretary) on the notes or other obligations guaranteed pursuant to this Subpart.

(2) The Secretary may apply grants pledged pursuant to paragraph (b)(2) of this section to any amounts due under the note or other obligation guaranteed pursuant to this Subpart, or to the purchase of such obligation, in accordance with the terms of the contract required by paragraph (b)(1) of this section.

(d) *Debt obligations.* Notes or other obligations guaranteed pursuant to this Subpart shall be in the form and denominations prescribed by the Secretary. Such notes or other obligations shall be issued and sold only to the Federal Financing Bank under such terms as may be prescribed by the Secretary and the Federal Financing Bank.

(e) *Taxable obligations.* Interest earned on obligations guaranteed under this Subpart shall be subject to Federal taxation as provided in section 108(j) of the Act.

All applicants or designated public agencies issuing guaranteed obligations must bear the full cost of interest.

(f) *Loan repayment period.* As a general rule, the repayment period for a loan guaranteed under this Subpart shall be limited to six years. However, a longer repayment period may be permitted in special cases where it is deemed necessary to achieve the purposes of this Part.

§ 570.704 Federal guarantee.

The full faith and credit of the United States is pledged to the payment of all guarantees made under this Subpart. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligations for such guarantee with respect to principal and interest, and the validity of such guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligations.

§ 570.705 Applicability of rules and regulations.

The provisions of Subparts A, C, D, J, K and O shall apply to this Subpart, except to the extent they are specifically modified or augmented by the provisions of this Subpart.

8. Subpart O of Part 570 is revised to read as follows:

Subpart O—Program Management

* * * * *

§ 570.901 Review for compliance with primary objectives.

(a) *General.* The Secretary will review each applicable grantee's performance to determine whether the grantee has complied with the requirements under § 570.200(a)(2).

(b) *Standards.* In determining whether each of the grantee's funded activities meets one of the broad national objectives contained in its certification, the Secretary will consider whether the activity falls within one of the following standards:

(1) *Activities benefiting low and moderate income persons.* The following activities, in the absence of substantial evidence to the contrary, will be considered to benefit low and moderate income persons. In determining whether an activity will actually benefit low and moderate income persons, the net effect of the completed activity shall be considered. Thus, mere location of an activity in a low or moderate income area, while generally a primary consideration, does not conclusively demonstrate that the activity benefits low and moderate income persons. Further, the grantee shall appropriately ensure that activities that meet this standard do not benefit moderate income persons to the exclusion of low income persons.

(i) Any activity, other than residential rehabilitation, which is designed so that at least a majority of the beneficiaries are low and moderate income persons. The following are examples of activities which meet this standard:

(A) An activity, other than residential rehabilitation, which serves an area, delineated by the recipient, where a majority of the residents are low and moderate income persons. Such an area need not be coterminous with census tract boundaries.

(B) Economic development activities designed to create or retain permanent jobs, the majority of which are available or will be available to low and moderate income persons. Jobs are considered to be available to low and moderate income persons based on the nature and extent of the skills, education, and experience required to qualify for the jobs, training opportunities which would make such jobs available to low and moderate income persons who would not otherwise qualify, advertising and recruiting efforts directed toward low and moderate income persons, and the accessibility of the jobs to areas where substantial numbers of low and moderate income persons reside.

(C) A facility, such as a senior center, which is used principally by low and moderate income persons. A facility that is designed for and used by senior citizens or the handicapped will be presumed to meet this standard.

(D) An activity which has income eligibility requirements that limit the benefits of the activity to low and moderate income persons.

(E) General improvements to a neighborhood business area which serves a primarily residential area with a majority of by low and moderate income persons. General improvements include, but are not limited to, street and related improvements, walkways, parking facilities, and facade improvements.

(F) Assistance to a specific business which provides services primarily to residents of an area with a majority of low and moderate income persons.

(ii) A special project directed to removal of material and architectural barriers which restrict the mobility and accessibility of elderly or handicapped persons to publicly owned and privately owned buildings, facilities, and improvements.

(iii) An activity which must be carried out prior to or as an integral part of an activity which will principally benefit low and moderate income persons, where the cost of the assisted activity is not unreasonable in relation to the low and moderate income benefit to be provided. An example is the extension of water and sewer lines to permit construction of lower income housing.

(iv) Rehabilitation of a residential structure occupied by low and moderate income persons. Where such a structure contains more than one dwelling unit, it will be considered to qualify under this standard if, following rehabilitation, the majority of the units are occupied by low and moderate income persons at affordable rents. A grantee shall adopt and make public its criteria for determining "affordable rents" for this purpose.

(v) An eligible activity to reduce the development cost of the new construction of a multifamily, non-elderly housing project where at least 20 percent of the units will be occupied by low and moderate income households; except that, in the case of a project

where less than a majority of the units will be so occupied, the portion of total development cost of the project to be borne by CDBG funds may be no greater than the proportion of the total number of units in the project which will be occupied by low and moderate income households.

(vi) An activity that serves an area having less than a majority of low and moderate income persons will also be considered to meet the objective of benefiting low and moderate income persons where the grantee community has no areas within its jurisdiction where low and moderate income persons constitute a majority, or the grantee has so few such areas or that such areas are so small that it is plainly inappropriate to address the needs of its low and moderate income residents by limiting funded activities to such areas. In such circumstances, the activity must:

(A) Serve an area that is among those having the largest proportion of low and moderate income persons in the grantee's jurisdiction. Beginning with the program year funded from Federal Fiscal Year 1985 appropriations, only areas that are within the upper one-fourth of all areas of the grantee's jurisdiction in terms of degree of concentration of low and moderate income persons will be considered to meet this test;

(B) Clearly meet the need of low and moderate income persons in the area; and

(C) Benefit low and moderate income persons at least in proportion to their share of the population in the area the activity serves.

(2) *Activities which aid in the prevention or elimination of slums or blight.* The following activities, in the absence of substantial evidence to the contrary, will be considered to aid in the prevention or elimination of slums or blight:

(i) *Activities in a slum or blighted area.*

(A) *Definition of a slum or blighted area.* An area delineated by the grantee:

(1) Which meets a definition of a slum, blighted, deteriorated, or deteriorating area under State or local law; *and*

(2) Where there is a substantial number of deteriorating or dilapidated buildings or improvements throughout the area.

(B) *Qualifying activities.* In order for an activity to qualify under this standard, it must be designed to address one or more of the conditions which qualified the area. Residential rehabilitation will be considered to meet this standard only where each structure rehabilitated is considered substandard under local definition before rehabilitation. At a minimum, this definition must include units which do not meet the Existing Housing Quality Standards (24 CFR 882.109). Also, in cases where all deficiencies making a structure substandard are eliminated, this standard permits assistance for less critical work on that structure. (Note: Despite this restriction, any rehabilitation activity which benefits low and moderate income households, as described in paragraph (b)(1)(iv) of this section, can be undertaken without regard to the area in which it may be located or the extent of rehabilitation assisted.)

(C) *Documentation.* The grantee must describe in its files the area boundaries, and the conditions of the area at the time of its designation.

(ii) *Activities outside a slum or blighted area.* Acquisition, demolition, rehabilitation, relocation, and historic preservation activities designed to eliminate specific conditions of blight or physical decay on a spot basis not located in a slum or blighted area. Under this standard, rehabilitation for other than low and moderate income households is limited to the extent necessary to eliminate specific conditions detrimental to public health and safety.

(iii) *Urban renewal completion.* Activities included in the urban renewal plan most recently approved by HUD under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 *et seq.*) which are necessary to complete an urban renewal project.

(3) *Activities designed to meet community development needs having a particular urgency.* In the absence of substantial evidence to the contrary, an activity will be considered to address this standard if the recipient certifies that the activity is designed to alleviate existing conditions which pose a serious and immediate threat to the health or welfare of the community which are of recent origin or which recently became urgent, that the recipient is unable to finance the activity on its own, and that other sources of funding are not available. A condition will generally be considered to be of recent origin if it developed or became critical within 18 months preceding the certification by the recipient.

(c) *Area benefit activities.* For purposes of determining compliance with the primary objectives, activities of the same type that serve different areas will be considered separately on the basis of their individual service area.

(d) *Planning and administrative costs.* Program funds expended for planning and administrative costs under § 570.205 and § 570.206 will be considered to address the primary objectives.

(e) *Transition provision.*

(1) *Continuation of projects approved under past rules.* Activities carried out with CDBG funds from any year (including those carried out with funds awarded in Federal Fiscal Year 1982 and thereafter) which are integral components of projects approved by HUD in program years 1979, 1980 and 1981 will be considered to address the primary objectives if such projects meet criteria set forth at 24 CFR 570.302 (d), (e) or (f) under regulations published on August 27, 1979 (44 FR 50261).

(2) *All other activities.* Activities for which CDBG funds are obligated within 120 days of the effective date of this rule will be considered to address the primary objectives if such activities meet either the standards of this section or the criteria set forth at 24 CFR 570. 302 (d), (e), or (f) under regulations published on August 27, 1979 (44 FR 50261).

(f) *Appropriateness to furthering primary objective.*

(1) Notwithstanding that each of a grantee's funded activities may comply with one of the standards contained in paragraph (b) of this section, the Secretary may determine that an entitlement grantee's use of funds, taken as a whole, is plainly inappropriate to furthering the primary objective of the Act.

(2) If a majority of funds expended during a period reported upon by a grantee in a performance report submitted to the Secretary has been expended on activities which meet the standard indentified in paragraph (b)(1) of this section, the grantee's use of funds taken as a whole will not be subject to further examination with respect to whether the grantee's use of funds, taken as a whole, is plainly inappropriate to furthering the primary objective of the Act. If a majority of funds expended during a reporting period has not been expended on activities meeting such standard, the grantee's performance will be subject to further examination taking into consideration, among other factors, the extent to which funded activities undertaken in prior years have been directed to the needs of low and moderate income persons.

(3) In determining the proportion of funds expended for activities meeting the standard identified in paragraph (b)(1) of this section for purposes of applying the review standard prescribed in the first sentence of subparagraph (2) above:

(i) Cost of administration and planning cited in § 570.205 and § 570.206 will be assumed to benefit low and moderate income persons in the same proportion as the remainder of the grant, and, accordingly, shall be excluded from the calculation;

(ii) Funds expended for repayment of urban renewal temporary loans shall also be excluded.

(g) *Determination of failure of compliance.* If the Secretary determines that an activity does not meet any of the standards identified in paragraph (b) of this section or that an Entitlement grantee's use of funds, taken as a whole, is plainly inappropriate to furthering the primary objective of the Act, the grantee will be notified and provided a reasonable opportunity to demonstrate to the satisfaction of the Secretary that the activity questioned addresses one of the broad national objectives or that the Entitlement grantee's use of funds has been carried out to further the primary objective of the Act. Failure to so demonstrate will be cause for the Secretary to determine, pursuant to Section 104(d)(1) of the Act, that the grantee has failed to carry out its activities and its certifications in accordance with the primary objectives of the Act.

* * * * *

(Title I, Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 *et seq.*) and Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Dated: September 16, 1983.

Stephen J. Bollinger,

Assistant Secretary for Community Planning and Development.

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Part V

Department of Housing and Urban Development

Office of Assistant Secretary for Housing—Federal Housing Commissioner

Section 8 Housing Assistance Payments Program Fair Market Rent Schedules—Existing Housing and Moderate Rehabilitation

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 882 and 888

[Docket No. R-83-1029]

Section 8 Housing Assistance Payments Program Fair Market Rent Schedules—Existing Housing and Moderate Rehabilitation

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

ACTION: Final rule.

SUMMARY: The United States Housing Act of 1937 requires the Department to publish at least annually Fair Market Rents (FMRs) for its Section 8 housing assistance program. This rule establishes revised FMRs for the Section 8 Existing Housing and Moderate Rehabilitation Programs, including space rentals by owners of manufactured homes. The revised FMR schedules reflect estimated rent levels as of April 1, 1984. These revised rents should ensure that Section 8 participants will continue to have access to an adequate supply of decent, safe, and sanitary housing in all market areas.

EFFECTIVE DATE: October 28, 1983. Retroactive to March 29, 1983 for purposes of calculating the Public Housing Agency earned administrative fee.

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, Existing Housing Division, Office of Existing Housing and Moderate Rehabilitation, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410; (202) 755-5353. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

Background

Section 8 of the United States Housing Act of 1937 (the Act) (42 U.S.C. 1437(f)) authorizes a housing assistance program to aid lower income families in renting decent, safe, and sanitary housing. This program, which includes housing assistance payments for moderate rehabilitation and existing housing, is administered by PHAs consistent with regulations found in 24 CFR Part 882. Section 8(c)(1) of the Act requires HUD to publish the Fair Market Rents (FMRs) for these programs at least annually in the **Federal Register.**

The Proposed Rule

On December 13, 1982 (see 47 FR 55764), HUD proposed to change the criteria and procedures for establishing FMRs for the Section 8 Existing Housing and Moderate Rehabilitation Programs (Schedule B) and for manufactured home spaces in the Section 8 Existing Housing Program (Schedule D).

As proposed, the criteria used to determine the appropriate FMRs would have been revised: (1) To reflect 40th percentile rents (i.e., the rent below which 40 percent of the standard quality units are distributed), rather than 50th percentile rents; (2) to exclude new units (units completed in the two years prior to the data survey dates) from the inventory of standard quality units; and (3) to include all rental units rather than only those units rented by recent movers. The Department proposed to continue to use the most recent Annual Housing Survey (AHS) data pertaining to units meeting Section 8 Existing Housing Program standards and to update previously established FMRs by using the Annual Adjustment Factors (AAFs) developed from the residential rent and the fuel and utility components of the Consumer Price Index (CPI).

The Department sought comment on the proposal. We specifically encouraged comments on: (1) The proposed changes in the criteria for establishing the FMR levels and (2) the calculation of the proposed 1983 FMR levels.

In addition to the December 13, 1982, proposed rule, the Department requested comment on an interim rule published on December 15, 1982 (see 47 FR 56133), which continued the FMRs at the 1981 rent levels. The proposed and interim rules both deal with the Fair Market Rent Schedules for the Section 8 Existing Housing and Moderate Rehabilitation programs and space rentals by owners of manufactured homes. Because the comments submitted on the interim rule raised identical issues to those submitted on the proposed rule and because the interim rule will be superseded by this final rule, all comments submitted will be treated together.

A summary of the comments received and the Department's response follows.

Public Comments

The proposed rule requested comments on the proposed criteria for determining FMRs and on the calculation of the rents for particular jurisdictions. In response, HUD received 401 comments from public housing agencies, State and local governments, Members of Congress, Section 8 program administrators, apartment owners and managers, individuals, and organizations of housing officials. Many commenters referred only to the new criteria or the rent calculation, but some covered both the criteria and accuracy of the 40th percentile rent calculations. There were 222 comments on the proposed changes in the FMR criteria; one-third of these included supporting data or narrative discussion. The comments on the accuracy of the rent calculations covered 358 of the 2,774 FMR areas. HUD field offices provided local rental market data and recommended revised rents for an additional 81 FMR areas. Nine comments related to the proposed rents for manufactured home spaces. HUD received fifteen comments on its December 15, 1982, interim rule.

All public comments were reviewed initially by HUD Field Office staff who are familiar with current housing market conditions and trends in the localities within their jurisidictions. Field Office evaluations and recommendations were reviewed by Regional and Headquarters Economic and Market Analysis staff to ensure that all available market data and program guidelines were adequately considered.

To discuss the comments, we have separated them into three categories: A. HUD's proposed new criteria for determining FMRs; B. The calculation of the proposed 1983 FMRs; and C. Miscellaneous comments.

A. HUD's Proposed New Criteria for Determining FMRs

1. *Comments received on proposed FMR criteria.* As discussed earlier, HUD proposed changing three FMR criteria; all three criteria drew criticism and are discussed below.

Setting FMRs at 40th percentile of standard units. Two hundred twenty-two comments, almost 55 percent of the comments received, opposed the 40th percentile rent standard. Many commenters stated that there are not sufficient units under the 40th percentile rent to run a Section 8 Existing Housing Program.

A frequent comment concerned the effect of tight markets on program operations as the result of the reduced rent standard. Many commenters indicated that the lower standard would not provide enough units to run the program, because units below the 40th percentile rent are the most competitive and have the lowest vacancy rates. The commenters expressed concern that this competition would take away any motivation for the landlord to participate in the program.

About 100 commenters submitted information showing the declining success rate under the current system indicated by Section 8 certificates issued versus units leased. Many commenters stated that they expect this problem to continue.

Another objection to the 40th percentile level was the lack of units meeting HUD's housing quality standards (HQS). Commenters stated that the number of units available is reduced, because the units do not meet housing quality standards, or the units are marginal and the landlord does not have the incentive or the financial ability to improve the property.

Some commenters felt there was an adequate number of units, but the units were concentrated in traditional areas of low-income housing. These commenters asserted that limiting Section 8 households to such areas or neighborhoods is contrary to one of the major goals of the Section 8 program—to make available to low-income households a broad range of housing opportunities.

Finally, many commenters indicated that the rents at the 40th percentile do not provide an adequate supply of units for larger families. Many stated that the large family units (i.e., three or more bedrooms) are usually detached or semi-detached homes, typically having higher rents.

Including all rental units in the base. HUD's proposal to include in the base all standard rental units, rather than only those rented by recent movers, also drew criticism. Comments uniformly stated that including all units serves to lower rents but does not reflect the actual rents encountered by a tenant seeking to lease an available unit on the market. The rents charged by owners for long-term tenants are lower than rents charged for comparable units rented by new tenants. The commenters argued that a tenant can only lease available units and it is unreasonable to include in the FMR calculation those units occupied by long-term tenants at lower rents.

A related series of comments objected to including public housing in calculating the FMRs. The commenters reasoned that since public housing units are not a source of housing for Section 8 program participants, it is inappropriate to include those units in the base.

Excluding new units. This proposed change drew less criticism than the other two proposed changes to the FMR criteria. Those who did comment felt that excluding from the survey units built within the last two years would skew the rents downward. Removing new units, observed the commenters, eliminates from the survey those units affected by inflation in the construction industry. On the other hand, a few commenters noted that there had been little new construction within the last two years, so as a practical matter this change in the method of calculating the FMRs would not affect rents.

2. *HUD's response to public comment on proposed FMR criteria.* The Department has considered carefully all comments and data submitted concerning the proposed criteria. In response, the Department is making the following changes which, taken together, should ensure that sufficient units are available to Section 8 participants.

The Department will set the FMRs at the 45th percentile rent level of standard quality units occupied by recent movers, rather than the 40th percentile of all standard quality units. Additional increases have been provided for the larger (three-bedrooms and larger) bedroom units. Public housing units and units built two years before the survey date will be excluded from the data base.

Increasing the FMRs to the 45th percentile of recent movers increases the choice of units available and relieves competition among certificate holders. Rent levels set at the 45th percentile of recent movers should address the additional concern expressed in the comments that landlords have little or no motivation to continue in the program. It also should relieve the concern expressed in the comments about a lack of mobility of the Section 8 certificate holder by increasing housing opportunities and by permitting greater choice of housing within individual market areas.

The Department agrees that long-term tenancy results in rents that are lower than the rents of comparable units with high turnover rates. For this reason, the Department will continue to base FMRs only on rents for units rented by recent movers. However, fifty percent of the families who receive Section 8 assistance remain in their pre-program unit. Because rents charged by owners for long-term tenants typically are lower than those for new tenants, the previous rent paid by Section 8 participants who lease their pre-program unit (i.e., lease in-place) is a major factor in determining the reasonableness of the rent under the Section 8 Existing Housing Program regulations. In determining rent reasonableness for a family that leases in-place, we anticipate that the PHAs will use, consistent with outstanding requirements, the previous rent paid by the family, plus a modest adjustment—with the resultant contract rents for tenants renting in-place generally being lower than the rent established for a tenant that moves to a different unit.

The Department will exclude from the rental base all public housing units. HUD makes this change because it agrees with the comments that these units are not a source of housing for Section 8 Program participants and also because public housing rents controlled by a statutory rental limitation reflect subsidized rents rather than market rents.

The Department also shares the concern expressed in comments about low rent levels for large units (three or more bedrooms). Data submitted indicate that large families are much less successful in locating units than other program participants. The Department, therefore, is making additional adjustments to the FMRs based on bedroom size for larger units. The FMRs for larger units will be computed as follows: A three-bedroom rent will be 25 percent more than the two-bedroom rent for the jurisdiction, rather than the previous 15 percent, and a four-bedroom unit will be 40 percent more than the two-bedroom base, rather than the previous 30 percent. The FMR for units having more than four bedrooms is calculated by adding 15 percentage points for each additional bedroom. For example, the FMR for a five-bedroom unit is 115 percent of the FMR for a four-bedroom unit.

Finally, the Department will continue to exclude newly constructed units completed in the two years prior to the data survey dates. The Department considered the comments on this point, but has determined that new units generally exceed the non-luxury, modest housing standard of the Section 8 program, and should not be included.

B. The Calculation of the Proposed 1983 Fair Market Rents

1. *Comments received on FMR calculations.* Many commenters criticized the methodology used by HUD to establish the 40th percentile rents. Specific comments were submitted for 358 market areas, stating that the FMRs for these areas did not reflect the actual 40th percentile rent level.

Commenters stated that HUD has not considered adequately the effect that the annual utility allowance increases have had in effectively reducing the amount available for shelter rent. (Commenters cited actual utility increases as high as 83% in SMSA areas and 53% in non-SMSA areas since 1981.) A corollary suggestion was that HUD determine FMRs to reflect rent, excluding the cost of utilities.

Commenters also criticized reliance on the Annual Housing Survey (AHS) and the Annual Adjustment Factor (AAF) to establish the 1983 rents. Many commenters felt that using data for an entire Census Region to make projections for a particular SMSA fails to take into account important local factors, and results in FMRs that do not represent the actual rental market in the SMSA. Similar comments stated that the projections used by HUD do not provide for local discrepancies such as increases in property taxes, utilities (mentioned above), or water and sewer services rates.

HUD recognizes that local variations are important, and for this reason sought actual market data from commenters. This request drew criticism in several cases. Commenters objected to the request that the data be SMSA-wide. Others objected to the requirement at all, stating that small PHAs simply did not have the resources to collect the type of data required in the time allowed.

2. *HUD's response to public comment on FMR calculations.* The Department uses all available data to calculate the FMRs, including U.S. Census and Annual Housing Survey data. We have concluded that, in general, they are within an acceptable range of accuracy. The best estimates are those developed for the 58 Annual Housing Survey areas. Data limitations and the rapid changes in smaller market areas can result in less accurate FMRs for some areas. This is why the Department encouraged commenters to submit data showing the correct calculation of FMRs for local rental markets, particularly for those FMR areas not covered by the Annual Housing Survey or Consumer Price Index data.

In response to the comments that submitting local survey data is overly burdensome, the Department considers the local rental surveys to be essential to the FMR process and does not view the collection of such data to be an excessive burden on PHAs. Small sample surveys, representative of the range of rental housing types and locations, are accepted as a basis for modifying the FMRs. Where a number of PHAs operate the program within a single FMR area, the Department encourages the PHAs to coordinate their data collection to produce a sample survey that will be representative of the overall market area. In some situations, the rent structure for a PHA jurisdiction may be higher than for the FMR area (SMSA or county) as a whole. The program regulations permit exception rents for localities in a FMR area with higher rents than the area average. A PHA that believes exception rents are justified for its area should contact the appropriate HUD field office. In this final rule the Department adjusted the proposed rents for the 290 FMR areas where commenters submitted adequate local rental market data to support a change in the FMRs.

The Department also recognizes variations in utility cost increases among Census regions. It is for this reason that the Department specifically requested comments of increasing utility costs and utility allowances in particular jurisdictions. There are no national data available on rents excluding utilities and it is therefore administratively infeasible for the Department to establish separate Fair Market Rents excluding utility costs as suggested by some commenters. In market areas for which data were submitted to demonstrate utility cost increases beyond the level reflected in the CPI data, HUD has increased the FMRs accordingly.

C. Miscellaneous Comments

1. *Proposed FMRs' effect on the PHA administrative fee calculation.* PHA administrative fees are tied to the two-bedroom FMR. Many PHAs commented that the cost of administering the program (e.g., office rent, utilities, salaries, tenant briefing, income verification, apartment search assistance, unit inspections) continues to increase, while the fees remain constant. Many cited the decrease in the success rate of certificate holders leasing units as contributing to increasing the cost of administering the program. Commenters suggested that the cap on administrative fees will result in poor administration, or in some cases, the decision by some PHAs that they cannot continue to operate the program.

The Department believes that the revised FMR schedules published with this rule will provide adequate administrative fees for the PHAs, and will continue to calculate the fees based on the published two-bedroom FMR. In addition, however, the Department currently is evaluating other methods of determining administrative fees that would provide more equitable compensation to the PHAs, based on specific circumstances applicable to individual PHAs.

2. *Proposed FMRs' effect on HUD's Rental Rehabilitation Demonstration Program.* Several commenters raised concerns about the impact of FMRs on the Rental Rehabilitation Demonstration Program administered by HUD. Under the program, participants are expected to deliver at least 80 percent of the rehabilitated units at rents below the FMRs after rehabilitation. Thus, families who are eligible for Section 8 Existing Housing assistance and who were living in the units selected under the Demonstration may occupy these units. Local officials administering this program are responsible for selecting appropriate buildings and neighborhoods and for developing methods to finance the rehabilitation that ensure that the 80 percent goal is achieved.

The commenters stated that the program, intended to provide impetus to landlords to make repairs to their properties, would not work because the rents to be charged after rehabilitation is completed would exceed the FMRs. The modifications to the criteria for establishing the FMRs included in this final rule should reduce the scope of this problem, to the extent that it exists.

3. *Proposed FMRs create an inequity in rent levels for comparable units within one jurisdiction.* Other commenters raised as a problem the inequity inherent in the Section 8 Program operating with some rents based on the 50th percentile and some rents based on the 45th percentile. A PHA making this comment states that a 1983 certificate holder would be prevented from leasing a unit comparable to units already housing other Section 8 participants.

The Department recognizes that, in reducing the rent standard, some units will no longer be available for the program. Lowering the rent standard effectively reduces a certificate holder's access to units leased at the previous ceiling. This problem is alleviated significantly by the Department adopting in this rule rents determined at the 45th percentile of standard units occupied by recent movers, rather than the proposed 40th percentile. The combination of changes described earlier in the Preamble that the Department has made in response to the comments increases the number of units that will be available to Section 8 Program participants and further ensures the future successful operation of the Section 8 program.

4. *Comment period of sixty days was too short.* A few commenters objected to the "short" 60-day comment period. The Department did not believe that it could allow more time without further delaying the publication of the new FMRs in 1983.

5. *HUD should prepare a regulatory impact analysis and a regulatory flexibility analysis.* One commenter raised the issue of the rulemaking being a "major rule" as defined in the

President's Executive Order on Regulations, E.O. 12291. This same commenter argued that many small proprietorships and other small entities would be affected by the rule, and thus HUD should undertake a regulatory flexibility analysis pursuant to 5 U.S.C. 605(b) of the Regulatory Flexibility Act.

As we concluded in the discussion of these issues later in this Preamble the Department does not believe that either contention is accurate.

The Final Rule

Final Revision of FMR Criteria and FMR Calculations for 1983

Based on an analysis of the public comments and local rental market data provided by commenters and HUD field offices, the Department has made changes to the proposed criteria for establishing the FMRs and is now issuing FMRs for all jurisdictions. The FMRs for the Section 8 Existing Housing and Moderate Rehabilitation Programs (Schedule B) and for manufactured home spaces under the Section 8 existing housing program (Schedule D) are contained in Tables at the end of this document.

The criteria used to calculate these FMRs are based on: (1) 45th percentile rents (i.e., the rent below which 45 percent of the standard units are distributed); and (2) rents based on units rented by recent movers. Public housing units and new units completed during the two years preceding the data survey dates have been excluded from the data base.

The revised 45th percentile FMR schedules for the Section 8 Existing Housing Program (and the base for determining Moderate Rehabilitation FMRs) were developed as follows: (1) The proposed 40th percentile FMR calculations originally published were revised for 290 specific market areas based on local rental market data obtained from public comments; (2) the 45th percentile FMR schedules were calculated for each market area by using the ratio of the 45th percentile rent standard to the 40th percentile rent standard reflected in the most recent AHS data for 58 SMSAs (as previously defined by the Office of Management and Budget) and the 4 Census Regions (including increases based on public comment); and (3) three- and four-bedroom FMRs were adjusted upward to reflect a standard difference of 25 percent and 40 percent, respectively, above the two-bedroom FMR base, instead of the previous 15 percent and 30 percent intervals.

The FMRs for Manufactured Home Spaces (Schedule D) were calculated by a procedure similar to that used for the Section 8 Existing Housing FMRs: the 45th percentile rent levels for 1983 were calculated for each market area by using the ratio of the 45th percentile rent to the 40th percentile rent based on AHS rents for Manufactured Home Spaces.

Other Matters

On June 27, 1983, the Office of Management and Budget announced revised definitions of the Nation's metropolitan statistical areas (MSAs), which replace the current Standard Metropolitan Statistical Areas (SMSAs) to be effective on June 30, 1983. The Department is implementing these revised definitions for purposes of the Section 8 program effective with this rule. FMRs contained in Schedules B and D are based on OMB's new metropolitan area definitions. Because of the large number of changes in area definitions, we urge you to review carefully the list of MSA definitions contained in the explanatory notes to Schedules B and D.

The Department recognizes that the FMRs of some jurisdictions will be affected by this change, including particularly those jurisdictions no longer in metropolitan areas. In implementing these revisions, the Department is adopting a policy to ensure that no FMR area has lower rents, as a result of revised metropolitan areas, than those published for the area in proposed form on December 13, 1982.

Should a particular jurisdiction believe that there are special circumstances which warrant FMRs higher than the rents published with the final rule, the Department reminds PHAs of procedures available to them to raise contract rents. Under 24 CFR 882.106, a PHA may approve Gross Rents on a unit-by-unit basis (up to 20 percent of its authorized units) which exceed the FMR by up to 10 percent. In addition, the PHA may request that HUD authorize Gross Rents up to 20 percent above the applicable FMR for all units of a given size or type or under different circumstances for a particular neighborhood or rental unit. Please see § 882.106 for more detailed information about requirements for exception rents.

Also in conjunction with OMB's new definition of metropolitan areas, the Department is revising § 888.102 of its regulations. This section currently states that FMRs are established by unit size and two structural categories and that the geographic basis of the FMRs is the SMSA, as defined by OMB. Paragraph (b) is being revised to reflect current agency practice of establishing FMRs for Existing Housing by unit size, and Paragraph (c) is being revised to reflect the new OMB definition of metropolitan areas.

The Department also is making a technical correction to its definition of Fair Market Rent contained in Part 882. Since this definition also contains the outdated phrase concerning structural categories contained in § 888.102(b) as described above, the Department is amending § 882.102 to conform with agency practice.

The agency has determined that these revisions need not be published as a proposed rule, as generally required by the Administrative Procedure Act (APA), since they merely reflect agency practice, and are thus exempt under section 553(b)(A) of the APA.

A Finding of No Significant Impact with respect to the environment required by the National Environmental Policy Act (42 U.S.C. 4321–4347) is unnecessary since the Section 8 Existing Housing Program is categorically excluded under HUD regulations at 24 CFR 50.21(d).

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

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601) the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities because FMRs reflect the rents for similar quality units in an area. Fair Market Rents do not change the rent charged for housing which is not in the Section 8 program, but establishes a ceiling on the rent which may be charged for a unit leased in the program.

This rule was listed as Item H–36–81 under the Office of Housing in the Department's Semi-Annual Agenda of Regulations published on April 25, 1983 (48 FR 18054, 18059) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number is 14.156, Lower-Income Housing Assistance Program (Section 8).

List of Subjects

24 CFR Part 882

Grant programs: Housing and community development, Housing, Mobile homes, Rent subsidies.

24 CFR Part 888

Rent subsidies.

Authority: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sec. 8 U.S. Housing Act of 1937 (42 U.S.C. 1437(f)).

Dated: September 19, 1983.

Philip Abrams,

Assistant Secretary for Housing, Federal Housing Commissioner.

PARTS 882 AND 888—[AMENDED]

Accordingly, 24 CFR Parts 882 and 888, are amended as follows:

§ 882.102 Amended.

1. In 24 CFR 882.102 the definition for *Fair Market Rent* is amended by removing the words "and types (e.g. elevator, non-elevator)".

2. In 24 CFR 888.102 is revised to read as follows:

§ 888.102 Fair market rents for existing housing.

(a) *Purpose and Applicability.* Schedule B of this part sets forth the Fair Market Rents, as determined by HUD, for the Section 8 Housing Assistance Payments Program for Existing Housing (including the Housing Finance and Development Agencies Program, 24 CFR Part 883). (See 24 CFR 882.102 for the definition of Fair Market Rents.)

(b) *Categories.* These Fair Market Rents are established by unit size (number of bedrooms).

(c) *Geographic Area.* The Fair Market Rents for existing housing are established for: (1) Each metropolitan area as defined by the Office of Management and Budget and (2) each non-metropolitan county or part of county.

3. Part 888, Subpart A, Schedule B and Schedule D are revised as follows:

Note.—The explanatory notes and Schedules will not appear in the Code of Federal Regulations.

Fair Market Rents for Existing Housing—Schedules B and D—General Explanatory Notes

1. Geographic Coverage

a. FMRs for existing Housing (Schedule B) are established for all Metropolitan Statistical Areas (MSAs), Primary Metropolitan Statistical Areas (PMSAs), nonmetropolitan counties, and county equivalents in the United States, District of Columbia, Puerto Rico, the Virgin Islands, and Guam. FMRs also are established for nonmetropolitan parts of counties in the New England states.

b. FMRs for Manufactured Home spaces (Schedule D) are established for all MSAs, PMSAs, selected nonmetropolitan counties, and the residual nonmetropolitan portion of each state.

2. Constituent Parts of Metropolitan Statistical Areas

a. The current 335 MSAs and PMSAs are those established by the Office of Management and Budget effective June 30, 1983.

b. The constituent counties (and New England towns and cities) included in the current 335 MSAs and PMSAs are identified in the explanatory note following the listing of the FMRs in Schedules B and D. The MSAs are listed in alphabetical order.

3. Calculation of FMRs for Five- or more Bedroom Units

The FMRs for unit sizes larger than four-bedrooms shall be calculated by adding 15 percent to the four-bedroom FMR for each additional bedroom. To illustrate, the calculation of the FMR for a five-bedroom unit would be 1.15x4-BR FMR = 5-BR FMR. The calculation of the FMR for a six-bedroom unit would be 1.30 times the four-bedroom FMR, etc.

4. HUD Policy in Implementing the New Definition of Metropolitan Statistical Areas (MSAs)

In those counties that have been changed from metropolitan to nonmetropolitan FMR area and the 45th percentile FMR calculations for 1983 are lower than the previously proposed 40th percentile FMRs, the previously proposed FMRs are approved for 1983. For each such county, the accompanying rent table contains a parenthetical number which represents the reduction in the accompanying FMR figure which would be appropriate, given the nonmetropolitan status of the county, in the absence of our policy of maintaining FMR levels at no less than the previously proposed (40th percentile) FMRs.

5. Arrangement of the FMR Areas by HUD Regional and Field Office Jurisdictions

The FMRs in Schedules B and D are arranged by HUD Regional and Field Office jurisdictions. The states included in each of the 10 HUD Regional Office jurisdictions are as follows:

(a) Boston—Maine, Massachusetts, Vermont, New Hampshire, Rhode Island, Connecticut.

(b) New York—New York, New Jersey, Puerto Rico, Virgin Islands.

(c) Philadelphia—Maryland, Pennsylvania, Delaware, West Virginia, Virginia, District of Columbia.

(d) Atlanta—Georgia, Alabama, South Carolina, North Carolina, Mississippi, Florida, Kentucky, Tennessee.

(e) Chicago—Illinois, Ohio, Michigan, Indiana, Wisconsin, Minnesota.

(f) Fort Worth—New Mexico, Texas, Arkansas, Louisiana, Oklahoma.

(g) Kansas City—Missouri, Kansas, Iowa, Nebraska.

(h) Denver—Wyoming, Colorado, North Dakota, Montana, Utah, South Dakota.

(i) San Francisco—Hawaii, California, Arizona, Nevada, Guam.

(j) Seattle—Alaska, Idaho, Oregon, Washington.

BILLING CODE 4210-27-M

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 0916

FMR AREA BY HUD JURISDICTION (SEE NOTES AT END OF SCHEDULE)		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
REGION - 1 BANGOR, MAINE OFFICE						
MSA : BANGOR, ME		272	326	385	481	535
MSA : LEWISTON-AUBURN, ME		267	321	351	439	492
MSA : PORTLAND, ME		305	370	434	549	620
MSA : PORTSMOUTH-DOVER-ROCHESTER, NH-ME		291	356	415	514	578
NON MSA PART : ANDROSCOGGIN	ME	236	274	325	404	443
COUNTY : AROOSTOOK	ME	264	318	369	459	510
NON MSA PART : CUMBERLAND	ME	267	326	384	479	536
COUNTY : FRANKLIN	ME	240	276	326	396	430
COUNTY : HANCOCK	ME	254	302	356	444	497
COUNTY : KENNEBEC	ME	249	289	342	425	466
COUNTY : KNOX	ME	259	298	352	425	461
COUNTY : LINCOLN	ME	259	298	352	425	461
COUNTY : OXFORD	ME	240	276	326	396	430
NON MSA PART : PENOBSCOT	ME	249	302	353	439	486
COUNTY : PISCATAQUIS	ME	240	276	326	396	430
COUNTY : SAGADAHOC	ME	272	332	391	488	546
COUNTY : SOMERSET	ME	259	298	352	425	461
NON MSA PART : WALDO	ME	240	276	326	396	430
COUNTY : WASHINGTON	ME	240	276	326	396	430
NON MSA PART : YORK	ME	288	352	410	508	572
REGION - 1 BOSTON, MASSACHUSETTS OFFICE						
PMSA : BOSTON, MA		380	438	515	635	706
PMSA : BROCKTON, MA		273	333	394	495	550
PMSA : FALL RIVER, MA-RI		275	318	375	469	508
MSA : FITCHBURG-LEOMINSTER, MA		255	312	368	462	516
PMSA : LAWRENCE-HAVERHILL, MA-NH		316	369	431	557	618
PMSA : LOWELL, MA-NH		326	373	432	538	599
MSA : NEW BEDFORD, MA		280	324	382	478	518
PMSA : PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA		266	306	361	452	491
MSA : PITTSFIELD, MA		274	335	391	487	549
PMSA : SALEM-GLOUCESTER, MA		380	438	515	635	706
MSA : SPRINGFIELD, MA		302	366	429	533	586
MSA : WORCESTER, MA		310	359	419	522	565
COUNTY : BARNSTABLE	MA	361	426	503	634	709
NON MSA PART : BERKSHIRE	MA	249	306	359	449	482
NON MSA PART : BRISTOL	MA	259	298	350	440	477
COUNTY : DUKES	MA	361	426	503	634	709
COUNTY : FRANKLIN	MA	291	343	404	487	530
NON MSA PART : HAMPDEN	MA	261	302	357	448	489
NON MSA PART : HAMPSHIRE	MA	356	420	491	595	683
COUNTY : NANTUCKET	MA	361	426	503	634	709
NON MSA PART : PLYMOUTH	MA	296	352	414	515	575
NON MSA PART : WORCESTER	MA	283	328	383	482	524
REGION - 1 BURLINGTON, VERMONT OFFICE						
MSA : BURLINGTON, VT		326	391	462	601	670
COUNTY : ADDISON	VT	285	344	403	521	590
COUNTY : BENNINGTON	VT	285	344	403	521	590
COUNTY : CALEDONIA	VT	264	310	366	477	540
NON MSA PART : CHITTENDEN	VT	285	344	403	521	590
COUNTY : ESSEX	VT	264	310	362	437	481
NON MSA PART : FRANKLIN	VT	264	310	366	477	540
NON MSA PART : GRAND ISLE	VT	242	285	336	438	496
COUNTY : LAMOILLE	VT	264	310	362	437	481
COUNTY : ORANGE	VT	264	310	366	477	540
COUNTY : ORLEANS	VT	264	310	366	477	540
COUNTY : RUTLAND	VT	285	344	403	521	590
COUNTY : WASHINGTON	VT	264	310	366	477	540
COUNTY : WINDHAM	VT	285	344	403	521	590
COUNTY : WINDSOR	VT	285	344	403	521	590
REGION - 1 HARTFORD, CONNECTICUT OFFICE						
PMSA : BRIDGEPORT-MILFORD, CT		292	353	416	514	574
PMSA : BRISTOL, CT		259	319	376	475	527
PMSA : DANBURY, CT		334	404	474	586	651
PMSA : HARTFORD, CT		291	351	415	516	574
PMSA : MIDDLETOWN, CT		282	341	399	495	553
PMSA : NEW BRITAIN, CT		259	319	376	475	527
MSA : NEW HAVEN-MERIDEN, CT		296	355	415	519	574
MSA : NEW LONDON-NORWICH, CT-RI		282	341	399	495	553
PMSA : NORWALK, CT		335	403	473	587	651
PMSA : STAMFORD, CT		350	420	490	614	680
MSA : WATERBURY, CT		276	328	387	483	541
NON MSA PART : HARTFORD	CT	259	319	376	475	527
NON MSA PART : LITCHFIELD	CT	255	314	370	468	519
NON MSA PART : MIDDLESEX	CT	319	387	454	569	635
NON MSA PART : NEW LONDON	CT	228	277	326	408	455
NON MSA PART : TOLLAND	CT	302	363	424	530	586
COUNTY : WINDHAM	CT	238	295	348	436	487
REGION - 1 MANCHESTER, NEW HAMPSHIRE OFFICE						
PMSA : LAWRENCE-HAVERHILL, MA-NH		316	369	431	557	618

PMSA : LOWELL, MA-NH		326	373	432	538	599
MSA : MANCHESTER, NH		291	348	409	505	569
PMSA : NASHUA, NH		335	407	478	589	640
MSA : PORTSMOUTH-DOVER-ROCHESTER, NH-ME		291	356	415	514	578
COUNTY : BELKNAP	NH	285	344	403	500	552
COUNTY : CARROLL	NH	285	344	403	500	552
COUNTY : CHESHIRE	NH	291	356	415	514	578
COUNTY : COOS	NH	249	293	344	420	455
COUNTY : GRAFTON	NH	285	344	403	500	552
NON MSA PART : HILLSBOROUGH	NH	280	343	400	495	557
NON MSA PART : MERRIMACK	NH	291	356	415	514	578
NON MSA PART : ROCKINGHAM	NH	297	361	425	529	592
NON MSA PART : STRAFFORD	NH	296	357	418	519	573
COUNTY : SULLIVAN	NH	285	344	403	500	552
REGION - 1 PROVIDENCE, RHODE ISLAND OFFICE						
PMSA : FALL RIVER, MA-RI		275	318	375	469	508
MSA : NEW LONDON-NORWICH, CT-RI		282	341	399	495	553
PMSA : PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA		266	306	361	452	491
PMSA : PROVIDENCE, RI		255	293	346	433	471
NON MSA PART : KENT	RI	275	318	373	472	512
NON MSA PART : NEWPORT	RI	303	341	405	489	535
NON MSA PART : WASHINGTON	RI	290	336	394	498	541
REGION - 2 ALBANY, NEW YORK OFFICE						
MSA : ALBANY-SCHENECTADY-TROY, NY		257	313	368	461	517
MSA : BINGHAMTON, NY		237	285	338	419	472
MSA : GLENS FALLS, NY		219	266	314	392	439
MSA : SYRACUSE, NY		248	297	350	437	484
MSA : UTICA-ROME, NY		191	234	279	350	391
COUNTY : CAYUGA	NY	226	279	327	410	456
COUNTY : CHENANGO	NY	243	271	333	409	451
COUNTY : CLINTON	NY	237	285	332	412	453
COUNTY : COLUMBIA	NY	219	266	314	392	439
COUNTY : CORTLAND	NY	226	279	327	410	456
COUNTY : DELAWARE	NY	195	239	285	358	398
COUNTY : ESSEX	NY	225	272	320	400	447
COUNTY : FRANKLIN	NY	203	243	281	344	376
COUNTY : FULTON	NY	182	226	269	342	382
COUNTY : HAMILTON	NY	182	226	269	342	382
COUNTY : JEFFERSON	NY	214	251	299	358	392
COUNTY : LEWIS	NY	203	243	281	344	376
COUNTY : OTSEGO	NY	195	239	285	358	398
COUNTY : SCHOHARIE	NY	226	263	312	383	418
COUNTY : ST LAWRENCE	NY	217	254	308	372	409
COUNTY : TOMPKINS	NY	254	320	373	481	529
REGION - 2 BUFFALO, NEW YORK OFFICE						
PMSA : BUFFALO, NY		262	322	375	459	519
MSA : ELMIRA, NY		239	279	344	430	478
PMSA : NIAGARA FALLS, NY		252	310	361	441	499
MSA : ROCHESTER, NY		255	308	359	445	495
COUNTY : ALLEGANY	NY	212	254	297	373	415
COUNTY : CATTARAUGUS	NY	206	248	291	361	408
COUNTY : CHAUTAUQUA	NY	212	254	297	373	415
COUNTY : GENESEE	NY	225	266	302	373	408
COUNTY : SCHUYLER	NY	223	268	323	376	437
COUNTY : SENECA	NY	263	307	362	441	480
COUNTY : STEUBEN	NY	223	258	310	391	435
COUNTY : WYOMING	NY	231	279	326	406	453
COUNTY : YATES	NY	226	279	327	410	456
REGION - 2 CAMDEN, NEW JERSEY OFFICE						
MSA : ATLANTIC CITY, NJ		269	327	382	477	533
PMSA : MONMOUTH-OCEAN, NJ		313	379	445	553	618
PMSA : PHILADELPHIA, PA-NJ		271	327	383	480	532
PMSA : TRENTON, NJ		289	350	410	510	569
PMSA : VINELAND-MILLVILLE-BRIDGETON, NJ		263	320	376	471	524
PMSA : WILMINGTON, DE-NJ-MD		288	346	403	497	550
REGION - 2 NEW YORK, NEW YORK OFFICE						
PMSA : NASSAU-SUFFOLK, NY		369	453	522	651	722
PMSA : NEW YORK, NY		297	357	420	523	582
PMSA : ORANGE COUNTY, NY		285	344	403	500	558
MSA : POUGHKEEPSIE, NY		302	361	420	527	590
COUNTY : SULLIVAN	NY	247	299	353	442	491
COUNTY : ULSTER	NY	272	326	385	481	535
REGION - 2 NEWARK, NEW JERSEY OFFICE						
MSA : ALLENTOWN-BETHLEHEM, PA-NJ		280	308	356	434	473
PMSA : BERGEN-PASSAIC, NJ		374	452	531	660	736

PMSA	: JERSEY CITY, NJ		253	308	365	456	509
PMSA	: MIDDLESEX-SOMERSET-HUNTERDON, NJ		331	400	469	583	650
PMSA	: MONMOUTH-OCEAN, NJ		313	379	445	553	618
PMSA	: NEWARK, NJ		310	346	410	493	536
REGION - 2	CARIBBEAN OFFICE						
MSA	: AGUADILLA, PR		210	251	296	369	407
MSA	: ARECIBO, PR		308	371	431	534	590
PMSA	: CAGUAS, PR		254	306	359	444	490
MSA	: MAYAGUEZ, PR		210	251	296	369	407
MSA	: PONCE, PR		303	368	426	526	587
PMSA	: SAN JUAN, PR		303	368	426	526	587
MUNICIPIO	: ALL OTHER	PR	198	241	285	350	391
	: -CHAR.AMALIE	VI	340	405	473	581	648
	: ST. CROIX	VI	283	339	397	490	541
	: ST. THOMAS	VI	316	380	445	547	603
REGION - 3	BALTIMORE, MARYLAND OFFICE						
MSA	: BALTIMORE, MD		304	364	430	529	594
	: -COLUMBIA(U)	MD	355	430	504	627	694
MSA	: CUMBERLAND, MD-WV		234	281	329	405	456
MSA	: HAGERSTOWN, MD		257	309	361	448	500
MSA	: WASHINGTON, DC-MD-VA		296	355	414	511	565
PMSA	: WILMINGTON, DE-NJ-MD		288	346	403	497	550
COUNTY	: CAROLINE	MD	248	299	350	434	484
COUNTY	: DORCHESTER	MD	248	299	350	434	484
COUNTY	: GARRETT	MD	240	286	339	423	474
COUNTY	: KENT	MD	263	315	373	466	518
COUNTY	: SOMERSET	MD	248	299	350	434	484
COUNTY	: ST MARYS	MD	315	378	441	559	621
COUNTY	: TALBOT	MD	281	339	396	491	548
COUNTY	: WICOMICO	MD	281	339	396	491	548
COUNTY	: WORCESTER	MD	257	315	367	454	512
REGION - 3	CHARLESTON, WEST VIRGINIA OFFICE						
MSA	: CHARLESTON, WV		251	302	352	437	486
MSA	: CUMBERLAND, MD-WV		234	281	329	405	456
MSA	: HUNTINGTON-ASHLAND, WV-KY-OH		224	267	312	385	427
MSA	: PARKERSBURG-MARIETTA, WV-OH		235	284	329	406	452
MSA	: STEUBENVILLE-WEIRTON, OH-WV		232	279	327	405	450
MSA	: WHEELING, WV-OH		237	285	330	406	453
COUNTY	: BARBOUR	WV	241	292	339	417	461
COUNTY	: BERKELEY	WV	241	292	339	417	461
COUNTY	: BOONE	WV	216	260	300	374	412
COUNTY	: BRAXTON	WV	216	260	300	374	412
COUNTY	: CALHOUN	WV	216	260	300	374	412
COUNTY	: CLAY	WV	216	260	300	374	412
COUNTY	: DODDRIDGE	WV	241	292	339	417	461
COUNTY	: FAYETTE	WV	216	260	300	374	412
COUNTY	: GILMER	WV	216	260	300	374	412
COUNTY	: GRANT	WV	241	292	339	417	461
COUNTY	: GREENBRIER	WV	216	260	300	374	412
COUNTY	: HAMPSHIRE	WV	241	292	339	417	461
COUNTY	: HARDY	WV	241	292	339	417	461
COUNTY	: HARRISON	WV	241	292	339	417	461
COUNTY	: JACKSON	WV	234	275	321	398	438
COUNTY	: JEFFERSON	WV	241	292	339	417	461
COUNTY	: LEWIS	WV	241	292	339	417	461
COUNTY	: LINCOLN	WV	216	260	300	374	412
COUNTY	: LOGAN	WV	216	260	300	374	412
COUNTY	: MARION	WV	241	292	339	417	461
COUNTY	: MASON	WV	216	260	300	374	412
COUNTY	: MCDOWELL	WV	227	271	316	391	437
COUNTY	: MERCER	WV	227	271	316	391	437
COUNTY	: MINGO	WV	216	260	300	374	412
COUNTY	: MONONGALIA	WV	241	292	339	417	461
COUNTY	: MONROE	WV	216	260	300	374	412
COUNTY	: MORGAN	WV	241	292	339	417	461
COUNTY	: NICHOLAS	WV	216	260	300	374	412
COUNTY	: PENDLETON	WV	241	292	339	417	461
COUNTY	: PLEASANTS	WV	227	275	322	398	440
COUNTY	: POCAHONTAS	WV	216	260	300	374	412
COUNTY	: PRESTON	WV	241	292	339	417	461
COUNTY	: RALEIGH	WV	216	260	300	374	412
COUNTY	: RANDOLPH	WV	241	292	339	417	461
COUNTY	: RITCHIE	WV	227	275	322	398	440
COUNTY	: ROANE	WV	216	260	300	374	412
COUNTY	: SUMMERS	WV	216	260	300	374	412
COUNTY	: TAYLOR	WV	241	292	339	417	461
COUNTY	: TUCKER	WV	241	292	339	417	461
COUNTY	: TYLER	WV	218	262	305	380	420
COUNTY	: UPSHUR	WV	241	292	339	417	461
COUNTY	: WEBSTER	WV	216	260	300	374	412
COUNTY	: WETZEL	WV	218	262	305	380	420
COUNTY	: WIRT	WV	201 (16)	243 (19)	282 (22)	349 (28)	389 (32)

COUNTY	: WYOMING	WV	216	260	300	374	412
REGION - 3	PHILADELPHIA, PENNSYLVANIA OFFICE						
MSA	: ALLENTOWN-BETHLEHEM, PA-NJ		260	308	356	434	473
MSA	: HARRISBURG-LEBANON-CARLISLE, PA		275	319	379	477	518
MSA	: LANCASTER, PA		254	314	379	488	529
PMSA	: PHILADELPHIA, PA-NJ		271	327	383	480	532
MSA	: READING, PA		242	285	356	444	490
MSA	: SCRANTON--WILKES-BARRE, PA		233	288	338	416	472
MSA	: STATE COLLEGE, PA		217	263	310	382	420
MSA	: WILLIAMSPORT, PA		181	226	268	337	378
MSA	: YORK, PA		247	298	352	471	524
COUNTY	: BRADFORD	PA	242	291	338	431	478
COUNTY	: CLINTON	PA	217	263	310	382	420
COUNTY	: FRANKLIN	PA	217	263	310	382	420
COUNTY	: JUNIATA	PA	189	243	292	354	395
COUNTY	: MIFFLIN	PA	206	260	314	379	426
COUNTY	: MONTOUR	PA	206	254	306	366	402
COUNTY	: NORTHUMBRLND	PA	231	266	314	392	439
COUNTY	: PIKE	PA	248	291	361	450	490
COUNTY	: SCHUYLKILL	PA	240	283	344	418	458
COUNTY	: SNYDER	PA	189	243	292	354	395
COUNTY	: SULLIVAN	PA	195	243	304	372	398
COUNTY	: SUSQUEHANNA	PA	226	272	322	400	450
COUNTY	: TIOGA	PA	233	274	315	410	454
COUNTY	: UNION	PA	248	291	361	450	490
COUNTY	: WAYNE	PA	212	245	289	343	376
REGION - 3	PITTSBURGH, PENNSYLVANIA OFFICE						
MSA	: ALTOONA, PA		217	264	309	390	432
PMSA	: BEAVER COUNTY, PA		253	304	355	439	490
MSA	: ERIE, PA		233	265	319	402	437
MSA	: JOHNSTOWN, PA		217	255	308	378	418
PMSA	: PITTSBURGH, PA		265	319	372	460	515
MSA	: SHARON, PA		175	217	257	329	365
COUNTY	: ARMSTRONG	PA	166	209	251	318	354
COUNTY	: BEDFORD	PA	187	219	263	332	363
COUNTY	: BUTLER	PA	225	264	309	377	410
COUNTY	: CAMERON	PA	181	226	268	337	378
COUNTY	: CLARION	PA	166	209	251	318	354
COUNTY	: CLEARFIELD	PA	211	252	300	362	401
COUNTY	: CRAWFORD	PA	212	260	308	386	426
COUNTY	: ELK	PA	181	226	268	337	378
COUNTY	: FOREST	PA	175	217	257	329	365
COUNTY	: FULTON	PA	163	203	243	307	344
COUNTY	: GREENE	PA	148	187	226	287	323
COUNTY	: HUNTINGDON	PA	163	203	243	307	344
COUNTY	: INDIANA	PA	231	279	332	412	453
COUNTY	: JEFFERSON	PA	181	226	268	337	378
COUNTY	: LAWRENCE	PA	175	217	257	329	365
COUNTY	: MCKEAN	PA	199	245	276	346	392
COUNTY	: POTTER	PA	199	248	293	362	409
COUNTY	: VENANGO	PA	175	217	257	329	365
COUNTY	: WARREN	PA	175	217	257	329	365
REGION - 3	RICHMOND, VIRGINIA OFFICE						
MSA	: CHARLOTTESVILLE, VA		290	349	402	497	550
MSA	: DANVILLE, VA		242	293	342	420	467
MSA	: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA		230	276	323	397	439
MSA	: LYNCHBURG, VA		266	320	372	458	512
MSA	: NORFOLK-VIRGINIA BEACH-NEWPORT NEWS, VA		290	349	402	497	550
MSA	: RICHMOND-PETERSBURG, VA		276	333	389	482	539
MSA	: ROANOKE, VA		265	319	371	456	510
MSA	: WASHINGTON, DC-MD-VA		296	355	414	511	565
COUNTY	: ACCOMACK	VA	229	275	322	398	441
COUNTY	: ALLEGHANY	VA	222	270	314	389	434
COUNTY	: AMELIA	VA	256	310	361	446	498
COUNTY	: APPOMATTOX	VA	244	294	342	421	471
COUNTY	: AUGUSTA	VA	213	258	300	376	417
COUNTY	: BATH	VA	213	258	300	376	417
COUNTY	: BEDFORD	VA	265	319	371	456	510
INDEP. CITY	: BEDFORD	VA	265	319	371	456	510
COUNTY	: BLAND	VA	176	218	256	320	354
COUNTY	: BRUNSWICK	VA	256	310	361	446	498
COUNTY	: BUCHANAN	VA	176	218	256	320	354
COUNTY	: BUCKINGHAM	VA	256	310	361	446	498
INDEP. CITY	: BUENA VISTA	VA	213	258	300	376	417
COUNTY	: CAROLINE	VA	256	310	361	446	498
COUNTY	: CARROLL	VA	197	241	283	350	389
COUNTY	: CHARLOTTE	VA	265	319	371	456	510
COUNTY	: CLARKE	VA	213	258	300	376	417
INDEP. CITY	: CLIFTON FORG	VA	222	270	314	389	434
INDEP. CITY	: COVINGTON	VA	222	270	314	389	434
COUNTY	: CRAIG	VA	227 (22)	273 (26)	319 (31)	393 (39)	440 (44)
COUNTY	: CULPEPER	VA	222	270	323	394	435
COUNTY	: CUMBERLAND	VA	256	310	361	446	498
COUNTY	: DICKENSON	VA	216	237	282	336	410

INDEP. CITY : EMPORIA	VA	256	310	361	446	498
COUNTY : ESSEX	VA	256	310	361	446	498
COUNTY : FAUQUIER	VA	250	300	349	434	481
COUNTY : FLOYD	VA	265	319	371	456	510
COUNTY : FRANKLIN	VA	195	237	276	347	381
INDEP. CITY : FRANKLIN	VA	222	270	314	389	434
COUNTY : FREDERICK	VA	213	258	300	376	417
INDEP. CITY : FREDERICKBUR	VA	271	323	376	465	516
INDEP. CITY : GALAX	VA	197	241	283	350	389
COUNTY : GILES	VA	222	270	314	389	434
COUNTY : GRAYSON	VA	197	241	283	350	389
COUNTY : GREENSVILLE	VA	256	310	361	446	498
COUNTY : HALIFAX	VA	265	319	371	456	510
INDEP. CITY : HARRISONBURG	VA	213	258	300	376	417
COUNTY : HENRY	VA	265	319	371	456	510
COUNTY : HIGHLAND	VA	213	258	300	376	417
COUNTY : ISLE OFWIGHT	VA	195	237	276	347	381
COUNTY : KING + QUEEN	VA	256	310	361	446	498
COUNTY : KING GEORGE	VA	271	323	376	465	516
COUNTY : KING WILLIAM	VA	256	310	361	446	498
COUNTY : LANCASTER	VA	256	310	361	446	498
COUNTY : LEE	VA	179	218	256	320	354
INDEP. CITY : LEXINGTON	VA	213	258	300	376	417
COUNTY : LOUISA	VA	256	310	361	446	498
COUNTY : LUNENBURG	VA	256	310	361	446	498
COUNTY : MADISON	VA	256	310	361	446	498
INDEP. CITY : MARTINSVILLE	VA	265	319	371	456	510
COUNTY : MATHEWS	VA	195	237	276	347	381
COUNTY : MECKLENBURG	VA	256	310	361	446	498
COUNTY : MIDDLESEX	VA	195	237	276	347	381
COUNTY : MONTGOMERY	VA	265	319	371	456	510
COUNTY : NELSON	VA	242	293	342	420	467
COUNTY : NORTHAMPTON	VA	229	275	322	398	441
COUNTY : NORTHUMBERLD	VA	256	310	361	446	498
INDEP. CITY : NORTON	VA	230	276	323	397	439
COUNTY : NOTTOWAY	VA	256	310	361	446	498
COUNTY : ORANGE	VA	256	310	361	446	498
COUNTY : PAGE	VA	213	258	300	376	417
COUNTY : PATRICK	VA	265	319	371	456	510
COUNTY : PRINCEEDWARD	VA	256	310	361	446	498
COUNTY : PULASKI	VA	265	319	371	456	510
INDEP. CITY : RADFORD	VA	265	319	371	456	510
COUNTY : RAPPAHANNOCK	VA	222	270	314	389	434
COUNTY : RICHMOND	VA	281	339	396	491	548
COUNTY : ROCKBRIDGE	VA	213	258	300	376	417
COUNTY : ROCKINGHAM	VA	213	258	300	376	417
COUNTY : RUSSELL	VA	230	276	323	397	439
COUNTY : SHENANDOAH	VA	213	258	300	376	417
COUNTY : SMYTH	VA	179	218	256	320	354
INDEP. CITY : SOUTH BOSTON	VA	265	319	371	456	510
COUNTY : SOUTHAMPTON	VA	195	237	276	347	381
COUNTY : SPOTSLYVANIA	VA	271	323	376	465	516
INDEP. CITY : STAUNTON	VA	238	288	335	417	477
COUNTY : SURRY	VA	195	237	276	347	381
COUNTY : SUSSEX	VA	256	310	361	446	498
COUNTY : TAZEWELL	VA	230	276	323	397	439
COUNTY : WARREN	VA	213	258	300	376	417
INDEP. CITY : WAYNESBORO	VA	213	258	300	376	417
COUNTY : WESTMORELAND	VA	256	310	361	446	498
INDEP. CITY : WINCHESTER	VA	213	258	300	376	417
COUNTY : WISE	VA	230	276	323	397	439
COUNTY : WYTHE	VA	222	270	314	389	434
REGION - 3 WASHINGTON, D.C. OFFICE						
MSA : WASHINGTON, DC-MD-VA		296	355	414	511	565
REGION - 3 WILMINGTON, DELAWARE OFFICE						
PMSA : WILMINGTON, DE-NJ-MD		288	346	403	497	550
COUNTY : KENT	DE	234	298	349	448	487
COUNTY : SUSSEX	DE	234	298	349	448	487
REGION - 4 ATLANTA, GEORGIA OFFICE						
MSA : ALBANY, GA		195	237	276	347	381
MSA : ATHENS, GA		269	321	378	473	529
MSA : ATLANTA, GA		266	321	372	459	508
MSA : AUGUSTA, GA-SC		244	294	344	427	476
MSA : CHATTANOOGA, TN-GA		220	269	315	389	435
MSA : COLUMBUS, GA-AL		214	260	303	378	420
MSA : MACON-WARNER ROBINS, GA		243	296	347	432	484
MSA : SAVANNAH, GA		272	295	333	412	457
COUNTY : APPLING	GA	197	241	283	350	389
COUNTY : ATKINSON	GA	179	219	258	323	355
COUNTY : BACON	GA	197	241	283	350	389
COUNTY : BAKER	GA	195	237	276	347	381

COUNTY	: BALDWIN	GA	240	286	339	423	468	
COUNTY	: BANKS	GA	218	265	312	387	433	
COUNTY	: BARTON	GA	182	225	262	326	362	
COUNTY	: BEN HILL	GA	195	237	276	347	381	
COUNTY	: BERRIEN	GA	177	217	251	318	349	
COUNTY	: BLECKLEY	GA	195	237	276	347	381	
COUNTY	: BRANTLEY	GA	212	257	300	374	413	
COUNTY	: BROOKS	GA	177	217	251	318	349	
COUNTY	: BRYAN	GA	232 (1)	252 (2)	284 (1)	353 (4)	392 (5)	
COUNTY	: BULLOCH	GA	197	241	283	350	389	
COUNTY	: BURKE	GA	202	244	290	357	398	
COUNTY	: CALHOUN	GA	195	237	276	347	381	
COUNTY	: CAMDEN	GA	212	257	300	374	413	
COUNTY	: CANDLER	GA	197	241	283	350	389	
COUNTY	: CARROLL	GA	240	286	339	423	468	
COUNTY	: CHARLTON	GA	195	236	276	342	378	
COUNTY	: CHATTOOGA	GA	189	231	271	337	378	
COUNTY	: CLAY	GA	195	237	276	347	381	
COUNTY	: CLINCH	GA	177	217	251	318	349	
COUNTY	: COFFEE	GA	197	241	283	350	389	
COUNTY	: COLQUITT	GA	205	251	292	367	406	
COUNTY	: COOK	GA	177	217	251	318	349	
COUNTY	: CRAWFORD	GA	195	237	276	347	381	
COUNTY	: CRISP	GA	212	260	302	378	416	
COUNTY	: DAWSON	GA	182	225	262	326	362	
COUNTY	: DECATUR	GA	195	237	276	347	381	
COUNTY	: DODGE	GA	195	237	276	347	381	
COUNTY	: DOOLY	GA	195	237	276	347	381	
COUNTY	: EARLY	GA	195	237	276	347	381	
COUNTY	: ECHOLS	GA	177	217	251	318	349	
COUNTY	: ELBERT	GA	218	265	312	387	433	
COUNTY	: EMANUEL	GA	202	244	290	357	398	
COUNTY	: EVANS	GA	197	241	283	350	389	
COUNTY	: FANNIN	GA	182	225	262	326	362	
COUNTY	: FLOYD	GA	234	281	333	417	462	
COUNTY	: FRANKLIN	GA	200	242	286	353	396	
COUNTY	: GILMER	GA	182	225	262	326	362	
COUNTY	: GLASCOCK	GA	202	244	290	357	398	
COUNTY	: GLYNN	GA	231	281	326	405	451	
COUNTY	: GORDON	GA	189	231	271	337	378	
COUNTY	: GRADY	GA	195	237	276	347	381	
COUNTY	: GREENE	GA	200	242	286	353	396	
COUNTY	: HABERSHAM	GA	213	263	306	380	421	
COUNTY	: HALL	GA	243	296	349	431	482	
COUNTY	: HANCOCK	GA	195	237	276	347	381	
COUNTY	: HARALSON	GA	182	225	262	326	362	
COUNTY	: HARRIS	GA	197	240	279	348	385	
COUNTY	: HART	GA	211	254	312	373	411	
COUNTY	: HEARD	GA	214	260	303	378	420	
COUNTY	: IRWIN	GA	195	237	276	347	381	
COUNTY	: JASPER	GA	195	237	276	347	381	
COUNTY	: JEFF DAVIS	GA	197	241	283	350	389	
COUNTY	: JEFFERSON	GA	220	269	315	389	435	
COUNTY	: JENKINS	GA	202	244	290	357	398	
COUNTY	: JOHNSON	GA	195	237	276	347	381	
COUNTY	: LAMAR	GA	209	251	298	367	407	
COUNTY	: LANIER	GA	177	217	251	318	349	
COUNTY	: LAURENS	GA	213	260	302	378	416	
COUNTY	: LIBERTY	GA	197	241	283	350	389	
COUNTY	: LINCOLN	GA	202	244	290	357	398	
COUNTY	: LONG	GA	197	241	283	350	389	
COUNTY	: LOWNDES	GA	257	309	367	454	512	
COUNTY	: LUMPKIN	GA	182	225	262	326	362	
COUNTY	: MACON	GA	195	237	276	347	381	
COUNTY	: MARION	GA	197	240	279	348	385	
COUNTY	: MCINTOSH	GA	212	257	300	374	413	
COUNTY	: MERIWETHER	GA	197	240	279	348	385	
COUNTY	: MILLER	GA	195	237	276	347	381	
COUNTY	: MITCHELL	GA	195	237	276	347	381	
COUNTY	: MONROE	GA	195	237	276	347	381	
COUNTY	: MONTGOMERY	GA	197	241	283	350	389	
COUNTY	: MORGAN	GA	200	242	286	353	396	
COUNTY	: MURRAY	GA	189	231	271	337	378	
COUNTY	: OGLETHORPE	GA	200	242	286	353	396	
COUNTY	: PICKENS	GA	182	225	262	326	362	
COUNTY	: PIERCE	GA	212	257	300	374	413	
COUNTY	: PIKE	GA	209	251	298	367	407	
COUNTY	: POLK	GA	202	249	291	362	403	
COUNTY	: PULASKI	GA	195	237	276	347	381	
COUNTY	: PUTNAM	GA	195	237	276	347	381	
COUNTY	: QUITMAN	GA	214	260	303	378	420	
COUNTY	: RABUN	GA	182	225	262	326	362	
COUNTY	: RANDOLPH	GA	195	237	276	347	381	
COUNTY	: SCHLEY	GA	197	240	279	348	385	
COUNTY	: SCREVEN	GA	197	241	283	350	389	
COUNTY	: SEMINOLE	GA	195	237	276	347	381	
COUNTY	: STEPHENS	GA	211	251	298	374	412	
COUNTY	: STEWART	GA	197	240	279	348	385	
COUNTY	: SUMTER	GA	234	284	332	410	455	
COUNTY	: TALBOT	GA	214	260	303	378	420	
COUNTY	: TALIAFERRO	GA	202	244	290	357	398	
COUNTY	: TATTNALL	GA	197	241	283	350	389	

COUNTY : TAYLOR	GA	195	237	276	347	381	
COUNTY : TELFAIR	GA	195	237	276	347	381	
COUNTY : TERRELL	GA	195	237	276	347	381	
COUNTY : THOMAS	GA	222	271	315	395	434	
COUNTY : TIFT	GA	216	263	306	383	421	
COUNTY : TOOMBS	GA	197	241	283	350	389	
COUNTY : TOWNS	GA	182	225	262	326	362	
COUNTY : TREUTLEN	GA	195	237	276	347	381	
COUNTY : TROUP	GA	219	265	312	389	434	
COUNTY : TURNER	GA	195	237	276	347	381	
COUNTY : TWIGGS	GA	210 (35)	255 (42)	300 (50)	375 (63)	420 (71)	
COUNTY : UNION	GA	182	225	262	326	362	
COUNTY : UPSON	GA	190	231	271	336	375	
COUNTY : WARE	GA	212	257	300	374	413	
COUNTY : WARREN	GA	202	244	290	357	398	
COUNTY : WASHINGTON	GA	195	237	276	347	381	
COUNTY : WAYNE	GA	197	241	283	350	389	
COUNTY : WEBSTER	GA	197	240	279	348	385	
COUNTY : WHEELER	GA	195	237	276	347	381	
COUNTY : WHITE	GA	182	225	262	326	362	
COUNTY : WHITFIELD	GA	189	231	271	337	378	
COUNTY : WILCOX	GA	195	237	276	347	381	
COUNTY : WILKES	GA	202	244	290	357	398	
COUNTY : WILKINSON	GA	195	237	276	347	381	
COUNTY : WORTH	GA	195	237	276	347	381	
REGION - 4 BIRMINGHAM, ALABAMA OFFICE							
MSA : ANNISTON, AL		199	245	286	361	402	
MSA : BIRMINGHAM, AL		229	280	327	404	448	
MSA : COLUMBUS, GA-AL		214	260	303	378	420	
MSA : DOTHAN, AL		211	256	298	372	410	
MSA : FLORENCE, AL		222	271	321	392	435	
MSA : GADSDEN, AL		169	210	244	308	341	
MSA : HUNTSVILLE, AL		243	296	344	427	475	
MSA : MOBILE, AL		217	257	309	380	425	
MSA : MONTGOMERY, AL		186	227	269	332	370	
MSA : TUSCALOOSA, AL		218	265	312	387	433	
COUNTY : BARBOUR	AL	212	257	300	374	413	
COUNTY : BIBB	AL	218	265	312	387	433	
COUNTY : BULLOCK	AL	186	227	269	332	370	
COUNTY : BUTLER	AL	212	257	300	374	413	
COUNTY : CHAMBERS	AL	214	260	303	378	420	
COUNTY : CHEROKEE	AL	169	210	244	308	341	
COUNTY : CHILTON	AL	218	265	312	387	433	
COUNTY : CHOCTAN	AL	214	260	303	378	420	
COUNTY : CLARKE	AL	200	244	289	359	401	
COUNTY : CLAY	AL	169	210	244	308	341	
COUNTY : CLEBURNE	AL	182	225	262	326	362	
COUNTY : COFFEE	AL	212	257	300	374	413	
COUNTY : CONECUH	AL	200	244	289	359	401	
COUNTY : COOSA	AL	186	227	269	332	370	
COUNTY : COVINGTON	AL	212	257	300	374	413	
COUNTY : CRENSHAW	AL	212	257	300	374	413	
COUNTY : CULLMAN	AL	169	210	244	308	341	
COUNTY : DALLAS	AL	186	227	269	332	370	
COUNTY : DE KALB	AL	189	231	271	337	378	
COUNTY : ESCAMBIA	AL	223	271	315	391	437	
COUNTY : FAYETTE	AL	218	265	312	387	433	
COUNTY : FRANKLIN	AL	183	226	267	329	369	
COUNTY : GENEVA	AL	212	257	300	374	413	
COUNTY : GREENE	AL	218	265	312	387	433	
COUNTY : HALE	AL	218	265	312	387	433	
COUNTY : HENRY	AL	212	257	300	374	413	
COUNTY : JACKSON	AL	189	231	271	337	378	
COUNTY : LAMAR	AL	218	265	312	387	433	
COUNTY : LAWRENCE	AL	183	226	267	329	369	
COUNTY : LEE	AL	214	260	303	378	420	
COUNTY : LIMESTONE	AL	204	249	289	358	399	
COUNTY : LOWNDES	AL	186	227	269	332	370	
COUNTY : MACON	AL	186	227	269	332	370	
COUNTY : MARENGO	AL	214	260	303	378	420	
COUNTY : MARION	AL	218	265	312	387	433	
COUNTY : MARSHALL	AL	197 (24)	240 (29)	280 (34)	348 (44)	388 (49)	
COUNTY : MONROE	AL	200	244	289	359	401	
COUNTY : MORGAN	AL	213	257	300	374	412	
COUNTY : PERRY	AL	186	227	269	332	370	
COUNTY : PICKENS	AL	218	265	312	387	433	
COUNTY : PIKE	AL	212	257	300	374	413	
COUNTY : RANDOLPH	AL	214	260	303	378	420	
COUNTY : SUMTER	AL	214	260	303	378	420	
COUNTY : TALLADEGA	AL	197	241	282	349	390	
COUNTY : TALLAPOOSA	AL	186	227	269	332	370	
COUNTY : WASHINGTON	AL	200	244	289	359	401	
COUNTY : WILCOX	AL	200	244	289	359	401	
COUNTY : WINSTON	AL	218	265	312	387	433	
REGION - 4 CORAL GABLES, FLORIDA OFFICE							
PMSA : FORT LAUDERDALE-HOLLYWOOD-POMPANO BEACH, FL		354	420	491	604	668	

MSA	: FORT MYERS, FL		290	349	406	503	559
MSA	: FORT PIERCE, FL		228	278	324	400	447
PMSA	: MIAMI-HIALEAH, FL		354	424	494	611	680
MSA	: WEST PALM BEACH-BOCA RATON-DELRAY BEACH, FL		322	385	449	552	610
COUNTY	: CHARLOTTE	FL	290	349	406	503	559
COUNTY	: COLLIER	FL	344	412	487	607	675
COUNTY	: GLADES	FL	232	283	330	407	455
COUNTY	: HENDRY	FL	232	283	330	407	455
COUNTY	: MONROE	FL	232	283	330	407	455
REGION - 4	COLUMBIA, SOUTH CAROLINA OFFICE						
MSA	: ANDERSON, SC		186	227	269	332	370
MSA	: AUGUSTA, GA-SC		244	294	344	427	476
MSA	: CHARLESTON, SC		255	310	361	449	498
MSA	: CHARLOTTE-GASTONIA-ROCK HILL, NC-SC		260	315	365	454	502
MSA	: COLUMBIA, SC		248	299	350	434	484
MSA	: FLORENCE, SC		198	241	285	350	392
MSA	: GREENVILLE-SPARTANBURG, SC		213	258	300	376	417
COUNTY	: ABBEVILLE	SC	186	227	269	332	370
COUNTY	: ALLENDALE	SC	220	269	315	389	435
COUNTY	: BAMBERG	SC	220	269	315	389	435
COUNTY	: BARNWELL	SC	220	269	315	389	435
COUNTY	: BEAUFORT	SC	220	269	315	389	435
COUNTY	: CALHOUN	SC	199	242	288	354	396
COUNTY	: CHEROKEE	SC	212	255	298	374	410
COUNTY	: CHESTER	SC	200	244	289	359	401
COUNTY	: CHESTERFIELD	SC	198	241	285	350	392
COUNTY	: CLARENDON	SC	199	242	288	354	396
COUNTY	: COLLETON	SC	220	269	315	389	435
COUNTY	: DARLINGTON	SC	198	241	285	350	392
COUNTY	: DILLON	SC	198	241	285	350	392
COUNTY	: EDGEFIELD	SC	220	269	315	389	435
COUNTY	: FAIRFIELD	SC	199	242	288	354	396
COUNTY	: GEORGETOWN	SC	198	241	285	350	392
COUNTY	: GREENWOOD	SC	186	227	269	332	370
COUNTY	: HAMPTON	SC	220	269	315	389	435
COUNTY	: HORRY	SC	220	267	312	383	428
COUNTY	: JASPER	SC	197	241	283	350	389
COUNTY	: KERSHAW	SC	199	242	288	354	396
COUNTY	: LANCASTER	SC	200	244	289	359	401
COUNTY	: LAURENS	SC	186	227	269	332	370
COUNTY	: LEE	SC	199	242	288	354	396
COUNTY	: MARION	SC	198	241	285	350	392
COUNTY	: MARLBORO	SC	198	241	285	350	392
COUNTY	: MCCORMICK	SC	220	269	315	389	435
COUNTY	: NEWBERRY	SC	199	242	288	354	396
COUNTY	: OCONEE	SC	212	255	298	374	410
COUNTY	: ORANGEBURG	SC	220	267	312	383	428
COUNTY	: SALUDA	SC	220	269	315	389	435
COUNTY	: SUMTER	SC	199	242	288	354	396
COUNTY	: UNION	SC	186	244	289	359	401
COUNTY	: WILLIAMSBURG	SC	198	241	285	350	392
REGION - 4	GREENSBORO, NORTH CAROLINA OFFICE						
MSA	: ASHEVILLE, NC		202	245	292	359	402
MSA	: BURLINGTON, NC		230	279	325	405	449
MSA	: CHARLOTTE-GASTONIA-ROCK HILL, NC-SC		260	315	365	454	502
MSA	: FAYETTEVILLE, NC		233	282	328	405	451
MSA	: GREENSBORO--WINSTON-SALEM--HIGH POINT, NC		230	279	325	405	449
MSA	: HICKORY, NC		206	249	293	367	402
MSA	: JACKSONVILLE, NC		214	260	303	378	420
MSA	: RALEIGH-DURHAM, NC		261	316	372	460	511
MSA	: WILMINGTON, NC		212	258	301	376	417
COUNTY	: ALLEGHANY	NC	210	254	298	373	409
COUNTY	: ANSON	NC	212	255	298	373	410
COUNTY	: ASHE	NC	210	254	298	373	409
COUNTY	: AVERY	NC	210	254	298	373	409
COUNTY	: BEAUFORT	NC	226	271	316	394	435
COUNTY	: BERTIE	NC	195	237	276	347	381
COUNTY	: BLADEN	NC	233	282	328	405	451
COUNTY	: BRUNSWICK	NC	218	265	309	385	428
COUNTY	: CALDWELL	NC	210	254	298	373	409
COUNTY	: CAMDEN	NC	226	271	316	394	435
COUNTY	: CARTERET	NC	197	240	279	348	385
COUNTY	: CASWELL	NC	242	293	342	420	467
COUNTY	: CHATHAM	NC	233	282	328	405	451
COUNTY	: CHEROKEE	NC	199	242	288	354	396
COUNTY	: CHOWAN	NC	226	271	316	394	435
COUNTY	: CLAY	NC	199	242	288	354	396
COUNTY	: CLEVELAND	NC	210	254	298	373	409
COUNTY	: COLUMBUS	NC	214	260	303	378	420
COUNTY	: CRAVEN	NC	197	240	279	348	385
COUNTY	: CURRITUCK	NC	257	309	356	441	488
COUNTY	: DARE	NC	226	271	316	394	435
COUNTY	: DUPLIN	NC	214	260	303	378	420
COUNTY	: EDGECOMBE	NC	195	237	276	347	381
COUNTY	: GATES	NC	226	271	316	394	435
COUNTY	: GRAHAM	NC	199	242	288	354	396

COUNTY	: GRANVILLE	NC	195		237		276		347		381	
COUNTY	: GREENE	NC	226		271		316		394		435	
COUNTY	: HALIFAX	NC	195		237		276		347		381	
COUNTY	: HARNETT	NC	233		282		328		405		451	
COUNTY	: HAYWOOD	NC	199		242		288		354		396	
COUNTY	: HENDERSON	NC	199		242		288		354		396	
COUNTY	: HERTFORD	NC	195		237		276		347		381	
COUNTY	: HOKE	NC	233		282		328		405		451	
COUNTY	: HYDE	NC	226		271		316		394		435	
COUNTY	: IREDELL	NC	211		257		303		374		419	
COUNTY	: JACKSON	NC	199		242		288		354		396	
COUNTY	: JOHNSTON	NC	243		294		347		430		474	
COUNTY	: JONES	NC	197		240		279		348		385	
COUNTY	: LEE	NC	233		282		328		405		451	
COUNTY	: LENOIR	NC	197		240		279		348		385	
COUNTY	: MACON	NC	199		242		288		354		396	
COUNTY	: MADISON	NC	170	(27)	207	(34)	246	(39)	304	(50)	340	(56)
COUNTY	: MARTIN	NC	226		271		316		394		435	
COUNTY	: MCDOWELL	NC	210		254		298		373		409	
COUNTY	: MITCHELL	NC	210		254		298		373		409	
COUNTY	: MONTGOMERY	NC	212		255		298		373		410	
COUNTY	: MOORE	NC	212		255		298		373		410	
COUNTY	: NASH	NC	195		237		276		347		381	
COUNTY	: NORTHAMPTON	NC	195		237		276		347		381	
COUNTY	: PAMLICO	NC	197		240		279		348		385	
COUNTY	: PASQUOTANK	NC	226		271		316		394		435	
COUNTY	: PENDER	NC	214		260		303		378		420	
COUNTY	: PERQUIMANS	NC	226		271		316		394		435	
COUNTY	: PERSON	NC	233		282		328		405		451	
COUNTY	: PITT	NC	226		271		316		394		435	
COUNTY	: POLK	NC	210		254		298		373		409	
COUNTY	: RICHMOND	NC	212		255		298		373		410	
COUNTY	: ROBESON	NC	233		282		328		405		451	
COUNTY	: ROCKINGHAM	NC	197		241		283		350		389	
COUNTY	: RUTHERFORD	NC	210		254		298		373		409	
COUNTY	: SAMPSON	NC	233		282		328		405		451	
COUNTY	: SCOTLAND	NC	187		229		271		335		375	
COUNTY	: STANLY	NC	187		229		271		335		375	
COUNTY	: SURRY	NC	230		279		325		405		449	
COUNTY	: SWAIN	NC	199		242		288		354		396	
COUNTY	: TRANSYLVANIA	NC	199		242		288		354		396	
COUNTY	: TYRRELL	NC	226		271		316		394		435	
COUNTY	: VANCE	NC	195		237		276		347		381	
COUNTY	: WARREN	NC	253		305		357		440		491	
COUNTY	: WASHINGTON	NC	226		271		316		394		435	
COUNTY	: WATAUGA	NC	210		254		298		373		409	
COUNTY	: WAYNE	NC	226		271		316		394		435	
COUNTY	: WILKES	NC	210		254		298		373		409	
COUNTY	: WILSON	NC	195		237		276		347		381	
COUNTY	: YANCEY	NC	210		254		298		373		409	
REGION - 4	JACKSON, MISSISSIPPI OFFICE											
MSA	: BILOXI-GULFPORT, MS		235		310		356		463		483	
MSA	: JACKSON, MS		248		300		374		468		517	
MSA	: MEMPHIS, TN-AR-MS		225		273		320		420		455	
MSA	: PASCAGOULA, MS		234		309		355		461		493	
COUNTY	: ADAMS	MS	197		230		271		359		390	
COUNTY	: ALCORN	MS	223		263		309		392		432	
COUNTY	: AMITE	MS	197		230		271		359		390	
COUNTY	: ATTALA	MS	213		238		283		367		397	
COUNTY	: BENTON	MS	196		235		271		336		375	
COUNTY	: BOLIVAR	MS	214		233		284		359		392	
COUNTY	: CALHOUN	MS	214		260		301		376		440	
COUNTY	: CARROLL	MS	213		238		283		367		397	
COUNTY	: CHICKASAW	MS	223		263		309		392		432	
COUNTY	: CHOCTAW	MS	213		243		290		357		398	
COUNTY	: CLAIBORNE	MS	213		238		283		367		397	
COUNTY	: CLARKE	MS	214		260		303		378		420	
COUNTY	: CLAY	MS	213		243		290		357		398	
COUNTY	: COAHOMA	MS	217		263		307		382		423	
COUNTY	: COPIAH	MS	213		238		283		367		397	
COUNTY	: COVINGTON	MS	214		260		303		378		420	
COUNTY	: FORREST	MS	214		260		303		378		420	
COUNTY	: FRANKLIN	MS	197		230		271		359		390	
COUNTY	: GEORGE	MS	211		255		296		370		411	
COUNTY	: GREENE	MS	211		255		296		370		411	
COUNTY	: GRENADA	MS	213		238		283		367		397	
COUNTY	: HOLMES	MS	213		238		283		367		397	
COUNTY	: HUMPHREYS	MS	214		233		284		359		392	
COUNTY	: ISSAQUENA	MS	214		233		284		359		392	
COUNTY	: ITAWAMBA	MS	223		263		309		392		432	
COUNTY	: JASPER	MS	214		260		303		378		420	
COUNTY	: JEFFERSON	MS	197		230		271		359		390	
COUNTY	: JEFFERSON DA	MS	197		230		271		359		390	
COUNTY	: JONES	MS	214		260		303		378		420	
COUNTY	: KEMPER	MS	214		260		303		378		420	
COUNTY	: LAFAYETTE	MS	213		255		296		367		407	
COUNTY	: LAMAR	MS	214		260		303		378		420	
COUNTY	: LAUDERDALE	MS	234		298		339		454		474	
COUNTY	: LAWRENCE	MS	197		230		271		359		390	

COUNTY	: LEAKE	MS	214	260	303	378	420
COUNTY	: LEE	MS	223	263	309	392	432
COUNTY	: LEFLORE	MS	213	238	283	367	397
COUNTY	: LINCOLN	MS	197	230	271	359	390
COUNTY	: LOWNDES	MS	234	292	333	448	468
COUNTY	: MARION	MS	185	226	267	329	370
COUNTY	: MARSHALL	MS	213	255	296	367	407
COUNTY	: MONROE	MS	223	263	309	392	432
COUNTY	: MONTGOMERY	MS	213	243	290	357	398
COUNTY	: NESHOBA	MS	214	260	303	378	420
COUNTY	: NEWTON	MS	214	260	303	378	420
COUNTY	: NOXUBEE	MS	200	244	289	357	398
COUNTY	: OKTIBBEHA	MS	234	269	309	417	456
COUNTY	: PANOLA	MS	213	255	296	367	407
COUNTY	: PEARL RIVER	MS	189	229	274	376	435
COUNTY	: PERRY	MS	214	260	303	378	420
COUNTY	: PIKE	MS	197	230	271	359	390
COUNTY	: PONTOTOC	MS	223	263	309	392	432
COUNTY	: PRENTISS	MS	223	263	309	392	432
COUNTY	: QUITMAN	MS	213	255	296	367	407
COUNTY	: SCOTT	MS	214	260	303	378	420
COUNTY	: SHARKEY	MS	214	233	284	359	392
COUNTY	: SIMPSON	MS	213	238	283	367	397
COUNTY	: SMITH	MS	214	260	303	378	420
COUNTY	: STONE	MS	200 (2)	265 (3)	305 (4)	397 (6)	415 (7)
COUNTY	: SUNFLOWER	MS	214	233	284	359	392
COUNTY	: TALLAHATCHIE	MS	185	227	269	332	370
COUNTY	: TATE	MS	213	255	296	367	407
COUNTY	: TIPPAH	MS	223	263	309	392	432
COUNTY	: TISHOMIGO	MS	223	263	309	392	432
COUNTY	: TUNICA	MS	213	255	296	367	407
COUNTY	: UNION	MS	223	263	309	392	432
COUNTY	: WALTHALL	MS	197	230	271	359	390
COUNTY	: WARREN	MS	234	286	344	423	451
COUNTY	: WASHINGTON	MS	234	257	321	398	432
COUNTY	: WAYNE	MS	214	260	303	378	420
COUNTY	: WEBSTER	MS	213	243	290	357	398
COUNTY	: WILKINSON	MS	187	230	271	335	373
COUNTY	: WINSTON	MS	213	243	290	357	398
COUNTY	: YALOBUSHA	MS	185	227	269	332	370
COUNTY	: YAZOO	MS	213	238	283	367	397
REGION - 4	JACKSONVILLE, FLORIDA OFFICE						
MSA	: FORT WALTON BEACH, FL		241	295	346	426	473
MSA	: GAINESVILLE, FL		228	278	324	400	447
MSA	: JACKSONVILLE, FL		264	316	374	468	520
MSA	: OCALA, FL		232	283	330	407	455
MSA	: PANAMA CITY, FL		232	283	330	407	455
MSA	: PENSACOLA, FL		241	295	346	426	473
MSA	: TALLAHASSEE, FL		225	275	321	396	442
COUNTY	: BAKER	FL	225 (26)	270 (31)	320 (37)	402 (48)	447 (54)
COUNTY	: CALHOUN	FL	232	283	330	407	455
COUNTY	: COLUMBIA	FL	212	257	300	374	413
COUNTY	: DIXIE	FL	232	283	330	407	455
COUNTY	: FLAGLER	FL	223	271	318	391	437
COUNTY	: FRANKLIN	FL	232	283	330	407	455
COUNTY	: GILCHRIST	FL	232	283	330	407	455
COUNTY	: GULF	FL	232	283	330	407	455
COUNTY	: HAMILTON	FL	212	257	300	374	413
COUNTY	: HOLMES	FL	232	283	330	407	455
COUNTY	: JACKSON	FL	232	283	330	407	455
COUNTY	: JEFFERSON	FL	232	283	330	407	455
COUNTY	: LAFAYETTE	FL	212	257	300	374	413
COUNTY	: LEVY	FL	232	283	330	407	455
COUNTY	: LIBERTY	FL	232	283	330	407	455
COUNTY	: MADISON	FL	232	283	330	407	455
COUNTY	: PUTNAM	FL	232	283	330	407	455
COUNTY	: SUWANNEE	FL	212	257	300	374	413
COUNTY	: TAYLOR	FL	232	283	330	407	455
COUNTY	: UNION	FL	212	257	300	374	413
COUNTY	: WAKULLA	FL	198 (19)	242 (24)	283 (28)	351 (37)	392 (41)
COUNTY	: WALTON	FL	241	295	346	426	473
COUNTY	: WASHINGTON	FL	232	283	330	407	455
REGION - 4	ORLANDO, FLORIDA OFFICE						
MSA	: DAYTONA BEACH, FL		223	271	318	391	437
MSA	: FORT PIERCE, FL		228	278	324	400	447
MSA	: MELBOURNE-TITUSVILLE-PALM BAY, FL		288	346	403	497	550
MSA	: ORLANDO, FL		288	347	407	500	556
COUNTY	: INDIAN RIVER	FL	238	292	356	423	455
COUNTY	: LAKE	FL	223	271	318	391	437
COUNTY	: OKEECHOBEE	FL	232	283	330	407	455
REGION - 4	LOUISVILLE, KENTUCKY OFFICE						
PMSA	: CINCINNATI, OH-KY-IN		225	272	319	395	439
MSA	: CLARKSVILLE-HOPKINSVILLE, TN-KY		251	315	373	461	518
MSA	: EVANSVILLE, IN-KY		250	278	333	399	438

MSA	:	HUNTINGTON-ASHLAND, WV-KY-OH		224	267	312	385	427
MSA	:	LEXINGTON-FAYETTE, KY		235	285	347	440	498
MSA	:	LOUISVILLE, KY-IN		231	280	328	409	457
MSA	:	OWENSBORO, KY		247	296	349	432	477
COUNTY	:	ADAIR	KY	198	241	282	347	378
COUNTY	:	ALLEN	KY	198	241	282	347	378
COUNTY	:	ANDERSON	KY	235	285	332	410	456
COUNTY	:	BALLARD	KY	187	229	271	335	375
COUNTY	:	BARREN	KY	198	241	282	347	378
COUNTY	:	BATH	KY	235	285	332	410	456
COUNTY	:	BELL	KY	198	241	282	347	378
COUNTY	:	BOYLE	KY	227	255	306	392	403
COUNTY	:	BRACKEN	KY	247	296	349	432	477
COUNTY	:	BREATHITT	KY	198	241	282	347	378
COUNTY	:	BRECKINRIDGE	KY	238	291	340	421	466
COUNTY	:	BUTLER	KY	198	241	282	347	378
COUNTY	:	CALDWELL	KY	203	247	293	362	402
COUNTY	:	CALLOWAY	KY	187	229	271	335	375
COUNTY	:	CARLISLE	KY	187	229	271	335	375
COUNTY	:	CARROLL	KY	247	296	349	432	477
COUNTY	:	CASEY	KY	162	196	227	284	310
COUNTY	:	CLAY	KY	198	241	282	347	378
COUNTY	:	CLINTON	KY	198	241	282	347	378
COUNTY	:	CRITTENDON	KY	203	247	293	362	402
COUNTY	:	CUMBERLAND	KY	198	241	282	347	378
COUNTY	:	EDMONSON	KY	198	241	282	347	378
COUNTY	:	ELLIOTT	KY	189	229	272	392	419
COUNTY	:	ESTILL	KY	235	285	332	410	456
COUNTY	:	FLEMING	KY	247	296	349	432	477
COUNTY	:	FLOYD	KY	169	210	244	308	341
COUNTY	:	FRANKLIN	KY	235	285	332	410	456
COUNTY	:	FULTON	KY	187	229	271	335	375
COUNTY	:	GALLATIN	KY	247	296	349	432	477
COUNTY	:	GARRARD	KY	162	196	227	284	310
COUNTY	:	GRANT	KY	247	296	349	432	477
COUNTY	:	GRAVES	KY	187	229	271	335	375
COUNTY	:	GRAYSON	KY	238	291	340	421	466
COUNTY	:	GREEN	KY	198	241	282	347	378
COUNTY	:	HANCOCK	KY	196	240	293	362	402
COUNTY	:	HARDIN	KY	238	291	340	421	466
COUNTY	:	HARLAN	KY	198	241	282	347	378
COUNTY	:	HARRISON	KY	235	285	348	431	475
COUNTY	:	HART	KY	238	291	340	421	466
COUNTY	:	HENRY	KY	238	291	340	421	466
COUNTY	:	HICKMAN	KY	187	229	271	335	375
COUNTY	:	HOPKINS	KY	196	240	293	362	402
COUNTY	:	JACKSON	KY	198	241	282	347	378
COUNTY	:	JOHNSON	KY	169	210	244	308	341
COUNTY	:	KNOTT	KY	198	241	282	347	378
COUNTY	:	KNOX	KY	198	241	282	347	378
COUNTY	:	LARUE	KY	238	291	340	421	466
COUNTY	:	LAUREL	KY	198	241	282	347	378
COUNTY	:	LAWRENCE	KY	189	229	272	392	419
COUNTY	:	LEE	KY	198	241	282	347	378
COUNTY	:	LESLIE	KY	198	241	282	347	378
COUNTY	:	LETCHER	KY	198	241	282	347	378
COUNTY	:	LEWIS	KY	247	296	349	432	477
COUNTY	:	LINCOLN	KY	162	196	227	284	310
COUNTY	:	LIVINGSTON	KY	187	229	271	335	375
COUNTY	:	LOGAN	KY	203	247	293	362	402
COUNTY	:	LYON	KY	203	247	293	362	402
COUNTY	:	MADISON	KY	235	285	348	431	475
COUNTY	:	MAGOFFIN	KY	198	241	282	347	378
COUNTY	:	MARION	KY	238	291	340	421	466
COUNTY	:	MARSHALL	KY	212	249	294	363	406
COUNTY	:	MARTIN	KY	169	210	244	308	341
COUNTY	:	MASON	KY	247	296	349	432	477
COUNTY	:	MCCRACKEN	KY	212	249	294	363	406
COUNTY	:	MCCREARY	KY	198	241	282	347	378
COUNTY	:	MCLEAN	KY	196	240	293	362	402
COUNTY	:	MEADE	KY	238	291	340	421	466
COUNTY	:	MENIFEE	KY	198	241	282	347	378
COUNTY	:	MERCER	KY	235	285	332	410	456
COUNTY	:	METCALFE	KY	198	241	282	347	378
COUNTY	:	MONROE	KY	198	241	282	347	378
COUNTY	:	MONTGOMERY	KY	235	285	348	431	475
COUNTY	:	MORGAN	KY	198	241	282	347	378
COUNTY	:	MUHLENBERG	KY	196	240	293	362	402
COUNTY	:	NELSON	KY	238	291	340	421	466
COUNTY	:	NICHOLAS	KY	235	285	332	410	456
COUNTY	:	OHIO	KY	196	240	281	349	385
COUNTY	:	OWEN	KY	247	296	349	432	477
COUNTY	:	OWSLEY	KY	198	241	282	347	378
COUNTY	:	PENDLETON	KY	247	296	349	432	477
COUNTY	:	PERRY	KY	198	241	282	347	378
COUNTY	:	PIKE	KY	198	241	282	347	378
COUNTY	:	POWELL	KY	198	241	282	359	378
COUNTY	:	PULASKI	KY	198	241	282	347	378
COUNTY	:	ROBERTSON	KY	247	296	349	432	477
COUNTY	:	ROCKCASTLE	KY	198	241	282	347	378
COUNTY	:	ROWAN	KY	169	210	244	308	341
COUNTY	:	RUSSELL	KY	162	196	227	284	310

COUNTY : SIMPSON	KY	198	241	282	347	378
COUNTY : SPENCER	KY	238	291	340	421	466
COUNTY : TAYLOR	KY	198	241	282	347	378
COUNTY : TODD	KY	220	269	315	389	435
COUNTY : TRIGG	KY	220	269	315	389	435
COUNTY : TRIMBLE	KY	238	291	340	421	466
COUNTY : UNION	KY	196	240	293	362	402
COUNTY : WARREN	KY	198	241	282	347	378
COUNTY : WASHINGTON	KY	238	291	340	421	466
COUNTY : WAYNE	KY	198	241	282	347	378
COUNTY : WEBSTER	KY	196	240	293	362	402
COUNTY : WHITLEY	KY	198	241	282	359	378
COUNTY : WOLFE	KY	162	196	227	284	310
REGION - 4 KNOXVILLE, TENNESSEE OFFICE						
MSA : CHATTANOOGA, TN-GA		220	269	315	389	435
MSA : JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA		230	276	323	397	439
MSA : KNOXVILLE, TN		230	276	327	432	467
COUNTY : BLEDSOE	TN	189	231	271	337	378
COUNTY : BRADLEY	TN	189	231	271	337	378
COUNTY : CAMPBELL	TN	199	251	281	361	395
COUNTY : CLAIBORNE	TN	199	251	281	361	395
COUNTY : COCKE	TN	199	251	281	361	395
COUNTY : CUMBERLAND	TN	199	251	281	361	395
COUNTY : FENTRESS	TN	176	218	256	320	354
COUNTY : GREENE	TN	218	264	309	383	426
COUNTY : GRUNDY	TN	189	231	271	337	378
COUNTY : HAMBLEN	TN	199	251	281	361	395
COUNTY : HANCOCK	TN	218	264	309	383	426
COUNTY : JOHNSON	TN	218	264	309	383	426
COUNTY : LOUDON	TN	199	251	281	361	395
COUNTY : MCMINN	TN	189	231	271	337	378
COUNTY : MEIGS	TN	189	231	271	337	378
COUNTY : MONROE	TN	199	251	281	361	395
COUNTY : MORGAN	TN	199	251	281	361	395
COUNTY : PICKETT	TN	199	245	281	367	406
COUNTY : POLK	TN	189	231	271	337	378
COUNTY : RHEA	TN	189	231	271	337	378
COUNTY : ROANE	TN	199	251	281	361	395
COUNTY : SCOTT	TN	176	218	256	320	354
REGION - 4 MEMPHIS, TENNESSEE OFFICE						
MSA : MEMPHIS, TN-AR-MS		225	273	320	420	455
COUNTY : BENTON	TN	202	244	290	357	398
COUNTY : CARROLL	TN	199	251	281	361	395
COUNTY : CHESTER	TN	199	251	281	361	395
COUNTY : CROCKETT	TN	199	251	281	361	395
COUNTY : DECATUR	TN	199	251	281	361	395
COUNTY : DYER	TN	199	251	281	361	395
COUNTY : FAYETTE	TN	199	245	275	354	389
COUNTY : GIBSON	TN	199	251	281	361	395
COUNTY : HARDEMAN	TN	199	245	275	354	389
COUNTY : HARDIN	TN	199	245	275	354	389
COUNTY : HAYWOOD	TN	199	251	281	361	395
COUNTY : HENDERSON	TN	199	251	281	361	395
COUNTY : HENRY	TN	199	251	281	361	395
COUNTY : LAKE	TN	187	229	271	335	375
COUNTY : LAUDERDALE	TN	199	251	281	361	395
COUNTY : MADISON	TN	223	281	321	398	451
COUNTY : MCNAIRY	TN	199	245	275	354	389
COUNTY : OBION	TN	199	245	275	354	389
COUNTY : WEAKLEY	TN	199	251	281	361	395
REGION - 4 NASHVILLE, TENNESSEE OFFICE						
MSA : CLARKSVILLE-HOPKINSVILLE, TN-KY		251	315	373	461	518
MSA : NASHVILLE, TN		257	321	378	466	522
COUNTY : BEDFORD	TN	205	257	292	361	406
COUNTY : CANNON	TN	199	245	281	367	406
COUNTY : CLAY	TN	167	206	243	305	339
COUNTY : COFFEE	TN	205	257	292	361	406
COUNTY : DE KALB	TN	199	245	281	367	406
COUNTY : FRANKLIN	TN	213	257	300	374	412
COUNTY : GILES	TN	205	257	292	361	406
COUNTY : HICKMAN	TN	205	257	292	361	406
COUNTY : HOUSTON	TN	202	244	290	357	398
COUNTY : HUMPHREYS	TN	220	269	315	389	435
COUNTY : JACKSON	TN	167	206	243	305	339
COUNTY : LAWRENCE	TN	205	257	292	361	406
COUNTY : LEWIS	TN	189	231	271	337	378
COUNTY : LINCOLN	TN	213	257	300	374	412
COUNTY : MACON	TN	199	245	281	367	406
COUNTY : MARSHALL	TN	205	257	292	361	406
COUNTY : MAURY	TN	205	257	292	361	406
COUNTY : MOORE	TN	205	257	292	361	406
COUNTY : OVERTON	TN	199	245	281	367	406
COUNTY : PERRY	TN	167	206	243	305	339
COUNTY : PUTNAM	TN	199	245	281	367	406
COUNTY : SMITH	TN	199	245	281	367	406

COUNTY : STEWART	TN	202	244	290	357	398	
COUNTY : TROUSDALE	TN	199	245	281	367	406	
COUNTY : VAN BUREN	TN	167	206	243	305	339	
COUNTY : WARREN	TN	199	245	281	367	406	
COUNTY : WAYNE	TN	199	245	275	354	389	
COUNTY : WHITE	TN	199	245	281	367	406	
REGION - 4 TAMPA, FLORIDA OFFICE							
MSA : BRADENTON, FL		290	349	406	503	559	
MSA : LAKELAND-WINTER HAVEN, FL		240	294	344	425	471	
MSA : SARASOTA, FL		290	349	406	503	559	
MSA : TAMPA-ST. PETERSBURG-CLEARWATER, FL		247	298	368	490	533	
COUNTY : CITRUS	FL	240	294	344	425	471	
COUNTY : DE SOTO	FL	267	322	373	462	512	
COUNTY : HARDEE	FL	267	322	373	462	512	
COUNTY : HIGHLANDS	FL	232	283	330	407	455	
COUNTY : SUMTER	FL	223	271	318	391	437	
REGION - 5 CHICAGO, ILLINOIS OFFICE							
PMSA : AURORA-ELGIN, IL		389	470	550	688	766	
PMSA : CHICAGO, IL		353	426	498	623	694	
MSA : DAVENPORT-ROCK ISLAND-MOLINE, IA-IL		253	307	360	447	497	
PMSA : JOLIET, IL		364	440	515	644	717	
MSA : KANKAKEE, IL		216	262	308	383	429	
PMSA : LAKE COUNTY, IL		401	485	567	709	789	
MSA : ROCKFORD, IL		243	303	366	443	505	
COUNTY : CARROLL	IL	216	262	308	383	429	
COUNTY : DE KALB	IL	243	294	345	430	479	
COUNTY : JO DAVIESS	IL	195	239	279	351	390	
COUNTY : LEE	IL	223	271	318	396	440	
COUNTY : OGLE	IL	223	271	318	396	440	
COUNTY : STEPHENSON	IL	223	271	318	396	440	
COUNTY : WHITESIDE	IL	216	262	308	383	429	
REGION - 5 CINCINNATI, OHIO OFFICE							
PMSA : CINCINNATI, OH-KY-IN		225	272	319	395	439	
MSA : DAYTON-SPRINGFIELD, OH		239	289	340	423	472	
PMSA : HAMILTON-MIDDLETOWN, OH		214	259	304	379	422	
COUNTY : ADAMS	OH	214	259	304	379	422	
COUNTY : BROWN	OH	214	259	304	379	422	
COUNTY : CLINTON	OH	214	259	304	379	422	
COUNTY : DARKE	OH	191	234	274	344	381	
COUNTY : HIGHLAND	OH	214	259	304	379	422	
COUNTY : PREBLE	OH	219 (5)	265 (6)	312 (8)	389 (10)	434 (11)	
REGION - 5 CLEVELAND, OHIO OFFICE							
PMSA : AKRON, OH		250	303	354	441	491	
MSA : CANTON, OH		226	272	322	397	441	
PMSA : CLEVELAND, OH		238	287	339	423	468	
PMSA : LORAIN-ELYRIA, OH		252	304	360	443	495	
MSA : MANSFIELD, OH		215	265	308	380	423	
MSA : STEUBENVILLE-WEIRTON, OH-WV		232	279	327	405	450	
MSA : TOLEDO, OH		224	270	318	395	440	
MSA : YOUNGSTOWN-WARREN, OH		216	262	308	383	429	
COUNTY : ASHLAND	OH	204	249	293	365	405	
COUNTY : ASHTABULA	OH	204	249	293	365	405	
COUNTY : COLUMBIANA	OH	193	238	278	349	388	
COUNTY : CRAWFORD	OH	209	252	294	372	411	
COUNTY : DEFIANCE	OH	195	239	279	351	390	
COUNTY : ERIE	OH	204	249	293	365	405	
COUNTY : HANCOCK	OH	204	249	293	365	405	
COUNTY : HARRISON	OH	190	237	277	348	388	
COUNTY : HENRY	OH	204	249	293	365	405	
COUNTY : HOLMES	OH	179	221	261	324	363	
COUNTY : HURON	OH	204	249	293	365	405	
COUNTY : OTTAWA	OH	211	255	300	372	414	
COUNTY : PAULDING	OH	195	239	279	351	390	
COUNTY : SANDUSKY	OH	204	249	293	365	405	
COUNTY : SENECA	OH	204	249	293	365	405	
COUNTY : TUSCARAWAS	OH	179	221	261	324	363	
COUNTY : WAYNE	OH	226	272	322	397	441	
COUNTY : WILLIAMS	OH	195	239	279	351	390	
COUNTY : WYANDOT	OH	209	252	294	372	411	
REGION - 5 COLUMBUS, OHIO OFFICE							
MSA : COLUMBUS, OH		226	275	325	403	445	
MSA : DAYTON-SPRINGFIELD, OH		239	289	340	423	472	
MSA : HUNTINGTON-ASHLAND, WV-KY-OH		224	267	312	385	427	
MSA : LIMA, OH		235	273	328	406	442	
MSA : PARKERSBURG-MARIETTA, WV-OH		235	284	329	408	452	
MSA : WHEELING, WV-OH		237	285	330	406	453	
COUNTY : ATHENS	OH	207	265	332	407	451	
COUNTY : CHAMPAIGN	OH	187	226	267	334	371	
COUNTY : COSHOCTON	OH	200	244	289	359	400	

COUNTY : FAYETTE	OH	173	211	251	315	350	
COUNTY : GALLIA	OH	178	221	261	324	363	
COUNTY : GUERNSEY	OH	215	255	305	377	420	
COUNTY : HARDIN	OH	195	239	279	351	390	
COUNTY : HOCKING	OH	195	239	279	351	390	
COUNTY : JACKSON	OH	173	211	251	315	350	
COUNTY : KNOX	OH	209	252	294	372	411	
COUNTY : LOGAN	OH	191	234	274	344	381	
COUNTY : MARION	OH	173	211	251	315	350	
COUNTY : MEIGS	OH	144	177	212	264	297	
COUNTY : MERCER	OH	195	239	279	351	390	
COUNTY : MONROE	OH	160	195	234	294	325	
COUNTY : MORGAN	OH	195	239	279	351	390	
COUNTY : MORROW	OH	209	252	294	372	411	
COUNTY : MUSKINGUM	OH	220	265	312	387	432	
COUNTY : NOBLE	OH	195	239	279	351	390	
COUNTY : PERRY	OH	190	233	273	341	377	
COUNTY : PIKE	OH	199	234	282	341	374	
COUNTY : PUTNAM	OH	209	243	292	363 (2)	395 (2)	
COUNTY : ROSS	OH	173	211	251	315	350	
COUNTY : SCIOTO	OH	198	231	278	335	370	
COUNTY : SHELBY	OH	204	238	289	365	393	
COUNTY : VAN WERT	OH	225	262	314	389	423	
COUNTY : VINTON	OH	173	211	251	315	350	
REGION - 5 DETROIT, MICHIGAN OFFICE							
PMSA : ANN ARBOR, MI		307	372	433	537	598	
PMSA : DETROIT, MI		275	332	389	487	541	
COUNTY : LENAWEE	MI	225	272	320	397	442	
REGION - 5 FLINT, MICHIGAN OFFICE							
MSA : FLINT, MI		260	312	365	455	506	
MSA : SAGINAW-BAY CITY-MIDLAND, MI		240	288	341	425	472	
COUNTY : ALCONA	MI	223	271	318	396	440	
COUNTY : ALPENA	MI	223	271	318	396	440	
COUNTY : ARENAC	MI	223	271	318	396	440	
COUNTY : GLADWIN	MI	223	271	318	396	440	
COUNTY : HURON	MI	223	271	318	396	440	
COUNTY : IOSCO	MI	223	271	318	396	440	
COUNTY : MONTMORENCY	MI	223	271	318	396	440	
COUNTY : OGEMAW	MI	223	271	335	396	440	
COUNTY : OSCODA	MI	223	271	318	396	440	
COUNTY : PRESQUE ISLE	MI	223	271	318	396	440	
COUNTY : SANILAC	MI	223	271	318	396	440	
COUNTY : SHIAWASSEE	MI	242	291	340	424	471	
COUNTY : TUSCOLA	MI	223	271	318	396	440	
REGION - 5 GRAND RAPIDS, MICHIGAN OFFICE							
MSA : BATTLE CREEK, MI		222	270	317	392	436	
MSA : BENTON HARBOR, MI		226	273	323	399	444	
MSA : GRAND RAPIDS, MI		218	264	326	384	428	
MSA : JACKSON, MI		222	270	317	392	436	
MSA : KALAMAZOO, MI		267	322	380	469	523	
MSA : LANSING-EAST LANSING, MI		280	337	396	494	548	
MSA : MUSKEGON, MI		211	253	295	369	407	
COUNTY : ALGER	MI	198	240	285	354	396	
COUNTY : ALLEGAN	MI	198	240	285	354	396	
COUNTY : ANTRIM	MI	198	240	285	354	396	
COUNTY : BARAGA	MI	198	240	285	354	396	
COUNTY : BARRY	MI	227	276	324	401	446	
COUNTY : BENZIE	MI	198	240	285	354	396	
COUNTY : BRANCH	MI	222	270	317	392	436	
COUNTY : CASS	MI	226	273	323	399	444	
COUNTY : CHARLEVOIX	MI	198	240	285	354	396	
COUNTY : CHEBOYGAN	MI	223	271	318	396	440	
COUNTY : CHIPPEWA	MI	223	271	335	396	440	
COUNTY : CLARE	MI	223	271	335	396	440	
COUNTY : CRAWFORD	MI	223	271	335	396	440	
COUNTY : DELTA	MI	217	254	326	387	431	
COUNTY : DICKINSON	MI	217	254	326	387	431	
COUNTY : EMMET	MI	198	240	285	354	396	
COUNTY : GOGEBIC	MI	223	272	304	372	409	
COUNTY : GRATIOT	MI	223	271	318	396	440	
COUNTY : GRD TRAVERSE	MI	270	307	348	436	522	
COUNTY : HILLSDALE	MI	222	270	317	392	436	
COUNTY : HOUGHTON	MI	217	254	326	387	431	
COUNTY : IONIA	MI	250 (17)	301 (21)	355 (25)	442 (31)	493 (37)	
COUNTY : IRON	MI	217	254	326	387	431	
COUNTY : ISABELLA	MI	223	271	318	396	440	
COUNTY : KALKASKA	MI	198	240	285	354	396	
COUNTY : KEWEENAW	MI	198	240	285	354	396	
COUNTY : LAKE	MI	217	254	326	387	431	
COUNTY : LEELANAU	MI	198	240	285	354	396	
COUNTY : LUCE	MI	223	271	318	396	440	
COUNTY : MACKINAC	MI	223	271	335	396	440	
COUNTY : MANISTEE	MI	217	254	326	387	431	
COUNTY : MARQUETTE	MI	217	254	326	387	431	
COUNTY : MASON	MI	217	254	326	387	431	

COUNTY : MECOSTA	MI	198	240	285	354	396	
COUNTY : MENOMINEE	MI	198	240	285	354	396	
COUNTY : MISSAUKEE	MI	217	254	326	387	431	
COUNTY : MONTCALM	MI	198	240	285	354	396	
COUNTY : NEWAYGO	MI	198	240	285	354	396	
COUNTY : OCEANA	MI	213	255	297	372	411	
COUNTY : ONTONAGON	MI	223	272	304	372	409	
COUNTY : OSCEOLA	MI	217	254	326	387	431	
COUNTY : OTSEGO	MI	223	271	335	396	440	
COUNTY : ROSCOMMON	MI	223	271	335	396	440	
COUNTY : SCHOOLCRAFT	MI	198	240	285	354	396	
COUNTY : ST JOSEPH	MI	226	273	323	399	444	
COUNTY : VAN BUREN	MI	239	289	341	420	468	
COUNTY : WEXFORD	MI	217	254	326	387	431	
REGION - 5 INDIANAPOLIS, INDIANA OFFICE							
MSA : ANDERSON, IN		215	260	306	379	424	
MSA : BLOOMINGTON, IN		231	279	330	409	457	
PMSA : CINCINNATI, OH-KY-IN		225	272	319	395	439	
MSA : ELKHART-GOSHEN, IN		235	284	332	411	460	
MSA : EVANSVILLE, IN-KY		250	278	333	399	438	
MSA : FORT WAYNE, IN		250	301	353	443	493	
PMSA : GARY-HAMMOND, IN		236	285	334	416	463	
MSA : INDIANAPOLIS, IN		231	282	330	411	458	
MSA : KOKOMO, IN		231	279	330	409	457	
MSA : LAFAYETTE, IN		222	272	322	397	446	
MSA : LOUISVILLE, KY-IN		231	280	328	409	457	
MSA : MUNCIE, IN		215	260	306	379	424	
MSA : SOUTH BEND-MISHAWAKA, IN		244	295	346	432	481	
MSA : TERRE HAUTE, IN		221	269	316	393	437	
COUNTY : ADAMS	IN	223 (3)	270 (4)	316 (5)	397 (6)	443 (8)	
COUNTY : BARTHOLOMEW	IN	231	279	330	409	457	
COUNTY : BENTON	IN	243	294	345	430	479	
COUNTY : BLACKFORD	IN	215	260	306	379	424	
COUNTY : BROWN	IN	231	279	330	409	457	
COUNTY : CARROLL	IN	243	294	345	430	479	
COUNTY : CASS	IN	231	279	330	409	457	
COUNTY : CLINTON	IN	243	294	345	430	479	
COUNTY : CRAWFORD	IN	207	250	296	367	408	
COUNTY : DAVIESS	IN	249	277	332	398	436	
COUNTY : DECATUR	IN	231	279	330	409	457	
COUNTY : DUBOIS	IN	249	277	332	398	436	
COUNTY : FAYETTE	IN	214	259	304	379	422	
COUNTY : FOUNTAIN	IN	243	294	345	430	479	
COUNTY : FRANKLIN	IN	214	259	304	379	422	
COUNTY : FULTON	IN	226	273	323	399	444	
COUNTY : GIBSON	IN	235	262	314	378	412	
COUNTY : GRANT	IN	215	260	306	379	424	
COUNTY : GREENE	IN	223	271	318	396	440	
COUNTY : HENRY	IN	215	260	306	379	424	
COUNTY : HUNTINGTON	IN	195	239	279	351	390	
COUNTY : JACKSON	IN	231	279	330	409	457	
COUNTY : JASPER	IN	216	262	308	383	429	
COUNTY : JAY	IN	215	260	306	379	424	
COUNTY : JEFFERSON	IN	207	250	296	367	408	
COUNTY : JENNINGS	IN	231	279	330	409	457	
COUNTY : KNOX	IN	211	253	294	367	405	
COUNTY : KOSCIUSKO	IN	226	273	323	399	444	
COUNTY : LA PORTE	IN	216	262	308	383	429	
COUNTY : LAGRANGE	IN	226	273	323	399	444	
COUNTY : LAWRENCE	IN	231	279	330	409	457	
COUNTY : MARSHALL	IN	239	289	340	423	472	
COUNTY : MARTIN	IN	249	277	332	398	436	
COUNTY : MIAMI	IN	231	279	330	409	457	
COUNTY : MONTGOMERY	IN	243	294	345	430	479	
COUNTY : NEWTON	IN	216	262	308	383	429	
COUNTY : NOBLE	IN	195	239	279	351	390	
COUNTY : OHIO	IN	214	259	304	379	422	
COUNTY : ORANGE	IN	207	250	296	367	408	
COUNTY : OWEN	IN	231	279	330	409	457	
COUNTY : PARKE	IN	223	271	318	396	440	
COUNTY : PERRY	IN	249	277	332	398	436	
COUNTY : PIKE	IN	249	277	332	398	436	
COUNTY : PULASKI	IN	216	262	308	383	429	
COUNTY : PUTNAM	IN	231	279	330	409	457	
COUNTY : RANDOLPH	IN	215	260	306	379	424	
COUNTY : RIPLEY	IN	214	259	304	379	422	
COUNTY : RUSH	IN	231	279	330	409	457	
COUNTY : SCOTT	IN	207	250	296	367	408	
COUNTY : SPENCER	IN	249	277	332	398	436	
COUNTY : STARKE	IN	216	262	308	383	429	
COUNTY : STEUBEN	IN	195	239	279	351	390	
COUNTY : SULLIVAN	IN	228	278	326	406	451	
COUNTY : SWITZERLAND	IN	214	259	304	379	422	
COUNTY : UNION	IN	214	259	304	379	422	
COUNTY : VERMILLION	IN	218	265	311	387	430	
COUNTY : WABASH	IN	195	239	279	351	390	
COUNTY : WARREN	IN	243	294	345	430	479	
COUNTY : WASHINGTON	IN	207	250	296	367	408	
COUNTY : WAYNE	IN	215	260	306	379	424	

COUNTY : WELLS	IN	223 (1)	270 (3)	316 (3)	397 (4)	443 (5)
COUNTY : WHITE	IN	243	294	345	430	479
REGION - 5 MILWAUKEE, WISCONSIN OFFICE						
MSA : APPLETON-OSHKOSH-NEENAH, WI		234	285	333	413	460
MSA : DULUTH, MN-WI		258	293	352	425	464
MSA : EAU CLAIRE, WI		210	253	297	373	414
MSA : GREEN BAY, WI		234	284	339	414	464
MSA : JANESVILLE-BELOIT, WI		223	271	318	396	440
PMSA : KENOSHA, WI		244	294	348	431	481
MSA : LA CROSSE, WI		197	238	282	354	392
MSA : MADISON, WI		266	326	380	471	531
PMSA : MILWAUKEE, WI		276	330	390	489	542
MSA : MINNEAPOLIS-ST. PAUL, MN-WI		315	374	435	538	595
PMSA : RACINE, WI		244	294	348	431	481
MSA : SHEBOYGAN, WI		209	252	294	372	411
MSA : WAUSAU, WI		218	265	312	388	434
COUNTY : ADAMS	WI	209	252	294	372	411
COUNTY : ASHLAND	WI	179	221	261	324	363
COUNTY : BARRON	WI	210	253	297	373	414
COUNTY : BAYFIELD	WI	195	239	277	349	387
COUNTY : BUFFALO	WI	197	238	282	354	392
COUNTY : BURNETT	WI	210	253	297	373	414
COUNTY : CLARK	WI	218	265	312	388	434
COUNTY : COLUMBIA	WI	209	252	294	372	411
COUNTY : CRAWFORD	WI	195	239	279	351	390
COUNTY : DODGE	WI	209	252	294	372	411
COUNTY : DOOR	WI	215	260	306	379	424
COUNTY : DUNN	WI	210	253	297	373	414
COUNTY : FLORENCE	WI	198	240	285	354	396
COUNTY : FOND DU LAC	WI	237	288	336	422	467
COUNTY : FOREST	WI	198	240	285	354	396
COUNTY : GRANT	WI	195	239	279	351	390
COUNTY : GREEN	WI	223	271	318	396	440
COUNTY : GREEN LAKE	WI	209	252	294	372	411
COUNTY : IOWA	WI	209	252	294	372	411
COUNTY : IRON	WI	179	221	261	324	363
COUNTY : JACKSON	WI	197	238	282	354	392
COUNTY : JEFFERSON	WI	209	252	294	372	411
COUNTY : JUNEAU	WI	197	238	282	354	392
COUNTY : KEWAUNEE	WI	215	260	306	379	424
COUNTY : LAFAYETTE	WI	195	239	279	351	390
COUNTY : LANGLADE	WI	218	265	312	388	434
COUNTY : LINCOLN	WI	218	265	312	388	434
COUNTY : MANITOWOC	WI	215	260	306	379	424
COUNTY : MARINETTE	WI	210	253	297	373	414
COUNTY : MARQUETTE	WI	209	252	294	372	411
COUNTY : MENOMINEE	WI	198	240	285	354	396
COUNTY : MONROE	WI	197	238	282	354	392
COUNTY : OCONTO	WI	198	240	285	354	396
COUNTY : ONEIDA	WI	218	265	312	388	434
COUNTY : PEPIN	WI	179	221	261	324	363
COUNTY : PIERCE	WI	210	253	297	373	414
COUNTY : POLK	WI	210	253	297	373	414
COUNTY : PORTAGE	WI	218	265	312	388	434
COUNTY : PRICE	WI	218	265	312	388	434
COUNTY : RICHLAND	WI	209	252	294	372	411
COUNTY : RUSK	WI	179	221	261	324	363
COUNTY : SAUK	WI	209	252	294	372	411
COUNTY : SAWYER	WI	210	253	297	373	414
COUNTY : SHAWANO	WI	198	240	285	354	396
COUNTY : TAYLOR	WI	218	265	312	388	434
COUNTY : TREMPEALEAU	WI	197	238	282	354	392
COUNTY : VERNON	WI	197	238	282	354	392
COUNTY : VILAS	WI	218	265	312	388	434
COUNTY : WALWORTH	WI	209	252	294	372	411
COUNTY : WASHBURN	WI	179	221	261	324	363
COUNTY : WAUPACA	WI	198	240	285	354	396
COUNTY : WAUSHARA	WI	209	252	294	372	411
COUNTY : WOOD	WI	228	277	327	409	458
REGION - 6 MINNEAPOLIS-ST. PAUL, MINNESOTA OFFICE						
MSA : DULUTH, MN-WI		258	293	352	425	464
MSA : FARGO-MOORHEAD, ND-MN		243	277	358	443	469
MSA : MINNEAPOLIS-ST. PAUL, MN-WI		315	374	435	538	595
MSA : ROCHESTER, MN		271	326	377	468	544
MSA : ST. CLOUD, MN		261	316	367	456	506
COUNTY : AITKIN	MN	201	242	288	358	400
COUNTY : BECKER	MN	210	253	297	373	414
COUNTY : BELTRAMI	MN	218	265	308	382	429
COUNTY : BIG STONE	MN	201	242	288	358	400
COUNTY : BLUE EARTH	MN	261	316	367	456	506
COUNTY : BROWN	MN	235	286	334	415	464
COUNTY : CARLTON	MN	235	286	334	415	464
COUNTY : CASS	MN	218	265	308	382	429
COUNTY : CHIPPEWA	MN	201	242	288	358	400
COUNTY : CLEARWATER	MN	210	253	297	373	414
COUNTY : COOK	MN	195	239	279	350	389

COUNTY : COTTONWOOD	MN	201	242	288	358	400
COUNTY : CROW WING	MN	235	286	334	415	464
COUNTY : DODGE	MN	235	286	334	415	464
COUNTY : DOUGLAS	MN	218	265	308	382	429
COUNTY : FARIBAULT	MN	235	286	334	415	464
COUNTY : FILLMORE	MN	235	286	334	415	464
COUNTY : FREEBORN	MN	235	286	334	415	464
COUNTY : GOODHUE	MN	218	265	308	382	429
COUNTY : GRANT	MN	185	224	267	332	373
COUNTY : HOUSTON	MN	197	238	282	354	392
COUNTY : HUBBARD	MN	201	242	288	358	400
COUNTY : ITASCA	MN	235	286	334	415	464
COUNTY : JACKSON	MN	214	259	304	379	422
COUNTY : KANABEC	MN	210	253	297	373	414
COUNTY : KANDIYOHI	MN	218	265	308	382	429
COUNTY : KITTSON	MN	210	253	297	373	414
COUNTY : KOOCHICHING	MN	195	239	279	350	389
COUNTY : LAC QUI PARL	MN	201	242	288	358	400
COUNTY : LAKE	MN	195	239	279	350	389
COUNTY : LAKE OF WOOD	MN	201	242	288	358	400
COUNTY : LE SUEUR	MN	235	286	334	415	464
COUNTY : LINCOLN	MN	214	259	304	379	422
COUNTY : LYON	MN	214	259	304	379	422
COUNTY : MAHNOMEN	MN	210	253	297	373	414
COUNTY : MARSHALL	MN	210	253	297	373	414
COUNTY : MARTIN	MN	218	265	308	382	429
COUNTY : MCLEOD	MN	235	286	334	415	464
COUNTY : MEEKER	MN	218	265	308	382	429
COUNTY : MILLE LACS	MN	210	253	297	373	414
COUNTY : MORRISON	MN	218	265	308	382	429
COUNTY : MOWER	MN	235	286	334	415	464
COUNTY : MURRAY	MN	214	259	304	379	422
COUNTY : NICOLLET	MN	235	286	334	415	464
COUNTY : NOBLES	MN	214	259	304	379	422
COUNTY : NORMAN	MN	210	253	297	373	414
COUNTY : OTTER TAIL	MN	210	253	297	373	414
COUNTY : PENNINGTON	MN	210	253	297	373	414
COUNTY : PINE	MN	210	253	297	373	414
COUNTY : PIPESTONE	MN	214	259	304	379	422
COUNTY : POLK	MN	222	265	315	395	424
COUNTY : POPE	MN	201	242	288	358	400
COUNTY : RED LAKE	MN	210	253	297	373	414
COUNTY : REDWOOD	MN	201	242	288	358	400
COUNTY : RENVILLE	MN	201	242	288	358	400
COUNTY : RICE	MN	235	286	334	415	464
COUNTY : ROCK	MN	214	259	304	379	422
COUNTY : ROSEAU	MN	210	253	297	373	414
COUNTY : SIBLEY	MN	235	286	334	415	464
COUNTY : STEELE	MN	235	286	334	415	464
COUNTY : STEVENS	MN	201	242	288	358	400
COUNTY : SWIFT	MN	201	242	288	358	400
COUNTY : TODD	MN	218	265	308	382	429
COUNTY : TRAVERSE	MN	185	224	267	332	373
COUNTY : WABASHA	MN	235	286	334	415	464
COUNTY : WADENA	MN	201	242	288	358	400
COUNTY : WASECA	MN	235	286	334	415	464
COUNTY : WATONWAN	MN	218	265	308	382	429
COUNTY : WILKIN	MN	210	253	297	373	414
COUNTY : WINONA	MN	216	262	307	383	429
COUNTY : YELLOW MEDIC	MN	201	242	288	358	400
REGION - 5 SPRINGFIELD, ILLINOIS OFFICE						
PMSA : ALTON-GRANITE CITY, IL		251	303	351	435	486
MSA : BLOOMINGTON-NORMAL, IL		223	271	318	396	440
MSA : CHAMPAIGN-URBANA-RANTOUL, IL		245	295	349	434	483
MSA : DAVENPORT-ROCK ISLAND-MOLINE, IA-IL		253	307	360	447	497
MSA : DECATUR, IL		232	280	332	411	460
PMSA : EAST ST. LOUIS-BELLEVILLE, IL		257	310	359	445	498
MSA : PEORIA, IL		253	307	360	447	497
PMSA : ST. LOUIS, MO-IL		262	316	366	454	507
MSA : SPRINGFIELD, IL		232	280	332	411	460
COUNTY : ADAMS	IL	197	238	282	354	392
COUNTY : ALEXANDER	IL	161	198	235	295	328
COUNTY : BOND	IL	178	219	260	322	361
COUNTY : BROWN	IL	197	238	282	354	392
COUNTY : BUREAU	IL	216	262	308	383	429
COUNTY : CALHOUN	IL	178	219	260	322	361
COUNTY : CASS	IL	232	280	332	411	460
COUNTY : CHRISTIAN	IL	232	280	332	411	460
COUNTY : CLARK	IL	223	271	318	396	440
COUNTY : CLAY	IL	178	219	260	322	361
COUNTY : COLES	IL	245	295	349	434	483
COUNTY : CRANFORD	IL	223	271	318	396	440
COUNTY : CUMBERLAND	IL	245	295	349	434	483
COUNTY : DE WITT	IL	232	280	332	411	460
COUNTY : DOUGLAS	IL	245	295	349	434	483
COUNTY : EDGAR	IL	245	295	349	434	483
COUNTY : EDWARDS	IL	164	204	240	300	338
COUNTY : EFFINGHAM	IL	178	219	260	322	361
COUNTY : FAYETTE	IL	178	219	260	322	361

COUNTY : FORD	IL	245	295	349	434	483
COUNTY : FRANKLIN	IL	187	226	271	334	375
COUNTY : FULTON	IL	223	271	318	396	140
COUNTY : GALLATIN	IL	164	204	240	300	338
COUNTY : GREENE	IL	178	219	260	322	361
COUNTY : HAMILTON	IL	164	204	240	300	338
COUNTY : HANCOCK	IL	197	238	282	354	392
COUNTY : HARDIN	IL	161	198	235	295	328
COUNTY : HENDERSON	IL	197	238	282	354	392
COUNTY : IROQUOIS	IL	216	262	308	383	429
COUNTY : JACKSON	IL	217	277	348	432	509
COUNTY : JASPER	IL	178	219	260	322	361
COUNTY : JEFFERSON	IL	219	289	348	412	461
COUNTY : JOHNSON	IL	161	198	235	295	328
COUNTY : KNOX	IL	223	271	318	396	440
COUNTY : LA SALLE	IL	243	294	345	430	479
COUNTY : LAWRENCE	IL	164	204	240	300	338
COUNTY : LIVINGSTON	IL	243	294	345	430	479
COUNTY : LOGAN	IL	232	280	332	411	460
COUNTY : MACOUPIN	IL	178	219	260	322	361
COUNTY : MARION	IL	178	219	260	322	361
COUNTY : MARSHALL	IL	223	271	318	396	440
COUNTY : MASON	IL	232	280	332	411	460
COUNTY : MASSAC	IL	161	198	235	295	328
COUNTY : MCDONOUGH	IL	223	271	318	396	440
COUNTY : MERCER	IL	216	262	308	383	429
COUNTY : MONTGOMERY	IL	178	219	260	322	361
COUNTY : MORGAN	IL	232	280	332	411	460
COUNTY : MOULTRIE	IL	232	280	332	411	460
COUNTY : PERRY	IL	187	226	271	334	375
COUNTY : PIATT	IL	245	295	349	434	483
COUNTY : PIKE	IL	197	238	282	354	392
COUNTY : POPE	IL	161	198	235	295	328
COUNTY : PULASKI	IL	161	198	235	295	328
COUNTY : PUTNAM	IL	243	294	345	430	479
COUNTY : RANDOLPH	IL	187	226	271	334	375
COUNTY : RICHLAND	IL	178	219	260	322	361
COUNTY : SALINE	IL	164	204	240	300	338
COUNTY : SCHUYLER	IL	197	238	282	354	392
COUNTY : SCOTT	IL	232	280	332	411	460
COUNTY : SHELBY	IL	232	280	332	411	460
COUNTY : STARK	IL	223	271	318	396	440
COUNTY : UNION	IL	161	198	235	295	328
COUNTY : VERMILION	IL	245	295	349	434	483
COUNTY : WABASH	IL	164	204	240	300	338
COUNTY : WARREN	IL	223	271	318	396	440
COUNTY : WASHINGTON	IL	187	226	271	334	375
COUNTY : WAYNE	IL	178	219	260	322	361
COUNTY : WHITE	IL	164	204	240	300	338
COUNTY : WILLIAMSON	IL	187	226	271	334	375
REGION - 6 ALBUQUERQUE, NEW MEXICO OFFICE						
MSA : ALBUQUERQUE, NM		226	274	321	397	441
MSA : LAS CRUCES, NM		191	233	272	339	377
COUNTY : CATRON	NM	191	233	272	339	377
COUNTY : CHAVES	NM	191	233	272	339	377
COUNTY : COLFAX	NM	203	246	288	356	395
COUNTY : CURRY	NM	183	221	262	326	365
COUNTY : DE BACA	NM	183	221	262	326	365
COUNTY : EDDY	NM	191	233	272	339	377
COUNTY : GRANT	NM	191	233	272	339	377
COUNTY : GUADALUPE	NM	183	221	262	326	365
COUNTY : HARDING	NM	183	221	262	326	365
COUNTY : HIDALGO	NM	191	233	272	339	377
COUNTY : LEA	NM	191	233	272	339	377
COUNTY : LINCOLN	NM	191	233	272	339	377
COUNTY : LOS ALAMOS	NM	203	246	288	356	395
COUNTY : LUNA	NM	203	246	288	356	395
COUNTY : MCKINLEY	NM	203	246	288	356	395
COUNTY : MORA	NM	203	246	288	356	395
COUNTY : OTERO	NM	191	233	272	339	377
COUNTY : QUAY	NM	183	221	262	326	365
COUNTY : RIO ARRIBA	NM	203	246	288	356	395
COUNTY : ROOSEVELT	NM	183	221	262	326	365
COUNTY : SAN JUAN	NM	225	273	320	396	440
COUNTY : SAN MIGUEL	NM	203	246	288	356	395
COUNTY : SANDOVAL	NM	205	249	292	362	402
COUNTY : SANTE FE	NM	225	273	320	396	440
COUNTY : SIERRA	NM	191	233	272	339	377
COUNTY : SOCORRO	NM	191	233	272	339	377
COUNTY : TAOS	NM	203	246	288	356	395
COUNTY : TORRANCE	NM	203	246	288	356	395
COUNTY : UNION	NM	183	221	262	326	365
COUNTY : VALENCIA	NM	203	246	288	356	395
REGION - 6 DALLAS, TEXAS OFFICE						
PMSA : DALLAS, TX		267	316	366	450	496
MSA : KILLEEN-TEMPLE, TX		226	270	319	396	437

MSA	: LONGVIEW-MARSHALL, TX		183	226	267	329	369	
MSA	: SHERMAN-DENISON, TX		196	240	281	349	385	
MSA	: TEXARKANA, TX-TEXARKANA, AR		186	230	271	334	375	
MSA	: TYLER, TX		183	226	267	329	369	
MSA	: WACO, TX		226	270	319	396	437	
COUNTY	: ANDERSON	TX	183	226	267	329	369	
COUNTY	: CAMP	TX	160	198	234	292	323	
COUNTY	: CHEROKEE	TX	183	226	267	329	369	
COUNTY	: COOKE	TX	196	240	281	349	385	
COUNTY	: DELTA	TX	160	198	234	292	323	
COUNTY	: FALLS	TX	226	270	319	396	437	
COUNTY	: FANNIN	TX	196	240	281	349	385	
COUNTY	: FRANKLIN	TX	160	198	234	292	323	
COUNTY	: FREESTONE	TX	226	270	319	396	437	
COUNTY	: HENDERSON	TX	183	226	267	329	369	
COUNTY	: HILL	TX	226	270	319	396	437	
COUNTY	: HOPKINS	TX	196	240	281	349	385	
COUNTY	: HUNT	TX	211	253	298	364	404	
COUNTY	: LAMAR	TX	183	226	267	329	369	
COUNTY	: LIMESTONE	TX	226	270	319	396	437	
COUNTY	: MILAM	TX	210	254	298	373	409	
COUNTY	: NAVARRO	TX	196	240	281	349	385	
COUNTY	: RAINS	TX	196	240	281	349	385	
COUNTY	: RED RIVER	TX	160	198	234	292	323	
COUNTY	: RUSK	TX	183	226	267	329	369	
COUNTY	: TITUS	TX	169	210	244	308	340	
COUNTY	: UPSHUR	TX	183	226	267	329	369	
COUNTY	: VAN ZANDT	TX	196	240	281	349	385	
COUNTY	: WOOD	TX	183	226	267	329	369	
REGION - 6	FORT WORTH, TEXAS OFFICE							
MSA	: ABILENE, TX		206	252	298	371	414	
PMSA	: FORT WORTH-ARLINGTON, TX		252	299	346	425	469	
MSA	: SAN ANGELO, TX		200	244	289	359	401	
MSA	: WICHITA FALLS, TX		222	271	318	392	439	
COUNTY	: ARCHER	TX	220	269	315	389	435	
COUNTY	: BAYLOR	TX	220	269	315	389	435	
COUNTY	: BOSQUE	TX	226	270	319	396	437	
COUNTY	: BROWN	TX	200	244	289	359	401	
COUNTY	: CALLAHAN	TX	171 (21)	209 (26)	247 (30)	308 (39)	344 (43)	
COUNTY	: CLAY	TX	188 (13)	230 (16)	270 (19)	334 (24)	375 (29)	
COUNTY	: COKE	TX	200	244	289	359	401	
COUNTY	: COLEMAN	TX	200	244	289	359	401	
COUNTY	: COMANCHE	TX	200	244	289	359	401	
COUNTY	: CONCHO	TX	200	244	289	359	401	
COUNTY	: CROCKETT	TX	213	258	300	376	417	
COUNTY	: EASTLAND	TX	200	244	289	359	401	
COUNTY	: ERATH	TX	196	240	281	349	385	
COUNTY	: FOARD	TX	220	269	315	389	435	
COUNTY	: HAMILTON	TX	226	270	319	396	437	
COUNTY	: HARDEMAN	TX	220	269	315	389	435	
COUNTY	: HASKELL	TX	200	244	289	359	401	
COUNTY	: HOOD	TX	283	335	388	477	526	
COUNTY	: IRION	TX	200	244	289	359	401	
COUNTY	: JACK	TX	220	269	315	389	435	
COUNTY	: JONES	TX	171 (38)	209 (47)	247 (55)	308 (70)	344 (78)	
COUNTY	: KIMBLE	TX	200	244	289	359	401	
COUNTY	: KNOX	TX	200	244	289	359	401	
COUNTY	: LAMPASAS	TX	226	270	319	396	437	
COUNTY	: MASON	TX	200	244	289	359	401	
COUNTY	: MCCULLOCH	TX	200	244	289	359	401	
COUNTY	: MENARD	TX	200	244	289	359	401	
COUNTY	: MILLS	TX	200	244	289	359	401	
COUNTY	: MONTAGUE	TX	196	240	281	349	385	
COUNTY	: PALO PINTO	TX	196	240	281	349	385	
COUNTY	: REAGAN	TX	213	258	300	376	417	
COUNTY	: RUNNELS	TX	200	244	289	359	401	
COUNTY	: SAN SABA	TX	200	244	289	359	401	
COUNTY	: SCHLEICHER	TX	200	244	289	359	401	
COUNTY	: SHACKLEFORD	TX	200	244	289	359	401	
COUNTY	: SOMERVELL	TX	196	240	281	349	385	
COUNTY	: STEPHENS	TX	200	244	289	359	401	
COUNTY	: STERLING	TX	200	244	289	359	401	
COUNTY	: SUTTON	TX	200	244	289	359	401	
COUNTY	: THROCKMORTON	TX	220	269	315	389	435	
COUNTY	: WILBARGER	TX	220	269	315	389	435	
COUNTY	: WISE	TX	236 (61)	281 (74)	326 (86)	403 (**)	444 (**)	
COUNTY	: YOUNG	TX	220	269	315	389	435	
REGION - 6	HOUSTON, TEXAS OFFICE							
MSA	: BEAUMONT-PORT ARTHUR, TX		224	270	314	389	433	
PMSA	: BRAZORIA, TX		270	326	381	473	522	
MSA	: BRYAN-COLLEGE STATION, TX		263	298	349	430	476	
PMSA	: GALVESTON-TEXAS CITY, TX		243	294	348	431	475	
PMSA	: HOUSTON, TX		266	321	375	465	513	
COUNTY	: ANGELINA	TX	209	251	298	367	407	
COUNTY	: AUSTIN	TX	209	251	298	367	407	
COUNTY	: BURLESON	TX	210	254	298	373	409	
COUNTY	: CHAMBERS	TX	209	251	298	367	407	
COUNTY	: COLORADO	TX	209	251	298	367	407	

COUNTY : GRIMES	TX	210	254	298	373	409
COUNTY : HOUSTON	TX	183	226	267	329	369
COUNTY : JASPER	TX	209	251	298	367	407
COUNTY : LEON	TX	210	254	298	373	409
COUNTY : MADISON	TX	210	254	298	373	409
COUNTY : MATAGORDA	TX	218	263	306	382	423
COUNTY : NACOGDOCHES	TX	183	226	267	329	369
COUNTY : NEWTON	TX	209	251	298	367	407
COUNTY : POLK	TX	209	251	298	367	407
COUNTY : ROBERTSON	TX	210	254	298	373	409
COUNTY : SABINE	TX	175	211	247	309	344
COUNTY : SAN AUGUSTIN	TX	175	211	247	309	344
COUNTY : SAN JACINTO	TX	209	251	298	367	407
COUNTY : SHELBY	TX	175	211	247	309	344
COUNTY : TRINITY	TX	183	226	267	329	369
COUNTY : TYLER	TX	209	251	298	367	407
COUNTY : WALKER	TX	218	263	306	382	423
COUNTY : WASHINGTON	TX	209	251	298	367	407
COUNTY : WHARTON	TX	209	251	298	367	407
REGION - 6 LITTLE ROCK, ARKANSAS OFFICE						
MSA : FAYETTEVILLE-SPRINGDALE, AR		224	270	316	388	434
MSA : FORT SMITH, AR-OK		206	249	297	362	404
MSA : LITTLE ROCK-NORTH LITTLE ROCK, AR		209	253	295	368	406
MSA : MEMPHIS, TN-AR-MS		225	273	320	420	455
MSA : PINE BLUFF, AR		189	231	271	337	378
MSA : TEXARKANA, TX-TEXARKANA, AR		186	230	271	334	375
COUNTY : ARKANSAS	AR	189	231	271	337	378
COUNTY : ASHLEY	AR	171	211	247	309	344
COUNTY : BAXTER	AR	199	242	288	354	396
COUNTY : BENTON	AR	220	266	311	383	427
COUNTY : BOONE	AR	199	242	288	354	396
COUNTY : BRADLEY	AR	171	211	247	309	344
COUNTY : CALHOUN	AR	178	220	257	323	359
COUNTY : CARROLL	AR	199	242	288	354	396
COUNTY : CHICOT	AR	171	211	247	309	344
COUNTY : CLARK	AR	167	206	243	305	339
COUNTY : CLAY	AR	187	229	271	335	375
COUNTY : CLEBURNE	AR	183	225	263	327	368
COUNTY : CLEVELAND	AR	189	231	271	337	378
COUNTY : COLUMBIA	AR	178	220	257	323	359
COUNTY : CONWAY	AR	167	206	243	305	339
COUNTY : CRAIGHEAD	AR	207	251	299	367	412
COUNTY : CROSS	AR	187	229	271	335	375
COUNTY : DALLAS	AR	178	220	257	323	359
COUNTY : DESHA	AR	171	211	247	309	344
COUNTY : DREW	AR	171	211	247	309	344
COUNTY : FRANKLIN	AR	169	210	244	308	341
COUNTY : FULTON	AR	183	225	263	327	368
COUNTY : GARLAND	AR	167	206	243	305	339
COUNTY : GRANT	AR	189	231	271	337	378
COUNTY : GREENE	AR	187	229	271	335	375
COUNTY : HEMPSTEAD	AR	178	220	257	323	359
COUNTY : HOTSPRING	AR	167	206	243	305	339
COUNTY : HOWARD	AR	178	220	257	323	359
COUNTY : INDEPENDENCE	AR	183	225	263	327	368
COUNTY : IZARD	AR	183	225	263	327	368
COUNTY : JACKSON	AR	189	231	271	337	378
COUNTY : JOHNSON	AR	167	206	243	305	339
COUNTY : LAFAYETTE	AR	178	220	257	323	359
COUNTY : LAWRENCE	AR	187	229	271	335	375
COUNTY : LEE	AR	187	229	271	335	375
COUNTY : LINCOLN	AR	189	231	271	337	378
COUNTY : LITTLE RIVER	AR	156 (11)	193 (14)	228 (16)	282 (20)	317 (24)
COUNTY : LOGAN	AR	169	210	244	308	341
COUNTY : MADISON	AR	196	240	281	349	385
COUNTY : MARION	AR	199	242	288	354	396
COUNTY : MISSISSIPPI	AR	187	229	271	335	375
COUNTY : MONROE	AR	189	231	271	337	378
COUNTY : MONTGOMERY	AR	167	206	243	305	339
COUNTY : NEVADA	AR	178	220	257	323	359
COUNTY : NEWTON	AR	199	242	288	354	396
COUNTY : OUACHITA	AR	171	211	247	309	344
COUNTY : PERRY	AR	167	206	243	305	339
COUNTY : PHILLIPS	AR	187	229	271	335	375
COUNTY : PIKE	AR	167	206	243	305	339
COUNTY : POINSETT	AR	187	229	271	335	375
COUNTY : POLK	AR	169	210	244	308	341
COUNTY : POPE	AR	167	206	243	305	339
COUNTY : PRAIRIE	AR	189	231	271	337	378
COUNTY : RANDOLPH	AR	187	229	271	335	375
COUNTY : SCOTT	AR	169	210	244	308	341
COUNTY : SEARCY	AR	199	242	288	354	396
COUNTY : SEVIER	AR	178	220	257	323	359
COUNTY : SHARP	AR	183	225	263	327	368
COUNTY : ST FRANCIS	AR	187	229	271	335	375
COUNTY : STONE	AR	183	225	263	327	368
COUNTY : UNION	AR	178	220	257	323	359
COUNTY : VAN BUREN	AR	183	225	263	327	368
COUNTY : WHITE	AR	189	231	271	337	378

COUNTY	: WOODRUFF	AR	189	231	271	337	378
COUNTY	: YELL	AR	169	210	244	308	341
REGION - 6	LUBBOCK, TEXAS OFFICE						
MSA	: AMARILLO, TX		195	237	276	347	381
MSA	: EL PASO, TX		235	285	332	410	455
MSA	: LUBBOCK, TX		200	244	289	359	401
MSA	: MIDLAND, TX		213	258	300	376	417
MSA	: ODESSA, TX		213	258	300	376	417
COUNTY	: ANDREWS	TX	213	258	300	376	417
COUNTY	: ARMSTRONG	TX	195	237	276	347	381
COUNTY	: BAILEY	TX	200	244	289	359	401
COUNTY	: BORDEN	TX	213	258	300	376	417
COUNTY	: BREWSTER	TX	213	258	300	376	417
COUNTY	: BRISCOE	TX	195	237	276	347	381
COUNTY	: CARSON	TX	195	237	276	347	381
COUNTY	: CASTRO	TX	195	237	276	347	381
COUNTY	: CHILDRESS	TX	220	269	315	389	435
COUNTY	: COCHRAN	TX	200	244	289	359	401
COUNTY	: COLLINGSWORT	TX	195	237	276	347	381
COUNTY	: COTTLE	TX	220	269	315	389	435
COUNTY	: CRANE	TX	213	258	300	376	417
COUNTY	: CROSBY	TX	200	244	289	359	401
COUNTY	: CULBERSON	TX	199	242	288	354	396
COUNTY	: DALLAM	TX	195	237	276	347	381
COUNTY	: DAWSON	TX	213	258	300	376	417
COUNTY	: DEAF SMITH	TX	195	237	276	347	381
COUNTY	: DICKENS	TX	200	244	289	359	401
COUNTY	: DONLEY	TX	195	237	276	347	381
COUNTY	: FISHER	TX	200	244	289	359	401
COUNTY	: FLOYD	TX	200	244	289	359	401
COUNTY	: GAINES	TX	213	258	300	376	417
COUNTY	: GARZA	TX	200	244	289	359	401
COUNTY	: GLASSCOCK	TX	213	258	300	376	417
COUNTY	: GRAY	TX	195	237	276	347	381
COUNTY	: HALE	TX	200	244	289	359	401
COUNTY	: HALL	TX	195	237	276	347	381
COUNTY	: HANSFORD	TX	195	237	276	347	381
COUNTY	: HARTLEY	TX	195	237	276	347	381
COUNTY	: HEMPHILL	TX	195	237	276	347	381
COUNTY	: HOCKLEY	TX	183	226	267	329	369
COUNTY	: HOWARD	TX	213	258	300	376	417
COUNTY	: HUDSPETH	TX	199	242	288	354	396
COUNTY	: HUTCHINSON	TX	195	237	276	347	381
COUNTY	: JEFF DAVIS	TX	199	242	288	354	396
COUNTY	: KENT	TX	200	244	289	359	401
COUNTY	: KING	TX	200	244	289	359	401
COUNTY	: LAMB	TX	200	244	289	359	401
COUNTY	: LIPSCOMB	TX	195	237	276	347	381
COUNTY	: LOVING	TX	213	258	300	376	417
COUNTY	: LYNN	TX	200	244	289	359	401
COUNTY	: MARTIN	TX	213	258	300	376	417
COUNTY	: MITCHELL	TX	187	229	271	335	375
COUNTY	: MOORE	TX	195	237	276	347	381
COUNTY	: MOTLEY	TX	200	244	289	359	401
COUNTY	: NOLAN	TX	200	244	289	359	401
COUNTY	: OCHILTREE	TX	195	237	276	347	381
COUNTY	: OLDHAM	TX	195	237	276	347	381
COUNTY	: PARMER	TX	195	237	276	347	381
COUNTY	: PECOS	TX	213	258	300	376	417
COUNTY	: PRESIDIO	TX	199	242	288	354	396
COUNTY	: REEVES	TX	213	258	300	376	417
COUNTY	: ROBERTS	TX	195	237	276	347	381
COUNTY	: SCURRY	TX	200	244	289	359	401
COUNTY	: SHERMAN	TX	195	237	276	347	381
COUNTY	: STONEWALL	TX	200	244	289	359	401
COUNTY	: SWISHER	TX	195	237	276	347	381
COUNTY	: TERRELL	TX	213	258	300	376	417
COUNTY	: TERRY	TX	200	244	289	359	401
COUNTY	: UPTON	TX	213	258	300	376	417
COUNTY	: WARD	TX	213	258	300	376	417
COUNTY	: WHEELER	TX	195	237	276	347	381
COUNTY	: WINKLER	TX	213	258	300	376	417
COUNTY	: YOAKUM	TX	200	244	289	359	401
REGION - 6	NEW ORLEANS, LOUISIANA OFFICE						
MSA	: BATON ROUGE, LA		260	312	363	449	500
MSA	: HOUMA-THIBODAUX, LA		213	259	302	375	413
MSA	: LAFAYETTE, LA		213	256	301	372	414
MSA	: LAKE CHARLES, LA		229	275	323	399	444
MSA	: NEW ORLEANS, LA		248	302	350	433	480
PARISH	: ACADIA	LA	195	237	276	347	381
PARISH	: ALLEN	LA	218	264	309	383	426
PARISH	: ASSUMPTION	LA	195	237	276	347	381
PARISH	: BEAUREGARD	LA	218	264	309	383	426
PARISH	: CAMERON	LA	218	264	309	383	426
PARISH	: E FELICIANA	LA	173	214	249	313	347
PARISH	: EVANGELINE	LA	195	237	276	347	381

PARISH	: IBERIA	LA	195	237	276	347	381
PARISH	: IBERVILLE	LA	173	214	249	313	347
PARISH	: JEFFERSON DA	LA	218	264	309	383	426
PARISH	: PLAQUEMINES	LA	211	257	303	374	412
PARISH	: POINTE COUPE	LA	173	214	249	313	347
PARISH	: ST HELENA	LA	173	214	249	313	347
PARISH	: ST JAMES	LA	195	237	276	347	381
PARISH	: ST LANDRY	LA	195	237	276	347	381
PARISH	: ST MARY	LA	205	245	292	361	402
PARISH	: TANGIPAHOA	LA	195	237	276	347	381
PARISH	: VERMILION	LA	195	237	276	347	381
PARISH	: W FELICIANA	LA	173	214	249	313	347
PARISH	: WASHINGTON	LA	195	237	276	347	381
REGION - 6	OKLAHOMA CITY, OKLAHOMA OFFICE						
MSA	: ENID, OK		196	240	281	349	385
MSA	: LAWTON, OK		220	269	315	389	435
MSA	: OKLAHOMA CITY, OK		289	349	411	507	559
COUNTY	: ALFALFA	OK	186	227	269	332	370
COUNTY	: BEAVER	OK	196	240	281	349	385
COUNTY	: BECKHAM	OK	196	240	281	349	385
COUNTY	: BLAINE	OK	186	227	269	332	370
COUNTY	: CADDO	OK	220	269	315	389	435
COUNTY	: CARTER	OK	175	216	253	316	349
COUNTY	: CIMARRON	OK	196	240	281	349	385
COUNTY	: COTTON	OK	220	269	315	389	435
COUNTY	: CUSTER	OK	196	240	281	349	385
COUNTY	: DEWEY	OK	186	227	269	332	370
COUNTY	: ELLIS	OK	186	227	269	332	370
COUNTY	: GARVIN	OK	175	216	253	316	349
COUNTY	: GRADY	OK	220	269	315	389	435
COUNTY	: GRANT	OK	186	227	269	332	370
COUNTY	: GREER	OK	220	269	315	389	435
COUNTY	: HARMON	OK	220	269	315	389	435
COUNTY	: HARPER	OK	186	227	269	332	370
COUNTY	: JACKSON	OK	220	269	315	389	435
COUNTY	: JEFFERSON	OK	220	269	315	389	435
COUNTY	: JOHNSTON	OK	160	198	234	292	323
COUNTY	: KAY	OK	186	227	269	332	370
COUNTY	: KINGFISHER	OK	186	227	269	332	370
COUNTY	: KIOWA	OK	220	269	315	389	435
COUNTY	: LINCOLN	OK	186	227	269	332	370
COUNTY	: LOVE	OK	160	198	234	292	323
COUNTY	: MAJOR	OK	186	227	269	332	370
COUNTY	: MARSHALL	OK	196	240	281	349	385
COUNTY	: MURRAY	OK	160	198	234	292	323
COUNTY	: NOBLE	OK	186	227	269	332	370
COUNTY	: PAYNE	OK	220	269	315	389	435
COUNTY	: PONTOTOC	OK	175	216	253	316	349
COUNTY	: ROGER MILLS	OK	186	227	269	332	370
COUNTY	: SEMINOLE	OK	186	227	269	332	370
COUNTY	: STEPHENS	OK	220	269	315	389	435
COUNTY	: TEXAS	OK	196	240	281	349	385
COUNTY	: TILLMAN	OK	220	269	315	389	435
COUNTY	: WASHITA	OK	186	227	269	332	370
COUNTY	: WOODS	OK	186	227	269	332	370
COUNTY	: WOODWARD	OK	196	240	281	349	385
REGION - 6	SAN ANTONIO, TEXAS OFFICE						
MSA	: AUSTIN, TX		306	366	421	518	576
MSA	: BROWNSVILLE-HARLINGEN, TX		237	285	335	412	459
MSA	: CORPUS CHRISTI, TX		231	281	327	405	451
MSA	: LAREDO, TX		241	295	346	426	473
MSA	: MC ALLEN-EDINBURG-MISSION, TX		237	285	335	412	459
MSA	: SAN ANTONIO, TX		263	319	372	459	511
MSA	: VICTORIA, TX		243	294	348	430	475
COUNTY	: ARANSAS	TX	241	295	346	426	473
COUNTY	: ATASCOSA	TX	197	241	283	350	389
COUNTY	: BANDERA	TX	223	271	318	391	437
COUNTY	: BASTROP	TX	210	254	298	373	409
COUNTY	: BEE	TX	241	295	346	426	473
COUNTY	: BLANCO	TX	210	254	298	373	409
COUNTY	: BROOKS	TX	241	295	346	426	473
COUNTY	: BURNET	TX	210	254	298	373	409
COUNTY	: CALDWELL	TX	210	254	298	373	409
COUNTY	: CALHOUN	TX	197	241	283	350	389
COUNTY	: DE WITT	TX	197	241	283	350	389
COUNTY	: DIMMIT	TX	241	295	346	426	473
COUNTY	: DUVAL	TX	241	295	346	426	473
COUNTY	: EDWARDS	TX	197	241	283	350	389
COUNTY	: FAYETTE	TX	209	251	298	367	407
COUNTY	: FRIO	TX	197	241	283	350	389
COUNTY	: GILLESPIE	TX	197	241	283	350	389
COUNTY	: GOLIAD	TX	197	241	283	350	389
COUNTY	: GONZALES	TX	197	241	283	350	389
COUNTY	: JACKSON	TX	197	241	283	350	389
COUNTY	: JIM HOGG	TX	241	295	346	426	473
COUNTY	: JIM WELLS	TX	241	295	346	426	473

COUNTY : KARNES	TX	197	241	283	350	389	
COUNTY : KENDALL	TX	197	241	283	350	389	
COUNTY : KENEDY	TX	241	295	346	426	473	
COUNTY : KERR	TX	197	241	283	350	389	
COUNTY : KINNEY	TX	197	241	283	350	389	
COUNTY : KLEBERG	TX	241	295	346	426	473	
COUNTY : LA SALLE	TX	241	295	346	426	473	
COUNTY : LAVACA	TX	197	241	283	350	389	
COUNTY : LEE	TX	210	254	298	373	409	
COUNTY : LIVE OAK	TX	241	295	346	426	473	
COUNTY : LLANO	TX	210	254	298	373	409	
COUNTY : MAVERICK	TX	197	241	283	350	389	
COUNTY : MCMULLEN	TX	241	295	346	426	473	
COUNTY : MEDINA	TX	197	241	283	350	389	
COUNTY : REAL	TX	197	241	283	350	389	
COUNTY : REFUGIO	TX	241	295	346	426	473	
COUNTY : STARR	TX	241	295	346	426	473	
COUNTY : UVALDE	TX	197	241	283	350	389	
COUNTY : VAL VERDE	TX	197	241	283	350	389	
COUNTY : WILLACY	TX	241	295	346	426	473	
COUNTY : WILSON	TX	197	241	283	350	389	
COUNTY : ZAPATA	TX	241	295	346	426	473	
COUNTY : ZAVALA	TX	197	241	283	350	389	
REGION - 6 SHREVEPORT, LOUISIANA OFFICE							
MSA : ALEXANDRIA, LA		187	231	272	336	377	
MSA : LONGVIEW-MARSHALL, TX		183	226	267	329	369	
MSA : MONROE, LA		183	226	267	329	369	
MSA : SHREVEPORT, LA		213	256	302	373	415	
PARISH : AVOYELLES	LA	183	226	267	329	369	
PARISH : BIENVILLE	LA	183	226	267	329	369	
PARISH : CALDWELL	LA	183	226	267	329	369	
PARISH : CATAHOULA	LA	183	226	267	329	369	
PARISH : CLAIBORNE	LA	171	211	247	309	344	
PARISH : CONCORDIA	LA	173	214	249	313	347	
PARISH : DE SOTO	LA	183	226	267	329	369	
PARISH : EAST CARROLL	LA	183	226	267	329	369	
PARISH : FRANKLIN	LA	183	226	267	329	369	
PARISH : GRANT	LA	156 (26)	193 (33)	228 (39)	282 (49)	317 (55)	
PARISH : JACKSON	LA	183	226	267	329	369	
PARISH : LA SALLE	LA	183	226	267	329	369	
PARISH : LINCOLN	LA	199	240	281	349	389	
PARISH : MADISON	LA	183	226	267	329	369	
PARISH : MOREHOUSE	LA	183	226	267	329	369	
PARISH : NATCHITOCHES	LA	183	226	267	329	369	
PARISH : RED RIVER	LA	183	226	267	329	369	
PARISH : RICHLAND	LA	183	226	267	329	369	
PARISH : SABINE	LA	183	226	267	329	369	
PARISH : TENSAS	LA	183	226	267	329	369	
PARISH : UNION	LA	183	226	267	329	369	
PARISH : VERNON	LA	211	251	298	367	406	
PARISH : WEBSTER	LA	177 (26)	212 (31)	251 (37)	311 (46)	345 (51)	
PARISH : WEST CARROLL	LA	183	226	267	329	369	
PARISH : WINN	LA	183	226	267	329	369	
COUNTY : CASS	TX	160	198	234	292	323	
COUNTY : MARION	TX	171	211	247	309	344	
COUNTY : MORRIS	TX	160	198	234	292	323	
COUNTY : PANOLA	TX	171	211	247	309	344	
REGION - 6 TULSA, OKLAHOMA OFFICE							
MSA : FORT SMITH, AR-OK		206	249	297	362	404	
MSA : TULSA, OK		258	310	362	449	495	
COUNTY : ADAIR	OK	178	218	256	321	354	
COUNTY : ATOKA	OK	160	198	234	292	323	
COUNTY : BRYAN	OK	178	218	256	321	354	
COUNTY : CHEROKEE	OK	178	218	256	321	354	
COUNTY : CHOCTAW	OK	160	198	234	292	323	
COUNTY : COAL	OK	160	198	234	292	323	
COUNTY : CRAIG	OK	175	216	253	316	349	
COUNTY : DELAWARE	OK	196	240	281	349	385	
COUNTY : HASKELL	OK	175	216	253	316	349	
COUNTY : HUGHES	OK	160	198	234	292	323	
COUNTY : LATIMER	OK	175	216	253	316	349	
COUNTY : LE FLORE	OK	170 (19)	205 (23)	245 (28)	299 (34)	334 (39)	
COUNTY : MAYES	OK	220 (27)	265 (33)	310 (39)	386 (50)	425 (55)	
COUNTY : MCCURTAIN	OK	175	216	253	316	349	
COUNTY : MCINTOSH	OK	171	209	243	305	340	
COUNTY : MUSKOGEE	OK	178	218	256	321	354	
COUNTY : NOWATA	OK	186	227	269	332	370	
COUNTY : OKFUSKEE	OK	171	209	243	305	340	
COUNTY : OKMULGEE	OK	171	209	243	305	340	
COUNTY : OTTAWA	OK	175	216	253	316	349	
COUNTY : PAWNEE	OK	186	227	269	332	370	
COUNTY : PITTSBURG	OK	175	216	253	316	349	
COUNTY : PUSHMATAHA	OK	175	216	253	316	349	

COUNTY	: WASHINGTON	OK	196	240	281	349	385
REGION - 7 DES MOINES, IOWA OFFICE							
MSA	: CEDAR RAPIDS, IA		249	299	348	433	481
MSA	: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL		253	307	360	447	497
MSA	: DES MOINES, IA		261	314	367	453	502
MSA	: DUBUQUE, IA		215	277	359	460	496
MSA	: IOWA CITY, IA		249	299	348	433	481
MSA	: OMAHA, NE-IA		238	287	339	422	469
MSA	: SIOUX CITY, IA-NE		223	286	349	440	482
MSA	: WATERLOO-CEDAR FALLS, IA		210	254	298	372	415
COUNTY	: ADAIR	IA	199	241	288	358	398
COUNTY	: ADAMS	IA	199	241	288	358	398
COUNTY	: ALLAMAKEE	IA	195	239	279	351	390
COUNTY	: APPANOOSE	IA	199	241	288	358	398
COUNTY	: AUDUBON	IA	192	235	277	345	386
COUNTY	: BENTON	IA	234	284	332	410	458
COUNTY	: BOONE	IA	199	241	288	358	398
COUNTY	: BUCHANAN	IA	214	259	304	379	422
COUNTY	: BUENA VISTA	IA	191	234	274	344	381
COUNTY	: BUTLER	IA	214	259	304	379	422
COUNTY	: CALHOUN	IA	191	234	274	344	381
COUNTY	: CARROLL	IA	192	235	277	345	386
COUNTY	: CASS	IA	191	234	274	344	381
COUNTY	: CEDAR	IA	234	284	332	410	458
COUNTY	: CERRO GORDO	IA	214	259	304	379	422
COUNTY	: CHEROKEE	IA	192	235	277	345	386
COUNTY	: CHICKASAW	IA	214	259	304	379	422
COUNTY	: CLARKE	IA	199	241	288	358	398
COUNTY	: CLAY	IA	212	258	302	376	421
COUNTY	: CLAYTON	IA	195	239	279	351	390
COUNTY	: CLINTON	IA	216	262	308	383	429
COUNTY	: CRAWFORD	IA	192	235	277	345	386
COUNTY	: DAVIS	IA	199	241	288	358	398
COUNTY	: DECATUR	IA	199	241	288	358	398
COUNTY	: DELAWARE	IA	195	239	279	351	390
COUNTY	: DES MOINES	IA	197	238	282	354	392
COUNTY	: DICKINSON	IA	191	234	274	344	381
COUNTY	: EMMET	IA	191	234	274	344	381
COUNTY	: FAYETTE	IA	214	259	304	379	422
COUNTY	: FLOYD	IA	214	259	304	379	422
COUNTY	: FRANKLIN	IA	214	259	304	379	422
COUNTY	: FREMONT	IA	191	234	274	344	381
COUNTY	: GREENE	IA	192	235	277	345	386
COUNTY	: GRUNDY	IA	214	259	304	379	422
COUNTY	: GUTHRIE	IA	192	235	277	345	386
COUNTY	: HAMILTON	IA	191	234	274	344	381
COUNTY	: HANCOCK	IA	214	259	304	379	422
COUNTY	: HARDIN	IA	214	259	304	379	422
COUNTY	: HARRISON	IA	191	234	274	344	381
COUNTY	: HENRY	IA	197	238	282	354	392
COUNTY	: HOWARD	IA	195	239	279	351	390
COUNTY	: HUMBOLDT	IA	191	234	274	344	381
COUNTY	: IDA	IA	192	235	277	345	386
COUNTY	: IOWA	IA	234	284	332	410	458
COUNTY	: JACKSON	IA	195	239	279	351	390
COUNTY	: JASPER	IA	199	241	288	358	398
COUNTY	: JEFFERSON	IA	199	241	288	358	398
COUNTY	: JONES	IA	234	284	332	410	458
COUNTY	: KEOKUK	IA	199	241	288	358	398
COUNTY	: KOSSUTH	IA	214	259	304	379	422
COUNTY	: LEE	IA	197	238	282	354	392
COUNTY	: LOUISA	IA	216	262	308	383	429
COUNTY	: LUCAS	IA	199	241	288	358	398
COUNTY	: LYON	IA	214	259	304	379	422
COUNTY	: MADISON	IA	199	241	288	358	398
COUNTY	: MAHASKA	IA	199	241	288	358	398
COUNTY	: MARION	IA	199	241	288	358	398
COUNTY	: MARSHALL	IA	199	241	288	358	398
COUNTY	: MILLS	IA	191	234	274	344	381
COUNTY	: MITCHELL	IA	214	259	304	379	422
COUNTY	: MONONA	IA	192	235	277	345	386
COUNTY	: MONROE	IA	199	241	288	358	398
COUNTY	: MONTGOMERY	IA	191	234	274	344	381
COUNTY	: MUSCATINE	IA	216	262	308	383	429
COUNTY	: O BRIEN	IA	192	235	277	345	386
COUNTY	: OSCEOLA	IA	214	259	304	379	422
COUNTY	: PAGE	IA	191	234	274	344	381
COUNTY	: PALO ALTO	IA	191	234	274	344	381
COUNTY	: PLYMOUTH	IA	192	235	277	345	386
COUNTY	: POCAHONTAS	IA	191	234	274	344	381
COUNTY	: POWESHIEK	IA	199	241	288	358	398
COUNTY	: RINGGOLD	IA	199	241	288	358	398
COUNTY	: SAC	IA	192	235	277	345	386
COUNTY	: SHELBY	IA	191	234	274	344	381
COUNTY	: SIOUX	IA	192	235	277	345	386
COUNTY	: STORY	IA	237	287	334	413	461
COUNTY	: TAMA	IA	199	241	288	358	398
COUNTY	: TAYLOR	IA	199	241	288	358	398
COUNTY	: UNION	IA	199	241	288	358	398

COUNTY	: VAN BUREN	IA	199	241	288	358	398
COUNTY	: WAPELLO	IA	229	277	324	399	443
COUNTY	: WASHINGTON	IA	216	262	308	383	429
COUNTY	: WAYNE	IA	199	241	288	358	398
COUNTY	: WEBSTER	IA	191	234	274	344	381
COUNTY	: WINNEBAGO	IA	214	259	304	379	422
COUNTY	: WINNESHIEK	IA	195	239	279	351	390
COUNTY	: WORTH	IA	214	259	304	379	422
COUNTY	: WRIGHT	IA	191	234	274	344	381
REGION - 7 KANSAS CITY, MISSOURI OFFICE							
MSA	: JOPLIN, MO		168	195	238	292	320
PMSA	: KANSAS CITY, KS		256	309	360	449	494
PMSA	: KANSAS CITY, MO		220	266	310	386	425
MSA	: ST. JOSEPH, MO		173	214	251	316	351
MSA	: SPRINGFIELD, MO		190	225	271	338	376
COUNTY	: ANDREW	MO	189	233	273	344	383
COUNTY	: ATCHISON	MO	175	216	253	318	354
COUNTY	: BARRY	MO	172	210	248	313	348
COUNTY	: BARTON	MO	151	186	221	277	309
COUNTY	: BATES	MO	175	216	253	318	354
COUNTY	: BENTON	MO	175	216	253	318	354
COUNTY	: CALDWELL	MO	187	228	271	335	377
COUNTY	: CAMDEN	MO	211	254	299	375	418
COUNTY	: CARROLL	MO	175	216	253	318	354
COUNTY	: CEDAR	MO	151	186	221	277	309
COUNTY	: CHARITON	MO	211	254	299	375	418
COUNTY	: CLINTON	MO	175	216	253	318	354
COUNTY	: DADE	MO	172	210	248	313	348
COUNTY	: DALLAS	MO	172	210	248	313	348
COUNTY	: DAVIESS	MO	187	228	271	335	377
COUNTY	: DE KALB	MO	175	216	253	318	354
COUNTY	: GENTRY	MO	175	216	253	318	354
COUNTY	: GRUNDY	MO	187	228	271	335	377
COUNTY	: HARRISON	MO	187	228	271	335	377
COUNTY	: HENRY	MO	175	216	253	318	354
COUNTY	: HICKORY	MO	172	210	248	313	348
COUNTY	: HOLT	MO	175	216	253	318	354
COUNTY	: JOHNSON	MO	195	226	278	332	365
COUNTY	: LACLEDE	MO	187	226	271	334	375
COUNTY	: LAWRENCE	MO	172	210	248	313	348
COUNTY	: LINN	MO	187	228	271	335	377
COUNTY	: LIVINGSTON	MO	187	228	271	335	377
COUNTY	: MCDONALD	MO	151	186	221	277	309
COUNTY	: MERCER	MO	187	228	271	335	377
COUNTY	: MILLER	MO	211	254	299	375	418
COUNTY	: MORGAN	MO	211	254	299	375	418
COUNTY	: NODAWAY	MO	195	226	278	332	365
COUNTY	: PETTIS	MO	175	216	253	318	354
COUNTY	: POLK	MO	172	210	248	313	348
COUNTY	: PULASKI	MO	187	226	271	334	375
COUNTY	: PUTNAM	MO	187	228	271	335	377
COUNTY	: SALINE	MO	175	216	253	318	354
COUNTY	: ST CLAIR	MO	151	186	221	277	309
COUNTY	: STONE	MO	172	210	248	313	348
COUNTY	: SULLIVAN	MO	187	228	271	335	377
COUNTY	: TANEY	MO	172	210	248	313	348
COUNTY	: VERNON	MO	151	186	221	277	309
COUNTY	: WEBSTER	MO	172	210	248	313	348
COUNTY	: WORTH	MO	175	216	253	318	354
REGION - 7 OMAHA, NEBRASKA OFFICE							
MSA	: LINCOLN, NE		252	304	358	442	495
MSA	: OMAHA, NE-IA		238	287	339	422	469
MSA	: SIOUX CITY, IA-NE		223	286	349	440	482
COUNTY	: ADAMS	NE	181	244	317	427	464
COUNTY	: ANTELOPE	NE	181	224	265	332	371
COUNTY	: ARTHUR	NE	181	224	265	332	371
COUNTY	: BANNER	NE	179	221	261	324	363
COUNTY	: BLAINE	NE	181	224	265	332	371
COUNTY	: BOONE	NE	181	224	265	332	371
COUNTY	: BOX BUTTE	NE	218	264	309	387	431
COUNTY	: BOYD	NE	181	224	265	332	371
COUNTY	: BROWN	NE	181	224	265	332	371
COUNTY	: BUFFALO	NE	181	224	265	332	371
COUNTY	: BURT	NE	191	234	274	344	381
COUNTY	: BUTLER	NE	191	234	274	344	381
COUNTY	: CASS	NE	191	234	274	344	381
COUNTY	: CEDAR	NE	192	235	277	345	386
COUNTY	: CHASE	NE	210	253	297	373	414
COUNTY	: CHERRY	NE	181	224	265	332	371
COUNTY	: CHEYENNE	NE	179	221	261	324	363
COUNTY	: CLAY	NE	181	224	265	332	371
COUNTY	: COLFAX	NE	191	234	274	344	381
COUNTY	: CUMING	NE	192	235	277	345	386
COUNTY	: CUSTER	NE	181	224	265	332	371

COUNTY : PLATTE	NE	191	234	274	344	381
COUNTY : POLK	NE	191	234	274	344	381
COUNTY : RED WILLOW	NE	181	224	265	332	371
COUNTY : RICHARDSON	NE	191	234	274	344	381
COUNTY : ROCK	NE	192	235	277	345	386
COUNTY : SALINE	NE	191	234	274	344	381
COUNTY : SAUNDERS	NE	191	234	274	344	381
COUNTY : SCOTTS BLUFF	NE	219	265	309	383	429
COUNTY : SEWARD	NE	191	234	274	344	381
COUNTY : SHERIDAN	NE	179	221	261	324	363
COUNTY : SHERMAN	NE	181	224	265	332	371
COUNTY : SIOUX	NE	179	221	261	324	363
COUNTY : STANTON	NE	192	235	277	345	386
COUNTY : THAYER	NE	191	234	274	344	381
COUNTY : THOMAS	NE	181	224	265	332	371
COUNTY : THURSTON	NE	192	235	277	345	386
COUNTY : VALLEY	NE	181	224	265	332	371
COUNTY : WAYNE	NE	192	235	277	345	386
COUNTY : WEBSTER	NE	181	224	265	332	371
COUNTY : WHEELER	NE	181	224	265	332	371
COUNTY : YORK	NE	191	234	274	344	381
REGION - 7 ST. LOUIS, MISSOURI OFFICE						
MSA : COLUMBIA, MO		223	271	318	394	438
PMSA : ST. LOUIS, MO-IL		262	316	366	454	507
COUNTY : ADAIR	MO	211	254	299	375	418
COUNTY : AUDRAIN	MO	211	254	299	375	418
COUNTY : BOLLINGER	MO	164	204	240	300	338
COUNTY : BUTLER	MO	173	210	252	315	354
COUNTY : CALLAWAY	MO	211	254	299	375	418
COUNTY : CAPE GIRARDE	MO	197	238	282	352	391
COUNTY : CARTER	MO	173	210	252	315	354
COUNTY : CLARK	MO	197	238	282	354	392
COUNTY : COLE	MO	211	254	299	375	418
COUNTY : COOPER	MO	211	254	299	375	418
COUNTY : CRAWFORD	MO	187	226	271	334	375
COUNTY : DENT	MO	187	226	271	334	375
COUNTY : DOUGLAS	MO	187	226	271	334	375
COUNTY : DUNKLIN	MO	164	204	240	300	338
COUNTY : GASCONADE	MO	187	226	271	334	375
COUNTY : HOWARD	MO	211	254	299	375	418
COUNTY : HOWELL	MO	187	226	271	334	375
COUNTY : IRON	MO	187	226	271	334	375
COUNTY : DAWES	NE	179	221	261	324	363
COUNTY : DAWSON	NE	181	224	265	332	371
COUNTY : DEUEL	NE	179	221	261	324	363
COUNTY : DIXON	NE	192	235	277	345	386
COUNTY : DODGE	NE	191	234	274	344	381
COUNTY : DUNDY	NE	210	253	297	373	414
COUNTY : FILLMORE	NE	191	234	274	344	381
COUNTY : FRANKLIN	NE	181	224	265	332	371
COUNTY : FRONTIER	NE	181	224	265	332	371
COUNTY : FURNAS	NE	181	224	265	332	371
COUNTY : GAGE	NE	223	271	318	394	438
COUNTY : GARDEN	NE	179	221	261	324	363
COUNTY : GARFIELD	NE	181	224	265	332	371
COUNTY : GOSPER	NE	181	224	265	332	371
COUNTY : GRANT	NE	181	224	265	332	371
COUNTY : GREELEY	NE	181	224	265	332	371
COUNTY : HALL	NE	181	224	265	345	375
COUNTY : HAMILTON	NE	181	224	265	332	371
COUNTY : HARLAN	NE	181	224	265	332	371
COUNTY : HAYES	NE	181	224	265	332	371
COUNTY : HITCHCOCK	NE	181	224	265	332	371
COUNTY : HOLT	NE	192	235	277	345	386
COUNTY : HOOKER	NE	181	224	265	332	371
COUNTY : HOWARD	NE	181	224	265	332	371
COUNTY : JEFFERSON	NE	191	234	274	344	381
COUNTY : JOHNSON	NE	191	234	274	344	381
COUNTY : KEARNEY	NE	181	224	265	332	371
COUNTY : KEITH	NE	181	224	265	332	371
COUNTY : KEYA PAHA	NE	192	235	277	345	386
COUNTY : KIMBALL	NE	179	221	261	324	363
COUNTY : KNOX	NE	192	235	277	345	386
COUNTY : LINCOLN	NE	181	224	265	332	371
COUNTY : LOGAN	NE	181	224	265	332	371
COUNTY : LOUP	NE	181	224	265	332	371
COUNTY : MADISON	NE	192	235	277	345	386
COUNTY : MCPHERSON	NE	181	224	265	332	371
COUNTY : MERRICK	NE	181	224	265	332	371
COUNTY : MORRILL	NE	179	221	261	324	363
COUNTY : NANCE	NE	181	224	265	332	371
COUNTY : NEMAHA	NE	191	234	274	344	381
COUNTY : NUCKOLLS	NE	181	224	265	332	371
COUNTY : OTOE	NE	191	234	274	344	381
COUNTY : PAWNEE	NE	191	234	274	344	381
COUNTY : PERKINS	NE	210	253	297	373	414
COUNTY : PHELPS	NE	181	224	265	332	371
COUNTY : PIERCE	NE	192	235	277	345	386

COUNTY : LEWIS	MO	197	238	282	354	392	
COUNTY : LINCOLN	MO	187	226	271	334	375	
COUNTY : MACON	MO	211	254	299	375	418	
COUNTY : MADISON	MO	187	226	271	334	375	
COUNTY : MARIES	MO	187	226	271	334	375	
COUNTY : MARION	MO	197	238	282	354	392	
COUNTY : MISSISSIPPI	MO	164	204	240	300	338	
COUNTY : MONITEAU	MO	211	254	299	375	418	
COUNTY : MONROE	MO	211	254	299	375	418	
COUNTY : MONTGOMERY	MO	187	226	271	334	375	
COUNTY : NEW MADRID	MO	164	204	240	300	338	
COUNTY : OREGON	MO	187	226	271	334	375	
COUNTY : OSAGE	MO	211	254	299	375	418	
COUNTY : OZARK	MO	187	226	271	334	375	
COUNTY : PEMISCOT	MO	164	204	240	300	338	
COUNTY : PERRY	MO	187	226	271	334	375	
COUNTY : PHELPS	MO	187	226	271	334	375	
COUNTY : PIKE	MO	187	226	271	334	375	
COUNTY : RALLS	MO	197	238	282	354	392	
COUNTY : RANDOLPH	MO	211	254	299	375	418	
COUNTY : REYNOLDS	MO	187	226	271	334	375	
COUNTY : RIPLEY	MO	173	210	252	315	354	
COUNTY : SCHUYLER	MO	211	254	299	375	418	
COUNTY : SCOTLAND	MO	211	254	299	375	418	
COUNTY : SCOTT	MO	197	238	282	352	391	
COUNTY : SHANNON	MO	187	226	271	334	375	
COUNTY : SHELBY	MO	211	254	299	375	418	
COUNTY : ST FRANCOIS	MO	187	226	271	334	375	
COUNTY : STE GENEVIEV	MO	187	226	271	334	375	
COUNTY : STODDARD	MO	164	204	240	300	338	
COUNTY : TEXAS	MO	187	226	271	334	375	
COUNTY : WARREN	MO	187	226	271	334	375	
COUNTY : WASHINGTON	MO	187	226	271	334	375	
COUNTY : WAYNE	MO	173	210	252	315	354	
COUNTY : WRIGHT	MO	187	226	271	334	375	
REGION - 7 TOPEKA, KANSAS OFFICE							
PMSA : KANSAS CITY, KS		256	309	360	449	494	
MSA : LAWRENCE, KS		253	294	350	441	475	
MSA : TOPEKA, KS		228	275	324	402	448	
MSA : WICHITA, KS		225	262	304	388	420	
COUNTY : ALLEN	KS	151	186	221	277	309	
COUNTY : ANDERSON	KS	180	222	263	329	369	
COUNTY : ATCHISON	KS	180	222	263	329	369	
COUNTY : BARBER	KS	161	198	235	295	328	
COUNTY : BARTON	KS	173	211	251	315	350	
COUNTY : BOURBON	KS	151	186	221	277	309	
COUNTY : BROWN	KS	180	222	263	329	369	
COUNTY : CHASE	KS	161	198	235	295	328	
COUNTY : CHAUTAUQUA	KS	161	198	235	295	328	
COUNTY : CHEROKEE	KS	151	186	221	277	309	
COUNTY : CHEYENNE	KS	173	211	251	315	350	
COUNTY : CLARK	KS	161	198	235	295	328	
COUNTY : CLAY	KS	173	211	251	315	350	
COUNTY : CLOUD	KS	173	211	251	315	350	
COUNTY : COFFEY	KS	180	222	263	329	369	
COUNTY : COMANCHE	KS	161	198	235	295	328	
COUNTY : COWLEY	KS	161	198	235	295	328	
COUNTY : CRAWFORD	KS	151	207	239	313	326	
COUNTY : DECATUR	KS	173	211	251	315	350	
COUNTY : DICKINSON	KS	173	211	251	315	350	
COUNTY : DONIPHAN	KS	180	222	263	329	369	
COUNTY : EDWARDS	KS	161	198	235	295	328	
COUNTY : ELK	KS	161	198	235	295	328	
COUNTY : ELLIS	KS	173	211	251	315	350	
COUNTY : ELLSWORTH	KS	173	211	251	315	350	
COUNTY : FINNEY	KS	161	198	235	295	328	
COUNTY : FORD	KS	161	198	235	295	328	
COUNTY : FRANKLIN	KS	180	222	263	329	369	
COUNTY : GEARY	KS	180	222	263	329	369	
COUNTY : GOVE	KS	173	211	251	315	350	
COUNTY : GRAHAM	KS	173	211	251	315	350	
COUNTY : GRANT	KS	161	198	235	295	328	
COUNTY : GRAY	KS	161	198	235	295	328	
COUNTY : GREELEY	KS	173	211	251	315	350	
COUNTY : GREENWOOD	KS	161	198	235	295	328	
COUNTY : HAMILTON	KS	161	198	235	295	328	
COUNTY : HARPER	KS	161	198	235	295	328	
COUNTY : HARVEY	KS	183	222	261	336	358	
COUNTY : HASKELL	KS	161	198	235	295	328	
COUNTY : HODGEMAN	KS	161	198	235	295	328	
COUNTY : JACKSON	KS	180	222	263	329	369	
COUNTY : JEFFERSON	KS	203 (13)	245 (15)	289 (19)	359 (24)	401 (28)	
COUNTY : JEWELL	KS	173	211	251	315	350	
COUNTY : KEARNY	KS	161	198	235	295	328	
COUNTY : KINGMAN	KS	161	198	235	295	328	
COUNTY : KIOWA	KS	161	198	235	295	328	
COUNTY : LABETTE	KS	151	186	221	277	309	
COUNTY : LANE	KS	173	211	251	315	350	
COUNTY : LINCOLN	KS	173	211	251	315	350	

COUNTY : LINN	KS	180	222	263	329	369	
COUNTY : LOGAN	KS	173	211	251	315	350	
COUNTY : LYON	KS	180	222	263	329	369	
COUNTY : MARION	KS	161	198	235	295	328	
COUNTY : MARSHALL	KS	180	222	263	329	369	
COUNTY : MCPHERSON	KS	173	211	251	315	350	
COUNTY : MEADE	KS	161	198	235	295	328	
COUNTY : MITCHELL	KS	173	211	251	315	350	
COUNTY : MONTGOMERY	KS	151	186	221	277	309	
COUNTY : MORRIS	KS	173	211	251	315	350	
COUNTY : MORTON	KS	161	198	235	295	328	
COUNTY : NEMAHA	KS	180	222	263	329	369	
COUNTY : NEOSHO	KS	151	186	221	277	309	
COUNTY : NESS	KS	173	211	251	315	350	
COUNTY : NORTON	KS	173	211	251	315	350	
COUNTY : OSAGE	KS	203 (27)	245 (32)	289 (39)	359 (48)	401 (55)	
COUNTY : OSBORNE	KS	173	211	251	315	350	
COUNTY : OTTAWA	KS	173	211	251	315	350	
COUNTY : PAWNEE	KS	161	198	235	295	328	
COUNTY : PHILLIPS	KS	173	211	251	315	350	
COUNTY : POTTAWATOMIE	KS	180	222	263	329	369	
COUNTY : PRATT	KS	161	198	235	295	328	
COUNTY : RAWLINS	KS	173	211	251	315	350	
COUNTY : RENO	KS	161	198	235	295	328	
COUNTY : REPUBLIC	KS	173	211	251	315	350	
COUNTY : RICE	KS	173	211	251	315	350	
COUNTY : RILEY	KS	211	259	300	379	419	
COUNTY : ROOKS	KS	173	211	251	315	350	
COUNTY : RUSH	KS	173	211	251	315	350	
COUNTY : RUSSELL	KS	173	211	251	315	350	
COUNTY : SALINE	KS	173	211	251	315	350	
COUNTY : SCOTT	KS	173	211	251	315	350	
COUNTY : SEWARD	KS	161	198	235	295	328	
COUNTY : SHERIDAN	KS	173	211	251	315	350	
COUNTY : SHERMAN	KS	173	211	251	315	350	
COUNTY : SMITH	KS	173	211	251	315	350	
COUNTY : STAFFORD	KS	161	198	235	295	328	
COUNTY : STANTON	KS	161	198	235	295	328	
COUNTY : STEVENS	KS	161	198	235	295	328	
COUNTY : SUMNER	KS	161	198	235	295	328	
COUNTY : THOMAS	KS	173	211	251	315	350	
COUNTY : TREGO	KS	173	211	251	315	350	
COUNTY : WABAUNSEE	KS	180	222	263	329	369	
COUNTY : WALLACE	KS	173	211	251	315	350	
COUNTY : WASHINGTON	KS	180	222	263	329	369	
COUNTY : WICHITA	KS	173	211	251	315	350	
COUNTY : WILSON	KS	151	186	221	277	309	
COUNTY : WOODSON	KS	151	186	221	277	309	
REGION - 8 CASPER, WYOMING OFFICE							
MSA : CASPER, WY		298	369	455	563	634	
COUNTY : ALBANY	WY	200	242	287	354	396	
COUNTY : BIG HORN	WY	210	253	296	369	410	
COUNTY : CAMPBELL	WY	200	242	287	354	396	
COUNTY : CARBON	WY	200	242	287	354	396	
COUNTY : CONVERSE	WY	200	242	287	354	396	
COUNTY : CROOK	WY	210	253	296	369	410	
COUNTY : FREMONT	WY	200	242	287	354	396	
COUNTY : GOSHEN	WY	200	242	287	354	396	
COUNTY : HOT SPRINGS	WY	210	253	296	369	410	
COUNTY : JOHNSON	WY	200	242	287	354	396	
COUNTY : LARAMIE	WY	272	320	372	457	508	
COUNTY : LINCOLN	WY	200	242	287	354	396	
COUNTY : NIOBRARA	WY	200	242	287	354	396	
COUNTY : PARK	WY	210	253	296	369	410	
COUNTY : PLATTE	WY	200	242	287	354	396	
COUNTY : SHERIDAN	WY	276	331	401	500	559	
COUNTY : SUBLETTE	WY	200	242	287	354	396	
COUNTY : SWEETWATER	WY	200	242	287	354	396	
COUNTY : TETON	WY	269	323	377	465	516	
COUNTY : UINTA	WY	200	242	287	354	396	
COUNTY : WASHAKIE	WY	210	253	296	369	410	
COUNTY : WESTON	WY	210	253	296	369	410	
REGION - 8 DENVER, COLORADO REGIONAL OFFICE							
PMSA : BOULDER-LONGMONT, CO		385	456	534	652	722	
MSA : COLORADO SPRINGS, CO		247	300	349	431	478	
PMSA : DENVER, CO		339	402	470	574	636	
MSA : FORT COLLINS-LOVELAND, CO		249	300	349	438	485	
MSA : GREELEY, CO		232	281	328	404	452	
MSA : PUEBLO, CO		242	295	343	426	472	
COUNTY : ALAMOSA	CO	242	295	343	426	472	
COUNTY : ARCHULETA	CO	200	242	287	354	396	
COUNTY : BACA	CO	220	266	308	381	425	
COUNTY : BENT	CO	220	266	308	381	425	
COUNTY : CHAFFEE	CO	220	266	308	381	425	
COUNTY : CHEYENNE	CO	211	252	298	364	405	
COUNTY : CLEAR CREEK	CO	232	281	328	404	452	

COUNTY : CONEJOS	CO	242	295	343	426	472
COUNTY : COSTILLA	CO	242	295	343	426	472
COUNTY : CROWLEY	CO	220	266	308	381	425
COUNTY : CUSTER	CO	220	266	308	381	425
COUNTY : DELORES	CO	200	242	287	354	396
COUNTY : DELTA	CO	200	242	287	354	396
COUNTY : EAGLE	CO	200	242	287	354	396
COUNTY : ELBERT	CO	211	252	298	364	405
COUNTY : FREMONT	CO	220	266	308	381	425
COUNTY : GARFIELD	CO	287	339	401	493	548
COUNTY : GILPIN	CO	307	364	425	520	576
COUNTY : GRAND	CO	232	281	328	404	452
COUNTY : GUNNISON	CO	200	242	287	354	396
COUNTY : HINSDALE	CO	200	242	287	354	396
COUNTY : HUERFANO	CO	220	266	308	381	425
COUNTY : JACKSON	CO	200	242	287	354	396
COUNTY : KIOWA	CO	220	266	308	381	425
COUNTY : KIT CARSON	CO	211	252	298	364	405
COUNTY : LA PLATA	CO	200	242	287	354	396
COUNTY : LAKE	CO	211	252	298	364	405
COUNTY : LAS ANIMAS	CO	220	266	308	381	425
COUNTY : LINCOLN	CO	220	266	308	381	425
COUNTY : LOGAN	CO	232	281	328	404	452
COUNTY : MESA	CO	289	348	404	497	555
COUNTY : MINERAL	CO	242	295	343	426	472
COUNTY : MOFFAT	CO	276	331	401	494	547
COUNTY : MONTEZUMA	CO	200	242	287	354	396
COUNTY : MONTROSE	CO	200	242	287	354	396
COUNTY : MORGAN	CO	232	281	328	404	452
COUNTY : OTERO	CO	220	266	308	381	425
COUNTY : OURAY	CO	200	242	287	354	396
COUNTY : PARK	CO	211	252	298	364	405
COUNTY : PHILLIPS	CO	232	281	328	404	452
COUNTY : PITKIN	CO	200	242	287	354	396
COUNTY : PROWERS	CO	220	266	308	381	425
COUNTY : RIO BLANCO	CO	200	242	287	354	396
COUNTY : RIO GRANDE	CO	242	295	343	426	472
COUNTY : ROUTT	CO	276	331	401	494	547
COUNTY : SAGUACHE	CO	242	295	343	426	472
COUNTY : SAN JUAN	CO	200	242	287	354	396
COUNTY : SAN MIGUEL	CO	200	242	287	354	396
COUNTY : SEDGWICK	CO	232	281	328	404	452
COUNTY : SUMMIT	CO	232	281	328	404	452
COUNTY : TELLER	CO	270	328	381	470	523
COUNTY : WASHINGTON	CO	232	281	328	404	452
COUNTY : YUMA	CO	232	281	328	404	452
REGION - 8 FARGO, NORTH DAKOTA OFFICE						
MSA : BISMARCK, ND		249	290	345	432	464
MSA : FARGO-MOORHEAD, ND-MN		243	277	358	443	469
MSA : GRAND FORKS, ND		247	295	351	440	473
COUNTY : ADAMS	ND	197	234	296	359	386
COUNTY : BARNES	ND	197	234	296	359	386
COUNTY : BENSON	ND	197	234	296	359	386
COUNTY : BILLINGS	ND	197	234	296	359	386
COUNTY : BOTTINEAU	ND	197	234	296	359	386
COUNTY : BOWMAN	ND	197	234	296	359	386
COUNTY : BURKE	ND	197	234	296	359	386
COUNTY : CAVALIER	ND	197	234	296	359	386
COUNTY : DICKEY	ND	197	234	296	359	386
COUNTY : DIVIDE	ND	197	234	296	359	386
COUNTY : DUNN	ND	197	234	296	359	386
COUNTY : EDDY	ND	197	234	296	359	386
COUNTY : EMMONS	ND	197	234	296	359	386
COUNTY : FOSTER	ND	197	234	296	359	386
COUNTY : GOLDEN VALLY	ND	197	234	296	359	386
COUNTY : GRANT	ND	233	277	332	414	463
COUNTY : GRIGGS	ND	197	234	296	359	386
COUNTY : HETTINGER	ND	197	234	296	359	386
COUNTY : KIDDER	ND	197	234	296	359	386
COUNTY : LA MOORE	ND	197	234	296	359	386
COUNTY : LOGAN	ND	197	234	296	359	386
COUNTY : MCHENRY	ND	197	234	296	359	386
COUNTY : MCINTOSH	ND	197	234	296	359	386
COUNTY : MCKENZIE	ND	197	234	296	359	386
COUNTY : MCLEAN	ND	217	244	315	373	404
COUNTY : MERCER	ND	310	360	474	591	659
COUNTY : MOUNTRAIL	ND	197	234	296	359	386
COUNTY : NELSON	ND	197	234	296	359	386
COUNTY : OLIVER	ND	217	244	315	373	404
COUNTY : PEMBINA	ND	197	234	296	359	386
COUNTY : PIERCE	ND	197	234	296	359	386
COUNTY : RAMSEY	ND	197	234	296	359	386
COUNTY : RANSOM	ND	197	234	296	359	386
COUNTY : RENVILLE	ND	197	234	296	359	386
COUNTY : RICHLAND	ND	197	234	296	359	386
COUNTY : ROLETTE	ND	197	234	296	359	386
COUNTY : SARGENT	ND	197	234	296	359	386
COUNTY : SHERIDAN	ND	197	234	296	359	386
COUNTY : SIOUX	ND	197	234	296	359	386
COUNTY : SLOPE	ND	197	234	296	359	386
COUNTY : STARK	ND	249	289	345	432	464
COUNTY : STEELE	ND	197	234	296	359	386

COUNTY	STUTSMAN	ND	197	234	296	359	386
COUNTY	TOWNER	ND	197	234	296	359	386
COUNTY	TRAILL	ND	197	234	296	359	386
COUNTY	WALSH	ND	197	234	296	359	386
COUNTY	WARD	ND	239	288	343	432	481
COUNTY	WELLS	ND	197	234	296	359	386
COUNTY	WILLIAMS	ND	255	294	354	443	493
REGION - 8	HELENA, MONTANA OFFICE						
MSA	BILLINGS, MT		276	333	388	479	533
MSA	GREAT FALLS, MT		252	312	363	462	495
COUNTY	BEAVERHEAD	MT	220	267	313	387	432
COUNTY	BIG HORN	MT	210	253	296	369	410
COUNTY	BLAINE	MT	210	253	296	369	410
COUNTY	BROADWATER	MT	210	253	296	369	410
COUNTY	CARBON	MT	210	253	296	369	410
COUNTY	CARTER	MT	210	253	296	369	410
COUNTY	CHOUTEAU	MT	210	253	296	369	410
COUNTY	CUSTER	MT	210	253	296	369	410
COUNTY	DANIELS	MT	221	270	315	388	436
COUNTY	DAWSON	MT	210	253	296	369	410
COUNTY	DEER LODGE	MT	220	267	313	387	432
COUNTY	FALLON	MT	210	253	296	369	410
COUNTY	FERGUS	MT	210	253	296	369	410
COUNTY	FLATHEAD	MT	239	292	338	421	464
COUNTY	GALLATIN	MT	279	336	394	488	541
COUNTY	GARFIELD	MT	210	253	296	369	410
COUNTY	GLACIER	MT	210	253	296	369	410
COUNTY	GOLDEN VALLE	MT	210	253	296	369	410
COUNTY	GRANITE	MT	220	267	313	387	432
COUNTY	HILL	MT	210	253	296	369	410
COUNTY	JEFFERSON	MT	210	253	296	369	410
COUNTY	JUDITH BASIN	MT	210	253	296	369	410
COUNTY	LAKE	MT	220	267	313	387	432
COUNTY	LEWIS+ CLARK	MT	289	348	403	497	551
COUNTY	LIBERTY	MT	210	253	296	369	410
COUNTY	LINCOLN	MT	220	267	313	387	432
COUNTY	MADISON	MT	220	267	313	387	432
COUNTY	MCCONE	MT	210	253	296	369	410
COUNTY	MEAGHER	MT	210	253	296	369	410
COUNTY	MINERAL	MT	220	267	313	387	432
COUNTY	MISSOULA	MT	251	303	354	438	489
COUNTY	MUSSELSHELL	MT	210	253	296	369	410
COUNTY	PARK	MT	270	326	381	468	521
COUNTY	PETROLEUM	MT	210	253	296	369	410
COUNTY	PHILLIPS	MT	210	253	296	369	410
COUNTY	PONDERA	MT	210	253	296	369	410
COUNTY	POWDER RIVER	MT	210	253	296	369	410
COUNTY	POWELL	MT	220	267	313	387	432
COUNTY	PRAIRIE	MT	210	253	296	369	410
COUNTY	RAVALLI	MT	220	267	313	387	432
COUNTY	RICHLAND	MT	243	296	347	428	475
COUNTY	ROOSEVELT	MT	221	270	315	388	436
COUNTY	ROSEBUD	MT	210	253	296	369	410
COUNTY	SANDERS	MT	220	267	313	387	432
COUNTY	SHERIDAN	MT	221	270	315	388	436
COUNTY	SILVER BOW	MT	220	267	313	387	432
COUNTY	STILLWATER	MT	210	253	296	369	410
COUNTY	SWEET GRASS	MT	210	253	296	369	410
COUNTY	TETON	MT	210	253	296	369	410
COUNTY	TOOLE	MT	210	253	296	369	410
COUNTY	TREASURE	MT	210	253	296	369	410
COUNTY	VALLEY	MT	210	253	296	369	410
COUNTY	WHEATLAND	MT	210	253	296	369	410
COUNTY	WIBAUX	MT	221	270	315	388	436
COUNTY	YL-ST-NT-PK	MT	210	253	296	369	410
REGION - 8	SALT LAKE CITY, UTAH OFFICE						
MSA	PROVO-OREM, UT		232	281	328	404	452
MSA	SALT LAKE CITY-OGDEN, UT		274	322	390	480	531
COUNTY	BEAVER	UT	276	331	385	475	526
COUNTY	BOX ELDER	UT	200	242	287	354	396
COUNTY	CACHE	UT	200	242	287	354	396
COUNTY	CARBON	UT	269	323	377	465	516
COUNTY	DAGGETT	UT	200	242	287	354	396
COUNTY	DUCHESNE	UT	200	242	287	354	396
COUNTY	EMERY	UT	249	300	349	438	485
COUNTY	GARFIELD	UT	276	331	385	475	526
COUNTY	GRAND	UT	179	219	257	320	353
COUNTY	IRON	UT	276	331	385	475	526
COUNTY	JUAB	UT	179	219	257	320	353
COUNTY	KANE	UT	276	331	385	475	526
COUNTY	MILLARD	UT	179	219	257	320	353
COUNTY	MORGAN	UT	200	242	287	354	396
COUNTY	PIUTE	UT	179	219	257	320	353
COUNTY	RICH	UT	200	242	287	354	396
COUNTY	SAN JUAN	UT	179	219	257	320	353
COUNTY	SANPETE	UT	179	219	257	320	353

COUNTY : SEVIER	UT	179	219	257	320	353
COUNTY : SUMMIT	UT	200	242	287	354	396
COUNTY : TOOELE	UT	262	308	374	460	510
COUNTY : UINTAH	UT	200	242	287	354	396
COUNTY : WASATCH	UT	200	242	287	354	396
COUNTY : WASHINGTON	UT	276	331	385	475	526
COUNTY : WAYNE	UT	179	219	257	320	353
REGION - 8 SIOUX FALLS, S. DAKOTA OFFICE						
MSA : SIOUX FALLS, SD		248	298	350	439	488
COUNTY : AURORA	SD	214	259	304	379	422
COUNTY : BEADLE	SD	214	259	304	379	422
COUNTY : BENNETT	SD	189	228	272	338	377
COUNTY : BON HOMME	SD	192	235	277	345	386
COUNTY : BROOKINGS	SD	214	259	304	379	422
COUNTY : BROWN	SD	222	261	327	414	469
COUNTY : BRULE	SD	189	228	272	338	377
COUNTY : BUFFALO	SD	189	228	272	338	377
COUNTY : BUTTE	SD	212	258	302	376	420
COUNTY : CAMPBELL	SD	189	228	272	338	377
COUNTY : CHARLES MIX	SD	192	235	277	345	386
COUNTY : CLARK	SD	189	228	272	338	377
COUNTY : CLAY	SD	223	271	318	394	440
COUNTY : CODINGTON	SD	189	247	296	351	389
COUNTY : CORSON	SD	189	228	272	338	377
COUNTY : CUSTER	SD	226	272	323	399	443
COUNTY : DAVISON	SD	214	259	304	379	422
COUNTY : DAY	SD	189	228	272	338	377
COUNTY : DEUEL	SD	189	228	272	338	377
COUNTY : DEWEY	SD	189	228	272	338	377
COUNTY : DOUGLAS	SD	192	235	277	345	386
COUNTY : EDMUNDS	SD	189	228	272	338	377
COUNTY : FALL RIVER	SD	226	272	323	399	443
COUNTY : FAULK	SD	189	228	272	338	377
COUNTY : GRANT	SD	222	271	318	394	438
COUNTY : GREGORY	SD	189	228	272	338	377
COUNTY : HAAKON	SD	189	228	272	338	377
COUNTY : HAMLIN	SD	189	228	272	338	377
COUNTY : HAND	SD	214	259	304	379	422
COUNTY : HANSON	SD	214	259	304	379	422
COUNTY : HARDING	SD	189	228	272	338	377
COUNTY : HUGHES	SD	250	303	354	441	491
COUNTY : HUTCHINSON	SD	192	235	277	345	386
COUNTY : HYDE	SD	189	228	272	338	377
COUNTY : JACKSON	SD	189	228	272	338	377
COUNTY : JERAULD	SD	214	259	304	379	422
COUNTY : JONES	SD	189	228	272	338	377
COUNTY : KINGSBURY	SD	214	259	304	379	422
COUNTY : LAKE	SD	214	259	304	379	422
COUNTY : LAWRENCE	SD	237	259	330	397	441
COUNTY : LINCOLN	SD	214	259	304	379	422
COUNTY : LYMAN	SD	189	228	272	338	377
COUNTY : MARSHALL	SD	189	228	272	338	377
COUNTY : MCCOOK	SD	214	259	304	379	422
COUNTY : MCPHERSON	SD	189	228	272	338	377
COUNTY : MEADE	SD	238	287	335	418	465
COUNTY : MELLETTE	SD	189	228	272	338	377
COUNTY : MINER	SD	214	259	304	379	422
COUNTY : MOODY	SD	214	259	304	379	422
COUNTY : PENNINGTON	SD	238	287	335	418	465
COUNTY : PERKINS	SD	189	228	272	338	377
COUNTY : POTTER	SD	189	228	272	338	377
COUNTY : ROBERTS	SD	189	228	272	338	377
COUNTY : SANBORN	SD	214	259	304	379	422
COUNTY : SHANNON	SD	189	228	272	338	377
COUNTY : SPINK	SD	189	228	272	338	377
COUNTY : STANLEY	SD	250	303	354	441	491
COUNTY : SULLY	SD	189	228	272	338	377
COUNTY : TODD	SD	189	228	272	338	377
COUNTY : TRIPP	SD	189	228	272	338	377
COUNTY : TURNER	SD	214	259	304	379	422
COUNTY : UNION	SD	192	235	277	345	386
COUNTY : WALWORTH	SD	209	251	294	372	409
COUNTY : YANKTON	SD	192	235	277	345	386
COUNTY : ZIEBACH	SD	189	228	272	338	377
REGION - 9 FRESNO, CALIFORNIA OFFICE						
MSA : FRESNO, CA		251	303	357	493	533
MSA : MODESTO, CA		272	300	364	519	556
MSA : VISALIA-TULARE-PORTERVILLE, CA		263	298	377	522	569
COUNTY : KINGS	CA	225	273	320	418	473
COUNTY : MADERA	CA	227	276	333	466	505
COUNTY : MARIPOSA	CA	237	294	368	496	555
COUNTY : MERCED	CA	239	271	368	500	569
REGION - 9 HONOLULU, HAWAII OFFICE						
MSA : HONOLULU, HI		353	412	487	613	673

COUNTY	: HAWAII	HI	383	456	528	651	720
COUNTY	: KAUAI	HI	383	456	528	651	720
COUNTY	: MAUI	HI	383	456	528	651	720
COUNTY	: GUAM		340	405	472	578	643
REGION - 9	LOS ANGELES, CALIFORNIA OFFICE						
MSA	: BAKERSFIELD, CA		260	322	361	508	579
PMSA	: LOS ANGELES-LONG BEACH, CA		390	463	538	710	816
PMSA	: OXNARD-VENTURA, CA		336	403	473	603	684
MSA	: SANTA BARBARA-SANTA MARIA-LOMPOC, CA		308	370	468	576	641
COUNTY	: SAN LUIS OBI	CA	326	380	466	587	645
REGION - 9	PHOENIX, ARIZONA OFFICE						
MSA	: PHOENIX, AZ		304	362	422	526	578
COUNTY	: APACHE	AZ	217	266	308	383	428
COUNTY	: COCONINO	AZ	262	303	398	511	569
COUNTY	: GILA	AZ	217	266	308	383	428
COUNTY	: MOHAVE	AZ	217	266	308	383	428
COUNTY	: NAVAJO	AZ	217	266	308	383	428
COUNTY	: PINAL	AZ	217	266	308	383	428
COUNTY	: YAVAPAI	AZ	217	266	308	383	428
COUNTY	: YUMA	AZ	217	266	308	383	428
REGION - 9	TUCSON, ARIZONA OFFICE						
MSA	: TUCSON, AZ		271	324	378	467	519
COUNTY	: COCHISE	AZ	217	266	308	383	428
COUNTY	: GRAHAM	AZ	217	266	308	383	428
COUNTY	: GREENLEE	AZ	217	266	308	383	428
COUNTY	: SANTA CRUZ	AZ	217	266	308	383	428
REGION - 9	RENO, NEVADA OFFICE						
MSA	: RENO, NV		357	425	505	645	690
INDEP. CITY	: CARSON CITY	NV	303	366	423	524	583
COUNTY	: CHURCHILL	NV	303	366	423	524	583
COUNTY	: DOUGLAS	NV	303	366	423	524	583
COUNTY	: ELKO	NV	303	366	423	524	583
COUNTY	: ESMERALDA	NV	278	334	401	508	551
COUNTY	: EUREKA	NV	278	334	401	508	551
COUNTY	: HUMBOLDT	NV	303	366	423	524	583
COUNTY	: LANDER	NV	303	366	423	524	583
COUNTY	: LYON	NV	303	366	423	524	583
COUNTY	: MINERAL	NV	303	366	423	524	583
COUNTY	: NYE	NV	278	334	401	508	551
COUNTY	: PERSHING	NV	303	366	423	524	583
COUNTY	: STOREY	NV	303	366	423	524	583
COUNTY	: WHITE PINE	NV	278	334	401	508	551
REGION - 9	SACRAMENTO, CALIFORNIA OFFICE						
MSA	: CHICO, CA		250	279	348	457	506
MSA	: REDDING, CA		256	292	345	453	507
MSA	: SACRAMENTO, CA		279	335	401	506	559
MSA	: STOCKTON, CA		247	296	345	453	500
MSA	: YUBA CITY, CA		239	287	333	438	495
COUNTY	: ALPINE	CA	237	287	335	415	460
COUNTY	: AMADOR	CA	249	298	353	448	495
COUNTY	: CALAUERAS	CA	249	287	358	453	501
COUNTY	: COLUSA	CA	249	300	349	439	486
COUNTY	: GLENN	CA	249	300	349	439	486
COUNTY	: LASSEN	CA	221	270	315	388	436
COUNTY	: MODOC	CA	221	270	315	388	436
COUNTY	: NEVADA	CA	266	320	380	477	542
COUNTY	: PLUMAS	CA	268	312	375	493	547
COUNTY	: SIERRA	CA	221	270	315	388	436
COUNTY	: SISKIYOU	CA	221	270	315	388	436
COUNTY	: TEHAMA	CA	221	270	315	388	436
COUNTY	: TRINITY	CA	221	270	315	388	436
COUNTY	: TUOLUMNE	CA	249	309	364	458	512
REGION - 9	SAN DIEGO, CALIFORNIA OFFICE						
MSA	: SAN DIEGO, CA		330	396	462	585	646
COUNTY	: IMPERIAL	CA	276	332	421	519	555
REGION - 9	SAN FRANCISCO, CALIFORNIA OFFICE						
PMSA	: OAKLAND, CA		334	386	478	660	715
MSA	: SALINAS-SEASIDE-MONTEREY, CA		291	364	425	582	623
PMSA	: SAN FRANCISCO, CA		377	437	541	747	808
PMSA	: SAN JOSE, CA		347	416	491	639	686
PMSA	: SANTA CRUZ, CA		320	390	455	587	662
PMSA	: SANTA ROSA-PETALUMA, CA		326	378	491	615	717
PMSA	: VALLEJO-FAIRFIELD-NAPA, CA		336	366	467	673	732

COUNTY	DEL NORTE	CA	238	287	333	429	473
COUNTY	HUMBOLDT	CA	272	322	377	519	563
COUNTY	LAKE	CA	276	333	388	482	533
COUNTY	MENDOCINO	CA	267	334	408	546	597
COUNTY	SAN BENITO	CA	256	309	360	446	493
REGION - 9	LAS VEGAS, NEVADA OFFICE						
MSA	LAS VEGAS, NV		295	352	411	504	559
COUNTY	LINCOLN	NV	278	334	401	508	551
REGION - 9	SANTA ANA, CALIFORNIA OFFICE						
PMSA	ANAHEIM-SANTA ANA, CA		370	448	525	709	781
PMSA	RIVERSIDE-SAN BERNARDINO, CA		317	372	434	582	662
COUNTY	INYO	CA	238	287	336	437	485
COUNTY	MONO	CA	225	273	320	396	440
REGION - 10	ANCHORAGE, ALASKA OFFICE						
MSA	ANCHORAGE, AK		487	594	647	791	904
CENSUS AREA	ALEUTIAN I.	AK	408	488	564	691	775
CENSUS AREA	BETHEL	AK	380	453	564	691	775
BOROUGH	BRISTOL BAY	AK	380	453	564	691	775
CENSUS AREA	DILLINGHAM	AK	380	453	564	691	775
BOROUGH	FAIRBKS-N.ST	AK	412	520	652	827	907
BOROUGH	HAINES	AK	380	453	564	691	775
BOROUGH	JUNEAU	AK	423	531	643	827	907
BOROUGH	KENAI-PENIN	AK	380	453	564	691	775
BOROUGH	KETCH-GATEWY	AK	407	493	668	851	918
CENSUS AREA	KOBUK	AK	380	453	564	691	775
BOROUGH	KODIAK ISLND	AK	408	488	564	691	775
BOROUGH	MATANUSKA-SU	AK	385	455	584	703	785
CENSUS AREA	NOME	AK	380	453	564	691	775
BOROUGH	NORTH SLOPE	AK	380	453	564	691	775
CENSUS AREA	P.WLS-O.KTCH	AK	380	453	564	691	775
CENSUS AREA	SE FAIRBANKS	AK	380	453	564	691	775
BOROUGH	SITKA	AK	380	453	564	691	775
CENSUS AREA	SKGWY-YKT-AN	AK	380	453	564	691	775
CENSUS AREA	VALDEZ-CORDO	AK	408	488	564	691	775
CENSUS AREA	WADE HAMPTON	AK	380	453	564	691	775
CENSUS AREA	WRNGLL-PTRBR	AK	380	453	564	691	775
CENSUS AREA	YKN-KOYKK	AK	380	453	564	691	775
REGION - 10	BOISE, IDAHO OFFICE						
MSA	BOISE CITY, ID		240	272	335	397	433
COUNTY	ADAMS	ID	220	266	308	381	425
COUNTY	BANNOCK	ID	241	294	339	420	463
COUNTY	BEAR LAKE	ID	200	242	287	354	396
COUNTY	BENEWAH	ID	217	262	304	378	418
COUNTY	BINGHAM	ID	241	294	339	420	463
COUNTY	BLAINE	ID	241	294	339	420	463
COUNTY	BOISE	ID	220	266	308	381	425
COUNTY	BONNER	ID	217	262	304	378	418
COUNTY	BONNEVILLE	ID	241	294	339	420	463
COUNTY	BOUNDARY	ID	217	262	304	378	418
COUNTY	BUTTE	ID	241	294	339	420	463
COUNTY	CAMAS	ID	241	294	339	420	463
COUNTY	CANYON	ID	220	266	308	381	425
COUNTY	CARIBOU	ID	241	294	339	420	463
COUNTY	CASSIA	ID	241	294	339	420	463
COUNTY	CLARK	ID	241	294	339	420	463
COUNTY	CLEARWATER	ID	217	262	304	378	418
COUNTY	CUSTER	ID	241	294	339	420	463
COUNTY	ELMORE	ID	220	266	308	381	425
COUNTY	FRANKLIN	ID	200	242	287	354	396
COUNTY	FREMONT	ID	241	294	339	420	463
COUNTY	GEM	ID	220	266	308	381	425
COUNTY	GOODING	ID	241	294	339	420	463
COUNTY	IDAHO	ID	217	262	304	378	418
COUNTY	JEFFERSON	ID	241	294	339	420	463
COUNTY	JEROME	ID	241	294	339	420	463
COUNTY	KOOTENAI	ID	217	262	304	378	418
COUNTY	LATAH	ID	229	262	305	378	418
COUNTY	LEMHI	ID	241	294	339	420	463
COUNTY	LEWIS	ID	217	262	304	378	418
COUNTY	LINCOLN	ID	241	294	339	420	463
COUNTY	MADISON	ID	241	294	339	420	463
COUNTY	MINIDOKA	ID	241	294	339	420	463
COUNTY	NEZ PERCE	ID	229	262	305	378	418
COUNTY	ONEIDA	ID	200	242	287	354	396
COUNTY	OWYHEE	ID	220	266	308	381	425
COUNTY	PAYETTE	ID	220	266	308	381	425
COUNTY	POWER	ID	241	294	339	420	463
COUNTY	SHOSHONE	ID	217	262	304	378	418
COUNTY	TETON	ID	241	294	339	420	463
COUNTY	TWIN FALLS	ID	241	294	339	420	463
COUNTY	VALLEY	ID	220	266	308	381	425
COUNTY	WASHINGTON	ID	220	266	308	381	425
REGION - 10	PORTLAND, OREGON OFFICE						
MSA	EUGENE-SPRINGFIELD, OR		245	276	328	437	489

MSA	: MEDFORD, OR		219	270	336	420	457
PMSA	: PORTLAND, OR		257	308	369	499	537
MSA	: SALEM, OR		262	312	385	475	524
COUNTY	: BAKER	OR	209	250	297	366	406
COUNTY	: BENTON	OR	252	302	351	439	485
COUNTY	: CLATSOP	OR	230	276	320	400	443
COUNTY	: COLUMBIA	OR	230	276	320	400	443
COUNTY	: COOS	OR	214	272	343	414	442
COUNTY	: CROOK	OR	219	264	306	382	422
COUNTY	: CURRY	OR	232	276	318	450	483
COUNTY	: DESCHUTES	OR	221	270	333	412	443
COUNTY	: DOUGLAS	OR	211	252	298	364	405
COUNTY	: GILLIAM	OR	209	250	297	366	406
COUNTY	: GRANT	OR	209	250	297	366	406
COUNTY	: HARNEY	OR	220	266	308	381	425
COUNTY	: HOOD RIVER	OR	200	240	283	349	387
COUNTY	: JEFFERSON	OR	221	270	333	412	443
COUNTY	: JOSEPHINE	OR	239	279	336	420	457
COUNTY	: KLAMATH	OR	211	252	298	364	405
COUNTY	: LAKE	OR	211	252	298	364	405
COUNTY	: LINCOLN	OR	252	302	351	439	485
COUNTY	: LINN	OR	252	302	351	439	485
COUNTY	: MALHEUR	OR	220	266	308	381	425
COUNTY	: MORROW	OR	209	250	297	366	406
COUNTY	: SHERMAN	OR	200	240	283	349	387
COUNTY	: TILLAMOOK	OR	230	276	320	400	443
COUNTY	: UMATILLA	OR	186	225	264	327	364
COUNTY	: UNION	OR	209	250	297	366	406
COUNTY	: WALLOWA	OR	209	250	297	366	406
COUNTY	: WASCO	OR	200	240	283	349	387
COUNTY	: WHEELER	OR	209	250	297	366	406
PMSA	: VANCOUVER, WA		240 (10)	287 (12)	343 (13)	465 (19)	501 (21)
COUNTY	: KLICKITAT	WA	200	240	283	349	387
COUNTY	: SKAMANIA	WA	200	240	283	349	387
REGION - 10	SEATTLE, WASHINGTON OFFICE						
MSA	: BELLINGHAM, WA		259	315	369	528	580
MSA	: BREMERTON, WA		277	327	399	561	648
MSA	: OLYMPIA, WA		238	284	355	441	495
PMSA	: SEATTLE, WA		321	387	453	605	654
PMSA	: TACOMA, WA		264	305	373	510	553
MSA	: YAKIMA, WA		203	291	336	440	487
COUNTY	: CHELAN	WA	221	287	355	480	533
COUNTY	: CLALLAM	WA	226	271	316	393	433
COUNTY	: COWLITZ	WA	249	324	364	524	556
COUNTY	: DOUGLAS	WA	221	287	355	480	533
COUNTY	: GRAYS HARBOR	WA	249	300	349	439	486
COUNTY	: ISLAND	WA	249	300	349	439	486
COUNTY	: JEFFERSON	WA	243	287	331	418	461
COUNTY	: KITTITAS	WA	209	250	297	366	406
COUNTY	: LEWIS	WA	226	271	316	393	433
COUNTY	: MASON	WA	249	300	349	439	486
COUNTY	: OKANOGAN	WA	220	267	313	387	432
COUNTY	: PACIFIC	WA	249	300	349	439	486
COUNTY	: SAN JUAN	WA	249	300	349	439	486
COUNTY	: SKAGIT	WA	249	300	349	439	486
COUNTY	: WAHKIAKUM	WA	200	240	283	349	387
REGION - 10	SPOKANE, WASHINGTON OFFICE						
MSA	: RICHLAND-KENNEWICK-PASCO, WA		247	299	363	482	530
MSA	: SPOKANE, WA		248	288	350	451	502
COUNTY	: ADAMS	WA	220	267	313	387	432
COUNTY	: ASOTIN	WA	233	276	382	493	533
COUNTY	: COLUMBIA	WA	220	267	313	387	432
COUNTY	: FERRY	WA	191	260	317	404	456
COUNTY	: GARFIELD	WA	220	267	313	387	432
COUNTY	: GRANT	WA	220	267	313	387	432
COUNTY	: LINCOLN	WA	220	267	313	387	432
COUNTY	: PEND OREILLE	WA	191	260	317	404	456
COUNTY	: STEVENS	WA	219	296	358	453	511
COUNTY	: WALLA WALLA	WA	219	296	401	542	570
COUNTY	: WHITMAN	WA	239	296	371	560	636

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SCHEDULE D- FAIR MARKET RENTS FOR MANUFACTURED HOME SPACES (SECTION 8 EXISTING HOUSING PROGRAM)

	SINGLE WIDE SPACE	DOUBLE WIDE SPACE
BOSTON, MASSACHUSETTS OFFICE		
NON METRO STATE: MAINE	90	103
MSA: BANGOR, ME	90	103
MSA: LEWISTON-AUBURN, ME	69	69
MSA: PORTLAND, ME	111	126
MSA: PORTSMOUTH-DOVER-ROCHESTER, NH-ME	90	103
NON METRO STATE: NEW HAMPSHIRE	82	90
PMSA: LAWRENCE-HAVERHILL, MA-NH	97	103
PMSA: LOWELL, MA-NH	97	103
MSA: MANCHESTER, NH	93	101
PMSA: NASHUA, NH	110	110
MSA: PORTSMOUTH-DOVER-ROCHESTER, NH-ME	90	103
NON METRO STATE: VERMONT	84	97
MSA: BURLINGTON, VT	84	97
NON METRO STATE: MASSACHUESETTS	110	110
PMSA: BOSTON, MA	102	110
PMSA: BROCKTON, MA	102	102
PMSA: FALL RIVER, MA-RI	69	69
MSA: FITCHBURG-LEOMINSTER, MA	83	83
PMSA: LAWRENCE-HAVERHILL, MA-NH	97	103
PMSA: LOWELL, MA-NH	97	103
MSA: NEW BEDFORD, MA	95	95
PMSA: PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA	94	94
MSA: PITTSFIELD, MA	102	102
PMSA: SALEM-GLOUCESTER, MA	102	110
MSA: SPRINGFIELD, MA	81	81
MSA: WORCESTER, MA	71	71
NON METRO STATE: RHODE ISLAND	90	90
PMSA: FALL RIVER, MA-RI	69	69
MSA: NEW LONDON-NORWICH, CT-RI	94	94
PMSA: PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA	94	94
PMSA: PROVIDENCE, RI	94	94
HARTFORD, CONNECTICUT OFFICE		
NON METRO STATE: CONNECTICUT	101	101
PMSA: BRIDGEPORT-MILFORD, CT	126	126
PMSA: BRISTOL, CT	101	101
PMSA: DANBURY, CT	97	97
PMSA: HARTFORD, CT	110	110
PMSA: MIDDLETOWN, CT	110	110
PMSA: NEW BRITAIN, CT	110	110
MSA: NEW HAVEN-MERIDEN, CT	99	99
MSA: NEW LONDON-NORWICH, CT-RI	94	94
PMSA: NORWALK, CT	118	118
MSA: SPRINGFIELD, MA	81	81
PMSA: STAMFORD, CT	118	118
MSA: WATERBURY, CT	101	101
BUFFALO, NEW YORK OFFICE		
NON METRO STATE: NEW YORK	97	97
MSA: ALBANY-SCHENECTADY-TROY, NY	110	110
MSA: BINGHAMTON, NY	73	73
PMSA: BUFFALO, NY	97	97
MSA: ELMIRA, NY	78	78
MSA: GLENS FALLS, NY	97	97
PMSA: NIAGARA FALLS, NY	93	93
PMSA: ORANGE COUNTY, NY	93	93
MSA: ROCHESTER, NY	110	110
MSA: SYRACUSE, NY	90	90
MSA: UTICA-ROME, NY	83	83
NEW YORK, NEW YORK OFFICE		
NON METRO STATE: NEW YORK	97	97

PMSA: NASSAU-SUFFOLK, NY	130	167
PMSA: NEW YORK, NY	135	135
MSA: POUGHKEEPSIE, NY	124	124
NEWARK, NEW JERSEY OFFICE		
NON METRO STATE: NEW JERSEY	84	84
MSA: ALLENTOWN-BETHLEHEM, PA-NJ	83	83
MSA: ATLANTIC CITY, NJ	128	128
PMSA: BERGEN-PASSAIC, NJ	169	170
PMSA: JERSEY CITY, NJ	164	164
PMSA: MIDDLESEX-SOMERSET-HUNTERDON, NJ	81	81
PMSA: MONMOUTH-OCEAN, NJ	148	149
PMSA: NEW YORK, NY	135	135
PMSA: NEWARK, NJ	159	164
PMSA: PHILADELPHIA, PA-NJ	146	146
PMSA: TRENTON, NJ	130	130
PMSA: VINELAND-MILLVILLE-BRIDGETON, NJ	115	115
PMSA: WILMINGTON, DE-NJ-MD	96	96
EXCEPTION COUNTY: OCEAN	127	178
BALTIMORE, MARYLAND OFFICE		
NON METRO STATE: MARYLAND	103	103
MSA: BALTIMORE, MD	147	147
MSA: CUMBERLAND, MD-WV	103	103
MSA: HAGERSTOWN, MD	129	129
PMSA: WILMINGTON, DE-NJ-MD	96	96
EXCEPTION COUNTY: ST MARYS	124	124
PHILADELPHIA, PENNSYLVANIA OFFICE		
NON METRO STATE: PENNSYLVANIA	59	59
MSA: ALLENTOWN-BETHLEHEM, PA-NJ	83	83
PMSA: BEAVER COUNTY, PA	69	69
MSA: HARRISBURG-LEBANON-CARLISLE, PA	85	85
MSA: LANCASTER, PA	79	79
PMSA: PHILADELPHIA, PA-NJ	146	146
MSA: READING, PA	79	79
MSA: SCRANTON--WILKES-BARRE, PA	76	76
MSA: SHARON, PA	59	59
MSA: STATE COLLEGE, PA	59	59
MSA: WILLIAMSPORT, PA	59	59
MSA: YORK, PA	79	79
EXCEPTION COUNTY: SUSQUEHANNA	70	70
NON METRO STATE: DELAWARE	59	59
PMSA: WILMINGTON, DE-NJ-MD	96	96
PITTSBURGH, PENNSYLVANIA OFFICE		
NON METRO STATE: PENNSYLVANIA	59	59
MSA: ALTOONA, PA	76	76
MSA: ERIE, PA	76	76
MSA: JOHNSTOWN, PA	76	76
PMSA: PITTSBURGH, PA	72	72
NON METRO STATE: WEST VIRGINIA	72	72
MSA: CHARLESTON, WV	78	78
MSA: CUMBERLAND, MD-WV	103	103
MSA: HUNTINGTON-ASHLAND, WV-KY-OH	72	72
MSA: PARKERSBURG-MARIETTA, WV-OH	72	72
MSA: STEUBENVILLE-WEIRTON, OH-WV	64	64
MSA: WHEELING, WV-OH	66	66
EXCEPTION COUNTY: WIRT	70	70
RICHMOND, VIRGINIA OFFICE		
NON METRO STATE: VIRGINIA	75	75

MSA: CHARLOTTESVILLE, VA	75	75
MSA: DANVILLE, VA	75	75
MSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	72	72
MSA: LYNCHBURG, VA	66	66
MSA: NORFOLK-VIRGINIA BEACH-NEWPORT NEWS, VA	104	104
MSA: RICHMOND-PETERSBURG, VA	102	102
MSA: ROANOKE, VA	72	72
EXCEPTION COUNTY: APPOMATTOX	64	64
EXCEPTION COUNTY: CRAIG	70	70
WASHINGTON, D.C. OFFICE		
MSA: WASHINGTON, DC-MD-VA	133	133
ATLANTA, GEORGIA OFFICE		
NON METRO STATE: GEORGIA	53	53
MSA: ALBANY, GA	46	49
MSA: ATHENS, GA	53	53
MSA: ATLANTA, GA	76	81
MSA: AUGUSTA, GA-SC	70	72
MSA: CHATTANOOGA, TN-GA	46	66
MSA: COLUMBUS, GA-AL	77	83
MSA: MACON-WARNER ROBINS, GA	47	52
MSA: SAVANNAH, GA	59	66
EXCEPTION COUNTY: BRYAN	57	64
EXCEPTION COUNTY: TWIGGS	46	51
BIRMINGHAM, ALABAMA OFFICE		
NON METRO STATE: ALABAMA	58	65
MSA: ANNISTON, AL	60	66
MSA: BIRMINGHAM, AL	83	92
MSA: COLUMBUS, GA-AL	77	83
MSA: DOTHAN, AL	56	63
MSA: FLORENCE, AL	66	72
MSA: GADSDEN, AL	60	66
MSA: HUNTSVILLE, AL	83	92
MSA: MOBILE, AL	67	73
MSA: MONTGOMERY, AL	67	72
MSA: TUSCALOOSA, AL	79	88
EXCEPTION COUNTY: LIMESTONE	81	89
EXCEPTION COUNTY: MARSHALL	81	89
COLUMBIA, SOUTH CAROLINA OFFICE		
NON METRO STATE: SOUTH CAROLINA	53	53
MSA: ANDERSON, SC	53	53
MSA: AUGUSTA, GA-SC	70	72
MSA: CHARLESTON, SC	66	66
MSA: COLUMBIA, SC	59	66
MSA: FLORENCE, SC	53	53
MSA: GREENVILLE-SPARTANBURG, SC	59	59
GREENSBORO, NORTH CAROLINA OFFICE		
NON METRO STATE: NORTH CAROLINA	47	59
MSA: ASHEVILLE, NC	66	78
MSA: BURLINGTON, NC	66	78
MSA: CHARLOTTE-GASTONIA-ROCK HILL, NC-SC	66	78
MSA: FAYETTEVILLE, NC	66	78
MSA: GREENSBORO--WINSTON-SALEM--HIGH POINT, NC	66	78
MSA: HICKORY, NC	47	59
MSA: JACKSONVILLE, NC	47	59
MSA: NORFOLK-VIRGINIA BEACH-NEWPORT NEWS, VA	104	104
MSA: RALEIGH-DURHAM, NC	66	78
MSA: WILMINGTON, NC	66	78
EXCEPTION COUNTY: BRUNSWICK	64	76
EXCEPTION COUNTY: CURRITUCK	101	101
EXCEPTION COUNTY: MADISON	64	76
JACKSON, MISSISSIPPI OFFICE		
NON METRO STATE: MISSISSIPPI	67	79

MSA: BILOXI-GULFPORT, MS	78	91
MSA: JACKSON, MS	83	104
MSA: MEMPHIS, TN-AR-MS	78	78
MSA: PASCAGOULA, MS	66	78
EXCEPTION COUNTY: STONE	67	79
JACKSONVILLE, FLORIDA OFFICE		
NON METRO STATE: FLORIDA	72	72
MSA: BRADENTON, FL	102	102
MSA: DAYTONA BEACH, FL	91	91
PMSA: FORT LAUDERDALE-HOLLYWOOD-POMPANO BEACH, FL	152	152
MSA: FORT MYERS, FL	96	96
MSA: FORT PIERCE, FL	70	70
MSA: FORT WALTON BEACH, FL	72	72
MSA: GAINESVILLE, FL	72	72
MSA: JACKSONVILLE, FL	66	78
MSA: LAKELAND-WINTER HAVEN, FL	72	72
MSA: MELBOURNE-TITUSVILLE-PALM BAY, FL	83	83
PMSA: MIAMI-HIALEAH, FL	120	120
MSA: OCALA, FL	72	72
MSA: ORLANDO, FL	83	83
MSA: PANAMA CITY, FL	72	72
MSA: PENSACOLA, FL	72	72
MSA: SARASOTA, FL	96	96
MSA: TALLAHASSEE, FL	66	66
MSA: TAMPA-ST. PETERSBURG-CLEARWATER, FL	96	96
MSA: WEST PALM BEACH-BOCA RATON-DELRAY BEACH, FL	120	120
EXCEPTION COUNTY: BAKER	64	76
EXCEPTION COUNTY: WAKULLA	64	76
LOUISVILLE, KENTUCKY OFFICE		
NON METRO STATE: KENTUCKY	63	69
PMSA: CINCINNATI, OH-KY-IN	92	96
MSA: CLARKSVILLE-HOPKINSVILLE, TN-KY	66	72
MSA: EVANSVILLE, IN-KY	63	67
MSA: HUNTINGTON-ASHLAND, WV-KY-OH	72	72
MSA: LEXINGTON-FAYETTE, KY	79	89
MSA: LOUISVILLE, KY-IN	68	75
MSA: OWENSBORO, KY	73	85
KNOXVILLE, TENNESSEE OFFICE		
NON METRO STATE: TENNESSEE	53	53
MSA: CHATTANOOGA, TN-GA	46	66
MSA: CLARKSVILLE-HOPKINSVILLE, TN-KY	66	72
MSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	72	72
MSA: KNOXVILLE, TN	59	59
MSA: MEMPHIS, TN-AR-MS	78	78
MSA: NASHVILLE, TN	78	91
CHICAGO, ILLINOIS OFFICE		
NON METRO STATE: ILLINOIS	87	92
PMSA: ALTON-GRANITE CITY, IL	83	88
PMSA: AURORA-ELGIN, IL	164	176
MSA: BLOOMINGTON-NORMAL, IL	96	96
MSA: CHAMPAIGN-URBANA-RANTOUL, IL	79	79
PMSA: CHICAGO, IL	173	185
MSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL	105	110
MSA: DECATUR, IL	105	105
PMSA: EAST ST. LOUIS-BELLEVILLE, IL	83	88
PMSA: JOLIET, IL	83	88
MSA: KANKAKEE, IL	77	77
PMSA: LAKE COUNTY, IL	164	176
MSA: PEORIA, IL	141	155
MSA: ROCKFORD, IL	139	149
PMSA: ST. LOUIS, MO-IL	80	92
MSA: SPRINGFIELD, IL	92	98
COLUMBUS, OHIO OFFICE		
NON METRO STATE: OHIO	61	61

PMSA: AKRON, OH	92	92
MSA: CANTON, OH	66	66
PMSA: CINCINNATI, OH-KY-IN	92	96
PMSA: CLEVELAND, OH	98	98
MSA: COLUMBUS, OH	85	98
MSA: DAYTON-SPRINGFIELD, OH	66	66
PMSA: HAMILTON-MIDDLETOWN, OH	74	77
MSA: HUNTINGTON-ASHLAND, WV-KY-OH	72	72
MSA: LIMA, OH	85	85
PMSA: LORAIN-ELYRIA, OH	105	105
MSA: MANSFIELD, OH	80	80
MSA: PARKERSBURG-MARIETTA, WV-OH	72	72
MSA: STEUBENVILLE-WEIRTON, OH-WV	64	64
MSA: TOLEDO, OH	105	141
MSA: WHEELING, WV-OH	66	66
MSA: YOUNGSTOWN-WARREN, OH	80	80
EXCEPTION COUNTY: CHAMPAIGN	65	78
EXCEPTION COUNTY: OTTAWA	100	134
EXCEPTION COUNTY: PREBLE	63	63
EXCEPTION COUNTY: PUTNAM	81	81
EXCEPTION COUNTY: VAN WERT	81	81
DETROIT, MICHIGAN OFFICE		
NON METRO STATE: MICHIGAN	92	103
PMSA: ANN ARBOR, MI	124	134
MSA: BATTLE CREEK, MI	80	92
MSA: BENTON HARBOR, MI	92	103
PMSA: DETROIT, MI	121	130
MSA: FLINT, MI	112	112
MSA: GRAND RAPIDS, MI	85	91
MSA: JACKSON, MI	92	92
MSA: KALAMAZOO, MI	97	100
MSA: LANSING-EAST LANSING, MI	108	124
MSA: MUSKEGON, MI	85	87
MSA: SAGINAW-BAY CITY-MIDLAND, MI	98	98
MSA: TOLEDO, OH	105	141
EXCEPTION COUNTY: BARRY	76	88
EXCEPTION COUNTY: IONIA	103	118
EXCEPTION COUNTY: OCEANA	81	83
EXCEPTION COUNTY: SHIAWASSEE	107	107
EXCEPTION COUNTY: VAN BUREN	92	95
INDIANAPOLIS, INDIANA OFFICE		
NON METRO STATE: INDIANA	47	62
MSA: ANDERSON, IN	53	53
MSA: BLOOMINGTON, IN	50	50
PMSA: CINCINNATI, OH-KY-IN	92	96
MSA: ELKHART-GOSHEN, IN	69	69
MSA: EVANSVILLE, IN-KY	63	67
MSA: FORT WAYNE, IN	60	79
PMSA: GARY-HAMMOND, IN	84	97
MSA: INDIANAPOLIS, IN	74	85
MSA: KOKOMO, IN	69	78
MSA: LAFAYETTE, IN	64	93
MSA: LOUISVILLE, KY-IN	68	75
MSA: MUNCIE, IN	51	58
MSA: SOUTH BEND-MISHAWAKA, IN	78	82
MSA: TERRE HAUTE, IN	50	62
EXCEPTION COUNTY: ADAMS	57	75
EXCEPTION COUNTY: BLACKFORD	54	62
EXCEPTION COUNTY: GIBSON	60	64
EXCEPTION COUNTY: GRANT	54	62
EXCEPTION COUNTY: HENRY	54	62
EXCEPTION COUNTY: JAY	54	62
EXCEPTION COUNTY: MARSHALL	74	78
EXCEPTION COUNTY: RANDOLPH	54	62
EXCEPTION COUNTY: SULLIVAN	48	59
EXCEPTION COUNTY: VERMILLION	48	59
EXCEPTION COUNTY: WAYNE	54	62
EXCEPTION COUNTY: WELLS	57	75
MILWAUKEE, WISCONSIN OFFICE		
NON METRO STATE: WISCONSIN	74	80

MSA: APPLETON-OSHKOSH-NEENAH, WI	92	98
MSA: DULUTH, MN-WI	69	77
MSA: EAU CLAIRE, WI	87	93
MSA: GREEN BAY, WI	90	96
MSA: JANESVILLE-BELOIT, WI	90	96
PMSA: KENOSHA, WI	96	102
MSA: LA CROSSE, WI	82	89
MSA: MADISON, WI	135	140
PMSA: MILWAUKEE, WI	105	110
MSA: MINNEAPOLIS-ST. PAUL, MN-WI	131	131
PMSA: RACINE, WI	97	104
MSA: SHEBOYGAN, WI	74	80
MSA: WAUSAU, WI	74	80
MINNEAPOLIS-ST. PAUL, MINNESOTA OFFICE		
NON METRO STATE: MINNESOTA	67	67
MSA: DULUTH, MN-WI	69	77
MSA: FARGO-MOORHEAD, ND-MN	104	117
MSA: GRAND FORKS, ND	90	111
MSA: MINNEAPOLIS-ST. PAUL, MN-WI	131	131
MSA: ROCHESTER, MN	95	95
MSA: ST. CLOUD, MN	85	85
EXCEPTION COUNTY: POLK	86	106
DALLAS, TEXAS OFFICE		
NON METRO STATE: TEXAS	57	70
MSA: ABILENE, TX	49	55
MSA: AMARILLO, TX	89	94
MSA: BEAUMONT-PORT ARTHUR, TX	83	96
PMSA: BRAZORIA, TX	99	115
MSA: BRYAN-COLLEGE STATION, TX	81	91
PMSA: DALLAS, TX	72	91
MSA: EL PASO, TX	93	105
PMSA: FORT WORTH-ARLINGTON, TX	72	91
PMSA: GALVESTON-TEXAS CITY, TX	96	108
PMSA: HOUSTON, TX	102	119
MSA: KILLEEN-TEMPLE, TX	83	91
MSA: LONGVIEW-MARSHALL, TX	78	88
MSA: LUBBOCK, TX	88	91
MSA: MIDLAND, TX	91	96
MSA: ODESSA, TX	91	96
MSA: SAN ANGELO, TX	78	83
MSA: SHERMAN-DENISON, TX	72	83
MSA: TEXARKANA, TX-TEXARKANA, AR	91	102
MSA: TYLER, TX	72	76
MSA: VICTORIA, TX	57	70
MSA: WACO, TX	75	83
MSA: WICHITA FALLS, TX	53	59
NON METRO STATE: NEW MEXICO	78	88
MSA: ALBUQUERQUE, NM	86	99
EXCEPTION COUNTY: SANDOVAL	81	93
LITTLE ROCK, ARKANSAS OFFICE		
NON METRO STATE: ARKANSAS	34	38
MSA: FAYETTEVILLE-SPRINGDALE, AR	54	57
MSA: FORT SMITH, AR-OK	31	34
MSA: LITTLE ROCK-NORTH LITTLE ROCK, AR	45	47
MSA: MEMPHIS, TN-AR-MS	78	78
MSA: PINE BLUFF, AR	25	27
MSA: TEXARKANA, TX-TEXARKANA, AR	91	102
EXCEPTION COUNTY: BENTON	53	55
EXCEPTION COUNTY: LITTLE RIVER	88	99
NEW ORLEANS, LOUISIANA OFFICE		
NON METRO STATE: LOUISIANA	67	79
MSA: ALEXANDRIA, LA	66	78
MSA: BATON ROUGE, LA	78	91

MSA: HOUMA-THIBODAUX, LA	65	77
MSA: LAFAYETTE, LA	72	83
MSA: LAKE CHARLES, LA	77	89
MSA: MONROE, LA	66	78
MSA: NEW ORLEANS, LA	81	94
MSA: SHREVEPORT, LA	72	83
EXCEPTION COUNTY: GRANT	64	76
EXCEPTION COUNTY: WEBSTER	70	81
OKLAHOMA CITY, OKLAHOMA OFFICE		
NON METRO STATE: OKLAHOMA	64	70
MSA: FORT SMITH, AR-OK	31	34
MSA: LAWTON, OK	65	72
MSA: OKLAHOMA CITY, OK	67	75
MSA: TULSA, OK	72	78
EXCEPTION COUNTY: LE FLORE	30	33
EXCEPTION COUNTY: MAYES	70	76
SAN ANTONIO, TEXAS OFFICE		
NON METRO STATE: TEXAS	57	70
MSA: AUSTIN, TX	81	96
MSA: BROWNSVILLE-HARLINGEN, TX	66	78
MSA: CORPUS CHRISTI, TX	70	91
MSA: LAREDO, TX	59	72
MSA: MC ALLEN-EDINBURG-MISSION, TX	77	91
MSA: SAN ANTONIO, TX	66	78
EXCEPTION COUNTY: CALLAHAN	48	54
EXCEPTION COUNTY: CLAY	52	57
EXCEPTION COUNTY: HOOD	70	88
EXCEPTION COUNTY: JONES	48	54
EXCEPTION COUNTY: WISE	70	88
KANSAS CITY, MISSOURI OFFICE		
PMSA: KANSAS CITY, MO	81	98
MSA: ST. JOSEPH, MO	76	82
PMSA: ST. LOUIS, MO-IL	80	92
NON METRO STATE: KANSAS	66	74
PMSA: KANSAS CITY, MO	81	98
MSA: LAWRENCE, KS	67	76
MSA: TOPEKA, KS	66	74
MSA: WICHITA, KS	76	81
EXCEPTION COUNTY: JEFFERSON	63	71
EXCEPTION COUNTY: OSAGE	63	71
OMAHA, NEBRASKA OFFICE		
NON METRO STATE: IOWA	74	80
MSA: CEDAR RAPIDS, IA	85	98
MSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL	105	110
MSA: DES MOINES, IA	90	96
MSA: DUBUQUE, IA	85	104
MSA: IOWA CITY, IA	85	96
MSA: OMAHA, NE-IA	80	92
MSA: SIOUX CITY, IA-NE	82	82
MSA: WATERLOO-CEDAR FALLS, IA	85	98
NON METRO STATE: NEBRASKA	68	83
MSA: LINCOLN, NE	91	96
MSA: OMAHA, NE-IA	80	92
MSA: SIOUX CITY, IA-NE	82	82
ST. LOUIS, MISSOURI OFFICE		
NON METRO STATE: MISSOURI	52	59
MSA: COLUMBIA, MO	74	80
MSA: JOPLIN, MO	52	59
MSA: SPRINGFIELD, MO	54	60

EXCEPTION COUNTY: ANDREW	72	78
DENVER, COLORADO REGIONAL OFFICE		
NON METRO STATE: NORTH DAKOTA	84	96
MSA: BISMARCK, ND	118	131
MSA: FARGO-MOORHEAD, ND-MN	104	117
MSA: GRAND FORKS, ND	90	111
NON METRO STATE: SOUTH DAKOTA	71	84
MSA: SIOUX FALLS, SD	100	112
NON METRO STATE: MONTANA	N/A	N/A
MSA: BILLINGS, MT	128	142
MSA: GREAT FALLS, MT	108	121
EXCEPTION COUNTY: BEAVERHEAD	102	115
EXCEPTION COUNTY: BIG HORN	102	115
EXCEPTION COUNTY: BLAINE	74	86
EXCEPTION COUNTY: BROADWATER	102	115
EXCEPTION COUNTY: CARBON	102	115
EXCEPTION COUNTY: CARTER	74	86
EXCEPTION COUNTY: CHOUTEAU	74	86
EXCEPTION COUNTY: CUSTER	102	115
EXCEPTION COUNTY: DANIELS	74	86
EXCEPTION COUNTY: DAWSON	102	115
EXCEPTION COUNTY: DEER LODGE	102	115
EXCEPTION COUNTY: FALLON	74	86
EXCEPTION COUNTY: FERGUS	74	86
EXCEPTION COUNTY: FLATHEAD	102	115
EXCEPTION COUNTY: GALLATIN	102	115
EXCEPTION COUNTY: GARFIELD	74	86
EXCEPTION COUNTY: GLACIER	74	86
EXCEPTION COUNTY: GOLDEN VALLE	74	86
EXCEPTION COUNTY: GRANITE	102	115
EXCEPTION COUNTY: HILL	74	86
EXCEPTION COUNTY: JEFFERSON	102	115
EXCEPTION COUNTY: JUDITH BASIN	74	86
EXCEPTION COUNTY: LAKE	102	115
EXCEPTION COUNTY: LEWIS+ CLARK	102	115
EXCEPTION COUNTY: LIBERTY	74	86
EXCEPTION COUNTY: LINCOLN	102	115
EXCEPTION COUNTY: MCCONE	74	86
EXCEPTION COUNTY: MADISON	102	115
EXCEPTION COUNTY: MEAGHER	102	115
EXCEPTION COUNTY: MINERAL	102	115
EXCEPTION COUNTY: MISSOULA	102	115
EXCEPTION COUNTY: MUSSELSHELL	102	115
EXCEPTION COUNTY: PARK	102	115
EXCEPTION COUNTY: PETROLEUM	74	86
EXCEPTION COUNTY: PHILLIPS	74	86
EXCEPTION COUNTY: PONDERA	74	86
EXCEPTION COUNTY: POWDER RIVER	102	115
EXCEPTION COUNTY: POWELL	102	115
EXCEPTION COUNTY: PRAIRIE	74	86
EXCEPTION COUNTY: RAVALLI	102	115
EXCEPTION COUNTY: RICHLAND	74	86
EXCEPTION COUNTY: ROOSEVELT	74	86
EXCEPTION COUNTY: ROSEBUD	102	115
EXCEPTION COUNTY: SANDERS	102	115
EXCEPTION COUNTY: SHERIDAN	74	86
EXCEPTION COUNTY: SILVER BOW	102	115
EXCEPTION COUNTY: STILLWATER	74	86
EXCEPTION COUNTY: SWEET GRASS	74	86
EXCEPTION COUNTY: TETON	74	86
EXCEPTION COUNTY: TOOLE	74	86
EXCEPTION COUNTY: TREASURE	102	115
EXCEPTION COUNTY: VALLEY	74	86
EXCEPTION COUNTY: WHEATLAND	74	86
EXCEPTION COUNTY: WIBAUX	74	86
EXCEPTION COUNTY: YL-ST-NT-PK	102	115
NON METRO STATE: WYOMING	N/A	N/A
EXCEPTION COUNTY: ALBANY	102	122
EXCEPTION COUNTY: BIG HORN	102	122

EXCEPTION COUNTY: CAMPBELL	171	184
EXCEPTION COUNTY: CARBON	171	184
EXCEPTION COUNTY: CONVERSE	171	184
EXCEPTION COUNTY: CROOK	102	122
EXCEPTION COUNTY: FREMONT	171	184
EXCEPTION COUNTY: GOSHEN	102	122
EXCEPTION COUNTY: HOT SPRINGS	102	122
EXCEPTION COUNTY: JOHNSON	102	122
EXCEPTION COUNTY: LARAMIE	102	122
EXCEPTION COUNTY: LINCOLN	102	122
EXCEPTION COUNTY: NATRONA	171	184
EXCEPTION COUNTY: NIOBRARA	102	122
MSA: CASPER, WY	N/A	N/A
EXCEPTION COUNTY: PARK	102	122
EXCEPTION COUNTY: PLATTE	102	122
EXCEPTION COUNTY: SHERIDAN	171	184
EXCEPTION COUNTY: SUBLETTE	102	122
EXCEPTION COUNTY: SWEETWATER	171	184
EXCEPTION COUNTY: TETON	102	122
EXCEPTION COUNTY: UINTA	102	122
EXCEPTION COUNTY: WASHAKIE	102	122
EXCEPTION COUNTY: WESTON	102	122
NON METRO STATE: COLORADO	N/A	N/A
PMSA: BOULDER-LONGMONT, CO	164	189
MSA: COLORADO SPRINGS, CO	108	121
PMSA: DENVER, CO	176	202
MSA: FORT COLLINS-LOVELAND, CO	102	115
MSA: GREELEY, CO	102	115
MSA: PUEBLO, CO	102	115
EXCEPTION COUNTY: ALAMOSA	86	102
EXCEPTION COUNTY: ARCHULETA	102	115
EXCEPTION COUNTY: BACA	86	102
EXCEPTION COUNTY: BENT	86	102
EXCEPTION COUNTY: CHAFFEE	102	115
EXCEPTION COUNTY: CHEYENNE	86	102
EXCEPTION COUNTY: CLEAR CREEK	102	115
EXCEPTION COUNTY: CONEJOS	86	102
EXCEPTION COUNTY: COSTILLA	86	102
EXCEPTION COUNTY: CROWLEY	86	102
EXCEPTION COUNTY: CUSTER	102	115
EXCEPTION COUNTY: DELTA	102	115
EXCEPTION COUNTY: DELORES	102	115
EXCEPTION COUNTY: EAGLE	164	184
EXCEPTION COUNTY: ELBERT	86	102
EXCEPTION COUNTY: FREMONT	102	115
EXCEPTION COUNTY: GARFIELD	164	184
EXCEPTION COUNTY: GILPIN	164	189
EXCEPTION COUNTY: GRAND	102	115
EXCEPTION COUNTY: GUNNISON	102	115
EXCEPTION COUNTY: HINSDALE	102	115
EXCEPTION COUNTY: HUERFANO	86	102
EXCEPTION COUNTY: JACKSON	102	115
EXCEPTION COUNTY: KIOWA	86	102
EXCEPTION COUNTY: KIT CARSON	86	102
EXCEPTION COUNTY: LAKE	102	115
EXCEPTION COUNTY: LA PLATA	102	115
EXCEPTION COUNTY: LAS ANIMAS	86	102
EXCEPTION COUNTY: LINCOLN	86	102
EXCEPTION COUNTY: LOGAN	86	102
EXCEPTION COUNTY: MESA	102	115
EXCEPTION COUNTY: MINERAL	86	102
EXCEPTION COUNTY: MOFFAT	164	184
EXCEPTION COUNTY: MONTEZUMA	102	115
EXCEPTION COUNTY: MONTROSE	102	115
EXCEPTION COUNTY: MORGAN	86	102
EXCEPTION COUNTY: OTERO	86	102
EXCEPTION COUNTY: OURAY	102	115
EXCEPTION COUNTY: PARK	102	115
EXCEPTION COUNTY: PHILLIPS	86	102
EXCEPTION COUNTY: PITKIN	164	184
EXCEPTION COUNTY: PROWERS	86	102
EXCEPTION COUNTY: RIO BLANCO	164	184
EXCEPTION COUNTY: RIO GRANDE	86	102
EXCEPTION COUNTY: ROUTT	164	184
EXCEPTION COUNTY: SAGUACHE	86	102
EXCEPTION COUNTY: SAN JUAN	102	115
EXCEPTION COUNTY: SAN MIGUEL	102	115
EXCEPTION COUNTY: SEDGWICK	86	102
EXCEPTION COUNTY: SUMMIT	164	184

EXCEPTION COUNTY: TELLER	101	113
EXCEPTION COUNTY: WASHINGTON	86	102
EXCEPTION COUNTY: YUMA	86	102
NON METRO STATE: UTAH	N/A	N/A
MSA: PROVO-OREM, UT	102	115
MSA: SALT LAKE CITY-OGDEN, UT	115	128
EXCEPTION COUNTY: BEAVER	74	86
EXCEPTION COUNTY: BOX ELDER	74	86
EXCEPTION COUNTY: CACHE	74	86
EXCEPTION COUNTY: CARBON	102	115
EXCEPTION COUNTY: DAGGETT	74	86
EXCEPTION COUNTY: DUCHESNE	74	86
EXCEPTION COUNTY: EMERY	102	115
EXCEPTION COUNTY: GARFIELD	74	86
EXCEPTION COUNTY: GRAND	102	115
EXCEPTION COUNTY: IRON	74	86
EXCEPTION COUNTY: JUAB	74	86
EXCEPTION COUNTY: KANE	74	86
EXCEPTION COUNTY: MILLARD	74	86
EXCEPTION COUNTY: MORGAN	74	86
EXCEPTION COUNTY: PIUTE	74	86
EXCEPTION COUNTY: RICH	74	86
EXCEPTION COUNTY: SAN JUAN	74	86
EXCEPTION COUNTY: SANPETE	74	86
EXCEPTION COUNTY: SEVIER	74	86
EXCEPTION COUNTY: SUMMIT	74	86
EXCEPTION COUNTY: TOOELE	108	120
EXCEPTION COUNTY: UINTAH	102	115
EXCEPTION COUNTY: WASATCH	74	86
EXCEPTION COUNTY: WASHINGTON	74	86
EXCEPTION COUNTY: WAYNE	74	86
HONOLULU, HAWAII OFFICE		
MSA: HONOLULU, HI	N/A	N/A
LOS ANGELES, CALIFORNIA OFFICE		
NON METRO STATE: ARIZONA	74	94
MSA: PHOENIX, AZ	102	121
MSA: TUCSON, AZ	74	102
NON METRO STATE: CALIFORNIA	115	150
PMSA: ANAHEIM-SANTA ANA, CA	224	224
MSA: BAKERSFIELD, CA	108	163
MSA: CHICO, CA	115	150
PMSA: LOS ANGELES-LONG BEACH, CA	128	212
PMSA: OXNARD-VENTURA, CA	142	245
MSA: REDDING, CA	115	150
PMSA: RIVERSIDE-SAN BERNARDINO, CA	108	171
MSA: SAN DIEGO, CA	163	205
MSA: SANTA BARBARA-SANTA MARIA-LOMPOC, CA	135	205
MSA: VISALIA-TULARE-PORTERVILLE, CA	115	150
MSA: YUBA CITY, CA	115	150
EXCEPTION COUNTY: SAN LUIS OBI	157	184
SAN FRANCISCO, CALIFORNIA OFFICE		
NON METRO STATE: NEVADA	81	94
MSA: LAS VEGAS, NV	171	190
MSA: RENO, NV	171	190
NON METRO STATE: CALIFORNIA	115	150
MSA: FRESNO, CA	163	184
MSA: MODESTO, CA	171	184
PMSA: OAKLAND, CA	176	229
MSA: SACRAMENTO, CA	132	158
MSA: SALINAS-SEASIDE-MONTEREY, CA	163	205
PMSA: SAN FRANCISCO, CA	189	245
PMSA: SAN JOSE, CA	171	253
PMSA: SANTA CRUZ, CA	163	205
PMSA: SANTA ROSA-PETALUMA, CA	163	197
MSA: STOCKTON, CA	171	184
PMSA: VALLEJO-FAIRFIELD-NAPA, CA	156	177

ANCHORAGE, ALASKA OFFICE		
NON METRO STATE: ALASKA	178	178
MSA: ANCHORAGE, AK	198	198
EXCEPTION COUNTY: KETCHIKAN	193	214
PORTLAND, OREGON OFFICE		
NON METRO STATE: IDAHO	86	86
MSA: BOISE CITY, ID	93	107
NON METRO STATE: OREGON	109	115
MSA: EUGENE-SPRINGFIELD, OR	128	131
MSA: MEDFORD, OR	109	115
PMSA: PORTLAND, OR	149	165
MSA: SALEM, OR	128	131
SEATTLE, WASHINGTON OFFICE		
NON METRO STATE: WASHINGTON	94	109
MSA: BELLINGHAM, WA	94	120
MSA: BREMERTON, WA	94	120
MSA: OLYMPIA, WA	94	120
MSA: RICHLAND-KENNEWICK-PASCO, WA	128	128
PMSA: SEATTLE, WA	121	171
MSA: SPOKANE, WA	102	115
PMSA: TACOMA, WA	108	128
PMSA: VANCOUVER, WA	139	154
MSA: YAKIMA, WA	102	108

FAIR MARKET RENTS FOR EXISTING HOUSING - SCHEDULES B & D -- EXPLANATORY NOTE - DEFINITIONS OF METROPOLITAN STATISTICAL AREAS WITH CHANGES EFFECTIVE JUNE 30, 1983

CODE	AREA TITLE	DEFINITION
40	ABILENE, TX MSA	Taylor County (Callahan and Jones Counties deleted)
60	AGUADILLA, PR MSA (new)	Aguada, Aguadilla, Isabela, and Moca Municipios
80	AKRON, OH PMSA	(See CLEVELAND-AKRON-LORAIN, OH CMSA)
120	ALBANY, GA MSA	Dougherty and Lee Counties
160	ALBANY-SCHENECTADY-TROY, NY MSA	Albany, Greene (added), Montgomery, Rensselaer, Saratoga, and Schenectady Counties
200	ALBUQUERQUE, NM MSA	Bernalillo County (Sandoval County deleted)
220	ALEXANDRIA, LA MSA	Rapides Parish (Grant Parish deleted)
240	ALLENTOWN-BETHLEHEM, PA-NJ MSA	Carbon, Lehigh, and Northampton Counties, PA, and Warren County, NJ
275	ALTON-GRANITE CITY, IL PMSA	(See ST. LOUIS-EAST ST. LOUIS-ALTON, MO-IL CMSA)
280	ALTOONA, PA MSA	Blair County
320	AMARILLO, TX MSA	Potter and Randall Counties
360	ANAHEIM-SANTA ANA, CA PMSA	(See LOS ANGELES-ANAHEIM-RIVERSIDE, CA CMSA)
380	ANCHORAGE, AK MSA	Anchorage Borough
400	ANDERSON, IN MSA	Madison County
405	ANDERSON, SC MSA	Anderson County
440	ANN ARBOR, MI PMSA	(See DETROIT-ANN ARBOR, MI CMSA)
450	ANNISTON, AL MSA	Calhoun County
460	APPLETON-OSHKOSH-NEENAH, WI MSA	Calumet, Outagamie, and Winnebago Counties
470	ARECIBO, PR MSA	Arecibo, Camuy, Hatillo, and Quebradillas (added) Municipios
480	ASHEVILLE, NC MSA	Buncombe County (Madison County deleted)
500	ATHENS, GA MSA	Clarke, Jackson, Madison, and Oconee Counties
520	ATLANTA, GA MSA	Barrow (added), Butts, Cherokee, Clayton, Cobb, Coweta (added), De Kalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, Rockdale, Spalding (added), and Walton Counties
560	ATLANTIC CITY, NJ MSA	Atlantic and Cape May (added) Counties
600	AUGUSTA, GA-SC MSA	Columbia, McDuffie (added), and Richmond Counties, GA, and Aiken County, SC
620	AURORA-ELGIN, IL PMSA	(See CHICAGO-GARY-LAKE COUNTY, IL-IN-WI CMSA)
640	AUSTIN, TX MSA	Hays, Travis, and Williamson Counties
680	BAKERSFIELD, CA MSA	Kern County
720	BALTIMORE, MD MSA	Anne Arundel, Baltimore, Carroll, Hartford, Howard, Queen Anne's (added) Counties, and Baltimore City
730	BANGOR, ME MSA	PENOBSCOT COUNTY (part): Bangor city, Brewer city, Eddington town, Glenburn town, Hampden town, Hermon town, Holden town, Kenduskeag town, Old Town city, Orono town, Orrington town, Penobscot Indian Island Indian Reservation, and Veazie town WALDO COUNTY (part): Winterport town
760	BATON ROUGE, LA MSA	Ascension, East Baton Rouge, Livingston, and West Baton Rouge Parishes
780	BATTLE CREEK, MI MSA	Calhoun County (Barry County deleted)
800	BAY CITY, MI	(See Saginaw-Bay City-Midland, MI)
840	BEAUMONT-PORT ARTHUR, TX MSA	Hardin, Jefferson, and Orange Counties
845	BEAVER COUNTY, PA PMSA	(See PITTSBURGH-BEAVER VALLEY, PA CMSA)
860	BELLINGHAM, WA MSA	Whatcom County
870	BENTON HARBOR, MI MSA	Berrien County
875	BERGEN-PASSAIC, NJ PMSA	(See NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT CMSA)
880	BILLINGS, MT MSA	Yellowstone County
920	BILOXI-GULFPORT, MS MSA	Hancock and Harrison Counties (Stone County deleted)
960	BINGHAMTON, NY MSA	Broome and Tioga Counties (Susquehanna County, PA deleted)
1000	BIRMINGHAM, AL MSA	Blount (added), Jefferson, St. Clair, Shelby, and Walker Counties
1010	BISMARCK, ND MSA	Burleigh and Morton Counties
1020	BLOOMINGTON, IN MSA	Monroe County
1040	BLOOMINGTON-NORMAL, IL MSA	McLean County
1080	BOISE CITY, ID MSA	Ada County
	BOSTON-LAWRENCE-SALEM, MA-NH CMSA	
1120	BOSTON, MA PMSA	BRISTOL COUNTY, MA (part): Mansfield town (added), Norton town, and Raynham town (added) ESSEX COUNTY, MA (part): Lynn city, Lynnfield town, Nahant town, and Saugus town MIDDLESEX COUNTY, MA (part): Acton town, Arlington town, Ashland town, Ayer town (added), Bedford town, Belmont town, Boxborough town, Burlington town, Cambridge city, Carlisle town, Concord town, Everett city, Framingham town, Groton town (added), Holliston town, Hopkinton town (added), Hudson town (added), Lexington town, Lincoln town, Littleton town (added), Malden city, Marlborough city (added), Maynard town (added), Medford city, Melrose city, Natick town, Newton city, North Reading town, Reading town, Sherborn town, Shirley town, Somerville city, Stoneham town, Stow town (added), Sudbury town, Townsend town, Wakefield town, Waltham city, Watertown town, Wayland town, Weston town, Wilmington town, Winchester town, and Woburn city NORFOLK COUNTY, MA (part): Bellingham town, Braintree town, Brookline town, Canton town, Cohasset town, Dedham town, Dover town, Foxborough town, Franklin town, Holbrook town, Medfield town, Medway town, Millis town, Milton town, Needham town, Norfolk town, Norwood town, Quincy city, Randolph town, Sharon town, Stoughton town, Walpole town, Wellesley town, Westwood town, Weymouth town, and Wrentham town

1120	BOSTON, MA PMSA (continued)	PLYMOUTH COUNTY, MA (part): Carver town (added), Duxbury town, Hanover town, Hanson town, Hingham town, Hull town, Kingston town, Lakeville town, Marshfield town, Middleborough town (added), Norwell town, Pembroke town, Plymouth town (added), Plympton town (added), Rockland town, and Scituate town SUFFOLK COUNTY, MA: Boston city, Chelsea city, Revere city, and Winthrop town WORCESTER COUNTY, MA (part): Berlin town, Bolton town (added), Harvard town (added), Hopedale town (added), Lancaster town (added), Mendon town (added), Milford town (added), Southborough town (added), and Upton town
1200	BROCKTON, MA PMSA	BRISTOL COUNTY, MA (part): Easton town NORFOLK COUNTY, MA (part): Avon town PLYMOUTH COUNTY, MA (part): Abington town, Bridgewater town, Brockton city, East Bridgewater town, Halifax town, West Bridgewater town, and Whitman town
4160	LAWRENCE-HAVERHILL, MA-NH PMSA	ESSEX COUNTY, MA (part): Amesbury town, Andover town, Boxford town, Georgetown town, Groveland town, Haverhill city, Lawrence city, Merrimac town, Methuen town, Newbury town (added), Newburyport city (added), North Andover town, Salisbury town, and West Newbury town ROCKINGHAM COUNTY, NH (part): Atkinson town, Brentwood town (added), Danville town (added), Derry town, East Kingston town (added), Hampstead town, Kingston town, Newton town, Plaistow town, Salem town, Sandown town (added), Seabrook town (added), and Windham town
4560	LOWELL, MA-NH PMSA	MIDDLESEX COUNTY, MA (part): Billerica town, Chelmsford town, Dracut town, Dunstable town (added), Lowell city, Pepperell town (added), Tewksbury town, Tyngsborough town, and Westford town HILLSBOROUGH COUNTY, NH (part): Pelham town
5350	NASHUA, NH PMSA	HILLSBOROUGH COUNTY, NH (part): Amherst town, Brookline town (added), Hollis town (added), Hudson town, Litchfield town (added), Merrimack town, Milford town, Mont Vernon town (added), Nashua city, and Wilton town (added) ROCKINGHAM COUNTY, NH (part): Londonderry town
7090	SALEM-GLOUCESTER, MA PMSA	ESSEX COUNTY, MA (part): Beverly city, Danvers town, Essex town (added), Gloucester city (added), Hamilton town, Ipswich town (added), Manchester town, Marblehead town, Middleton town, Peabody city, Rockport town (added), Rowley town (added), Salem city, Swampscott town, Topsfield town, and Wenham town
1125	BOULDER-LONGMONT, CO PMSA	(See DENVER-BOULDER, CO CMSA)
1140	BRADENTON, FL MSA	Manatee County
1145	BRAZORIA, TX PMSA	(See HOUSTON-GALVESTON-BRAZORIA, TX CMSA)
1150	BREMERTON, WA MSA	Kitsap County
1160	BRIDGEPORT-MILFORD, CT PMSA	(See NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT CMSA)
1170	BRISTOL, CT PMSA	(See HARTFORD-NEW BRITAIN-MIDDLETON, CT CMSA)
1200	BROCKTON, MA PMSA	(See BOSTON-LAWRENCE-SALEM, MA-NH CMSA)
1240	BROWNSVILLE-HARLINGEN, TX MSA	Cameron County
1260	BRYAN-COLLEGE STATION, TX MSA	Brazos County
	BUFFALO-NIAGARA FALLS, NY CMSA	
1280	BUFFALO, NY PMSA	Erie County
5700	NIAGARA FALLS, NY PMSA	Niagara County
1300	BURLINGTON, NC MSA	Alamance County
1305	BURLINGTON, VT MSA	CHITTENDEN COUNTY (part): Burlington city, Charlotte town, Colchester town, Essex town, Hinesburg town, Jericho town, Milton town, Richmond town, St. George town, Shelburne town, South Burlington city, Williston town, and Winooski city FRANKLIN COUNTY (part): Georgia town GRAND ISLE COUNTY (part): Grand Isle town (added) and South Hero town
1310	CAGUAS, PR PMSA	(See SAN JUAN-CAGUAS, PR CMSA)
1320	CANTON, OH MSA	Carroll and Stark Counties
1350	CASPER, WY MSA	Natrona County
1360	CEDAR RAPIDS, IA MSA	Linn County
1400	CHAMPAIGN-URBANA-RANTOUL, IL MSA	Champaign County
1440	CHARLESTON, SC MSA	Berkeley, Charleston, and Dorchester Counties
1480	CHARLESTON, WV MSA	Kanawha and Putnam Counties
1520	CHARLOTTE-GASTONIA-ROCK HILL, NC-SC MSA	Cabarrus (added), Gaston, Lincoln (added), Mecklenburg, Rowan (added), and Union Counties, NC, and York (added) County, SC
1540	CHARLOTTESVILLE, VA MSA	Albemarle, Fluvanna, and Greene Counties, and Charlottesville city
1560	CHATTANOOGA, TN-GA MSA	Hamilton, Marion, and Sequatchie Counties, TN, and Catoosa, Dade, and Walker Counties, GA
	CHICAGO-GARY-LAKE COUNTY, IL-IN-WI CMSA	
620	AURORA-ELGIN, IL PMSA	Kane and Kendall (added) Counties
1600	CHICAGO, IL PMSA	Cook, DuPage, and McHenry Counties
2960	GARY-HAMMOND, IN PMSA	Lake and Porter Counties
3690	JOLIET, IL PMSA	Grundy (added) and Will Counties
3800	KENOSHA, WI PMSA	Kenosha County
3965	LAKE COUNTY, IL PMSA	Lake County
1620	CHICO, CA MSA	Butte County

CINCINNATI-HAMILTON, OH-KY-IN CMSA
1640 CINCINNATI, OH-KY-IN PMSA.....Clermont, Hamilton, and Warren Counties, OH, Boone, Campbell, and Kenton Counties, KY, and Dearborn County, IN
3200 HAMILTON-MIDDLETOWN, OH PMSA.....Butler County
1660 CLARKSVILLE-HOPKINSVILLE, TN-KY MSA.....Montgomery County, TN and Christian County, KY
CLEVELAND-AKRON-LORAIN, OH CMSA
80 AKRON, OH PMSA.....Portage and Summit Counties
1680 CLEVELAND, OH PMSA.....Cuyahoga, Geauga, Lake, and Medina Counties
4440 LORAIN-ELYRIA, OH PMSA.....Lorain County
1720 COLORADO SPRINGS, CO MSA.....El Paso County (Teller County deleted)
1740 COLUMBIA, MO MSA.....Boone County
1760 COLUMBIA, SC MSA.....Lexington and Richland Counties
1800 COLUMBUS, GA-AL MSA.....Chattahoochee and Muscogee Counties, GA, and Russell County, AL
1840 COLUMBUS, OH MSA.....Delaware, Fairfield, Franklin, Licking (added), Madison, Pickaway, and Union (added) Counties
1880 CORPUS CHRISTI, TX MSA.....Nueces and San Patricio Counties
1900 CUMBERLAND, MD-WV MSA.....Allegany County, MD and Mineral County, WV
DALLAS-FORT WORTH, TX CMSA
1920 DALLAS, TX PMSA.....Collin, Dallas, Denton, Ellis, Kaufman, and Rockwall Counties
2800 FORT WORTH-ARLINGTON, TX PMSA.....Johnson, Parker, and Tarrant Counties (Hood and Wise Counties deleted)
1930 DANBURY, CT PMSA.....(See NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT CMSA)
1950 DANVILLE, VA MSA.....Pittsylvania County and Danville city
1960 DAVENPORT-ROCK ISLAND-MOLINE, IA-IL MSA.....Scott County, IA, Henry and Rock Island Counties, IL
2000 DAYTON-SPRINGFIELD, OH MSA.....Clark (added), Greene, Miami, and Montgomery Counties (Champaign and Preble Counties deleted)
2020 DAYTONA BEACH, FL MSA.....Volusia County
2040 DECATUR, IL MSA.....Macon County
DENVER-BOULDER, CO CMSA
1125 BOULDER-LONGMONT, CO PMSA.....Boulder County
2080 DENVER, CO PMSA.....Adams, Arapahoe, Denver, Douglas, and Jefferson Counties (Gilpin County deleted)
2120 DES MOINES, IA MSA.....Dallas (added), Polk, and Warren Counties
DETROIT-ANN ARBOR, MI CMSA
440 ANN ARBOR, MI PMSA.....Washtenaw County
2160 DETROIT, MI PMSA.....Lapeer, Livingston, Macomb, Monroe, Oakland, St. Clair, and Wayne Counties
2180 DOTHAN, AL MSA (new).....Dale and Houston Counties
2200 DUBUQUE, IA MSA.....Dubuque County
2240 DULUTH, MN-WI MSA.....St. Louis County, MN and Douglas County, WI
2285 EAST ST. LOUIS-BELLEVILLE, IL PMSA.....(See ST. LOUIS-EAST ST. LOUIS-ALTON, MO-IL CMSA)
2290 EAU CLAIRE, WI MSA.....Chippewa and Eau Claire Counties
2320 EL PASO, TX MSA.....El Paso County
2330 ELKHART-GOSHEN, IN MSA.....Elkhart County
2335 ELMIRA, NY MSA.....Chemung County
2340 ENID, OK MSA.....Garfield County
2360 ERIE, PA MSA.....Erie County
2400 EUGENE-SPRINGFIELD, OR MSA.....Lane County
2440 EVANSVILLE, IN-KY MSA.....Posey, Vanderburgh, and Warrick Counties, IN, and Henderson County, KY (Gibson County, IN deleted)
2480 FALL RIVER, MA-RI PMSA.....(See PROVIDENCE-PAWTUCKET-FALL RIVER, RI-MA CMSA)
2520 FARGO-MOORHEAD, ND-MN MSA.....Cass County, ND and Clay County, MN
2560 FAYETTEVILLE, NC MSA.....Cumberland County
2580 FAYETTEVILLE-SPRINGDALE, AR MSA.....Washington County (Benton County deleted)
2600 FITCHBURG-LEOMINSTER, MA MSA.....MIDDLESEX COUNTY (part): Ashby town (added) (Shirley and Townsend towns transferred to Boston PMSA)
WORCESTER COUNTY (part): Ashburnham town (added), Fitchburg city, Leominster city, Lunenburg town, and Westminster town
2640 FLINT, MI MSA.....Genesee County (Shiawassee County deleted)
2650 FLORENCE, AL MSA.....Colbert and Lauderdale Counties
2655 FLORENCE, SC MSA.....Florence County
2670 FORT COLLINS-LOVELAND, CO MSA.....Larimer County
2680 FORT LAUDERDALE-HOLLYWOOD-POMPANO BEACH, FL PMSA.....(See MIAMI-FORT LAUDERDALE, FL CMSA)
2700 FORT MYERS, FL MSA.....Lee County
2710 FORT PIERCE, FL MSA (new).....Martin and St. Lucie Counties
2720 FORT SMITH, AR-OK MSA.....Crawford and Sebastian Counties, AR, and Sequoyah County, OK (Le Flore County, OK deleted)
2750 FORT WALTON BEACH, FL MSA.....Okaloosa County
2760 FORT WAYNE, IN MSA.....Allen, De Kalb, and Whitley (added) Counties (Adams and Wells Counties deleted)
2800 FORT WORTH-ARLINGTON, TX PMSA.....(See DALLAS-FORT WORTH, TX CMSA)
2840 FRESNO, CA MSA.....Fresno County
2880 GADSDEN, AL MSA.....Etowah County
2900 GAINESVILLE, FL MSA.....Alachua and Bradford (added) Counties
2920 GALVESTON-TEXAS CITY, TX PMSA.....(See HOUSTON-GALVESTON-BRAZORIA, TX CMSA)

2960 GARY-HAMMOND, IN PMSA.....(See CHICAGO-GARY-LAKE COUNTY, IL-IN-WI CMSA)
2975 GLENS FALLS, NY MSA.....Warren and Washington Counties
2985 GRAND FORKS, ND MSA.....Grand Forks County (Polk County, MN deleted)
3000 GRAND RAPIDS, MI MSA.....Kent and Ottawa Counties
3040 GREAT FALLS, MT MSA.....Cascade County
3060 GREELEY, CO MSA.....Weld County
3080 GREEN BAY, WI MSA.....Brown County
3120 GREENSBORO--WINSTON-SALEM--HIGH POINT,
NC MSA.....Davidson, Davie (added), Forsyth, Guilford, Randolph, Stokes, and Yadkin Counties
3160 GREENVILLE-SPARTANBURG, SC MSA.....Greenville, Pickens, and Spartanburg Counties
3180 HAGERSTOWN, MD MSA.....Washington County
3200 HAMILTON-MIDDLETOWN, OH PMSA.....(See CINCINNATI-HAMILTON, OH-KY-IN CMSA)
3240 HARRISBURG-LEBANON-CARLISLE, PA MSA.....Cumberland, Dauphin, Lebanon (added) and Perry Counties
HARTFORD-NEW BRITAIN-MIDDLETOWN, CT CMSA
1170 BRISTOL, CT PMSA.....HARTFORD COUNTY (part): Bristol city and Burlington town
LITCHFIELD COUNTY (part): Plymouth town
3280 HARTFORD, CT PMSA.....HARTFORD COUNTY (part): Avon town, Bloomfield town, Canton town, East Granby town, East Hartford town, East Windsor town, Enfield town, Farmington town, Glastonbury town, Granby town, Hartford city, Manchester town, Marlborough town, Newington town, Rocky Hill town, Simsbury town, South Windsor town, Suffield town, West Hartford town, Wethersfield town, Windsor town, and Windsor Locks town
LITCHFIELD COUNTY (part): Barkhamsted town (added) and New Hartford town
MIDDLESEX COUNTY (part): East Haddam town (added)
NEW LONDON COUNTY (part): Colchester town
TOLLAND COUNTY (part): Andover town, Bolton town, Columbia town, Coventry town, Ellington town, Hebron town, Somers town, Stafford town, Tolland town, Vernon town, and Willington town
5020 MIDDLETOWN, CT PMSA.....MIDDLESEX COUNTY (part): Cromwell town, Durham town (added), East Hampton town, Haddam town (added), Middlefield town (added), Middletown city (added), and Portland town
5440 NEW BRITAIN, CT PMSA.....HARTFORD COUNTY (part): Berlin town, New Britain city, Plainville town, and Southington town
3290 HICKORY, NC MSA.....Alexander, Burke (added), and Catawba Counties
3320 HONOLULU, HI MSA.....Honolulu County
3350 HOUMA-THIBODAUX, LA MSA (new).....Lafourche and Terrebonne Parishes
HOUSTON-GALVESTON-BRAZORIA, TX CMSA
1145 BRAZORIA, TX PMSA.....Brazoria County
2920 GALVESTON-TEXAS CITY, TX PMSA.....Galveston County
3360 HOUSTON, TX PMSA.....Fort Bend, Harris, Liberty, Montgomery and Waller Counties
3400 HUNTINGTON-ASHLAND, WV-KY-OH MSA.....Cabell and Wayne Counties, WV, Boyd, Carter (added) and Greenup Counties, KY, and Lawrence County, OH
3440 HUNTSVILLE, AL MSA.....Madison County (Limestone and Marshall Counties deleted)
3480 INDIANAPOLIS, IN MSA.....Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, and Shelby Counties
3500 IOWA CITY, IA MSA.....Johnson County
3520 JACKSON, MI MSA.....Jackson County
3560 JACKSON, MS MSA.....Hinds, Madison (added), and Rankin Counties
3600 JACKSONVILLE, FL MSA.....Clay, Duval, Nassau, and St. Johns Counties (Baker County deleted)
3605 JACKSONVILLE, NC MSA.....Onslow County
3620 JANESVILLE-BELOIT, WI MSA.....Rock County
3640 JERSEY CITY, NJ PMSA.....(See NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT CMSA)
3660 JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA MSA..Carter, Hawkins, Sullivan, Unicoi, and Washington Counties, TN, Scott and Washington Counties, VA, and Bristol city, VA
3680 JOHNSTOWN, PA MSA.....Cambria and Somerset Counties
3690 JOLIET, IL PMSA.....(See CHICAGO-GARY-LAKE COUNTY, IL-IN-WI CMSA)
3710 JOPLIN, MO MSA.....Jasper and Newton Counties
3720 KALAMAZOO, MI MSA.....Kalamazoo County (Van Buren County deleted)
3740 KANKAKEE, IL MSA.....Kankakee County
KANSAS CITY, MO-KANSAS CITY, KS CMSA
3755 KANSAS CITY, KS PMSA.....Johnson, Leavenworth (added), Miami (added), and Wyandotte Counties
3760 KANSAS CITY, MO PMSA.....Cass, Clay, Jackson, Lafayette (added), Platte and Ray Counties
3800 KENOSHA, WI PMSA.....(See CHICAGO-GARY-LAKE COUNTY, IL-IN-WI CMSA)
3810 KILLEEN-TEMPLE, TX MSA.....Bell and Coryell Counties
3840 KNOXVILLE, TN MSA.....Anderson, Blount, Grainger (added), Jefferson (added), Knox, Sevier (added), and Union Counties
3850 KOKOMO, IN MSA.....Howard and Tipton Counties
3870 LA CROSSE, WI MSA.....La Crosse County
3880 LAFAYETTE, LA MSA.....Lafayette and St. Martin (added) Parishes
3920 LAFAYETTE, IN MSA.....Tippecanoe County
3960 LAKE CHARLES, LA MSA.....Calcasieu Parish
3965 LAKE COUNTY, IL PMSA.....(See CHICAGO-GARY-LAKE COUNTY, IL-IN-WI CMSA)
3980 LAKELAND-WINTER HAVEN, FL MSA.....Polk County
4000 LANCASTER, PA MSA.....Lancaster County
4040 LANSING-EAST LANSING, MI MSA.....Clinton, Eaton, and Ingham Counties (Ionia County deleted)
4080 LAREDO, TX MSA.....Webb County

4100 LAS CRUCES, NM MSA.....Dona Ana County
4120 LAS VEGAS, NV MSA.....Clark County
4150 LAWRENCE, KS MSA.....Douglas County
4160 LAWRENCE-HAVERHILL, MA-NH PMSA.....(See BOSTON-LAWRENCE-SALEM, MA-NH CMSA)
4200 LAWTON, OK MSA.....Comanche County
4240 LEWISTON-AUBURN, ME MSA.....ANDROSCOGGIN COUNTY (part): Auburn city, Greene town (added), Lewiston city, Lisbon town, Mechanic Falls town (added), Poland town (added), and Sabattus town (added)
4280 LEXINGTON-FAYETTE, KY MSA.....Bourbon, Clark, Fayette, Jessamine, Scott, and Woodford Counties
4320 LIMA, OH MSA.....Allen and Auglaize Counties (Putnam and Van Wert Counties deleted)
4360 LINCOLN, NE MSA.....Lancaster County
4400 LITTLE ROCK-NORTH LITTLE ROCK, AR MSA.....Faulkner (added), Lonoke (added), Pulaski, and Saline Counties
4410 LONG BRANCH-ASBURY PARK, NJ.....(See Monmouth-Ocean, NJ PMSA)
4420 LONGVIEW-MARSHALL, TX MSA.....Gregg and Harrison Counties
4440 LORAIN-ELYRIA, OH PMSA.....(See CLEVELAND-AKRON-LORAIN, OH CMSA)
LOS ANGELES-ANAHEIM-RIVERSIDE, CA CMSA
360 ANAHEIM-SANTA ANA, CA PMSA.....Orange County
4480 LOS ANGELES-LONG BEACH, CA PMSA.....Los Angeles County
6000 OXNARD-VENTURA, CA PMSA.....Ventura County
6780 RIVERSIDE-SAN BERNARDINO, CA PMSA.....Riverside and San Bernardino Counties
4520 LOUISVILLE, KY-IN MSA.....Bullitt, Jefferson, Oldham, and Shelby (added) Counties, KY, Clark, Floyd, and Harrison (added) Counties, IN
4560 LOWELL, MA-NH PMSA.....(See BOSTON-LAWRENCE-SALEM, MA-NH CMSA)
4600 LUBBOCK, TX MSA.....Lubbock County
4640 LYNCHBURG, VA MSA.....Amherst and Campbell Counties, and Lynchburg city (Appomattox County deleted)
4680 MACON-WARNER ROBINS, GA MSA.....Bibb, Houston, Jones, and Peach (added) Counties (Twiggs County deleted)
4720 MADISON, WI MSA.....Dane County
4760 MANCHESTER, NH MSA.....HILLSBOROUGH COUNTY (part): Bedford town, Goffstown town, and Manchester city
MERRIMACK COUNTY (part): Allenstown town and Hooksett town (Pembroke town deleted)
ROCKINGHAM COUNTY (part): Auburn town (added) and Candia town (added) (Derry and Londonderry towns transferred)
4800 MANSFIELD, OH MSA.....Richland County
4840 MAYAGUEZ, PR MSA.....Anasco, Cabo Rojo (added), Hormigueros, Mayaguez, and San German (added) Municipios
4880 McALLEN-EDINBURG-MISSION, TX MSA.....Hidalgo County
4890 MEDFORD, OR MSA.....Jackson County
4900 MELBOURNE-TITUSVILLE-PALM BAY, FL MSA.....Brevard County
4920 MEMPHIS, TN-AR-MS MSA.....Shelby and Tipton Counties, TN, Crittenden County, AR, and De Soto County, MS
4960 MERIDEN, CT.....(See New Haven-Meriden, CT)
MIAMI-FORT LAUDERDALE, FL CMSA
2680 FORT LAUDERDALE-HOLLYWOOD-POMPANO BEACH, FL PMSA.....Broward County
5000 MIAMI-HIALEAH, FL PMSA.....Dade County
5015 MIDDLESEX-SOMERSET-HUNTERDON, NJ PMSA.....(See NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT CMSA)
5020 MIDDLETOWN, CT PMSA.....(See HARTFORD-NEW BRITAIN-MIDDLETOWN, CT CMSA)
5040 MIDLAND, TX MSA.....Midland County
MILWAUKEE-RACINE, WI CMSA
5080 MILWAUKEE, WI PMSA.....Milwaukee, Ozaukee, Washington, and Waukesha Counties
6600 RACINE, WI PMSA.....Racine County
5120 MINNEAPOLIS-ST. PAUL, MN-WI MSA.....Anoka, Carver, Chisago, Dakota, Hennepin, Isanti (added), Ramsey, Scott, Washington, and Wright Counlties, MN, and St. Croix County, WI
5160 MOBILE, AL MSA.....Baldwin and Mobile Counties
5170 MODESTO, CA MSA.....Stanislaus County
5190 MONMOUTH-OCEAN, NJ PMSA.....(See NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT CMSA)
5200 MONROE, LA MSA.....Ouachita Parish
5240 MONTGOMERY, AL MSA.....Autauga, Elmore, and Montgomery Counties
5280 MUNCIE, IN MSA.....Delaware County
5320 MUSKEGON, MI MSA.....Muskegon County (Oceana County deleted)
5350 NASHUA, NH PMSA.....(See BOSTON-LAWRENCE-SALEM, MA-NH CMSA)
5360 NASHVILLE, TN MSA.....Cheatham, Davidson, Dickson, Robertson, Rutherford, Sumner, Williamson, and Wilson Counties
5380 NASSAU-SUFFOLK, NY PMSA.....(See NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT CMSA)
5400 NEW BEDFORD, MA MSA.....BRISTOL COUNTY (part): Acushnet town, Dartmouth town, Fairhaven town, Freetown town, and New Bedford city
PLYMOUTH COUNTY (part): Marion town, Mattapoisett town, and Rochester town (added) (Lakeville town transferred to Boston PMSA)
5440 NEW BRITAIN, CT PMSA.....(See HARTFORD-NEW BRITAIN-MIDDLETOWN, CT CMSA)
5460 NEW BRUNSWICK-PERTH AMBOY-SAYREVILLE, NY.....(See MIDDLESEX-SOMERSET-HUNTERDON, NJ PMSA)
5480 NEW HAVEN-MERIDEN, CT MSA.....MIDDLESEX COUNTY (part): Clinton town and Killingworth town (added)
NEW HAVEN COUNTY (part): Bethany town, Branford town, Cheshire town (transferred from Waterbury SMSA), East Haven town, Guilford town, Hamden town, Madison town, Meriden town, Meriden city (added), New Haven city, North Branford town, North Haven town, Orange town, Wallingford town, West Haven city, and Woodbridge town

5520	NEW LONDON-NORWICH, CT-RI MSA	(MIDDLESEX COUNTY, CT--Old Saybrook town deleted) NEW LONDON COUNTY, CT (part): Bozrah town, East Lyme town, Franklin town (added), Griswold town, Groton town, Ledyard town, Lisbon town, Montville town, New London city, North Stonington town (added), Norwich city, Old Lyme town, Preston town, Salem town (added), Sprague town, Stonington town, and Waterford town WINDHAM COUNTY, CT (part): Canterbury town (added) WASHINGTON COUNTY, RI (part): Hopkinton town and Westerly town
5560	NEW ORLEANS, LA MSA	Jefferson, Orleans, St. Bernard, St. Charles (added), St. John the Baptist (added), and St. Tammany Parishes
	NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT CMSA	
875	BERGEN-PASSAIC, NJ PMSA	Bergen and Passaic Counties
1160	BRIDGEPORT-MILFORD, CT PMSA	FAIRFIELD COUNTY, CT (part): Bridgeport city, Easton town, Fairfield town, Monroe town, Shelton city, Stratford town, and Trumbull town NEW HAVEN COUNTY, CT (part): Ansonia city (added), Beacon Falls town, Derby city, Milford city, Oxford town (added), and Seymour town (added)
1930	DANBURY, CT PMSA	FAIRFIELD COUNTY, CT (part): Bethel town, Brookfield town, Danbury city, New Fairfield town, Newtown town, Redding town, Ridgefield town (added), and Sherman town (added) LITCHFIELD COUNTY, CT (part): Bridgewater town (added) and New Milford town
3640	JERSEY CITY, NJ PMSA	Hudson County
5015	MIDDLESEX-SOMERSET-HUNTERDON, NJ PMSA	Hunterdon (added), Middlesex, and Somerset Counties
5190	MONMOUTH-OCEAN, NJ PMSA	Monmouth and Ocean (added) Counties
5380	NASSAU-SUFFOLK, NY PMSA	Nassau and Suffolk Counties
5600	NEW YORK, NY PMSA	Bronx, Kings, New York, Putnam, Queens, Richmond, Rockland, and Westchester Counties
5640	NEWARK, NJ PMSA	Essex, Morris, Sussex (added), and Union Counties
5760	NORWALK, CT PMSA	FAIRFIELD COUNTY, CT (part): Norwalk city, Weston town, Westport town, and Wilton town
5950	ORANGE COUNTY, NY PMSA	Orange County
8040	STAMFORD, CT PMSA	FAIRFIELD COUNTY, CT (part): Darien town, Greenwich town, New Canaan town, and Stamford city
5645	NEWARK, OH	(See Columbus, OH)
5660	NEWBURGH-MIDDLETOWN, NY	(See Orange County, NY PMSA)
5680	NEWPORT NEWS-HAMPTON, VA	(See Norfolk-Virginia Beach-Newport News, VA)
5700	NIAGARA FALLS, NY PMSA	(See BUFFALO-NIAGARA FALLS, NY CMSA)
5720	NORFOLK-VIRGINIA BEACH-NEWPORT NEWS, VA MSA	Gloucester (added), James City (added), and York (added) Counties, Chesapeake, Hampton (added), Newport News (added), Norfolk, Poquoson (added), Portsmouth, Suffolk, Virginia Beach, and Williamsburg (added) cities (Currituck County, NC deleted)
5745	NORTHEAST PENNSYLVANIA	(See Scranton--Wilkes-Barre, PA)
5760	NORWALK, CT PMSA	(See NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT CMSA)
5775	OAKLAND, CA PMSA	(See SAN FRANCISCO-OAKLAND-SAN JOSE, CA CMSA)
5790	OCALA, FL MSA	Marion County
5800	ODESSA, TX MSA	Ector County
5880	OKLAHOMA CITY, OK MSA	Canadian, Cleveland, Logan (added), McClain, Oklahoma, and Pottawatomie Counties
5910	OLYMPIA, WA MSA	Thurston County
5920	OMAHA, NE-IA MSA	Douglas, Sarpy, and Washington (added) Counties, NE, and Pottawattamie County, IA
5950	ORANGE COUNTY, NY PMSA	(See NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT CMSA)
5960	ORLANDO, FL MSA	Orange, Osceola, and Seminole Counties
5990	OWENSBORO, KY MSA	Daviess County
6000	OXNARD-VENTURA, CA PMSA	(See LOS ANGELES-ANAHEIM-RIVERSIDE, CA CMSA)
6015	PANAMA CITY, FL MSA	Bay County
6020	PARKERSBURG-MARIETTA, WV-OH MSA	Wood County, WV and Washington County, OH (Wirt County, WV deleted)
6025	PASCAGOULA, MS MSA	Jackson County
6040	PATERSON-CLIFTON-PASSAIC, NJ	(See BERGEN-PASSAIC, NJ PMSA)
6060	PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA PMSA	(See PROVIDENCE-PAWTUCKET-FALL RIVER, RI-MA CMSA)
6080	PENSACOLA, FL MSA	Escambia and Santa Rosa Counties
6120	PEORIA, IL MSA	Peoria, Tazewell, and Woodford Counties
6140	PETERSBURG-COLONIAL HEIGHTS-HOPEWELL, VA	(See Richmond-Petersburg, VA)
	PHILADELPHIA-WILMINGTON-TRENTON, PA-NJ-DE-MD CMSA	
6160	PHILADELPHIA, PA-NJ PMSA	Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, PA, Burlington, Camden, and Gloucester Counties, NJ
8480	TRENTON, NJ PMSA	Mercer County
8760	VINELAND-MILLVILLE-BRIDGETON, NJ PMSA	Cumberland County
9160	WILMINGTON, DE-NJ-MD PMSA	New Castle County, DE, Salem County, NJ, and Cecil County, MD
6200	PHOENIX, AZ MSA	Maricopa County
6240	PINE BLUFF, AR MSA	Jefferson County

	PITTSBURGH-BEAVER VALLEY, PA CMSA	
845	BEAVER COUNTY, PA PMSA	Beaver County
6280	PITTSBURGH, PA PMSA	Allegheny, Fayette (added), Washington, and Westmoreland Counties
6320	PITTSFIELD, MA MSA	BERKSHIRE COUNTY (part): Cheshire town, Dalton town, Hinsdale town (added), Lanesborough town, Lee town, Lenox town, Pittsfield city, Richmond town (added), and Stockbridge town (Adams town deleted)
6360	PONCE, PR MSA	Juana Diaz and Ponce Municipios (Villalba Municipio deleted)
6400	PORTLAND, ME MSA	CUMBERLAND COUNTY (part): Cape Elizabeth town, Cumberland town, Falmouth town, Freeport town, Gorham town, Gray town (added), North Yarmouth town (added), Portland city, Raymond town (added), Scarborough town, South Portland city, Standish town (added), Westbrook city, Windham town, and Yarmouth town YORK COUNTY (part): Buxton town (added), Hollis town (added), and Old Orchard Beach town (Saco city deleted)
	PORTLAND-VANCOUVER, OR-WA CMSA	
6440	PORTLAND, OR PMSA	Clackamas, Multnomah, Washington, and Yamhill (added) Counties
8725	VANCOUVER, WA PMSA	Clark County, WA
6450	PORTSMOUTH-DOVER-ROCHESTER, NH-ME MSA	ROCKINGHAM COUNTY, NH (part): Exeter town (added), Greenland town, Hampton town, New Castle town, Newfields town, Newington town, Newmarket town, North Hampton town, Portsmouth city, Rye town, and Stratham town (added) STRAFFORD COUNTY, NH (part): Barrington town, Dover city, Durham town, Farmington town, Lee town, Madbury town, Milton town (added), Rochester city, Rollinsford town, and Somersworth city YORK COUNTY, ME (part): Berwick town, Eliot town, Kittery town, North Berwick town, Ogunquit town (added), South Berwick town, Wells town (added), and York town
6460	POUGHKEEPSIE, NY MSA	Dutchess County
	PROVIDENCE-PAWTUCKET-FALL RIVER, RI-MA CMSA	
2480	FALL RIVER, MA-RI PMSA	BRISTOL COUNTY, MA (part): Fall River city, Somerset town, Swansea town, and Westport town (Dighton town deleted) NEWPORT COUNTY, RI (part): Little Compton town and Tiverton town (Portsmouth town deleted)
6060	PAWTUCKET-WOONSOCKET-ATTLEBORO, RI-MA PMSA	BRISTOL COUNTY, MA (part): Attleboro city, North Attleborough town, Rehoboth town, and Seekonk town NORFOLK COUNTY, MA (part): Plainville town WORCESTER COUNTY, MA (part): Blackstone town and Millville town PROVIDENCE COUNTY, RI (part): Burrillville town, Central Falls city, Cumberland town, Lincoln town, North Smithfield town, Pawtucket city, Smithfield town, and Woonsocket city
6480	PROVIDENCE, RI PMSA	BRISTOL COUNTY, RI: Barrington town, Bristol town, and Warren town KENT COUNTY, RI (part): Coventry town, East Greenwich town, Warwick city, and West Warwick town NEWPORT COUNTY, RI (part): Jamestown town PROVIDENCE COUNTY, RI (part): Cranston city, East Providence city, Foster town (added), Glocester town (added), Johnston town, North Providence town, Providence city, and Scituate town WASHINGTON COUNTY, RI (part): Exeter town (added), Narragansett town, North Kingstown town, Richmond town (added), and South Kingstown town
6520	PROVO-OREM, UT MSA	Utah County
6560	PUEBLO, CO MSA	Pueblo County
6600	RACINE, WI PMSA	(See MILWAUKEE-RACINE, WI CMSA)
6640	RALEIGH-DURHAM, NC MSA	Durham, Franklin (added), Orange, and Wake Counties
6680	READING, PA MSA	Berks County
6690	REDDING, CA MSA	Shasta County
6720	RENO, NV MSA	Washoe County
6740	RICHLAND-KENNEWICK-PASCO, WA MSA	Benton and Franklin Counties
6760	RICHMOND-PETERSBURG, VA MSA	Charles City, Chesterfield, Dinwiddie (added), Goochland, Hanover, Henrico, New Kent, Powhatan, and Prince George (added) Counties, and Colonial Heights (added), Hopewell (added), Petersburg (added), and Richmond cities
6780	RIVERSIDE-SAN BERNARDINO, CA PMSA	(See LOS ANGELES-ANAHEIM-RIVERSIDE, CA CMSA)
6800	ROANOKE, VA MSA	Botetourt and Roanoke Counties, and Roanoke and Salem cities (Craig County deleted)
6820	ROCHESTER, MN MSA	Olmsted County
6840	ROCHESTER, NY MSA	Livingston, Monroe, Ontario, Orleans, and Wayne Counties
6880	ROCKFORD, IL MSA	Boone and Winnebago Counties
6885	ROCK HILL, SC	(See Charlotte-Gastonia-Rock Hill, NC-SC)
6920	SACRAMENTO, CA MSA	El Dorado (added), Placer, Sacramento, and Yolo Counties
6960	SAGINAW-BAY CITY-MIDLAND, MI MSA	Bay (added), Midland (added), and Saginaw Counties
6980	ST. CLOUD, MN MSA	Benton, Sherburne, and Stearns Counties
7000	ST. JOSEPH, MO MSA	Buchanan County (Andrew County deleted)
	ST. LOUIS-EAST ST. LOUIS-ALTON, MO-IL CMSA	
275	ALTON-GRANITE CITY, IL PMSA	Jersey (added) and Madison Counties
2285	EAST ST. LOUIS-BELLEVILLE, IL PMSA	Clinton and St. Clair Counties

7040 ST. LOUIS, MO-IL PMSA.....Franklin, Jefferson, St. Charles, and St. Louis Counties, MO, St. Louis city, MO, and Monroe County, IL
7080 SALEM, OR MSA.....Marion and Polk Counties
7090 SALEM-GLOUCESTER, MA PMSA.....(See BOSTON-LAWRENCE-SALEM, MA-NH CMSA)
7120 SALINAS-SEASIDE-MONTEREY, CA MSA.....Monterey County
7140 SALISBURY-CONCORD, NC.....(See Charlotte-Gastonia-Rock Hill, NC-SC)
7160 SALT LAKE CITY-OGDEN, UT MSA.....Davis, Salt Lake, and Weber Counties (Tooele County deleted)
7200 SAN ANGELO, TX MSA.....Tom Green County
7240 SAN ANTONIO, TX MSA.....Bexar, Comal, and Guadalupe Counties
7320 SAN DIEGO, CA MSA.....San Diego County
SAN FRANCISCO-OAKLAND-SAN JOSE, CA CMSA
5775 OAKLAND, CA PMSA.....Alameda and Contra Costa Counties
7360 SAN FRANCISCO, CA PMSA.....Marin, San Francisco, and San Mateo Counties
7400 SAN JOSE, CA PMSA.....Santa Clara County
7485 SANTA CRUZ, CA PMSA.....Santa Cruz County
7500 SANTA ROSA-PETALUMA, CA PMSA.....Sonoma County
8720 VALLEJO-FAIRFIELD-NAPA, CA PMSA.....Napa and Solano Counties
SAN JUAN-CAGUAS, PR CMSA
1310 CAGUAS, PR PMSA.....Aguas Buenas (added), Caguas, Cayey (added), Cidra (added), Gurabo, and San Lorenzo Municipios
7440 SAN JUAN, PR PMSA.....Barceloneta (added), Bayamon, Canovanas, Carolina, Catano, Corozal (added), Dorado (added), Fajardo (added), Florida (added), Guaynabo, Humacao (added), Juncos (added), Las Piedras (added), Loiza, Luquillo (added), Manati (added), Naranjito (added), Rio Grande (added), San Juan, Toa Alta (added), Toa Baja, Trujillo Alto, Vega Alta (added), and Vega Baja (added) Municipios
7480 SANTA BARBARA-SANTA MARIA-LOMPOC, CA MSA....Santa Barbara County
7485 SANTA CRUZ, CA PMSA.....(See SAN FRANCISCO-OAKLAND-SAN JOSE, CA CMSA)
7500 SANTA ROSA-PETALUMA, CA PMSA.....(See SAN FRANCISCO-OAKLAND-SAN JOSE, CA CMSA)
7510 SARASOTA, FL MSA.....Sarasota County
7520 SAVANNAH, GA MSA.....Chatham and Effingham Counties (Bryan County deleted)
7560 SCRANTON--WILKES-BARRE, PA MSA.....Columbia (added), Lackawanna, Luzerne, Monroe, and Wyoming (added) Counties
SEATTLE-TACOMA, WA CMSA
7600 SEATTLE, WA PMSA.....King and Snohomish Counties
8200 TACOMA, WA PMSA.....Pierce County
7610 SHARON, PA MSA.....Mercer County
7620 SHEBOYGAN, WI MSA.....Sheboygan County
7640 SHERMAN-DENISON, TX MSA.....Grayson County
7680 SHREVEPORT, LA MSA.....Bossier and Caddo Parishes (Webster Parish deleted)
7720 SIOUX CITY, IA-NE MSA.....Woodbury County, IA and Dakota County, NE
7760 SIOUX FALLS, SD MSA.....Minnehaha County
7800 SOUTH BEND-MISHAWAKA, IN MSA.....St. Joseph County (Marshall County deleted)
7840 SPOKANE, WA MSA.....Spokane County
7880 SPRINGFIELD, IL MSA.....Menard and Sangamon Counties
7920 SPRINGFIELD, MO MSA.....Christian and Greene Counties
7960 SPRINGFIELD, OH.....(See Dayton-Springfield, OH)
8000 SPRINGFIELD, MA MSA.....HAMPDEN COUNTY, MA (part): Agawam town, Chicopee city, East Longmeadow town, Hampden town, Holyoke city, Longmeadow town, Ludlow town, Monson town, Montgomery town (added), Palmer town, Russell town (added), Southwick town, Springfield city, Westfield city, West Springfield town, and Wilbraham town
HAMPSHIRE COUNTY, MA (part): Belchertown town, Easthampton town, Granby town, Huntington town (added), Northampton city, Southampton town, and South Hadley town (Hadley and Hatfield towns deleted)
(WORCESTER COUNTY, MA--Warren town deleted)
(TOLLAND COUNTY, CT--Somers town transferred to Hartford, CT PMSA)
8040 STAMFORD, CT PMSA.....(See NEW YORK-NORTHERN NEW JERSEY-LONG ISLAND, NY-NJ-CT CMSA)
8050 STATE COLLEGE, PA MSA.....Centre County
8080 STEUBENVILLE-WEIRTON, OH-WV MSA.....Jefferson County, OH, Brooke and Hancock Counties, WV
8120 STOCKTON, CA MSA.....San Joaquin County
8160 SYRACUSE, NY MSA.....Madison, Onondaga, and Oswego Counties
8200 TACOMA, WA PMSA.....(See SEATTLE-TACOMA, WA CMSA)
8240 TALLAHASSEE, FL MSA.....Gadsden (added) and Leon Counties (Wakulla County deleted)
8280 TAMPA-ST. PETERSBURG-CLEARWATER, FL MSA.....Hernando (added), Hillsborough, Pasco, and Pinellas Counties
8320 TERRE HAUTE, IN MSA.....Clay and Vigo Counties (Sullivan and Vermillion Counties deleted)
8360 TEXARKANA, TX-TEXARKANA, AR MSA.....Bowie County, TX, and Miller County, AR (Little River County, AR deleted)

8400 TOLEDO, OH MSA.....Fulton, Lucas, and Wood Counties (Ottawa County, OH deleted; Monroe County, MI transferred to Detroit, MI PMSA)
8440 TOPEKA, KS MSA.....Shawnee County (Jefferson and Osage Counties deleted)
8480 TRENTON, NJ PMSA.....(See PHILADELPHIA-WILMINGTON-TRENTON, PA-NJ-DE-MD CMSA)
8520 TUCSON, AZ MSA.....Pima County
8560 TULSA, OK MSA.....Creek, Osage, Rogers, Tulsa, and Wagoner Counties (Mayes County deleted)
8600 TUSCALOOSA, AL MSA.....Tuscaloosa County
8640 TYLER, TX MSA.....Smith County
8680 UTICA-ROME, NY MSA.....Herkimer and Oneida Counties
8720 VALLEJO-FAIRFIELD-NAPA, CA PMSA.....(See SAN FRANCISCO-OAKLAND-SAN JOSE, CA CMSA)
8725 VANCOUVER, WA PMSA.....(See PORTLAND-VANCOUVER, OR-WA CMSA)
8750 VICTORIA, TX MSA.....Victoria County
8760 VINELAND-MILLVILLE-BRIDGETON, NJ PMSA.....(See PHILADELPHIA-WILMINGTON-TRENTON, PA-NJ-DE-MD CMSA)
8780 VISALIA-TULARE-PORTERVILLE, CA MSA.....Tulare County
8800 WACO, TX MSA.....McLennan County
8840 WASHINGTON, DC-MD-VA MSA.....District of Columbia, Calvert (added), Charles, Frederick (added), Montgomery, and Prince George's Counties, MD, Arlington, Fairfax, Loudoun, Prince William, and Stafford (added) Counties, VA, Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park cities, VA
8880 WATERBURY, CT MSA.....LITCHFIELD COUNTY (part): Bethlehem town (added), Thomaston town, Watertown town, and Woodbury town
NEW HAVEN COUNTY (part): Middlebury town, Naugatuck borough, Prospect town, Southbury town, Waterbury city, and Wolcott town (Beacon Falls town transferred to the Bridgeport-Milford, CT PMSA. Cheshire town transferred to the New Haven-Meriden, CT MSA.)
8920 WATERLOO-CEDAR FALLS, IA MSA.....Black Hawk and Bremer (added) Counties
8940 WAUSAU, WI MSA.....Marathon County
8960 WEST PALM BEACH-BOCA RATON-DELRAY BEACH, FL MSA.....Palm Beach County
9000 WHEELING, WV-OH MSA.....Marshall and Ohio Counties, WV, and Belmont County, OH
9040 WICHITA, KS MSA.....Butler and Sedgwick Counties
9080 WICHITA FALLS, TX MSA.....Wichita County (Clay County deleted)
9140 WILLIAMSPORT, PA MSA.....Lycoming County
9160 WILMINGTON, DE-NJ-MD PMSA.....(See PHILADELPHIA-WILMINGTON-TRENTON, PA-NJ-DE-MD CMSA)
9200 WILMINGTON, NC MSA.....New Hanover County (Brunswick County deleted)
9240 WORCESTER, MA MSA.....WORCESTER COUNTY (part): Auburn town, Barre town (added), Boylston town, Brookfield town, Charlton town, Clinton town (added), Douglas town (added), Dudley town (added), East Brookfield town, Grafton town, Holden town, Leicester town, Millbury town, Northborough town, Northbridge town, North Brookfield town, Oxford town, Paxton town, Princeton town (added), Rutland town (added), Shrewsbury town, Spencer town, Sterling town, Sutton town, Uxbridge town, Webster town, Westborough town, West Boylston town, and Worcester city (Berlin and Upton towns transferred to Boston PMSA)
9260 YAKIMA, WA MSA.....Yakima County
9280 YORK, PA MSA.....Adams and York Counties
9320 YOUNGSTOWN-WARREN, OH MSA.....Mahoning and Trumbull Counties
9340 YUBA CITY, CA MSA.....Sutter and Yuba Counties

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Friday
September 23, 1983

Part VI

Department of Transportation

Federal Aviation Administration

SFAR 27-5 Fuel Venting and Exhaust Emission Requirements for Turbine Engine Powered Airplanes; Proposed Revisions To Ensure Compliance With Revised EPA Fuel Venting and Exhaust Emission Standards

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 11, 21, 45, and 91

[Docket No. 23767; Notice No. 83-12]

SFAR 27-5 Fuel Venting and Exhaust Emission Requirements for Turbine Engine Powered Airplanes; Proposed Revisions To Ensure Compliance With Revised EPA Fuel Venting and Exhaust Emission Standards

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to revise SFAR 27 of the Federal Aviation Regulations to include the new requirements of 40 CFR 87, Control of Air Pollution from Aircraft and Aircraft Engines; Emission Standards and Test Procedures as amended effective January 31, 1983 (47 FR 58462). 40 CFR Part 87 includes new fuel venting and exhaust emission requirements for all aircraft engines manufactured after January 1, 1984. This proposed action is in accordance with section 232 of the Clean Air Act, as amended (84 Stat. 1703), and the authority delegated to the Administrator of the FAA by the Secretary of Transportation. Effective date of new EPA requirements is January 1, 1984

DATE: Comments must be received on or before October 24, 1983.

ADDRESS: Comments on the proposals may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 23767, 800 Independence Avenue, SW., Washington, D.C. 20591

Comments delivered must be marked: Docket No. 23767. Comments may be inspected at Room 916, 800 Independence Ave., SW., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Nicholas P. Krull, Air Quality Division (AEE-300), Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone (202) 755-1851.

SUPPLEMENTARY INFORMATION:

Comment Invited

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Consistent with the division of regulatory responsibility between the Administrator of the Environmental Protection Agency (EPA) and the Secretary of Transportation described in sections 231 and 232 of the Clean Air Act of 1970 (the Act), as amended, 84 Stat. 1703, comments are not requested herein concerning the substance or the effective date, of the already final requirements of 40 CFR Part 87. Since those comments would address the subject matter of EPA's regulatory authority and the regulation issued thereunder, they should be submitted to EPA (although FAA would appreciate information copies of such comments).

Comments that do not address either the substance or the compliance date of the provisions of 40 CFR Part 87 that are incorporated in this notice should identify the FAA regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-204, 800 Independence Avenue, SW., Washington, D.C. 20591. Comments, received on or before October 24, 1983 will be considered by the Administrator of the FAA before taking action on the proposed rules. The proposals contained in this notice (other than the provisions of EPA Part 87) may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of advisory Circular No. 11-2 which describes the application procedure.

History

Under section 232 of the Clean Air Act of 1970, as amended (the Act), (Pub. L. 91-604), the FAA has a duty to issue regulations that ensure compliance with all aircraft emission standards promulgated by the EPA pursuant to section 231 of the Act. The EPA aircraft emission standards are currently prescribed in EPA Regulations Part 87 (40 CFR Part 87) originally issued on July 6, 1973, and published in the **Federal Register** (36 FR 19088) on July 17, 1973.

Pursuant to section 232 of the Act, on December 26, 1973, the FAA issued Special Federal Aviation Regulation (SFAR) 27 (38 FR 35437; December 28, 1973). The purpose of SFAR 27 is to ensure compliance with aircraft and aircraft engine emission standards and test procedures issued by the EPA in 40 CFR Part 87.

SFAR 27, as originally issued, governed compliance of only those standards and procedures in EPA Part 87 that were to become effective on February 1, 1974. On December 23, 1974, the FAA issued SFAR 27-1 (39 FR 45008; December 30, 1974) to require compliance with fuel venting emission standards in EPA Part 87 that became effective on January 1, 1975. SFAR 27-2, effective January 1, 1976 (40 FR 55311; November 28, 1975), governs compliance with smoke emissions standards in EPA's Part 87 applicable to new and in-use aircraft turbofan or turbojet engines with a rated power of 29,000 pounds thrust or greater, that are designed for installation and operation on subsonic airplanes. SFAR 27-3, effective January 1, 1978 (42 FR 64876; December 29, 1977) regulates compliance of JT3D engines manufactured on and after January 1, 1978, with smoke emissions standards in EPA's Part 87. Finally, SFAR 27-4, effective December 1, 1980 (45 FR 71960; October 30, 1980) was issued to require phased compliance of in-use JT3D engines beginning on January 1, 1981, with total compliance required by January 1, 1985. Pursuant to section 3(b) of SFAR 27, the requirement for compliance of in-use JT3D engines was automatically deleted when the EPA deleted the requirement from 40 CFR 87 (48 FR 2716; January 20, 1983).

On December 30, 1982, the EPA completed rulemaking which revised 40 CFR Part 87 and republished the rule in its entirety (47 FR 58462; December 30, 1982). The revised rule contains a number of changes in definitions as well as new standards for smoke and unburned hydrocarbon emissions. The compliance date for all gaseous emission standards was revised to January 1, 1984.

Discussion of the Proposal

Overview

When the EPA originally issued 40 CFR Part 87, in 1973, it was recognized that some portion of the standards could be implemented in a very short time

period while other portions would require a much longer time period for development and testing. Accordingly, the FAA proceeded to promulgate enforcement regulations for the near term requirements in the form of a Special Federal Aviation Regulation, SFAR No. 27. Since that time, the EPA has recognized that some of the longer term requirements were either unneeded or practically unattainable. Those longer term requirements, originally scheduled to become effective in 1978, have been delayed until January 1, 1984, and have been extensively revised. Revised regulation 40 CFR Part 87 now contains all of the known or proposed standards and the last of the effectivity dates for implementation. Pursuant to section 232 of the Clean Air Act, as amended, the FAA is required to promulgate enforcement regulation for all of the standards in 40 CFR Part 87. This notice proposes to amend SFAR 27 consistent with the EPA revisions to 40 CFR Part 87.

Deletion of Specific Reference to Previous Findings of Compliance

SFAR 27 contained specific references to manufacturer's service bulletins containing instructions for modifications which, if incorporated in engines, constituted satisfactory evidence of compliance with 40 CFR Part 87. The references also included engine model designations which had previously been found to comply with the smoke standards of 40 CFR Part 87. That list had become long and required frequent updating as new engine models were found to demonstrate compliance with the standards. As revised, 40 CFR Part 87 contains new and in some cases more stringent standards for all turbojet and turboprop engines manufactured after January 1, 1984. The listing of all of these model designations would become cumbersome and impractical requiring frequent revision of the Federal Aviation Regulations. The FAA now proposes to delete those specific references and instead, SFAR 27 will state that "All methods of demonstrating compliance and all model designations previously having been found acceptable to the Administrator of the FAA shall be deemed to continue to be an acceptable demonstration of compliance with the specific standards for which they were approved."

Practical Interpretation of the Requirement for Total Compliance

The standards established by the EPA are applicable to each engine of the types and dates specified in 40 CFR Part 87. Taken literally this would require that every engine to which the standards apply must demonstrate compliance with the standards. This construction would require testing each and every engine not specifically exempted or manufactured before January 1, 1984. The EPA recognizes in the preamble to 40 CFR Part 87, and specifically in § 87.89, that compliance testing of every engine would be excessively costly and accepts the need to substitute a preproduction certification program in place of extensive testing of all newly produced and in service engines. Section 87.89 has delegated the definition of this substitute certification program to the FAA with the provision that the FAA establish the level of confidence required, provide a practical interpretation of the requirement for total compliance, establish a testing program to ensure compliance, and obtain the approval of the Administrator of the EPA prior to January 1, 1984. Consistent with EPA's position regarding compliance verification (47 FR 58469), the FAA understands that this compliance verification policy is applicable to all of the standards in 40 CFR Part 87. It should be clearly understood that any substitute certification program must have the concurrence of the Administrator of the EPA.

In developing the United States position on the International Civil Aviation Organization (ICAO) Standards and Recommended Practices for Aircraft Engine Emissions, the FAA consulted extensively with the EPA on acceptable practical interpretations of a requirement for total compliance and a testing program to ensure compliance. At that time the EPA indicated that the minimum acceptable levels would be 90% confidence that 95% of the engines would meet the gaseous emission standards and a 90% confidence that every engine would meet the smoke standards. ICAO, adopted such a compliance procedure based upon a composite of historic engine to engine variabilities. Since the EPA has stressed the desirability of maintaining commonality with ICAO the FAA proposes to adopt the compliance procedure defined in Appendix 6 to ICAO Annex 16 Volume II—Aircraft Engine Emissions, dated 18 February 1983, and requests the concurrence of the Administrator of the EPA. The FAA solicits recommendations for equivalent procedures and will give each recommendation full consideration if it is accompanied by substantive supporting data. Should an equivalent or better procedure be received, the FAA will seek EPA concurrence with that as an alternate compliance procedure. The FAA cannot, however, adopt any proposed compliance procedure unless it has the concurrence of the Administrator of the EPA.

Exemptions

As in the past, the EPA has retained primary rulemaking authority over the emissions standards, and the test procedures for control of those standards, in all aircraft. However, under the revised Part 87, responsibility for initial evaluation and processing of requests for certain specified exemptions has been transferred to the Secretary of the Department of Transportation (DOT). To permit the discharge of these responsibilities, the FAA has initiated action within the Department of Transportation to amend 49 CFR 1.47 to delegate the appropriate powers to the Administrator of FAA. The FAA will process and consider petitions for exemption from the provisons of SFAR 27 pursuant to the procedural rules relating to exemptions contained in 14 CFR Part 11. Petitioners should be aware, however, that the ultimate decision following FAA evaluation of each such petition will be made only after concurrence of the EPA.

Regulatory Impact Analysis

Prior to its enactment, the EPA determined that 40 CFR Part 87 would not constitute a major rule as defined by Executive Order 12291 (Order) and that it did not involve any significant increased costs or adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. enterprises to compete with those of other countries compared to the present regulations. The information base, including the economic analyses on which this determination was made, is collected in Public Docket No. OMSAPC–78–1 at the Environmental Protection Agency, Central Docket Section, West Tower Lobby, Gallery I, 401 M Street, SW., Washington, D.C. 20460. In addition, several of the final EPA reports concerning this subject can be found as part of the docket for this proposed rule. As the purpose of the proposed amendments to SFAR 27 is to promulgate rules for the enforcement of revised 40 CFR Part 87, as required by statute, the FAA has made a determination that an additional analysis would, at this point, be duplicate and inappropriate. As a result, no new economic analysis will be conducted with regard to revised SFAR 27.

Impact on Small Entities

Because of the limited classes of engines to which 40 CFR Part 87 applies, the EPA earlier determined that enactment of that regulation would not have a significant economic impact on a substantial number of small entities (as defined by the Small Business Act). Therefore, no Regulatory Flexibility Analysis was prepared. Interested persons may review the information on which this determination was made at the locations previously mentioned. As the EPA is in a much better position to make a determination in that regard, the FAA adopts that finding.

Environmental Analysis

Pursuant to Department of Transportation, "Policies and Procedures for Considering Environmental Impacts" (FAA Order 1050.1C, Appendix 7, paragraph 5a.; 45 FR 2279, 2280, January 10, 1980), the FAA is categorically excluded from providing an environmental analysis with regard to the proposed amendments to SFAR 27 because it is mandated by law to issue regulations to ensure compliance with the EPA aircraft emissions standards and the EPA has performed all required environmental analyses prior to the issuance of those standards.

List of Subjects in 14 CFR Parts 11, 21, 45, and 91

Aircraft, Air pollution control, Incorporation by reference.

The Proposed Amendment

Accordingly, the FAA proposes to revise Special Federal Aviation Regulation (SFAR) 27 (14 CFR Parts 11, 21, 45, 91) to read as follows:

SFAR No. 27—Fuel Venting and Exhaust Emission Requirements for Turbine Engine Powered Airplanes

Sec. 1 General requirements.

(a) This SFAR provides for the approval or acceptance by the Administrator of the FAA or the Administrator of the EPA of testing and sampling methods, analytical techniques, and related equipment not identical to those specified in this part. Before either approves or accepts any such alternate, equivalent, or otherwise nonidentical procedures or equipment, the Administrator of the FAA or the Administrator of the EPA shall consult with the other in determining whether or not the action requires rulemaking under sections 231 and 232 of the Clean Air Act, as amended, consistent with the responsibilities of the Administrator of the EPA and the Secretary of Transportation under sections 231 and 232 of the Act. (42 U.S.C. 7571, 7572.)

(b) U.S. airplanes. This SFAR applies to civil airplanes that are powered by aircraft gas turbine engines of the classes specified herein and that have U.S. Standard Airworthiness Certificates.

(c) Foreign airplanes. Pursuant to the definition of "aircraft" in 40 CFR 87.1(a), this SFAR applies to civil airplanes that are powered by aircraft gas turbine engines of the classes specified herein and that have foreign airworthiness certificates that are equivalent to U.S. Standard Airworthiness Certificates. This includes only those foreign civil airplanes that, if registered in the United States, would be required by applicable Federal Aviation Regulations to have a U.S. standard airworthiness certificate in order to conduct the operations intended for the airplane.

Pursuant to 40 CFR 87.3, this SFAR does not apply where inconsistent with an obligation assumed by the United States to a foreign country in a treaty, convention, or agreement.

Sec. 3 Relation to 40 CFR Part 87.

(2) Reference in this regulation to 40 CFR Part 87 refers to Title 40 of the Code of Federal Regulations, Chapter I—Environmental Protection Agency, Part 87, Control of Air Pollution from Aircraft and Aircraft Engines (40 CFR Part 87), originally issued on July 6, 1973, and published in the **Federal Register** (38 FR 19088) on July 17, 1973 as revised effective January 31, 1983 (42 FR 58462), as amended effective January 20, 1983 (48 FR 2716).

(b) This SFAR contains regulations to ensure compliance with certain standards in Environmental Protection Agency (EPA), 40 CFR Part 87. If EPA takes any action, including the issuance of an exemption or issuance of a revised or alternate procedure, test method, or other regulation, the effect of which is to relax, or delay the effective date of, any provision of 40 CFR Part 87 that is made applicable to an aircraft under this SFAR, the new, relaxed EPA requirement, upon its effective date, is incorporated into this SFAR and supersedes the provisions of this SFAR that are based on the provisions of 40 CFR Part 87 that were relaxed by such action.

(c) Unless otherwise stated, all terminology and abbreviations in this SFAR that are defined in 40 CFR Part 87 have the meaning specified in that part, and all terms in 40 CFR Part 87 that are not defined in that Part but that are used in this SFAR have the meaning given them in the Clean Air Act, as amended by Pub. L. 91-604.

(d) All interpretations of 40 CFR Part 87 that are rendered by EPA also apply to this SFAR.

(e) Consistent with subsection (c) of this section, the following definitions apply:

(1) "Administrator of the FAA" means the Administrator of the Federal Aviation Administration or any other officer or employee of the Federal Aviation Administration to whom the authority involved may be delegated.

(2) "Administrator of the EPA" means the Administrator of the Environmental Protection Agency and any other officer or employee of the Environmental Protection Agency to whom the Authority involved may be delegated.

Sec. 5 Additional EPA approvals and procedures.

(a) If EPA, under 40 CFR 87.3(a) approves or accepts any testing and sampling procedures or methods, analytical techniques, and related equipment not identical to those specified in EPA Part 87, this SFAR requires a showing that such alternate, equivalent, or otherwise nonidentical procedures have been complied with, and that such alternate equipment was used to show compliance, unless the applicant elects to comply fully with 40 CFR Part 87.

(b) If the Administrator of the EPA after consultation with the Administrator of the FAA, prescribes special test procedures for any aircraft or aircraft engine that is not susceptible to satisfactory testing by the procedures in 40 CFR Part 87, this SFAR requires a showing that those special test procedures have been complied with.

(c) Wherever 40 CFR Part 87 requires agreement, acceptance, or approval by the Administrator of EPA, this SFAR requires a showing that such agreement or approval has been obtained.

Sec. 7 Relation to State and local regulations.

(a) Pursuant to 42 U.S.C. 7573, no state or political subdivision thereof may adopt or attempt to enforce any standard respecting emissions of any air pollutant from any aircraft or engine thereof unless that standard is identical to a standard made applicable to the aircraft by the terms of this SFAR.

(b) If EPA, by regulation or exemption, relaxes a provision of 40 CFR Part 87, no state or political subdivision thereof may adopt or attempt to enforce the terms of this SFAR that are superseded by the relaxed requirement.

(c) Consistent with § 87.6 of 40 CFR Part 87, if the Administrator of the FAA determines that any emission control regulation cannot be safely applied to an aircraft, that provision may not be adopted or enforced, against that aircraft, by a state or political subdivision thereof, even if it is in this SFAR.

(d) If any provision of this SFAR is rendered in applicable to a foreign aircraft as provided in 40 CFR 87.3(c) and section 1(b) of this SFAR, that provision may not be adopted or enforced against that foreign aircraft by a state or political subdivision thereof.

Sec. 9 Petitions for rulemaking and exemption.

(a) Notwithstanding part 11 of the Federal Aviation Regulations (14 CFR part 11), all petitions for rulemaking involving either the substance of an emission standard prescribed by EPA that is incorporated in this SFAR, or the compliance date for such standard or procedure, must be submitted to EPA. Information copies of such petitions are invited by the FAA.

(b) Petitions for rulemaking or exemption involving provisions of this SFAR that do not affect the substance or the compliance date of an emission standard or test procedure that is prescribed by EPA and petitions for exemptions under the provisions for which the EPA has specifically granted exemption

authority to the Administrator of the FAA in 40 CFR 87.7 are subject to Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

(c) Engines manufactured under this provision must be reported to FAA by serial number on or before the date of manufacture as defined in Sec. 12 of this SFAR, and exemptions granted under this provision are not transferable to any other engine.

(d) For aircraft engines specifically exempted from the applicable requirements of this SFAR, notwithstanding any other requirement of 14 CFR 45.13, indication of the exemption and the notice of the exemption must be included as part of the identification data of the engine.

Sec. 10 Incorporation by reference.

(a) General. This SFAR prescribes certain standards and procedures which are not set forth in full text in the rule. Those standards and procedures will be submitted to the Office of the Federal Register for approval of incorporation by reference pursuant to 5 U.S.C. 552(a) and 1 CFR Part 51.

(b) Changes to incorporated matter. Incorporated matter which is subject to subsequent change is incorporated by reference according to the specific reference and to the identification statement. Adoption of any subsequent change in incorporated matter that impacts compliance with standards and procedures is made under 14 CFR Part 11 and 1 CFR part 51.

(c) Identification statement. The complete title or description which identifies each published matter incorporated by reference in this SFAR is as follows:

(1) ICAO Annex 16—Environmental Protection, Volume II—Aircraft Engine Emissions, Appendices 2 throuth 6 dated 18 February 1982. This document can be obtained from the International Civil Aviation Organization, P.O. Box 400, Succursale: Place de L'Aviation Internationale, 1000 Sherbrooke Street West, Montreal, Quebec, Canada H3A 2R2 at $3.00 per copy.

(d) Availability for inspection. A copy of each publication incorporated by reference in this SFAR is available for public inspection at the following locations:

(1) FAA Office of the Chief Counsel, Rules Docket, Room 916, Federal Aviation Administration Headquarters Building, 800 Independence Avenue SW., Washington, D.C.

(2) Department of Transportation, Branch Library, Room 930, Federal Aviation Administration Headquarters Building, 800 Independence Avenue SW., Washington, D.C.

(3) The respective offices of the Federal Aviation Administration as follows:

(i) New England Regional Office, 12 New England Executive Park, Burlington, Massachusetts.

(ii) New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581.

(iii) Atlanta Aircraft Certification Office, 1075 Innerloop Road, College Park, Georgia 30337.

(iv) Chicago Aircraft Certification Office, 2300 East Devon, Des Plaines, Illinois 60018.

(v) Central Regional Office, 601 East Twelfth Street, Kansas City, Missouri.

(vi) Southwest Regional Office, 4400 Blue Mound Road, Fort Worth, Texas.

(vii) Denver Aircraft Certification Field Office, 10455 East 25th Avenue, Aurora, Colorado 80010.

(viii) Northwest Regional Office, 17900 Pacific Highway South, Seattle, Washington 98168.

(ix) Western Aircraft Certification Field Office, 15000 Aviation Boulevard, Hawthorne, California.

(x) Anchorage Aircraft Certification Field Office, 701 C. Street, Anchorage, Alaska 99513.

(xi) Honolulu Aircraft Certification Field Office, 1833 Kolakoua Avenue, Honolulu, Hawaii.

(xii) Los Angeles Aircraft Certification Office, 4334 Donald Douglas Drive, Long Beach, California 90808.

(xiii) Brussels Aircraft Certification Staff, 15 Rue de la Loi, B-1040 Brussels, Belgium.

(xiv) FAA Representative, U.S. Embassy, Corner Avenida Inca Garcillaso de la Vega & Espana, Lima, Peru.

(xv) FAA Representative, Office of U.S. Consulate General, Avenida Presidente Wilson, 147 Rio De Janeiro, Brazil.

(4) The Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C.

Sec. 11 Compliance with airworthiness regulations.

It must be shown that the airplane meets the airworthiness regulations constituting the type certification basis of the airplane under all conditions in which compliance with this SFAR is shown.

Sec. 12 Date of manufacture.

As used in this SFAR, unless 40 CFR Part 87 or the Clean Air Act, as amended, requires otherwise, the date on which an aircraft engine is "manufactured" is the date on which that individual engine is originally approved by the FAA, or by a foreign country of manufacture, for installation on an aircraft. Notwithstanding any other requirements of 14 CFR § 454.13, the date of manufacture must be included as part of the identification data of the engine.

Sec. 13 Engine classes and test configuration.

(a) Consistent with section 3(c) of this SFAR, the following definitions in 40 CFR 87.1 apply:

(1) "Aircraft engine" means a propulsion engine which is installed in or which is manufactured for installation in an aircraft.

(2) "Class TP" means all aircraft turboprop engines.

(3) "Class TF" means all turbofan or turbojet aircraft engines except engines of Class T3, T8, and TSS.

(4) "Class T3" means all aircraft gas turbine engines of the JT3D model family.

(5) "Class T8" means all aircraft gas turbine engines of the JT8D model family.

(6) "Class TSS" means all aircraft gas turbine engines employed for propulsion of aircraft designed to operate at supersonic flight speeds.

(7) "Commercial aircraft engin" means any aircraft engine used or intended for use by an "air carrier" (including those engaged in "intrastate air transportation") or a "commercial operator" (including those engaged in "intrastate air transportation") as these terms are defined in the Federal Aviation Act and the Federal Aviation Regulations.

(8) "Commercial aircraft gas turbine engine" means a turboprop, turbofan, or turbojet commercial aircraft engine.

(b) As prescribed in 40 CFR Part 87, the complete engine as configured for final acceptance testing, including all accessories that might reasonbly be expected to influence emissions to the atmosphere excluding auxiliary gearbox-mounted components required to drive aircraft systems and service air bleed, must be functional for all testing under this SFAR.

Sec. 14 Compliance.

(a) Compliance with the fuel venting emissions requirements of this SFAR that apply beginning on February 1, 1974 and beginning January 1, 1975 may be shown by any means of compliance, applied to the airframe of the engine, that prevents the intentional discharge of fuel from fuel nozzle manifolds after the engines are shut down. Acceptable means of compliance include the following:

(1) Incorporation of an FAA approved system that recirculates the fuel back into the fuel system.

(2) Capping or securing the pressurization and drain valve.

(3) Manually draining the fuel from a holding tank into a container.

(b) Continued compliance with the exhaust emissions requirements of this SFAR that became effective on February 1, 1974, January 1, 1976, January 1, 1978; and January 1, 1984, for engines for which the type design has been shown to meet those requirements, is demonstrated if the engine is maintained in accordance with applicable maintenance requirements for 14 CFR Chapter I. All methods of demonstrating compliance and all model designations previously having been found acceptable to the Administrator of the FAA shall be deemed to continue to be an acceptable demonstration of compliance with the specific standards for which they were approved.

(c) Each applicant must allow the Administrator of the FAA to make, or witness, any test necessary to determine compliance with the applicable provisions of this SFAR.

(d) An acceptable alternative to testing every engine is described in Appendix 6 to Volume II—Aircraft Engine Emissions, of ICAO Annex 16—Environmental Protection, 18 February 1982, incorporated herein by reference as indicated in Section 10. Other methods of demonstrating compliance may be approved by the Administrator of the FAA with the concurrence of the Administrator of the EPA.

Sec. 15 Type certificates.

(a) Notwithstanding Part 21 of the Federal Aviation Regulations, and irrespective of the date of application, no type certificate is issued, on and after the dates specified in subparagraphs (a)(1) through (a)(6) of this

section, for the airplanes specified therein, unless—

(1) For airplanes powered by engines of Class TF, Class T3, Class T8, or Class TSS, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that became effective on February 1, 1974;

(2) For airplanes powered by engines of Class T8, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that became effective on February 1, 1974;

(3) For airplanes powered by engines of Class TF or Class TP, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that became effective on January 1, 1975;

(4) For airplanes powered by engines of Class TF that have a rated power of 29,000 pounds thrust or greater, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that became effective on January 1, 1976; and

(5) For airplanes powered by engines of Class T3, each engine manufactured on or after January 1978, complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that became effective on January 1, 1978.

(6) For airplanes powered by engines of Class TP, Class TF, Class T3, Class T8 and Class TSS—each engine manufactured on or after January 1, 1984 complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1984.

(b) Notwithstanding Part 21 of the Federal Aviation Regulations, and irrespective of the date of application, no type certificate is issued, on and after the dates specified in paragraphs (a)(2), (a)(4) and (a)(5) of this section, for an engine specified therein unless the engine complies with that subparagraph.

(c) Notwithstanding Part 21 of the Federal Aviation Regulations and irrespective of the date of application, no type certificate is issued on or after January 1, 1984 for any Class TP, Class TF, Class T3, Class T8 or Class TSS engine unless the engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1984.

Sec. 17 Supplemental or amended type certificates.

(a) Notwithstanding Part 21 of the Federal Aviation Regulations, and irrespective of the date of application, no supplemental or amended type certificate is issued on and after the dates specified in paragraphs (a)(1) through (a)(6) of this section, for the airplanes specified therein, unless—

(1) For airplanes powered by engines of Class TF, Class T3, Class T8, or Class TSS, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that became effective on February 1, 1974;

(2) For airplanes powered by engines of Class T8, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that became effective on February 1, 1974;

(3) For airplanes powered by engines of Class TF or Class TP, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that became effective on January 1, 1975;

(4) For airplanes powered by engines of Class TF that have a rated power of 29,000 pounds thrust or greater, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that became effective on January 1, 1976; and

(5) For airplanes powered by engines of Class T3, each engine manufactured on or after January 1, 1978, complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that became effective on January 1, 1978;

(6) For airplanes powered by engines of Class TP, Class TF, Class T3, Class T8 and Class TSS—each engine manufactured on or after January 1, 1984 complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1984.

(b) Notwithstanding Part 21 of the Federal Aviation Regulations, and irrespective of the date of application, no supplemental or amended type certificate is issued, on or after the dates specified in paragraphs (a)(2), (a)(4), and (a)(5) of this section, for an engine specified therein, unless the engine complies with that paragraph.

(c) Notwithstanding Part 21 of the Federal Aviation Regulations and irrespective of the date of application, no supplemental or amended type certificate is issued, on or after January 1, 1984 for any Class TP, Class TF, Class T3, Class T8 or Class TSS engine unless the engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1984.

Sec. 19 Engine approvals.

(a) On and after the dates specified in this paragraph, and notwithstanding Part 21 of the Federal Aviation Regulations, no original FAA approval for installation of an engine on aircraft covered by this SFAR (including FAA acceptance of an equivalent original approval issued on or before January 1, 1978 by a foreign country of manufacture) is made by the FAA:

(1) For an engine of Class T8, unless the engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that became effective on February 1, 1974;

(2) For an engine of Class TF that has a rated power of 29,000 pounds thrust or greater, unless the engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that became effective on January 1, 1976; and

(3) For an engine of Class T3, unless each engine manufactured on or after January 1, 1978, complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that became effective on January 1, 1978.

(4) For engines of Class TP, Class TF, Class T3, Class T8, or Class TSS, unless each engine manufactured on or after January 1, 1984, complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1984.

Sec. 20 Identification Plate.

(a) On or after January 1, 1984, notwithstanding 14 CFR Part 45, no original FAA approval for installation of an engine or an airplane (including FAA acceptance of an equivalent original approval issued on or after January 1, 1984, by a foreign country of manufacture) is made by the FAA, for an engine covered by this SFAR unless that engine has secured to it an identification plate showing a designation that indicates compliance with applicable provisions of 40 CFR Part 87.

(b) On or after January 1, 1984, notwithstanding 14 CFR Part 45, no person may secure an identification plate to any airplane engine covered by this SFAR unless that engine complies with the applicable provisions of this SFAR.

Sec. 21 Standard airworthiness certificates.

Notwithstanding Part 21 of the Federal Aviation Regulations, and irrespective of the date of application, no standard airworthiness certificate is issued, on and after the dates specified in paragraphs (a) through (f) of this section, for the airplanes specified therein, unless—

(a) For airplanes powered by engines of Class TF, Class T3, Class T8, or Class TSS the airframe or engine complies with the fuel venting emissions requirement and related test procedures of 40 CFR Part 87 that became effective on February 1, 1974;

(b) For airplanes powered by engines of Class T8, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that became effective on February 1, 1974;

(c) For airplanes powered by engines of Class TF or Class TP, the airframe or engine complies with the fuel venting emission requirements and related test procedures of 40 CFR Part 87 that became effective on January 1, 1975;

(d) For airplanes powered by engines of Class TF that have a rated power of 29,000 pounds thrust or greater, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that became effective on January 1, 1976; and

(e) For airplanes powered by engines of Class T3, each engine manufactured before January 1, 1978, complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that became effective on January 1, 1978; and

(f) For airplanes powered by engines of Class TP, Class TF, Class T3, Class T8 and Class TSS—each engine manufactured on or after January 1, 1984 complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1984.

Sec. 25 Operation.

On and after the dates specified in prargraphs (a) through (e) of this section, no person may, within the United States, operate a airplane specified in those paragraphs unless—

(a) For airplanes powered by engines of Class TF, Class T3, Class T8, or Class TSS, the airframe or the engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that became effective on February 1, 1974;

(b) For airplanes powered by engines of Class T8, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that became effective on February 1, 1974;

(c) For airplanes powered by engines of Class TF or Class TP, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that became effective on January 1, 1975;

(d) For airplanes powered by engines of Class TF that have a rated power of 29,000 pounds thrust or greater, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that became effective on January 1, 1976; and

(e) For airplanes powered by engines of Class T3, each engine manufactured on or after January 1, 1978, complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that became effective on January 1, 1978; and

(f) For airplanes powered by engines of Class TP, Class TF, Class T3, Class T8 and Class TSS—each engine manufactured on or after January 1, 1984 complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1984.

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, (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and (3) 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.

(Sec. 232, Clean Air Act, as amended Dec. 31, 1970, Pub. L. 91-604 (42 U.S.C. 1857f-10) as delegated (36 FR 3733); 40 CFR Part 87; secs. 307(c), 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1345(a), 1421, and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)).

Issued in Washington, D.C. on September 2, 1983.

Norman H. Plummer,

Acting Director, Office of Environment and Energy.

[FR Doc. 83-25913 Filed 9-20-83; 4:08 pm]

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federal register

Friday
September 23, 1983

Part VII

Department of the Interior

Fish and Wildlife Service

Late Seasons, and Bag and Possession Limits for Certain Migratory Game Birds in the United States

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Late Seasons, and Bag and Possession Limits for Certain Migratory Game Birds in the United States

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes the late open seasons, hunting hours, hunting areas, and daily bag and possession limits for general waterfowl seasons; special restrictions to reduce the black duck harvest; special seasons for scaup and goldeneyes, extra scaup and teal in regular seasons; experimental canvasback seasons; additional sandhill crane seasons in the Central Flyway and in Arizona; coots, gallinules, and snipe in the Pacific Flyway; and additional falconry seasons. Taking of the designated species of migratory birds is prohibited unless open hunting seasons are specifically provided. The rules will permit taking of the designated species during the 1983–84 season within specified periods of time beginning as early as October 1, as has been the case in past years, and benefit the public by opening the seasons which are presently closed.

On August 26, 1983 (48 FR 39023), the Service published in the **Federal Register** rules for early seasons and bag and possession limits of certain migratory game birds in the contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands. The Service revises § 20.103 (a), (b), and (d) to clarify the shooting hours for mourning doves in Rhode Island and the seasons and limits for mourning and white-winged doves in Texas.

EFFECTIVE DATE: September 3, 1983.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C., telephone 202–254–3207.

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported, or transported.

On April 5, 1983, the U.S. Fish and Wildlife Service (hereinafter the Service) published for public comment in the **Federal Register** (48 FR 14700) a proposal to amend 50 CFR Part 20, with comment periods ending June 22, July 15, and August 19 (later extended to August 24), 1983, respectively, for the 1983–84 hunting season frameworks proposed for Alaska, Puerto Rico, and the Virgin Islands; other early seasons; and the late hunting season frameworks. That document dealt with the establishment of hunting seasons, hours, areas, and limits for migratory game birds under §§ 20.101 through 20.107 and 20.109 of Subpart K. On June 17, 1983, the Service published in the **Federal Register** (48 FR 27799) a second document consisting of a supplemental proposed rulemaking dealing with both the early and late season frameworks. On July 7, 1983, the Service published for public comment in the **Federal Register** (48 FR 31266) a third document consisting of a proposed rulemaking dealing specifically with frameworks for early season migratory bird hunting regulations. On July 22, 1983, the Service published in the **Federal Register** (48 FR 33488) a fourth document containing final frameworks for Alaska, Puerto Rico, and the Virgin Islands. On August 3, 1983, the Service published a fifth document (48 FR 35100) containing final frameworks for the early season migratory bird hunting regulations from which State wildlife conservation agency officials selected early season hunting dates, hours, areas, and limits for the 1983–84 season. A sixth document (48 FR 35152) also dated August 3, 1983 supplements **Federal Register** documents 48 FR 14700 and 48 FR 27799 as these concern black ducks. On August 15, 1983, the Service published for public comment in the **Federal Register** (48 FR 36853) a seventh document consisting of a proposed rulemaking dealing specifically with frameworks for late season migratory bird hunting regulations. On August 26, 1983, the Service published in the **Federal Register** (48 FR 39023) an eighth document consisting of a final rule amending Subpart K of 50 CFR 20 to set hunting seasons, hours, areas, and limits for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; September teal seasons; sea ducks in certain defined areas of the Atlantic Flyway; ducks in September in Florida, Iowa, Kentucky, and Tennessee; sandhill cranes in the Central Flyway and Arizona; sandhill cranes and Canada geese in southwestern Wyoming; migratory game birds in Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and special falconry seasons. On September 9, 1983, the Service published in the **Federal Register** a ninth document (48 FR 40851) consisting of a final rulemaking for the late season frameworks for migratory game bird hunting regulations from which State wildlife conservation agency officials selected late season hunting dates, hours, areas, and limits for the 1983–84 season.

The final rule described here is the tenth in a series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations and deals specifically with amendment Subpart K of 50 CFR 20 to: (1) set hunting seasons, hours, areas, and limits for species subject to late hunting regulations, and (2) clarify the shooting hours for mourning doves in Rhode Island and the seasons and limits for mourning and white-winged doves in Texas. On August 26, 1983 (48 FR 39023), the Service published in the **Federal Register** seasons, limits, and shooting hours for mourning and white-winged doves and certain other migratory game birds subject to early hunting regulations. In the table under § 20.103(a), Mourning Doves—Eastern Management Unit, the shooting hours for the second portion of the season in Rhode Island should have been sunrise to sunset instead of one-half hour before sunrise to sunset. In the table under § 20.103(b), Mourning Doves—Central Management Unit, no provision is made for the taking of mourning doves in the Rio Grande Zone of Texas during 4 days in early September when white-winged dove hunting is permitted. In the table under § 20.103(d), White-winged Doves, provision is made for taking white-winged doves in Texas only during 4 days in early September in a portion of the Rio Grande Zone. The correction included in this rulemaking reflects the intended shooting hours for mourning doves in Rhode Island and seasons and limits for mourning and white-winged doves in Texas.

These regulations will take effect immediately upon publication.

These regulations contain no information collections subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980.

Nontoxic Shot Regulations

On August 13, 1981, the Service published in the **Federal Register** (46 FR 40879) final rules describing nontoxic shot zones for waterfowl hunting. When

eaten by waterfowl, spent lead pellets can have a toxic effect. Nontoxic shot zones reduce availability of lead pellets in selected waterfowl feeding areas.

Amendments to these regulations were published in the **Federal Register** (47 FR 32546; July 28, 1982 and 48 FR 26457; June 8, 1983). These amendments relate to changes in Indiana, Maine, Massachusetts, Nebraska, Michigan, Illinois, Florida, and Texas. Some States have State regulations requiring steel shot for waterfowl hunting in areas not included in the Federal regulations published in the **Federal Register** on August 13, 1981 (46 FR 40879). Zones in other States will remain as they were described on August 13, 1981 (46 FR 40879).

Some national wildlife refuges require use of steel shot on hunting areas within their boundaries, and these rules are published with other regulations regarding public use of the refuges (Title 50 CFR Part 32—Hunting).

Waterfowl hunters are advised to become familiar with State and local regulations regarding the use of nontoxic shot for waterfowl hunting.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975 (40 FR 24241). In addition, several environmental assessments including recent ones concerning black ducks and canvasbacks have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement.

Copies of assessments are available upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act" [and] "* * * by taking such action necessary to insure that any action authorized, funded, or carried out * * * is not likely to jeopardize the continued existence of such endangered or threatened species or result in the destruction or modification of habitat of such species * * * which is determined to be critical." The Service therefore initiated Section 7 consultation under the Endangered Species Act for the proposed hunting season frameworks.

On June 28, 1983, the Chief, Office of Endangered Species, concluded that the proposed actions were not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of their critical habitats.

As in the past, hunting regulations this year are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species.

The Service's biological opinion resulting from its consultation under Section 7 is considered a public document and is available for public inspection in or available from the Office of Endangered Species and the Office of Migratory Bird Management, Department of the Interior, Washington, D.C.

Regulatory Flexibility Act and Executive Order 12291

In the **Federal Register** dated April 5, 1983 (at 48 FR 14700), the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and the Executive Order. These included preparing a Determination of Effects and an updated Final Regulatory Impact Analysis, and publication of a summary of the latter. These regulations have been determined to be major under Executive Order 12291 and they have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act. This determination is detailed in the aforementioned documents which are available upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Memorandum of Law

The Service published its Memorandum of Law, required by Section 4 of Executive Order 12291, in the **Federal Register** dated July 22, 1983 (at 48 FR 33488).

Authorship

The primary author of this final rule is Kenneth E. Gamble, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief.

Regulations Promulgation

After analysis of the migratory game bird survey data obtained through investigations conducted by the Service, State conservation agencies, and other sources, and consideration of all comments received on the late season proposal (48 FR 14700, April 5, 1983; 48 FR 27799, June 17, 1983; and 48 FR 36853, August 15, 1983), the Service published in the **Federal Register** on September 9, 1983 (48 FR 40851) final late season frameworks. Copies of the final frameworks were also sent to the officials of the State conservation agencies who were invited to submit recommendations for hunting seasons which complied with the season times and lengths, hours, areas, and limits specified in the frameworks.

The taking of the designated species of migratory birds is prohibited unless open hunting seasons are specifically provided. The following amendments will permit taking of the designated species within specified time periods beginning as early as October 1, as has been the case in past years, and benefit the public by relieving existing restrictions.

The rulemaking process for migratory game bird hunting, must, by its nature, operate under severe time constraints. However, the Service intends that the public be given the greatest possible opportunity to comment on the regulations. Thus, when proposed rulemakings were published on April 5, June 17, and August 15, 1983, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that when the comment period closed time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the States would have insufficient time to select their season dates, shooting hours, hunting areas, and limits; to communicate those selections to the Service; and to establish and publicize the necessary regulations and procedures to implement their decisions. The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) (Administrative Procedure Act), and these regulations will, therefore, take effect immediately upon publication.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Transportation, Wildlife.

Dated: September 20, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

Accordingly, each State conservation agency having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory birds for which

open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, certain sections of Title 50, Chapter I Subchapter B, Part 20, Subpart K, are hereby corrected and amended.

With the exception of § 20.108, non-toxic shot zones the hunting season regulations will not be included in the annual codification of Title 50 CFR, Wildlife and Fisheries, inasmuch as most seasons will have terminated by the time that the annual codification is issued.

PART 20—MIGRATORY BIRD HUNTING

On page 39026, in § 20.103, the entry for Rhode Island in paragraph (a), the entry for Texas in paragraph (b), footnote 3 in paragraph (b), the entry for Texas in the table in paragraph (d) and footnote 4 in paragraph (d) are corrected to read:

BILLING CODE 4310-55-M

§20.103 Seasons, limits, and shooting hours for mourning and white-winged doves and wild pigeons.

* * * * * * * * * *

(a) Mourning Doves — Eastern Management Unit

* * * * * * * * * *

Seasons in:

* * * * * * * * * *

Rhode Island:

12 noon to sunset	Sept. 12 to Oct. 2
Sunrise to sunset	Oct. 15 to Dec. 2

* * * * * * * * * *

(b) Mourning Doves — Central Management Unit

* * * * * * * * * *

Seasons in:

* * * * * * * * * *

Texas[2,3]	
Panhandle Zone	Sept. 1-Nov. 9
Central Zone	Sept. 1-Oct. 30 and Jan. 7 - Jan. 16.
Rio Grande Zone	Sept. 3, 4, 10, and 11 Sept. 17 to Nov. 5 Jan. 7 to Jan. 22

* * * * * * * * * *

[3]In Texas, the daily bag limit is 12 mourning and white-winged doves in the aggregate, of which no more than 2 can be white-winged doves, except as follows: On September 3, 4, 10, and 11 in the Rio Grande Zone the daily bag limits are 12 mourning doves and 10 white-winged doves in the Special White-Winged Dove Area, and 12 mourning doves and 2 white-winged doves elsewhere in the Zone. Possession limits are twice the daily bag limits. See white-winged dove regulations for description of the Special White-Winged Dove Area.

* * * * * * * * * *

(d) White-Winged Doves.

* * * * * * * * * *

Seasons in	Season dates	Limits	
		Bag	Possession
* * * * * * * * *		*	
Texas[4]	See mourning dove regulations.	(4)	(4)

* * * * * * * * * *

[4]In Texas, the daily bag limit is 12 mourning and white-winged doves in the aggregate, of which no more than 2 can be white-winged doves, except as follows: On September 3, 4, 10, and 11 in the Rio Grande Zone, the daily bag limits are 12 mourning doves and 10 white-winged doves in the Special White-Winged Dove Area, and 12 mourning doves and 2 white-winged doves elsewhere in the Zone. Possession limits are twice the daily bag limits. The Special White-Winged Dove Area is that portion of the State south and west of a line beginning at the International Bridge south of Fort Hancock, north along FM 1088 to State Highway 20, west along State Highway 20 to State Highway 148, north along State Highway 148 to Interstate Highway 10 at Fort Hancock, east along Interstate Highway 10 to U.S. Highway 277 at Sonora, south along U.S. Highway 277 to State Highway 55, southeast along State Highway 55 to U.S. Highway 83 at Uvalde, south along U.S. Highway 83 to State Highway 44, east along State Highway 44 to State Highway 16 at Freer, south along State Highway 16 to State Highway 285 at Hebbronville, east along State Highway 285 to FM 1017, southeast along FM 1017 to State Highway 186 at Linn, east along State Highway 186 to the Mansfield Channel at Port Mansfield, east along the Mansfield Channel to the Gulf of Mexico.

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Section 20.104 is revised to read as follows:

§20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting and hawking hours, and the daily bag and possession limits on the species designated in this section are as follows:

	Rails (Sora & Virginia)	Rails (Clapper & King)	Woodcock	Common Snipe
Daily bag limit	25 (1)	See footnote (2).	5	8
Possession limit	25 (1)	See footnote (2).	10	16

Shooting Hours: One-half hour before sunrise until sunset daily on all species, except as noted otherwise.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS, INCLUDING AREA DESCRIPTIONS.

Seasons in the Atlantic Flyway:				
Connecticut	Sept. 1-Nov. 5	Sept. 1-Nov. 5	Oct. 15-Dec. 3	Oct. 15-Dec. 3
Delaware	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 17-Oct. 29 & Nov. 21-Jan. 11.	Oct. 17-Oct. 29 & Nov. 21-Jan. 11
Florida	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Dec. 3-Feb. 5	Nov. 5-Feb. 19
Georgia	Sept. 7-Nov. 15	Sept. 7-Nov. 15	Nov. 20-Jan. 23	Nov. 20-Feb. 29
Maine	Sept. 1-Nov. 9	Closed.	Oct. 1-Nov. 30	Sept. 1-Dec. 16
Maryland	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 18-Nov. 25 & Dec. 5-Dec. 22	Sept. 12-Dec. 27
Massachusetts	Sept. 1-Nov. 9	Closed.	Oct. 18-Nov. 26(3)	Sept. 1-Dec. 16
New Hampshire	Closed.	Closed.	Oct. 1-Dec. 4	Oct. 1-Dec. 4
New Jersey:				
North Zone (4)	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 5-Nov. 28	Oct. 8-Jan. 21
South Zone (4)	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 22-Dec. 3 & Dec. 12-Dec. 23	Oct. 8-Jan. 21
New York (4):				
Northern Zone, including Lake Champlain	Sept. 1-Nov. 9	Closed.	Oct. 1-Nov. 23	Sept. 1-Nov. 23
Long Island	Closed.	Closed.	Oct. 1-Nov. 23	Closed.
Remainder of State	Sept. 1-Nov. 9	Closed.	Oct. 1-Nov. 23	Sept. 1-Nov. 23
North Carolina	Sept. 19-Nov. 26	Sept. 19-Nov. 26	Nov. 11-Jan. 14	Nov. 11- Feb. 25
Pennsylvania	Sept. 1-Nov. 9	Closed.	Oct. 15-Nov. 26	Oct. 15-Dec. 13
Rhode Island	Sept. 14-Nov. 22	Sept. 14-Nov. 22	Oct. 15-Dec. 2 & Dec. 12-Dec. 27	Sept. 14-Dec. 2 & Dec. 12-Jan. 1
South Carolina	Sept. 3-Oct.10 & Nov. 3-Dec. 4	Sept. 3-Oct.10 & Nov. 3-Dec. 4	Nov. 24-Jan. 27	Nov. 14-Feb. 28
Vermont	Sept. 24-Dec. 2	Closed.	Oct. 1-Dec. 4	Sept. 24-Dec. 4
Virginia	Sept. 3-Nov. 11	Sept. 3-Nov. 11	Nov. 7-Jan. 10	Oct. 17-Jan. 31
West Virginia	Sept. 5-Nov. 12	Closed.	Oct. 15-Dec. 17	Sept. 5-Dec. 20
Seasons in the Mississippi Flyway:				
Alabama	Nov. 12-Jan. 20	Nov. 12-Jan. 20	Nov. 28-Jan. 31	Nov. 14-Feb. 28
Arkansas	Sept. 1-Nov. 9	Closed.	Nov. 1-Jan. 4	Nov. 19-Feb. 28
Illinois	Sept. 1-Nov. 9	Closed.	Oct. 1-Dec. 4	Sept. 10-Dec. 25
Indiana	Sept. 3-Nov. 11	Closed.	Sept. 17-Nov. 20	Sept. 3-Dec. 18
Iowa (5)	Sept. 3-Nov. 11	Closed.	Sept. 17-Nov. 20	Sept. 3-Dec. 18
Kentucky	Nov. 12-Jan. 20	Closed.	Oct. 1-Dec. 4	Oct. 1-Dec. 4
Louisiana	Sept.17-Sept.25 & Nov. 12-Jan. 11	Sept.17-Sept.25& Nov. 12-Jan. 11	Dec. 10-Feb. 12	Nov. 12-Feb. 26
Michigan (6)	Sept. 15-Nov. 14	Closed.	Sept. 15-Nov. 14	Sept. 15-Nov. 14
Minnesota	Sept. 1-Nov. 4	Closed.	Sept. 1-Nov. 4	Sept. 1-Nov. 4
Mississippi	Oct. 22-Dec. 30	Oct. 23-Dec. 31	Dec. 24-Feb. 26	Nov. 12-Feb. 26
Missouri	Sept. 1-Nov. 9	Closed.	Oct. 1-Dec. 4	Oct.1-Dec. 4
Ohio	Sept. 1-Nov. 9	Closed.	Sept. 16-Nov. 19	Sept. 1-Nov. 25 & Dec. 8-Dec. 27

Tennessee	Dec. 2-Jan.20	Closed.	Oct. 15-Nov. 20 & Feb. 2-Feb. 29	Nov.20-Feb. 29
Wisconsin:				
North Duck Zone (4)	Oct. 1 (noon)-Nov. 19	Closed.	Sept. 17-Nov. 20	Oct. 1 (noon)-Nov. 19
South Duck Zone (4)	Oct. 1 (noon)-9 & Oct. 15-Nov. 24	Closed	Sept. 17-Nov. 20	Oct. 1 (noon)-9 & Oct. 15-Nov. 24
Seasons in the Central Flyway:				
Colorado (7)	Sept. 1-Nov. 9	Closed.	Closed.	Sept. 1-Nov. 9 & Dec. 10-Jan. 1
Kansas	Sept. 10-Nov. 16	Closed.	Oct. 1-Dec. 4	Sept. 10-Dec. 25
Montana (7)	Closed.	Closed.	Closed.	Oct. 1-Nov. 29
Nebraska (8)	Sept. 1-Nov. 9	Closed.	Sept. 15-Nov. 18	Sept. 1-Dec. 15
New Mexico (7)	Sept. 10-Nov. 18	Closed.	Closed.	Sept. 10-Dec. 11
North Dakota	Closed.	Closed.	Closed.	Sept. 10-Nov. 27
Oklahoma	Sept. 1-Nov. 9	Closed.	Nov. 20-Jan. 23	Oct. 20-Feb. 3
South Dakota (9)	Closed.	Closed.	Closed.	Sept. 1-Oct. 31
Texas	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Nov. 26-Jan. 29	Nov. 1-Feb. 12
Wyoming (7)	Sept. 24-Dec. 2	Closed.	Closed.	Sept. 24-Jan. 8
Seasons in the Pacific Flyway:				
Arizona	Closed.	Closed.	Closed.	Oct. 7-Nov. 13 & Nov. 29-Jan. 22
California:				
Northeastern Zone (4)	Closed.	Closed.	Closed.	Oct. 15-Jan. 15
Colorado River Zone (4)	Closed.	Closed.	Closed.	Oct. 7-Nov. 13 & Nov. 29-Jan. 22
Remainder of State	Closed.	Closed.	Closed.	Oct. 22-Jan. 22
Colorado (7)	Sept. 1-Nov. 9	Closed.	Closed.	Sept. 1-Nov. 9 & Dec. 10-Jan. 1
Idaho:				
Columbia Basin (4)	Closed.	Closed.	Closed.	Oct. 1-Jan. 8
Remainder of State	Closed.	Closed.	Closed.	Oct. 1-Jan. 1
Montana (7)	Closed.	Closed.	Closed.	Oct. 1-Jan.1
Nevada:				
Clark County	Closed.	Closed.	Closed.	Oct. 22-Jan. 22
Remainder of State	Closed.	Closed.	Closed.	Oct. 8-Jan. 8
New Mexico (7)	Sept. 10-Nov. 18	Closed.	Closed.	Sept. 10-Dec. 11
Oregon	Closed.	Closed.	Closed.	Oct. 15-Jan. 15
Utah (10)	Closed.	Closed.	Closed.	Oct. 8-Jan. 8
Washington:				
Eastern Washington (4), (10)	Closed	Closed.	Closed.	Oct. 15-Jan. 22
Western Washington (4), (10)	Closed.	Closed.	Closed.	Oct. 15-Jan. 15
Wyoming (7)	Sept. 24-Dec. 2	Closed.	Closed.	Sept. 24-Dec. 25

(1) The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these two species.

(2) In addition to the limits on sora and Virginia rails, in Connecticut, Delaware, Maryland, New Jersey, and Rhode Island, there is a daily bag limit of 10 and possession limit of 20 clapper and king rails, singly or in the aggregate of these two species, except that the season is closed on king rails in New Jersey by State regulation. In Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, there is a daily bag limit of 15 and possession limit of 30 clapper and king rails, singly or in the aggregate of these two species.

(3) Limits are 2 daily and 4 in possession.

(4) For description of zones or management units within a State, see State regulations.

(5) In Iowa, shooting hours are sunrise to sunset. Rail limits are 15 daily and 25 in possession.

(6) In Michigan, in all or portions of the counties of Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola and Wayne, and adjacent Great Lakes and connecting waters, the rail and snipe seasons shall open concurrently with the duck season and run continuously in all areas through November 14. See State regulations.

(7) The Central Flyway portion consists of: Colorado and Wyoming — the area lying east of the Continental Divide; Montana — the area lying east of Hill, Chouteau, Cascade, Meagher, and Park Counties; New Mexico — the area lying east of the Continental Divide but outside the Jicarilla Apache Indian Reservation. The remaining portions of these States are in the Pacific Flyway.

(8) In Nebraska the rail limits are 10 daily and in possession.

(9) In South Dakota, the snipe limits are 5 daily and 15 in possession.

(10) In Utah and Eastern Washington, on the first day, the season opens at 12 noon; and in Western Washington, on the first day, the season opens at 8 a.m.

Section 20.105 is amended to read as follows:

§20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting and hawking hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) Sea Ducks.

(1) An open season for taking scoter, eider, and oldsquaw ducks is prescribed according to the following table during the period between September 15, 1983, and January 20, 1984, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Mismogue Point in the Town of Riverhead to Red Cedar Point in the Town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and, in addition, in any tidal waters of any bay which are separated by at least one mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia; and provided that any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

(2) The daily bag limit is 7 and the possession limit is 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set, in addition to the regular limits, a daily bag limit of 7 and a possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

(3) Shooting hours are one-half hour before sunrise until sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS.

Seasons in:	
Connecticut	Sept. 24-Jan. 7.
Delaware	Sept. 24-Jan. 7.
Georgia	Nov. 24-Jan. 20.
Maine	Oct. 1-Jan. 15.
Maryland	Oct. 6-Jan. 20.
Massachusetts	Oct. 1-Jan. 15.
New Hampshire	Sept. 15-Dec. 30.
New Jersey	Oct. 6-Jan. 20.
New York (Long Island only)	Sept. 23-Jan. 7.
North Carolina	Oct. 6-Jan. 20.
Rhode Island	Oct. 1-Jan. 15.
South Carolina	Oct. 6-Jan. 20.
Virginia	Oct. 6-Jan. 20.

(4) Notwithstanding the provisions of this Part 20 the shooting of crippled waterfowl from a motorboat under power will be permitted in Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia, and Maryland in those areas described, delineated, and designated in their respective hunting regulations as being open to sea duck hunting.

(b) Teal. September season:

* * * * *

(c) Gallinules.

Limits in the Atlantic, Mississippi, and Central Flyways:	
Daily bag limit	15
Possession limit	30

Limits in the Pacific Flyway:

The daily bag and possession limits are 25 gallinules and coots singly or in the aggregate of these two species.

Shooting hours: One-half hour before sunrise to sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS, INCLUDING AREA DESCRIPTIONS.

Seasons in the Atlantic Flyway:	
Connecticut	Sept. 1-Nov. 5.
Delaware	Sept. 1-Nov. 9.
Florida (1)	Sept. 1-Nov. 9.
Georgia	Oct. 8-Oct. 11 & Nov. 24-Nov. 27 & Dec. 10-Jan. 20.
Maine	Sept.1-Nov. 9.
Maryland	Sept. 1-Nov. 9.
Massachusetts	Sept. 1-Nov. 9.
New Hampshire	Closed.
New Jersey	Sept. 1-Nov. 9.
New York:	
Long Island	Closed.
Remainder of State	Sept. 1-Nov. 9.
North Carolina	Sept. 19-Nov. 26.
Pennsylvania	Sept. 1-Nov. 9.
Rhode Island	Sept. 14-Nov. 22.
South Carolina	Sept. 3-Oct. 10 & Nov. 3-Dec. 4.
Vermont	Sept. 24-Dec. 2.
Virginia	Oct. 6-Oct. 9 & Nov. 23-Dec. 4 & Dec. 13-Jan. 15.
West Virginia:	
Entire State, except Allegheny Mountain Upland Zone	Oct. 1-Oct. 15 & Dec. 17-Jan. 20.
Allegheny Mountain Upland Zone	Oct. 1-Oct. 15 & Nov. 1-Dec. 5.
Seasons in the Mississippi Flyway	
Alabama	Nov. 12-Jan. 20.
Arkansas	Nov. 7-Jan. 15.
Illinois	Closed.
Indiana	Sept. 3-Nov. 11.
Iowa	Closed.
Kentucky	Nov. 12-Jan. 20.
Louisiana	Sept. 17-Sept. 25 & Nov. 12-Jan. 11.
Michigan:	
North Zone	Oct. 1-Nov. 19.
South Zone	Oct. 8-Nov. 26.
Minnesota	Oct. 1-Nov. 19.
Mississippi	Oct. 22-Dec. 25
Missouri	Closed.
Ohio	Sept. 1-Nov. 9.
Tennessee	Dec. 2-Jan. 20.
Wisconsin (2):	
North Duck Zone	Oct. 1 (noon) - Nov. 19
South Duck Zone	Oct. 1 (noon) - Oct. 9 & Oct. 15-Nov. 24
Seasons in the Central Flyway:	
Colorado (3)	Closed.
Kansas	Closed.
Montana (3)	Closed.
Nebraska	Closed.
New Mexico (3)	Oct. 16-Dec. 26.
North Dakota	Closed.
Oklahoma	Sept. 1-Nov. 9.
South Dakota	Closed.
Texas	Sept. 1-Nov. 9.
Wyoming (3)	Closed.
Seasons in the Pacific Flyway:	
Arizona	Oct. 7-Nov. 13 & Nov. 29-Jan. 22.
California:	
Northeastern Zone	Oct. 16-Jan. 16.
Colorado River Zone	Oct. 7-Nov. 13 & Nov. 29-Jan. 22.
Remainder of State	Oct. 23-Jan. 23.
Nevada:	
Clark County	Oct. 22-Jan. 22.
Remainder of State	Oct. 8-Jan. 8.
New Mexico (4)	Oct. 2-Jan. 2.
All other States	Closed.

Note: See footnotes to waterfowl tables for descriptions of zones.

(1) The gallinule season in Florida applies to the common gallinule only. There is no open season on the purple gallinule in Florida.

(2) On the first day the season opens at 12 noon.

(3) Seasons apply to Central Flyway portion of State only.

(4) Season and limits apply to Pacific Flyway portion of State only.

(d) Waterfowl and coots in Atlantic, Mississippi, Central, and Pacific Flyways.

ATLANTIC FLYWAY

The Atlantic Flyway includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia and West Virginia.

Flywaywide Restrictions.

Shooting (including hawking) hours: One-half hour before sunrise to sunset daily except as otherwise restricted.

Black ducks — bag limits and seasons shown separately, but when the black duck is permitted in the daily bag, it is part of the daily and possession limits for ducks.

Wood ducks — No more than 2 wood ducks may be taken daily nor more than 4 wood ducks may be possessed. Exceptions: during duck seasons prior to October 16, in Georgia, North Carolina, South Carolina, and Virginia. See State footnotes.

Hooded mergansers — In States selecting conventional regulations, no more than 1 hooded merganser may be taken daily nor more than 2 hooded mergansers may be possessed.

Canvasbacks and redheads — Except in closed areas, the limit on canvasbacks is 1 daily and 1 in possession. The limit on redheads throughout the flyway is 2 daily, except that in areas open to canvasback harvest the daily bag limit is 2 redheads, or 1 redhead and 1 canvasback. The canvasback possession limit is equal to the daily bag limit. The possession limit on redheads is twice the daily bag limit under conventional regulations. Under the point system, canvasbacks (except in closed areas) count 100 points each and redheads flywaywide count 70 points each. Areas closed to canvasback hunting are:

New York — Upper Niagara River between the Peace Bridge at Buffalo, New York, and the Niagara Falls. All waters of Lake Cayuga.

New Jersey — Those portions of Monmouth County and Ocean County lying east of the Garden State Parkway.

Maryland, Virginia and North Carolina — Those portions of the State lying east of U.S. Highway 1.

Portions of these areas otherwise closed to taking of canvasback, are open to hunting of canvasback at the end of the regular season State permits required in Maryland, New Jersey, New York and North Carolina. See sections below for these States for seasons and bag limits.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS.

The season dates for mergansers and coots are the same as those for ducks in the following tables:

	Season Dates	Limits Bag	Limits Possession
Connecticut			
Ducks:			
North Zone (1)			
Black Ducks	Nov. 23-Dec. 27	1	2
Ducks	Oct. 15-Oct. 29 & Nov. 23-Dec. 27	5	10
South Zone (1)			
Black Ducks	Nov. 23-Jan. 7	1	2
Ducks	Oct. 12-Oct. 15 & Nov. 23-Jan. 7	5	10
Mergansers		5	10
Coots		15	30
Geese:			
North Zone	Oct. 15-Jan. 12.		
South Zone	Oct. 12-Oct. 15 & Nov. 4-Jan. 28.		
Canada		3	6
Snow (including blue)		4	8
Brant:		2	4
North Zone	Nov. 24-Jan. 12.		
South Zone	Dec. 2-Jan. 20.		
Delaware			
Ducks:			
Black Ducks	Nov. 24-Jan. 3	1	2
Ducks	Oct. 1-Oct. 3 & Oct. 31-Nov. 5 & Nov. 24-Jan. 3	5	10
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 31-Jan. 28.	4	8
Snow (including blue)	Oct.31-Jan. 28.	4	8
Brant	Dec. 1-Dec. 24 & Dec. 26-Jan. 20		
Florida			
Ducks, no more than 1 of which may be a species other than teal or wood ducks, and the possession limit will be double the daily bag limit	Sept. 24-Sept. 28	4	8
Ducks	Nov. 23-Dec. 4 & Dec. 10-Jan. 16.	Point system.	
Coots		15	30
Geese	Closed.	-	-
Georgia			
Black Ducks	Oct. 8-Oct. 11 & Nov. 24-Nov. 27 & Dec. 10-Jan. 20.	1	2
Ducks	Oct. 8-Oct. 11 & Nov. 24-Nov. 27 & Dec. 10-Jan. 20	5	10 (2)
Mergansers		5	10
Coots		15	30
Geese	Closed.	-	-
Brant	Closed.	-	-
Maine			
North Zone (Wildlife Management Units 1-5)			
Black Ducks	Oct. 15-Nov. 19	1	2
Ducks	Oct. 1-Nov. 19	5	10
South Zone (Wildlife Management Units 6-8)			
Black Ducks	Nov. 14-Dec. 17	1	2
Ducks	Oct. 1-Oct. 15 & Nov. 14-Dec. 17	5	10
Mergansers		5	10
Coots		15	30
Geese:			
including no more than:			
Canada	Oct. 1-Dec. 9	3	6
Snow (including blue)	Oct. 1-Dec. 29.	4	8
Brant	Oct. 1-Nov. 19.	2	4
Maryland			
Ducks		Point system	
Inland Zone (3)			
Black Ducks	Nov. 1-Nov. 5 & Dec. 19-Jan. 10		
Ducks	Oct. 20-Nov. 5& Dec. 19-Jan. 20		
Coastal Zone (3)			
Black Ducks	Nov. 7-Nov. 25 & Dec. 14-Jan. 7		
Ducks	Nov. 1-Nov. 25 & Dec. 14-Jan. 7		
Canvasback Ducks	Jan. 2-Jan. 7	Point system (18)	
Coots		15	30
Geese:			
Canada:			
Delmarva Peninsula (4)	Oct. 21-Nov. 25 & Dec. 6-Jan. 28.	3	6
Remainder of State	Oct. 29-Nov. 25 & Dec. 6-Jan. 14.	3	6
Snow (including blue)	Oct. 21-Nov. 25 & Dec. 6-Jan. 28.	4	8
Brant	Nov. 1-Nov. 25 & Dec. 14-Jan. 7	2	4
Massachusetts			
Ducks:			
Western Zone (14)			
Black Ducks	Oct. 17-Dec. 5	1	2
Ducks	Oct. 17-Dec. 5	5	10
Coastal Zone (14)			
Black Ducks	Oct. 24-Oct. 29& Nov. 18-Dec. 7 & Dec. 18-Dec. 31	2	4
Ducks	Oct. 24-Oct. 29 & Nov. 18-Dec. 31	4	8
Central Zone (14)			
Black Ducks	Oct. 24-Nov. 26 & Dec. 16-Dec. 31	1	2
Ducks	Oct. 24-Nov. 26 & Dec. 16-Dec. 31	5	10
Mergansers		5	10
Coots		15	30
Geese:			
Western Zone (14)	Oct. 17-Dec. 24		
Coastal Zone (14)	Oct. 24-Oct. 29 & Nov. 18-Jan. 20		
Central Zone (14)	Oct. 24-Dec. 9 & Dec. 16-Jan. 7		
Canada		3	6
Snow (including blue)		4	8
Brant:			
Inland & Central Zone	Closed		
Coastal Zone	Nov. 18-Jan. 6	2	4

New Hampshire			
Ducks:			
Inland Zone (22)			
Black Ducks	Oct. 5-Nov. 23	1	2
Ducks	Oct. 5-Nov. 23	5	10
Coastal Zone (22)			
Black Ducks	Nov. 5-Dec. 12	2	4
Ducks	Oct. 5-Oct. 16 & Nov. 5-Dec. 12	4	8
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 5-Dec. 13.	3	6
Snow (including blue)	Oct. 5-Jan. 2.	4	8
Brant:	Oct. 5-Nov. 23	2	4
New Jersey			
Ducks:		Point system	
North Zone (5)			
Black Ducks	Oct. 8-Oct. 22 & Nov. 24-Dec. 28		
Ducks	Oct. 8-Oct. 22 & Nov. 24-Dec. 28		
South Zone (5)			
Black Ducks	Oct. 15-Oct. 22 & Nov. 24-Jan. 4		
Ducks	Oct. 15-Oct. 22 & Nov. 24-Jan. 4		
Coastal Zone (5)			
Black Ducks	Oct. 29-Nov. 5 & Nov. 23-Jan. 3		
Ducks	Oct. 29-Nov. 5 & Nov. 23-Jan. 3		
Canvasback Ducks	Dec. 24-Jan. 3	Point system (18)	
Coots		15	30
Geese:			
Canada			
North Zone (5)	Oct. 8-Nov. 11 & Nov. 24-Jan. 17	4	8
South Zone (5)	Oct. 15-Nov. 5 & Nov. 24-Jan. 30		
Coastal Zone (5)	Oct. 8-Oct. 26 & Nov. 19-Jan. 28		
Snow (including blue)	Oct. 15-Jan. 12	4	8
Brant	Oct. 29-Nov. 5 & Nov. 23-Jan. 3	2	4
New York			
Long Island Zone:			
Ducks:			
Black ducks	Nov. 16-Jan. 4	1	2
Ducks	Nov. 16-Jan. 4	5	10
Mergansers		5	10
Coots		15	30
Geese:	Nov. 16-Jan. 31.		
Canada		3	6
Snow (including blue)		4	8
Brant	Nov. 16-Jan. 4	2	4
Lake Champlain Area: (12)			
Ducks:			
Black Ducks	Oct. 22-Dec. 1	1	2
Ducks	Oct. 8-Oct. 16 & Oct. 22-Dec. 1	5	10
Wood duck	Oct. 8-Oct. 16 & Oct. 22-Dec. 1	1	2
		2	4
Mergansers		5	10
Coots		15	30
Geese	Oct. 8 -Dec. 16.		
Canada		3	6
Snow (including blue)		4	8
Brant	Oct. 8 -Nov. 26	2	4
Northeastern Zone (6):			
Ducks:			
Black Ducks	Oct. 5-Oct. 30	1	2
Ducks	Oct. 5-Oct. 30 & Nov. 11-Dec. 4	5	10
Mergansers		5	10
Coots		15	30
Geese:	Oct. 5-Jan. 2.		
Canada		3	6
Snow (including blue)		4	8
Brant	Oct. 5-Oct. 30 & Nov. 11-Dec. 4	2	4
Southeastern Zone (6):			
Ducks:			
Black Ducks	Oct. 12-Oct. 23 & Nov. 4-Nov. 16	1	2
Ducks	Oct. 12-Oct. 23 & Nov. 4-Dec. 11	5	10
Mergansers		5	10
Coots		15	30
Geese:	Oct. 5-Jan. 2.		
Canada		3	6
Snow (including blue)		4	8
Brant	Oct. 12-Oct. 23 & Nov. 4-Dec. 11	2	4
Western Zone (6):			
Ducks:			
Black Ducks	Oct. 12-Nov. 17	1	2
Ducks	Oct. 12-Nov. 17 & Dec. 21-Jan. 2	5	10
Canvasback ducks	Dec. 23-Jan. 2	4	8 (19)
Mergansers		5	10
Coots		15	30
Geese:	Oct. 5-Jan. 2.		
Canada		3	6
Snow (including blue)		4	8
Brant	Oct. 12-Nov. 17 & Dec. 21-Jan 2	2	4
North Carolina			
Ducks:			
Black Ducks	Dec. 28-Jan 20	1	2
Ducks	Oct. 6-Oct. 8 & Nov. 24-Nov. 26 & Dec. 8-Jan. 20	5	10
Canvasback ducks	Jan. 10-Jan. 20	4	8 (19)
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Dec. 20-Jan. 31.	1	2
Snow (including blue)	Nov. 3-Jan. 31.	4	8
Brant	Oct. 6-Oct. 8 & Nov. 24-Nov. 26 & Dec. 8-Jan. 20	2	4
Pennsylvania (23)			
Ducks:			
North Zone (7) (8)			
Black Ducks	Oct. 20-Nov. 19	1	2
Ducks	Oct. 1-Nov. 19	5	10
South Zone (7)			
Black Ducks	Nov. 7-Dec. 3	1	2
Ducks	Oct. 15-Oct. 26 & Nov. 7-Dec. 14	5	10
Northwest Zone (7) (8)			
Black Ducks	Oct. 24-Dec. 3	1	2
Ducks	Oct. 8-Oct. 15 & Oct. 24-Dec. 3	5	10
Lake Erie Zone (7)			
Black Ducks	Oct. 22-Dec. 3	1	2
Ducks	Oct. 22-Dec. 10	5	10
Mergansers		5	10
Coots		15	30
Geese:			
Canada and Snow (including blue)		3	6
North Zone (7) (8)	Oct. 1-Dec.9	4	8
South Zone (7) (9)	Oct. 15-Dec. 23		
Northwest Zone (7) (8) (9)	Oct. 8-Dec. 16		
Lake Erie Zone (7) (9)	Oct. 8-Dec. 16		
Southeastern Zone (9), (10)	Oct. 15-Jan. 12	4	8
Brant	Oct. 22-Nov. 19	2	4
Rhode Island			
Ducks:			
Black Ducks	Oct. 6-Oct. 10 & Nov. 23-Jan. 6	1	2
Ducks	Oct. 6-Oct. 10 & Nov. 23-Jan. 6	5	10
Mergansers		5	10
Coots		15	30
Geese:			
Canada and Snow (including blue)	Oct. 6-Oct. 10 & Nov. 5-Jan. 28	3	6
		4	8
Brant	Dec. 2-Jan. 20.	2	4
South Carolina			
Ducks: (21)			
Black Ducks (11)	Oct. 6-Oct. 8 & Dec. 9-Jan. 20	1	2
Ducks	Oct. 6-Oct. 8 & Nov. 23-Nov. 26 & Dec. 9-Jan. 20	5	10 (2)
Mottled duck	Closed.	-	-
Mergansers		5	10
Coots		15	30
Geese: (21)			
Canada (20)	Dec. 20-Jan. 20	1	2
Snow (including blue)	Oct. 6-Oct. 8 & Nov. 23-Nov. 26 & Dec. 9-Jan. 20.	4	8
Brant	Oct. 6-Oct. 8 & Nov. 23-Nov. 26 & Dec. 9-Jan. 20	2	4
Vermont (12)			
Ducks:			
Black Ducks	Oct. 22-Dec. 1	1	2
Ducks	Oct. 8-Oct. 16 & Oct. 22-Dec. 1	5	10
Wood ducks	Oct. 8-Oct. 16 & Oct. 22-Dec. 1	1	2
		2	4
Mergansers		5	10
Coots		15	30
Geese (13):	Oct. 8-Dec. 16		
Canada		3	6
Snow (including blue)		4	8
Brant	Oct. 8-Nov. 26.	2	4

Virginia			
Ducks:		Point system (2)	
Black Ducks	Oct. 5-Oct. 8 & Dec. 17-Jan. 20		
Ducks	Oct. 5-Oct. 8 & Nov. 23-Dec. 3 & Dec. 17-Jan. 20		
Canvasback ducks	Jan. 16-Jan. 20	Point system (18)	
Coots		15	30
Geese:			
Canada:			
Back Bay Area (15)	Oct. 5-Oct. 8 & Nov. 23-Dec. 3 & Dec. 17-Jan. 20	2	4
Delmarva Peninsula Area	Nov. 3-Jan. 31	4	8
Remainder of State	Nov. 11-Nov. 12 & Nov. 14-Jan. 20	3	6
Snow (including blue):			
Back Bay Area (16)	Nov. 23-Dec. 3 & Dec. 17-Jan. 20	4	8
Remainder of State	Nov. 3-Jan. 31.	4	8
Brant	Oct-5-Oct. 8 & Nov. 23-Dec. 3 & Dec. 17-Jan. 20	2	4
West Virginia			
Ducks:		4	8
Allegheny Mountain Upland Zone (Zone 2) (17)			
Black Ducks	Oct. 1-Oct. 15 & Nov. 1-Dec. 5	1	2
Ducks	Oct. 1-Oct. 15 & Nov. 1-Dec. 5	5	10
Remainder of State (Zone 1)			
Black Ducks	Oct. 1-Oct. 15 & Dec. 17-Jan. 20	1	2
Ducks	Oct. 1-Oct. 15 & Dec. 17-Jan. 20	5	10
Mergansers		5	10
Coots		15	30
Geese:			
Allegheny Mountain Upland Zone (17)	Oct. 1-Oct. 15 & Nov. 1-Dec. 5,		
Remainder of State	Oct. 1-Oct. 15 & Dec. 17-Jan. 20,		
Canada		1	1
Snow (including blue)		4	8
Brant		-	-
Allegheny Mountain Upland Zone	Oct. 1-Oct. 15 & Nov. 1-Dec. 5	2	4
Remainder of State	Oct. 1-Oct. 5 & Dec. 17-Jan. 20	2	4

(1) In Connecticut, the North Zone is that portion of the State north of Interstate 95. The South Zone is that portion of the State south of Interstate 95.

(2) No special daily bag and possession limit restrictions apply to wood ducks in Georgia during October 8-October 11, in North and South Carolina during October 6-October 8 and in Virginia during October 5-October 8 the wood duck is 25 points.

(3) In Maryland the Inland Zone is that portion of the State north and west of U.S. Route 1 from its junction with the Maryland-Pennsylvania border south to its junction with I-95 north of Washington, D.C. and east and south along I-95 to the Maryland-Virginia border. The Coastal Zone is that portion of the State south and east of the above described highway boundaries.

(4) In Maryland, the Delmarva Peninsula includes the counties of Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester.

(5) In New Jersey, the Coastal Zone is that portion of the State seaward of a continuous line beginning at the New York State boundary line in Raritan Bay; then west along the New York boundary line to its intersection with Route 440 at Perth Amboy; then west on Route 440 to its intersection with the Garden State Parkway; then south on the Garden State Parkway to the shoreline at Cape May City and continuing to the Delaware boundary in Delaware Bay. The North Zone is that portion of the State west of the Coastal Zone and north of a boundary formed by Route 70, beginning at Garden State Parkway west to the New Jersey Turnpike, north on the turnpike to Route 206, north on Route 206 to Route 1, Trenton, west on Route 1 to the Pennsylvania State boundary in the Delaware River. The South Zone is that portion of the State not within the North Zone or the Coastal Zone.

(6) In New York, the Western Zone is that portion of Upstate New York lying west of a line commencing at the north shore of the Salmon River and its junction with Lake Ontario and extending easterly along the north shore of the Salmon River to its intersection with Interstate Highway 81, then southerly along Interstate Highway 81 to the Pennsylvania border. The Northeastern and Southeastern Zones are bordered on the west by the boundary described above and are separated from each other as follows: starting at the intersection of Interstate Highway 81 and State Route 49 and extending easterly along State Route 49 to its junction with State Route 365 at Rome, then easterly along State Route 365 to its junction with State Route 28 at Trenton; then easterly along State Route 28 to its junction with State Route 29 at Middleville, then easterly along State Route 29 to its intersection with Interstate Highway 87 at Saratoga Springs, then northerly along Interstate Highway 87 to its junction with State Route 9, then northerly along State Route 9 to its junction with State Route 149, then easterly along State Route 149 to its junction with State Route 4 at Fort Ann, then northerly along State Route 4 to its intersection with the New York/Vermont boundary.

(7) In Pennsylvania, the Lake Erie Zone includes the Lake Erie waters of Pennsylvania and a shoreline margin along Lake Erie from New York on the east to Ohio on the west extending 150 yards inland, but including all of Presque Isle Peninsula. The North Zone includes that portion of the State north of I-80 from the New Jersey State line west to the junction of State Route 147, then north on State Route 147 to the junction of Route 220, then west and/or south on Route 220 to the junction of I-80, then west on I-80 to its junction with the Allegheny River, and then north along but not including the Allegheny River to the New York border. The Northwest Zone includes that portion of the State bounded on the north by the Lake Erie Zone and the New York line, on the east by and including the Allegheny River, on the south by Interstate Highway I-80, and on the west by the Ohio line. The South Zone is the remaining portion of the State.

(8) In Pennsylvania, on the first day, the waterfowl season in the North, and Northwest Duck Zones opens at 8 a.m.

(9) In Pennsylvania, in Butler, Crawford, Erie, and Mercer Counties, and in the controlled shooting sections of the Pymatuning and Middle Creek Wildlife Management Areas, the Canada goose daily bag limit is 1 and the possession limit is 2.

(10) In Pennsylvania the Southeastern Zone for geese is that portion of the State lying east and south of a boundary beginning at Interstate Highway 83 at the Maryland border and extending north to Harrisburg, then east on I-81 to Route 443, east on 443 to Leighton, then east via 208 to Stroudsburg, then east on I-80 to the New Jersey line, the goose season length may be 90 days with the closing framework date extended to January 31, 1984.

(11) The season is closed on black ducks in Georgetown, Charleston, Colleton, and Beaufort Counties.

(12) In Vermont and in the Lake Champlain Zone of New York, on opening day, October 8, shooting hours are from 7 a.m. to sunset. During October 9-October 16, the hours are sunrise to sunset. During October 17-December 18 shooting hours are one-half hour before sunrise to sunset.

(13) See State regulations for further limit restrictions for Dead Creek Area, Addison County, Vermont.

(14) In Massachusetts the Western Zone is that portion of the State west of a line extending from the Vermont line at Interstate 91, south to Route 9, west on Route 9 to Route 10, south on Route 10 to Route 202, south on Route 202 to the Connecticut line. The Central Zone is that portion of the State east of the Western Zone and west of a line extending from the New Hampshire line at Interstate 95 south to Route 1, south on Route 1 to I-93, south on I-93 to Route 3, south on Route 3 to Route 6, west on Route 6 to Route 28, west on Route 28 to I-195 west on I-195 to the Rhode Island line. EXCEPT the waters, and the lands 150 yeards along the high water mark, of the Assonit River to the Route 24 bridge, and the Taunton River to the Center St.-Elm St. bridge shall be in the coastal zone. The Coastal Zone is that portion of the State east and south of the Central Zone.

(15) In Virginia, the Back Bay Area is defined for Canada geese as those portions of the cities of Virginia Beach and Chesapeake lying east of U.S. Highway 17 and Interstate 64.

(16) In Virginia, the Back Bay Area is defined for snow (including blue) geese as the waters of Back Bay and its tributaries and the marshes adjacent thereto, and on the land and marshes between Back Bay and the Atlantic Ocean from Sandbridge to the North Carolina line, and on and along the shore of North Landing River and the marshes adjacent thereto, and on and along the shores of Lake Tecumseh and Red Wing Lake and the marshes adjacent thereto.

(17) In West Virginia the Allegheny Mountain Upland Zone (Zone 2 in State regulations) is contained within the following circumscribed boundaries. The north boundary is the State line adjacent to Pennsylvania and Maryland. The eastern boundary extends south along U.S. Route 220 through Keyser, West Virginia, to the intersection of U.S. Route 50, and follows U.S. Route 50 to the intersection with State Route 93. The boundary follows State Route 93 south to the intersection with State Route 42 and continues south on State Route 42 to Petersburg. At Petersburg, the boundary follows State Route 28 south to Minnehaha Springs, and then follows State Route 39 west to U.S. Route 219 and follows 219 south to the intersection of Interstate 64. The southern boundary follows I-64 west to the intersection with U.S. Route 60, and follows Route 60 west to the intersection of U.S. Route 19. The western boundary follows Route 19 north to the intersection of I-79, and follows I-79 north to the intersection of U.S. Route 48. The northern boundary follows U.S. Route 48 east to Maryland State line. The Remainder of the State (Zone 1 in State regulations) is that portion outside the above boundaries.

(18) In Maryland, New Jersey, and Virginia male canvasbacks are 25 points and female canvasbacks are 100 points. The possession limit is twice the daily bag limit. Areas open to canvasback hunting during the special season are:

New Jersey - East of the Garden State Parkway from Route 440, south to Route 36 (Raritan and Sandy Hook Bays, Navesink, and Shrewsbury Rivers); east of the Garden State Parkway from Route 88 south to Route 72 (Barnegat, Silver and Manahawkin Bays, Metedeconk and Toms Rivers).

Maryland - Chesapeake Bay and tributaries to first upstream bridge; including Potomac River and its tributaries upstream to U.S. Route 301 bridge.

Virginia - Starting at the Virginia-Maryland line (301 bridge) those lands and waters enclosed in the area bounded by: U.S. Highway 301 south to Route 207 and continuing to the junction of U.S. Route 1, south on Route 1 to Route 460, then southeast on 460 to Route 13, then east and north on Route 13 to the Maryland line, then westward on the Maryland-Virginia line to Route 301. The remaining portions of New Jersey, Maryland and Virginia presently closed to the taking of canvasbacks will remain closed.

(19) In New York and North Carolina the daily bag may include no more than 4 canvasback, not more than one of which may be a female. Areas open to canvasback hunting during the special season are:

New York - Upper Niagara River between the Peace Bridge at Buffalo, New York, and the Niagara Falls, and all waters of Lake Cayuga.

North Carolina - That portion of Pamlico Sound designated as commercial fishing waters within two miles of the mainland, extending from Long Shoal Point on north side of Long Shoal River to that point of land near Whortonville on the north side of Broad Creek known as Piney Point.

The remaining portions of New York and North Carolina presently closed to the taking of canvasback will remain closed.

(20) In South Carolina the season on Canada geese is closed in the counties of Abbeville, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Cherokee, Chester, Colleton, Edgefield, Fairfield, Greenwood, Hampton, Kershaw, Lancaster, Laurens, Lee, McCormick, Newberry, Oconee, Pickens, Richland, Saluda, Spartenburg, Sumter, Union and York.

(21) In South Carolina, shooting hours are one-half hour before sunrise to sunset except in Georgetown County where the hours are one-half hour before sunrise to 12 noon except on October 8, November 26 and January 20 the hours in Georgetown County are one-half hour before sunrise to sunset. There will be no Sunday hunting in Georgetown County.

(22) In New Hampshire the Coastal Zone is that portion of the State east of a boundary formed by State Highway 4 beginning at the Maine-New Hampshire line in Rollinsford west to the city of Dover, south to the intersection of State Highway 108, south along State Highway 108 through Madbury, Durham, and Newmarket to the junction of State Highway 85 in Newfields, south to State Highway 101 in Exeter, east to State Highway 51 (Exeter-Hampton Expressway), east to Interstate 95 (New Hampshire Turnpike) in Hampton, and south along Interstate 95 to Massachusetts line. The Inland Zone is that portion of the State north and west of the above boundary.

(23) In Pennsylvania, on October 29 shooting hours start at 9 a.m. except in the Lake Erie Zone which is one-half hour before sunrise.

MISSISSIPPI FLYWAY

Shooting hours: One-half hour before sunrise to sunset daily except as otherwise restricted.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS.

The season dates for mergansers and coots are the same as those for ducks in the following tables.

	Season Dates	Limits Bag	Limits Possession
Alabama			
Ducks:		Point system.	
North Zone (2)	Dec. 2-Jan. 20.		
South Zone (2)	Nov. 17-Nov. 27 & Dec. 8-Jan. 15.		
Coots		15	30
Geese:		5	10
Barbour, Henry, and Russell Counties	Closed.	-	-
Pickwick, Wilson, and Wheeler Reservoirs west of U.S. Highway 31	Dec. 2-Jan. 20.		
Remainder of State	Nov. 12-Jan. 20.		
Limits include no more than:			
Canada		2	4
White-fronted		2	4
Snow (including blue) and brant		5	10
Arkansas			
Ducks	Nov. 19-Dec. 11 & Dec. 22-Jan. 17.	Point system.	
Coots		15	30
Geese:		5	10
Canada	Closed.	-	-
Other geese	Nov. 12-Jan. 20.		
Limits include no more than:			
White-fronted		2	4
Snow (including blue) and brant		5	10
Illinois			
Ducks (1):		Point system.	
North Zone (3)	Oct. 12-Nov. 30.		
Central Zone (3)	Oct. 20-Dec. 8.		
South Zone (3)	Oct. 27-Dec. 15.		
Coots		15	30
Geese (4):		5	10
Canada (5)			
North Zone (3)			
Tri-County Area (6)	Nov. 1-Nov. 20.	1	4
Remainder of North Zone	Oct. 12-Nov. 20.	1	4
Central Zone (3)			
Tri-County Area (6)	Nov. 1-Nov. 20.	1	4
Remainder of Central Zone	Oct. 20-Nov. 28.	1	4
South Zone (3)			
Southern Illinois Quota Zone (Alexander, Jackson, Union, and Williamson Counties) (7)	Nov. 14-Dec. 23	2	4
Remainder of South Zone	Nov. 22-Dec. 31.	1	4
Other Geese			
North Zone (3)	Oct. 12-Nov. 30.		
Central Zone (3)	Oct. 20-Dec. 8.		
South Zone (3)			
Southern Illinois Quota Zone (Alexander, Jackson, Union, and Williamson Counties) (7)	Nov. 14-Dec. 23.		
Remainder of South Zone	Oct. 27-Dec. 31.		
Limits include no more than:			
White-fronted geese		2	4
Snow (including blue) and brant		5	10
Indiana			
Ducks:		Point system.	
North Zone (8)	Oct. 15-Oct. 22 & Nov. 5-Dec. 18		
South Zone (8)	Oct. 22-Oct. 29 & Nov. 24-Jan. 4		
Coots		15	30
Geese:		5	10
North Zone	Oct. 15-Dec. 23.		
South Zone:			
Posey County	Dec. 12-Jan. 20.		
Remainder of South Zone	Nov. 12-Jan. 20.		
Limits include no more than:			
Canada		2	4
White-fronted		2	4
Snow (including blue) and brant		5	10
Iowa			
Ducks (1)		Point system.	
North Zone	Oct. 15-Nov. 28		
South Zone	Oct. 22-Dec. 5		
Coots		15	30
Geese	Oct. 1-Dec. 9.	5	10
Limits include no more than:			
Canada		2	4
White-fronted		2	4
Snow (including blue) and brant		5	10
Kentucky			
Ducks	Nov.12-Nov. 26 & Dec. 17-Jan. 20	Point system.	
Coots		15	30
Geese		5	10
Western Zone (4) (9)			
Ballard County Zone (5) (9)	Dec. 23-Jan. 31		
Remainder of Western Zone	Dec. 12-Jan. 20		
Remainder of State	Nov. 12-Jan. 20.		
Limits include no more than:			
Canada		2	4
White-fronted		2	4
Snow (including blue) and brant		5	10

Louisiana			
Ducks:		Point system.	
East Zone (10)	Nov. 19-Dec. 4 & Dec. 17-Jan. 19.		
West Zone (10)	Nov. 5-Nov. 29 & Dec. 17-Jan. 15.		
Coots		15	30
Geese:			
Canada	Closed.	-	-
Other Geese:		5	10
East Zone (10)	Nov. 19-Dec. 4 & Dec. 17-Feb. 8.		
West Zone (10)	Nov. 5-Nov. 29 & Dec. 17-Jan. 30.		
Limits include no more than:			
White-fronted		2	4
Snow (including blue) and brant		5	10
Michigan			
Ducks (1):		Point system.	
North Zone (11)	Oct. 1-Nov. 19.		
South Zone (11)	Oct. 8-Nov. 26.		
Coots		15	30
Geese:			
Canada			
North Zone (11)			
Baraga, Dickinson, Delta, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee, and Ontonagon Counties	Sept 26-Nov. 4.	2	4
Remainder of North Zone	Oct. 1-Nov. 19.	2	4
South Zone (11)			
Southeastern Goose Management Area (12)	Oct. 8-Nov. 26.	2	4
	Dec. 21-Feb. 15.	3	6
Saginaw County Goose Management Area (12)	Oct. 1-Nov. 26	2	4
Remainder of South Zone	Oct. 8-Nov. 26.	2	4
Other geese			
North Zone (11)	Oct. 1-Nov. 19.		
South Zone (11)	Oct. 8-Nov. 26.		
Limits include no more than:			
White-fronted		2	4
Snow (including blue) and brant		5	10
Minnesota (13)			
Ducks (1):	Oct. 1-Nov. 19.	5	10
Limits include no more than:			
Mallards (no more than 2 female mallards daily or 4 in possession)		3	6
Black ducks		1	2
Wood ducks		2	4
Canvasbacks (except in closed areas)		1	2
Redheads		1	2
Mergansers		5	10
Limits include no more than:			
Hooded mergansers		1	2
Coots		15	30
Geese:		5	10
Lac Qui Parle Quota Zone (5) (12)	Oct. 1-Nov. 19.		
Limits include no more than:			
Canada		1	2
White-fronted		2	4
Snow (including blue) and brant		5	10
Southeastern Zone (12)	Oct. 1-Dec. 9.		
Limits include no more than:			
Canada		2	4
White-fronted		2	4
Snow (including blue) and brant		5	10
Remainder of State	Oct. 1-Nov. 19.		
Limits include no more than:			
Canada		1	2
White-fronted		2	4
Snow (including blue) and brant		5	10
Mississippi			
Ducks	Dec. 10-Dec. 11 & Dec. 15-Jan. 31.	Point system.	
Coots		15	30
Geese:		5	10
Canada:			
Sardis Reservoir Area (12)	Dec. 10-Dec. 11 & Dec. 14-Jan. 20	1	2
Remainder of State	Jan. 6-Jan. 20	2	2
Other geese	Oct. 1-Nov. 2 & Dec. 15-Jan. 20.		
Limits include no more than:			
White-fronted		2	4
Snow (including blue) and brant		5	10
Missouri			
Ducks:		Point system.	
North Zone (14)	Oct. 15-Oct. 19 & Nov. 1-Dec. 15.		
South Zone (14)	Nov. 1-Dec 4 & Dec. 17-Jan. 1		
Coots		15	30
Geese:		5	10
Canada			
North Zone (14)			
Swan Lake Zone (5) (12)	Nov. 1-Jan. 9	See footnote 15.	
Southeastern Area (east of U.S. Highway 67 and south of Crystal City)	Dec. 2-Jan. 20	1	2
Remainder of North Zone	Nov. 1-Dec. 15	1	2
South Zone (14)			
Southeastern Area (east of U.S. Highway 67 and south of Crystal City)	Dec. 2-Jan. 20	1	2
Remainder of South Zone	Nov. 1-Dec. 4 & Dec. 17-Jan. 1	1	2
White-fronted	Nov. 1-Jan. 9.	2	4
Snow (including blue) and brant	Nov. 1-Jan. 9.	5	10
Ohio			
Pymatuning Area (12X16):			
Ducks:		5	10
Black Ducks	Oct. 24-Dec. 3		
Other Ducks	Oct. 8-Oct. 15 & Oct. 24-Dec. 3		
Limits include no more than:			
Black Ducks		1	2
Wood Ducks		2	4
Canvasbacks		1	1
Redheads		2	4
Canvasbacks and Redheads combined		2	4
Coots		15	30
Mergansers (except hooded)		5	10
Hooded mergansers		1	2
Geese:			
Brant	Oct. 22-Nov. 19		
Other Geese	Oct. 8-Dec. 16		
Limts include no more than:			
Canada		3	6
Snow (including blue)		4	8
Brant		2	4
Remainder of State:			
Ducks:		5	10
North Zone (17)	Oct. 21-Nov. 26 & Dec. 5-Dec. 17.		
South Zone (17)	Oct. 21-Oct. 29 & Nov. 21-Dec. 31		
Limits include no more than:			
Mallards (no more than 2 female mallards daily or 4 in possession		3	6
Black ducks		1	2
Wood ducks		2	4
Canvasbacks		1	2
Redheads		1	2
Coots		15	30
Geese	Oct. 21-Dec. 23 & Dec. 26-Dec. 31.	5	10
Limits include no more than:			
Canada:			
Ashtabula, Auglaize, Erie, Lucas, Marion, Mercer, Ottawa, Sandusky, Trumbull, and Wyandot Counties		1	2
Remainder of State		2	4
White-fronted		2	4
Snow (including blue) and brant		5	10
Tennessee			
Ducks:		Point system	
Reelfoot Zone (12)	Nov. 26-Jan. 14		
State Zone (12)	Dec. 2-Jan. 20		
Coots		15	30
Geese (18):			
Northwest Goose Zone	Dec. 23-Jan. 31		
Southwest Goose Zone	Jan. 14-Jan. 28		
Remainder of State	Nov. 12-Jan. 20		

Limits include no more than:			
Canada:			
Southwest Goose Zone		2	2
Remainder of State			
West of State Highway 13		2	4
East of State Highway 13		1	2
White-fronted		2	4
Snow (including blue) and brant		5	10
Wisconsin			
Ducks (1):		Point system (20)	
North Duck Zone (21)	Oct. 1 (19)-Nov. 19		
South Duck Zone (21)	Oct. 1 (19)-Oct. 9 & Oct. 15-Nov. 24		
Coots		15	30
Geese:			
Canada:			
Northeast Goose Zone (21)			
Brown County	Oct. 1 (19)-Oct. 20	1	2
	Dec. 1-Dec. 31	2	4
Remainder of Zone	Oct. 1 (19)-Oct. 20	1	2
Southeast Goose Zone (21)			
Horicon and Central Zones (21)	Oct. 15-Nov. 13 & Dec. 10-Dec. 19	Tag system - see State regulations	
Rock Prairie Zone (21)	Nov. 1-Nov. 30	1	2
Remainder of Southeast Zone	Oct. 15-Nov. 8	1	2
Northwest Goose Zone (21)			
Mississippi River Zone (21)	Oct. 1 (19)-Nov. 19	1	2
	Nov. 25-Dec. 11	2	4
Remainder of Northwest Zone	Oct. 1 (19)-Nov. 19	1	2
Southwest Goose Zone (21)			
Mississippi River Zone (21)	Oct. 1 (19)-Oct. 9	1	2
	Oct. 15-Nov. 24	1	2
	Nov. 25-Dec. 11	2	4
Remainder of Southwest Zone	Oct. 1 (19)-Oct. 9 & Oct. 15-Nov. 24	1	2
Other Geese:			
North Duck Zone (21)			
Mississippi River Zone (21)	Oct. 1 (19)-Nov. 19 & Nov. 25-Dec. 11		
Remainder of North Zone	Oct. 1 (19)-Nov. 19		
South Duck Zone (21)			
Horicon and Central Zones (21)	Oct. 15-Nov. 13 & Dec. 10-Dec. 19		
Mississippi River Zone (21)	Oct. 1 (19)-Oct. 9 & Oct. 15-Dec. 11		
Rock Prairie Zone (21)	Oct. 1 (19)-Oct. 9 & Oct. 15-Nov. 30		
Remainder of South Zone	Oct. 1 (19)-Oct. 9 & Oct. 15-Nov. 24		
Limits include no more than:			
White-fronted		2	4
Snow (including blue) and brant		5	10

(1) The areas closed to canvasback hunting are:

Mississippi River - (1) Entire river, both sides, from Lock and Dam 9 upstream to the confluence of the Chippewa River. (2) Pool 19 bordering Iowa and Illinois.

Michigan - Macomb and St. Clair Counties, including the adjacent Great Lakes waters and interconnecting waterways under the jurisdiction of the State of Michigan.

Wisconsin - In the Mississippi River Zone, all that part of Wisconsin west of the Burlington-Northern Railroad from Lock and Dam 9 north to the center-line of the Chippewa River.

(2) In Alabama, the South Zone consists of Mobile and Baldwin Counties. The North Zone consists of the remainder of Alabama.

(3) In Illinois, the North Zone is that portion of the State north of a line running east from the Iowa border along Illinois Highway 17 to I-74, north along I-74 to I-80, then east along I-80 to the Indiana border. The Central Zone is that portion of the State between the North and South Zone boundaries. The South Zone is that portion of the State south of a line running east from the Missouri border along Illinois Highway 150 to Illinois Highway 4, north along Illinois Highway 4 to Illinois Highway 15, east along Illinois Highway 15 to I-57, north along I-57 to I-70, then east along I-70 to the Indiana border.

(4) Geese taken in Illinois and Missouri and in the Kentucky counties of Ballard, Hickman, Fulton, and Carlisle may not be transported, shipped or delivered for transportation or shipment by common carrier, the Postal Service, or by any person except as the personal baggage of licensed waterfowl hunters, provided that no hunter shall possess or transport more than the legally-prescribed possession limit of geese. Geese possessed or transported by persons other than the taker must be labeled with the name and address of the taker and the date taken.

(5) Harvests of Canada geese will be limited as follows:

Illinois: Southern Illinois Quota Zone—17,500; Tri-County Area—800.
Kentucky: Ballard County Zone - 6,000.
Wisconsin: Horicon and Central Zones combined - 15,000.
Missouri: Swan Lake Zone—16,000.
Minnesota: Lac Qui Parle Zone—4,500.

When it is determined by the Director, U.S. Fish and Wildlife Service, that the quota of Canada geese allotted to the Southern Illinois Quota Zone, the Tri-County Area in Illinois, the Ballard County Zone in Kentucky, and the Swan Lake Zone in Missouri will have been filled, the season for taking all geese in the Southern Illinois Quota Zone and the season for taking Canada geese in the Tri-County Area in Illinois, the Ballard County Zone in Kentucky, and the Swan Lake Zone in Missouri will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the date and time of closing.

(6) In Illinois, the Tri-County Area consists of all of Knox County; in Fulton County the townships of Buckhart, Canton, Cass, Deerfield, Fairview, Farmington, Joshua, Orion, Putnam, and that portion of Banner Township bounded on the north by Illinois Route 9 and on the east by U.S. 24; and in Henry County the townships of Alba, Annawan, Atkinson, and Cornwall.

(7) Shooting hours for geese are sunrise until 3 p.m.

(8) In Indiana, the North Zone consists of that portion of the State north of State Highway 18. The South Zone consists of the remainder of Indiana.

(9) In Kentucky, the Western Zone consists of the area west of the following boundary: starting at the Kentucky-Tennessee border at Fulton, Kentucky, extending northerly along the Purchase Parkway to I-24, east on I-24 to U.S. 641; northerly on U.S. 641 to U.S. 60; northeasterly on U.S. 60 to U.S. 41; and then northerly on U.S. 41 to the Kentucky-Indiana border. See State regulations for description of Ballard County Zone.

(10) In Louisiana, the West Zone is described as follows: that portion of Louisiana west of a boundary beginning at the Arkansas-Louisiana border on Louisiana Highway 3; then south along Louisiana Highway 3 to Bossier City; then east along Interstate 20 to Minden; then south along Louisiana Highway 7 to Ringgold; then east along Louisiana Highway 4 to Jonesboro; then south along U.S. Highway 167 to Lafayette; then southeast along U.S. Highway 90 to Houma; then south along the Houma Navigation Channel to the Gulf of Mexico through Cat Island Pass. The East Zone consists of the remainder of Louisiana.

(11) In Michigan, the North Zone is that portion of the State north of a line extending east from the mouth of the Manistee River along the south bank to the U.S. 31 bridge, south on U.S. 31 to East Preuss Road, east on East Preuss Road to Huer Road, north on Huer Road to County 591 in Stronach, east on Couty 591 to M-55, east on M-55 to M-37, south on M-37 to M-82, east on M-82 to U.S. 131, north on U.S. 131, then east on M-46 to Port Sanilac. The South Zone is the remainder of Michigan.

(12) See State regulations for zone/area descriptions.

(13) In Minnesota, the shooting hours for waterfowl vary as follows: October 1 — 12 noon to 4 p.m.; October 2 through October 21 — 1/2 hour before sunrise to 4 p.m.; and October 22 through December 9 — 1/2 hour before sunrise to sunset.

(14) In Missouri, the North Zone is that portion of the State north of a line running east from the Kansas border along U.S. Highway 54 to U.S. Highway 65, south along U.S. Highway 65 to State Highway 32, east along State Highway 32 to State Highway 72, east along State Highway 72 to State Highway 34, then east along State Highway 34 to the Illinois border. The South Zone is the remainder of the State.

(15) In the Swan Lake Zone of Missouri, through November 13, the Canada goose limits are 1 daily and 4 in possession. After November 13, the limits are 2 daily and 4 in possession.

(16) Shooting hours are 1/2 hour before sunrise to sunset, except on the first day shooting begins at 8 a.m.

(17) In Ohio, the North Zone consists of the counties of Darke, Miami, Clark, Champaign, Union, Delaware, Licking, Muskingum, Guernsey, Harrison, and Jefferson and all counties north thereof. In addition, the North Zone also includes that portion of the Buckeye Lake area in Fairfield and Perry Counties bounded on the west by State Highway 37, on the south by State Highway 204, and on the east by State Highway 13. The South Zone consists of the remainder of the State.

(18) In Tennessee, the Northwest Goose Zone includes Lake, Obion, Weakley, and Carroll Counties, and those portions of Gibson and Dyer Counties north and east of a line formed by State Highways 20 and 104 from the Mississippi River to Trenton and U.S. Highway 45W from Trenton to Humboldt. The Southwest Goose Zone is that portion of Tennessee bounded on the north by State Highways 20 and 104, and on the east by U.S. Highways 45W and 45. The season on Canada geese is also more restrictive or closed in other specific areas. See State regulations.

(19) On the first day the season opens at 12 noon.

(20) In Wisconsin, point values for some species change during the season. See State regulations.

(21) In Wisconsin, hunting zones are as follows:

North Duck Zone - That portion of the State north of a line extending northerly from the Minnesota border along the center line of the Chippewa River to State Highway 35, east along State Highway 35 to State Highway 25, north along State Highway 25 to U.S. Highway 10, east along U.S. Highway 10 to its junction with the Manitowoc Harbor in the city of Manitowoc, then easterly to the State boundary in Lake Michigan.

South Duck Zone - The remainder of Wisconsin.

Northeast Goose Zone - That portion of the North Duck Zone which includes the Counties of Vilas, Oneida, Lincoln, Marathon, a portion of Wood County, and all Counties or portions of Counties eastward.

Southeast Goose Zone - That portion of the South Duck Zone which includes part of Wood County, Juneau, Sauk, Dane, and Green Counties, and all Counties or portions of Counties eastward.

Northwest Goose Zone - That portion of the North Duck Zone west of the Northeast Goose Zone.

Southwest Goose Zone - That portion of the South Duck Zone west of the Southeast Goose Zone.

Horicon and Central Zones - The counties of Columbia, Dodge, Fond Du Lac, Green Lake, Marquette, and Winnebago, and that portion of Washington County north of State Highway 33 and west of U.S. Highway 45. See State regulations for specific descriptions of each zone.

Mississippi River Zone - That portion of the State west of the Burlington-Northern Railroad in Grant, Crawford, Vernon, LaCrosse, Trempealeau, Buffalo, Pepin, and Pierce Counties.

Rock Prairie Zone - See State regulations for zone description.

CENTRAL FLYWAY

The Central Flyway consists of Colorado (east of the Continental Divide), Kansas, Montana (Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except that the Jicarilla Apache Indian Reservation is in the Pacific Flyway), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

Geese include all species of geese and brant.
Dark Geese include Canada geese, white-fronted geese, and "black" brant.
Light Geese include all other species.

Flywaywide Restrictions

Shooting (including hawking) hours: One-half hour before sunrise to sunset daily except as otherwise noted.
Mergansers — All mergansers are to be included within the daily bag and possession limits under conventional and point system regulations.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS.

	Season Dates	Limits Bag	Limits Possession
Colorado			
Ducks	Oct. 1-Oct. 16 & Oct. 29-Dec. 4 & Dec. 17-Jan. 15.	Point system.	
Coots	Same as for ducks.	15	30
Geese (1):		2	4
North-Central Unit	Oct. 29-Jan. 15.		
South Park Unit	Oct. 15-Dec. 31.		
San Luis Valley Unit	Nov. 5-Dec. 31.		
Remainder of State in Central Flyway	Nov. 5-Jan. 15.		
Kansas			
Ducks(2):		Point system.	
High Plains Area	Oct. 8-Nov. 11 & Nov. 19-Dec. 4 & Dec. 10-Jan. 10.		
Low Plains Area	Oct. 22-Nov. 11 & Nov. 19-Dec. 11 & Dec. 24-Jan. 8.		
Coots	Same as for ducks.	15	30
Dark geese (2)	Oct. 29-Jan. 8	2	4
including no more than:			
White-fronted	Oct. 29-Jan. 8.	1	2
Canada	Nov. 28-Jan. 8.	1	2
Light geese	Oct. 29-Jan. 22.	5	10
Montana			
Ducks			
Zone 1 (3)	Oct. 1-Nov. 29 & Dec. 10-Jan. 1.	Point system.	
Zone 2 (3)	Oct. 1-Oct. 23 & Nov. 3-Jan. 1.		
Coots	Same as for ducks.	15	30
Geese:	Oct. 1-Jan. 1.		
Sheridan County		2	4
Remainder of State in Central Flyway		3	6
Whistling (Tundra) swans	Oct. 1-Jan. 1	Only by permit; 1 swan per season	
Nebraska			
Ducks		Point system.	
High Plains Area (3)	Oct. 8-Oct. 23 & Oct. 29-Jan. 3		
Low Plains Area (3)			
Zones 1 and 2 (3)	Oct. 22-Dec. 20.		
Zones 3 and 4 (3)	Oct. 1-Nov. 29.		
Coots	Same as for ducks.	15	30
Dark geese			
Missouri River North Unit (4)	Oct. 8-Dec. 25	2	4
including no more than:			
White-fronted	Oct. 8-Dec. 25.	1	2
Canada	Oct. 8-Nov. 11.	1	2
East Unit (4)	Oct. 1-Dec. 11	2	4
including no more than:			
White-fronted	Oct. 1-Dec. 11	1	2
Canada	Nov. 21-Dec. 11.	1	2
Central Unit (4)	Oct. 18-Dec. 28	2	4
including no more than:			
White-fronted	Oct. 18-Dec. 28.	1	2
Canada	Nov. 21-Dec. 28.	1	2
Panhandle Unit (4)	Nov. 7-Dec. 28	2	4
including no more than:			
White-fronted	Nov. 7-Dec. 28	1	2
Canada	Nov. 21-Dec. 28	1	2
Light Geese	Oct. 1-Dec. 25.	5	10
New Mexico			
Ducks:		Point system.	
Zone 1 (3)	Oct. 18-Jan. 8.		
Zone 2 (3)	Nov. 1-Jan. 22.		
Coots	Same as for ducks.	15	30
Geese:			
In Bernalillo, Sandoval, Sierra, Valencia, and Socorro Counties (5):			
Dark geese	Closed	-	-
Light geese	Nov. 12-Dec. 27 & Jan. 1-Feb. 12.	5	10
Remainder of State in Central Flyway:			
Dark geese	Oct. 22-Jan. 22.	2	4
Light geese	Nov. 12-Feb. 12.	5	10
North Dakota (6)			
Ducks:	Oct. 1-Nov. 27 & Dec. 3-Dec. 4.	5	10
including no more than:			
Female mallards		1	2
Canvasbacks		1	1
Redheads		1	2
Wood ducks		2	4
Hooded mergansers		1	2
Additional blue-winged teal	Oct. 1-Oct. 9.	2	4
Coots	Same as for ducks.	15	30
Dark geese	Oct. 1-Nov. 13.	2	4
including no more than:			
Canada	Oct. 1-Oct. 30.	1	2
Light geese	Oct. 1-Dec. 4.	5	10
Oklahoma			
Ducks:		Point system.	
High Plains Area (3)	Oct. 15-Jan. 5.		
Low Plains			
Zone 1 (3)	Oct. 15-Nov. 27 & Dec. 17-Jan. 1.		
Zone 2 (3)	Oct. 29-Nov. 27 & Dec. 17-Jan. 15.		
Coots	Same as for ducks.	15	30
Dark geese (7)		2	4
including no more than:		2	4
White-fronted		1	2
Unit 1	Nov. 12-Jan. 22.		
Unit 2	Oct. 22-Nov. 27 & Dec. 19-Jan. 22.		
Light geese	Oct. 10-Nov. 27 & Dec. 17-Jan. 22.	5	10
South Dakota			
Ducks:		Point system.	
High Plains Area (3)	Oct. 1-Nov. 29 & Dec. 17-Jan. 8.		
Low Plains Area			
North Zone (3)	Oct. 1-Nov. 29.		
South Zone (3)	Oct. 22-Dec. 20.		
Coots	Same as for ducks.	15	30

Dark geese			
Missouri River Unit	Oct. 1-Dec. 18.	2	4
including no more than:			
Canada	Oct. 1-Nov. 11.	1	2
White-fronted	Oct. 1-Dec. 18.	1	2
Remainder of State	Oct. 1-Dec. 11.	2	4
including no more than:			
Canada		1	2
White-fronted		1	2
Light geese	Oct. 1-Dec. 25.	5	10
Texas			
Ducks (except black-bellied and fulvous whistling (tree) ducks, and masked duck):		Point system.	
High Plains Area	Nov. 1-Jan. 22.		
Remainder of State	Nov. 5-Nov. 11 & Nov. 19-Nov. 27 & Dec. 10-Jan. 22.		
Black-bellied and fulvous whistling (tree) ducks, and masked duck	Closed season.	-	-
Coots	Same as for ducks.	15	30
Geese:			
East of U.S. Highway 81:			
Dark geese	Nov. 5-Nov. 11 & Nov. 19-Jan. 22.	2	4
including no more than:			
Canada (8)		1	2
White-fronted		1	2
Light geese	Nov. 5-Nov. 11 & Nov. 19-Jan. 22.	5	10
West of U.S. Highway 81:			
Geese:	Nov. 1-Jan. 22.	5	10
including no more than:			
Dark geese		2	4
Wyoming			
Ducks and coots		Point system (9).	
Zone 1 (4)	Oct. 1-Nov. 27 & Dec. 15-Jan. 8.		
Zone 2 (4)	Oct. 1-Oct. 23 & Nov. 5-Jan. 3.		
Zone 3 (4)	Oct. 1-Nov. 29 & Dec. 10-Jan. 1.		
Zone 4 (4)	Oct. 1-Oct. 23 & Nov. 5-Jan. 3.		
Geese:		2	4
Zone 1 (4)	Oct. 29-Jan. 8.		
Zone 2 (4)	Nov. 19-Jan. 15.		
Zone 3 (4)	Oct. 1-Jan. 1.		
Zone 4 (4)	Oct. 1-Jan. 1.		

(1) Colorado Goose Hunting Units: North-Central Unit: That portion of Colorado bounded on the north by the State line; on the east by U.S. Highway 85 to Interstate 76, Interstate 76 to Interstate 25, and Interstate 25 to Interstate 70; on the south by Interstate 70; and on the west by the Continental Divide. South Park Unit: Chaffee, Fremont, Lake, Park, and Teller Counties. Hunting by permit only; limits, 2 geese daily, 2 per season, geese must be tagged. San Luis Valley Unit: Alamosa, Conejos, Costilla, and Rio Grande Counties and those portions of Hinsdale, Mineral, and Saguache Counties east of the Continental Divide. Hunting by permit only; limits, 1 goose daily, 1 per season, goose must be tagged. See State regulations. Numerous local closures.

(2) In Kansas, the High Plains Area and the Low Plains Area are those portions of the State lying to the west and east, respectively, of U.S. 283. The following two areas are closed to the taking of dark geese (Canada and white-fronted geese) during the regular dark goose season: (a) That part of Kansas bounded by a line from the Missouri-Kansas boundary west on K-68 to its junction with US-169, then southwest on US-169 to the junction of K-7, then southeast on K-7 to the junction of K-31, then east on K-31 to the junction of US-69, then north on US-69 to the junction of K-239, then east on K-239 to the Missouri-Kansas boundary, then north oat he Missouri-Kansas boundary to its junction with K-68; and (b) that part of Kansas bounded by a line from the junction of K-96 and US-77-54, then north on US-77-54 to the split of US-77-54, then north on US-77 to the junction of US-50, then east-northeast on US-50 to the junction of K-99-57, then south on K-99-57 to the split of K-99 and K-57, then east on K-57 to the junction of US-75, then sourth on US-75 to the junction of K-39, then southwest on K-39 to the junction of K-96, then west on K-96 to the junction of US-77-54.

(3) Duck season zones are described as follows:

Montana — Zone 1: The counties of Bighorn, Blaine, Carbon, Daniels, Fergus, Garfield, Golden Valley, Judith Basin, McCone, Musselshell, Petroleum, Phillips, Richland, Roosevelt, Sheridan, Stillwater, Sweetgrass, Valley, Wheatland, and Yellowstone. Zone 2: The counties of Carter, Custer, Dawson, Fallon, Powder River, Prairie, Rosebud, Treasure, and Wibaux.

Nebraska — Zone 1: Keya Paha County east of U.S. Highway 183 and all of Boyd, Knox, Cedar, and Dixon Counties, including the adjacent waters of the Niobrara River. Zone 2: The Low Plains portions of Dawson, Gosper, Frontier, and Furnas Counties and all of Buffalo, Phelps, Harlan, Hall, Kearney, Franklin, Merrick, Hamilton, Platte, Polk, Colfax, Butler, Dodge, Saulders, Douglas, Boone, Nance, Washington, and Wheeler Counties, including the adjacent waters of the Platte River. Zone 3: The Low Plains portions of Brown, Blaine, and Custer Counties and all of Rock, Holt, Loup, Garfield, Valley, Greeley, Sherman, Howard, Antelope, Pierce, Madison, Wayne, Stanton, Cuming, Dakota, Thurston, and Burt Counties. Zone 4: Adams, Webster, Clay, Nuckolls, York, Fillmore, Thayer, Seward, Saline, Jefferson, Lancaster, Gage, Sarpy, Cass, Otoe, Johnson, Nemaha, Pawnee, and Richardson Counties. High Plains - as described in State regulations.

New Mexico — Zone 1: That portion of northern New Mexico east of the Continental Divide and the Jicarilla Apache Indian Reservation and north of Interstate Highway 40 and U.S. Highway 54. Zone 2: The remainder of the Central Flyway portion of New Mexico.

Oklahoma — Low Plains: Zone 1 - That portion of northwestern Oklahoma, except the Panhandle, bounded by the following highways: starting at the Texas-Oklahoma border, OK 33 to OK 47, OK 47 to U.S. 183, U.S. 183 to I-40, I-40 to U.S. 177, U.S. 177 to OK 51, OK 51 to I-35, I-35 to U.S. 60, U.S. 60 to U.S. 64, U.S. 64 to OK 132, and OK 132 to the Oklahoma-Kansas state line. Zone 2 - The remainder of the Low Plains portion of Oklahoma. High Plains - as described in State regulations.

South Dakota — South Zone: Bon Homme, Charles Mix, Clay, Gregory, Union, and Yankton Counties. North Zone: The remainder of the Low Plains portion of South Dakota. High Plains - as described in State regulations.

Wyoming — Zone 1: Sheridan, Johnson, Natrona, Campbell, Crook, Weston, Converse, and Niobrara Counties. Zone 2: Platte, Goshen, and Laramie Counties. Zone 3: Carbon and Albany Counties. Zone 4: Park, Big Horn, Hot Springs, Washakie, and Fremont Counties. These zones also apply to goose seasons.

(4) In Nebraska, the Missouri River North Unit is comprised of Boyd, Cedar (west of U.S. 81), Keya Paha (east of U.S. 183), and Knox Counties; The East Unit is the remainder of the State east of the following highways starting at the boundary with South Dakota: U.S. 183 to NE 2, NE 2 to U.S. 281, and U.S. 281 to the Kansas line; the Panhandle Unit is that portion of the State west of a line formed by NE 27 beginning at the South boundary with South Dakota to NE 2, along NE 2 to NE 61, along NE 61 to NE 23, and along NE 23 to the Texas line; the Central Unit is the remainder of the State.

(5) See State regulations and other Federal regulations for special restrictions on Bosque del Apache National Wildlife Refuge, for geese.

(6) In North Dakota, goose hunting shall be from one-half hour before sunrise to 1:00 p.m. each day from the opening day through October 29 and from one-half hour before sunrise to 2:00 p.m. from October 30 through to the end of the season. The Dark Goose season is delayed until October 3 in the area west and south of the following: Starting at South Dakota border where U.S. 281 enters North Dakota, north and west on U.S. 281 to Carrington, then west and north on ND 200 to the Montana border. Numerous areas are closed to the hunting of Canada geese. Nonresident waterfowl hunters are restricted to hunting in eight specified zones and limited to 20 ducks and 10 geese per season. See State regulations for descriptions of areas, zones, and nature of special restrictions.

(7) Oklahoma Goose Management Units. Unit 1 is that portion of Oklahoma west of U.S. Highways 77 and 177, the Indian Nation Turnpike, and U.S. Highway 271. Unit 2 is the remainder of Oklahoma. The daily bag limit for dark geese may include no more than 2 Canada geese or 1 Canada goose and 1 white-fronted geese, with possession limit being twice the daily bag limit.

(8) In Texas, the season on Canada geese is closed in Henderson and Anderson Counties.

(9) In Wyoming, coots are assigned 10 points.

PACIFIC FLYWAY

The Pacific Flyway includes the States of Arizona, California, Colorado (west of the Continental Divide), Idaho, Montana (including and to the west of Hill, Chouteau, Cascade, Meagher, and Park Counties), Nevada, New Mexico (the Jicarilla Apache Indian Reservation and west of the Continental Divide), Oregon, Utah, Washington, and Wyoming (west of the Continental Divide including the Great Divide Basin).

Flywaywide Restrictions

Shooting (including hawking) hours: One-half hour before sunrise to sunset daily, except as noted.

Aleutian Canada Geese: The season is closed on Aleutian Canada geese throughout the Flyway.

Canvasbacks and Redheads: No more than 2 canvasbacks or 2 redheads or 1 of each may be taken daily nor more than 4 singly or in the aggregate may be possessed.

Mergansers: All mergansers are to be included within the daily bag and possession limits for other ducks.

White Geese and Dark Geese: Unless otherwise noted, seasons and limits for white geese are for snow, including blue, and Ross' geese, either singly or in the aggregate; and seasons and limits for dark geese are for Canada and white-fronted geese, brant, and all other species of geese, either singly or in the aggregate, except in Washington, Oregon, and California where there are separate seasons and limits on brant.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATION OF GEOGRAPHICAL AREAS OR ZONES WITHIN STATES. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS.

	Season Dates	Limits Bag	Limits Possession
Arizona (1)			
Ducks	Oct. 7-Nov. 13 & Nov. 29-Jan. 22.	7	14
Geese:		6	6
Including no more than:			
Dark (no more than 2 Canada geese)		3	3
White		3	3
Game Management Units 5A, 5B, and 6C	Nov. 14-Jan. 22		
Remainder of State	Nov. 29-Jan. 22		
Coots and gallinules (singly or in the aggregate)	Same as for ducks.	25	25
Common Snipe	Same as for ducks.	8	16
Sandhill cranes (only in Game Management Units 30A, 30B, 31, and 32)	Nov. 18, 19, & 20.	Only by permit; 2 cranes per season.	
California			
Ducks:			
Northeastern Zone	Oct. 15-Jan. 15.	7	14
Colorado River Zone	Oct. 7-Nov. 13 & Nov. 29-Jan. 22.	7	14
Remainder of State	Oct. 22-Jan. 22.	7	14
Geese (except brant):			
Northeastern Zone:			
1st Period	Oct. 15-Oct. 28.	1	2
2nd Period	Oct. 29-Jan. 15.	4	4
Including no more than:			
Dark		2	2
White		3	3
Colorado River Zone:	Nov. 29-Jan. 22.	6	6
Including no more than:			
Dark (but no more than 2 Canada geese)		3	3
White		3	3
Southern Zone:	Oct. 22-Jan. 22.	6	6
Including no more than:			
Dark (except the open season on Canada geese shall be from Oct. 29 through Jan. 22, and Canada geese not exceed 2 in the daily bag and possession limits; but in that portion of District 22 within the Southern Zone, Canada geese may not exceed 1 in daily bag and 2 in possession)		3	3
White		3	3
Balance-of-State Zone:	Nov. 5-Jan. 22.	5	5
Including no more than:			
Dark, except that the season on Canada geese:		2	2
Counties of Del Norte and Humboldt	Closed.	-	-
Sacramento Valley Area (2)	Dec. 15-Jan. 22.		
San Joaquin Valley Area (3)	Nov. 5-Nov. 22.		
Remainder of zone	Nov. 5-Jan. 22.		
White		3	3
Brant	Oct. 22-Nov. 30.	3	6
Coots and gallinules, singly or in the aggregate.	Same as for ducks.	25	25
Common snipe	Same as for ducks.	8	16
Colorado			
Ducks (4)	Oct. 1-Oct. 21 & Nov. 12-Jan. 22.	7	14
Geese (4):			
Brown's Park, Moffat County	Oct. 29-Dec. 11.	1	2
Delta and Montrose Counties	Nov. 5-Jan. 1.	Only by permit; 2 geese per season.	
Mesa County	Nov. 19-Jan. 1.	Only by permit; 2	4 6 geese per season.
Garfield County	Nov. 19-Jan. 1.	Only by permit; 2	4
Dolores, Gunnison, and Montezuma Counties	Closed.	-	-
Remainder of State in Pacific Flyway	Oct. 8-Jan. 1.	2	4
Coots (4)	Same as for ducks.	25	25
Common snipe(4)	Sept. 1-Nov. 9 & Dec. 10-Jan. 1	8	16
Sora and Virginia rails(4)	Sept. 1-Nov. 9.	25	25
Idaho (5)			
Ducks:			
Columbia Basin counties (6)	Oct. 1-Jan. 1.	7	14
Remainder of State (7)	Oct. 1-Jan. 8.	7	14
Geese:			
Northern 10 counties (6), Fremont County within the North Fork of the Snake River drainage above the new Wendell Bridge near Ashton (8)	Oct. 1-Jan.1.	3	6
Blaine County lying south and east of U.S. Highway 93, and the counties of Cassia, Gooding(9), Jerome, Lincoln, Minidoka, and Twin Falls	Oct. 8-Dec. 4.	2	2
Remainder of State (8)	Oct. 22-Jan. 1.	2	2
Coots	Oct. 8-Jan. 1.	2	2
Common snipe	Same as for ducks.	25	25
Montana	Same as for ducks.	8	16
Ducks(10)	Oct. 1-Jan. 1.	7	14
Geese (10):			
East of the Continental Divide (10)	Oct. 1-Jan. 1.	6	6
Including no more than:			
Dark		3	6
White		3	6
West of the Continental Divide (10)	Oct. 1-Jan. 1.	5	6
Including no more than:			
Dark		2	2
White		3	6
Coots	Same as for ducks.	25	25
Common snipe	Same as for ducks.	8	16
Whistling swans, only in Teton and Cascade Counties	Oct. 1-Jan. 1.	Only by permit; 1 swan per season.	
Nevada			
Ducks:			
Clark County	Oct. 22-Jan. 22.	7	14
Remainder of State	Oct. 8-Jan. 8.	7	14
Dark geese:			
Clark County	Nov. 26-Jan. 22.	2	2
Elko County and Ruby Lake National Wildlife Refuge in White Pine County	Oct. 8-Jan. 8.	2	2
White River Valley in Nye County and Pahranagat Valley in Lincoln County	Dec. 12-Jan. 8.	1	1
Remainder of State	Oct. 22-Nov. 12.	1	1
	Nov. 13-Jan. 22.	2	2
White geese:			
Clark County	Nov. 26-Jan. 22.	3	3
Elko County, except Ruby Valley	Oct. 8-Jan. 8.	3	3
Ruby Valley in Elko and White Pine Counties, White River Valley in Nye County, and Pahranagat Valley in Lincoln County	Closed.	-	-
Remainder of State	Oct. 22-Jan. 22.	3	3
Coots and gallinules, singly or in the aggregate	Same as for ducks.	25	25
Common snipe	Same as for ducks.	8	16
Whistling swans, only in Churchill, Lyon, and Pershing Counties	Oct. 22-Jan. 8.	Only by permit; 1 swan per season.	
New Mexico			
Ducks	Oct. 8-Nov. 27& Dec. 12-Jan. 22.	7	14
Geese:			
North of Interstate 40	Jan. 14-Jan. 22.	1 goose per season.	
South of Interstate 40	Oct. 29-Jan. 22.	6	6
Including no more than:			
Dark (no more than 2 Canada geese)		3	3
White		3	3
Coots and gallinules (singly or in the aggregate)	Same as for ducks.	25	25
Common snipe	Sept. 10-Dec. 11.	8	16
Virginia and sora rails (singly or in the aggregate)	Sept. 10-Nov. 18.	25	25
Oregon			
Ducks:			
Entire State, except Columbia Basin counties (11)	Oct. 15-Jan. 15.	7	14
Columbia Basin counties (11)	Oct. 15-Jan. 22.	7	14
Geese (except brant):			
Western Oregon (11)	Oct. 15-Jan. 1.	2	2
Eastern Oregon, except the Columbia Basin counties and Baker, Malheur, Klamath, and Lake Counties	Oct. 15-Jan. 15.	6	6
Including no more than:			
Dark		3	6
White		3	6

Columbia Basin counties (11)	Oct. 15-Jan. 22.	8	6
Including no more than:			
Dark		3	6
Light		3	6
Baker and Malheur Counties	Oct. 15-Jan. 1.	2	2
Klamath and Lake Counties			
Geese: no more than 1 dark goose in the daily bag or 2 dark geese in possession	Oct. 15-Oct. 28.	3	6
Geese:	Oct. 29-Jan. 15.	6	6
Including no more than:			
Dark		1	2
White		2	4
Brant	Closed.	-	-
Coots	Oct. 15-Jan. 15.	25	25
Common snipe	Oct. 15-Jan. 15.	8	16
Utah			
Ducks (12)	Oct. 8-Jan. 8.	7	14
Geese (12)(13):			
General Season:	Oct. 8-Jan. 1.	5	6
Including no more than:			
Canada geese		2	4
White geese		2	6
Special Seasons:			
Daggett County east of State Highway 44 and 260	Oct. 29-Dec. 11.		
Including no more than:			
Canada geese		1	2
Washington County	Oct. 22-Jan. 15.		
Including no more than:			
Canada geese		2	2
Coots (12)	Same as for ducks.	25	25
Common snipe (12)	Same as for ducks.	8	16
Whistling swans (12)	Oct. 8-Jan. 8.	Only by permit; 1 swan per season.	
Washington			
Ducks (14):			
Eastern Washington (15)	Oct. 15-Jan. 22.	7	14
Western Washington (15)	Oct. 15-Jan. 15.	7	14
Geese (except brant) (15):			
Adams, Benton, Douglas, Franklin, Grant, Kittitas, Klickitat, Lincoln, Walla Walla, and Yakima Counties (16)	Oct. 15-Jan. 1.	3	6
Island, Skagit, and Snohomish Counties	Oct. 15-Jan. 1.	3	8
Whatcom County	Nov. 5-Jan. 1.	1	2
Clark, Cowlitz, Pacific, and Wahkiakum Counties	Oct. 15-Jan. 1.	2	2
Remainder of State (16)	Oct. 15-Jan. 15.	3	6
Brant:	Closed.	-	-
Coots (15)	Same as for ducks.	25	25
Common snipe (15)	Same as for ducks.	8	16
Wyoming			
Ducks and coots, singly or in the aggregate	Oct. 1-Jan. 1.	7	14
Canada Geese	Oct. 1-Dec. 18.	3	3
Common snipe	Sept. 24-Dec. 25.	8	16
Sora and Virginia rails, singly or in the aggregate	Sept. 24-Dec. 2.	25	25

(1) The Imperial, Cibola, and Havasu National Wildlife Refuges, Arizona, are open to waterfowl hunting except for posted portions. Asburst Lake in Game Management Unit 5B is closed to all waterfowl and snipe hunting. Unit 1, Unit 27, that portion of Unit 25B lying east of Highway 273 and all of Units 3A and 3B lying east of Highways 77 and 93 are closed to the taking of Canada geese and its subspecies.

(2) The Sacramento Valley Area is bounded by a line beginning at Willows in Glenn County proceeding south on Interstate Highway 5 to the junction with Hahn Road north of Arbuckle in Colusa County; then easterly on Hahn Road and the Grimes-Arbuckle Road to Grimes on the Sacramento River, then southerly on the Sacramento River to the Tisdale By-pass; then easterly on the Tisdale By-pass to where it meets O'Banion Road; then easterly on O'Banion Road to State Highway 99; then northerly on State Highway 99 to its junction with the Gridley-Colusa Highway in Gridley in Butte County; then westerly on the Gridley-Colusa Highway to its junction with the River Road; then northerly on the River Road to the Princeton Ferry; then westerly across the Sacramento River to State Highway 45; then northerly on State Highway 45 to its junction with State Highway 162; then continuing northerly on State Highway 45-162 to Glenn; then westerly on State Highway 162 to the point of beginning in Willows.

(3) The San Joaquin Valley Area is bounded by a line beginning at Modesto in Stanislaus County proceeding west on State Highway 132 to the junction of Interstate 5; then southerly on Interstate 5 to the junction of State Highway 152 in Merced County; then easterly on State Highway 152 to the junction of State Highway 59; then northerly on State Highway 59 to the junction of State Highway 99 at Merced; then northerly and westerly on State Highway 99 to the point of beginning in Modesto.

(4) Special closures and restrictions apply to hunting ducks, coots, rails, snipe, and geese in the following areas: the Colorado River, Highline State Recreation Area, Mack Mesa Reservoir, all in Mesa County; Rifle Gap-Falls State Recreation Area, Garfield County; Steamboat Lake State Recreation Area, Routt County; Sweitzer Lake, Delta County; and Yampa River, Moffat County. Special closures and restrictions also apply to goose hunting on the Colorado River in Eagle and Grand Counties, on the Eagle River in Eagle County, on Granby Reservoir, Grand Lake, and Shadow Mountain Reservoir in Grand County, and on the Yampa River, Routt County. Consult State regulations for description of areas and nature of closure.

(5) Waterfowl may not be taken in the Pend Oreille Waterfowl Closure, Kootenai County Waterfowl Closure-Thompson Lake, Hells Canyon Waterfowl Closure, Mormon Reservoir Waterfowl Closure, Black Canyon Reservoir-Payette River Waterfowl Closure, Ada County Waterfowl Closure, Fort Hall Indian Reservation Closure, and Hagerman Wildlife Management Area. Geese may not be hunted in the Canyon County Goose Closure, Minidoka-Cassia Goose Closure, or Hagerman Valley Goose Closure. See State regulations for descriptions of these areas.

(6) Columbia Basin counties are Adams, Bear Lake, Boise, Bonneville, Butte, Caribou, Clark, Clearwater, Custer, Franklin, Fremont, Idaho, Jefferson, Lemhi, Madison, Oneida, Teton, Valley, and that portion of Blackfoot Reservoir drainage lying within Bingham County. The Northern 10 counties are: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone.

(7) In Benewah, Bonner, Boundary, Kootenai, and Shoshone Counties, the daily bag and possession limits, each, may not include more than 2 wood ducks.

(8) The season on white geese is closed in that portion of Jefferson County lying north of State Highway 33 and east of Interstate Highway 15, and in all of Clark, Fremont, Madison, and Teton Counties.

(9) In that portion of Gooding County enclosed by the Malad River on the north, U.S. Highway 30 on the west, Vader Grade Road on the south, and Ritchie Road on the east, the goose season shall extend from October 22, 1983, through November 13, 1983, and the daily bag and possession limits are 1 and 2, respectively. It shall be unlawful to take any species of geese within 300 feet of any paved road within this area. In the remainder of the County, the goose season shall extend from October 22 through January 1, 1984, and the daily bag and possession limits are 2 and 4, respectively.

(10) Exceptions to the general season in the following management areas (see State regulations for descriptions of areas): Shooting hours for hunting ducks and geese in the Canyon Ferry Goose Zone are from one-half hour before sunrise to 12 noon daily; the goose season in the Flathead Goose Zone is Oct. 1-Nov. 27; the goose season in the Deer Lodge Goose Zone is Oct. 15-Jan. 1; the season on dark geese in the Benton Lake Goose Zone is Oct. 30-Jan. 1; the goose season is closed in the Missoula County Goose Zone; and the Canada goose season is closed in the Kleinchmidt Lake Goose Zone.

(11) Columbia Basin counties are Wasco, Sherman, Gilliam, Morrow, and Umatilla Counties. Western Oregon consists of all counties west of the summit of the Cascades excluding Klamath and Hood River Counties. Those portions of Coos and Curry Counties lying west of U.S. Highway 101, that portion of Tillamook County lying south of an east-west line passing through the most westerly point of Cape Lookout, and those portions of Douglas and Lane Counties lying west of the summit of the Coast Range are closed to all goose hunting.

(12) Shooting hours are from 12 noon through sunset on October 8, from 8 a.m. through sunset on November 5, and from one-half hour before sunrise through sunset on all other days of the seasons.

(13) Goose hunting is prohibited within the boundaries of the Desert Lake Waterfowl Management Area in Emery County, Fish Springs National Wildlife Refuge in Juab County, and Ouray National Wildlife Refuge in Uintah County.

(14) In Western Washington the shooting hours are from 8 a.m. through sunset on the opening day, and in Eastern Washington the shooting hours are from 12 noon through sunset the opening day.

(15) Eastern Washington includes all areas lying east of the summit of the Cascade Mountains and east of the Big White Salmon River in Klickitat County. Western Washington includes all areas lying to the west of Eastern Washington.

(16) Geese may be hunted only on Saturdays, Sundays, and Wednesdays, and on November 11, 24, and 25, and December 25 in Adams, Benton, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanagan, Spokane, and Walla Walla Counties and east of Satus Pass (U.S. Highway 97) in Klickitat County. Geese may be hunted every day during January 16-22 in Adams, Benton, Douglas, Franklin, Grant, Kittitas, Klickitat, Lincoln, Walla Walla, and Yakima Counties.

(e) Point system — Ducks, mergansers, and coots. The States selecting the point system bag limits on designated species are listed in the table under §20.105(d).

(1) The point values assigned to the species and sexes are as follows:

Atlantic Flyway

100 points	70 points	10 points	25 points
Canvasback (except where closed)	Female mallard	Pintail	Male mallard
	Mottled duck	Blue-winged teal	and all other
	Wood duck (1)	Green-winged teal	species of ducks.
	Redhead	Shoveler	
	Hooded merganser	Gadwall	
Fulvous tree duck (only in Florida)		Wigeon	
		Scaup	
		Sea ducks (2)	
Black duck (Maryland & the Coastal & South Zones in New Jersey)	Black duck (Virginia, Florida, and the North Zone in New Jersey)	Mergansers (except hooded)	

(1) In Virginia during October 7 through October 10, the wood duck counts 25 points.

(2) Sea ducks count 10 points each during the point-system season, but during any part of the regular sea duck season falling outside the point-system season, sea duck daily bag and possession limits of 7 and 14, respectively, apply.

Mississippi Flyway (1)

100 points	70 points	10 points	25 points
Canvasback (except where closed)	Female mallard	Pintail	Male mallard
	Wood duck	Blue-winged teal	and all other
	Redhead	Green-winged teal	species of ducks.
Black duck	Hooded merganser	Cinnamon teal	
		Wigeon	
		Shoveler	
		Gadwall	
		Scaup	
		Mergansers (except hooded).	

(1) In Wisconsin, point values for some species change during the season. See State regulations. Also, some species listed in the 10-point category above are assigned 25 points in Wisconsin.

Central Flyway (1)

100 points	70 points	10 points	20 points
Canvasback	Female mallard	Pintail	Male mallard
	Mexican-like duck	Blue-winged teal	and all other
	Wood duck	Green-winged teal	species of ducks.
	Redhead	Cinnamon teal	
	Hooded merganser.	Shoveler	
	Texas only:	Gadwall	
	Mottled duck	Wigeon	
	Black duck	Scaup	
		Merganser (except hooded.	

(1) In Wyoming the coot is assigned 10 points.

Coots have no point value (except in Wyoming) but conventional bag limits of 15 daily and 30 in possession apply.

Pacific Flyway: There is no point system in the Pacific Flyway.

(2) The daily bag limit is reached when the point value of the last bird taken added to the sum of the point values of the other birds already taken during that day reaches or exceeds 100 points. The possession limit is the maximum number of birds of species and sex which could have legally been taken in 2 days. The shooting (including hawking) hours are one-half hour before sunrise until sunset daily unless otherwise indicated.

(f) Scaup only season. A special hunting season for scaup only is prescribed according to the following table in those areas which are described, delineated, and designated in the hunting regulations of the respective States.

Daily bag limit	5
Possession limit	10

Shooting (including hawking) hours: One-half hour before sunrise to sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES.

Seasons in the Atlantic Flyway	
Connecticut (in South Zone)	Jan. 13-Jan. 28.
Florida	Jan. 17-Jan. 31.
Maryland (in sea duck zone)	Nov. 28-Dec. 12.
Massachusetts	Jan. 6-Jan. 21.
New Jersey	Jan. 13-Jan. 28.
New York:	
Long Island Zone only	Jan. 16-Jan. 31.
Rhode Island	Jan. 14-Jan. 29.
Virginia	Jan. 21-Jan. 31.
Seasons in the Mississippi Flyway	
Indiana (Lake Michigan only)	Oct. 23-Nov. 4.
Louisiana	Jan. 20-Jan. 31.
Ohio (North Zone only)	Dec. 19-Dec. 31.
Wisconsin:	
North Duck Zone	Nov. 20-Dec. 5
South Duck Zone	Nov. 25-Dec. 10

(g) Extra teal during regular season. Hunting seasons for blue-winged and green-winged teal ducks in the Atlantic Flyway, and blue-winged only in the Central Flyway, are prescribed according to the following table. The daily bag and possession limits specified here are in addition to any other bag and possession limits specified elsewhere.

Daily bag limit	2
Possession limit	4

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES.

Seasons in the Atlantic Flyway	
Connecticut:	
North Zone	Oct. 15-Oct. 20.
South Zone	Oct. 12-Oct. 15.
Delaware	Oct. 1-Oct. 3 & Oct. 31-Nov. 5.
Georgia	Oct. 8-Oct. 11.
Maine (only blue-winged teal)	Oct. 1-Oct. 9.
Massachusetts:	
Western Zone	Oct. 17-Oct. 25.
Central Zone	Oct. 24-Nov. 1.
Coastal Zone	Oct. 24-Oct. 29
New Hampshire	Oct. 5-Oct. 13.
New York:	
Northeastern Zone	Oct. 5-Oct. 13.
Southeastern Zone	Oct. 12-Oct. 20.
Western Zone	Oct. 12-Oct. 20.
Lake Champlain	Oct. 8-Oct. 16.
Long Island	Nov. 16-Nov. 24.
North Carolina	Oct. 6-Oct. 8 & Nov.24-Nov. 26 & Dec. 8-Dec. 10.
Pennsylvania:	
North Zone	Oct. 1 (1)-Oct. 8.
South Zone	Oct. 15-Oct. 22.
Northwest Zone	Oct. 8 (1)-Oct. 15.
Lake Erie Zone	Oct. 22-Oct. 29.
Rhode Island	Oct. 6-Oct. 10.
South Carolina	Jan. 12-Jan. 20.
Vermont	Oct. 8-Oct. 16.
West Virginia	Oct. 1-Oct. 8
Seasons in the Mississippi Flyway	
None.	
Seasons in the Central Flyway	
North Dakota	Oct. 1-Oct. 9.
Seasons in the Pacific Flyway	
None.	

(1) Shooting hours on first day begin at 8 a.m.

(h) Extra scaup during regular season. The following States may take an extra bag limit on scaup of two daily and four in possession during the regular duck hunting season. The daily bag and possession limits specified here are in addition to any other bag and possession limits specified elsewhere.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES.

Seasons in the Atlantic Flyway	
Delaware	Oct. 1-Oct. 3 & Oct. 31-Nov. 5 & Nov. 24-Jan. 5.
Georgia	Oct. 8-Oct. 11 & Nov. 24-Nov. 27 & Dec. 10-Jan. 20.
Maine (1) South Zone only	Oct. 28-Nov. 12
New Hampshire:	
Inland Zone	Oct. 5-Nov. 23.
Coastal Zone	Oct. 5-Oct. 16 & Nov. 5-Dec. 12.

New York:	
Northeastern Zone	Oct. 5-Oct. 30 & Nov. 11-Dec. 4.
Southeastern Zone	Oct. 12-Oct. 23 & Nov. 4-Dec. 11.
Western Zone	Oct. 12-Nov. 17 & Dec. 21-Jan. 2.
North Carolina (2)	Oct. 6-Oct. 8 & Nov. 24-Nov. 26 & Dec. 8-Jan. 20.
South Carolina (3)	Oct. 6-Oct. 8 & Nov. 23-Nov. 26 & Dec. 9-Jan. 20.
West Virginia:	
Allegheny Mountain Upland Zone (Zone 2)	Oct. 1-Oct. 15 & Nov. 1-Dec. 5.
Remainder of State (Zone 1)	Oct. 1-Oct. 15 & Dec. 17-Jan. 20.

(1) Only in coastal waters and the waters of the rivers and streams seaward from the first upstream bridge and includes all tidal waters bounded by ME 182 and 200 north of U.S. 1 in Hancock County.

(2) Only in waters east of U.S. Highway 17, except Currituck Sound north of U.S. Highway 158.

(3) Only in waters east of U.S. Highway 17, north of Charleston, and east of the Seaboard Railroad bed south of Charleston.

(i) Special scaup and goldeneye. A special hunting season for scaup and goldeneye is prescribed according to the following table in the Lake Champlain areas which are described, delineated, and designated in the hunting regulations of the respective States. The daily bag limit is 3 scaup or 3 goldeneyes or 3 in the aggregate. The possession limit is 6 scaup or 6 goldeneyes or 6 in the aggregate.

Shooting hours (including hawking) hours: One-half hour before sunrise to sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES.

Seasons in the Lake Champlain Area Only	
New York	Nov. 26-Dec. 11.
Vermont	Nov. 26-Dec. 11.

Section 20.106 is amended to read as follows:

§20.106 Seasons, limits, and shooting hours for sandhill cranes.

Central Flyway: Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking sandhill cranes with a daily bag limit of 3 and a possession limit of 6 (3 in New Mexico experimental season area) cranes, and with shooting (including hawking) hours from one-half hour before sunrise until sunset, in the following areas for the dates indicated:

(a) In Colorado (the Central Flyway portion except the San Luis Valley and North Park) the inclusive season dates are October 1 through November 27, 1983.

(b) In the New Mexico counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt the inclusive dates are October 29, 1983, through January 28, 1984. In the New Mexico experimental sandhill crane season hunt areas, the bag and possession limits may not exceed 3 cranes, each of which must be tagged upon taking. In Area 1 (those portions of Dona Ana, Luna, and Sierra Counties west of Interstate Highway 25, north of Interstate Highway 10, east of New Mexico Highways 26 and 27 between Deming and Hillsboro, and south of New Mexico Highway 90), and Area 2 (that portion of Luna County south of Interstate Highway 10), the inclusive season dates are October 28 through October 30, 1983; December 16 through December 18, 1983; and January 13 through January 15, 1984. Each person participating in the experimental season must obtain and have in his possession while hunting, a valid special permit issued by New Mexico.

(c) In Oklahoma (that portion west of I-35) the inclusive dates are October 22, 1983, through January 22, 1984.

(d) In Texas, in Zone A the inclusive dates are November 12, 1983, through February 12, 1984. In Zone B the inclusive dates are December 3, 1983, through February 12, 1984. In Zone C the inclusive dates are January 14, 1984, through February 12, 1984. In the remainder of the State, the season is closed. See State regulations for description of zones.

(e) In North Dakota, sandhill crane hunting shall be from one-half hour before sunrise to 1:00 p.m. each day from the opening day through October 29 and from one-half hour before sunrise to 2:00 p.m. from October 30 through the remainder of the season. In Zone 1, the inclusive season dates are September 10 through November 6, 1983. In Zone 2, the inclusive season dates are September 10 through September 30, 1983. In the remainder of the State, the season is closed. See State regulations for description of zones and prohibited means of hunting sandhill cranes.

(f) In South Dakota, the inclusive dates are October 1 through November 6, 1983.

(g) In Montana (the Central Flyway), the inclusive season dates are October 1 through November 27, 1983; except in that area south and west of I-90 and the Bighorn River, the season is closed and in Sheridan County the inclusive season dates are November 1 through November 27, 1983.

(h) In Wyoming, in Campbell, Converse, Crook, Goshen, Laramie, Niobrara, Platte, and Weston Counties, the inclusive season dates are September 24 through November 20, 1983.

(i) Each hunter participating in the regular sandhill crane hunting season must obtain and carry in his possession while hunting sandhill cranes a Federal sandhill crane hunting permit available without cost from conservation agencies in the States where crane hunting seasons are allowed. The permit must be displayed to an authorized law enforcement official upon request.

Pacific Flyway: In Arizona (within Game Management Units 30A, 30B, 31, and 32), the inclusive season dates are November 18 through November 28, 1983. Hunting will be by special permit to be issued by the State. Each permittee may take 2 sandhill cranes per season.

Section 20.107 is revised as follows.

§20.107 Seasons, limits, and shooting hours for whistling swans.

Whistling swans may be taken only by State-issued permit. Permittees may take only one whistling swan per season. Successful permittees must immediately validate their harvest by that method required in State regulations. Shooting hours are from one-half hour before sunrise to sunset daily except as noted below. Seasons are:

Central Flyway: (a) In Montana, whistling swans may be hunted from October 1, 1983, through January 1, 1984.

Pacific Flyway: (a) In Montana, whistling swans may be hunted only in Teton and Cascade Counties and from October 1, 1983, through January 1, 1984;

(b) In Nevada, whistling swans may be hunted only in Churchill, Lyon and Pershing Counties and from October 22, 1983, through January 8, 1984; and

(c) In Utah, whistling swans may be hunted from October 8, 1983, through January 8, 1984. Shooting hours on the first day of the season are from noon to sunset.

(d) The appropriate State agency must issue permits, obtain harvest and hunter participation data, and require successful hunters to immediately validate their harvests.

Section 20.108 Non-toxic shot zones.

* * * * *

Section 20.109 is revised as follows:

§20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

Subject to the applicable provisions of this part, the areas open to hunting, the respective open seasons (dates inclusive), the hawking hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

Daily bag limit	3 singly or in the aggregate(1).
Possession limit	6 singly or in the aggregate(1).

These limits apply during both regular hunting seasons and extended falconry seasons.

Hawking hours: One-half hour before sunrise until sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS.

Atlantic Flyway	
Florida:	
Mourning doves	Oct.1-Jan. 15.
Woodcock	Oct.29-Feb. 12.
Snipe	Nov. 5-Feb. 19.
Rails	Sept.1-Dec. 14.
Ducks, merganser, and coots	Oct.15-Dec. 4 & Dec. 10-Jan. 15
Maryland:	
Mourning doves	Sept.1-Oct. 18 & Nov. 15-Jan. 12.
Rails and gallinules	Sept. 1-Dec. 16.
Woodcock	Oct. 16-Nov. 25 & Dec. 5-Jan. 31.
Snipe	Sept. 12-Dec. 27.
Sea ducks	Oct.6-Jan.20.
Ducks, coots, and mergansers	Oct.6-Jan. 20.
Canada geese	
Eastern Shore	Oct.17-Jan. 31.
Remainder of State	Oct. 6-Jan. 20.
Snow geese	Oct. 17-Jan. 31.
Brant	Oct. 6-Jan. 20.
Massachusetts:	
All permitted ducks, geese, and coots	Oct. 12-Jan. 15.
Pennsylvania:	
Mourning doves	Sept. 1-Dec. 15.
Woodcock and snipe	Oct. 1-Jan. 7.
Ducks, mergansers, and coots	Oct. 1-Jan. 7.
Virginia:	
Mourning doves	Sept. 20-Dec. 5 & Dec. 21-Dec. 31.
Rails	Sept. 20-Dec. 5 & Dec. 21-Dec. 31.
Woodcock	Oct. 1-Jan. 15.
Snipe	Oct. 17-Jan. 31.
Ducks (except scaup) and brant	Oct. 5-Nov. 12 & Nov. 14-Jan. 20
All geese and scaup	Nov. 3-Jan. 31.

Mississippi Flyway	
Illinois:	
Mourning doves, rails, and woodcock	Sept. 1-Dec. 16.
Snipe	Sept. 10-Dec. 25.
Teal	Sept. 10-Sept. 18.
Ducks, mergansers, and coots	Oct. 1-Jan. 6.
Indiana:	
Ducks, mergansers, and coots	
North Zone	Oct. 23-Nov. 4.
South Zone	Oct. 30-Nov. 23.
Iowa:	
Ducks and mergansers	Sept. 17-Jan. 1.
Geese	Oct. 1-Jan. 1.
Kentucky:	
Ducks, mergansers, geese, coots, rails and gallinules	Nov. 1-Jan. 20.
Michigan:	
Woodcock, rails, and snipe	Sept. 1-Dec. 16.
Ducks, mergansers, and coots	Oct. 1-Jan. 15.
Minnesota:	
Woodcock, rails, and snipe	Sept.1-Dec. 16.
Ducks, mergansers, geese, coots and gallinules	Oct. 2-Jan. 16
Mississippi:	
Mourning doves	Nov. 12-Dec. 11
Ducks, mergansers, and coots	Dec. 1-Dec. 9
Missouri:	
Mourning doves	Sept.1-Dec. 16.
Ducks, mergansers, coots, and geese	Oct. 15-Oct. 19 & Nov. 1-Jan. 20.
Wisconsin:	
Rails, woodcock, snipe, and gallinules	Sept. 1-Dec. 16.
Ducks, mergansers, and coots	Oct. 1-Jan. 15.
Central Flyway	
Colorado:	
Ducks, mergansers, coots, and geese	Oct. 17-Oct. 28
Montana (1):	
All permitted migratory birds	Oct. 1-Jan. 15.
New Mexico (2):	
Mourning doves, white-winged doves, and banded-tailed pigeon	Sept. 1-Nov. 6 & Nov. 19-Dec. 28.
Sandhill cranes only in Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt Counties	Oct. 29-Feb. 12.
Ducks, mergansers, coots, and gallinules	Oct. 17-Jan. 22.
Canada and white-fronted geese	Oct. 17-Jan. 22.
Snow, blue, and Ross' geese	Oct. 29-Feb. 12.
Oklahoma:	
Ducks, mergansers, and coots	Oct. 15-Jan. 20.
Texas:	
Mourning doves	Sept. 1-Nov. 30 & Jan. 7-Jan. 22
White-winged doves, rails, and gallinules	Sept. 1-Dec. 16.
Ducks, geese, and coots	Oct. 15-Jan. 22.
Sandhill cranes (Zones A, B, and C)	Nov. 1-Feb. 12.
Woodcock	Nov. 1-Feb. 15.
Snipe	Nov. 1-Feb. 12.
Wyoming (1):	
Ducks, merganser, geese, and coots	Oct. 1-Jan. 15.
Pacific Flyway	
Colorado:	
Ducks, mergansers, coots, and geese	Oct. 22-Nov. 4.
Idaho:	
Mourning doves only	Sept. 1.-Oct. 15.
Ducks, merganser, coots, and snipe	Oct. 1.-Jan. 15.
Geese (1)	Concurrent with firearm seasons.
Montana (1):	
All permited migratory birds	Oct. 1-Jan. 15.
New Mexico (2):	
Mourning doves, white-winged doves, and band-tailed pigeons	Sept. 1-Nov. 6 & Nov. 19-Dec. 28.
Ducks, coots, and gallinules	Oct. 1-Nov. 13 & Nov. 21-Jan. 22.
Geese	Oct. 8-Jan. 22.
Oregon:	
Mourning doves	Sept. 1-Dec. 16.
Snipe	Oct. 1-Jan. 15.
Ducks, geese, and coots	Oct. 1-Jan. 15.
Utah:	
Ducks and coots	Oct. 1-Jan. 15.
Washington:	
Ducks, geese, and coots:	
Western Zone	Oct. 8-Oct. 14 & Jan. 16-Jan. 22.
Eastern Zone	Oct. 8-Oct. 14.
Wyoming (1):	
Mourning doves	Sept. 1-Oct. 15.
Rails and snipe	Sept. 24-Dec. 2.
Ducks, coots and geese	Oct. 1-Jan. 15.

(1) In Idaho, the aggregate daily bag and possession limits may not include more than 1 and 2 geese, respectively. In Montana, the aggregate daily bag and possession limits of all species are 2 and 4, respectively. In Wyoming, the aggregate daily bag and possession limtis of all species are 2.

(2) Daily bag and possession limits are for permitted species of migratory birds and resident game, either singly or in the aggregate.

Note: See waterfowl season footnotes for descriptions of zones. For some States, the extended falconry season dates also include general season dates.

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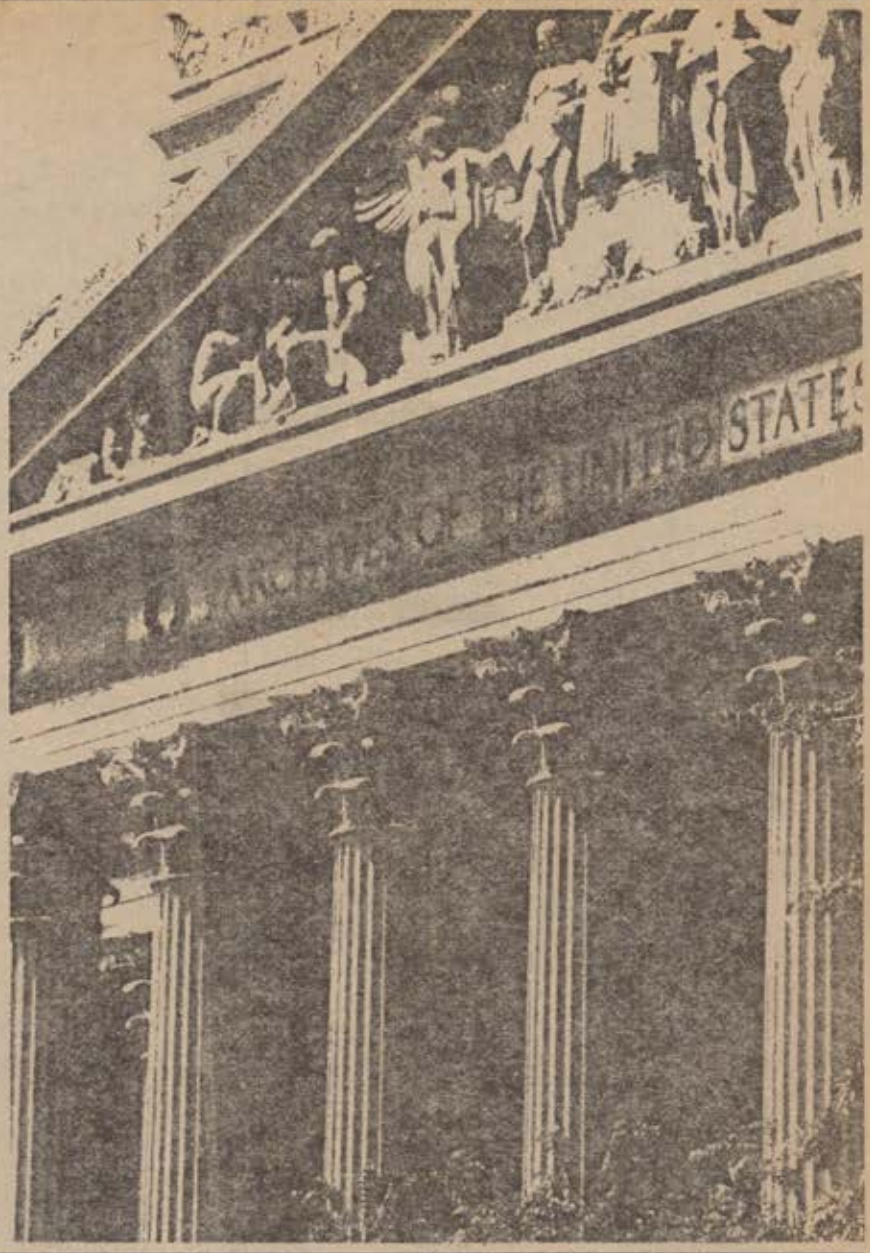
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