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federal register

Monday
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine, and Tangelo Reg. 6, Amdt. 25]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Amendment of Tangerine Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment lowers the minimum size requirement applicable to fresh domestic shipments of Dancy tangerines from 2⁹⁄₁₆ inches to 2⁷⁄₁₆ inches in diameter during the period November 7 to November 27, 1983. This action allows an increase in the supply of tangerines in recognition of demand conditions and the size composition of available supply in the interest of growers and consumers.

EFFECTIVE DATE: November 7, 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 action has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the Florida Dancy tangerine crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This amendment is issued under the marketing agreement and Order No. 905 (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon recommendations and information submitted by the Citrus Administrative Committee, and upon other available information. It is hereby found that the regulation of Florida Dancy tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

This amendment would relax limitations on the handling of Dancy tangerines by permitting each handler, during the period November 7–November 27, 1983 to ship 210 size (2⁷⁄₁₆ inches) Dancy tangerines.

The committee reports that Dancy tangerines are just beginning to pass Florida maturity tests. In addition, the demand for such tangerines is likely to increase due to advance Thanksgiving purchases. Thus, relaxation of the regulation is necessary to allow a greater portion of the available supply to reach the market.

It is anticipated that during subsequent weeks larger supplies of Dancy tangerines will be available for market and such fruit, left on the trees, will likely attain larger sizes. Hence, this action provides for the resumption of the 2⁹⁄₁₆ inch minimum size for Dancy tangerines on and after November 28, 1983.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment 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 amendment at an open meeting. This amendment relieves restrictions on the handling of Florida Dancy tangerines. Handlers have been apprised of such provisions and the effective dates.

List of Subjects in 7 CFR Part 905

Agricultural Marketing Service, Marketing agreements and orders, Florida, Grapefruit, Oranges, Tangelos, Tangerines.

PART 905—[AMENDED]

Accordingly, the provisions of § 905.306 are amended by revising the following entry in Table I, paragraph (a), applicable to domestic shipments, to read as follows:

§ 905.306 Oranges, Grapefruit, Tangerine and Tangelo Regulation 6.

(a) * * *

TABLE I

Variety	Regulation period	Minimum grade	Minimum diameter (in)
(1)	(2)	(3)	(4)
*	* * *	* *	
Tangerines	11/7/83–11/27/83	U.S. No. 1	2⁷⁄₁₆
Dancy	On and after 11/28/83.	U.S. No. 1	2⁷⁄₁₆
*	* * *	* *	

* * * * *

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

Dated: November 7, 1983.

Russell L. Hawes,

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

[FR Doc. 83-30524 Filed 11-10-83; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1421

CCC Grain Price Support Regulations Governing the Grain Reserve Program for 1982 and Subsequent Crops and Alternative Program for 1981 and Prior Crops

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The interim rule governing the farmer-owned Grain Reserve Program, published in the **Federal Register** on August 16, 1982 (47 FR 35493), as amended on October 8, 1982 (47 FR 44540), is hereby adopted as a final rule, with an amendment making the quality eligibility standards for wheat entering the Reserve Program the

same as for obtaining a regular price support loan, except for sample grade wheat which is not eligible to enter the Reserve Program. An additional amendment setting out Office of Management and Budget approval of information collection requirements contained in the interim rule is also added. The program is authorized by section 110 of the Agricultural Act of 1949, as amended, (7 U.S.C. 1445e).

EFFECTIVE DATE: November 14, 1983.

FOR FURTHER INFORMATION CONTACT: Steve Gill, Program Specialist, Cotton, Grain, and Rice Price Support Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. Phone: (202) 447-8480. Copies of the Final Regulatory Impact Analyses for the 1982-Crop Wheat and Feed Grain Programs, which cover the grain reserve program, are available from Steve P. Gill.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in this regulation (7 CFR Part 1421) have been approved by the Office of Management and Budget in accordance with the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Number 0560-0087.

This final rule has been reviewed under USDA procedures established in accordance with Secretary's Memorandum 1512-1 and Executive Order 12291 and has been classified "major," since the rule will result in an annual effect on the economy of $100 million or more.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

This action is not expected to have any significant impact on the quality of human environment, health and safety.

The title and number of the Federal Assistance Program to which this rule applies are: Title—Grain Reserve Program, Number—10.067 as set forth in the Catalog of Federal Domestic Assistance.

Summary of Statutory Authority

Section 110 of the Agricultural Act of 1949, as amended, provides that the Secretary of Agriculture shall formulate and administer a producer storage program for wheat and feed grains in order to stabilize prices and to provide for the orderly marketing of such commodities. In carrying out the producer storage program, the Secretary is authorized to provide for original or extended price support loans to wheat and feed grain producers. Among other terms and conditions, the producer storage program may provide for the following: (1) Repayment of extended price support loans by producers in not less than three nor more than five years, (2) payment to producers for storage, and (3) a rate of interest based on the rate charged CCC by the U.S. Treasury, except that the Secretary may waive or adjust such interest.

In accordance with section 110, the Secretary is also authorized to establish appropriate price levels at which producers may redeem, without penalty, their commodity from the grain reserve and repay their extended price support loans, plus interest (i.e., the "trigger release level") and to require producers to repay their grain reserve loans under the program prior to their maturity date if he determines that emergency conditions exist which require that the commodity which is serving as collateral for such loans be made available in the market to meet urgent domestic or international needs. In addition, the Secretary is authorized to determine and announce the maximum quantity of wheat and feed grains which will be stored under the program. In no event, however, shall the established maximum quantity be less than 700,000,000 bushels for wheat and 1,000,000,000 bushels for feed grains.

Interim Rule

An interim rule for the Grain Reserve Program for 1982 and subsequent crops and alternative program for 1981 and prior crops was published in the **Federal Register** on August 16, 1982 at 47 FR 35493. A comment period was provided through October 15, 1982. The interim rule was amended on October 8, 1982 at 47 FR 44540 to incorporate a provision which limited the rotation period to 15 days for corn and sorghum which was placed into the reserve on or after October 8, 1982. The comment period was extended to December 7, 1982, to allow the public an opportunity to comment on the additional change.

General Summary of Comments

The Department has considered all comments received in developing this final rule. The Department received a total of 22 comments with respect to the interim rule and its amendment. A total of 18 comments were received from agricultural producers, 2 from Farm Bureau Associations, 1 from a Grange Association and 1 from a State Wheat Growers Association.

The majority of the comments pertained to the new 15-day rotation period affecting corn and sorghum entering the reserve on or after October 8, 1982.

All comments received are on file and available for public inspection in Room 3627-South Building, 14th and Independence Avenue, SW., Washington, D.C. 20013.

The following is a summary of comments received and actions taken.

Comments on Major Program Provisions

I. Rotation

A. *Provisions of the Interim Rule and Amendment.* The interim rule provided that producers, under certain conditions, could be authorized to move farm-stored grain in the Grain Reserve Program for delivery to a buyer for sale or for livestock feed thirty days before the producer intended to have replacement stocks in place. Also, the provisions of the interim rule required that the commodity which replaced the reserve grain must have been from the producer's own production. The original purpose of this provision was to permit producers to maintain the quality of the reserve grain by means of rotation. It became increasingly evident, however, that this provision was being used for marketing purposes rather than for the purpose of maintaining the quality of the grain. The use of the provision for marketing purposes tends to defeat the purpose of the Grain Reserve Program since grain is made available to the market during the period just before harvest.

Therefore, an extended interim rule was published on October 8, 1982, at 47 FR 44540 which provided that beginning on October 8, 1982 producers who entered into new grain reserve agreements by placing corn or sorghum in the reserve may be permitted to replace such corn or sorghum, if it is in danger of going out of condition, at any time during the year rather than just before harvest. However, the extended interim rule required that corn or sorghum must be replaced with an equal quantity and quality of corn or sorghum within 15 days after such reserve grain in removed from the reserve. The extended interim rule also permitted a producer who entered into a new agreement to rotate into the reserve replacement corn or sorghum which had been purchased.

B. *Comments.* A total of 22 comments were received with respect to the additional change incorporated by the extended interim rule. One respondent felt that changing the time period for replacing grain which had been removed from the reserve from 30 to 15 days was minimally acceptable. However, 21

respondents opposed any change in the number of days.

C. *Discussion of Comments.* Three respondents viewed the extended interim rule as a restriction on making sound management determinations. These respondents recommended rescinding the 15 day replacement period and clarifying the language of the 30 day replacement period to permit the marketing of reserve grain before the commodity's applicable trigger release level was reached.

While several respondents recognized the need for some limitations to be imposed on the 30 day replacement provision as set forth in the interim rule, the majority of the respondents voiced objections based on what they considered the inequity of the change made in the provision by the amended interim rule. These producers argued that they had participated in other government programs, with some of them having constructed costly additional storage facilities, and understood that they would have the flexibility to rotate their corn or sorghum under the 30 day replacement provision. Some respondents also voiced concern on the effect that the new provision might have on future program participation.

D. *Conclusion.* After careful consideration of the comments received, it has been determined that the provisions of the extended interim rule should be retained. The provisions of the 1949 Act which authorize the Grain Reserve Program provide that producers may rotate reserve stocks for the purpose of maintaining quality. Because many producers did not have adequate farm storage capacity to store both the reserve grain and the replacement grain until the rotation could be accomplished, a 30 day provision permitting the reserve commodity to be sold or fed was permitted. It had become apparent that the provision was being used strictly as a marketing tool. In order to adhere more closely to the statute and to restrict rotation to its intended purpose, producers who enter into a new corn or sorghum reserve agreement on or after October 8, 1982, may rotate the corn or sorghum from the reserve if the grain is in danger of going out of condition, provided the grain is replaced with eligible stock within 15 days. This provision permits rotation at any time of the year rather than confining the rotation to a period just before harvest. The provision also permits replacement with purchased grain. Corn or sorghum placed into the reserve prior to October 8, 1982 may still be rotated under the original terms and conditions which were applicable to the Grain Reserve Program at the time the commodity entered the reserve.

II. Program Availability

A. *Provisions of the Interim Rule.* The interim rule provides that producers with farm or warehouse-stored grain pledged as collateral for a CCC price support loan may participate in the Grain Reserve Program at any time that a reserve is in effect and is available for their commodity. The program is available when announced by the Secretary for a specified crop of wheat and feed grains for such period of time and under such terms and conditions as may be deemed to be appropriate by the Secretary.

B. *Comments.* A total of three comments were received with respect to the provision of the interim rule authorizing the Secretary to permit immediate entry of a commodity into the Grain Reserve Program prior to the maturity of a regular price support loan for such commodity. One respondent supported the provision of the interim rule with respect to immediate entry. The two remaining respondents opposed this provision with respect to immediate entry into the Grain Reserve Program.

C. *Discussion of Comments.* The respondent commenting in favor of the provision viewed it as a viable marketing tool and recommended its retention in the final rule.

The two respondents commenting in opposition to the immediate entry provision expressed concern that the rule provides the mechanism for excess stocks of eligible wheat and feed grains to be placed into the Grain Reserve Program when efforts should be initiated to reduce stored grain stocks. They also objected to the provision on the basis that nine month regular loans served as orderly marketing tools which were far superior to the results which have been gained from the operation of the Grain Reserve Program. They also stated that permitting the immediate entry of commodities into the program allowed the Department to retain excess commodities in the Grain Reserve Program, thereby suppressing the ordinary market flow and contributing to large carry-over stocks.

D. *Conclusion.* After thorough review and consideration of the comments received, it has been determined that the provisions of the interim rule should be retained. The Department does not find justification for eliminating the option which would permit immediate entry into the reserve if the Secretary believes it is necessary to encourage the orderly marketing of wheat and feed grains.

Amendment to the Interim Rule

It has been determined after further review that a technical revision should be made with respect to the provisions of the interim rule. It is not believed that this change is of such significance that further public comment would be warranted. The following is an explanation of the change which has been made to the interim rule.

Under § 1421.748(b) of the interim rule, wheat which enters the reserve must be merchantable for food, meet the quality eligibility requirements for securing a regular CCC price support loan and, in addition, may not grade Smutty, Garlicky, or Sample. This varies from the quality eligibility requirements which are applicable to wheat pledged as collateral for a regular price support loan, since such wheat may be merchantable for food, feed or other uses determined by CCC and may grade Smutty, Garlicky, or Sample. There is no need at this time for the standards for accepting wheat into the Grain Reserve Program to differ from the standards which are applicable to wheat under the regular price support program, except for sample grade wheat which might cause storability problems. Notwithstanding that sample grade wheat may be merchantable for food, feed, or other uses determined by CCC and may be adequately stored under a regular 9-month loan period, sample grade wheat may deteriorate and not be storable during a three-year reserve storage period. Accordingly, § 1421.748(b) is revised to provide that the quality eligibility requirements for wheat entering the reserve are the same as for obtaining a regular price support loan, except that wheat grading Sample is not eligible for entry into the Reserve Program.

List of Subjects in 7 CFR Part 1421

Grains, Loan programs—agriculture, Price support programs, Warehouses.

PART 1421—[AMENDED]

Accordingly, the interim rule published at 47 FR 35493, as amended at 47 FR 44540, is hereby adopted as a final rule with the following changes:

1. In 7 CFR 1421.748, paragraph (b) is revised to read as follows:

§ 1421.748 Quality eligibility requirements of reserve grain loans.

* * * * *

(b) *Wheat.* Wheat which enters the reserve must meet the quality eligibility requirements for securing a regular CCC

price support loan and, in addition, may not be "Sample Grade."

* * * * *

2. A new § 1421.755 is added to 7 CFR to read as follows:

§ 1421.755 Paperwork Reduction Act assigned numbers.

The Office of Management and Budget has approved the information collection requirements contained in these regulations in accordance with 44 U.S.C. Chapter 35 and OMB Number 0560–0087 has been assigned.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); sec. 110, 91 Stat. 951, as amended (7 U.S.C. 1445e))

Signed at Washington, D.C., on October 18, 1983.

John R. Block,

Secretary.

[FR Doc. 83-30625 Filed 11-10-83; 8:45 am]

BILLING CODE 3410-05-M

FEDERAL RESERVE SYSTEM

12 CFR Part 220

[Docket No. R-0389]

Credit by Brokers and Dealers; Complete Revision and Simplification of Regulation T; Deferral of Effective Date

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Deferral of Effective Date.

SUMMARY: The Board is extending, until March 31, 1984, the effective date for compliance with the completely revised Regulation T (governing credit extended by brokers and dealers), which was adopted by the Board on May 16, 1983 (48 FR 23161). The deferred effective date is necessary in light of unforeseen operational problems being encountered by broker-dealers in conforming their computer systems to the requirements of the revised regulation.

DATE: Effective November 21, 1983, the effective date for the revised Regulation T (Part 220) is deferred until March 31, 1984.

FOR FURTHER INFORMATION CONTACT: Robert Lord, Attorney, Division of Banking Supervision and Regulation, (202) 452–2781.

SUPPLEMENTARY INFORMATION: On May 16, 1983 the Board adopted a completely revised Regulation T, governing credit extended by brokers and dealers (48 FR 23161, May 24, 1983). The new regulation was to become effective on November 21, 1983 or any earlier date after June 20, 1983, at the option of the creditor. However, several major broker-dealers have informed the Board that due to unforeseen difficulties in programing their computer systems, they will need more time than originally expected to conform their accounts to the requirements of the new regulation. In requesting the deferred effective date, broker-dealers have pointed to, among other things, the special temporary computer programs which must be developed in order to provide support for the upcoming AT&T divestiture. They have stated that an enormous amount of program and systems modifications are needed to adequately support the highly complex cash and margin transactions in the stock of AT&T and the seven new regional companies formed as a result of the divestiture, and for transactions in AT&T options. Because of these operational problems, the effective date of the newly-revised Regulation T is hereby deferred until March 31, 1984.

List of Subjects in 12 CFR Part 220

Banks, Banking, Brokers, Credit, Federal Reserve System, Margin, Margin requirements, Investments, Reporting requirements, Securities.

By order of the Board of Governors of the Federal Reserve System, November 7, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-30611 Filed 11-10-83; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 8915]

The Southland Corporation; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: On October 25, 1983, the Federal Trade Commission deleted Paragraphs I–F through I–J and Paragraph II of the Order issued against The Southland Corporation on Jan. 24, 1974 (83 F.T.C. 1282). The Commission also ordered that the remaining Order provisions be vacated on Jan. 24, 1984.

DATES: Consent order issued Jan. 24, 1974. Modifying Order issued Oct. 25, 1983.

FOR FURTHER INFORMATION CONTACT: FTC/CC Selig S. Merber, Washington, D.C. 20580, Phone (202) 634–4642.

SUPPLEMENTARY INFORMATION: In the Matter of The Southland Corporation. Codification appearing at 39 FR 9825 will be deleted as of January 24, 1984.

List of Subjects in 16 CFR Part 13

Purchasing and selling arrangements, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

United States of America Before Federal Trade Commission

Commissioners: James C. Miller III, *Chairman*, Michael Pertschuk, Patricia P. Bailey, George W. Douglas

In the Matter of The Southland Corporation, a corporation; Docket No. 8915.

Order Reopening and Vacating in Part and Modifying in Part Order Issued January 24, 1974

On June 24, 1983, respondent The Southland Corporation ("Southland") filed a "Request to Reopen and Vacate In Part And Modify In Part A Consent Order" ("Request"), pursuant to Section 5(b) of the Federal Trade Commission Act, 15 U.S.C. § 45(b) and Section 2.51 of the Commission's Rules of Practice. The Request asks the Commission to reopen the consent order, issued on January 24, 1974 ("the Order"), and (1) vacate Paragraphs I–F through I–J and Paragraph II of the Order immediately; and (2) vacate the remaining provisions of the Order ten years from the date of their initial entry. Southland's Request was on the public record for thirty days and no comments were received.

After reviewing respondent's Request, the Commission has concluded that the public interest warrants reopening and modification of the Order in the manner requested by respondent. The action we take today is consistent with our recent determination in *Occidental Petroleum Corporation*, Docket No. C–2492, March 9, 1983, which also involved a perpetual reciprocity order.

Accordingly, it is ordered that Paragraphs I–F through I–J and Paragraph II of this Order be vacated at this time and the remaining provisions be vacated ten years from the date of their initial entry, that is on January 24, 1984.

By the Commission. Commissioner Bailey voted in the negative.

Issued October 25, 1983.

Emily H. Rock,

Secretary.

[FR Doc. 83-30561 Filed 11-10-83; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. 9152]

The Gillette Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires a leading manufacturer of razor blades, razors, toiletries and grooming aids, among other things, to make alternative advertising allowances available to customers that compete in the resale of Gillette products but do not regularly advertise in newspapers. The order also requires the company to notify all its customers, as specified, of its advertising and promotional programs, and of the availability of usable and economically feasible alternatives. Such alternatives shall consist of handbills and circulars in amounts not less than 1,000; off-shelf, end-of-aisle or dump displays; window or wall posters and other in-store promotional activities acceptable to the company. Further, the company must distribute a special written notice informing customers of the change in its promotional programs and provide sales personnel with a copy of the order.

DATES: Complaint issued Feb. 19, 1981. Consent Order issued Oct. 31, 1983.[1]

FOR FURTHER INFORMATION CONTACT: FTC/CS-1, Karen G. Bokat, Washington, D.C. 20580. (202) 724-1679.

SUPPLEMENTARY INFORMATION: On Tuesday, Aug. 23, 1983, there was published in the **Federal Register**, 48 FR 38247, a proposed consent agreement with analysis In the Matter of The Gillette Company, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures. Subpart—Discriminating In Price under Sec. 2, Clayton Act—Payment for Services or Facilities for Processing or Sale under 2(d): § 13.824 Advertising expenses; § 13.825 Allowances for services or facilities. Subpart—Discriminating In Price under Sec. 5, Federal Trade Commission Act: § 13.894 Unequal discounts.

[1] Copies of the Complaint and the Decision and Order filed with the original document.

List of Subjects in 16 CFR Part 13

Advertising, Grooming aids, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13)

Emily H. Rock,

Secretary.

[FR Doc. 83-30560 Filed 11-10-83; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release No. SAB-54]

Staff Accounting Bulletin No. 54

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Staff Accounting Bulletin.

SUMMARY: This staff accounting bulletin expresses the staff's views regarding the application of the "push down" basis of accounting in the separate financial statements of subsidiaries acquired in purchase transactions.

DATE: November 3, 1983.

FOR FURTHER INFORMATION CONTACT: Michael P. McLaughlin, Office of the Chief Accountant (202/272-2130); or Howard P. Hodges, Jr., Division of Corporation Finance (202/272-2553), Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval. They represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

Dated: November 3, 1983.

George A. Fitzsimmons,

Secretary.

PART 211—[AMENDED]

Accordingly, Part 211 of Title 17 of the Code of Federal Regulations is amended by adding Staff Accounting Bulletin No. 54 to the table found in Subpart B.

Staff Accounting Bulletin No. 54

The staff herein adds Section J to Topic 5 of the Staff Accounting Bulletin Series. This section discusses the staff's position on the appropriateness of applying the "push down" basis of accounting in the separate financial statements of subsidiaries acquired in purchase transactions.

Topic 5: Miscellaneous Accounting

* * * * *

J. Push Down Basis of Accounting Required in Certain Limited Circumstances

Facts: Company A (or Company A and related persons) acquired substantially all of the common stock of Company B in one or a series of purchase transactions.

Question 1: Must Company B's financial statements presented in either its own or Company A's subsequent filings with the Commission reflect the new basis of accounting arising from Company A's acquisition of Company B when Company B's separate corporate entity is retained?

Interpretive Response: Yes. The staff believes that purchase transactions that result in an entity becoming substantially wholly owned (as defined in Rule 1-02(z) of Regulation S-X) establish a new basis of accounting for the purchased assets and liabilities.

When the form of ownership is within the control of the parent the basis of accounting for purchased assets and liabilities should be the same regardless of whether the entity continues to exist or is merged into the parent's operations. Therefore, Company A's cost of acquiring Company B should be "pushed down," i.e., used to establish a new accounting basis in Company B's separate financial statements.[1]

[1] The Task Force on Consolidation Problems, Accounting Standards Division of the American Institute of Certified Public Accountants issued a paper entitled "Push Down" Accounting, October 30, 1979. This paper addresses the issues relating to "push down" accounting, cites authoritative literature and indicates that a substantial change in ownership justifies a new basis of accounting. The AICPA submitted the paper to the FASB with a recommendation that the Board consider the issue. The FASB has included push down accounting as an issue to be addressed in its major project on consolidation accounting.

Question 2: What is the staff's position if Company A acquired less than substantially all of the common stock of Company B or Company B had publicly held debt or preferred stock at the time Company B became wholly owned?

Interpretative Response: The staff recognizes that the existence of outstanding public debt, preferred stock or a significant minority interest in a subsidiary might impact the parent's ability to control the form of ownership. Although encouraging its use, the staff generally does not insist on the application of push down accounting in these circumstances.

[FR Doc. 83-30526 Filed 11-10-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 12

Administrative Practices and Procedures; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting an error that appeared in the final rule that revised the administrative practices and procedures regulations to incorporate editorial changes to improve clarity and readability. This document corrects a printer's error that first occurred in the proposed revision and inadvertently was repeated in the final revision.

DATE: Effective as of May 14, 1979.

FOR FURTHER INFORMATION CONTACT: Agnes B. Black, Federal Register Writer's Office (HFC-11), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

SUPPLEMENTARY INFORMATION: In FR Doc. 79-11402 appearing at page 22318 in the **Federal Register** of Friday, April 13, 1979, the following correction is made on page 22345 in the center column: In § 12.89 *Participation of nonparties*, paragraph (d) is corrected by changing the phrase "would be adequately protected" to read "would not be adequately protected."

Dated: November 7, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-30508 Filed 11-10-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 176

[Docket No. 83F-0043]

Indirect Food Additives: Paper and Paperboard Components

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of pentanoic acid, 4,4-bis[(*gamma-omega*-perfluoro-C_{8-20}-alkyl)thio] derivatives, compounds with diethanolamine, as an oil and water repellent for paper and paperboard. This action responds to a petition filed by the Ciba-Geigy Corp.

DATES: Effective November 14, 1983; objections by December 14, 1983.

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

FOR FURTHER INFORMATION CONTACT: John L. Herrman, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of March 18, 1983 (48 FR 11513), FDA announced that a petition (FAP 3B3700) had been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing that Part 176 (21 CFR Part 176) be amended to provide for the safe use of pentanoic acid, 4,4-bis[(*gamma-omega*-perfluoro-C_{8-20}-alkyl)thio] derivatives, compounds with diethanolamine, as an oil and water repellent for paper and paperboard.

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

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

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

List of Subjects in 21 CFR Part 176

Food additives, Food packaging, Paper and paperboard.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61), Part 176 is amended in § 176.170(a)(5) by alphabetically inserting a new item in the list of substances, to read as follows:

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *

(5) * * *

List of substances	Limitations
* * *	* * *
Pentanoic acid, 4,4-bis [(*gamma-omega*-perfluoro-C_{8-20}-alkyl)thio] derivatives, compounds with diethanolamine (CAS Reg. No. 71608-61-2).	For use only as an oil and water repellent and used at a level not to exceed 8 pounds per ton of the finished paper or paperboard when such paper or paperboard is used in contact with nonalcoholic foods under conditions of use E through H described in table 2 of paragraph (c) of this section.
* * *	* * *

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before December 14, 1983 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that

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

Effective date. This regulation shall become effective November 14, 1983.

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

Dated: October 26, 1983.

Taylor M. Quinn,

Acting Director, Bureau of Foods.

[FR Doc. 83-30507 Filed 11-10-83; 8:45 am]

BILLING CODE 4160-01-M

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

25 CFR Part 700

Commissions Operations and Relocation Procedures; Hopi Reservation Evictees

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Final rule.

SUMMARY: This notice adopts final rules to implement 25 U.S.C. 640d–14, Pub. L. 96–305, the Navajo and Hopi Indian Relocation Amendments Act of 1980, to provide for the relocation of members of the Navajo Tribe who were evicted from the Hopi Indian Reservation as a consequence of the decision in the case of United States vs. Kabinto (456 F. 2d 1087 (1972)). This action is necessary because the Commission's existing regulations do not address the unique situation of those families who were evicted from the Hopi Indian Reservation. The intended effect of this action is to establish regulations which will provide certainty in the determination of which families are eligible to receive benefits and the nature of benefits they are to receive and to allow the Commission to move forward to provide benefits to those families impacted by the law.

EFFECTIVE DATE: December 14, 1983.

ADDRESS: Comments may be sent to Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona, 86002.

FOR FURTHER INFORMATION CONTACT: Paul M. Tessler, CFR Liaison Officer, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, AZ, 86002, Telephone (602) 779–2721.

SUPPLEMENTARY INFORMATION: The principal author of this final rulemaking is E. Susan Crystal, Attorney at Law, of the Navajo and Hopi Indian Relocation Commission.

The following is a section by section analysis of comments received.

Section 700.601 Definitions.

Comment regarding § 700.601(a) was received from the Navajo Tribe which objected to the use of the year 1972 as a cutoff date for establishing an applicant's status as head of household. The Navajo Tribe recommended that no date be used to define head of household but that eligibility be cut off on the date that benefits are provided. The Commission revised the definition to incorporate these comments. The final rule provides that an applicant must be a head of household as of the date of certification of eligibility for benefits. A cutoff date has been included which allows a one hundred twenty (120) day period for receipt of applications after the date of publication of this final rule.

Comment regarding § 700.601(d) was received from the Hopi Tribe indicating the need to define "equivalent assistance", and clarify the definition of Hopi reservation for purposes of this section. These comments were incorporated into the final rule.

Section 700.603 Eligibility.

Comments were received from the Navajo Tribe and the Hopi Tribe objecting to the use of "physical residence" as a requirement for determining eligibility. These comments were incorporated into the final rule which focuses on whether or not the applicant was evicted from the Hopi reservation as a consequence of the decision in U.S. v. Kabinto.

Section 700.605 Relocation Assistance.

Comments were received from the Hopi Tribe and the Navajo Tribe both pointing out that the proposed rule provided only for replacement housing and made no provision for other forms of relocation assistance. These comments were incorporated into the final rule.

Comment was received from the Hopi Tribe recommending that the amount of replacement housing benefits be correspondingly reduced by the amount of assistance already received from other federal agencies. This comment was not incorporated into the final rule.

Section 700.607 Dual Eligibility.

Comments were received from the Hopi Tribe and the Navajo Tribe recommending that evictees who move from the Hopi reservation to the Hopi partitioned lands receive preferential treatment under the general regulations. These comments were incorporated into the final rule.

Section 700.609 Appeals.

No comments were received regarding the proposed rule.

Section 700.611 Application deadline.

This section was added to provide a deadline for receipt of applications under this subpart. Applications must be received no later than one hundred twenty (120) days after publication of this final rule.

List of Subjects in 25 CFR Part 700

Administrative practice and procedure, Conflict of interests, Freedom of information, Grant program—Indians, Indian—claims, Privacy, Real property acquisition, Relocation assistance.

PART 700—[AMENDED]

Accordingly, the Commission is issuing, in final form, a new subpart to Part 700 of 25 CFR to read as follows:

Subpart P—Hopi Reservation Evictees

Sec.

Authority: Pub. L. 93–531, 88 Stat. 1712, as amended by Pub. L. 96–305, 94 Stat. 929 (25 U.S.C. 640d), unless otherwise noted.

Subpart P—Hopi Reservation Evictees

§ 700.601 Definitions.

(a) Hopi reservation evictees. Hopi reservation evictees are those members of the Navajo Tribe who were evicted from the Hopi Indian Reservation as a consequence of the decision in the case of *United States v. Kabinto* (456 F. 2d 1087) (1972).

(b) Head of household. (1) A household is group of two or more persons who live together at a specific location, who form a unit of permanent and domestic character.

(2) The head of household is the individual who speaks on behalf of the members of the household and who is determined by the Commission to represent the household.

(3) In order to be eligible for benefits under this section, an individual must be a head of household as of the date of certification for benefits.

(4) Those single individuals who actually maintain and support themselves as of the date of certification

for benefits shall be considered a head of household.

(c) Hopi reservation. For purposes of this subpart Hopi reservation shall mean the lands in Land Management District No. Six as defined in the September 28, 1962 Judgment in *Healing v. Jones* Civ. No. 579 PCT (d), Ariz., and shall not include the Hopi Partitioned Lands.

(d) Equivalent assistance from federal agencies. Housing provided for Hopi reservation evictees shall be considered equivalent assistance if it meets the Commission's standards for a decent, safe and sanitary dwelling under § 700.55 of these rules.

§ 700.603 Eligibility.

(a) Those heads of household who were members of the Navajo Tribe and were evicted from the Hopi reservation as a consequence of the decision in the *United States v. Kabinto* shall be eligible to receive relocation assistance on a preference basis.

(b) Proof of eviction shall be determined by one of the following criteria:

(1) Inclusion on the list of defendants in the case of *United States v. Kabinto* (456 F. 2d 1087) (1972);

(2) Inclusion on the lists prepared by the BIA dated May 10, 1979 and May 21, 1979 as a result of having provided services to those heads of household.

(3) Inclusion on a list prepared by the Navajo Tribe and submitted to the Commission on January 16, 1981;

(4) Inclusion on a list prepared by the Navajo Legal Aid Service dated April 29, 1970;

(5) Other evidence furnished by the applicant which is sufficient to prove their status as evictees from the Hopi reservation, as determined by the Commission.

§ 700.605 Relocation assistance.

(a) Each eligible head of household of Hopi reservation evictees shall be entitled to receive the following assistance:

(1) Relocation advisory services as provided in § 700.135 of this Part;

(2) Moving and search expenses, as provided in § 700.151 of this Part;

(3) Replacement housing payments as set forth below.

(b)(1) If the head of household owns no dwelling, the Commission will make funds available to the head of household as provided in these regulations for the acquisition of a replacement home in one of the following manners:

(i) Purchase of an existing home by the head of household,

(ii) Contracting by the head of household for the construction of a home,

(iii) Participation or purchase by the head of household in a mutual help housing or other home ownership project under the U.S. Housing Act of 1937 (50 Stat. 888, as amended; 42 U.S.C. 1401) or in any other federally assisted housing program.

(2) If the eligible head of household owns or is buying or building a home, the Commission will expend relocation benefits in one of the following manners:

(i) If the home is decent, safe and sanitary, but is encumbered by a mortgage, such mortgage existing as of the effective date of these regulations, the Commission may expend replacement housing benefits up to the maximum then existing replacement home benefit to accelerate to the maximum extent possible the achievement by that household of debt-free home ownership.

(ii) If the home is owned free and clear but does not meet Commission decent, safe and sanitary standards; or the home is neither owned free and clear, nor is decent, safe and sanitary, the Commission will, at its discretion either:

(A) Expend replacement home benefits for improvements to assure the home meets the Commission's decent, safe and sanitary standards, or

(B) Expend replacement home benefits for the acquisition of a replacement dwelling as if the eligible head of household or spouse did not own a home as in paragraph (b)(1) of this section.

(3) If the home is decent, safe and sanitary, and is owned free and clear, no replacement housing benefits will be paid.

(4) The amount of the replacement housing payment shall be calculated in accordance with § 700.183 of these rules except that no compensation will be paid for habitation and improvements.

(5) The determination of whether the head of household of Hopi reservation evictees currently occupies a decent, safe and sanitary dwelling shall be made in accordance with § 700.55 of these rules.

(C) If the head of household has received equivalent assistance from other federal agencies as defined in § 700.601(d), they shall not be entitled to additional assistance from the Commission.

§ 700.607 Dual eligibility.

Those individuals who moved from the Hopi reservation following eviction to the Hopi Partitioned Lands and who are eligible to receive benefits under the general regulations shall not receive benefits under this subpart but shall receive benefits under the general regulations on a preferential basis.

§ 700.609 Appeals.

Appeals of eligibility, hearings and administrative review (appeals) will be administered under Subpart L of this Part.

§ 700.611 Application deadline.

The deadline for receipt of applications for benefits under this subpart shall be 120 days following publication of these final rules.

Ralph Watkins,

Chairman, Navajo-Hopi Indian Relocation Commission.

[FR Doc. 83-30548 Filed 11-10-83; 8:45 am]

BILLING CODE 7550-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

706 Agencies; Designations

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final Rule: amendment.

SUMMARY: The Equal Employment Opportunity Commission amends its regulations on certified designated 706 agencies. Publication of this amendment effectuates the designation of the West Virginia Human Rights Commission, Philadelphia Commission on Human Relations, and Pennsylvania Human Relations Commission as certified 706 Agencies.

EFFECTIVE DATE: November 14, 1983.

FOR FURTHER INFORMATION CONTACT: Hollis Larkins, Equal Employment Opportunity Commission, Office of Program Operations, Special Services Staff, 2401 E Street NW., Washington, D.C. 20507, telephone 202/634-6806.

SUPPLEMENTARY INFORMATION: The Commission has determined that the West Virginia Human Rights Commission, Philadelphia Commission on Human Relations, and Pennsylvania Human Relations Commission meet the eligibility criteria for certification of a designated 706 agency as established in 29 CFR 1601.75(b). In accordance with 29 CFR 1601.75(c) the Commission hereby amends the list of certified designated 706 agencies to include the West Virginia Human Rights Commission, Philadelphia Commission on Human Relations, and Pennsylvania Human Relations Commission. Publication of this amendment to Section 1601.80 effectuates the designation of the following agencies as certified 706

agencies: West Virginia Human Rights Commission, Philadelphia Commission on Human Relations, and Pennsylvania Human Relations Commission.

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure, Equal employment opportunity, Intergovernmental relations.

PART 1601—[AMENDED]

§ 1601.80 [Amended]

Accordingly, 29 CFR Part 1601 is amended in § 1601.80 by adding the West Virginia Human Rights Commission, Philadelphia Commission on Human Relations, and Pennsylvania Human Relations Commission in alphabetical order.

(42 U.S.C. 2000e–12(a))

Signed at Washington, D.C. this 1st day of November 1983.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

[FR Doc. 83-30823 Filed 11-10-83; 8:45 am]

BILLING CODE 6570-06-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 420

[WH-FRL 2470-8]

Iron and Steel Manufacturing Point Source Category Effluent Limitations Guidelines; Correction

AGENCY: Environmental Protection Agency.

ACTION: Notice of Correction.

SUMMARY: EPA is correcting a minor error in the October 14, 1983 Federal Register (48 FR 46942) notice of final and interim amendments to the effluent limitation guidelines and standards for the Iron and Steel Manufacturing Point Source Category.

FOR FURTHER INFORMATION CONTACT: Mr. Ernst P. Hall, Effluent Guidelines Division (WH–552), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Telephone (202) 382–7126.

DATES: This correction is effective November 14, 1983. The comment period on the interim regulation, corrected here, closes on November 14, 1983.

Correction

In the **Federal Register** notice published on October 14, 1983, (48 FR 46942), a correction is required as follows:

On page 46943, column 2, line 8; change: "40 CFR 420.03" to "40 CFR 420.04".

Dated: November 9, 1983.

Steven Schatzow,

Acting Assistant Administrator for Water.

[FR Doc. 83-30783 Filed 11-10-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 61 and 64

[Docket No. 20840; FCC 83–479]

Use of Recording Devices in Connection With Telephone Service

AGENCY: Federal Communications Commission.

ACTION: Memorandum opinion and order.

SUMMARY: The Commission reconsidered and clarified its 1981 order in Docket 20840 in which it modified its policies concerning the use of recording devices in connection with telephone service to allow mutual consent as an alternative to the beep tone requirement and adopted three exceptions in which the recording party need not obtain prior consent from the other party nor use a beep tone. In response to requests for clarification or reconsideration, the Commission broadened the exception for law enforcement recording; clarified that consent to record must be obtained prior to the recording; and specified that under the emergency exception, emergencies are to be defined broadly. The reconsideration and clarification are in response to petitions filed by the American Telephone and Telegraph Company, the Department of Defense and the Department of Justice.

FOR FURTHER INFORMATION CONTACT: Barry Lambergman (202) 632–6917.

Memorandum Opinion and Order

In the matter of use of recording devices in connection with Telephone Service; Docket No. 20840.

Adopted: October 19, 1983.
Released: October 27, 1983.

By the Commission: Commissioner Quello absent.

I. Introduction

1. Before the Commission are three petitions for clarification or reconsideration of portions of our Memorandum Opinion and Order in this proceeding, 86 FCC 2d 313 (1981) *(Order)*, filed by American Telephone and Telegraph Company (AT&T),[1] the U.S. Department of Defense (DOD), and the U.S. Department of Justice (Justice).[2] In that decision, *inter alia*, we modified our policies concerning the use of recording devices in connection with telephone service to allow mutual consent to record as an alternative to the beep tone requirement, and we adopted three exceptions under which the recording party need neither obtain consent of the other party nor use a beep tone.[3]

2. The petitions for clarification or reconsideration do not question our decision to allow mutual consent as an alternative to the beep tone, although Justice and UTC raise the more fundamental question of the authority of the Commission to regulate in this area at all. Rather, the petitions seek clarification or embellishment of the specifics of this framework. Thus, they argue that our exception for court-ordered wiretaps is drawn too narrowly. In addition, AT&T asks us to: (1) Declare that consent must be given prior to recording; (2) prescribe the method for obtaining oral consent; (3) declare that the burden should be on the recording party to prove consent; and (4) clarify our exception concerning emergencies.

3. Upon further reflection, and without reaching the issue of the Commission's authority, we have come to the conclusion that there are sound reasons to discontinue regulation in this area altogether, rather than to continue to refine a regulation whose efficacy and lawfulness have been called into serious question. Accordingly, we will issue a Further Notice of Proposed Rulemaking to solicit comments on our proposal to vacate the current tariff prescription order and revoke § 64.501 of the Rules, 47 CFR 64.501.[4]

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[1] AT&T's petition is for clarification only. AT&T also requested in its petition that the time for filing revised tariffs to comport with the order be extended until after the Commission resolved the petition for clarification. That extension was granted by the Chief, Common Carrier Bureau, Mimeo No. 4558, released June 14, 1982.

[2] The American Automobile Association (AAA) and Delphi Communications Corp. (Delphi) have each filed oppositions to AT&T's petition, and the Utilities Telecommunications Council (UTC) has replied to Delphi's opposition.

[3] The first exception is for incoming calls made to telephone numbers publicized for emergencies and outgoing calls made in immediate response. The second is for recording incoming calls made for patently unlawful purposes, such as bomb threats, kidnap ransom requests, and obscene telephone calls, and outgoing calls made in immediate response to such calls. The third exception is for recordings made pursuant to an explicit and lawful order of a court issued pursuant to 18 U.S.C. 2516, 86 FCC 2d at 321.

[4] This section requires telephone common carriers to use a beep tone device or obtain all party consent

Continued

4. In the meantime, however, leaving open the possibility that the comments persuade us that it is in the public interest to retain some restrictions, we resolve below the other issues raised in the petitions for clarification or reconsideration.

II. Petitions for Clarification or Reconsideration

A. Consent To Record

5. In its petition for clarification, AT&T poses three requests concerning consent. First, under the supposition that our *Order* is unclear on the requirement that consent be obtained prior to recording, it asks that we amend the ordering clauses to specify prior consent. Second, noting that our order does not mandate the manner in which verbal consent is to be obtained, it asks that we require such consent to be recorded. Lastly, AT&T asks that we place the burden of proof on the recording party to demonstrate that consent to record has been properly obtained.

6. AAA and Delphi each partially oppose AT&T's request for clarification. They argue that the requirement of recording the actual consent would be an unnecessary regulation and that the method of obtaining consent should be left to the recording party. Delphi believes that the caller who speaks to an answering service, for instance, is effectively on notice that the conversation is being recorded. Therefore, it reasons, consent to record may be inferred, and the burden of requiring consent to be recorded would be disruptive to the operation of telephone answering systems.

7. After carefully considering the above arguments, we will grant AT&T's request in part. We clearly intended that consent to record be obtained prior to recording a conversation. We will therefore clarify paragraph 23 of the Order to specify that the "all party consent requirement" is satisfied only if the consent is obtained prior to recording the conversation.[5] Moreover, while we recognize AAA's and Delphi's concern that the method of obtaining consent remain flexible, we are persuaded that if there is to be any possibility of enforcement, the consent, if verbal, must be recorded. Thus, if a telephone company's investigation into alleged non-consensual recording discloses a conflict between the parties to the conversation on the matter of consent, the recording party will have to provide taped or written evidence that consent was obtained. At the same time, of course, as with all tariff prohibitions, the carrier will bear the burden of proving that a violation has occurred before it implements any enforcement procedures.

B. Exceptions

8. In our *Order*, we adopted three limited exceptions to our requirement of either a beep tone or all party consent prior to recording a telephone conversation. The first of those exceptions is "for incoming calls made to telephone numbers publicized for emergencies and outgoing calls made in immediate response." 86 FCC 2d at 321. AT&T requests that we clarify our intent with respect to the scope of this exception. It asks whether the definition is limited to fire, health care, and police type emergencies or whether it also includes situations such as emergency road service, emergency electrical outages, chemical emergencies, gas leaks, water main breaks, and downed electrical wires. AT&T further asks us to clarify what we mean by "health care emergencies."

9. Simply put, when we adopted this exception we intended to broadly define emergencies, including health emergencies. The exception is not limited to police, fire, and ambulance services, but rather is intended to also include numbers publicized to handle situations such as gas leaks, emergency road service, and chemical emergencies. In order words, we intend this emergency exception to include telephone numbers publicized for any emergency where health or safety of life and property is at stake.

10. Another exception to the beep tone or mutual consent requirement is "for recordings made pursuant to an explicit and lawful order of a court issued pursuant to 18 U.S.C. 2516." AT&T, DOD and Justice all claim that this exception is too narrowly drawn, and ask that the exception be broadened to include: (a) Interceptions authorized pursuant to the Foreign Intelligence Surveillance Act of 1978 (Foreign Intelligence Act), 50 U.S.C. 1801 *et seq.*, and (b) emergency and other electronic surveillance permitted without a court order pursuant to the Omnibus Crime Act. In addition, AT&T asks that the exception be extended to include lawful electronic surveillance by state law enforcement authorities, while DOD asks that the exception include communication security monitoring conducted by the National Security Agency pursuant to Executive Order 12036, 43 FR 3682, 3683 (1978), United States Code Cong. & Ad. News 7 at 9650–9652. Lastly, DOD and Justice both argue that the wording in our exception should be revised to delete the words "explicit and lawful." They claim that such wording seems to place an obligation on the common carrier to verify the validity of the order. Without such wording, according to petitioners, the common carrier would be able to comply with the order automatically when it is presented.

11. We agree that the exception for recordings made pursuant to a court order should be clarified and expanded. We agree with the DOD and Justice argument that a common carrier should be able to assist law enforcement officials by providing an interception pursuant to a court order without having to judge the lawfulness of that order independently. Thus, the words "explicit and lawful" will be deleted. Moreover, it is not our intention to interfere with federal communications security monitoring or legitimate recording by law enforcement or federal intelligence agencies. We agree therefore that our exception should be broad enough to encompass recordings authorized by court orders issued pursuant to statutes in addition to the Omnibus Crime Act, as well as law enforcement and federal intelligence recordings and communications security monitoring permitted without a court order by the Omnibus Crime Act, other statutes or Executive Order. Accordingly, we will amend the third exception (Order, Para. 21) as follows:

> The third exception is for recordings made by Federal, State, or local law enforcement authorities or federal intelligence authorities acting under color of law. We adopt this exception so that our requirement will not hinder law enforcement efforts.

III. Conclusions and Ordering Clauses

12. As discussed above, after considering the arguments presented here, we have decided to broaden the exception for law enforcement recording. Additionally, we have clarified that the consent to record must be obtained prior to the recording; that the consent, if verbal, must be recorded; and that "emergencies" are to be defined broadly in the exception "for incoming calls made to telephone numbers publicized for emergencies and outgoing calls made in immediate response." Finally, in a separate document we are issuing a notice of proposed rulemaking to solicit comments on our proposal to discontinue regulation in this area.

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before recording a telephone conversation between a member of the public and a person acting for or employed by the common carrier.

[5] The ordering paragraph 25, however, which directs carriers to revise their tariffs to comport with the Order, does not need revision as it is already broad enough to include the requirement of prior consent.

13. Accordingly, it is ordered, That, the petitions for clarification or reconsideration filed by American Telephone and Telegraph Company, the U.S. Department of Defense, and the U.S. Department of Justice are granted to the extent indicated above and are otherwise denied.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-30546 Filed 11-10-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 80-520; RM-3358; RM-3795; RM 3796]

FM Broadcast Stations in Aguada, Arecibo, Cidra, Lajas, Manati, Mayaguez, Quebradillas, Utuado, and Cabo Rojo, Puerto Rico; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action denies the Petition for Reconsideration filed by Jose Arzuaga of the *Report and Order*, 51 R.R. 2d 1329 (1982), which denied the proposal to change three existing FM stations in Puerto Rico from Class A to Class B channels and to make a new Class A assignment at Lajas, Puerto Rico.

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

FOR FURTHER INFORMATION CONTACT: Arthur D. Scrutchins, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Memorandum Opinion and Order

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Aguada, Arecibo, Cidra, Lajas, Manati, Mayaguez, Quebradillas, Utuado and Cabo Rojo, Puerto Rico); BC Docket No. 80-520, RM-3358, RM-3795, RM-3796.

Adopted: October 14, 1983.
Released: November 2, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the Petition for Reconsideration of the *Report and Order*, 51 R.R. 2d 1329 (1982), which denied the proposal to change three existing FM stations in Puerto Rico from Class A to Class B channels and to make a new class A assignment at Lajas, Puerto Rico.[1] The petition was filed by Jose J. Arzuaga ("Arzuaga") licensee of FM Station WREI, Quebradillas, Puerto Rico. Oppositions were submitted by Guayama Broadcasting Company, Inc. ("Guayama"), licensee of Station WXRF-FM, Guayama, Puerto Rico, and jointly by Radio Americas Corporation ("Americas"), licensee of FM Station WIOA, Mayaguez, Puerto Rico, and Arecibo Broadcasting Corporation ("Arecibo"), licensee of FM Station WMLD, Manati, Puerto Rico. Arzuaga replied to the oppositions.[2] In addition, David Ortiz Radio Corporation has filed a petition to reassign Channel 279 from Lajas to Cabo Rojo. Although the petition was filed too late to be treated as a formal request in this proceeding, we have treated the pleading as comments in support of the Arzuaga petition. See par. 13, *infra*.

2. In the *Notice of Proposed Rule Making*, 45 FR 45602, published July 7, 1980, we held that an adequate public interest basis for the proposals had not been fully established. However, rather than denying the petition at that time, we found that further discussion seemed appropriate in order to afford adequate opportunity for ascertaining the public interest factors.

3. Originally, in support of their proposal, petitioners claimed that the modifications would remedy the inability of their Class A stations to serve their own "municipios," improve their present service, provide a greatly expanded service over a wide area of Puerto Rico, create a new Class A station, eliminate a present short-spacing between two FM stations and better enable the stations to compete with existing Class B stations (*Notice*, para. 9).

4. In response, we reiterated that the term "municipio" corresponds to a county in the United States and is to be distinguished from a pueblo or town. *WSTE-TV Inc.* (F.C.C. 79-821, December 1979). Therefore, it was the boundaries of the pueblo rather than the municipios which were relevant for the Commission's principal city coverage requirements. We found that Class B assignments were not necessary for the purpose of providing adequate signal coverage to the pueblo.

5. Although petitioners further claimed that their proposal would greatly improve their present service area, we found in the *Report and Order* that substantial improvements could be made by less disruptive means than by changing the frequencies of four existing stations. For these four stations, we noted that planned improvements of their coverages would also be affected by the changeovers. Instead, we favored another alternative for improving the Class A stations' coverages by our recent action in BC Dkt. 81-421, *Increased Antenna Height of Class A Stations in Puerto Rico*, 48 FR 24898, published June 3, 1983, wherein the Commission approved an increase in the antenna height for all Class A stations in Puerto Rico from 300 feet to 1100 feet. Such an increase was thought to provide substantial improvement for the specific Class A stations involved here.

6. Concerning the new Class A assignment (Channel 249A to Lajas), we noted that this community could be assigned a Class B channel (279) instead without any change in channels for existing stations. We also had received a counterproposal for the assignment of Channel 279 to Cabo Rojo. We determined that Lajas had no local aural service and the assignment would be its first full-time FM service whereas Cabo Rojo has a full-time AM station. Thus, we assigned Channel 279 to Lajas. We further noted that the assignment of Channel 279 to Lajas could be used at Cabo Rojo, if applied for under the fifteen-mile rule (see § 73.203(b)). On the basis of the above findings, we concluded that petitioners had failed to adequately support their case by demonstrating an inability to serve their communities of license or by otherwise showing that their proposal would be in the public interest.

7. In its Petition for Reconsideration, Arzuaga opposes the assignment of Channel 279 to Lajas. Arzuaga contends that the mileage separation requirements severely limit the available transmitter sites to the lower elevation areas where intervening terrain would cause a shadow over much of Lajas unless a 1,000 foot tower is used. In addition, Arzuaga argues that the Sierra Bermeja Mountains would shadow the "La Parguera" tourist resort area which petitioner claims is a significant economic contributor to the

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[1] The three channel assignments requested to be upgraded were: Channel 281 for Aguada (to replace 288A), Channel 248 for Cidra (to replace Channel 249A); and Channel 256 for Quebradillas (to replace Channel 252A). These substitutions would have required four other substitutions of channels for existing Puerto Rican FM stations: Channel 251 for Channel 293 at Arecibo (WNIR-FM), Channel 293 for Channel 245 at Manati (WMLD), Channel 291 for Channel 248 at Mayaguez (WIOA) and Channel 279 for Channel 281 at Utuado (WERR).

[2] Guayama opposed a later filing by Arzuaga of a "Reply to Supplement of Radio Americas." The supplemental pleading of Radio Americas brought the Commission's attention to the filing by David Ortiz Radio Corporation of an application for a permit to construct a new FM station on Channel 279 at Cabo Rojo, Puerto Rico. Upon review of the supplement, it appears that it merely informs the Commission of facts already on record. Consequently, the supplement and any responsive pleadings need not be accepted in order for the Commission to consider this additional information.

Lajas market. Consequently, Arzuaga contends that any station licensed to Lajas must be able to cover the resort area.

8. Arzuaga speculates that the cost for a 1,000 foot tower is prohibitive and would deprive Lajas of its first aural service. Arzuaga reiterates that the use of alternate Channel 249A would permit a site on Sierra Bermeja Mountains which he claims would adequately cover the entire community of service without shadows. Although Channel 249A cannot be used unless all of the frequency changes in the original proposal are made, Arzuaga argues that the proposed changes would not prevent the three Class B stations from improving their coverage. Arzuaga concedes that the instant proposal limits the land area available to the existing licensees for site selection, however, he states that there are suitable alternate transmitter locations. Finally, Arzuaga asserts that the instant proposal eliminates two short-spaced operations and would possibly create another assignment (Channel 282) in eastern Puerto Rico.

9. In their Oppositions, Guayama, Americas, and Arecibo (opponents) contend that the Bureau properly denied WREI's petition. Opponents assert that no new arguments were presented and a petition for reconsideration may rely on new facts only in certain circumstances, none of which is presented here. Therefore, they argue that the petition should be dismissed, citing § 1.429 of the Commission's Rules. Guayama further argues that Arzuaga's counterproposal of alternative FM channels in Puerto Rico is untimely since counterproposals, if they are to be considered, must be presented at the comment stage. Guayama notes that no party has expressed an interest in the proposed FM channel assignment (Channel 282). Lastly, Guayama contends that Arzuaga has presented no evidence that the short-spaced channels cause any problems in providing needed FM broadcast service in Puerto Rico, or that the affected stations have suffered adverse consequences.

10. In reply, Arzuaga contends that the possibility of assigning Channel 282 was previously mentioned in a preclusion study submitted in the instant proceeding. Arzuaga submitted a letter from Francisco Resto expressing an interest in filing an application for Channel 282 at Naguabo, Puerto Rico. Petitioner reasserts; (1) that alternative site possibilities are available for existing licensees to make improvements, (2) that it is in the public interest to create a first local service for Naguabo, and (3) that the community of license is the municipality and not simply the pueblo as determined by the Commission. Petitioner maintains that it would not be economically viable for a permittee to construct a station at Lajas. Petitioner concludes that the assignment of Channel 279 is inadequate and will perpetuate a lack of FM service to the area.

11. Section 1.429 of the Commission's Rules sets out the limited provisions under which the Commission will reconsider a rulemaking action. The Commission will not reconsider arguments in a petition for reconsideration that have already been considered. *Eagle Broadcasting Co. v. F.C.C.*, 514 F. 2d 852 (D.C. Cir. 1952). We agree that the petitioner presents no new arguments with regard to its original Channel 249A proposal which the Commission failed to consider in its *Report and Order*. While opposing the assignment of Channel 279 to Lajas, the petitioner reiterates the same arguments previously advanced in its petition for rulemaking. Thus, we will only consider the merits of the Channel 249A proposal to the extent that it is relevant to our reconsideration of the Channel 279 assignment.

12. Based on its own engineering study, petitioner argues that the requirement for a 1,000 foot tower probably would preclude the installation of a new station for Lajas due to the prohibitive cost. However, a profile study performed by our staff indicates that a 670 foot tower (plus antenna) should be adequate to provide an almost shadow free coverage of Lajas from the site mentioned by the petitioner (the highest point in the Penones de Melones—106 meter elevation). More important, however, it was discovered from an analysis of the terrain, that by moving the antenna site about 1/2 mile to the southeast of the point specified by the petitioner, to a 60 meter elevation site, a less obstructed path could be obtained. The study indicated that from this site and with an antenna height of about 380 feet (plus antenna) adequate city coverage of Lajas can be provided. Thus it appears that a suitable site for a Class B station with average height should be available to give satisfactory coverage. As for the La Parguera resort area, coverage of the region, while it may be attractive to a licensee, is not a technical requirement of our allocation rules. Therefore, we do not agree with Arzuaga that coverage of the resort is a necessary consideration for the assignment of Channel 279 to Lajas.

13. As for Ortiz' petition to reassign Channel 279 from Lajas to Cabo Rojo, Ortiz argues that contrary to the Commission's decision in the *Report and Order, supra*, petitioner was unable to designate Cabo Rojo as its community of license pursuant to § 73.203(b), since Cabo Rojo had one FM assignment (Channel 221A) which is in use at Hormigueros and which has been proposed for deletion from Cabo Rojo. Ortiz further argues that Channel 279 cannot be located to provide the requisite coverage to Lajas. Ortiz notes that although there is a proposal pending to assign Channel 272A to Cabo Rojo, this channel does not represent a viable alternative since the channel allegedly cannot provide city grade service to Cabo Rojo.

14. We believe that it would not be in the public interest to reassign Channel 279 from Lajas to Cabo Rojo based on the comparative factors relied upon in the *Report and Order, supra*. We note that two applications for Channel 279 at Lajas (Bonnet Associates, File No. 830420AC and FM Minority Broadcasting, File No. 830429AK) are currently on file and our determination in paragraph 12, *supra*, that a grant of a construction permit at Lajas can be made in compliance with the Commission's technical rules. As for the proposal to assign Channel 272A, the pertinent issues are being considered in BC Dkt. 82–729. In that proceeding, we recently assigned Channel 272A there to provide interested parties an opportunity to operate a first FM service at Cabo Rojo.

15. As for the availability of Channel 282, the fact that it was mentioned in a preclusion study does not automatically raise it to the level of a counterproposal. The interest expressed in Channel 282 by Resto was not specifically advanced as a counterproposal in a timely fashion. Therefore, the proposed assignment of Channel 282 to Naguabo is untimely and cannot now be considered as a counterproposal in the instant proceeding.

16. In view of the above, it is ordered, That the Petition for Reconsideration, filed herein by Jose Arzuaga, is denied.

17. It is further ordered, That the Petition for Rule Making, filed by David Ortiz Radio Corporation, is denied.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-30552 Filed 11-10-83; 8:45 am]

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INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1003, 1043, and 1084

[Ex Parte No. MC-5; Sub-2; Ex Parte No. 159; Sub-1]

Motor Carrier and Freight Forwarder Insurance Procedures and Minimum Amounts of Liability

AGENCY: Interstate Commerce Commission.

ACTION: Notice of final rules.

SUMMARY: The Commission is adopting requirements for filing evidence of security for the protection of the public. It is permitting aggregation of coverage through multiple policies from the first dollar of coverage for bodily injury and property damage liability for motor carriers of passengers, freight forwarders, and for all motor carriers of property operating fleets composed only of those freight vehicles having gross vehicle weight ratings (GVWR) of under 10,000 pounds which are not subject to regulation by the Department of Transportation. Previously, the Commission authorized aggregation of coverage for motor carriers of property subject to regulation by both the Commission and the Department of Transportation.

The Commission is also permitting aggregation of coverage, through multiple policies from the first dollar of coverage for cargo liability for motor common carriers of property and for freight forwarders.

The financial standard for qualifying insurance and surety companies is being eliminated. Any state authorized insurer or surety company which underwrites the liability of a motor carrier or freight forwarder will be allowed to make filings with this Commission.

The Commission is also increasing the minimum amounts of bodily injury and property damage liability for freight forwarders operating motor vehicles to the same limits required for motor property carriers subject also to minimum finanical security requirements of the Department of Transportation.

The minimum limits for motor property carriers operating vehicles in transportation which is subject only to Commission's security requirements are being changed to a single limit of $300,000 for bodily injury and property damage liability.

The Commission is adopting these final rules in order to eliminate any conflict with the insurance rules of the U.S. Department of Transportation, thereby easing the burden on small entities. These rules now conform to the statutory requirements under Sections 29 and 30 of the Motor Carrier Act of 1980 and the Surface Transportation Assistance Act of 1982, codified as 49 U.S.C. 10927.

EFFECTIVE DATE: January 13, 1984.

FOR FURTHER INFORMATION CONTACT:

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or

Maragret Richards, (202) 275-1538.

SUPPLEMENTARY INFORMATION:

Background

The Commission, by decision served December 13, 1982, in *Ex Parte No. MC-5 (Sub-No. 1)*, adopted insurance rules and procedures which conform to the rules and regulations prescribed by the U.S. Department of Transportation (D.O.T.) in 49 CFR Part 387. The rules were published in the **Federal Register** on December 14, 1982, at 47 FR 55939. Our rules were postponed and later modified on September 16, 1983. (48 FR 43331, September 23, 1983.) The final rules adopted permitted aggregation of coverage through multiple policies for motor carriers of property having freight vehicles with gross vehicle weight ratings (GVWR) of 10,000 pounds or more and those operating freight vehicles of any size transporting certain hazardous commodities, from the first dollar amount of coverage for bodily injury and property damage liability.

In the *(Ex Parte No. MC-5 (Sub-No. 1)* proceeding, the U.S. Department of Transportation and the Professional Insurance Agents stated that the Commission's method of qualifying insurance and surety companies, which included meeting a minimum financial standard, should be eliminated. They recommended that the Commission adopt D.O.T.'s qualification regulations which simply recognize state authorizations, and have no minimum financial standard requirement.

The Commission found, however, that the notice to the public in the *Sub-No. 1* proceeding was not broad enough to allow us to change our insurance and surety company qualification requirements and instituted this proceeding. In this proceeding we proposed eliminating all insurance and surety company qualification requirements beyond those adopted by the Department of Transportation.

In this proceeding, we also proposed:

- Permitting aggregation of policies to provide public liability protection for motor carriers of passengers, freight forwarders, and for motor carriers of property not subject to regulation by the Department of Transportation. (Those are fleets which include only vehicles having gross vehicle weight rating (GVWR) of under 10,000 pounds that do not transport specified hazardous commodities.)
- Increasing the minimum amounts of bodily injury and property damage liability for freight forwarders operating motor vehicles to the same limits required by the Department of Transportation for motor property carriers.
- Replacing the limits for bodily injury and property damage for freight forwarders and motor carriers operating vehicles under 10,000 pounds GVWR to a combined single limit of $300,000.

In addition, comments and/or suggestions were requested regarding establishing procedures for the collection of processing fees from insurance and surety companies, if the number of eligible companies increases. Comments were also requested concerning whether any problems exist which would warrant extending aggregation to cargo liability coverage and property broker surety bonds.

The Commission on, December 14, 1982, published a Notice of Proposed Rulemaking in the **Federal Register** at 47 FR 55976, which invited written comments from all interested parties on the subject issues and proposals. Statements regarding these proposals were received from the following nine (9) respondents:

Alliance of American Insurers
American Bus Association (ABA)
American Trucking Associations, Inc. (ATA)
Corroon & Black/Dawson & Co., Inc.
National Association of Casualty & Surety Agents (NACSA)
National Association of Independent Insurers (NAII)
National Association of Professional Insurance Agents (PIA)
Truck Insurance Exchange
U.S. Department of Transportation (DOT)

Comments and Discussion

We have reviewed and carefully considered all comments received, and have found them to be very helpful in reaching conclusions regarding these rules. Although most of the comments did not address all of the proposals, they were generally favorable to their thrust and were specifically supportive of all the particular proposals they did address. ATA favors extending aggregation even further to the aggregation of cargo liability coverage. While PIA generally supported the proposals, its comments also strongly

urged legislative action to remove the statutory filing requirements in order to unify and simplify the security requirements imposed on carriers now subject to both I.C.C. and D.O.T. regulation. We will address the proposed issues in the order in which they appeared in the Notice of Proposed Rulemaking and make reference to the comments where helpful to the discussion. The final rules, reflecting our conclusions, appear at the end of this decision and, in some instances, editorial revisions are being made solely to update statutory references.

Qualifications of and Agreements With Insurance and Surety Companies

At present, the Commission only accepts evidence of insurance and surety bonds from companies which possess and maintain surplus funds (policyholders' surplus) of not less than $1 million. This minimum is determined on the basis of the value of assets and liabilities as shown in the financial statements filed with and approved by the insurance regulatory authority of the state of domicile of the insurance or surety company. We are eliminating this financial resources standard for insurance and surety companies under § 1043.8(b) and § 1064.6(b) because we believe this standard no longer serves a useful purpose and that it unnecessarily duplicates state regulation. Effective insurers and sureties will have to comply only with the state authority and designation of agent requirements of the States to be eligible to write policies and bonds for any carrier, broker, or freight forwarder under I.C.C. jurisdiction.

Each authorized insurance and surety company has on file with the Commission a written agreement which states that the insurer or surety will furnish a designation in writing of the name and address of a person upon whom court process may be served for a state in which it is not authorized to issue policies or bonds. We have rarely had to seek information under these agreements. Thus we are also eliminating this requirement, eliminating the necessity of executing an agreement with each insurer and lessening the paperwork burden of both the insurer and this Commission. We have incorporated a statement of certification of state authority in each certificate of insurance filed with the Commission and will incorporate a similar certification on all surety bonds filed with the Commission. We believe that a certification statement of this type from an insurer or surety company adequately protects the public from companies not in compliance with state requirements.

Fees and Fees Payment

Until November 1, 1982, companies had been assessed processing fees on an annual basis for the filings they made on behalf of their insureds during the preceding year. On that date, the Commission instituted the practice of monthly billing, see 49 CFR 1002.2(d) item 39, 47 FR 43068 (September 30, 1982). The fee per accepted certificate of insurance or surety bond is $10, with a minimum annual service fee of $50 for each insurer or surety company making filings. In the Notice of Proposed Rulemaking, we requested suggestions regarding how the Commission can minimize potential problems in collecting these fees, if the number of insurance and surety companies eligible to make filings increases.

We have decided that the most effective approach is to have those companies failing to pay processing fees prohibited from making additional security filings with the Commission while their bills are in arrears. The Commission's staff, will maintain and make available, on informal request, a list of those companies which fall into default for payments due. Those carriers for which a defaulting company has filed evidence of security will be advised to obtain replacement coverage in a reasonable time.

The Truck Insurance Exchange states that the Commission is concerned about a problem which will not occur. It contends, and we agree, that, since it is in the best interest of companies to be able to make the filings and remain in a position to write and retain business, few insurers will fail to pay these fees.

Aggregation

The final rules will permit aggregation of insurance for motor carriers of passengers, freight forwarders and for all motor carriers of property, including those operating only those freight vehicles having gross vehicle weight ratings of less than 10,000 pounds which are not subject to any minimum coverage requirements under D.O.T. regulation. The aggregation allowed may be from the first dollar amount of coverage for bodily injury and property damage liability. Aggregation means the provision of the required insurance amount for one carrier risk by more than one insurance company so that multiple policies provide the required coverage; See discussion in *Ex Parte No. MC–5 (Sub-No. 1)*, published at 47 FR 55942, December 14, 1982.

American Trucking Associations, Inc., believes the aggregation privilege should not be denied for cargo liability coverage arguing that "if motor carriers and insurers find that there is a benefit in aggregating coverage, they should be allowed to do so." We agree. As a general matter, aggregation is cost-effective and is being authorized should small carriers find it advantageous. Our Form B.M.C., 32 endorsement and Form B.M.C. 34 certificate of insurance will be revised to allow aggregation from the first dollar of coverage. This will also require some revision of our Form B.M.C. 35 Notice of Cancellation motor carrier policies of insurance.

Freight Forwarder Limits of Liability

The insurance regulations of D.O.T. apply to any motor vehicle transporting described hazardous commodities in interstate or foreign commerce and to those of 10,000 pounds or more GVWR which are engaged in the transportation of nonhazardous property. Therefore, vehicles operated by or under the direction and control of a freight forwarder in the performance of transfer, collection or delivery service, are subject to D.O.T.'s insurance rules, or this Commission's rules alone, according to the size of the vehicle and the commodities transported. We have increased the limits of liability for freight forwarders here in order to make these requirements conform with D.O.T.'s requirements and with our requirement for motor carriers conducting operations not subject to D.O.T.'s requirements. Similarly freight forwarders operating motor vehicles are being made subject to the same cargo liability requirements as motor carriers. It would be unreasonable to maintain different limits of liability on a motor vehicle dependent on whether the operator is a freight fowarder or a motor carrier of property.

As a paper reduction measure, we are not establishing separate freight forwarder insurance and surety bond forms and will require freight forwarders to file the motor carrier insurance and surety bond forms which have been modified for this use. The final rules under Section 1084 reflect the requirement that motor carrier forms be used by freight forwarders as their evidence of security.

In response to the Truck Insurance Exchange's concern that there may be confusion about the effective date, we note that the new liability limits will be effective 60 days from publication of this notice in the **Federal Register**. They are not retroactive.

Small Freight Vehicles, Limits of Liability

In this proceeding, we are adopting a combined or split single limit of $300,000

for bodily injury and property damage liability for motor carriers and freight forwarders of property operating those vehicles with a gross vehicle weight rating of under 10,000 pounds which are not subject to regulation by D.O.T. This is fully supported by the comments and will provide uniformity with respect to this aspect of our financial responsibility program when all our new rules become effective.

Passenger Carriers

As stated in the Notice of Proposed Rulemaking, Congress has enacted legislation which adopts a single limit for bodily injury and property damage, liability for passenger carriers, depending on the seating capacity of the passenger vehicle. Hence, the level of passenger carrier insurance requirements will be re-addressed by us upon adoption of provisions under Section 18 of the Bus Regulatory Reform Act of 1982 (the BRRA) by the Secretary of Transportation. To implement those requirements, the Federal Highway Administration of the Department of Transportation (D.O.T.) published a Notice of Proposed Rulemaking, on May 31, 1983, 84 FR 24147, which at p. 24152 proposes the following schedule of limits of public liability, for for-hire motor carriers of passengers operating in interstate or foreign commerce:

Vehicle seating capacity	Effective dates	
	Nov. 19, 1983	Nov. 19, 1985
(1) [Any vehicle] with a seating capacity of 16 passengers or more.	$2,500,000 to $5,000,000.	$5,000,000
(2) [Any vehicle] with a seating capacity of 15 passengers or less.	$750,000 to $1,500,000.	1,500,000

Unless D.O.T. establishes lower limits (within the described range) by November 19, 1983, the limits listed for November 19, 1985, will, by operation of law, become effective on that earlier date. Thus, it is certain that new limits for passenger carriers, which are subject to both I.C.C. and D.O.T. minimum limits requirements, will be increased by November 19, 1983, to either the statutory limits listed in the second limits column or a lower limit established by D.O.T. within the range appearing in the first limits column. In light of the certainty of these major changes in limits requirements and the additional requirement of Section 18 of the BRRA that the Commission require security "in an amount not less than" prescribed by the Secretary of Transportation, no new limits will be prescribed for passenger carriers in this proceeding at this time. Instead, in order to minimize confusion, we will make changes in § 1043.2(b)(1)(b), as soon after completion of the D.O.T. proceeding as possible.

Combined and Split Limits

In this, and the companion *Ex Parte No. MC–5 Sub-No. 1* proceeding, we are allowing insurance companies the flexibility to write policies for combined single limit or split limit coverage to meet the required public liability and cargo liability minimums for each category of carrier. This decision to allow uniform level split limits follows the decision published by D.O.T. at 47 FR 55977, on March 25, 1982. D.O.T. noted the increasing trend toward combined single limits but did not want to put companies offering only split limit coverage at a competitive disadvantage. Therefore, in the Commission's program we also are allowing the same flexibility by permitting the use of either combined single limit or split limit coverage, provided the levels of financial responsibility written meet the required minimums.

Environmental and Energy Considerations

The decision will not significantly affect the quality of human environment or the conservation of energy resources.

Final Regulatory Flexibility Analysis

We certify that these rules will not have an adverse economic impact upon the small entities affected as they do not impose excessive regulatory burdens or require unnecessary Federal supervision. None of the comments objected to these rules on the basis of any concerns reflected in the Regulatory Flexibility Act.

The Commission is adopting these final rules in order to eliminate any conflict with the insurance rules of the U.S. Department of Transportation, thereby easing the burden on small entities. These rules now conform to the statutory requirements under Sections 29 and 30 of the Motor Carrier Act of 1980 and the Surface Transportation Assistance Act of 1982, codified as 49 U.S.C. 10927.

The small entities affected by these final rules are included in approximately 25,000 motor carrier of property, 250 freight forwarders, and as many as 800 insurance and surety companies writing commercial auto policies. The only motor carriers and freight forwarders affected are those operating under the jurisdiction of this Commission.

Most of the reporting and maintaining of insurance records are performed by the insurance and surety companies on behalf of their client motor carriers and freight forwarders. These companies have the professional skills necessary to submit the insurance filings and bonds, and maintain the proper records. An increase in filings of approximately 15 to 30 percent is expected due to the fact that the Commission will now accept filings from a greatly expanded number of companies and will also allow aggregation of policies and bonds.

These final rules overlap the insurance rules and regulations of the U.S. Department of Transportation, but they do not duplicate its rules because D.O.T. does not require evidence of insurance or bonds to be filed.

Although a substantial number of small entities will be affected by these rules, the impact will be beneficial because it should lower the carriers' costs for insurance and surety bonds. There are no significant alternatives which would accomplish the objective stated in this proceeding.

A copy of this notice 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

49 CFR Part 1003

Brokers, Freight forwarders, Maritime carriers, Motor carriers, Securities.

49 CFR Part 1043

Insurance, Motor carriers, Surety bonds.

49 CFR Part 1084

Freight forwarders, Insurance, Surety bonds.

Final Rules

Parts 1043, 1084, and 1003, Subtitle B, Chapter X of Title 49 of the *Code of Federal Regulations* are amended as follows:

PART 1043—SURETY BONDS AND POLICIES OF INSURANCE

1. Section 1043.1 is revised to read as follows:

§ 1043.1 Surety bond, certificate of insurance, or other securities.

(a) *Public liability.* (1) No common or contract carrier subject to Subchapter II, Chapter 105, Subtitle IV of Title 49 of the United States Code shall engage in interstate or foreign commerce, and no certificate or permit shall be issued to such a carrier or remain in force unless and until there shall have been filed

with and accepted by the Commission surety bonds, certificates of insurance, proof of qualifications as self-insurer, or other securities or agreements, in the amounts prescribed in § 1043.2, conditioned to pay any final judgment recovered against such motor carrier for bodily injuries to or the death of any person resulting from the negligent operation, maintenance or use of motor vehicles in transportation subject to Subchapter II, Chapter 105, Subtitle IV of Title 49 of the United States Code, or for loss of or damage to property of others, or, in the case of motor carriers of property operating freight vehicles described in § 1043.2(b)(2) of this Part, for environmental restoration.

(2) Motor Carriers of property which are subject to the conditions set forth in paragraph (a)(1) of this section and transport the commodities described in § 1043.2(b)(2), are required to obtain security in the minimum limits prescribed in § 1043.2(b)(2).

(b) Common carriers-cargo insurance; exempt commodities. No common carrier by motor vehicle subject to Subchapter II, Chapter 105, Subtitle IV of Title 49 of the United States Code shall engage in interstate or foreign commerce, nor shall any certificate be issued to such a carrier or remain in force unless and until there shall have been filed with and accepted by the Commission, a surety bond, certificate of insurance, proof of qualifications as a self-insurer, or other securities or agreements in the amounts prescribed in § 1043.2, conditioned upon such carrier making compensation to shippers or consignees for all property belonging to shippers or consignees and coming into the possession of such carrier in connection with its transportation service: Provided, that the requirements of this paragraph shall not apply in connection with the transportation of the following commodities:

Agricultural ammonium nitrate.
Agricultural nitrate of soda.
Anhydrous ammonia—used as a fertilizer only.
Ashes, wood or coal.
Bituminous concrete (also known as blacktop or amosite), including mixtures of asphalt paving.
Cement, dry, in containers or in bulk.
Cement, building blocks.
Charcoal.
Chemical fertilizer.
Cinder blocks.
Cinders, coal.
Coal.
Coke.
Commercial fertilizer.
Concrete materials and added mixtures.
Corn cobs.
Cottonseed hulls.
Crushed stone.
Drilling salt.
Dry fertilizer.
Fish scrap.
Fly ash.
Forest products; viz: Logs, billets, or bolts, native woods, Canadian wood or Mexican pine; pulpwood, fuel wood, wood kindling; and wood sawdust or shavings (shingle tow) other than jewelers' or paraffined.
Foundry and factory sweepings.
Garbage.
Gravel, other than bird gravel.
Hardwood and parquet flooring.
Haydite.
Highway construction materials, when transported in dump trucks and unloaded at destination by dumping.
Ice.
Iron ore.
Lime and limestone.
Liquid fertilizer solutions, in bulk, in tank vehicles.
Lumber.
Manure.
Meat scraps.
Mud drilling salt.
Ores, in bulk, including ore concentrates.
Paving materials, unless contain oil hauled in tank vehicles.
Peat moss.
Peeler cores.
Plywood.
Poles and piling, other than totem poles.
Potash, used as commercial fertilizer.
Pumice stone, in bulk in dump vehicles.
Salt, in bulk or in bags.
Sand, other than asbestos, bird, iron, monazite, processed, or tobacco sand.
Sawdust.
Scoria stone.
Scrap iron.
Scrap steel.
Shells, clam, mussel, or oyster.
Slag, other than slag with commercial value for the further extraction of metals.
Slag, derived aggregates—cinders.
Slate, crushed or scrap.
Slurry, as waste material.
Soil, earth or marl, other than infusorial, diatomaceous, tripoli, or inoculated soil or earth.
Stone, unglazed and unmanufactured, including ground agricultural limestone.
Sugar beet pulp.
Sulphate of ammonia, bulk, used as fertilizer.
Surfactants.
Trap rock.
Treated poles.
Veneer.
Volcanic scoria.
Waste, hazardous and nonhazardous, transported solely for purposes of disposal.
Water, other than mineral or prepared—water.
Wood chips, not processed.
Wooden pallets, unassembled.
Wreck or disabled motor vehicles.
Other materials or commodities of low value, upon specific application to and approval by the Commission.

(c) Continuing compliance required. Such security as is accepted by the Commission in accordance with the requirements of Section 10927, Subchapter II, Chapter 109, Subtitle IV of Title 49 of the United States Code, shall remain in effect at all times.

2. In § 1043.2, paragraph (b)(1) is revised to read as follows:

§ 1043.2 Security for the protection of the public: Minimum limits.

* * * * *

(b)(1) Motor carriers subject to § 1043.1(a)(1) are required to have security for the required minimum limits as follows:

(a) *Small Freight Vehicles:*

Kind of equipment	Transportation provided	Minimum limits
Fleet including only vehicles under 10,000 pounds GVWR	Commodities not subject to 49 CFR 1043.2(b)(2)(d).	$300,000

(b) *Passenger Carriers:*

Kind of equipment	Limit for bodily injuries to or death of one person	Limits 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)
Passenger equipment (seating capacity): 12 passengers or less	$100,000	$300,000	$50,000
More than 12 passengers	100,000	500,000	50,000

3. The heading and text of § 1043.4 are revised to read as follows:

§ 1043.4 Property broker surety bond.

A property broker must have a surety bond in effect for $10,000. The Commission will not issue a property broker license until a surety bond for the full limits of liability prescribed herein is in effect. The broker license shall remain in effect only as long as a surety bond remains in effect and shall ensure the financial responsibility of the broker.

4. In § 1043.5, the section heading and paragraph (b) are revised to read as follows:

§ 1043.5 Qualifications as a self-insurer and other securities or agreements.

* * * * *

(b) *Other securities or agreements.* The Commission also will consider applications for approval of other securities or agreements and will approve any such application if satisfied that the security or agreement offered will afford the security for protection of the public contemplated by 49 U.S.C. 10927.

5. In § 1043.6, paragraph (b) is revised and a new paragraph (c) is added to read as follows:

§ 1043.6 Bonds and certificates of insurance.

* * * * *

(b) Cargo Liability. Each form B.M.C. 83 surety bond filed with the Commission must be for the full limits of liability required under § 1043.2(c). Each Form B.M.C. 34 certificate of insurance filed with the Commission will represent the full security limits under § 1043.2(c) 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.

(c) Each policy of insurance in connection with the certificate of insurance which is filed with the Commission, shall be amended by attachment of the appropriate endorsement prescribed by the Commission or the Department of Transportation and the certificate of insurance filed must accurately reflect that endorsement.

6. In § 1043.7, paragraphs (a) (2) and (3) are amended by adding a new sentence at the end of each paragraph to read as follows:

§ 1043.7 Forms and procedures.

(a) *Forms for endorsements, certificates of insurance and others.*

* * * * *

(2) *Aggregation of insurance.*

* * * * *

When insurance is provided by more than one insurer to aggregate coverage for security limits under Section 1043.2(c) a separate Form B.M.C. 32 endorsement and Form B.M.C. 34 certificate of insurance is required for each insurer.

(3) *Use of certificates and endorsements in B.M.C. Series.*

* * * * *

Form B.M.C. 32 endorsement and *Form B.M.C. 34* certificate of insurance and *Form B.M.C. 83* surety bonds are used for the limits of cargo liability under § 1043.2(c).

* * * * *

7. Section 1043.7 is amended by adding a cross-reference to the end of the section to read as follows:

§ 1043.7 Forms and procedures.

* * * * *

Cross Reference: For list of forms prescribed, see § 1003.1(b) of this chapter.

8. The heading and text of § 1043.8 are revised to read as follows:

§ 1043.8 Insurance and surety companies.

A certificate of insurance or surety bond will not be accepted by the Commission unless issued by an insurance or surety company which (a) is legally authorized to issue such bonds or underlying insurance policies in each state in which the motor carrier is authorized by the Commission to operate, or (b) is legally authorized to issue such policies or bonds in the state in which the carrier has its principal place of business or domicile, and will designate in writing upon request by the Commission, a person upon whom process, issued by or under the authority of any court having jurisdiction of the subject matter, may be served in any proceeding at law or equity brought in any state in which the carrier operates, or (c) is legally authorized to issue such policies or bonds in any state of the United States and is eligible as an excess or surplus lines insurer in any state in which business is written, and will designate in writing upon request by the Commission, a person upon whom process, issued by or under the authority of any court having jurisdiction of the subject matter, may be served in any proceeding at law or equity brought in any state in which the carrier operates.

PART 1084—SURETY BONDS AND POLICIES OF INSURANCE

9. Section 1084.1 is revised to read as follows:

§ 1084.1 Definitions.

(a) Freight forwarder means a person holding itself out to the general public (other than as a carrier, subject to Subchapter I, II, or III of Chapter 105, Subtitle IV of Title 49 of the United States Code) to provide transportation of property for compensation in interstate commerce and in the ordinary course of its business, (1) assembles and consolidates or provides for assembling and consolidating shipments and performs or provides for break-bulk and distribution operations of the shipments, and (2) assumes responsibility for the transportation from place of receipt to the place of destination, and (3) uses for any part of the transportation a carrier subject to Subchapter I, II, or III of Chapter 105, Subtitle IV of Title 49 of the United States Code.

(b) Motor vehicle means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of property, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails. The following combinations will be regarded as one motor vehicle: (1) a tractor and trailer or semitrailer when the tractor is engaged in drawing the trailer or semitrailer, and (2) a truck and trailer when both together bear a single load.

(c) Any one conveyance means any one railroad car, motor vehicle, truck, trailer, semitrailer, or any other vehicle (except a watercraft) used in the transportation of property performed by a freight forwarder subject to Subchapter IV of Chapter 105, Subtitle IV of Title 49 of the United States Code.

(d) Any one watercraft means any vessel or other artificial contrivance used in the transportation by water of property performed by a freight forwarder subject to Subchapter IV of Chapter 105, Subtitle IV of Title 49 of the United States Code.

(e) Fiduciary has the meaning defined in § 1181.5, *Operations by fiduciaries.*

10. Section 1084.2 is revised to read as follows:

§ 1084.2 General requirements.

(a) Cargo. No freight forwarder shall engage in service subject to Subchapter IV of Chapter 105, Subtitle IV of Title 49 of the United States Code unless and until there shall have been filed with and accepted by the Commission a surety bond, certificate of insurance, qualifications as a self-insurer or other securities or agreements, in the amounts prescribed in § 1084.3 for loss of or damage to property to which said freight forwarder performs service subject to Subchapter IV of Chapter 105, Subtitle IV of Title 49 of the United States Code.

(b) Public liability. No freight forwarder shall perform transfer, collection and delivery service subject to Subchapter IV, Chapter 105, Subtitle IV of Title 49 of the United States Code unless and until there shall have been filed with, and accepted by the Commission, a surety bond, certificate of insurance, qualifications as a self-insurer, or other securities or agreements, in the amounts prescribed in § 1084.3, conditioned to pay any final judgment recovered against such freight forwarder for bodily injuries to or the death of any person, or loss of or damage to property of others (except cargo), or, in the case of freight vehicles described in Section 1043.2(b)(2) of this Chapter, for environmental restoration, resulting from the negligent operation, maintenance, or use of motor vehicles operated by or under its direction and control in the performance of transfer, collection or delivery service.

11. Section 1084.3 is revised to read as follows:

§ 1084.3 Limits of liability.

The prescribed minimum amounts for cargo and public liability security referred to in § 1084.2 are identical with these minimum limits prescribed for motor carriers in Section 1043.2 of this Chapter.

12. The heading and text of § 1084.4 are revised to read as follows:

§ 1084.4 Surety bonds and certificates of insurance.

(a) *Cargo liability.* The limits of liability under § 1084.3 for cargo liability may be provided by aggregation using the same forms prescribed and in accordance with the requirements of Part 1043 of this Chapter.

(b) *Public liability.* The limits of liability required under § 1084.3 for bodily injury, property damage, or environmental restoration may be provided by aggregation using the same forms prescribed and in accordance with the requirements of Part 1043 of this Chapter.

(c) Each policy of insurance used in connection with certificate of insurance which is filed with the Commission, shall be amended by attachment of the appropriate endorsement prescribed by the Commission (or the Department of Transportation, where applicable).

§ 1084.5 [Reserved]

13. Section 1084.5 is removed and reserved for future use.

14. Section 1084.6 is revised to read as follows:

§ 1084.6 Insurance and surety companies.

A certificate of insurance or surety bond will not be accepted by the Commission unless issued by an insurance or surety company which (a) is legally authorized to issue such bonds or underlying insurance policies in each state in which the freight forwarder is authorized by the Commission to perform service, or (b) is legally authorized to issue such policies or bonds in the state in which the freight forwarder has its principal place of business or domicile, and will designate in writing upon request by the Commission, a person upon whom process, issued by or under the authority of any court having jurisdiction of the subject matter, may be served in any proceeding at law or equity brought in any state in which the freight forwarder performs service, or (c) is legally authorized to issue such policies or bonds in any state of the United States and is eligible as an excess or surplus lines insurer in any state in which business is written, and will designate in writing upon request by the Commission, a person upon whom process, issued by or under the authority of any court having jurisdiction of the subject matter, may be served in any proceeding at law or equity brought in any state in which the freight forwarder performs service.

15. In § 1084.7, paragraph (b) is revised to read as follows:

§ 1084.7 Qualifications as a self-insurer and other securities or agreements.

* * * * *

(b) Other securities and agreements. The Commission will consider applications for approval of other securities and agreements and will approve any such application if satisfied that the security or agreement offered will afford the security for the protection of the public contemplated by Section 10927(c), Title 49 of the United States Code.

16. In § 1084.8, paragraph (a) is revised to read as follows:

§ 1084.8 Forms and procedure.

(a) *Forms.* Endorsements for policies of insurance, 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 same form prescribed and approved by the Commission under Part 1043 of this chapter.

* * * * *

PART 1003—LIST OF FORMS

17. In § 1003.1(b) the form references to forms B.M.C. 91 and 91X are amended to read as follows:

§ 1003.1 Motor Carrier and Broker Forms.

* * * * *

(b) * * *

B.M.C. 91 (Rev. 1982)

Motor Carrier Automobile Bodily Injury and Property Damage Liability Certificate of Insurance.

B.M.C. 91X (1/1982)

Motor Carrier Automobile Bodily Injury and Property Damage Liability Certificate of Insurance.

* * * * *

18. In § 1003.3 paragraph (a) is revised to read as follows:

§ 1003.3 Freight Forwarder Forms.

(a) Application forms.

OP-1

Application for motor carrier authority, broker or freight forwarder authority, and water carrier exemption.

Cross Reference: Part 1160 of this chapter.

* * * * *

Authority: 49 U.S.C. 10321, 10927, and 5 U.S.C. 553.

Decided October 28, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-30692 Filed 11-10-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 31104-218]

Pacific Coast Groundfish Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Rule-related notice; fishery closure and request for comments.

SUMMARY: NOAA issues this notice prohibiting retention and landing of Pacific ocean perch taken from the Columbia subarea (between 43°00' and 47°30' N. latitude) off the coasts of Oregon and Washington, and seeks public comment on this action. The optimum yield for this species has been exceeded. This action is mandated by the regulations implementing the Pacific Coast Groundfish Fishery Management Plan.

DATES: This notice is effective from 0001 hours (Pacific Standard Time) November 10, 1983 until 2400 hours (Pacific Standard Time) December 31, 1983. Comments will be accepted through November 25, 1983.

ADDRESS: T. F. Kruse, Deputy Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE, Bin Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

FOR FURTHER INFORMATION CONTACT: T. E. (Gene) Kruse, 206-527-6150; or Floyd Anders, 213-548-2575.

SUPPLEMENTARY INFORMATION: The Pacific Coast Groundfish Fishery Management Plan (FMP) was approved on January 4, 1982, and final implementing regulations were published October 5, 1982 (47 FR 43964). The regulations provide a numerical

optimum yield (OY) for Pacific ocean perch (*Sebastes alutus*) which applies to the Vancouver and Columbia subareas, and include a provision at 50 CFR 663.21(b) requiring the Secretary of Commerce (Secretary) to prohibit retention or landing of a species when the OY for that species is reached in any regulatory subarea. The 1983 OYs for Pacific ocean perch in the Vancouver and Columbia subareas are 600 metric tons (mt) and 950 mt, respectively (48 FR 6716).

Landings of Pacific ocean perch in 1983 increased over 1982 levels, possibly in response to trip limits imposed in 1983 on most other species of rockfish. The best data available in October 1983 indicate that the 950 mt OY for Pacific ocean perch in the Columbia subarea was exceeded before the end of that month. Accordingly, the Secretary must prohibit further retention and landings of that species taken from the Columbia subarea in 1983.

Landings in the Vancouver subarea were projected to be less than two-thirds of the 600 mt specified for that subarea in 1983. No further restrictions will be placed on Pacific ocean perch taken in the Vancouver area unless OY is projected to be exceeded before the end of the year.

This action affects all domestic fishing operations involving Pacific ocean perch taken in the Columbia subarea. Joint venture operations are not affected because the whiting fishery has ended for 1983. There was no independent foreign fishing in 1983.

Before promulgation of the Magnuson Fishery Conservation and Management Act, Pacific ocean perch were severely overfished. In response to this long-term stress, the FMP manages the species under a 20-year rebuilding schedule which currently is implemented by a trip limit of 5,000 pounds or 10 percent by weight (round weights) of all fish on board, per vessel per fishing trip (50 CFR 663.27(b)(2)).

Other Matters

The determination to prohibit further retention or landing of Pacific ocean perch caught in the Columbia subarea is based on the most recent data available. The aggregate data upon which this determination is based is available for public inspection at the Office of the Director, Northwest Region, during business hours until the end of the comment period (see **ADDRESSES** above). These actions are taken under the authority of 50 CFR 663.21(b) and 663.23. Comments will be accepted through November 25, 1983.

In order to minimize the amount that OY is exceeded and to adhere to the rebuilding schedule as much as reasonably practicable, the Secretary finds good cause to waive requirements to publish a proposed notice and for a 30-day delayed effectiveness provision under 50 CFR 663.23 (a) and (c).

List of Subjects in 50 CFR Part 663

Administrative practice and procedure, Fish, Fisheries, Fishing.

(16 U.S.C. 1801 *et seq.*)

Dated: November 8, 1983.

Anthony J. Calio,

Deputy Administrator, NOAA

[FR Doc. 83-30590 Filed 11-10-83; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 48, No. 220
Monday, November 14, 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 THE TREASURY

Customs Service

19 CFR Part 151

Petition Concerning the Classification of Imported Grape Juice

AGENCY Customs Service, Treasury.

ACTION: Notice of receipt of petition.

SUMMARY: Customs has received a petition from an importer of grape juice concentrate, contending that the average Brix value (amount of sugar in solution) of natural unconcentrated *vitis vinifera* grape juice in the trade and commerce of the United States, which is currently set forth in the Customs Regulations, is no longer reflective of the quality of such juice and should be changed. This document invites public comment on the petition before any determination is made on this matter.

DATES: Comments must be received on or before January 13, 1984.

ADDRESS: Comments (preferably in triplicate) may be submitted to the Commissioner of Customs, Attention: Regulations Control Branch, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Lee C. Seligman, Classification and Value Division, US. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8181).

SUPPLEMENTARY INFORMATION:

Background

Item 165.40, Tariff Schedules of the United States (TSUS; 19 U.S.C. 1202) provides for the collection by Customs of a Column 1 rate of duty of 25 cents per gallon on imported grape juice concentrate (not frozen). Headnote 3(a) of Subpart A, Part 12, Schedule 1, TSUS, states that "the term 'gallon' * * * means gallon of natural unconcentrated juice or gallon of reconstituted juice." Headnote 3(b) specifies that "the term 'reconstituted juice' means the product which can be obtained by mixing the imported concentrate with water in such proportion that the product will have a Brix value equal to that found by the Secretary of the Treasury from time to time to be the average Brix value of like natural unconcentrated juice in the trade and commerce of the United States." Brix value is defined in Headnote 3(c) to be "the refractometric sucrose value of the juice, adjusted to compensate for the effect of any added sweetening materials, and thereafter corrected for acid." Section 151.91, Customs Regulations (19 CFR 151.91), sets forth the average Brix values of natural unconcentrated fruit juices in the trade and commerce of the United States for purposes of the provisions of Schedule 1, Part 12A, TSUS, and is used by Customs in determining the dutiable quantity of imports of concentrated fruit juices.

Customs has received a petition from an importer of grape juice concentrate, contending that the average Brix value of natural unconcentrated *vitis vinifera* grape juice in the trade and commerce of the United States, which is set forth as 18.0 degrees in § 151.91, Customs Regulations, is no longer reflective of the quality of such juice and should be changed.

The petitioner contends that: (1) in order for a determination to be made in this matter the Secretary of the Treasury must consider only the grapes grown in California, which is the sole source of *vitis vinifera* grapes grown in the United States; (2) table grapes and raisin grapes should be eliminated from consideration because they are not found in juice form; and (3) *vitis vinifera* grapes should be divided into two Brix categories, red and white, since those categories are clearly distinct. Based upon the "Final Grape Crush Reports" of the California Department of Food and Agriculture for crops from 1976 through 1981, the petitioner requests that the Secretary make determinations that: (1) the average Brix level is 20.1 degrees for juice from white *vitis vinifera* grapes; and (2) the average Brix level is 22.4 degrees for juice from black (red) *vitis vinifera* grapes. Such determinations would result in a lowering of the duty on these grape juice concentrates.

Before making any determination on this matter, Customs seeks public comment on the proposal and especially on the following issues:

1. Is the production of *vitis vinifera* grape juice exclusive or so predominant to California as to provide the sole source for determination of the average Brix value of such natural unconcentrated juice for purposes of section 151.9, Customs Regulations?

2. If the response to the first question is in the affirmative, does the average Brix value reported in the "Final Grape Crush Reports" of the California Department of Food and Agriculture for crops from 1976 through 1981 constitute a valid basis for the requested determination? Customs notes that the Brix values stated in those reports are determined in the laboratory from grape samples selected from the hoppers just prior to crushing, and therefore represent the average Brix value of fresh grapes. Brix values of juice can be affected by numerous factors, such as delays in transit and length of storage.

3. Does the term "* * * in the trade and commerce of the United States * * *", as used in Headnote 3(b) of Subpart A, Part 12, Schedule 1, TSUS, encompass only such single strength juice produced domestically, or does it also encompass foreign-produced single strength juice imported into the United States, if any?

4. Is there a separate and distinct trade understanding of *vitis vinifera* grape juice or grapes for concentrating (*e.g.*, wine grapes as opposed to table or raisin grapes) which separates the genre into two specific categories (*i.e.*, white and black (red)) or is the single description currently used reflective of such understanding (*i.e.*, does the color of the grapes from which such juice is produced—white and black (red)—control the use to which each is put or, apart from color and possibly Brix value, are the two used interchangeably, compensating, where necessary, for differing Brix values)?

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. The petition, as well as all comments received in response to this notice, will be available for public inspection in accordance with section 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Authority

This notice is issued under the authority of R.S. 251, as amended, 77A Stat. 14, section 624, 46 Stat. 759 (19 U.S.C. 66, 1202, 1624).

List of Subjects in 19 CFR Part 151

Customs duties and inspection, Imports, Fruit juices.

Drafting Information

The principal author of this document was Gerard J. O'Brien, Jr., Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Alfred R. De Angelus,

Acting Commissioner of Customs.

Approved: October 28, 1983.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 83-30545 Filed 11-10-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 865

[Docket No. R-83-1097]

PHA-Owned or Leased Projects—Maintenance and Operation; Individual Metering of Utilities for Existing PHA-Owned Projects

AGENCY: Office of the Secretary, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend regulations governing the conversion of public housing agencies (PHAs) to individually metered utilities by removing the requirement that all utilities consumed directly by tenants in PHA-owned housing projects be individually metered, unless individual metering is impracticable, impermissible under State or local law or under the policies of the particular utility supplier or public service commission, or conversion to individual metering would not be cost-beneficial, in accordance with a formula set forth by HUD. This change would allow PHAs to use a more flexible cost/benefit analysis when determining the cost-effectiveness of individual metering and would subject individual metering to the same "payback" period criteria now used to evaluate other energy conservation measures. Removal of this requirement is expected to promote a more efficient use of energy conservation funds and provide PHAs with greater flexibility in administering their projects, thereby reducing the amount of Federal Government control over State and local affairs.

DATE: Comments due: January 13, 1984.

ADDRESS: Interested persons are invited to submit comments regarding this rule to the Office of the General Counsel, Rules Docket Clerk, Room 10178, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection and copying during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Charles Ashmore, Office of Public Housing, Room 6240, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, telephone (202) 755-6640. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: This proposed rule would amend 24 CFR Part 865, Subparts C and D as follows: (1) It would remove §§ 865.401 through 865.406 and 865.408 through 865.410, which require that, subject to specified exceptions, all utilities consumed by tenants in housing owned by PHAs be individually metered; (2) it would incorporate into § 865.305(a) the provision of § 865.407 that are designed to inform tenants about the purposes and effects of converting to individual utility metering and to mitigate the possible impact of conversion on them; (3) it would amend § 865.310(a) to extend the deadline for completing PHA energy audits to December 31, 1984, and to require new or revised energy audits when necessitated by changing economic or physical circumstances; (4) it would amend § 865.310(b) to require PHAs applying for "Special Purpose Modernization" funding to conduct an energy audit before submitting their final applications and (5) it would make a number of technical, clarifying changes to Subpart C. The primary purpose of these amendments is to allow PHAs greater flexibility to evaluate energy conservation measures, thereby promoting a more efficient approach to energy conservation.

Sections 865.401–865.406 and 865.408–865.410 require that all utilities consumed directly by tenants in PHA-owned housing projects be individually metered, except where conversion to individual metering is impracticable, not permitted under State or local law or the policies of the particular utility supplier or public service commission, or not cost/beneficial. The sections also require that cost/benefit analyses be conducted using guidelines and specific percentage figures for energy savings set forth in § 865.404.

This proposed rule would remove these mandatory requirements for conversion in favor of the more flexible energy audit approach set forth in § 865.305, as it would be amended by this rule. The new approach would allow PHAs to consider individual metering as one possible option among a broad range of energy conservation alternatives, rather than as a required measure taking precedence over all others, and to compare the costs and benefits of individual metering with those of other energy saving measures.

Under § 865.306, priorities for installing energy saving measures are established according to the duration of a measure's "pay-back" period; that is, measures that provide energy savings allowing a quick recovery of the funds spent on initial installation are said to have a short "pay-back" period, are considered very cost-effective, and are given high priority for installation. Conversely, those measures that pay for their installation over a long time are said to have a long "pay-back" period and are given a lower priority for installation. Removing §§ 865.401–865.406 and 865.408–865.410 would subject decisions to convert to individual metering to this kind of "pay-back" cost-effectiveness test and would make it possible for PHAs to choose the most effective overall method for spending the limited funds available to them for energy conservation. The result should be a more flexible and responsive approach to energy conservation which would maximize overall savings.

Removal of §§ 865.401–865.406 also would eliminate the requirement that PHAs use factors specified in § 865.404 in estimating reduction in utility consumption resulting from conversion to checkmeters or to tenant-purchased utilities. One of those factors, an assumed 25–35 percent consumption decrease for space heating, has been invalidated by a District Court on the ground that there was no demonstrated factual or rational basis for the assumption. *Massachusetts Union of Public Housing Tenants* v. *Pierce*, No. 78–1895 (D.D.C., May 20, 1983, *order clarified* August 8, 1983). The Department, through its Field Offices, has given PHAs copies of both the May 20, 1983 Order, as well as the clarifying Order of August 8, 1983, with an explanatory memorandum accompanying each Order. The Department has advised PHAs that they may not initiate any meter conversions

or, if the conversion has been accomplished after April 7, 1981, institute a direct charge or surcharge unless the meter conversions, direct charges or surcharge are justified without regard to the space-heating assumption in 24 CFR 865.404.

The proposed rule would eliminate all of the required energy savings assumptions, and would permit PHAs to estimate savings from utility conversion on the basis of locally derived data. Removing mandatory utility conversion and fixed energy savings assumptions would increase PHAs' discretion to administer their own programs, which is consistent with the policy set out in Section 2 of the United States Housing Act of 1937 (42 U.S.C. 1437), while at the same time promoting the national goal of energy conservation.

As a result of these proposed changes, amendments would also have to be made in §§ 865.305(a) and 865.303. Section 865.305(a) would be revised in three ways. First, a conforming amendment would be made to delete the sentence referring to § 865.404. Second, a sentence would be inserted to indicate that the term "individual metering" includes both Tenant-Purchased Utilities and Checkmetering. This is consistent with the use of the term in § 865.403. Third, the section would be revised to incorporate the provisions of § 865.407, which contain requirements regulating the effect of individual metering conversions on PHA tenants.

These provisions would be modified slightly to take into account the abolishment of rent schedules, but these changes are not substantive. The provisions of § 865.407 would be retained in order to assure that the conversions to individual metering under § 865.305 would be carried out consistent with current guidelines mitigating any adverse impact on tenants.

Incorporation of the provisions of § 865.407 would require that HUD amend § 865.303, to add definitions for the terms "Checkmeters," "Surcharge", "Utilities", "Tenant-Purchased Utilities", "Mastermeter System", "Family Gross Rent", and "Family Contract Rent". In substance, the first five terms would be incorporated from § 865.402. The definitions for "Checkmeters" and "Surcharge" would be modified slightly to conform to the definitions published on August 13, 1982 (47 FR 35249) in the proposed rule amending the Utility Allowance Regulations in 24 CFR Part 865, Subpart E. Inclusion of the definition of "Family Contract Rent" and "Family Gross Rent" is a technical change made necessary because of the addition of "Surcharge". These definitions are substantively the same as those appearing in the August 13, 1982 proposed rule. The definition of "Utilities" would not be conformed with the definition proposed for Subpart E, since the energy audit does not concern sewerage services, trash and garbage collection or telephone service.

In addition to making these revisions regarding the individual metering of PHA-owned housing projects, HUD has decided to take this opportunity to make several technical changes to Subpart C of Part 865. These amendments are not directly related to individual metering of utilities, but, because they would affect the energy audit, the Department believes it appropriate to include them in this proposed rule.

First, the Department would modify the language in § 865.304 to clarify that HUD-approved energy audits may be conducted by utility suppliers, State or local governments or other entities, as well as by PHA personnel or consultants. This amendment would not alter HUD policy, but would make it clear that energy audits need not necessarily be conducted by PHA personnel or consultants.

The Department also proposes three changes in § 865.310. Paragraph (a) of that section, sets forth a compliance schedule requiring that all energy audits conducted under § 865.304 be completed by May 7, 1983—three years from the effective date of the current regulation. This deadline would be extended until December 31, 1984. Because HUD did not issue necessary instructions on how to conduct an approved energy audit until late 1982, PHAs have suffered unforeseen delays in beginning them. This amendment is intended to give PHAs a reasonable opportunity to complete their energy audits. For these reasons, HUD has also determined that, under 24 CFR 899.101(a), there is good cause to waive, and hereby waives, the May 7, 1983 completion deadline pending publication of a final rule amending 24 CFR 865.310(a).

The compliance schedule in § 865.310(a) would be amended to require PHAs to revise or repeat their audits whenever warranted by new conditions. This change would assure that energy policies are based on current information and that they will not become overly rigid. Finally, HUD proposes adding to § 865.310(b) the requirement that a PHA applying for Special Purpose Modernization must have completed an energy audit before submitting a final application. This change is technical and is intended to update the language of the section.

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 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 General Counsel, Rules Docket Clerk, Room 10278, 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 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 changes are merely intended to alter the way in which PHAs are to determine the desirability and feasibility of converting their projects from PHA-supplied utilities to individually metered utilities.

This rule was listed as item H-36-83 at 48 FR 47443 in the Department's Semiannual Agenda of Regulations published October 17, 1983 pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number is 14.146, Low Income Housing Assistance Program (Public Housing).

List of Subjects in 24 CFR Part 865

Energy conservation, Loan programs—housing and community development, Public housing, Utilities.

Accordingly, Chapter VIII of Title 24 CFR Part 865 is proposed to be amended as follows:

PART 865—PHA-OWNED OR LEASED PROJECTS—MAINTENANCE AND OPERATION

Subpart C—Energy Audits and Energy Conservation Measures

1. Section 865.303 is revised to read as follows:

§ 865.303 Definitions.

"Cost effective" means an energy conservation measure with a pay-back period of 15 years or less.

"Checkmeter" means a device for measuring Utility consumption of each individual dwelling unit where the Utility Service is supplied to the PHA through a Mastermeter System. The PHA pays the Utility supplier on the basis of the Mastermeter readings and uses the Checkmeters to determine whether and to what extent the Utility consumption of each dwelling unit is in excess of the Allowance for PHA-Furnished Utilities, established according to the provision of Subpart E of this part.

"Energy audit" means a process carried out in accordance with this subpart that identifies and specifies the energy and cost savings that are estimated to result from installing or accomplishing an energy conservation measure.

"Energy conservation measures" means physical improvements that, if undertaken for a building or facility, or its equipment, are likely to reduce the cost of energy in an amount sufficient to recover the installation costs in a period no longer than the useful life of the measure. Energy conservation measures are listed in § 865.305.

"Family Contract Rent" means the amount paid monthly by the family as rent to the PHA. Where Utilities and other essential housing services are supplied by the PHA, Family Contract Rent equals Family Gross Rent. Where Utilities and other essential housing services are not supplied by the PHA and the cost thereof are not included in the amount paid as rent to the PHA, Family Contract Rent equals Family Gross Rent less the Allowance for Tenant-Perchased Utilities.

"Family Gross Rent" means the rent chargeable to a tenant for the use of the dwelling accommodation, equipment (such as range and refrigerator, but not including furniture), and services, including utilities.

"Mastermeter System" means a Utility distribution system in which a PHA is supplied Utility Service by a Utility supplier through a meter or meters and the PHA then distributes the Utility Service to its tenants.

"Pay-back period" means the number of years required to accumulate net savings to equal the cost of an energy conservation measure.

"Surcharge" means the amount charged by the PHA to a tenant, in addition to the Family Contract Rent, for consumption of Utilities in excess of the Allowance for PHA-Furnished Utilities or for estimated consumption attributable to items of equipment or functions thereof not furnished by the PHA for all tenants.

"Tenant-Purchased Utilities" means the purchase of Utility Service by PHA tenants directly from the Utility supplier.

"Utilities" or "Utility Service" means electricity, gas, heating fuel and water.

2. Section 865.304 is revised to read as follows:

§ 865.304 Requirements for energy audits.

All PHAs shall complete an appropriate energy audit for each PHA-owned project under management in accordance with the schedule specified in § 865.310. Standards for energy audits shall be equivalent to State standards for energy audits or as approved by HUD. To be acceptable to HUD, energy audits, whether conducted by PHA personnel, consultants, Utility suppliers, State or local governments or other entities, shall analyze all of the energy conservation measures specified in § 865.305 that are pertinent to the type of buildings and equipment operated by the PHA. The objective of each audit shall be to determine the areas, if any, in need of improvements that will reduce the need for energy. For each improvement analyzed, the energy audit shall determine the period of time needed to recover its capital cost. In making this computation, the estimated cost of accomplishing each energy conservation measure shall be divided by the net annual savings estimated from the measure to determine the period, in number of years, needed to recover the cost through savings, for example:

(a) The existing ceiling insulation in a building has a value of R–11. By adding additional insulation to a value of R–22, the annual savings in heating costs will amount to $1000 per year.

(b) The cost in installing the additional insulation is estimated to be $7500.

(c) The Pay-back Period is: $7500 ÷ $1000 = 7.5 years.

3. In § 865.305, paragraph (a) is revised to read as follows:

§ 865.305 Energy conservation measures.

* * * * *

(a) Installation of individual utility meters. Utility Service may be individually metered either through Tenant-Purchased Utilities or through the use of Checkmeters. Conversions to individual metering will be subject to the following requirements:

(1) Before making any conversion to Tenant-Purchased Utilities, the PHA shall establish appropriate Allowances, as provided in Subpart E of this part, for the Tenant-Purchased Utilities resulting from the conversion.

(2) Before implementing any modifications to Utility Services arrangements with the tenants or charges with respect to the modifications, the requisite changes shall be made in tenant dwelling leases in accordance with the requirements of 24 CFR Part 866, Subpart A.

(3) To the extent practicable, PHAs should work closely with tenant organizations in making plans for conversion of Utility Service to individual metering, explaining the national policy objectives of energy conservation, the changes in charges and rent structure that will result, and the goals of achieving an equitable structure which will be advantageous to tenants who conserve energy.

(4) A transition period of at least six months shall be provided in the case of initiation of Checkmeters. During this time, tenants will be advised of the charges, but no Surcharge will be made based on Checkmeter readings. This trial period will afford tenants ample notice of the effects the Checkmetering System will have on their individual Utility charges and will afford a test period for the adequacy of the Utility Allowances established.

(5) During and after this six-month transition period, PHAs shall advise and assist tenants with high rates of Utility consumption regarding methods for reducing their consumption. This advice and assistance may include counseling, installation of new energy conserving equipment or appliances and corrective maintenance.

* * * * *

4. Section 865.307 is revised to read as follows:

§ 865.307 Funding.

The cost of accomplishing cost-effective energy conservation measures, including the cost of performing energy audits, shall be funded from operating funds of the PHA to the extent feasible. When sufficient operating funds are not available for this purpose, such costs are eligible for inclusion in a Modernization Program under Part 868, for funding from any available Development Funds in case of projects still in development or from other available funds that HUD may designate to be used for energy conservation.

5. In § 865.310, paragraphs (a) and (b) are revised to read as follows:

§ 865.310 Compliance schedule.

(a) The energy audits required in § 865.304 shall be completed by December 31, 1984. A PHA shall revise its energy audit or make a new energy

audit whenever either the PHA or HUD determines that the physical condition of a housing project, technological developments or the cost of Utilities have changed sufficiently to warrant further analysis.

(b) Notwithstanding the deadline set forth in paragraph (a) of this section, for a public housing project to be approved by HUD for Comprehensive or Special Purpose Modernization, the PHA shall have completed an energy audit on the project before submission of the Final Application for modernization.

* * * * *

Subpart D—Utilities

6. Sections 865.401 through 865.410, and the undesignated center heading preceding § 865.401 are removed.

Authority: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d), secs. 2, 3, 6 and 9, United States Housing Act of 1937 (42 U.S.C. 1437, 1437a, 1437d and 1437g).

Dated: November 3, 1983.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 83-30681 Filed 11-10-83; 8:45 am]

BILLING CODE 4210-32-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 31, and 301

Personal Services Income of Nonresident Alien Individuals

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to exemptions from the withholding of income tax from the independent personal services income of a nonresident alien individual. The document also contains proposed regulations to clarify the procedure for obtaining, and the duty of a withholding agent when an alien individual requests, an exemption from tax withholding because of a tax treaty. The changes are appropriate because the existing regulations impose certain withholding requirements that may be reduced or eliminated without adversely affecting compliance with the tax laws. The regulations would provide guidance to alien individuals who wish to take advantage of the liberalized rules and to withholding agents who will receive requests for treaty exemptions with respect to the personal services income of nonresident alien individuals.

DATES: Written comments and requests for a public hearing must be delivered or mailed by January 13, 1984. The amendments are proposed to be effective 90 days after the date of issuance of final regulations.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–165–78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Mary E. Dean of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:RT:T, 202–566–3289, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 1441, 1461, and 1462, the Employment Tax Regulations (26 CFR Part 31) under section 3401, and the Regulations on Procedure and Administration (26 CFR Part 301) under sections 7605 and 7701, all of the Internal Revenue Code of 1954. These amendments are proposed to be issued under the authority contained in sections 1441(c)(4) (80 Stat. 1553; 26 U.S.C. 1441(c)(4)), 3401(a)(6) (80 Stat. 1554; 26 U.S.C. 3401(a)(6)), and 7805 (68A Stat. 917; 26 U.S.C. 7805) of the Internal Revenue Code of 1954.

Discussion

Section 1441 of the Code requires that 30 percent of amounts paid to a nonresident alien individual as compensation for independent personal services be withheld by the person paying the amount (the withholding agent) to the individual. While 30 percent is withheld, these individuals are nonetheless subject to tax on a net basis under the generally applicable progressive rates of tax if the income is effectively connected with a U.S. trade or business, provided, of course, that a true and accurate return is filed. In many cases the effective rate of tax is less than 30 percent. Consequently, there may be significant overwithholding of tax. The individual must wait until after the close of the taxable year to apply for a refund of the difference between the 30 percent withheld and the amount finally owed.

Section 1441(c)(4) of the Code gives the Service the authority to exempt, by regulations, compensation for personal services of a nonresident alien individual from 30 percent withholding. Existing § 1.1441–4(b) provides certain limited exemptions from whithholding. The proposed regulations would revise existing exemptions and provide additional exemptions from withholding to alleviate this overwithholding.

The new exemptions from withholding could be obtained in two ways. Under one method, the 30 percent amount would initially be withheld in full from all payments of compensation except the final payment. Prior to receipt of the final payment, the individual may appear at an Internal Revenue Service district office and have his or her tentative income tax calculated on the basis of gross income, personal exemptions, expenses, credits (if any), relevant income tax treaty provisions, and graduated income tax rates. The individual would receive a letter from the Service stating the amount of income that is exempt from withholding and the amount, which would otherwise be withheld as tax from the final payment, that could be paid to the nonresident alien due to the exemption. Upon presentation of the letter, the withholding agent would be authorized to adjust the amount of tax withheld from the final payment. A refund of any additional amounts of withheld tax in excess of the individual's liability could be obtained by filing a return at the end of the year. This procedure is set forth in § 1.1441–4(b)(4). In any event, a return must be filed and any tax owing must be paid at the usual time.

Under the second method, described in § 1.1441–4(b)(4)(3), the individual could enter into an agreement with the Service as to the amount of tax to be withheld, before actually receiving any payments. The agreement would take into account the anticipated gross income, personal exemptions, certain expenses of the alien individual, relevant income tax treaty provisions, and the appropriate rate of tax. The procedures for entering into this withholding agreement would be set forth by the Service.

The proposed regulations also revise and clarify existing procedure with respect to a request by a nonresident alien individual under § 1.1441–4(b)(2), for an exemption from withholding on compensation for independent personal services because of an income tax treaty or personal exemption amount. The proposed regulations would require the alien individual to use a form developed by the Internal Revenue Service. The withholding agent must be reasonably satisfied that, based on the information supplied on the form, the individual's compensation qualifies for the exemption. The withholding agent must

indicate his or her acceptance on the form and forward a copy to the Director of the Foreign Operations District 10 days prior to the effective date of the exemption. If the withholding agent is not reasonably satisfied that the alien is entitled to a treaty exemption, the agent is not relieved of liability for withholding the full 30 percent. The regulation thus adopts the standard for withholding agents found in Rev. Rul. 76-224, 1976-1 C.B. 268.

Miscellaneous updating, clarifying, and corrective changes to the withholding regulations also are proposed.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations consideration will be given to any written comments that are submitted (preferably seven copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. The collection of information requirements contained in this notice of proposed rulemaking have been submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act. Comments on these requirements should be sent to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for Internal Revenue Service, New Executive Office Building, Washington, D.C. 20503. The Internal Revenue Service requests that persons submitting comments on these requirements to OMB also send copies of those comments to the Service. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the Federal Register.

Regulatory Flexibility Act and Executive Order 12291

The Secretary of the Treasury has certified that the regulations proposed herein will not have a significant economic impact on a substantial number of small entities. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C chapter 6), and a Regulatory Flexibility Analysis is not required. The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required.

Drafting Information

The principal author of these proposed regulations is Martha E. Kadue of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations, both on matters of substance and style.

List of Subjects

26 CFR 1.861-1—1.997-1

Income taxes, Aliens, Exports, DISC, Foreign investment in U.S., Foreign tax credit, Sources of income, United States investments abroad.

26 CFR 1.1441-1—1.1465-1

Income taxes, Aliens, Foreign corporations.

26 CFR Part 31

Employment taxes, Income taxes, Lotteries, Railroad retirement, Social security, Unemployment tax, Withholding.

26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Penalties, Pensions, Statistics, Taxes, Disclosure of information, Filing requirements.

Proposed amendments to the regulations. The proposed amendments to 26 CFR Parts 1, 31, and 301 are as follows:

Income Tax Regulations

PART 1—[AMENDED]

§ 1.871-6 [Amended]

Paragraph 1. Paragraph (c) of § 1.871-6 is amended by removing "§ 1.1465-1" and inserting in its place "§ 1.1441-7."

§ 1.1441-2 [Amended]

Par. 2. Section 1.1441-2(c)(1) is amended by removing the phrase "as amended," in the first sentence and inserting in its place the phrase "as amended (8 U.S.C. 1101(a)(15)(F) or (J)),".

Par. 3. Paragraphs (f) and (h) of section 1.1441-3 are revised to read as follows:

§ 1.1441-3 Exceptions and rules of special application.

* * * * *

(f) *Partnerships and fiduciaries.* Domestic partnerships are required to withhold the tax at source under §1.1441-1 on items of income described in paragraphs (a) and (b) of §1.1441-2 that are included in the distributive share (including amounts that are not actually distributed) of a member of such partnership who is a nonresident alien individual, nonresident alien or foreign fiduciary of a trusts or estate, foreign partnership, or foreign corporation. Resident or domestic fiduciaries of trust and estates are required to withhold the tax at source under § 1.1441-1 on all items of income described in paragraphs (a) and (b) of § 1.1441-2 that constitue gross income from sources within the United States (including amounts that are not actually distributed) of beneficiaries who are nonresident alien individuals, foreign partnerships, or foreign corporations. Because the gross income allocable to a partner and the income includable in the gross income of the beneficiary cannot be determined until the end of a taxable year of the partnership, trust, or estate, the partnershp and the fiduciary of a trust or estate shall withhold under this section on all distributions to such partners and beneficiaries during the taxable year. If the tax on actual distributions exceeds the tax on amounts includable in the gross income of the partner or beneficiary, the partner or beneficiary may file a claim for refund together with appropriate supporting evidence in accordance with paragraph (h) of this section. If a partnership or a fiduciary withholds under this section on a distributive partnership share or distributable net income of a trust or estate before the income is actually distributed to a partner or beneficiary, then withholding is not required when such income is subsequently distributed. Income described in paragraphs (a) and (b) of § 1.1441-2 that is paid to a foreign partnership or to a nonresident alien or foreign fiduciary is subject to withholding under § 1.1441-1 even though the members of the partnership or the beneficiaries of the trust or estate are individuals who are citizens or residents of the United States or are domestic corporations.

* * * * *

(h) *Claims for refund.* A claim for refund referred to in paragraphs (b)(1), (c)(3), (d)(1), and (f) of this section shall be made in accordance with the provisions of §§ 301.6402-2 and 301.6402-3 of this chapter (Regulations on Procedure and Administration).

* * * * *

§ 1.1441-4 [Amended]

Par. 4. Section 1.1441-4 is amended as follows:

1. Paragraph (a)(1) is amended as follows:

a. The first sentence is amended by removing the word "his" and inserting in its place the phrase "the person's," removing the word "he" and inserting in its place the phrase "the person" and removing the phrase "subparagraph (2) of this paragraph" and inserting in its place the phrase "paragraph (a)(2) of this section."

b. The second sentence in amended by removing the word "subparagraph" and inserting in its place the words "paragraph (a)(1)."

c. The following sentences are added immediately before the last sentence: "In determining whether services are performed by a foreign corporation or by an individual, see Revenue Ruling 74–330, 1974–2 C.B. 278, and Revenue Ruling 74–331, 1974–2 C.B. 282. For rules with respect to compensation for personal services performed by an individual, see paragraph (b) of this section."

2. The first sentence of paragraph (a)(2) is amended by removing the phrase "subparagraph (1) of this paragraph" and inserting in its place the phrase "paragraph (a)(1) of this section."

3. Paragraphs (b)(1) and (b)(2) are revised and new paragraphs (b)(3), (b)(4), and (b)(5) are added, the revised and new paragraphs to read as set forth below.

4. Paragraph (f)(1) is amended by removing the words "International Operations" in the first sentence and inserting in their place the words "the Foreign Operations District," and by removing the words "International Operations" both times they appear in the last sentence and inserting in their place both times the words "the Foreign Operations District."

5. Paragraph (f)(2) is amended as follows:

a. The first sentence of subdivision (i) if amended by removing the phrase "subparagraph (1) of this paragraph" and inserting in its place the phrase "paragraph (f)(1) of this section", and by removing the words "International Operations" and inserting in their place the words "the Foreign Operations District".

b. The last sentence of subdivision (i) is amended by removing the words "International Operations" and inserting in their place the words "the Foreign Operations District."

c. The first sentence of subdivision (ii) is amended by removing the words "International Operations" and inserting in their place the words "the Foreign Operations District", and by adding the words "or her" immediately after the word "his".

d. The second sentence of subdivision (ii) is amended by removing the words "International Operations" and inserting in their place the words "the Foreign Operations District".

e. The first sentence of subdivision (iii) is amended by removing the words "International Operations" both times they appear and inserting in their place both times the words "the Foreign Operations District".

6. The second sentence of paragraph (g) is amended by adding the phrase "or her" immediately after the word "his," and by adding the phrase "or she" immediately after the word "he".

7. The heading of paragraph (i) is revised to read: "*Income of foreign central bank of issue or Bank for International Settlements.*"

8. The first sentence of paragraph (i)(2) is amended by removing the phrase "subparagraph (1) of this paragraph" and inserting in its place the phrase "paragraph (i)(1) of this section".

§ 1.1441–4 Exemptions from withholding.

* * * * *

(b) *Compensation for personal services of an individual*—(1) *Exemption from withholding.* Withholding is not required under § 1.1441–1 from salaries, wages, remuneration, or any other compensation for personal services of a nonresident alien individual if such compensation is effectively connected with the conduct of a trade or business within the United States and—

(i) Such compensation is subject to withholding under section 3402, relating to withholding of tax at source on wages, and the regulations thereunder,

(ii) Such compensation would be subject to withholding under section 3402 but for the provisions of section 3401(a) (other than paragraph (6) thereof) and the regulations thereunder,

(iii) Such compensation is for services performed by a nonresident alien individual who is a resident of Canada or Mexico and who enters and leaves the United States at frequent intervals,

(iv) Such compensation is, or will be, exempt from the income tax imposed by chapter 1 of the Code by reason of a provision of the Internal Revenue Code or a tax treaty to which the United States is a party or

(v) Such compensation is paid after January 3, 1979 as a commission or rebate paid by a ship supplier to a nonresident alien individual, who is employed by a nonresident alien individual, foreign partnership, or foreign corporation in the operation of a ship or ships of foreign registry, for placing orders for supplies to be used in the operation of such ship or ships with the supplier. See section 162(c) and the regulations thereunder for denial of deductions for illegal bribes, kickbacks, and other payments.

(2) *Manner of obtaining withholding exemption under tax treaty*—(i) *In general.* In order to obtain the exemption from withholding by reason of a tax treaty, provided by paragraph (b)(1)(iv) of this section, a nonresident alien individual must submit a statement (described in paragraph (b)(2)(ii) of this section) to each withholding agent from whom amounts are to be received. A separate statement must be filed for each taxable year of the alien individual. If the withholding agent is satisfied that an exemption from withholding is warranted (see paragraph (b)(2)(iii) of this section), the statement shall be accepted in the manner set forth in paragraph (b)(2)(iv) of this section. The exemption from withholding becomes effective for payments made at least ten days after a copy of the accepted statement is forwarded to the Director of the Foreign Operations District.

(ii) *Statement claiming withholding exemption.* The statement claiming an exemption from withholding shall be made on Form X.

Note.—Form X will be designed by the Service to request the information required by this regulation.

Form X may be used for claiming exemptions from withholding under tax treaties to which the United States is a party or with respect to the personal exemption amount described in § 1.1441–3(e)(2). Form X shall be dated, signed by the person claiming the exemption from withholding, and verified by a declaration that the statements are made under the penalties of perjury. Form X shall contain—

(A) The individual's name, address, United States taxpayer identification number, and United States visa number, if any,

(B) The country that issued the individual's passport and the number of such passport, or the individual's permanent address if a citizen of Canada or Mexico,

(C) The taxable year for which the statement is to apply, the compensation to which it relates, and the amount (or estimated amount if exact amount not known) of such compensation,

(D) A statement that the individual is not a citizen or resident of the United States,

(E) The number of personal exemptions claimed by the individual,

(F) A statement as to whether the compensation to be paid to him or her during the taxable year is or will be exempt from income tax and the reason why the compensation is exempt,

(G) If the compensation is exempt from withholding by reason of an income tax treaty to which the United States is a party, the tax treaty and provision under which the exemption from withholding is claimed and the country of which the individual is a resident, and

(H) Sufficient facts to justfy the claim to exemption from withholding.

(iii) *Review by withholding agent.* The exemption from withholding provided by paragraph (b)(1)(iv) of this section shall not apply unless the withholding agent accepts (in the manner provided in paragraph (b)(2)(iv) of this section) the statement on Form X supplied by the nonresident alien individual. Before accepting the statement the withholding agent must examine the statement. If the withholding agent knows or has reason to know that any of the facts or assertions on Form X may be false or that the eligibility of the individual's compensation for the exemption cannot be readily determined, the withholding agent may not accept the statement on Form X and is required to withhold under this section. If the withholding agent accepts the statement and subsequently finds that any of the facts or assertions contained on Form X may be false or that the eligibility of the individual's compensation for the exemption from withholding can no longer be readily determined, then the withholding agent shall promptly so notify the Director of the Foreign Operations District by letter, and the withholding agent is not relieved of liability to withhold on any amounts still to be paid. If the withholding agent is notified by the Foreign Operations District that the eligibility of the individual's compensation for the exemption is in doubt or that such compensation is not eligible for the exemption, the withholding agent is required to withhold under this section. The rules of this paragraph are illustrated by the following examples.

Example 1. C, a nonresident alien individual, submits Form X to W, a withholding agent. The statement on Form X does not include all the information required by paragraph (b)(2)(ii) of this section. Therefore, W has reason to know that he or she cannot readily determine whether C's compensation for personal services is eligible for an exemption from withholding and, therefore, W must withhold.

Example 2. D, a nonresident alien, is performing services for W, a withholding agent. W has accepted a statement on Form X submitted by D, according to the provisions of this section. W receives notice from the Internal Revenue Service that the eligibility of D's compensation for a withholding exemption is in doubt. Therefore, W has reason to know that the eligibility of the compensation for a withholding exemption cannot be readily determined, as of the date W receives the notification, and W must withhold tax under section 1441 on amounts paid after receipt of the notification.

Example 3. E, a nonresident alien individual, submits Form X to W, a withholding agent for whom E is to perform personal services. The statement contains all the information requested on Form X. E claims an exemption from withholding based on a personal exemption amount computed on the number of days E will perform personal services for W in the United States. If W does not know or have reason to know that any statement on the Form X is false or that the eligibility of E's compensation for the withholding exemption cannot be readily determined, W can accept the statement on Form X and exempt from withholding the appropriate amount of E's income.

(iv) *Acceptance by withholding agent.* If after the review described in paragraph (b)(2)(iii) of this section the withholding agent is satisfied that an exemption from withholding is warranted, the withholding agent may accept the statement by making a certification, verified by a declaration that it is made under the penalties of perjury, on Form X. The certification shall be—

(A) That the withholding agent has examined the statement,

(B) That the withholding agent is satisfied that an exemption from withholding is warranted, and

(C) That the withholding agent does not know or have reason to know that the individual's compensation is not entitled to the exemption or that the eligibility of the individual's compensation for the exemption cannot be readily determined.

The exemption from withholding becomes effective for payments made at least ten days after a copy of the accepted statement is mailed in a proper manner by the withholding agent to the Director of the Foreign Operations District, pursuant to paragraph (b)(2)(v) of this section.

(v) *Copies of Form X.* The witholding agent shall forward one copy of each Form X that is accepted by him or her to the Director of the Foreign Operations District, Internal Revenue Service, Washington, D.C. 20225, within five days of his or her acceptance. The Director of the Foreign Operations District may review the forms so submitted. The withholding agent shall retain a copy of Form X.

(3) *Withholding agreements.* Compensation for personal services of a nonresident alien individual who is engaged during the taxable year in the conduct of a trade or business within the United States may be wholly or partially exempted from the withholding required by § 1.1441–1 if an agreement is reached between the Director of the Foreign Operations District and the alien individual with respect to the amount of withholding required. Such agreement shall be available in the circumstances and in the manner set forth by the Internal Revenue Service, and shall be effective for payments covered by the agreement that are made after the agreement is executed by all parties. The alien individual must agree to timely file an income tax return for the current taxable year.

(4) *Final payment exemption*—(i) *General rule.* Compensation for independent personal services of a nonresident alien individual who is engaged during the taxable year in the conduct of a trade or business within the United States may be wholly or partially exempted from the withholding required by § 1.1441–1 from the final payment or compensation for independent personal services. This exemption does not apply to wages. This exemption from withholding is available only once during an alien individual's taxable year and is obtained by the alien individual presenting to the withholding agent a letter in duplicate from a district director stating the amount of compensation subject to the exemption and the amount that would otherwise be withheld from such final payment under section 1441 that shall be paid to the alien individual due to the exemption. The alien individual shall attach a copy of the letter to his or her income tax return for the taxable year for which the exemption is effective.

(ii) *Final payment of compensation for personal services.* For purposes of this paragraph, final payment of compensation for personal services means the last payment of compensation, other than wages, for personal services rendered within the United States that the individual expects to receive from any withholding agent during the taxable year.

(iii) *Manner of applying for final payment exemption.* In order to obtain the final payment exemption provided by paragraph (b)(4)(i) of this section, the nonresident alien individual (or his or her agent) must file the forms and provide the information required by the district director. Ordinary and necessary business expenses may be taken into account if substantiated to the satisfaction of the district director. The alien individual must submit a

statement, signed by him or her and verified by a declaration that it is made under the penalties of perjury, that all the information provided is true and that to his or her knowledge no relevant information has been omitted. The information required to be submitted includes, but is not limited to—

(A) A statement by each withholding agent from whom amounts of gross income effectively connected with the conduct of a trade or business within the United States have been received by the alien individual during the taxable year, of the amount of such income paid and the amount of tax withheld, signed and verified by a declaration that it is made under penalties of perjury;

(B) A statement by the withholding agent from whom the final payment of compensation for personal services will be received, of the amount of such final payment and the amount which would be withheld under § 1.1441–1 if a final payment exemption under paragraph (b)(4)(i) of this section is not granted, signed and verified by a declaration that it is made under penalties of perjury;

(C) A statement by the individual that he or she does not intend to receive any other amounts of gross income effectively connected with the conduct of a trade or business within the United States during the current taxable year;

(D) The amount of tax which has been withheld (or paid) under any other provision of the Code or regulations with respect to any income effectively connected with the conduct of a trade or business within the United States during the current taxable year;

(E) The amount of any outstanding tax liabilities (and interest and penalties relating thereto) from the current taxable year or prior taxable periods; and

(F) The provision of any income tax treaty under which a partial or complete exemption from withholding may be claimed, the country of the individual's residence, and a statement of sufficient facts to justify an exemption pursuant to such treaty.

(iv) *Letter to withholding agent.* If the district director is satisfied that the information provided under paragraph (b)(4)(iii) of this section is sufficient, the district director will, after coordination with the Director of the Foreign Operations District, ascertain the amount of the alien individual's tentative income tax for the taxable year with respect to gross income that is effectively connected with the conduct of a trade or business within the United States. After the tentative tax has been ascertained, the district director will provide the alien individual with a letter to the withholding agent stating the amount of the final payment of compensation for personal services that is exempt from withholding, and the amount that would otherwise be withheld under section 1441 that shall be paid to the alien individual due to the exemption. The amount of compensation for personal services exempt from withholding under this paragraph (b)(4) shall not exceed $5,000.

Example 1. On July 15, 1983, B, a nonresident alien individual, appears before a district director with the information required by paragraph (b)(4)(iii) of this section. B has received personal service income in 1983 from which $3,000 has been withheld under section 1441. On August 1, 1983, B will receive $5,000 in personal service income from W. B does not intend to receive any other income subject to U.S. tax during 1983. Taking into account B's substantiated deductible business expenses, the district director computes the tentative tax liability on B's income effectively connected with the conduct of a trade or business in the United States during 1983 (including the $5,000 payment to be made on August 1, 1983) to be $3,300. B does not owe U.S. tax for any other taxable periods. The amount of B's final payment exemption is determined as follows:

(*1*) The amount of total withholding is $4,500 ($3,000 previously withheld plus $1,500, 30% of the $5,000 final payment);

(*2*) The amount of tentative excess withholding is $1,200 (total withholding of $4,500 minus B's tentative tax liability of $3,300); and

(*3*) To allow B to receive $1,200 of the amount which would otherwise have been withheld from the final payment, the district director allows a withholding exemption for $4,000 of B's final payment. W must withhold $300 from the final payment.

Example 2. The facts are the same as in Example A except B will receive a final payment of compensation on August 1, 1983, in the amount of $10,000 and B's tentative tax liability is $3,900. The amount of B's final payment exemption is determined as follows:

(*1*) The amount of total withholding is $6,000 ($3,000 previously withheld plus $3,000, 30% of the $10,000 final payment);

(*2*) The amount of tentative excess withholding is $2,100 (total withholding of $6,000 minus B's tentative tax liability of $3,900); and

(*3*) To allow B to receive $2,100 of the amount which would otherwise be withheld from the final payment, $7,000 of the final payment would have to be exempt from withholding; however, as no more than $5,000 of the final payment can be exempt from withholding under this paragraph (b)(4), the district director allows a withholding exemption for $5,000 of B's final payment. B must file a claim for refund at the end of the taxable year to obtain a refund of $600. W must withhold $1,500 from the final payment.

(5) *Requirement of return.* The tentative tax determined by the district director under paragraph (b)(4)(iv) of this section or by the Director of the Foreign Operations District under the withholding agreement procedure of paragraph (b)(3) of this section shall not constitute a final determination of the income tax liability of the nonresident alien individual, nor shall such determination constitute a tax return of the nonresident alien individual for any taxable period. An alien individual who applies for or obtains an exemption from withholding under the procedures of paragraphs (b) (2), (3), or (4) of this section is not relieved of the obligation to file a return of income under section 6012.

§ 1.1441–5 [Amended]

Par. 5. Section 1.1441–5 is amended as follows:

1. Paragraph (a) is amended by inserting the words "or she" following the word "he" in the first sentence.

2. Paragraph (c) is amended by removing the words "International Operations" and inserting in their place the words "the Foreign Operations District," and by adding at the end: "The original statement shall be retained by the withholding agent.".

§ 1.1441–6 [Amended]

Par. 6. Section 1.1441–6 is amended by adding to the end of paragraph (c)(1) the following: "Form 1001 shall not be used to secure a reduced rate of, or exemption from, withholding on independent personal services income. See § 1.1441–4(b)(2).".

Par. 7. A new § 1.1441–7 is added immediately after § 1.1441–6 to read as follows:

§ 1.1441–7 General provisions relating to withholding agents.

(a) *Withholding agent defined*—(1) *In general.* For purposes of chapter 3 of the Code, the term "withholding agent" means any person who pays or causes to be paid an item of income specified in § 1.1441–2 to (or the agent of) a nonresident alien individual, a foreign partnership, a nonresident alien or foreign fiduciary of a trust or estate, or a foreign corporation, and who is required to withhold tax under section 1441, 1442, 1443, or 1451 from such item of income. Any person who meets the definition of a withholding agent is required to file the returns prescribed by § 1.1461–2. For example, an employer (as defined in § 31.340(d)–1 of this chapter), to the extent the employer pays remuneration for services performed by a nonresident alien individual in the United States and such remuneration is expected from the term "wages" under § 31.3401(a)(6)–(1) (c) or (e) of this chapter, must file a return as required by § 1.1461–2(c)(1).

(2) *United States obligations.* If the United States is a withholding agent for

an item of interest, including original issue discount, on obligations of the United States or of any agency or instrumentality thereof, the withholding obligation of the United States shall be assumed and discharged by:

(i) The Commissioner of the Public Debt, for interest paid by checks issued through the Bureau of the Public Debt.

(ii) The Treasurer of the United States, for interest paid by him or her, whether by check or otherwise,

(iii) Each Federal Reserve Bank, for interest paid by it, whether by check or otherwise, or

(iv) Such other person as may be designated by the Commissioner.

(b) *Person designated to act for withholding agent*—(1) *Notice of duly authorized agent.* A withholding agent (including a state or possession of the United States or any agency or instrumentality thereof) that appoints a duly authorized agent to act on its behalf under the withholding provisions of chapter 3 of the Code is required to file a notice of such appointment with the Director of the Foreign Operations District, Internal Revenue Service, Washington, D.C. 20225. Such notice must be filed before the first payment with respect to which the authorized agent acts as such.

(2) *In general—liability of withholding agent.* If a duly authorized agent has become insolvent or for any other reason fails to make payment of money deposited with it by the withholding agent to pay tax required to be withheld under chapter 3 of the Code, or of money withheld under such chapter, the withholding agent is not discharged of its liability under such chapter since the authorized agent is merely the agent of the withholding agent.

(3) *Tax-free covenant bonds—liability of withholding agent.* If the duly authorized agent designated by a withholding agent to act for it has not withheld any tax from the income nor received any funds from the withholding agent to pay the tax which the withholding agent assumed in connection with its tax-free covenant bonds, then that authorized agent cannot be held liable for the tax assumed by the withholding agent merely by reason of the appointment as duly authorized agent. The withholding agent remains liable under chapter 3 of the Code since the duly authorized agent is merely the agent of the withholding agent.

(c) *Payments other than money.* In any case where income is payable in any medium other than money the withholding agent shall not release the property so received until the property has been converted into funds sufficient to enable the withholding agent to pay over in money the tax required to be withheld under chapter 3 of the Code with respect to such income.

§ 1.1461–1 [Amended]

Par. 8. Section 1.1461–1 is amended by removing the phrase "Director of International Operations, Internal Revenue Service, Washington, D.C. 20225," in paragraph (f)(3) and inserting in its place the phrase "Internal Revenue Service Center, Philadelphia, PA. 19255,".

Par. 9. Section 1.1461–2 is amended by revising paragraph (b) through (e) to read as follows:

§ 1.1461–2 Return of tax withheld.

* * * * *

(b) *Form 1042*—(1) *Filing requirement.* Every withholding agent shall make on or before March 15 an annual return on Form 1042 of the tax required to be withheld under chapter 3 of the Code during the preceding calendar year. Form 1042 is required to be made in respect of a calendar year, even though no tax was required to be withheld under such chapter during such year, if the withholding agent is required by paragraph (c)(1) of this section to make an information return on Form 1042S with respect to any payments made during such year. Form 1042 shall be filed with the Internal Revenue Service Center, Philadelphia, PA. 19255. The return shall be prepared in duplicate and shall include such information as is required by the form and accompanying instructions. If an adjustment is required on Form 1042 because of repayments of withheld tax pursuant to paragraph (a)(1) of § 1.1461–4, only the aggregate amount of such adjustment shall be shown thereon and no itemized explanation of such aggregate amount shall be required to accompany such form. See paragraph (b) of § 1.1461–4. If, pursuant to paragraph (a)(2) of § 1.1461–3, any additional amount of tax is required to be paid to the Internal Revenue Service Center, Philadelphia, PA. for the preceding calendar year when filing Form 1042, no itemized explanation of such additional payment of tax shall be required to accompany such form. The duplicate copy of Form 1042 shall be retained by the withholding agent.

(2) *Summary of accompanying forms.* Form 1042 shall be accompanied by the original copies of all Forms 1042S which were prepared by the withholding agent during the previous calendar year, including such forms upon which income exempt from withholding of tax is reported. The forms so forwarded with Form 1042 are not required to be listed thereon; but they shall be summarized on Form 1042 in the manner prescribed thereon and in the instructions applicable thereto. The exemption and reduced rate certificates, such as Form 1001A–D or Form 1001A–J, referred to in paragraph (g)(2) of § 1.1461–1 are not required to accompany, or to be summarized on, Form 1042.

(c) *Form 1042S*—(1) *Filing requirement.* Every withholding agent shall make on or before March 15 an annual information return on Form 1042S of all items of income specified in § 1.1441–2 paid during the previous calendar year to nonresident alien individuals, foreign partnerships, nonresident alien or foreign fiduciaries of a trust or estate, or foreign corporations if such items consist of—

(i) Amounts upon which tax would have been required to be withheld under chapter 3 of the Code,

(ii) Amounts upon which tax would have been required to be withheld under such chapter but for an exclusion from gross income applicable under any income tax treaty to which the United States is a party,

(iii) Amounts upon which tax would have been required to be withheld under such chapter but for the provisions of any specific complete or partial exemption from withholding applicable under the authority of any regulation under this title or any ruling or procedure of the Commissioner, or

(iv) Amounts in respect of which tax withheld under such chapter has, pursuant to such authority, been released or refunded to the payee by the withholding agent.

All amounts shall be shown in U.S. currency. Nothwithstanding subdivisions (i) through (iv) of this subparagraph (1), income paid to nonresident alien individual, foreign partnerships, nonresident alien or foreign fiduciaries of a trust or estate, or foreign corporations and required to be shown on Form W–2, or in the case of income paid prior to January 1, 1972, on Form 1001 (or on any special variation of Form 1001 referred to in paragraph (i) of § 1.1461–1, or the substitute thereof) is not required to be shown on Form 1042S. However, a return under this subparagraph is required on Form 1042S (rather than on Form W–2) in respect of amounts which otherwise would be required to be shown on Form W–2 solely by reason of § 1.6041–2 (relating to return of information as to payments to employees) or § 1.6052–1 (relating to information regarding payments of wages in the form of group-term life insurance). The original Form 1042S

shall accompany Form 1042 and shall be filed with the Internal Revenue Service Center, Philadelphia, PA 19255.

(2) *Information to be furnished.* (i) Form 1042S shall include such information as is required by the form and accompanying instructions.

(ii) If a Form 1042S is prepared in respect of an item of income upon which tax has not been withheld under chapter 3 of the Code, a brief statement as to the authority for such failure to withhold shall be made upon the form itself. If necessary, however, a separate statement as to such authority may be attached to the original copy of the Form 1042S.

(iii) If a Form 1042S is prepared in respect of compensation from which the personal exemption is deducted in accordance with paragraph (e) of § 1.1441–3, the amount of the compensation allocable to labor or personal services performed within the United States, together with the amount of the deduction for the prorated personal exemption, shall be shown on a separate statement attached to the original copy of that form

(iv) If any certificate, statement, letter, or form relating to an exemption (as described in § 1.1441–4) is filed with or presented to a withholding agent, such certificate, statement, letter, or form shall be attached to each Form 1042S relating to the income subject to the exemption.

(3) *Manner of preparing Form 1042S.* (i) Form 1042S shall be prepared with respect to all payments of any item of income made during the calendar year to the same payee in the manner prescribed by the form and accompanying instructions. Payment of an item of income to a nominee or representative for the benefit of other persons in respect of whom Form 1042s are required may not be shown on a single Forms 1042S but must be identified with the ultimate recipients of the income if such information is known to the payer of the income.

(iii) The duplicate copy of Form 1042S shall be furnished to the payee indicated thereon, and a copy shall be retained by the withholding agent.

(4) *Alternative methods.* To the extent that the withholding agent's system of record keeping makes impractical the use of Form 1042S in the manner prescribed by subparagraph (3) of this paragraph, he may devise and submit for the prior annual approval of the Commissioner a variation of Form 1042S which will include the information required by subparagraph (2) of this paragraph and which will substantially comply with the requirements of subparagraph (3) of this paragraph. Request for such approval shall be sent to: Internal Revenue Service, Attn: Substitute Forms Program, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 and shall be accompanied by an explanation as to why such variation is necessary.

(d) *Information to be furnished by Commissioner.* If a foreign country has entered into an income tax treaty with the United States which provides for the mutual exchange of information, the Commissioner shall, as soon as practicable after the close of a calendar year during which the treaty is in effect, transmit to the appropriate authority designated in the treaty with that country the information contained in Forms 1042S showing a payee with an address in the country. This information is not to be furnished to any such foreign country, however, if the Commissioner ascertains through appropriate channels that the information is not required by that country.

(e) *Penalties.* For penalties and additions to the tax attaching upon failure to comply with this section, see sections 6651, 6656, 6676, and 7203.

* * * * *

§ 1.1461–3 [Amended]

Par. 10. Section 1.1461–3 is amended by removing the phrase "Director, Internal Revenue Service Center, 11601 Roosevelt Boulvard, Philadelphia, PA 19155," in the first sentence of paragraph (a)(1)(i) and in paragraph (a)(2), and inserting in lieu thereof the pharse "Internal Revenue Service Center, Philadelphia, PA 19255,".

§ 1.1462–1 [Amended]

Par. 11. Section 1.1462–1(b) is amended by removing the word "his" in the last sentence and inserting in its place the phrase "the taxpayer's".

§ 1.1465–1 [Removed]

Par. 12. Section 1.1465–1 is removed.

Employment Tax Regulations

PART 31—[AMENDED]

Par. 13. Paragraph (a) of § 31.3401(a)(6)–1 is revised to read as set forth below.

§ 31.3401(a)(6)–1 Remuneration for services of nonresident alien individuals paid after December 31, 1966.

(a) *In general.* All remuneration paid after December 31, 1966, for services performed by a nonresident alien individual, if such remuneration otherwise constitutes wages within the meaning of § 31.3401(a)–1 and if such remuneration is effectively connected with the conduct of a trade or business within the United States, is subject to withholding under section 3402 unless excepted from wages under this section. In regard to wages paid under this section after February 28, 1979, the term "nonresident alien individual" does not include a nonresident alien individual treated as a resident under section 6013 (g) or (h).

* * * * *

Regulations on Procedure and Administration

PART 301—[AMENDED]

§ 301.7605–1 [Amended]

Par. 14. Paragraph (b) of § 301.7605–1 is amended by adding a sentence at the end thereof to read as follows: "The inspection of a taxpayer's books of account pursuant to the procedures of § 1.1441–4(b) (3) and (4) is not an inspection of a taxpayer's books of account for purposes of section 7605(b) and this section."

Par. 15. Section 301.7701–16 is revised to read as follows:

§ 301.7701–16 Other terms.

For a definition of the term "withholding agent" see § 1.1441–7(a). Any other terms that are defined in section 7701 and that are not defined in §§ 301.7701–1 to 301.7701–15, inclusive, shall, when used in this chapter, have the meanings assigned to them in section 7701.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83–30482 Filed 11–10–83; 8:45 am]

BILLING CODE 4830–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AL–003; A–4–FRL 2465–5a]

Approval and Promulgation of Implementation Plans; Alabama: Lead Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of proposed rule.

SUMMARY: On October 22, 1982 (47 FR 47026), EPA proposed approval of the lead plan submitted by the State of Alabama on March 24, 1982. Based on a

subsequent review of the plan in conjunction with the most current ambient air monitoring data, EPA is withdrawing the proposal to approve Alabama's lead SIP.

DATE: This action is effective on November 14, 1983.

ADDRESSES: Copies of the materials submitted by Alabama and comments received may be examined during normal business hours at the following locations:

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

Air Program, Alabama Department of Environmental Management, 645 South McDonough Street, Montgomery, Alabama 36130.

FOR FURTHER INFORMATION CONTACT: Denise W. Pack, EPA Region IV Air Management Branch, at the Atlanta address above, phone 404/881-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: On March 24, 1982, the Alabama Air Pollution Control Commission submitted the State's lead SIP to EPA for approval. On October 22, 1982 (47 FR 47026), EPA proposed to approve it. A subsequent review of the plan in conjunction with current available monitoring data revealed that: (1) Not all areas of the State were achieving the National Ambient Air Quality Standard for Lead; (2) portions of the lead SIP do not conform to EPA guidelines.

Based on the above information, EPA is withdrawing the proposed approval of the Alabama lead SIP.

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA and any response are available for public inspection at the EPA Region IV office (see address above).

List of Subjects in 40 CFR Part 52

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

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: November 3, 1983.

Charles R. Jeter,

Acting Regional Administrator.

[FR Doc. 83-30531 filed 11-10-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74-14; Notice 33]

Federal Motor Vehicle Safety Standards Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of public meetings.

SUMMARY: The purpose of this notice is to announce the time and location of the three public meetings that the Department of Transportation/National Highway Traffic Safety Administration (NHTSA) will be holding concerning a notice of proposed rulemaking (NPRM) containing alternative proposals to provide protection for an automobile's front seat occupants. This rulemaking is part of the further agency review contemplated by the recent Supreme Court decision that found the Department of Transportation's National Highway Traffic Safety Administration's October 1981 rescission of the automatic occupant restraint requirements of FMVSS No. 208 to be arbitrary and capricious. The comment closing date for the NPRM is December 19, 1983.

DATES: As specified in the October 19th **Federal Register** NPRM the public meetings will be held on November 28 and 29 in Los Angeles, California, on December 1 and 2 in Kansas City, Kansas, and on December 5 and 6, in Washington, D.C. The Department at this time intends to limit the meetings in each area to two days, from 10:00 a.m. to 12:00 noon and 2:00 p.m. to 5:00 p.m., and will extend the hearing from 7:00 p.m. to 9:00 p.m. the first evening if requested.

ADDRESSES: The meetings will be held at the following locations in the respective cities. All facilities are accessible to the handicapped.

Los Angeles—Brentwood Theatre, Building 211, Veterans Administration West, Los Angeles Medical Center, Wilshire and Sawtelle Boulevards, Los Angeles, California 90073;

Kansas City—Holidome Holiday Inn Mission, Overland Park, 7240 West 63rd Street, Overland Park, Kansas 66202; and

Washington, D.C.—U.S. Department of Commerce Auditorium, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Nelson, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2264).

SUPPLEMENTARY INFORMATION: The agency urges that interested persons consider previous notices and docket comments concerning automatic restraints and seek to present information and argumentation which have not been discussed or made available previously. In addition, the agency notes that some public comments submitted to the docket to date contain little factual material or data, and consist largely of conclusionary assertions. The agency is interested in obtaining new information and substantiating data for the full range of alternatives contained in the notice of proposed rulemaking. The agency also seeks comments on the wide range of issues raised by the proposal, including benefits, costs, reliability, effectiveness and public acceptability.

No opportunity will be afforded the public to directly question participants in the meetings. However, the public may submit written questions to the presiding panel of Federal officials for the panel to consider asking of particular participants. The presiding officials reserve the right to ask questions of all persons making oral presentations.

Persons wishing to make oral presentations at the public hearing should contact Mr. Nelson by November 17, 1983, so that time limitations (if necessary) and the need for any special equipment, such as projectors, can be discussed and final arrangements can be made. A general outline of each planned oral presentation should also be submitted to Mr. Nelson by November 23, 1983. Persons whose presentations will include slides, motion pictures, or other visual aids should submit copies of them for the record at the meeting. Oral presentations will be limited to between five and 15 minutes, depending upon the number of witnesses, with five additional minutes allotted to questions from the presiding officials, who reserve the right to ask questions for more than five minutes. If the number of requests exceeds the available time, the agency may ask prospective witnesses having similar views or belonging to similar types of groups or occupations to combine their presentations.

Persons making oral presentations are requested but not required to submit 25 written copies of the full text of their presentation to Robert Nelson not later than the beginning of the hearing. Persons who wish to make a written but not an oral presentation should submit

their written comments by the close of business on December 19, 1983. Where time permits, persons who have not requested time, but would like to make a statement, will be afforded an opportunity to do so at the end of the schedule for each day. Copies of all written statements will be placed in Docket 74–14, Notice 32 of the NHTSA Docket Section in Room 5109, Nassif Building, 400 Seventh Street, SW., Washington, D.C. (20590) (Docket Hours: 8 a.m. until 4 p.m.). A verbatim transcript of the public hearing will be prepared and also placed in the NHTSA docket as soon as possible after the hearing. A schedule of the persons making oral presentations at the hearing will be available at the designated meeting area at the beginning of the public meeting.

Issued: November 8, 1983.

Diane K. Steed,

Administrator-Designate.

[FR Doc. 83-30757 Filed 11-9-83; 3:46 pm]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1162

[Ex Parte No. MC-67 (Sub-6)]

Elimination of Notification Procedure in the Processing of Emergency Temporary Authority Applications Under 49 U.S.C. 10928

AGENCY: Interstate Commerce Commission.

ACTION: Withdrawal of proposed rules and notice of discontinuance of informal practice.

SUMMARY: The Commission affirms the prior decision, at 132 M.C.C. 424 (1981), 46 FR 13749, February 24, 1981, to discontinue the informal practice of having the field staff notify competing carriers when a motor carrier files an application for emergency temporary authority (ETA). This practice is not required by statute, is not beneficial in terms of information gained, and delays the Commission's response to shippers' emergency needs. Existing carriers receive notice of most ETA's which will last over 30 days through publication of notice of the filing of a corresponding temporary authority. The Commission rejects the proposed rule (45 FR 6634, January 29, 1980) to require the applicant to notify competing carriers.

EFFECTIVE DATE: December 12, 1983.

FOR FURTHER INFORMATION CONTACT: For Assistance from the Office of Compliance and Consumer Assistance contact the Regions listed in Supplementary Information.

For assistance from the Office of Proceedings contact:

Public Assistance Branch:
Judy Holyfield, 202–275–7863.
Jane Ewing, 202–275–7786.

SUPPLEMENTARY INFORMATION: In our prior decision at 132 M.C.C. 424 (1981), we tentatively decided to eliminate the informal practice of having the field staff notify competing carriers by telephone of the filing of an application for emergency temporary authority (ETA). This practice was continued, however, pending receipt and consideration of additional comments on a newly proposed rule to place the burden of notification on applicants.

This proposed elimination was noticed at 46 FR 13749, February 24, 1981. After reviewing all the comments filed, we affirm our decision to discontinue notification by the Commission and to reject the proposal to place that burden on applicants.

Background of the Proceeding

On January 2, 1979, after publishing notice in the **Federal Register**, the Commission discontinued the practice of notifying carriers known to have an interest in an ETA application. *Notice of Elimination of Notification Procedure in the Processing of Emergency Temporary Authority Applications Under 49 U.S.C. 10928* (Notice of Elimination), 43 FR 58701, December 15, 1978. On appeal, the court held that the *Notice of Elimination* was improperly adopted because the Commission did not follow the notice and comment procedures of the Administrative Procedure Act, 5 U.S.C. 553. *Brown Express, Inc.* v. *United States*, 607 F.2d 695 (5th Cir. 1979). To comply with the court's decision, the Commission rescinded *Notice of Elimination* and reinstated the informal notification procedure. *Notice of Rescission of Prior Notice Eliminating Notification Procedure in the Processing of Emergency Temporary Authority Applications Under 49 U.S.C. 10928*, 44 FR 76616, December 27, 1979. This rulemaking was then instituted [45 FR 6634, January 29, 1980].

After comments were received, we issued the prior decision, *supra*, in which we made the following observations and conclusions. Section 10928 of the Interstate Commerce Act exempts ETA and TA applications from the procedural requirements of the statute and the Administrative Procedure Act, including those requirements relating to notice and hearing. The primary statutory criterion for the disposition of these applications is the need for service. We tentatively concluded that the present blanket telephone notice program involves a substantial expenditure of Commission resources which could be better used by handling emergency applications more expeditiously. We decided, however, to continue the present informal practice of giving notice to competing carriers pending consideration of comments on the alternative proposal which placed upon the applicant the burden of notifying competing carriers.

The rulemaking proposed at 45 FR 6634, January 29, 1980, is withdrawn. Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T. S. Infosystems, Inc., Room 2227, Washington, DC 20423, or call 289–4357 in the DC Metropolitan area or toll free (800) 424–5403.

For information from the Office of Compliance and Consumer Assistance Contact:

Region 1: Boston, MA, 617–223–2372
Region 2: Philadelphia, PA, 215–597–0757
Region 3: Atlanta, GA, 404–881–2167
Region 4: Chicago, IL, 312–353–6204
Region 5: Fort Worth, TX, 817–334–3961
Region 6: San Francisco, CA, 415–974–7125

Regulatory Flexibility Statement

We certify that the elimination of notification of the filing of ETA applications will not have a significant economic impact on a substantial number of small entities. To the contrary, notification often fosters certain delay at the expense of unmet shipper need. These shippers requiring immediate service may often be small entities.

Findings

We find that, for the reasons discussed in this and in our prior decision, elimination of the notification procedures in the processing of emergency temporary authority applications under 49 U.S.C. 10928 is consistent with the public interest and the national transportation policy. This decision does not affect the quality of the human environment or conservation of energy resources.

Decided: October 14, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-30403 Filed 11-10-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 30104-201]

Atlantic Mackerel, Squid, and Butterfish Fisheries; Proposed Rule; Correction

AGENCY: National Oceanic and Atmospheric Administration (NOAA) Commerce.

ACTION: Proposed rule: correction.

SUMMARY: This document corrects a proposed rule to implement Amendment 1 for Atlantic Mackerel, Squid, and Butterfish Fisheries that was published on October 24, 1983, 48 FR 49077. The proposed rule contained an incorrect date for ending the comment period.

FOR FURTHER INFORMATION CONTACT: Salvatore A. Testaverde (Plan Coordinator), 617-281-3600.

The correction is made in FR Doc. 83-28861 appearing on page 49077, second column under the **DATE** heading. The sentence should read "Comments must be received on or before December 2, 1983."

Dated: November 8, 1983.

Anthony J. Calio,

Deputy Administrotor, NOAA.

[FR Doc. 83-30602 Filed 11-10-83; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 220
Monday, November 14, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Declaration of Extraordinary Emergency Because of Highly Pathogenic Avian Influenza

A serious outbreak of highly pathogenic avian influenza is occurring in poultry in Pennsylvania. Influenza virus isolates from this outbreak in Lancaster County, Pennsylvania, produced more than 75 percent mortality within 8 days when inoculated in healthy susceptible chickens at the National Veterinary Services Laboratory, Ames, Iowa. Such a serious outbreak of avian influenza has not occurred in the United States since 1929.

Highly pathogenic avian influenza is a dangerous communicable disease of poultry and it is hereby determined that an extraordinary emergency exists because of outbreaks of the disease in Pennsylvania, and that such outbreaks threaten the poultry of the United States, constitute a real danger to the national economy, and seriously burden interstate and foreign commerce. It is further determined that adequate measures to control such outbreaks cannot be taken by Pennsylvania. This declaration of extraordinary emergency authorizes the Secretary to seize, quarantine, and dispose of, in such manner as he deems necessary, any animals which he finds are or have been affected with or exposed to such disease, and carcasses of any such animals and any products and articles which he finds were so related to such animals as to be likely to be a means of disseminating such disease and otherwise to carry out the provisions and purposes of the Act of July 2, 1962 (21 U.S.C. 134–134h). The Commissioner of Agriculture of Pennsylvania has been informed of these facts.

Further, in accordance with the provisions of the Act of September 25, 1981, 95 Stat. 953 (7 U.S.C. 147b); section 11 of the Act of May 29, 1884, 23 Stat. 33, as amended (21 U.S.C. 114a); and the provisions of the appropriation items for the Animal and Plant Health Inspection Service in the Agriculture, Rural Development, and Related Agencies Appropriation Act, 1983 (Pub. L. 97–370) as extended by House Joint Resolution, H.J. Res. 368, 98th Cong., 1st Sess. (97 Stat. 733) (1983), and any additional appropriations enacted into law, I authorize the use of the funds available under the said appropriation items for all proper purposes in a program conducted independently or in cooperation with States and political subdivisions thereof, farmers' associations, and similar organizations and individuals, to control and eradicate the disease wherever found in fully developed stages or in precursor stages.

Dated: November 9, 1983.

Richard E. Lyng,

Acting Secretary of Agriculture.

[FR Doc. 83-30736 Filed 11-9-83; 2:59 pm]

BILLING CODE 3410-01-M

Human Nutrition Information Service

Joint Nutrition Monitoring Evaluation Committee Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463) announcement is made of the following committee meeting:

Name: Joint Nutrition Monitoring Evaluation Committee.

Date: December 8 and 9, 1983.

Place: Conference Room 643A, Federal Building, 6505 Belcrest Road Hyattsville, MD 20782.

Time: December 8, 1 p.m. to 5 p.m.; and December 9, 9 a.m. to 4 p.m.

Purpose: To evaluate the findings of the Nationwide Food Consumption Survey (NFCS), the National Health and Nutrition Examination Survey (NHANES), and other Federal nutrition monitoring efforts and develop a report on the nutritional status of the U.S. population.

Agenda: The agenda will include the following items: brief review and discussion of the history and purpose of the committee; establishment of goals, scope and approach; division of duties; setting of time table; and plans for future meetings.

The meeting is open to the public. There is a limited amount of space available for public attendance. Written statements or comments of concern to the committee may be submitted to Isabel D. Wolf, Administrator, Human Nutrition Information Service, 6505 Belcrest Road, Room 360, Hyattsville, Maryland 20782 prior to December 9, 1983.

Done at Washington, D.C. this 7th day of November 1983.

Isabel D. Wolf,

Administrator.

[FR Doc. 83-30023 Filed 11-10-83; 8:45 am]

BILLING CODE 3410-KE-M

CIVIL AERONAUTICS BOARD

Agreements Among Members of the Air Traffic Conference of America Relating to a Default Protection Plan

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (Order 83–11–14).

SUMMARY: The Board is proposing to withdraw approval and antitrust immunity from the agreements establishing the Default Protection Plan to the extent they require terminating or suspending the participation in the Area Settlement Plan of a default carrier which continues to operate.

DATES: Objections: All interested persons having objections to the Board's tentative decision shall file, and serve upon all persons listed in the Appendix to Order 83–11–14, no later than December 19, 1983, a statement of objections and any material expected to be relied upon to support the objections.

ADDRESSES: Responses shall be filed in Docket 40386 and should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, and should be served upon all persons listed in the Appendix to Order 83–11–14.

FOR FURTHER INFORMATION CONTACT: Sherry L. Kinland, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 83–11–14 is available from our Distribution Section, Room 100, 1825 Connecticut Ave., NW., Washington, D.C. 20428. Persons outside

the metropolitan area may send a postcard request for Order 83–11–14 to that address.

By the Civil Aeronautics Board: November 2, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–30666 Filed 11–10–83; 8:45 am]

BILLING CODE 6320–01–M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations (See, 14 CFR 302.1701 et. seq.); Week Ended November 4, 1983

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Nov. 4, 1983	41790	Atlantic Gulf Airlines, Inc., c/o Stephen L. Gelband, Hewes, Morella, Gelband & Lamberton, 1010 Wisconsin Avenue, N.W., Washington, D.C. 20007. Application of Atlantic Gulf Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations applies for a certificate of public convenience and necessity to provide scheduled interstate and overseas air transportation of passengers, cargo and mail, and for a fitness determination. Conforming Applications, Motions to Modify Scope and answers may be filed by December 2, 1983.
Do	41794	Aerotour Dominicano, C. por A., c/o Ralph R. Curry, 2055 North 15th Street, Arlington, Virginia 22201. Application of Aerotour Dominicano, D. por A., pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations to engage in non-scheduled foreign air transportation between the Dominican Republic and the U.S. Virgin Islands; San Juan, Puerto Rico; Miami, Florida; and Foreign Charter Air Transportation. Answers may be filed by December 2, 1983.
Oct. 31, 1983	41696	Hawaiian Pacific Airlines, Inc., c/o Michael J. Roberts, Verner, Liipfert, Bernhard and McPherson, 1660 L Street, N.W., Suite 1100, Washington, D.C. 20036. Amendment No. 1 to the Application of Hawaiian Pacific Airlines, Inc. to submit additional information pursuant to Order 83–10–9. Answers may be filed by November 14, 1983.
Nov. 2, 1983	41300	Aeromar, C. por A., c/o Mark Pestronk, 805 King Street, Alexandria, Virginia 22314. Amendment No. 1 to the Application of Aeromar, C. por A. for renewal of its Foreign Air Carrier Permit pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations. Answers may be filed by November 30, 1983.
Do	41393	Ryan Aviation Corporation, c/o R. Bruce Keiner, Jr. Crowell & Moring, 1100 Connecticut Avenue, N.W., Washington, D.C. 20036. Third Supplement to the Application of Ryan Aviation Corporation, pursuant to Section 401(d)(3) of the Act and Subpart Q of the Board's Procedural Regulations for interstate and overseas charter air transportation. Answers may be filed by November 30, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–30663 Filed 11–10–83; 8:45 am]

BILLING CODE 6320–01–M

Collection of Claims Owed to the United States

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Collection of Information under the Provisions of the Paperwork Reduction Act (44 U.S.C. 35).

SUMMARY: The Civil Aeronautics Board is requesting the Office of Management and Budget's approval of collection of information in Part 316 of the Board's Procedural Regulations which establishes procedures under which the Board will collect claims owed to the United States arising from activities under the Board's jurisdiction in accordance with the Federal Claims Collection Act, as amended by the Debt Collection Act (Public Laws 89–308 and 97–365).

DATE: November 3, 1983.

FOR FURTHER INFORMATION CONTACT: Bernard Davis, Data Requirements Section Information Management Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–6042.

SUPPLEMENTARY INFORMATION: Agency Clearance Officer from Whom a Copy of the Collection of Information and Supporting Documents is Available: Robin A. Caldwell (202) 673–5922.

How Often the Collection of Information Must Be Filed: On occasion.

Who is Asked or Required to Report: Persons Owing Payment to U.S.

Estimate of Number of Annual Responses: 30.

Estimate of Number of Annual Hours Needed to Complete the Collection of Information: 60.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–30665 Filed 11–10–83; 8:45 am]

BILLING CODE 6320–01–M

[Docket 40813]

Regent Air Corp., Fitness Investigation; Change of Date of Hearing

Notice is hereby given that the hearing in the above-entitled matter scheduled to begin on November 14, 1983, is changed to November 15, 1983, at 10:00 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., November 7, 1983.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 83–30664 Filed 11–10–83; 8:45 am]

BILLING CODE 6320–01–M

[Docket 41638]

Spokane-Alberta Service Case; Hearing

Notice is hereby given that a hearing in the above-titled proceeding is scheduled to commence on December 7, 1983, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., November 8, 1983.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 83–30662 Filed 11–10–83; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Exporters' Textile Advisory Committee; Change of Date of Public Meeting

On October 11, 1983 a notice was published in the **Federal Register** announcing a meeting of the Exporters' Textile Advisory Committee on November 17, 1983 at 10:00 a.m. in Room 3708 in the Main Commerce Building. The purpose of this notice is to announce that the date, time, and location have been changed to December 15, 1983 in New York at the Grand Hyatt New York Hotel, Majestic Room (Park Avenue at Grand Central Station) from 10:00 a.m. to 12:30 p.m.

Dated: November 7, 1983.

Walter C. Lenahan,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 83-30530 Filed 11-10-83; 8:45 am]

BILLING CODE 3510-25-M

[A-580-073]

Bicycle Tires and Tubes From Korea; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on bicycle tires and tubes from Korea. The review covers the seven known manufacturers and/or exporters of this merchandise to the United States and generally the period April 1, 1981 through March 31, 1982. The review indicates the existence of dumping margins for certain firms during the period.

As a result of the review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between foreign market value and United States price on each of these firms' sales during the period of review.

Insterested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: November 14, 1983.

FOR FURTHER INFORMATION CONTACT: Leon McNeill or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-3601.

SUPPLEMENTARY INFORMATION:

Background

On June 8, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 26492) the final results of its last administrative review of the antidumping finding on bicycle tires and tubes from Korea (44 FR 22051-2, April 13, 1979) and announced its intent to immediately conduct the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of bicycle tires and tubes from Korea. The term "bicycle tires and tubes" means pneumatic bicycle tires and tubes of rubber or plastics, whether such tires and tubes are sold together as units or separately. 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 seven known manufacturers and/or exporters of Korean bicycle tires and tubes to the United States and generally the period April 1, 1981 through March 31, 1982, as well as certain shipments by Hung-A Industrial Co., Ltd. not covered in prior reviews.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act and 203 of the Antidumping Act of 1921 ("the Antidumping Act"). Purchase price was based on the f.o.b. packed price. Where applicable, we made deductions for foreign inland freight, customs brokerage charges, wharfage, and commissions to unrelated parties. We accounted for customs duties, defense taxes, and value-added taxes incurred on raw materials rebated by reason of exportation of the merchandise to the United States. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in sections 773(a) of the Tariff Act and 205 of the Antidumping Act, as applicable, when sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. The Department used the price to a third country (Canada), as defined in sections 773(a)(1)(B) of the Tariff Act and 205 of the Antidumping Act, when there were insufficient quantities of such or similar merchandise sold in the home market. The home market prices and third-country prices were based on either delivered or f.o.b. packed prices to unrelated purchasers in the home market or to the third country. Where appropriate, we made adjustments for foreign inland freight, rebates, bonuses, commissions to unrelated parties, credit costs, and advertising costs incurred on behalf of customers and directly related to sales of bicycle tires and tubes, in accordance with sections 353.15 of the Commerce Regulations and 153.10 of the Customs Regulations. We made further adjustments, where appropriate, for differences in packing costs, and differences in physical characteristics in accordance with section 353.16 of the Commerce Regulations and 153.11 of the Customs Regulations. We did not allow certain advertising claims because the firms did not show that such costs were directly attributable to sales of bicycle tires and tubes. We also did not allow certain claims made for insurance, bad debts, entertainment expenses and interest costs, because the firms did not show that such costs were directly attributable to sales of bicycle tires and tubes during the period of review. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States prices to foreign market value, we preliminarily determine that the following margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Dae Yung Commercial Co., Ltd.	4/1/81-3/31/82	0
Hung-A Industrial Co., Ltd.	4/1/78-12/31/78	8.72
	1/1/79-3-31/80	7.83
	4/1/81-3/31/82	0
Korea Inoue Kasei Co., Ltd.	4/1/81-3/31/82	0.02
Shin Hung Rubber Co., Ltd.	4/1/81-3/31/82	1 0
Dae Woo Industrial Co., Ltd.	4/1/81-3/31/82	1 2.32
Kukje (ICC) Corp.	4/1/81-3/31/82	0
Nichimen Corp.	4/1/81-3/31/82	0

[1] No shipments during the period.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the

results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, the Department shall require a cash deposit of estimated antidumping duties based upon the most recent of the margins calculated above for all shipments by these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. Since the margin for Korea Inoue Kasei Co., Ltd. is less than 0.5 percent and, therefore, *de minimis* for purposes of cash deposits of estimated antidumping duties, the Department shall waive the cash deposit requirement for that firm.

For any shipment from a new exporter not covered in this or prior reviews, whose first shipments occurred after March 31, 1982 and who is unrelated to any reviewed firm, we shall not require a cash deposit for future entries. These cash deposit requirements and waiver shall remain in effect until publication of the final results of the next administrative review.

Since the Department's revocation of the countervailing duty order on this merchandise was effective on August 10, 1981, the Department shall make an addition to the United States price in the amount of any countervailing duty attributable to any export subsidies for entries of this merchandise during the period April 1, 1978 through August 9, 1981.

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 § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: October 31, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-30555 Filed 11-10-83; 8:45 am]

BILLING CODE 3510-25-M

[A-588-028]

Roller Chain, Other Than Bicycle, From Japan; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final result of adminstrative review of antidumping finding.

SUMMARY: On October 8, 1982, the Department of Commerce published the preliminary results of its administrative review and tentative determination to revoke in part the antidumping finding on roller chain, other than bicycle, from Japan. The review covers 105 of the 119 known manufacturers and/or exporters of this merchandise to the United States and generally the period April 1, 1980 through March 31, 1981.

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke in part. At the request of the petitioner, we held a public hearing on December 16, 1982. Based on comments received, the Department has adjusted the results of review for ten firms. The final results of review are the same as the preliminary results for the remaining firms.

EFFECTIVE DATE: November 14 ,1983.

FOR FURTHER INFORMATION CONTACT: J. Linnea Bucher or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-5255.

SUPPLEMENTARY INFORMATION:

Background

On October 8, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 44597) the preliminary results of its administrative review and tentative determination to revoke in part the antidumping finding on roller chain, other than bicycle, from Japan (38 FR 9926, April 12, 1973). The Department has now completed that administrative review.

The substantive provisions of the Antidumping Act of 1921 and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by the review are shipments of Japanese roller chain, other than bicycle: the term "roller chain, other than bicycle", as used in the review includes chain, with or without attachments, whether or not plated or coated, and whether of not manufactured to American or British standards, which is used for power transmission and/or conveyance. Such chain consists of a series of alternately assembled roller links and pin links in which the pins articulate inside the bushings and the rollers are free to turn on the bushings. Pins and bushings are press fit in their respective link plates. Chain may be single strand, having one row of roller links, or multiple strand, having more than one row of roller links. The center plates are located between the strands of roller links. Such chain may be either single or double pitch and may be used as power transmission or conveyor chain.

This review also covers leaf chain, which consists of a series of link plates alternately assembled with pins in such a way that the joint is free to articulate between adjoining pitches. This review further covers chain models #25 and #35. Roller chain, other than bicycle, is currently classifiable under various provisions of the Tariff Schedules of the United States Annotated, ranging from item number 652.1300 through 652.3800.

The Department is reviewing the method of adjusting home market prices to reflect different levels of trade for certain firms.

While the margins shown in this notice for the following companies will remain in effect for the purpose of determining cash deposits of estimated antidumping duties, liquidation of entire from these firms during this review period will continue to be suspended:

Manufacturer/Exporter

Asia Machinery
Daido Enterprising
Deer Island
Fuji Seko
Kashima Trading
Meiho Yoko
Naniwa Kogyo
Royal Industries
Shinyo Ind. Co.
Tabard
Toyota Motor Sales
Yoshida Auto Parts

We will announce in a subsequent notice our decision concerning the actual asssessment of dumping liabilities, if any, for entries by the above firms with purchase dates or export dates, as appropriate, during the periods indicated in this notice.

The review covers 105 of the 119 known manufactures and/or exporters of Japanese roller chain, other than bicycle, to the United States and generally the period April 1, 1980 through March 31, 1981.

Analysis of Comments Received

We invited interested parties to comment on our preliminary results. At the request of the petitioner, American Chain Association ("ACA"), we held a public hearing on December 16, 1982.

ACA and several Japanese exporters and U.S. importers submitted comments.

Comment 1

ACA argues tha the claims concerning the scope of the finding submitted by Tsubakimoto and Toyota should for the most part be rejected. Although the Treasury Department, for administrative convenience, limited its investigation to certain models, the Department apparently has preliminarily accepted Tsubakimoto's contention that, aside from models 25 and 35, and leaf chain, only chain containing free turning rollers is covered. Limiting the scope of the finding to models with free turning rollers and to models 25, 35 and leaf chain is inconsistent.

The petition stated that "roller chain shall mean all roller chain except bicycle chain, used for power transmission and conveyance." The petition alleged dumping of all roller chain, except bicycle chain.

The Treasury Department accepted ACA's position that all roller chain, except bicycle chain, was a "class or kind" of merchandise. At no point in the investigation was the definition modified.

The Tariff Commission adopted the same broad definition and, in fact, specifically addressed not only standard single-strand roller chain, other than bicycle, but also multistrand, double-pitch, heavy series, plated, stainless steel, micropitch, and engineering class roller chain. The ACA and the Japanese producers understood during the original investigation that "roller chain" was broadly defined.

Domestic and Japanese producers of roller chain, including Tsubakimoto and its U.S. subsidiary, UST, offer in their catalogs, as roller chain, many of the products which they now claim are not roller chain. These include: "bushed chain", "lube free chain", and paper feed chain.

The Department determined in the first administrative review that only bicycle chain was not intended to be included in the class or kind and was specifically excluded from the finding. The Department indicated that the product description could not be narrowed to encompass only roller chain meeting a particular standard.

ACA argues that most of the types which Tsubakimoto claims are outside the scope are in fact within it. Proper application of the four criteria used by the Department to clarify the scope of findings, *ie.*, whether the product has comparable general physical characteristics and uses, is sold through the same channels of trade, and wherther the expectations of the ultimate consumer are similar, demonstrates that the following chain types which Tsubakimoto would exclude are well within the scope:

a. Hollow pin chain, referred to by Tsubakimoto as pinless chain, is chain in which the pins are made hollow to permit attachments; the nature of the pin does not exempt chain from the finding.

b. Chain without free turning rollers is offered in Tsubakimoto's catalog in the same dimensions and for the same conveyance purpose as standard roller chain with free turning rollers. It is unrealistic in terms of industry understanding and use to base scope decisions solely on the presence of free turning rollers.

c. Number 60 sintered bushed chain (lube free chain) and number 60 hollow pin chain are identical except that the latter has hollow pins. Neither has free-turning rollers, but both can accomplish the same functions as number 60 conventional chain, which has free-turning rollers. The only real functional difference is that number 60 sintered bushed chain is self-lubricated and number 60 hollow pin chain requires externally applied lubrication, a difference never previously considered relevant to the scope.

d. Standard bushed chain has the same parts and the same dimensions as sintered bushed chain of the same series. Standard bushed chain is not made of sintered steel and is therefore not self-lubricated. Model numbers 25 and 35 standard bushed chain were included in the original investigation. ACA's submissions included references to such chain in sizes larger than numbers 25 and 35 as well. Standard bushed chain also meets the criteria as to physical appearance, function, channels of trade, and customer expectations.

e. Micropitch chain is physically identical to model numbers 25 and 35 except smaller. The Tariff Commission specifically referred to micropitch chain in its investigation.

f. Tsubakimoto cited number 25 bushed attachment chain as outside the scope. Number 25 chain is clearly within the scope; it is settled that a chain is not outside the finding because it has attachments.

g. Tsubakimoto's exclusion requests for "offset sidebar" chain and "conveyor bushed" chain should be rejected because Tsubakimoto has not proposed a definition that distinguishes these types of chain from roller chain. The offset link is fundamental to both roller chain and to engineering class chain. "Conveyor bushed" chain is not a recognized category of chain in the industry.

ACA agrees that hinged (flat top) chain and welded steel chain are not roller chain.

Tsubakimoto agrees that the Department, in the final results of its first review, specifically defined the scope in terms of the components with which roller chain is constructed. No party contested the determination and it thus became the law of the case. The definition cannot now be changed.

The clarification published in the Department's notice of preliminary results for the second review does not change the scope as defined in the previous final results notice; it merely confirms that certain types of chain were not included in the Department's understanding of the definition.

For purposes of this antidumping finding, roller chain has been defined in terms of roller links and pin links, and the original investigation was limited to chain of two inches or less in pitch. The finding includes only roller chain of the same class or kind as that investigated up to two inches in pitch, plus leaf chain and size 35 chain.

Tsubakimoto argues that the Department was correct in finding that none of the chain categories described in the preliminary results fit within the scope of the finding:

a. Bushed chain does not meet the Department's definition because it does not contain roller links and rollers. It thus does not have the same physical characteristics. The ultimate use is different because the consumer considers different strengths, applications, etc. The fact that an item may be sold in the same channels of trade is not conclusive, because other items not within the scope of the finding, such as sprockets, chain pullers, and chain parts, are also sold in those channels of trade. Because Customs understood bushed chain to be outside the scope of the finding, Customs did not withhold liquidation of such chain.

b. Tsubakimoto argues that pinless chain (hollow pin chain) is outside the scope because such chain contains a roller link and a bushed link, not a pin and pin link. It is also without rollers. It has different physical characteristics, and would have different ultimate uses.

c. Sintered bushed chain does not meet the criteria for roller chain. It does not contain rollers or roller links. It has a lower tensile strength than standard chain, and it is manufactured of different steel impregnated with special lubricants.

Consumer expectations for sintered bushed chain differ in that it is used where normal lubrication (necessary for

standard roller chain) is not practical. The cost is also much greater.

d. Paper feed chain is bushed chain, most commonly manufactured in ¼ inch pitch, or size 25. It is not within the scope because it was not included in the original investigation nor in the original petition. The Department has stated that the only reason it included sizes 25 and 35 within the scope was that those sizes were included in the investigation. The record shows that size 25 was never considered. In addition, paper feed chain is manufactured with special side plates which make it unacceptable for the same applications as other size 25 chain.

e. Offset sidebar and hinged (flattop) chain are not within the scope.

Department's Position

On matters concerning the scope of a finding or order, our primary bases for determining whether a product is covered are the descriptions of the products contained in the petition, the initial investigation, and the International Trade Commission, Treasury, or Commerce determinations.

When, because of vagueness in the description of the product, we cannot make a determination concerning the scope of a finding or order based upon the documentation mentioned above, we use four additional criteria to make a determination on scope. These criteria are:

1. The physical characteristics of the merchandise;
2. The uses for which the merchandise is imported;
3. The expectations of the ultimate purchaser; and
4. The channels of trade in which the merchandise moves.

With respect to roller chain, we did not consider it necessary to use the four additional criteria. Our definition of roller chain, other than bicycle, is taken directly from the petition and the investigation record. We have provided this definition under *Scope of the Review* in all notices published since our final results notice on the last administrative review (46 FR 44488, September 4, 1981). Our position has not changed with respect to the chain that meets our definition as falling within the scope.

The following chains are missing one or more components stated in our definition and are, therefore, not within the scope of the finding:

1. Chain without free turning rollers;
2. Number 60 sintered bushed chain;
3. Number 60 hollow pin chain without rollers;
4. Standard bushed chain;
5. Number 25 bushed chain;
6. Offset sidebar chain;
7. Conveyor bushed chain;
8. Micropitch chain.

Hollow pin chain with rollers meets our definition and therefore, is within the scope of the finding.

Comment 2

ACA also argues that Toyota's automotive timing chain is within the scope. Toyota concedes that automotive timing chain is roller chain but argues that it falls outside the scope because timing chain, while it incidentally transmits power, is not primarily intended for that purpose, but rather to maintain a precise synchronous relationship between the crankshaft and camshaft of an automobile in order to ensure that the cylinders of the engine fire in proper sequence. ACA counters that no synchronization will occur if the chain breaks and no power is transmitted; power transmission is not a secondary but an essential attribute of timing chain.

ACA further contends that, if roller chain is outside the finding when power transmission is not its principal function, all power-transmission chain would be exempt. Moreover, the Department has determined in the past that the concept of chief use is not relevant to whether merchandise is of the class or kind subject to a dumping finding. See "Final Results of Administrative Review of Antidumping Finding" regarding bicycle speedometers from Japan, 47 FR 28978–9, July 2, 1982.

Toyota argues further that timing chain differs from roller chain for power transmission or conveyance under each of the four Departmental criteria.

Timing chain is a finished product ready for use as an automotive engine part. It is of specific length, has a specific number of links, and is equipped with special bright links to permit proper installation. Although bright links are among the attachments recognized by the roller chain industry to adapt standard chain for conveying, elevating and timing purposes, they are not the type of attachments which render chain suitable for conveyance.

The ultimate purchaser of Toyota timing chain expects that the engine will operate in properly timed sequence if the chain is properly installed. The purchaser does not have in mind that the chain will transmit power or conveyance.

Toyota timing chain is distributed exclusively through Toyota's dealer network. These channels do not handle roller chain for power transmission or conveyance.

Further Toyota argues that ACA's petition references ANSI Standard B29.1 which enumerates various types of roller chain including power transmission, conveying, elevating, and timing chain. The petition is specifically limited to the first two categories. Thus ACA did not originally wish to include timing chain and it was not included. ACA cannot now claim that the petition and investigation cover it.

Department's Position

We do not believe that the finished nature of the product, the presence of bright links or the timing function of the chain sufficiently alter such chain to exclude it from the finding. Timing chain fully meets the definition of roller chain set out under the *Scope of Review* and therefore is covered by the finding.

Comment 3

Toyota in Japan sells only directly to dealers. In evaluating the U.S. sales to unrelated distributors, Toyota argues that the Department should increase Toyota's United States price for level of trade differences, using the differential between Toyota's price to its independent U.S. distributors and its related U.S. distributors' prices to unrelated dealers. Toyota claims that the Department's proposed limitation on requests for level of trade adjustments to examination of trade level differences on home market sales but not those cost differences incurred on sales to the United States is a substantive change in the administration of the law and cannot be applied retroactively and without notice. Adoption of a wholly new methodology, without opportunity for Toyota to make pricing adjustments or to produce explanatory data, is punitive and contrary to the spirit of the Tariff Act. In addition, adjusting for differences in levels of trade based on trade level differences in the United States is "the law of the case". Customs Headquarters ruled in Toyota's favor on this issue and it is unfair to require Toyota to defend the same legal position again and again.

Section 353.19 of the Commerce Regulations does not require that the adjustment be applied to foreign market value. The section implicitly recognizes that at times it is proper to adjust the United States price. For Toyota, the trade level difference in the U.S. is quantifiable and verifiable. By contrast, as only one trade level exists in Japan, the Department's proposed approach would be based on assumptions, not susceptible to quantification and verification. The level of trade adjustment should be made in the market where the difference exists and not that where it does not exist. The

Department's current interpretation, requiring the use of differences in the foreign market where no differences exist, makes the regulation section into a nullity, eliminating the only situation where the adjustment is needed.

Adjustments for differences in circumstances of sale and in quantities cannot substitute for differences in levels of trade. The former are based on cost differences while the latter are based solely on price.

The Department should grant the level of trade adjustment as requested even if the adjustment is made to the foreign market value. To maintain that an adjustment to foreign market value must be based on home market factors is at odds with the Department's position on the ESP offset where an adjustment to foreign market value is based exclusively on factors in the U.S. market.

With regard to Toyota's U.S. sales, Toyota's costs in selling to related and unrelated distributors are the same. This corroborates the arms-length nature of Toyota's price to its related distributors and, in turn, supports adjustment based on the selling expenses of the related distributors.

ACA argues that § 353.13 of the Commerce Regulations indicates that the Department is to determine foreign market value in accordance with the criteria in § 353.14 through 353.23. Section 353.19 is within that range. The Department therefore cannot make the adjustment to the U.S. price. Nor may the Department use U.S. experience to adjust Japanese prices. Further, it is difficult to understand why Toyota cannot approximate or disaggregate Japanese distribution costs. Toyota has evidently not been willing to attempt to quantify these costs and has not adequately explained why quantification is impracticable.

Finally, Toyota's argument embraces the unrealistic assumption that distribution costs and profits are identifical in both markets. Such a prolonged coincidence in price seems unlikely, or if true, suggests a possible violation of the antitrust laws.

Department's Position

When we published the final results of the first administrative review of this finding, we specifically deferred assessment of entries made by Toyota due to the level of trade issue. Because Toyota was selling directly to dealers in Japan, the Department believed that Toyota was absorbing the missing distributor costs and that Toyota should be able to quantify the absorbed costs. We deferred assessment in order to give Toyota the opportunity to provide the appropriate data. Our records indicate that on October 6, 1981, we informed Toyota that the claim must be properly quantified and verified, and that it must be based on home market experience. Toyota was thus advised of our existing policy a year prior to publication of our preliminary results of this review and chose not to comply.

Nonetheless, because of our recent statement of policy regarding level of trade in the final affirmative determination on "Certain Carton Closing Staples and Staple Machines from Sweden" (48 FR 49323) (published October 25, 1983), we are again deferring publication of final results for Toyota, to give the company one final opportunity to submit the needed information.

Comment 4

ACA argues that the Department should deny Honda's request for revocation because revocation would release Honda, a non-producer, from the antidumping finding regardless of the identity of the producer of Honda's chain and regardless of the disposition of the chain in the United States. A non-producer purchasing for export may readily become a "conduit," acting like a trading company, and effectively insulating from scrutiny producers otherwise subject to a finding. In addition, Honda's failure to submit data on its sales to Puerto Rico, to employees and for promotionals, as part of its United States sales data, should preclude revocation.

With regard to Honda's sales to Honda of America Manufacturing Co., the statute does not authorize the Department to exclude sales merely because the necessary calculations are complex. The legislative history of the 1974 amendments indicates that merchandise further processed in the United States is subject to findings. Further, Honda has not established that the quantity or value of roller chain used in motorcycles produced by Honda of America is insignificant.

At most, Honda should receive a revocation only for the special circumstances under which Honda currently imports roller chain.

Honda counters that its revocation would not set a dangerous precedent opening up revocations to trading companies because the Department has distinguished the two situations. Honda, unlike a trading company, only exports roller chain as replacement chain to Honda dealers and sets the prices on such sales. The Department now has all information on the insignificant unreported sales and the margin is still *de minimis*.

The sales to Honda of America are not subject to the finding based on a Customs Service decision in 1979 for Kawasaki that roller chain was an insignificant percentage of the value of a finished motorcycle. Finally, Honda of America has ceased importing roller chain because it now produces only shaft-driven motorcycles.

Department's Position

Our decision on revocation is based on the pricing practices of the firm seeking revocation. Honda controls the price at which it sells roller chain in both the U.S. and Japanese markets. Honda reported in its response that it had not provided data for certain insignificant U.S. sales. At the Department's request, Honda subsequently supplied adequate data on the previously unreported sales to Puerto Rico, to employees, and for promotionals. The impact of these sales was insignficant and the margin remains *de minimis*.

All shipments of roller chain to Honda of America are assimilated into motorcycles produced in the U.S. As a result there is no sales price for the roller chain. The only way to calculate a price would be to base exporter's sales price on the price of a complete motorcycle and then to strip out the costs of all other parts until only the value of the roller chain remained. The relevant legislative history states that this method should be employed only where the manufactured or assembled product contains more than an insignificant amount by quantity or value of the imported product. Conversely, where the amount of the imported product is insignificant, Congress intended the merchandise generally not to be covered. Roller chain is an insignificant amount of a complete motorcyle by quantity or value. Therefore, Honda's failure to submit pricing information on sales of roller chain to Honda America is not sufficient to preclude revocation.

Comment 5

ACA opposes Sugiyama Chain Co.'s tentative revocation on the grounds that Sugiyama's cost of production data are distorted. Fabrication costs (particularly direct factory labor) were calculated for each roller chain model based on a ratio of model to total corporate sales revenue applied to total fabrication costs for all products. General expenses were also allocated using sales revenue. Sugiyama's averaging method could lead to distortion because it includes non-roller chain products and ignores the effect of varying profit margins on

different roller chain models. It also unnecessarily relies on estimates. Finally, Sugiyama may have failed to provide information on all of its relevant costs.

In response to ACA's contention that direct factory labor costs should not be allocated or, at worst, allocated on the basis of physical output, Sugiyama claims that ACA ignores the realtity of Sugiyama's multi-product, mass production business. Its employees work on several different products on any given day. Sugiyama does not have an elaborate timekeeping system and cannot maintain intricate records. Therefore, the only means for determining factory labor costs for individual roller chain models is by indirect means, such as an allocation method. While other allocation methods may be available, this fact alone does not render Sugiyama's method unacceptable. Finally, while Sugiyama's fabrication costs may be low in comparison to other Japanese roller chain fabrication costs, this does not command a conclusion that Sugiyama failed to provide all necessary information. Sugiyama's low fabrication costs reflect: (1) Advanced automated/computerized manufacturing techniques and (2) subcontracting of labor to outside companies with lower wage rate workers.

Department's Position

Supplemental information submitted by Sugiyama to clarify its fabrication costs satisfies us that the cost of production data is not distorted, as alleged by ACA. Therefore, we do not believe there is sufficient reason to rescind the tentative revocation concerning Sugiyama.

Comment 6

ACA argues that before revoking for Honda or Sugiyama, the Department should update and verify all pertinent information through October 8, 1982, the date of the tentative revocation. ACA should then be given an opportunity to review and comment on the updated information.

Department's Position

As is our usual practice, we will require submission and verification of and allow comment on all pertinent information for the period through the date of publication of the tentative revocation.

Comment 7

ACA requests clarification as to which of Sugiyama's export sales may be subject to revocation. Sugiyama sells to U.S. customers through at least five different export channels, as noted in the preliminary results. The notice appears to tentatively revoke the finding only with respect to direct sales of roller chain by Sugiyama to unrelated U.S. customers and not those through three Japaneses exporters. Sugiyama at the same time urges the Department to include all Sugiyama export sales in the tentative revocation.

Department's Position

The tentative revocation covers two of Sugiyama's five sales channels: (1) Roller chain manufactured and exported by Sugiyama directly to unrelated U.S. importers and (2) roller chain manufactured by Sugiyama and imported by a related firm, HKK Corporation of America. Sales of Sugiyama roller chain by trading companies are not covered by the tentative revocation because the trading companies may set the sales prices to unrelated United States customers.

Comment 8

Toyota argues that the only legal basis for computing the margins on timing chain imported by Toyota is to compare the price from the producer of the chain to Toyota with the producer's price for timing chain sold for consumption in Japan. The 1979 amendments to the Tariff Act require that purchase price be computed only on the basis of a sale by the producer of the merchandise.

Department's Position

The legislative history of the 1979 amendment, sustaining the Treasury Department's administrative practice of using the price between a manufacturer and unrelated trading companies for exports to the United States, was not intended to bar us from looking at all facets of a transaction. Generally we look for the person who sets the sales prices in both markets, Toyota in this case.

Comment 9

In contrast to Comment 8, Rainbow Industrial Products Corp., an importer, argues that the Department incorrectly used the price between its manufacturer, Kaga Kogyo, and its exporter, APC, rather than that between APC and Rainbow. The Department's action is contrary to the Customs Court decision in *Voss International Corp. v. United States*, C.D. 4801 (May 7, 1979). The court considered the critical question to be "from whom and at what point was the merchandise purchased for exportation to the United States." The court concluded that, although the sale under consideration was consummated between the seller and the importer, it was done at a time *following* the date of exportation and, by virtue of the statutory language then controlling, that sale could not be utilized in computing purchase price. The 1979 congressional amendments adjusted the time frame governing sales under the antidumping statute from "prior to the time of exportation" to "prior to the date of importation", but the thrust of the remaining language of *Voss* does not justify a conclusion that a sale by a manufacturer to an unrelated trading company in the home market should be used for the price of merchandise which may later independently be sold for exportation to the United States.

Department's Position

The legislative history of the 1979 amendment clearly reveals the explicit intent to overrule *Voss*. The amendment permits use of the manufacturer's price to a middleman in the country of exportation if the manufacturer knew the destination at the time of its sale to the exporter.

We have determined that Kaga Kogyo is aware at the time of its sales to APC that those sales are destined for the United States. Therefore, Kaga Kogyo's sales are properly used to establish purchase price.

Comment 10

Oriental Chain Manufacturing Co., Ltd. ("OCM") asserts that the Department should base its comparisons for U.S. sales of models 50–1R and 41–1R on the above-cost home market sales of model 40–1R. The Department chose model 80–1R as the most similar merchandise sold in the home market above the cost of production. Both 41–1R and 40–1R are classified as small roller chain while 80–1R is generally classified as large roller chain. Model 40–1R is one chain size different from model 50–1R while mode 80–1R is two sizes different.

Department's Position

We agree that model 40–1R is more comparable to models 41–1R and 50–1R than is model 80–1R and have recalculated the margins on those models accordingly.

Comment 11

OCM argues that the Department should make circumstance-of-sale adjustments for general and administrative employee wages, selling expenses, and advertising expenses. General and administrative employee wages differed between home market and export sales, and the selling and advertising expenses were incurred only

on home market sales. The difference between home market and export administrative wages and allowances "occurs only because sales were made to different markets". If all sales were made to the same market, these expenses would be identical. The general, administrative, and selling expenses are "directly related" to the sales in this case. Finally, with regard to advertising, OCM sells to distributors, other roller chain manufacturers, and original equipment manufacturers. Advertising expenses are either "directly related" to the OEM sales or are an assumption of the distributors, advertising expenses.

Department's Position

The Department does not allow circumstance-of-sales adjustments for costs incurred even if a sale did not occur, *i.e.*, salaries, office expenses, etc. Thus, we will not consider claims that general and administrative employees wages are eligible for such adjustment. The proferred explanation for the "directly related" nature of the selling expenses is inadequate. Finally, the Department does not allow circumstances-of-sale adjustments for advertising costs that are directed at the first purchaser. We allow adjustment for advertising only if there is an assumption of the purchasers' advertising costs. OCM did not quantify that portion of its expense that was assumed on behalf of its customers and directed at subsequent purchasers.

Comment 12

OCM argues that model 60H–R sales to the United States should be compared with model 80–1R sales in the home-market rather than sales of model 80H–R to a third country. While 80H–R chain may be more comparable to 60H–R, the 80H–R third country sales are insignificant when compared to the U.S. sales volume.

Department's Position

Standard chain is a completely different product grouping than heavy chain, within the class or kind of merchandise known as roller chain. We therefore determined that 80–1R standard chain sold in the home market could not reasonably be compared with 60H–R heavy chain sold to the United States. By contrast, model 80H–R is a heavy chain and therefore "similar" merchandise.

Comment 13

OCM argues that purchase dates in its questionnaire response were in error for various U.S. sales. The days and months were correct but the year should have been 1979 instead of 1980. Because the sales occurred during the period covered by the prior reveiw, the Department should use for assessing those sales the assessment instructions ("master lists") from the previous review or proposed for the current period. OCM's failure to report those sales in the last review stems from its consistent interpretation that the questionnaire required reporting on shipments with export dates, not sales date, during the period of review.

Department's Position

The questionnaire is clear in requiring reports on all sales during a review period. The Department therefore will assess dumping duties on unreported sales to the United States during that period using the best evidence rate for that period.

Comment 14

OCM claims that the Department improperly calculated general expenses in its constructed value for several part numbers. The Department totalled all selling and administrative expenses and all non-operating expenses and from that figure subtracted all non-operating income. The Department then divided the resultant figure by the totalled manufacturing cost. OCM contends that its selling and administrative expenses should be totalled but not modified by the non-operating expense and non-operating income.

Department's Position

The non-operating expenses and income included in our calculation of constructed value are interest expenses and revenues. These expenses and revenues are ligitimate elements of a constructed value.

Comment 15

Several companies stated that some of their exported roller chain models do not appear on the Department's proposed master lists, although they do appear on the Department's worksheets. Because the companies supplied adequate information, they requested that the Department include those models on the proposed lists.

Department's Position

The Department has included those models in revised master lists.

Comment 16

Several companies pointed out clerical errors in questionnaire responses or in the Department's calculations.

Department's Position

The Department has reviewed and corrected all clerical errors made by the Department.

Comment 17

Enuma Chain Mfg., Ltd. suggests that the Department use foreign market values from its previous administrative review as comparisons for two models for which Enuma provided no home market sales information in this review.

Enuma did not report three other models exported during the period October 1, 1979 through March 31, 1980. However, the models were included in its related manufacturer's, Daido Kogyo's, questionnaire response covering an "analogous" period. The Department should include these models in Enuma's master list, using Daido Kogyo's information for calculating the United States price and foreign Market value.

Department's Position

We require respondents to report all sales during the period covered by a questionnaire. Therefore, the Department for all five models will base its assessment rate on the best information rate.

Comment 18

A Japanese trading company, I & OC, commented that the Department should calculate its purchase price on the basis of Sugiyama's price to I & OC and its foreign market value on Sugiyama's price to the home market. If this is unacceptable, the purchase price should be I & OC's price to the U.S. and foreign market value should be I & OC's price to other countries. I & OC also indicated that it inadvertently did not report all of its sales for certain small volume models and therefore submitted additional information.

Department's Position

As stated in Comment 8, generally we look for the firm that sets the sales prices in both markets. We therefore have recalculated I & OC's margins to reflect the second suggested method. We will use the best information available for assessing duties on unreported sales.

Comment 19

Pulton Chain Co., Ltd. claimed that the Department should accept supplemental information regarding unreported exports of roller chain because it received incorrect instructions for the completion of the antidumping questionnaire from the Department.

Department's Position

The Department agrees that there may have been some confusion resulting from communications between our office in Tokyo and Pulton regarding submission of data on conveyor chain. We have therefore determined to accept the late submission of information on conveyor chain only.

There was a typographical error in the preliminary results notice of October 8, 1982. The dates of coverage for Daido Kogyo should read October 1, 1979 through September 30, 1980 rather than October 1, 1978 through September 30, 1981 and the dates for Enuma Chain should read October 1, 1979 through September 30, 1980 rather than October 1, 1978 through September 30, 1980.

Final Results of the Review

Based on our analysis of the comments received and on our own initiative, we have made corrections and changed the margins and/or periods of review for the following firms: Honda, Hitachi, Kaga Kogyo, Kogyo/APC, I & OC, Kawasaki, OCM, Yamakyu, Enuma and Sugiyama. For the remainder of the firms listed below, the final results of our review are the same as those presented in our preliminary results of review, and we determine that the following weighted-average margins exist:

Manufacturer/exporter	Time period	Margin (percent)
A & K Company	4/1/80-3/31/81	[1] 1.84
APC Corporation	4/1/80-3/31/81	2.30
Asia Machinery	4/1/80-3/31/81	15.92
Auto Dynamics	4/1/80-3/31/81	[1] 5.36
Autobacs Seven (Daido Sangyo)	4/1/80-3/31/81	[1] 5.36
C. Itoh	4/1/80-3/31/81	0.80
Central Automotive	4/1/80-3/31/81	4.69
Cherry Industries	4/1/80-3/31/81	[1] 20.00
Chicago Products	4/1/80-3/31/81	[1] 5.36
Chizaki Int.l Corp.	4/1/78-3/31/81	0.12
Daido Enterprising	4/1/80-3/31/81	15.92
Daido Kogyo	10/1/79-9/30/80	0
Deer Island	4/1/80-3/31/81	15.92
Detroit Industries	4/1/80-3/31/81	[1] 5.36
Eidai Sangyo	4/1/80-3/31/81	0.53
Empire Motor	4/1/80-3/31/81	[1] 5.36
Enuma Chain	10/1/79-9/30/80	0
Fee International	4/1/80-3/31/81	[1] 1.64
Fuji Lumber	4/1/80-3/31/81	[1] 0
Fuji Heavy Industries	4/1/80-3/31/81	[1] 0
Fukoku	4/1/80-3/31/81	[1] 5.36
Fasco Trading	4/1/80-3/31/81	[1] 0
Fuji Motors (Zenoah)	4/1/80-3/31/81	[1] 5.36
Fuji Seiko	4/1/80-3/31/81	[1] 15.92
Hajime	4/1/80-3/31/81	[1] 5.36
Harima Enterprise	4/1/80-3/31/81	[1] 0
Henry Abe	4/1/80-3/31/81	[1] 5.36
Hic Trading	4/1/80-3/31/81	5.00
Hiro Enterprise	4/1/80-3/31/81	[1] 0
Hitachi Metals/Hitachi International (Importer)	4/1/80-3/31/81	0.13
Hitachi Metals/All other importers	4/1/80-3/31/81	1.84
HKS Japan	4/1/80-3/31/81	[1] 20.00
Honda Motor	10/1/79-9/30/80	0.17
I & OC	4/1/80-3/31/81	0.45
Iketoku	4/1/80-3/31/81	[1] 5.36
Izumi Chain	4/1/80-9/30/80	0
JEICO	4/1/80-3/31/81	0
Kaga Kogyo (Kaga Ind)./APC	4/1/80-3/31/81	2.30
Kaga Koken/TK Products	4/1/80-3/31/81	7.08
Kashima Trading	4/1/80-3/31/81	[1] 15.92
Katayama	4/1/80-4/7/81	7.00
Kawasaki	9/1/78-8/31/79	0.68
	9/1/79-8/31/80	0.35
Kohkoku Sangyo Co.	4/1/78-3/31/81	5.26
Kokusai Tsusho	4/1/80-3/31/81	[1] 5.36
Marubeni	4/1/80-3/31/81	[1] 0
Maruka Machinery	4/1/80-3/31/81	[1] 5.36
MC International	4/1/80-3/31/81	[1] 5.36
Meiho Yoko	4/1/80-3/31/81	[1] 15.92
Meisei Trading	10/1/79-9/30/80	0
Meiwa Trading	4/1/80-3/31/81	[1] 3.00
Mizuno Seisakusho	4/1/80-3/31/81	0
Mitsui	4/1/80-3/31/81	[1] 13.40
Mitsubishi Corporation (Mitsubishi Int. Corp.)	4/1/80-3/31/81	0
Mitsubishi Boeki	4/1/80-3/31/81	[1] 34.80
Mitsubishi Motors	4/1/78-12/31/78	26.70
	1/1/79-12/31/79	8.00
	1/1/80-12/31/80	0
Miyasaki Shokai	4/1/80-3/31/81	[1] 5.36
Morita	4/1/80-3/31/81	[1] 0
Motorix	4/1/80-3/31/81	[1] 0
Naniwa Kogyo	4/1/80-3/31/81	0.90
Nankai Buhin	4/1/80-3/31/81	[1] 5.36
Nickel & Lyons	4/1/80-3/31/81	[1] 5.36
Nippo Buhin	4/1/80-3/31/81	[1] 5.36
Nissei Co., Ltd.	4/1/80-3/31/81	[1] 12.80
Nissho-Iwai	11/1/79-10/31/80	0
Normura Shoji	4/1/80-3/31/81	[1] 5.36
Orai Trading	4/1/78-3/31/81	29.69
Oriental Chain	1/1/80-12/31/80	0.10
Osaka Buhin	4/1/80-3/31/81	4.50
Pulton Chain	4/1/80-3/31/81	0
Pulton/Hic Trading	4/1/80-3/31/81	5.00
Pulton/I & OC	4/1/80-3/31/81	0.45
Refac International	4/1/80-3/31/81	[1] 5.36
Ricoh	4/1/80-3/31/81	0
Rocky Asia	4/1/80-3/31/81	0
Royal Industries	4/1/80-3/31/81	15.92
Ryobi Limited	4/1/80-3/31/81	0
Sanko Trading	4/1/80-3/31/81	5.41
Schneider Engineering	4/1/80-3/31/81	2.00
Sea Commercial	4/1/80-3/31/81	[1] 0
Shima Trading	4/1/80-9/30/80	0
Shinyei Kaisha	4/1/80-3/31/81	[1] 5.36
Shinyo Ind. Co.	4/1/80-3/31/81	15.92
Sugiyama/Fuji Lumber	4/1/80-3/31/81	[1] 0
Sugiyama/Harima Ent.	4/1/80-3/31/81	[1] 0
Sugiyama/Hokoku Chain Sales Company/HKK of America (Importer)	4/1/80-3/31/81	0.03
Sugiyama/I & OC	4/1/80-3/31/81	0.45
Sugiyama/All other importers	4/1/80-3/31/81	0
Sumitomo Shoji Kaisha (Sumitomo Corp.)	4/1/80-3/31/81	0.80
Sun International	4/1/80-3/31/81	[1] 0
Suzuki Motor	9/1/79-8/31/80	0
Tabard	4/1/80-3/31/81	15.92
Taikyo Sangyo	4/1/80-3/31/81	0
Taiyo Shokai	4/1/80-3/31/81	0
Takara Auto Parts	4/1/80-3/31/81	29.52
Takasago	4/1/80-3/31/81	5.36
Tanaka Kogyo	4/1/80-3/31/81	[1] 5.36
Tashiro	4/1/80-3/31/81	[1] 5.36
Tatsumiya Kogyo	4/1/80-3/31/81	15.92
TEC Engineering	4/1/80-3/31/81	5.36
Teijin Shoji Kaisha	4/1/80-3/31/81	[1] 5.36
TK Products	4/1/80-3/31/81	7.08
Tokyo Enterprise	4/1/80-3/31/81	[1] 5.36
Tokyo Incentive	4/1/80-3/31/81	[1] 5.36
Tokyo Ryuki Seizo	4/1/79-3/31/80	0
Tosho Co.	4/1/80-3/31/81	[1] 5.36
Toyo Kogyo (Mazda)	4/1/80-3/31/81	0.80
Toyo Menka Kaisha	4/1/80-3/31/81	[1] 5.36
Toyota Motor Sales	4/1/80-3/31/81	15.92
Tsujimoto Shokai	4/1/80-3/31/81	[1] 5.36
Unico	4/1/80-3/31/81	[1] 0
United Trading	4/1/80-3/31/81	[1] 5.36
Universal Ind. Co.	4/1/80-3/31/81	[1] 5.36
Y-K Brothers Shokai	4/1/80-3/31/81	[1] 5.36
Yamaha Motor	4/1/79-5/31/79	0.15
	6/1/79-5/31/80	0
Yamakyu Chain	4/1/80-3/31/81	[1] 9.37
Yoshida Auto Parts	4/1/80-3/31/81	[1] 15.92
Zushi Industries	4/1/80-3/31/81	[1] 5.36

[1] No shipments during the period.

The Department has determined that exported of roller chain by IBM and TDK are not subject to the finding. The chains exports by these firms are used solely in the original manufacture of IBM copiers and in the materials handling system of the manufacturing process of TDK video cassette tape. The cost of all chains used is less than 0.2 percent of the value of the machines made by these firms.

The Department will examine exports manufactured and exported by Sugiyama Chain Co., Ltd. and such chain manufactured by Sugiyama Chain Co., Ltd. and imported by HKK Chain Corporation of America, and all roller chain exported by Honda Motor Co., Ltd. generally for the period April 1, 1980 through October 8, 1982, the date of our tentative determination to revoke with regard to these firms, in its next administrative review.

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries with purchase dates or export dates during the periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based upon the most recent of the margins calculated above shall be required on all shipments of roller chain, other than bicycle, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. Because the weighted-average margins for Chizaki Int'l. Corp., Hitachi Metals/Hitachi International (Importer), Honda, I & OC, Kawasaki, Oriental Chain, Pulton/I & OC, Sugiyama/Hokoku Chain Sales Company/HKK Chain Corporation of America (Importer), and Sugiyama/I & OC are less than 0.50 percent and therefore *de minimis* for cash deposit purposes, the Department shall not require deposits on their shipments. For any future shipment from a new exporter not covered in this or prior reviews, whose first shipment occurred after March 31, 1981 and who is unrelated to any covered firm, a cash deposit shall be required at the 15.92 percent rate.

These deposit requirements and waivers 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 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: November 3, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-30557 Filed 11-10-83; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Civil Operational Remote Sensing Satellite Advisory Committee

AGENCY: National Environmental Satellite, Data, and Information Service, NOAA, Commerce.

ACTION: Notice of meeting cancellation.

SUMMARY: The Civil Operational Remote Sensing Satellite Advisory Committee (formely the Land Remote Sensing Satellite Advisory Committee) was established on September 6, 1983, to advise the Secretary of Commerce on the Department's responsibilities for the civil operational land and weather satellites.

Reason for Cancellation

The partially closed meeting of the The Civil Operational Remote Sensing Satellite Advisory Committee scheduled for November 17–18, 1983, in Washington, D.C. (Reference: **Federal Register**, Vol. 48, No. 205, October 21, 1983, p. 48859), has been cancelled in view of legislation pending in the Congress to stop the transfer of the civil meteorological satellites to the private sector.

The next meeting of this Advisory Committee is not expected until early 1984.

FOR FURTHER INFORMATION CONTACT: Contact the Committee's Executive Secretary, Dr. Richard J. Keating, (301) 763–5904, or the Committee Staff Officer, Ms. Peggy Harwood, (301) 763–7821, External Relations Staff, NOAA/NESDIS (E/ER) Washington, D.C.

Dated: November 9, 1983.

John H. McElroy,

Assistant Administrator for Environmental Satellite, Data, and Information Services.

[FR Doc. 83-30799 Filed 11-10-83; 10:40 am]

BILLING CODE 3510-12-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Levels for Certain Cotton, Wool, and Man-Made Fiber Textile and Apparel Products Produced or Manufactured in the Republic of Korea

November 8, 1983.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the 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 November 15, 1983. For further information contact Ross Arnold, International Trade Specialist (202)/377–4212.

Background

The CITA directive of December 23, 1982, as amended (see 47 FR 58338, 48 FR 14737, and 48 FR 39113), established levels of restraint for certain cotton, wool, and man-made fiber textile and apparel products, produced or manufactured in the Republic of Korea and exported during 1983. By an exchange of notes dated October 21 and 31, 1983 the Governments of the United States and the Republic of Korea have agreed, under the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 1, 1982, as amended, to increase the 1983 base level for cotton textile products in Category 345 from 53,519 dozen to 61,033 dozen as a reflection of a determination of the 1981 agreed level of trade for this category. Under the terms of the bilateral agreement, as amended, and at the request of the Government of the Republic of Korea, the levels for Categories 333/334, 335, 338/339, 340, 341, 345, 347/348, 351, 410, 433/434, 443, 444, 445/446, 447, 605pt. (cordage), 633/634/635, 638/639, 641, 643, 648, and 659pt. (headwear), are being increased to account for swing. The levels for Categories 331 and 669pt. (cordage) are being reduced by an equal amount in equivalent square yards to account for the swing applied to the foregoing categories. In addition to the application of swing, the level for Category 345 is being reduced by 1,007 dozen to account for 1982 overshipments. Carry forward used in 1982 which amounted to 13,830 dozen is also being deducted from the adjusted level for Category 633/634/635.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

November 8, 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 December 23, 1982 from the Chairman, committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in Korea and exported during 1983.

Effective on November 15, 1983, paragraph 1 of the directive of December 23, 1982 is hereby further amended to adjust the levels of restraint established for the following categories according to the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 1, 1983, as amended, between the Governments of the United States and the Republic of Korea [1]

Category	Adjusted 12-month level of restraint [1] [2]
331	348,776 dozen pairs.
333/334	62,074 dozen.
335	63,384 dozen.
338/339	594,687 dozen.
340	192,559 dozen.
341	119,962 dozen.
345	64,298 dozen.
347/348	287,055 dozen.
351	109,439 dozen.
410	4,654,859 square yards.
433/434	17,701 dozen of which not more than 13,515 dozen shall be in Category 433 and not more than 6,931 dozen shall be in Category 434.
443	28,180 dozen.
444	4,142 dozen.
445/446	53,464 dozen.
447	85,468 dozen.
605 [3]	2,247,200 pounds.
633/634/635	1,404,668 dozen of which not more than 179,178 dozen shall be in Category 633; not more than 825,405 dozen shall be in Category 634; and not more than 626,688 dozen shall be in Category 635.
638/639	5,649,529 dozen.
641	1,057,064 dozen.
643	62,593 dozen.
648	336,181 dozen.
659-pt. [4]	2,448,036 pounds.
669-pt. [5]	665,663 pounds.

[1] The levels have not been adjusted to account for any imports exported after December 31, 1982.

[2] The levels have not been adjusted to reflect any imports exported after December 31, 1982.

[3] In Category 605 only T.S.U.S.A. numbers 316.5500 and 316.5800.

[1] The bilateral agreement, as amended, provides, among other things, that (1) during any agreement year specific limits and sublimits may be exceeded by designated percentages, provided a corresponding reduction in square yards equivalent is made in one or more other specific limits; (2) under specified conditions specific limits and sublimits may be adjusted for carryover and carryforward not to exceed 10 percent; and (3) administrative arrangements or adjustment may be made to resolve minor problems arising in the implementation of the agreement.

* In Category 659 only T.S.U.S.A. numbers 703.0500, 703.1000 and 703.1515.
* In Category 669 only T.S.U.S.A. numbers 348.0065, 348.0075, 348.0565, and 348.0575.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-30553 Filed 11-10-83; 8:45 am]

BILLING CODE 3510-25-M

Adjusting Import Charges for Certain Wool Textile Products From Singapore

November 8, 1983.

A CITA directive dated December 17, 1982 (47 FR 57322) established a level of restraint of 20,000 dozen for wool sweaters in Category 445/446, produced or manufactured in Singapore and exported during 1983. That level is now filled. It has been determined, however, that 3,152 dozen have been improperly charged to the level. Accordingly, 3,152 dozen are being deducted from the charges made to the level established for Category 445/446 during 1983.

EFFECTIVE DATE: November 15, 1983.

FOR FURTHER INFORMATION CONTACT: Diana Bass, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. (202/377-4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-30554 Filed 11-10-83; 8:45 am]

BILLING CODE 3510-25-M

Proposed Amendment to TSUSA Statistical Headnotes Affecting the Textile Category Classifications of Certain Cotton Fabrics (Printcloth, Poplin and Broadcloth, Sheetings and Other Cotton Fabrics, NES)

November 8, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

The Committee for the Implementation of Textile Agreements (CITA) and the U.S. Customs Service have requested the Committee for Statistical Annotation of Tariff Schedules (484e Committee) to consider amending the statistical headnote definitions for poplin and broadcloth (Textile Category 314) and printcloth (Textile Category 315) in Schedule 3, Part 3, Subpart A in the Tariff Schedules of the United States Annotated (TSUSA) to bring these definitions in line with current commercial practice and to prevent circumvention of the levels established for these textile categories under the U.S. bilateral textile and apparel agreements. The proposed changes would result in some fabrics currently classified in Category 320 (other cotton fabrics, nes) and Category 313 (cotton sheeting) being classified in Category 314 (poplin and broadcloth) and in combed printcloth fabrics (currently classified in Category 320) being classified as printcloth in Category 315. To that end the following language has been proposed: (Old or deleted language is noted parenthetically)

Poplin and Broadcloth: Plain-woven fabric, not napped, not fancy or figured, having at least 34 (40) more warp yarns than filling yarn per inch, and having a more or less pronounced rib formed by using a heavier filling yarn than warp and/or with about half as many picks per inch as ends. May be made with either singles or ply yarns in warp and filling. The average yarn number usually ranges between 20 and 100 * * *.

Printcloth: Fabrics of average yarn numbers 26 through 40; weighing not more than 6 ounces per square yard, made of singles yarns; (not combed;) of plain weave; not fancy or figured; not yarn dyed; not napped; of a total count of more than 85 yarns per square inch, of which the total count of the warp yarns per inch and the total count of the filling yarns per inch are each less than 62 percent of the total count of such yarns of the warp and the filling per square inch * * *.

The purpose of this notice is to invite anyone wishing to comment or provide information regarding this proposed change to submit such comments or information in ten copies by November 30, 1983 to Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3001, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230. Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-30551 Filed 11-10-83; 8:45 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

Registration; Authorization to National Futures Association To Distribute Registration Expiration Dates in Performance of Commission Registration Functions

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice and order.

SUMMARY: Registrations of the various commodity professionals (except associated persons of other registrants) currently expire, unless renewed, each year on particular dates specified in the Commodity Exchange Act ("Act") or the Commission's regulations. Since August 1983, the National Futures Association ("NFA") has been authorized by the Commission to grant registrations of introducing brokers (as well as their associated persons) on behalf of the Commission, and NFA expects to request additional authorization to perform such functions regarding other registration categories. In order to facilitate efficient execution by NFA of the Commission's registration functions, the Commission is authorizing NFA to distribute the dates for expiration of the registrations of persons for which NFA performs the registration functions so that those registrations will expire not less than one year nor more than two years after the registration was granted (or last renewed) by NFA.

EFFECTIVE DATE: With respect to introducing brokers, November 14, 1983. With respect to other registration categories other than any associated person category, upon Commission authorization to grant registrations in each such category.

FOR FURTHER INFORMATION CONTACT: Linda Kurjan, Special Counsel, Division of Trading and Markets, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION: On November 7, 1983, the Commission issued the following order which authorizes NFA to distribute the dates for expiration of the registrations of persons for which it performs registration functions on behalf of the Commission:*

* Assuming arguendo that this order is a rule for purposes of 5 U.S.C. 553 (1976), the Commission finds that prior notice and comment thereon is unnecessary as it does not impose any new requirements on persons that may be affected by any action taken by NFA under the authority of this order.

United States of America
before the
Commodity Futures Trading Commission

Order Authorizing the Distribution of Registration Expiration Dates

Currently under the Commodity Exchange Act ("Act"), registrations in all categories (except the associated person categories) expire automatically if not renewed by certain dates each year.[1] The Act specifies the particular dates, but also authorizes the Commission to prescribe other times for expiration, so long as the scheduled life of any such registration is not less than one year.[2] In the case of futures commission merchants ("FCMs") and floor brokers, the Commission has provided for expiration on March 31 of each year.[3] Commodity pool operators ("CPOs") and commodity trading advisors ("CTAs") must renew by the statutory June 30 deadline.[4] With respect to introducing brokers (IBs"), the Act specifies December 31 as the annual expiration date,[5] but the Commission recently announced a potential change, as described *infra*.

The Act also permits the Commission to authorize another person to perform any portion of the registration functions under the Act.[6] On July 28, 1983, the Commission issued a Notice and Order authorizing NFA to process and grant applications for registration of IBs as well as those of APs of IBs.[7] The Commission contemplates that, pursuant to requests which NFA has represented it will make, the Commission will authorize NFA to perform additional portions of the Commission's registration functions with respect to IBs and APs of IBs and to perform all such registration functions with respect to CPOs, CTAs, and FCMs, as well as APs of those three categories of registrants. In recognition of NFA's assumption of various registration functions, the Commission has stated that the registration expiration date of IBs will be determined by NFA, as will that of any other category of registrant other than APs, where registration processing is performed by NFA.[8]

In order to facilitate efficient execution by NFA of the Commission's registration functions, NFA has requested that the Commission permit NFA to distribute over the year registration renewal dates for all registrants (except APs) in registration categories with respect to which NFA is authorized to perform registration functions.[9] NFA proposes to accomplish this distribution by establishing various dates on which the registration of new IB registrants or, in the case of CPOs, CTAs and FCMs, new and existing registrants shall expire in each year, provided that the date so established will not cause a registration to expire less than one nor more than two years from the date when the registration was, as the case may be, granted or last renewed.

The Commission has determined that efficient administration of the registration program under the Act will be enhanced by NFA effecting such a distribution of registration expiration dates over an entire year. Moreover, granting this authority to NFA does not affect the Commission's ability or authority to take enforcement action at any time against any person affected by such NFA distribution, including without limitation the initiation by the Commission or any person authorized by the Commission under section 8a(10) or 17(*o*) of the Act [10] of a proceeding to suspend, revoke or place restrictions upon any registration pursuant to the Act and the Commission's regulations thereunder. Accordingly:

It is hereby Ordered, pursuant to Sections 4f(1), 4n(2) and 8a(10) of the Act, 7 U.S.C. 6f(1), 6n(2) and 12a(10):

That the registration of any registrant under the Act in any registration category, other than any category of associated persons, for which NFA has been authorized under Section 8a(10) or 17(*o*) of the Act, 7 U.S.C. 12a(10), 21(*o*), to grant registrations shall expire on such date in each year as is established by NFA; provided that, the date so established shall not cause a registration to expire less than one year nor more than two years from the later of the date when such registration was granted or last renewed.

Issued by the Commission on November 7, 1983, in Washington, D.C.

Jean A. Webb,

Deputy Secretary of the Commission.

[FR Doc. 83-30528 Filed 11-10-83; 8:45 am]

BILLING CODE 6351-01-M

[1] With respect to any of the four categories of associated persons ("APs") (*i.e.* of FCMs, IBs, CPOs and CTAs), an AP registration continues and does not expire until the AP's association with his sponsor ceases or the sponsor's own registration terminates. Commission regulations 3.12 and 3.16, 48 FR 35248, 35292 and 35295 (August 3, 1983).

[2] Section 4f(1) and 4n(2) of the Act.

[3] Commission regulation 3.2(d), 48 FR 35248 at 35291 (August 3, 1983), in lieu of the provision in section 4f(1) of the Act setting a December 31 expiration.

[4] Section 4n(1) of the Act, 7 U.S.C. 6n(1).

[5] Section 4f(1) of the Act, 7 U.S.C. 6f(1).

[6] Section 8a(10) of the Act, 7 U.S.C. 12a(10).

[7] 48 FR 35158 (August 3, 1983).

[8] 48 FR 35248, 35259 (August 3, 1983). At the time the Commission authorizes NFA to perform registration functions with respect to FCMs, it will simultaneously amend Rule 3.2(d) to delete the expiration date for FCM registration. See n.3 *supra*.

[9] Letter from Joseph H. Harrison, Jr., General Counsel of NFA, to Jane K. Stuckey, Secretary of the Commission, dated October 20, 1983.

[10] 7 U.S.C. 12a(10), 21(*o*).

DEPARTMENT OF DEFENSE

Department of the Army

Military Traffic Management Command; Military Personal Property Claims Symposium; Open Meeting

Announcement is made of a meeting of the Military Personal Property Claims Symposium. This meeting will be held on 14 December 1983 at the Headquarters Military Traffic Management Command, 5611 Columbia Pike, Room 714, Falls Church, Virginia, and will convene at 0930 hours and adjourn at approximately 1500 hours.

Proposed Agenda: The purpose of the Symposium is to provide an open discussion and free exchange of ideas with the public on procedural changes to the Personal Property Traffic Management Regulation (DOD 4500.34-R), and the handling of other matters of mutual interest relating to claims actions concerning the Department of Defense Personal Property Movement and Storage Program.

All interested persons desiring to submit topics to be discussed should contact the Commander, Military Traffic Management Command, ATTN: MT-PPM, at telephone number 756-1600, between 0800-1600 hours. Topics to be discussed should be received on or before 23 November 1983.

John O. Roach II,

DA Liaison Officer with the Federal Register.

[FR Doc. 83-30784 Filed 11-10-83; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

National Advisory Council on Bilingual Education; Meetings

AGENCY: Department of Education.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meetings of the National Advisory Council on Bilingual Education. Notice of these meetings is required under the Federal Advisory Committee Act (U.S.C. Appendix 1, 10(a)(2). This document is intended to notify the general public of their opportunity to attend.

DATES: December 1 & 2, 1983–Business Meeing-9:00–4:30 p.m.

ADDRESS: The Business Meeting on December 1 & 2, 1983 will be held in Room 402 of the Reporters Building, 300 7th Street, SW., Washington, D.C. 20202. For further information contact: Ramon Ruiz, Office of Bilingual Education and Minority Languages Affairs, Reporters Building, Room 421, Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202 (202–245–2600).

The National Advisory Council on Bilingual Education is established under Section 732(a) of the Bilingual Education Act (20 U.S.C. 3242) to advise the Secretary of the Department of Education concerning the administration and operation of programs affecting limited English proficient children and adults.

The proposed agenda for the Business Meeting includes:

1. Old Business
   —Committee Reports
   —Staff Reports
   —Action Items
   —Miscellaneous
2. New Business
   —FY–83 Annual Report to Congress
   —Future Plans

Records will be kept of all Council proceedings and shall be available for public inspection after approval, by the full Council, of said records has been obtained. These records will be available in Room 421, Reporters Building, 300 7th Street, SW., Washington, D.C. Written requests for such records should be sent to 400 Maryland Avenue, SW., Reporters Building, Room 421, Washington, D.C. 20202. In the event that the proposed agenda is completed prior to the projected date or time, the Council will adjourn the meeting.

Dated: November 7, 1983.

Jesse M. Soriano,

Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 83-30549 Filed 11-10-83; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Continuing Education; Meeting

AGENCY: Department of Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the National Advisory Council on Continuing Education. It also describes the functions of the Council. Notice of meetings is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: November 30, December 1 & 2, 1983.

ADDRESS: Hotel Utah, Main at South Temple, Salt Lake City, Utah 84111.

FOR FURTHER INFORMATION CONTACT: Dr. William G. Shannon, Executive Director, National Advisory Council on Continuing Education, 425 Thirteenth Street NW., Suite 529, Washington, D.C. 20004, Telephone: (202) 376–8888.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Continuing Education is established under Section 117 of the Higher Education Act (20 U.S.C. 1009), as amended. The Council is established to advise the President, the Congress, and the Secretary of the Department of Education on the following subjects:

(a) An examination of all federally supported continuing education and training programs, and recommendations to eliminate duplication and encourage coordination among these programs;

(b) the preparation of general regulations and the development of policies and procedures related to the administration of Title I of the Higher Education Act; and

(c) activities that will lead to changes in the legislative provisions of this title and other federal laws affecting federal continuing education and training programs.

The meetings of the Council are open to the public. However, because of limited space, those interested in attending are asked to call the Council's office beforehand.

The Council meeting will begin on November 30 with a dinner meeting from 7:00 P.M. to 9:00 P.M., and continue from 8:30 A.M. to 5:00 P.M. on December 1, and from 8:30 A.M. to 12:00 Noon on December 2, 1983.

The proposed agenda includes:

- Chairman's Comments (including report of Executive Committee).
- Executive Director's Report.
- Reports of Committee Chairpersons.
- Issue Papers and Recommendations:

—The Higher Education Act
—Displaced Workers
—The Vocational Education Act

- Review of Council mandate/role.
- Review of Council priorities.
- 1984 Council meetings/hearings: dates, locations.
- Other Business.

Records are kept of all Council proceedings and are available for public inspection at the office of the National Advisory Council on Continuing Education, 425 Thirteenth Street NW., Suite 529, Washington, D.C.

Signed at Washington, D.C. on November 8, 1983.

Willian G. Shannon,

Executive Director.

[FR Doc. 83-30558 Filed 11-10-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

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 November 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 fifteenth meeting on Monday, November 21, 1983, starting at 8:30 a.m., 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 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, SW., 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 Monday, November 7, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-30620 Filed 11-10-83; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Coordinating Subcommittee of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Coordinating Subcommittee of the NPC Committee on Enhanced Oil Recovery will meet in November 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 Coordinating Subcommittee meeting follows:

The Coordinating Subcommittee will hold its thirteenth meeting on Wednesday, November 30, 1983, starting at 9:00 a.m., in the El Jardin Room of the Marriott's Santa Barbara Biltmore Hotel, 1260 Channel Drive, Santa Barbara, California.

The tentative agenda for the Coordinating Subcommittee meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Discuss study assignments.
3. Review task group study assignments.
4. 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 Coordinating Subcommittee 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 Coordinating Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Gerald J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353–2918, 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, SW., 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 Monday, November 7, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-30618 Filed 11-10-83; 8:45 am]

BILLING CODE 6450-01-M

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 November 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 twelfth meeting on Tuesday, November 29, 1983, starting at 9:00 a.m., in the La Fonda Room of the Marriott's Santa Barbara Biltmore Hotel, 1260 Channel Drive, Santa Barbara, 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 assignment.
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 SW., 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 Monday, November 7, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-30619 Filed 11-10-83; 8:45 am]

BILLING CODE 6450-01-M

Civilian Radioactive Waste Management Information Meeting; Public Meeting

Pursuant to the provisions of the Nuclear Waste Policy Act of 1982 (Pub. L. 97–425, 96 Stat. 2201), notice is hereby given of the following meeting:

Name: Civilian Radioactive Waste Management Information Meeting.

Date and Time: Tuesday, December 13, 1983, 9 A.m.–5 p.m. Wednesday, December 14, 1983, 8:30 a.m.–5 p.m.; Thursday, December 15, 1983, 8:30 a.m.–5 p.m.

Place: The Shoreham Hotel, 2500 Calvert Street NW., Washington, D.C. 20008.

Contact: Janie Shaheen, Office of Civilian Radioactive Waste Management, RW–25, U.S. Department of Energy, 1000 Independence Avenue SW., Room 7F–075, Washington, D.C. 20585, Telephone: (202) 252–1652.

The Program

The U.S. Department of Energy will hold a Civilian Radioactive Waste Management Information Meeting on December 12–15, 1983, at the Shoreham Hotel in Washington, D.C. The meeting will highlight development made since passage of the Nuclear Waste Policy Act of 1982 (NWPA) and review the program activities necessary to provide for permanent disposal and storage of commercially generated high-level radioactive waste. It is sponsored by the Department's Office of Civilian

Radioactive Waste Management. The meeting will provide a forum for a comprehensive review of the Department's civilian radioactive waste management programs.

Tentative Agenda

Tuesday, December 13, 1983

- Welcome
- Keynote address by Secretary of Energy DONALD PAUL HODEL
- State perspective on the NWPA
- DOE's policy and strategy on High-level Waste
- Nuclear Regulatory Commission's policy and strategy on High-level Waste
- Environmental Protection Agency policy and strategy on High-level Waste
- Luncheon with featured speaker Representative MORRIS K. UDALL of Arizona
- Fund Management Review
- Status of U.S. Storage Effects
- Geologic Repository Deployment Program Review

On Wednesday, December 14, and continuing through Thursday, December 15, the meeting will be divided into three concurrent programs on waste management issues with individual morning and afternoon sessions. Attendees will be able to select their areas of interest.

Wednesday, December 14, 1983

Morning Sessions: Institutional Issues, Site Characterization, Storage Issues
Afternoon Sessions: Regulatory Issues, Site Screening, International Issues

Thursday, December 15, 1983

Morning Sessions: Environmental Assessment, Waste Package Issues, Performance Assessment
Afternoon Session: Transportation Issues, Repository Design, Research and Development

Public Participation

The meeting is open to the public. There is no registration fee to attend the meeting; however, there is $20 fee to attend the luncheon on Tuesday, December 13. Anyone wishing to register in advance, may do so by contacting Janie Shaheen at the addresss or telephone number listed.

Proceeding

Available for public review and copying at the Freedom of Information Public Reading Roo, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on November 7, 1983.

Robert L. Morgan

Acting Director, Office of Civilian Radioactive Waste Management.

[FR Doc. 83-30622 Filed 11-10-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

Ayres, Lewis, Norris & May, Inc.; Notice of Request

[Docket No. EL83-34-000]

(November 8, 1983).

Take notice that on September 22, 1983, Ayers, Lewis, Norris & May, Inc. submitted for filing a request for FERC comments on the applicability of certain Michigan State Laws in relation to a qualifying facility as defined in the PURPA Regulations. Specifically, Ayers desires an interpretation on whether a hydroelectric dam acquired by a municipality would require voter consent.

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 protest should be filed on or before December 1, 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 proceedings. 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. 83-30562 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-11046-000 *et al.*]

Cities Service Oil and Gas Corporation, et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

November 7, 1983.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 21, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a poceeding 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 or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Puchaser and location	Price per 1,000 ft.³	Pressure base
G-11046-000, D, Oct. 20, 1983	Cities Service Oil and Gas Corporation P.O. Box 300, Tulsa, Oklahoma 74102.	Tennessee Gas Pipeline Company, NW/4 of W. Cameron Block 194, Offshore Louisiana..	(1)	
CI62-47-000, D, Oct. 25, 1983	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77252	Colorado Interstate Gas Company, Patrick Draw Field, Sweetwater County, Wyoming.	(2)	
CI63-1407-000, D, Oct. 19, 1983	Sun Exploration and Production Company, P.O. Box 2880, Dallas, Texas 75221.	Kansas-Nebraska Natural Gas Company, Inc., Bradshaw Field, et al., Hamilton County, Kansas.	(3)	
CI70-1080-002,D, Oct. 19, 1983	Cities Service Oil and Gas Corporation, P.O. Box 300, Tulsa, Oklahoma 74102.	Michigan-Wisconsin Pipe Line Company, W/2 of OCS Lease No. G-1892 being Block. 265 NW/4, Eugene Island Area, Offshore Louisiana.	(4)	
CI72-440-010, D, Oct. 19, 1983	Amco Production Company, P.O. Box 800, Denver, Colorado 80201.	Panhandle Eastern Pipeline Company, Champlin 125 Amoco "A" No. 1 Well, Wattenberg Field, Adams County, Colorado, Boxelder Farms No. 1 Well, Wattenberg Field, Adams County, Colorado.	(5)	
CI73-38-002, D, Oct. 17, 1983	Cities Service Oil and Gas Corporation, P.O. Box 300, Tilsa, Oklahoma 74102,	Michigan Wisconsin Pipe Line Company, OCS Lease No. G-1894 being the SW/4 of Block 265 and OCS Lease No. G-1892 being the NW/4 of Block 265, Eugene Island Area, Offshore Louisiana.	(6)	
CI84-17-000, A, Oct. 13, 1983	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001	EL Paso Natural Gas Company, Spraberry Trend Field, Glasscock County, Texas.	(7)	14.65
CI83-20-000, B, Oct. 14, 1983	J. H. Holt, 969 Maple Drive, Morgantown, West Virginia 26505	Consolidated Gas Supply Corporation, Salem Field, Doddridge County, West Virginia.	(8)	
CI84-21-000 (CI76-123), B, Oct. 17, 1983	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001	Natural Gas Pipeline Company of America, Sand Dunes West Field, Eddy County, New Mexico.	(9)	
CI84-22-000 (CI78-1192), B, Oct. 17, 1983	Marathon Oil Company, 539 South Main Street, Findlay, Ohio 45840.	National Gas Pipeline Company of America, Ship Shoal Area, Block 272 Field, Offshore Louisiana.	(10)	
CI84-23-000, B, Oct. 17, 1983	E. J. Brumage, 155 Dark Hollow Road, Waynesburg, Pennsylvania 15370.	Columbia Gas Transmission Corporation, Grey-Township , Green County, Pennsylvania.	(11)	
CI84-24-000 (G-10797), B, Oct. 17, 1983	Monsanto Oil Company, 1300 Post Oak Tower, 5051 Westheimer, Houston, Texas 77056.	Panhandle Eastern Pipeline Company, Singley Field, Meade County, Kansas.	(12)	
CI84-25-000 (G-10721), B, Oct. 17, 1983	Monsanto Oil Company	United Gas Pipeline Company, Joaquin Field, Panola and Shelby Counties, Texas.	(13)	
CI84-26-000, B, Oct. 20, 1983	Horizon Oil & Gas Co., P.O. Box 1020, Dallas, Texas 75221	Northern Natural Gas Company, Horizon Cleveland Field, Ochiltree County, Texas (OOC "B" #2).	(14)	
CI84-27-000, E, Oct. 20, 1983	Mobil Oil Corporation (Successor in interest to United Gathering Inc., and Sabine Corporation), Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Panhandle Eastern Pipe Line Company, South Taloga Field, Dewey County, Oklahoma.	(15)	14.65
CI84-28-000 (CI61-254), B, Oct. 21, 1983	Mobil Oil Exploration & Producing Southeast Inc.	Michigan Wisconsin Pipe Line Company, Holly Ridge Field, Tensas Parish, Louisiana.	(16)	
CI84-29-000 (CI62-659), B, Oct. 21, 1983	Jakes Branch Gas Company, a Kentucky partnership, P.O. Box 10, Hindman, Kentucky 41822.	Kentucky West Virginia Gas Company, Hazard Field, Perry County, Kentucky.	(17)	
CI84-31-000, A, Oct. 21, 1983	Samedan Oil Corporation, P.O. Box 909, Ardmore, Oklahoma 73401.	Transcontinental Gas Pipe Line Corporation, N/2 Galveston Block 241, Offshore Texas.	(18)	14.65
CI84-32-000, A, Oct. 21, 1983	Tenneco Exploration, Ltd., P.O. Box 2511, Houston, Texas 77001	Tennessee Gas Pipeline Company, Eugene Island Blocks 342 and 343, Offshore Louisiana.	(19)	15.025
CI84-34-000, B, Oct. 25, 1983	Crone Oil Company, 1500 Broadway, Suite 950, Lubock, Texas 79401.	Northern Natural Gas Company, Furr Southland Edwards—Section 191, Block 45, H&TC Survey, Handford County, Texas.	(20)	
CI84-35-000, B, Oct. 26, 1983	Vance Oil & Gas Inc. (as Successor, in interest to ARCO Oil & Gas Company and Sinclair Oil & Gas Company and Sinclair Oil Corporation).	Northern Natural Gas Company, A. J. George No. 1 Well, Section 18, Block 11, WA & B Survey, Ochiltree County, Texas.	(21)	
CI84-36-000 (CI73-460), B, Oct. 26, 1983	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Tennessee Gas Pipeline Company, First half of reserves from surface to base of KH Sand, underlying Eugene Island Blcok 257.	(22)	
CI84-37-000, A, Oct. 27, 1983	Tenneco Oil Company, manager of Houston Oil & Minerals Corporation, P.O. Box 2511, Houston, Texas 77001.	Texas Eastern Transmission Corporation, Vermilion Block 50, Offshore Louisiana.	(23)	15.025
CI84-38-000, A, Oct. 27, 1983	Pacific Federal Ventures, PEMC U.S. Inc., 1661 Lincoln Boulevard, Suite 191, Santa Monica, California 90404.	Aminoil USA, Inc., Platform Edith located in federal waters, Offshore Huntington Beach, California.	(24)	14.65
CI84-39-000 (G-17566), B, Oct. 27, 1983	Conoc Inc., P.O. Box 2197, Houston, Texas 77252	Texas Gas Transmission Corporation, West Rayne Area, Acadia Parish, Louisiana.	(25)	
CI84-33-000, B, Oct. 24, 1983	Sohio Petroleum Company, P.O. Box 4587, Houston, Texas 77210	Valero Interstate Transmission Company, Prado Field, Jim Hogg County, Texas.	(26)	
CI80,529-000, E, Aug. 7, 1980	Southland Royalty Company (Successor in interest to Continental Oil Company), 1000 Fort Worth Club Tower, Fort Worth, Texas 76102.	El Paso Natural Gas Company, San Juan County, Utah.	(27)	
G-11943-004, D, Oct. 24, 1983	Mobil Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Tennessee Gas Transmission Co., South Lissie Field, Wharton County, Texas.	(28)	

[1] OCS Lease No. 0193 dated November 19, ,1948 covering the NW/4 of West Cameron Block 194, Offshore Louisiana expired September 20, 1982.
[2] Leases have been released.
[3] Well plugged and abandoned July 10, 1979. Acreage released.
[4] OCS Lease No. G-1892, dated March 1, 1969 covering lands described as Block 265 NW/4, Eugene Island Area, Offshore Louisiana expired September 11, 1978.
[5] Champlin 125 Amoco "A" No. 1; able to produce only minimal quantities (i.e. less than 20 MCFD) against the pressure in Panhandle's line. Boxelder Farms No. 1: this well is classified as an oil well; casinghead gas reserve producible by the well are too small to justify expense of connection to Panhandle's system.
[6] OCS Lease No. G-1894, dated February 1, 1969 expired May 31, 1979, and OCS Lease No. G-1892, dated March 1, 1969 expired September 11, 1978.
[7] Applicant is filing under Gas Purchase Contract dated November 3, 1952.
[8] No gas has gone through the meter since June 1982. For the 1st six months of 1982 it only produced 47 Mcf.
[9] The lease dedicated under this contract have been recompleted in the Bone Springs Formation and are only producing casing-head gas; neither of which are covered under terms of this contract. The gas is only being used for lease fuel now.
[10] Gas reserves were depleted and the wells were plugged and abandoned. The leases were terminated by the Minerals Management Service and were released to the lessor.
[11] Present purchaser unable to utilize full production of wells.
[12] Contract expired by its own terms on June 27, 1976. There has been no production under this contract for many years and the leases under it were surrendered in 1969. Monsanto has no further interest in these propertios.
[13] Contract expired by its own terms on January 1, 1972. There has been no production under this contract for many years and Monsanto has no interest in nay of the leases within the area covered by the contract.
[14] Depleted. No longer commercial.
[15] By Assignment and Agreement executed January 28, 1982 but made effective January 15, 1982, United Gathering Inc., a Small Producer in Docket No. CS80-126 and Sabine Corporation, assigned to Mobil Oil Corporation all of their interests in and to the Taloga Gas Gathering System.

[16] Effective April 7, 1978, MOEPSI assigned to John W. McGowan and Colin Wohner all its interest in Leases L-4516, L-11266 A through E, L-11267, and L-11633 A through J.
[17] Over the past three years, Kentucky West Virginia Gas Company has had our wells shut down at least 75% of the time, taking no gas whatsoever from them.
[18] Applicant is filing under Gas Purchase Contract dated December 10, 1975, as amended by agreement dated September 27, 1983.
[19] Applicant is filing under Gas Purchase and Sales Agreement dated October 5, 1983.
[20] Reserves depleted.
[21] Dedicated dry gas production no longer commercial.
[22] First half of reserves which is subject to RS 397 has been depleted. Second half of reserves are subject to RS 463.
[23] Applicant is filing under Gas Purchase and Sales Agreement dated October 25, 1983.
[24] Applicant is filing under Gas Purchase Contract dated January 1, 1983.
[25] Production has ceased and leases have expired.
[26] Oil production has been depleted to the point that there is only enough gas produced for lease use. There is no excess gas to sell.
[27] Effective October 1, 1978, Applicant acquired an undivided 100% interest in a portion of the leases certified to Continental Oil Company under Docket No. G-14396 and seeks authority, as successor in interest, only to render service previously authorized by the Commission in said docket number.
[28] By assignment of mining lease dated August 1, 1983, Mobil Producing Texas & New Mexico Inc. assigned to Goldston Oil Corporation certain leases and said assignment.
Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 83-30582 Filed 11-10-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. QF84-28-000]

Cogenic Energy Systems, Inc.—Holiday Inn, LaGuardia; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

November 8, 1983.

On October 27, 1983, Cogenic Energy Systems, Inc., (Applicant) of 127 East 64th Street, New York, New York, 10021, 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.

The topping-cycle cogeneration facility will be located at the Holiday Inn, LaGuardia in Queens, New York. The facility will consist of an internal combustion engine with waste heat recovery equipment. The useful thermal energy output will be utilized for domestic hot water and space heating. The primary energy source for the facility will be natural gas. The electric power production capacity of the facility will be 80 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. 83-30583 Filed 11-10-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP84-20-000]

Colorado Interstate Gas Co.; Application

November 8, 1983.

Take notice that on October 17, 1983, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP84-20-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a transportation service for Northwest Pipeline Corporation (NPC), authorized by the Commission in Docket No. CP78-2765, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

CIG states that, pursuant to a gas transportation agreement dated March 16, 1978, it was transporting gas for NPC from the Black Butte area of Sweetwater County, Wyoming, to an interconnection of the two pipelines near Green River, Wyoming. It is asserted that the last month that gas was transported under this agreement was October 1980 and that the Black Butte No. 1 well, the source of the gas, was plugged November 12, 1981. It is further asserted that no CIG facilities would be abandoned and that no customers of CIG or NPC would be affected.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 29, 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 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 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 CIG to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-30564 Filed 11-10-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA84-1-32-002 (PGA84-1)]

Colorado Interstate Gas Co.; Compliance Filing

November 8, 1983.

Take notice that on October 31, 1983, Colorado Interstate Gas Company (CIG) tendered for filing a study concerning affiliated entities, in compliance with the Federal Energy Regulatory Commission's (Commission) order issued September 30, 1983, in this docket. CIG states that is has no NGPA Section 107 deregulated gas which it purchases from affiliates. Additionally, all gas purchased from affiliates is priced either at or below NGPA maximum lawful ceilings. CIG states that this study shows that CIG is in compliance with the affiliated entities limitation.

In addition, CIG submits supporting information for its projection of purchases from MIGC in compliance with Ordering Paragraph (C). CIG and MIGC are currently attempting to reach agreement on the level of sales MIGC will make to CIG in Fiscal Year 1984. CIG will submit updated information on the expected purchases from MIGC as soon as it becomes available.

CIG also submitted to the Commission on September 8, 1983, additional data requested in Ordering Paragraph (G)(3) pertaining to Account 191 and company-owned production. CIG therefore believes that it is in compliance with that portion of the order.

CIG contends that it has filed for, and received, all necessary state well qualifications for company-owned production which is eligible for NGPA pricing pursuant to the Supreme Court in *Public Service Commission of the State of New York v. Mid-Louisiana Gas Co., et al.*, (*Mid-La*). For this reason, CIG is not proposing a reduction in rates pursuant to Ordering Paragraph (G)(2).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 384.211, 385.214). All such petitions or protests should be filed on or before November 17, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-30565 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-50-000]

CP National Corp.; Cancellation of Rate Schedule Supplement

November 7, 1983.

The filing company submits the following:

Take notice that on October 25, 1983, CP National Corporation (CPN) tendered for filing a Notice of Cancellation of Supplement No. 3 to Rate Schedule FERC No. 8 between CPN and the Western Area Power Administration (WAPA).

CPN requests an effective date of January 20, 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 November 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 83-30583 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-33-005]

El Paso Natural Gas Co.; Compliance Filing

November 8, 1983.

Take notice that on October 31, 1983, El Paso Natural Gas Company (EL Paso) submitted a filing in compliance with the Federal Energy Regulatory Commission's (Commission) order issued September 30, 1983, at Docket No. TA84-1-33-000 which, among other things, conditionally accepted, effective October 1, 1983, subject to refund, certain revised tariff sheets tendered as part of El Paso's notice of rate change filed August 31, 1983 (PGA) in the captioned docket. Ordering Paragraphs (C) and (E), respectively, of said order directed El Paso to file (i) additional information concerning the surcharge rate reflected in El Paso's August 31, 1983 filing, and (ii) revised tariff sheets reflecting elimination of any costs for El Paso's company-owned producton which has not qualified for Natural Gas Policy Act of 1978 (NGPA) prices. El Paso states that its company-owned production contained in the PGA at NGPA prices has qualified for those prices and therefore, no revised tariff sheets need be filed.

El Paso states that a copy of the filing is being served upon all parties of record in Docket No. TA84-1-33-000.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 17, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-30566 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-49-000]

Interstate Power Co.; Filing of Agreement

November 7, 1983

The filing Company submits the following:

Take notice that on October 25, 1983, Interstate Power Company (Interstate) tendered for filing a "Transmission Utilization Agreement" dated September 20, 1983 between Cooperative Power Association and Interstate. The Utilization Agreement described above replaces the previous Transmission Utilization Agreement as supplemented—Interstate F.E.R.C. Rate Schedule No. 124 and Supplements 1-7—and provides for the future establishment of an integrated transmission system. The rate for wheeling service established by the prior agreement continues to remain in effect.

Interstate requests an effective date on December 26, 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 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 November 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will

not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 83-30584 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-628-001]

Kansas Gas & Electric Co.; Notice of Compliance Report

November 7, 1983.

Take notice that on October 26, 1983, Kansas Gas & Electric Company ("KG&E") submitted for filing its Compliance Report pursuant to Ordering Paragraph (B) of the Commission's order dated September 29, 1983 in Docket No. ER83-628-000.

The Compliance Report contains all attached provisions and the schedules to be replaced.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before November 18, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-30585 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CS74-359-001, et al.]

Ketal Oil Producing Co. and Rocky Mountain Production Co. et al., Applications for "Small Producer" Certificates [1]

November 8, 1983.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications 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 November 23, 1983 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of 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 be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date Filed	Applicant
CS74-359-001	Oct. 19, 1983 [1]	Ketal Oil Producing Co. and Rocky Mountain Production Co., (Ketal Oil Producing Co.), Continental Plaza, Suite 2600, 777 Main St., Fort Worth, Texas 76102.
CS83-127-000	Sept. 21, 1983	Eileen and Giangiorgio Romano Co-Trustees of the Nicolette Romano Irrevocable Trust Number One, First Nat'l Bank & Trust Co., P.O. Box 1, Tulsa, Oklahoma 74193.
CS84-9-000	Oct. 12, 1983	Frank Tidwell, William Tidwell and Lon Allen d/b/a A T & T Properties, P.O. Box 527, Lubbock, Texas 79408.
CS84-10-000	Do	Canouan Trust, Kay Collver & Boose, One Dag Hammarskjold Plaza, New York, New York 10017.
CS84-11-000	Oct. 19, 1983	TASAP Trust, Kay Collver & Boose, One Dag Hammarskjold Plaza, New York, New York 10017.
CS84-12-000	Oct. 24, 1983	Crest Resources and Exploration Corp., Operator of Kubela Lease for Joint Venture, 901 Threadneedle, Suite 110, Houston, Texas 77079.
CS84-13-000	Oct. 25, 1983	Vence Oil & Gas Inc., P.O. Box 2, Perryton, Texas 79070.
CS84-14-000	Oct. 20, 1983	Coalinga Corporation, P.O. Box 7097, Long Beach, California 90807.
CS84-15-000	Oct. 31, 1983	APP Production, Inc., 2350 Texas Commerce Tower, 600 Travis, Houston, Texas 77002.
CS84-16-000	Do	Enex Oil & Gas Income Program I—Series 8 whose General Partner is Enex Resources Corporation, One Kingwood Place, Suite 202, Kingwood, Texas 77339.
CS71-22-000	Sept. 26, 1983 [2]	Northern Pump Company and John B. Hawley, Jr. Trust for McGill J. Hawley, John B. Hawley, Jr. Trust for Terrell Hawley Simonson, John B. Hawley, Jr. Trust for Michael A. Hawley, John B. Hawley, Jr. Trust for MacDonald Hawley, John B. Hawley, Jr. Trust for James M. Hawley, John B. Hawley, Jr. Trust for Lisa Lane Hawley, John B. Hawley, Jr. Trust for Lane Hawley and John B. Hawley, Jr. Marital Trust for Rosita Hawley, 1915 57th Avenue North, Minneapolis, Minnesota 55430.
CS83-99-001	Sept. 19, 1983 [3]	Quinoco Oil and Gas Income Program 1983-3, (Quinoco Oil and Gas, Inc.), 3801 East Florida Avenue, Post Office Box 10600, Denver, Colorado 80210-0600.

[1] Letter rec'd dated October 13, 1983 requesting the name listed under Docket No. CS74-359 (Ketal Oil Producing Co.) Small Producer be re-designated as Ketal Oil Producing Co. and Rocky Mountain Production Co.

[2] Letter rec'd dated September 21, 1983, requesting that the certificate issued in Docket No. CS71-22 be modified to cover the above listed seven residuary trusts.

[3] Letter rec'd dated September 15, 1983, requesting that the name of the small producer certificate be changed from Quinoco Oil and Gas, Inc. to Quinoco Oil and Gas Income Program 1983-3.

[FR Doc. 83-30587 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-79-001]

Michigan Wisconsin Pipe Line Co.; Proposed Changes in FERC Gas Tariff

November 8, 1983.

Take notice that on October 31, 1983, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing Substitue Twentieth Revised Sheet No. 7 to its FERC Gas Tariff, Original Volume No. 1. The tariff sheet is proposed to become effective on November 1, 1983, subject to refund, pursuant to its "Motion to Place Revised Rates Into Effect on November 1, 1983."

Michigan Wisconsin states that this filing is submitted in compliance with the Commission's May 27, 1983 Order which required the filing of revised tariff sheets on or before October 31, 1983, to reflect the elimination of certain costs as identified in Ordering Paragraph (C) of said Order.

Michigan Wisconsin further states that this filing reflects an additional voluntary reduction of 7.1 cents per dth.

Michigan Wisconsin states that a copy of this filing is being mailed to each of Michigan Wisconsin's customers, parties to the proceeding, and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 17, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-30568 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-118-003]

Mid-Louisiana Gas Co.; Filing of Tariff Sheet

November 8, 1983.

Take notice that on November 2, 1983, Mid-Louisiana Gas Company (Mid Louisiana) tendered for filing, pursuant to the Commission's Order dated September 30, 1983, in the above-captioned docket, the following tariff sheet:

Forty-eighth Revised Sheet No. 3a superseding Forty-seventh Revised Sheet No. 3A

Forty-eighth Revised Sheet No. 3a, to be effective September 1, 1983, reflects the cost of service rate contained in the Stipulation and Agreement approved by the Commission in its Order dated September 30. Forty-eighth Revised Sheet No. 3a also reflects the currently effective Purchased Gas Cost Adjustment, Purchased Gas Cost Surcharge Adjustment and Transportation Cost Adjustment most recently approved in *Mid Louisiana Gas Company*, Docket No. TA83-2-15.

Pursuant to the Commission's Order and in accordance with Article II of the Stipulation and Agreement, Mid Louisiana, on October 28, 1983, issued refunds to its jurisdictional customers and concurrently filed a refund report with the Commission, with copies to all jurisdictional customers and to interested state commissions.

Mid Louisiana states that upon receipt of the Commission's Order, it collected the rates contained in Forty-eighth Revised Sheet No. 3a for all jurisdictional sales on and after September 1, 1983. Mid Louisiana respectfully requests that Forty-eighth Revised Sheet No. 3a be accepted for filing and allowed to become effective September 1, 1983.

Mid Louisiana states that copies of this filing have been served upon all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 17, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-30569 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-81-002 and TA84-1-49-002]

Montana-Dakota Utilities Co.; Filing of Substitute Revised Tariff Sheets

(November 8, 1983.)

Take notice that on October 31, 1983, Montana-Dakota Utilities Company (MDU) tendered for filing as part of its FERC Gas Tariff, the following substitute revised tariff sheets:

Original Volume No. 4

Substitute Twenty-seventh Revised Sheet No. 3A

First Revised Volume No. 2

Second Substitute Nineteenth Revised Sheet No. 10

The proposed effective date is November 1, 1983.

In addition to reflecting the rate changes filed in Docket No. RP83-81-000 the substitute revised tariff sheets also reflect the changes in cost of gas recently filed pursuant to MDU's Purchased Gas Cost Adjustment provision (Docket No. TA84-1-49-000) and the revisions to the rate changes filed in Docket No. RP83-81-000 that are required by the suspension order issued on May 27, 1983. Schedules supporting these revisions are attached to the filing.

MDU also submitted for filing the "Motion of Montana-Dakota Utilities Co. To Put Revised Rates Into Effect."

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 17, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-30570 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-29-000]

Mountain Fuel Supply Co.; Application for Certificate of Public Convenience and Necessity

November 8, 1983.

Take notice that on October 24, 1983, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP84-29-000, an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of two pipeline taps, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to place in service two 10-inch taps to deliver raw gas to and receive processed gas from a natural gas liquids extraction facility, being constructed by Champlin Gas Processing Company (Champlin) in Uinta County, Wyoming. Applicant states that this new plant would replace the existing Church Buttes Absorption Plant jointly owned by Applicant and Champlin. Applicant further states that it has granted Champlin the right to process all natural gas produced or purchased by Applicant within an area specified by a gas processing agreement, dated July 1, 1983.

Applicant proposes to construct and operate pipeline facilities under authority of the blanket certificate issued in Docket No. CP82-490-000 in order to connect the proposed processing plant with its main lines, and requests whatever authorization is necessary to place the two proposed taps in service.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 29, 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 385.124 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. 83-30571 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-55-000]

Montaup Electric Co.; Filing of Rate Schedule Revisions

November 7, 1983.

The filing Company submits the following:

Take notice that on October 27, 1983, Montaup Electric Company (Montaup) tendered for filing rate schedule revisions incorporating a new M-9 rate for all-requirements service to Montaup's affiliates Eastern Edison Company (Eastern Edison) in Massachusetts and Blackstone Valley Electric Company (Blackstone) in Rhode Island and contract demand service to three non-affiliated customers: the Town of Middleborough in Massachusetts and Pascoag Fire District and Newport Electric Corporation in Rhode Island. The rate schedule revisions provide for a first-step increase of $16,714,000 or 8.2%, and a second-step increase of $679,000, or an additional 0.3%. Montaup requests that the first-step rates be made effective on December 26, 1983 and that the second-step rates be made effective on December 27, 1983.

Montaup states that the increase is requested to offset the increase in Montaup's costs over the 1983 level being recovered through the M-8 rates and to include additional construction work in progress (CWIP) in rate base pursuant to § 35.26(c)(3) of the Commission's regulations. The filing (1) increases the demand charge from $12.96890 per kW/month as provided in the M-8 rate as currently charged to Montaup's affiliates to $15.25930 per kW/month in the first step and $15.35282 in the second step, (2) increase the energy charge from 3.0153 cents per kwh as provided in the M-8 rate to 3.0275 cents per kwh, and (3) incorporates changes in the Oil Conservation Adjustment as agreed to in a settlement agreement in Docket Nos. ER83-112-000 and ER83-136-000 filed on September 20, 1983 and certified by the Presiding Administrative Law Judge in that case to the Commission on October 14, 1983. The filing also includes related changes in agreements under which Eastern Edison and Blackstone rent transmission facilities to Montaup and Montaup rents such facilities to Eastern Edison.

Copies of this filing have been served upon the affected customers and the Massachusetts Department of Public Utilities.

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 November 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 83-30586 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-19-000]

Natural Gas Pipeline Company of America; Proposed Changes in FERC Gas Tariff

November 8, 1983.

Take notice that on November 4, 1983, Natural Gas Pipeline Company of America, (Natural) tendered for filing proposed changes in its FERC Gas Tariff. Natural states that the proposed changes will make effective:

	Effective date
Third Revised Volume No. 1:	
Twenty-first Revised Sheet No. 5A	1-1-84
Second Revised Volume No. 2:	
Fifth Revised Sheet No. 390 (X-46)	1-1-84
Seventh Revised Sheet No. 653 (X-62)	1-1-84
Ninth Revised Sheet No. 668 (X-63)	1-1-84
Seventh Revised Sheet No. 695 (X-67)	1-1-84
Sixth Revised Sheet No. 1097 (X-93)	12-1-83

Natural states that the purpose of this filing is to make effective (1) the billing percentages to be effective January 1, 1984 for its Rate Schedule F–1 Facility Charge and (2) the revised rates to be effective December 1, 1983 and January 1, 1984 for certain transportation services.

Copies of this filing were served upon Natural's jurisdictional customers and interested state commissions.

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 requirements of Rules 211 and 214 of the Commission's Rules and Practice and Procedure. All such motions or protests must be filed on or before November 17, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-30572 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 7497–000, et al.]

Hydroelectric Applications (Metropolitan Sewerage District of Buncombe County, N.C., et al.); Applications Filed With the Commission

Take notice that the following hydrolectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1a. Type of Application: 5 MW Exemption.

b. Project No.: 7497–000.

c. Date Filed: August 2, 1983.

d. Applicant: Metropolitan Sewerage District of Buncombe County, North Carolina.

e. Name of Project: Craggy Dam Hydroelectric Power Project.

f. Location: Boncombe County, North Carolina, French Broad River.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708 *as amended*).

h. Contact Person: Mr. W. H. Mull, the Metropolitan Sewerage District of Buncombe County, North Carolina, P.O. Box 8969, Asheville, North Carolina 28814.

i. Comment Date: December 2, 1983.

j. Description of Project: The proposed project would consist of: (1) An existing 13-foot-high and 700-foot-long masonry dam; (2) an existing reservoir with a surface area of 40 acres and a storage capacity of 380 acre-feet; (3) a proposed powerhouse to be constructed on the foundation of the original powerhouse which is 2,800 feet downstream of the dam and at the end of the original headrace; (4) the installation of three turbine/generator units of 800 kW each for a total installed capacity of 2.4 MW; (5) a proposed intake structure to be constructed through a right abutment and bulkhead section of the existing dam; (6) a proposed 2000-foot-long concrete flume wall which will run parallel to the bank on the right side of the river and which will connect to the existing 600-foot-long flume wall at a point 600 feet upstream of the powerhouse; (7) a proposed 1400-foot-long 2.4 kV powerline; and (8) appurtenant facilities. The Applicant estimates the average annual energy production to be 16.8 GWH.

k. Purpose of Project: The Applicant intends to use the power generated in facilities owned by the Applicant near the project site. Applicant intends to sell any surplus power to the Carolina Power and Light Company.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C, and D3a.

m. *Purpose of Exemption:* An exemption, if issued, gives the Exemtee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

2a. Type of Application: Preliminary Permit.

b. Project No: 7623–000.

c. Date Filed: September 15, 1983.

d. Applicant: D&D Stauffer, Inc.

e. Name of Project: D&D Stauffer, Inc.

f. Location: On Dry Creek, near Howe, in Custer and Butte Counties, Idaho, and would affect BLM lands.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–824(r).

h. Contact Person: Ted S. Sorenson, P.E., 550 Linden Drive, Idaho Falls, Idaho 83213.

i. Comment Date: December 27, 1983.

j. Description of Project: The proposed project would consist of: (1) A 4-foot-high concrete diversion structure at elevation 7,386 feet; (2) a 50,000-foot-long feeder ditch; (3) a 15,000-foot-long, 36-inch-diameter steel penstock; (4) a powerhouse containing one generating unit rated at 2,000 kW; and (5) a 5-mile-long transmission line. The average annual energy generation is estimated to be 12 million kWh.

A preliminary permit, if issued, does not authorize any construction. Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct feasibility studies and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work is estimated to be $25,000.

k. Purpose of Project: Power would be sold to Utah Power and Light Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

3a.Type of Application: Preliminary Permit.

b. Project No.: 7624–000.

c. Date Filed: September 15, 1983.

d. Applicant: Independence Electric Corporation.

e. Name of Project: Riverdale Project.

f. Location: Knox and Sevier Counties, Tennessee.

g. Filed Pursunt to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. G. William Miller, President, Independence Electric Corporation, 919 18th St. NW., Washington, D.C. 20006, and Mr. Joel L. Green, Chapman, Duff and Paul, International Square, 1825 Eye Street, NW., Suite 300, Washington, D.C. 20006.

i. Comment Date: December 23, 1983.

j. Description of Project: The proposed project consists of : (1) A proposed reservoir with a storage capacity of 40,000 acre-feet and a surface area of 2,600 acres at power pool elevation of 860 feet M.S.L.; (2) a proposed 55-foot-high earthen dam with a 460-foot-long, concrete spillway; (3) a proposed powerhouse containing two generating units rated at 20 mW each; (4) a proposed 115 kV transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 133,000,000 kWh.

k. Purpose of Project: Applicant plans to sell the generated output of energy to a local utility company.

l. This notice also consists of the following standard paragraphs: A5, A7, B, C, and D2.

m. *Proposed Scope of Studies Under Permit*—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months to conduct feasibility studies, prepare final design plans and a license

application. Applicant estimates the cost for this work would be $375,000.

n. *Purpose of Preliminary Permit:* A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for license.

4a. Type of Application: Preliminary Permit.

b. Project No: 7657–000.

c. Date Filed: September 26, 1983.

d. Applicant: Robert W. Shaw.

e. Name of Project: Groveton.

f. Location: Connecticut River, towns of Guildhall, Essex County, Vermont and Northumberland, Coos County, New Hampshire.

g. Filed Pursuant to: 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Robert W. Shaw, 4 Parsons Street, Colebrook, New Hampshire 03576.

i. Comment Date: December 23, 1983.

j. Description of Project: The proposed project would consist of: (1) An existing 350-foot-long, 11-foot-high timber crib dam with an integral 180-foot-long spillway; (2) an existing 235 acre reservoir at elevation 845.7 feet M.S.L. with 18-inch-high flashboards installed at the dam and no usable storage capacity; (3) an existing powerhouse at the east dam abutment containing a single 700 kW turbine-generator to be repaired or replaced; (4) a new 125-foot-long, 34.5-kV transmission line; and (5) appurtenant facilities. The project would generate up to 5,000,000 kWh annually. The project is owned by the James River Corporation.

k. Purpose of Project: Energy produced at the project would be sold to Public Service Company of New Hampshire.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. Proposed Scope of Studies Under Permit: A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license. Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would perform surveys and geologic investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State and local government agencies concerning the potential environmental effects of the project, and prepare an applicaton for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be less than $65,000.

5 a. Type of Application: Preliminary Permit.

b. Project No.: 7659–000.

c. Date Filed: September 27, 1983.

d. Applicant: WP, Incorporated.

e. Name of Project: Tunnel Creek Water Power Project.

f. Location: On Tunnel Creek, tributary of the Tye River, near the town of Skykomish, in King County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Gary W. Tripp, 821 East Thomas Street, Seattle, Washington 98102.

i. Comment Date: December 30, 1983.

j. Description of Project: The proposed project would consist of: (1) A 10-foot-high concrete gravity diversion dam; (2) a one acre reservoir with a capacity of 2 acre-feet and a surface elevation of 3,450 feet; (3) a 4,500-foot-long, 34-inch-diameter pipeline from the diversion dam to a surge tank; (4) a 30-foot-high, 10-foot-diameter surge tank at elevation 3,410 feet; (5)a 3,500-foot-long, 18-inch-diameter penstock from the surge tank to the powerhouse; (6) a powerhouse with a single generating unit with a capacity of 914 kW; (7) a switchyard; and (8) a 1,370-foot-long, 115-kV transmission line. The average annual energy production would be 3,204,000 kWh.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 36 months during which time it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of $90,000. No new roads would be constructed or drilling conducted during the feasibility study.

k. Purpose of Project: Project power would be sold to Chelan County PUD No. 1 or the Bonneville Power Administration.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C and D2.

6 a. Type of Application: Preliminary Permit.

b. Project No.: 7643–000.

c. Date Filed: September 23, 1983.

d. Applicant: WP, Incorporated.

e. Name of Project: Youngs Creek.

f. Location: On Youngs Creek in Snohomish County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Gary W. Tripp, 821 East Thomas Street, Seattle, Washington 98102.

i. Comment Date: December 27, 1983.

j. Description of Project: The proposed project would consist of: (1) A 10-foot-high diversion structure at elevation 2,330 feet; (2) a 34-inch-diameter, 6,000-foot-long pipeline; (3) a 10-foot-diameter, 21-foot-high surge tank at elevation 2,309 feet; (4) a 26-inch-diameter, 10,950-foot-long penstock; (5) a powerhouse containing a single generating unit with rated capacity of 3,215 kW operating under a head of 1,424 feet; and (6) a 6.4-mile-long, 115-kV transmission line. The estimated average annual energy output would be 11,263,880 kWh.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36 month permit to study the feasibility of constructing and operating the project. No new access road will be needed for the purpose of conducting these studies. The estimated cost for conducting these studies would range between $80,000 and $100,000.

k. Purpose of Project: Project power would be sold to utilities in the area.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C and D2.

7a. Type of Application: Preliminary Permit.

b. Project No.: 7650–000.

c. Date Filed: September 15, 1983.

d. Applicant: Independence Electric Corporation.

e. Name of Project: Falls Lake Project.

f. Location: Wake County, North Carolina.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. G. William Miller, President, Independence Electric Corporation, 919 18th Street, N.W., Suite 750, Washington, D.C. 20006, and Mr. Joel L. Green, Chapman, Duffand Paul, International Square, 1825 Eye Street, N.W., Suite 300, Washington, D.C. 20006.

i. Comment Date: December 27, 1983.

j. Description of Project: The proposed project would consist of: (1) A proposed powerhouse containing 1 generating unit rated at 5,000 kW; (2) a proposed 13.8 kV transmission line; and (3) appurtenant facilities. The Applicant would utilize an existing dam and lands owned by the U.S. Army Corps of Engineers. The Appliant estimates that the annual energy output would be 20,700,000 kWh.

k. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months to conduct feasibility studies, prepare final design plans and a license

application. Applicant estimates the cost for this work would be $125,000.

l. Purpose of Peliminary Permit—A preliminary permit does not authorize contruction. A permit, if issued, give the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for license.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

8a. Type of Application: Preliminary Permit.

b. Project No.: 7180–001.

c. Date Filed: August 1, 1983.

d. Applicant: F&T Services Corporation.

e. Name of Project: Pat Mayse Lake and Dam.

f. Location: Lamar County, Texas.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Ralph L. Laukhuff, Jr., Forte and Tablada, Inc., P.O. Box 64844, Baton Rouge, Louisiana 70896.

i. Comment Date: December 27, 1983.

j. Description of Project: The proposed project would consist of: (1) A proposed powerhouse containing one generating unit rated at 4 MW; (2) a proposed 24 kV transmission line; and (3) appurtenant facilities. The Applicant would utilize an existing dam and lands owned by the U.S. Army Corps of Engineers. The estimated average annual energy output would be 12,000,000 kWh.

k. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months to conduct feasibility studies, prepare final design plans and a license application. Applicant estimates the cost for this work would be $15,000.

l. Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for license.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

9a. Type of Application: Preliminary Permit.

b. Project No.: 7559–000.

c. Date Filed: August 25, 1983.

d. Applicant: Villages of Channahon and Rockdale.

e. Name of Project: Marseilles Lock and Dam.

f. Location: La Salle County, Illinois.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Wayne W. Chesson, President, Channahon Municipal Building, Route 6, Channahon, Illinois 60410, and Mr. Donald B. Gould, President, Rockville Municipal Building, Otis and Midland Avenues, Rockdale, Illinois 60436.

i. Comment Date: December 27, 1983.

j. Description of Project: The proposed project would consist of: (a) A proposed powerhouse containing 4 generating units rated at 2,500 kW each; (b) a proposed transmission line; and (c) appurtenant facilities. The Applicant proposes to utilize an existing dam and lands owned by the U.S. Army Corps of Engineers. The estimated average annual energy output would be 60,000,000 kWh.

k. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months to conduct feasibility studies, prepare final design plans and a license application. Applicant estimates the cost for this work would be $100,000.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for license.

10a. Type of Application: Preliminary Permit.

b. Project No: 7618–000.

c. Date Filed: September 15, 1983.

d. Applicant: WP, Incorporated.

e. Name of Project: Hilt Creek Water Power.

f. Location: On Hilt Creek in Skagit County, Washington.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–824(r).

h. Contact Person: Gary W. Tripp, 821 East Thomas Street, Seattle, Washington 98102.

i. Comment Date: December 27, 1983.

j. Description of Project: The proposed project would consist of: (1) A 10-foot-high diversion structure at elevation 1,000 feet; (2) a 24-inch-diameter, 1,300-foot-long low pressure pipe; (3) a surge tank at elevation 980 feet; (4) an 18-inch-diameter, 550-foot-long penstock; (5) a powerhouse at elevation 240 feet containing a generator with a rated capacity of 1.5 MW and an average annual output of 5.2 GWh; and (6) a 230-kV, 1.95-mile-long transmission line.

A preliminary permit, if issued, does not authorize construction. Applicant seeks a 36-month preliminary permit to conduct engineering, economic and environmental studies to ascertain project feasibility and to support an application for a license to construct and operate the project. Applicant has stated that no new roads are necessary and that drilling is not anticipated as part of the studies. The estimated cost of permit activities is $60,000 to $80,000.

k. Purpose of Project: Power may be marketed to utilities such as Seattle City Light.

l. This notice also consists of the following standard paragraphs A6, A7, A9, B, C, and D2.

11a. Type of Application: Preliminary Permit.

b. Project No.: 7461–000.

c. Date Filed: July 21, 1983.

d. Applicant: Salt Lake City Corporation.

e. Name of Project: Big Cottonwood Creek Hydroelectric Project.

f. Location: Big Cottonwood Creek, Salt Lake County, Utah.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: LeRoy W. Hooton, Director, Department of Public Utilities, 1530 South West Temple, Salt Lake City, Utah 84115.

i. Comment Date: December 27, 1983.

j. Description of Project: The proposed project would be located entirely within the Wasatch National Forest and would consist of: (1) A proposed 30-foot-long and 10-foot-high diversion structure; (2) a proposed 10,500-foot-long, 42-inch-diameter penstock; (3) a proposed powerhouse with an installed capacity of 2,280 kW, operating at a head of 600 feet; (4) a proposed tailrace; (5) a proposed 2.5-mile-long transmission line; and (6) appurtenant facilities. The Applicant estimates the average annual energy production to be 9.7 GWh.

k. Purpose of Project: The Applicant plans to sell the power generated at the proposed project to the Utah Power and Light Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. *Proposed Scope of Studies under permit*—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time the significnat legal, institutional, engineeting, environmental, marketing, economic and financial aspects of the project will be defined, investigated, and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if findings are positive, the Applicant intends to submit a license application. The Applicant's estimated total cost for performing these studies is $30,000.

n. *Purpose of Preliminary Permit*—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

12a. Type of Application: Preliminary Permit.

b. Project No: 7460–000.

c. Date Filed: July 20, 1983.

d. Applicant: Salt Lake City Corporation.

e. Name of Project: Utah and Salt Lake Canal Hydroelectric Project.

f. Location: Jordan River, Salt Lake County, Utah.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: LeRoy W. Hooton, Director, Department of Public Utilities, 1530 South West Temple, Salt Lake City, Utah 84115.

i. Comment Date: December 27, 1983.

j. Description of Project: The proposed project would be located on the existing Utah and Salt Lake Canal, which is owned by te Utah and Salt Lake Canal Company, and would consist of: (1) The existing 86-foot-long and 18-foot-high diversion structure; (2) a 4-mile-long portion of the existing Utah and Salt Lake Canal; (3) a proposed concrete intake structure; (4) a proposed 1,700-foot-long, 36-inch-diameter penstock; (5) a proposed powerhouse containing one turbine/generator unit operating under a head of 91 feet, with an installed capacity of 650 kW; (6) a proposed tailrace; (7) the reconstruction of a 13,000-foot-long distribution line; and (8) appurtenant facilities. The Applicant estimates the average annual energy production would be 5.5 gWh.

k. Purpose of Project: The Applicant plans to sell the power generated at the proposed project to the Utah Power and Light Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated, and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if findings are positive, the Applicant intends to submit a license application. The Applicant's estimated total cost for performing these studies is $20,000.

n. *Purpose of Preliminary Permit*—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

13a. Type of Application: License (Under 5 MW).

b. Project No: 7216–000.

c. Date Filed: April 12, 1983.

d. Applicant: New Hampshire Water Resources Board and Sewalls Falls Hydroelectric Development Associates.

e. Name of Project: Sewalls Falls.

f. Location: On the Merrimack River in Merrimack County, New Hampshire.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact person: State of New Hampshire, Water REsources Board, 37 Pleasant Street, Concord, New Hampshire, 03301, Attn: Mr. Delbert F. Downing, Chairman.

i. Comment Date: January 9, 1984.

j. Description of Project: The project will consist of: (1) The existing Sewalls Falls Dam, 497 feet long and 23 feet high; (2) the existing 1,280-foot-long power canal (3) the existing reservoir with a surface area of 400 acres and a storage capacity of 5,990 acre-feet at a normal maximum water surface elevation of 241.86 feet NGVD; (4) a proposed powerhouse which will contain three generating units with a combined total installed capacity of 4.95 MW; and (5) appurtenant facilities. The Applicant estimates that the average annual energy generation will be 26.0 GWh. The State of New Hampshire owns the project facilities and maintains the site.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C and D1.

14a. Type of Application: Preliminary Permit.

b. Project No: 7638–000.

c. Date Filed: September 22, 1983.

d. Applicant: WP, Incorporated.

e. Name of Project: Straight Creek.

f. Location: On Straight Creek, in Snohomish County, Washington within the Mt. Baker-Snoqualmie National Forest.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. Gary W. Tripp, 821 East Thomas Street, Seattle, Washington 98102.

i. Comment Date: January 4, 1984.

j. Description of Project: The proposed project would consist of: (1) A 10-foot-high diversion structure at elevation 2,210 feet (2) a 42-inch-diameter, 7,660-foot-long pipe; (3) a 10-foot-diameter, 20-foot-high surge tank at elevation 2,120 feet; (4) a 26-inch-diameter, 4,250-foot-long penstock; (5) a powerhouse containing a single generation unit with an installed capacity of 3,566 kW, operating under a head of 1,127 feet; and (6) a 17-mile-long, 55-kV transmission line. The estimated average annual energy output is 12,496,135 kWh.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project. No new access road will be needed for the purpose of conducting these studies. The estimated cost for conducting these studies would be between $80,000 and $100,000.

k. Purpose of Project: Project power would be sold to either Puget Sound Power and Light Company or Seattle City Light Company.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C and D2.

15 a. Type of Application: Preliminary Permit.

b. Project No.: 7641–000.

c. Date Filed:September 22, 1983.

d. Applicant: WP, Incorporated.

e. Name of Project: Black Greek.

f. Location: On Black Creek in Snohomish County, Washington within the Mt. Baker-Snoqualmie National Forest.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Gary W. Tripp, 821 East Thomas Street, Seattle, Washington 98102.

i. Comment Date: January 4, 1984.

j. Description of Project: The proposed project would consist of : (1) A 10-foot-high diversion structure at elevation 2,610 feet; (2) a 32-inch-diameter, 2,100-foot-long pipeline; (3) a 10-foot-diameter, 15-foot-high surge tank at elevation 1,750 feet; (4) a 24-inch-diameter, 2,400-foot-long penstock; (5) a powerhouse containing a single generating unit with a rated capacity of 2,040 kW operating under a head of 756 feet; and (6) a 200-foot-long, 69-kV transmission line. The estimated average annual energy output would be 7,141,100 kWh.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project. No new access road will be needed for the purpose of conducting these studies. The estimated cost for conducting these studies would range between $70,000 and $90,000.

k. Purpose of Project: Project power will be sold to utilities in the area.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C and D2.

16 a. Type of Application: Preliminary Permit.

b. Project No.: 7593-000.

c. Date Filed: September 12, 1983.

d. Applicant: Charles W. Cole, Jr.

e. Name of Project: Mississinewa Lake Hydro Project.

f. Location: On the Mississinewa River, in Miami County, Indiana.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: R. K. Chaudhary, P. E., Lawson-Fisher Associates, 525 W. Washington Street, South Bend, Indiana 46601.

i. Comment Date: January 4, 1984.

j. Description of Project:The proposed project would utilize a U.S. Army Corps of Engineers' dam and reservoir, and would consist of: (1) A proposed intake structure; (2) a new powerhouse with an installed capacity of 4.1 MW; (3) a proposed tailrace; (4) a new transmission line; and (5) appurtenant facilities. Applicant estimates that the average annual generation would be 21.5 GWh. All power generated would be sold to a local utility.

k. Purpose of Project: This notice also consists of the following standard pargraphs: A5, A7, A9, B, C, and D2.

l. *Proposed Scope of Studies under Permit*—Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Corps and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $110,000.

m. *Purpose of Preliminary Permit*—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

17a. Type of Application: Preliminary Permit.

b. Project No: 7157–001.

c. Date Filed: August 1, 1983.

d. Applicant: F&T Services Corporation.

e. Name of Project: Ferrells Bridge Dam.

f. Location: Marion County, Texas.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)—825(r).

h. Contact Person: Ralph L. Laukhuff, Jr., Forte and Tablada, Inc., P.O. Box 64844, Baton Rouge, Louisiana 70896.

i. Comment Date: January 9, 1984.

j. Description of Project: The proposed project would consist of: (1) A proposed powerhouse containing two generating units rated at 4 MW each; (2) a proposed 69 kV transmission line; and (3) appurtenant facilities. The Applicant would utilize an existing dam and lands owned by the U.S. Army Corps of Engineers. The estimated average annual energy output for the project would be 24,000,000 kWh.

k. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months to conduct feasibility studies, prepare final design plans and a license application. Applicant estimate the cost for this work would be $15,000.

l. Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for license.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

18a. Type of Application: Preliminary Permit.

b. Project No: 7179–001.

c. Date Filed: August 1, 1983.

d. Applicant: F&T Services Corporation.

e. Name of Project: Wallace Lake Dam.

f. Location: Caddo and Desoto Counties, Louisiana.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. Ralph L. Laukhuff, Jr., Forte and Tablada, Inc., P.O. Box 64844, Baton Rouge, Louisiana 70896.

i. Comment Date: January 5, 1984.

j. Description of Project: The proposed project would consist of: (1) A proposed powerhouse containing one generating unit rated at 400 kW; (2) a proposed 34.5 kV transmission line; and (3) appurtenant facilities. The Applicant would utilize an existing dam and lands owned by the U.S. Army Corps of Engineers. The estimated average annual energy output for the project would be 1,200,000 kWh.

k. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months to conduct feasibility studies, prepare final design plans and a license application. Applicant estimates the cost for this work would be $10,000.

l. Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for license.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

19a.Type of Application: License (Under 5 MW).

b. Project No: 7274–001.

c. Date Filed: September 16, 1983.

d. Applicant: Town of Wells.

e. Name of Project: Lake Algonquin.

f. Location: Lake Algonquin, Sacandaga River, Town of Wells, Hamilton County, New York.

g. Filed Pursuant to: 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Allen L. Hunt, Supervisor, Town of Wells, Wells, New York 12190.

i. Comment Date: December 16, 1983.

j. Competing Application: Project No. 709–000. Date Filed: February 22, 1983.

k. Description of Project: The proposed project would consist of: (1) An existing 239-foot-long, 18-foot-high concrete gravity spillway dam with a 66-foot-long gate section in the center of the dam containing three 12-foot by 19-foot sluice gates; (2) an existing 275-acre reservoir with a normal water surface elevation of 986.84 feet M.S.L. and no usable storage capacity; (3) a new powerhouse to be constructed at the south dam abutment containing three turbine-generators with a total rated capacity of 663 kW; (4) a new 120-foot-long tailrace channel; (5) a new 50-foot-long 4.8-kV transmission line; and (6) appurtenant facilities. The project would generate up to 2,660,000 kWh annually. The dam is owned by the Applicant. The dam abutment wing walls would also be increased in height to increase the spillway capacity to pass flood flows.

l. Purpose of Project: Energy produced at the project would be sold to Niagara Mohawk Power Corporation.

m. This notice also consists of the following standard paragraphs: A3, A9, B, C and D1.

20a. Type of Application: Exemption (5 MW or less).

b. Project No: 7548–000.

c. Date Filed: August 22, 1983.

d. Applicant: Mr. George Arkoosh.

e. Name of Project: Geo-Bon #2 Hydropower.

f. Location: On Little Wood River in Lincoln County, Idaho near the town of Shoshone.

g. Filed Pursuant to: Energy Security Act of 1980 (16 U.S.C. 2705 and 2708 as amended).

h. Contact Person: Mr. Vernon Ravenscroft, Consulting Associates, Inc., P.O. Box 893, Boise, Idaho 83702.

i. Comment Date: December 19, 1983.

j. Description of Project: The proposed project would consist of: (1) A 6-foot-high diversion structure at elevation 3,872 feet; (2) a 7-foot-high, 1,950-foot-long canal; (3) headworks and spillway; (4) a 110-inch-diameter, 250-foot-long penstock; (5) a powerhouse containing three generating units with a rated capacity of 813 kW operating under a head of 30 feet; (6) an excavated 950-foot-long tailrace; and (7) a 34.5-kV transmission line tying into an existing Idaho Power Company line. The estimated average annual energy output would be 4,156,968 kWh.

Purpose of Exemption—An exemption, if issued, give the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

k. Purpose of Project: Project power will be sold to Idaho Power Company.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C and D3a.

21a. Type of Application: 5 MW Exemption.

b. Project No.: 6544–001.

c. Date Filed: July 13, 1983.

d. Applicant: I—MAXMAT Corporation.

e. Name of Project: Collins.

f. Location: Chicopee River, Town of Wilbraham, Hampden County, Massachusetts.

g. Filed Pursuant to: 16 U.S.C. 2705 and 2708.

h. Contact Person: Mr. Kevin Shea, Swift River Company, Inc., 148 State Street, Boston, Massachusetts 02109.

i. Comment Date: December 14, 1983.

j. Description of Project: The proposed project would consist of: (1) An existing partially breached 300-foot-long, 11-foot-high masonry-capped rock-filled timber crib dam to be rehabilitated and would include new 3-foot-high flashboards; (2) a reservoir, which is to be restored to its original level, with a total storage capacity of 450 acre-feet at elevation of 223.4 feet M.S.L. with flashboards; (3) an existing 1,100-foot-long 90 to 40-foot-wide power canal with a 270-foot-long overflow spillway (not used for power production); (4) a new powerhouse located within the breached section containing two new turbine-generators with a total rated capacity of 1,500 kW; (5) a new 320-foot-long tailrace; (6) a 300-foot-long transmission line; and (7) appurtenant facilities. The project would generate up to 6,500,000 kWh annually. The application was filed pursuant to a preliminary permit issued to I—MAXMAT Corporation, Project No. 6544–000 on November 1, 1982.

k. Purpose of Project: Energy produced at the project would be sold to either New England Power Company or Northeast Utilities Service Company.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C, and D3a.

m. Purpose of Project: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

22a. Type of Application: Preliminary Permit.

b. Project No: 7156–001.

c. Date Filed: August 1, 1983.

d. Applicant: F&T Services Corporation.

e. Name of Project: Wright Patman Lake and Dam.

f. Location: Bowie County, Texas.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Ralph L. Laukhuff, Jr., Forte and Tablada, Inc., P.O. Box 64844, Baton Rouge, Louisiana 70896.

i. Comment Date: January 6, 1984.

j. Description of Project: The proposed project would consist of: (1) A proposed powerhouse containing two generating units rated at 10 MW each; (2) a proposed 69 KV transmission line; and (3) appurtenant facilities. The Applicant would utilize an existing dama and lands owned by the U.S. Army Corps of Engineers. The estimated average annual energy output for the project would be 50,000,000 KWH.

k. This notice also consists of the following standard paragraphs A5, A7, A9, B, C, and D2.

l. *Proposed Scope of Studies Under Permit*—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months to conduct feasibility studies, prepare final design plans and a license application. Applicant estimates the cost for this work would be $15,000.

m. *Purpose of Preliminary Permit*—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for license.

23a. Type of Application: Preliminary Permit.

b. Project No: 7645–000.

c. Date Filed: September 23, 1983.

d. Applicant: WP, Incorporated.

e. Name of Project: Deer Creek.

f. Location: On Deer Creek in Snohomish and Skagit Counties, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Gary W. Tripp, 821 East Thomas St., Seattle, Washington 98102.

i. Comment Date: January 9, 1984.

j. Description of Project: The proposed project would consist of: (1) A 10-foot-high diversion dam at elevation 500 feet; (2) a 112-inch-diameter, 7,500-foot-long

pipeline; (3) a 10-foot-diameter 30-foot-high surge tank at elevation 477 feet; (4) a 48-inch-diameter, 400-foot-long penstock; (5) a powerhouse containing three generating units with a total rated capacity of 12,650 kW operating under a head of 256 feet; and (6) a 2.4-mile-long, 230-kV transmission line. The estimated average annual energy output would be 44,344,000 kWh.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project. No new access road will be needed for the purpose of conducting these studies. The estimated cost for conducting these studies would range between $90,000 and $110,000.

k. Purpose of Project: Project power will be sold to utilities in the area.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

24a. Type of Application: Major License (Over 5 MW).

b. Project No: 4026-002.

c. Date Filed: April 28, 1983.

d. Applicant: Androscoggin Reservoir Company and Central Maine Power Company.

e. Name of Project: Aziscohos.

f. Location: Magalloway River, Lincoln Plantation, Parkertown Township, Lynchtown Towhship, Oxford County, Maine.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Jon S. Readnour, Assistant General Counsel, Central Maine Power Company, Edison Drive, Augusta, Maine 04336.

i. Comment Date: January 9, 1984.

j. Description of Project: The proposed project would consist of: (1) An existing 68-foot-high (maximum), 881-foot-long dam consisting of: (i) A 236-foot-long concrete, multiple arch-buttress, concrete, ungated spillway section with 3-foot-high, pinned flashboards; (ii) a 256-foot-long concrete, gated, multiple arch-buttress, non overflow section; (iii) a 120-foot-long dike at the north dam abutment; and (iv) a 250-foot-long dike at the south dam abutment; (2) an existing 900-foot-long earth containment dike on the westerly side of Aziscohos Lake; (3) a new intake located at an existing log sluice, stop-log structure within the concrete, non-overflow dam section; (4) an existing 8,320-acre reservoir with a maximum usable storage capacity of 221,355-acre-feet; (5) a new 8-foot-diameter, 2,000-foot-long penstock; (6) a new powerhouse containing a single 5.2-MW turbine-generator; (7) a 125-foot-long transmission line tie-in; and (8) appurtenant facilities. Flows from the project would also continue to be provided to the Androscoggin River System according to existing operational requirements. The project would generate up to 26,000,000 kWh annually. The project is owned by the Applicant. This application was filed during the term of the preliminary permit issued to the Applicant for FERC Project No. 4026.

k. Purpose of Project: Energy produced at the project would be utilized for distribution to Central Maine Power Company's customers.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D2.

25a. Type of Application: Preliminary Permit.

b. Project No.: 7492-000.

c. Date Filed: August 1, 1983.

d. Applicant: Michiana Hydro-Electric Power Corporation.

e. Name of Project: Mishawaka Power Project.

f. Location: St. Joseph River, St. Joseph County, Indiana.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Charles S. Hayes, 1634 E. Jefferson Blvd., South Bend, Indiana 46617.

i. Comment Date: January 4, 1984.

j. Description of Project: The Proposed project would consist of: (1) An existing 320-foot-long and 12-foot-high concrete dam; (2) an existing reservoir with an insignificant storage capacity and surface area; (3) a proposed powerhouse to be built in the embankment of the headrace at the left end of the dam with the installation of three 25-foot-long penstocks; (4) the proposed installation of three turbine/generator units for a total installed capacity of 2.7 MW; (5) a proposed transmission line approximately 250 feet in length; and (6) appurtenant facilities. The Applicant estimates the average annual energy production to be 17.7 GWh.

k. Purpose of Project: The Applicant plans to sell the power generated at the site to the Mishawaka City Utility or the Indiana and Michigan Electric Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. *Proposed Scope of Studies Under Permit*—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated, and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if findings are positive, the Applicant intends to submit a license application. The Applicant's estimated total cost for performing these studies is $16,500.

n. *Purpose of Preliminary Permit*—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, a environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

26a. Type of Application: Preliminary Permit.

b. Project No.: 7458-000.

c. Date Filed: July 21, 1983.

d. Applicant: Salt Lake City Corporation.

e. Name of Project: Jordan and Salt Lake City Canal No. 1 Hydroelectric Project.

f. Location: Jordan River, Salt Lake County, Utah.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: LeRoy W. Hooton, Director, Department of Public Utilities, 1530 South West Temple, Salt Lake City, Utah 84115.

i. Comment Date: January 4, 1984.

j. Description of Project: The proposed project would be located on the existing Jordan and Salt Lake City Canal which is owned by the Jordan and Salt Lake City Canal Company, and would consist of: (1) The existing 48-foot-long and 12-foot-high diversion structure; (2) a 1.5-mile-long portion of the existing Jordan and Salt Lake City Canal; (3) a proposed concrete intake structure; (4) a proposed 300-foot-long, 48-inch-diameter penstock; (5) a proposed powerhouse containing one turbine/generator unit operating under a head of 30 feet at an installed capacity of 220 kW; (6) a proposed trailrace; (7) the rebuilding of a 1000-foot-long section of existing distribution line; and (8) appurtenant facilities. The estimated average annual energy production is 1.8 GWh.

k. Purpose of Project: The Applicant plans to sell the power generated at the proposed project to the Utah Power and Light Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a

preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated, and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if findings are positive, the Applicant intends to submit a license application. The Applicant's estimated total cost for performing these studies is $20,000.

n. *Purpose of Preliminary Permit*—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an applicantion for a license.

27a. Type of Application: Preliminary Permit.

b. Project No.: 7457–000.

c. Date Filed: July 21, 1983.

d. Applicant: Salt Lake City Corporation.

e. Name of Project: East Jordan Canal Hydroelectric Project.

f. Location: Jordan River, Salt Lake County, Utah.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)—825(r).

h. Contact Person: LeRoy W. Hooton, Director, Department of Public Utilities, 1530 South West Temple, Salt Lake City, Utah 84115.

i. Comment Date: January 4, 1984.

j. Description of Project: The proposed project would be located on the existing East Jordan Canal, which is owned by the East Jordan Canal Company, and would consist of: (1) An existing 86-foot-long and 18-foot-high diversion structure on the Jordan River; (2) an existing 4-mile-long portion of the East Jordan Canal; (3) a proposed concrete intake structure; (4) a proposed 500-foot-long, 36-inch-diameter penstock; (5) a proposed powerhouse containing one turbine/generator unit operating under a head of 78 feet at an installed capacity of 560 kW; (6) a proposed tailrace; (7) a proposed 500-foot-long transmission line; (8) reconstruction of a 100-foot-long transmission line; and (9) appurtenant facilities. The estimated average annual energy production would be 4.8 GWh.

k. Purpose of Project: The Applicant plans to sell the power generated at the site to the Utah Power and Light Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated, and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if findings are positive, the Applicant intends to submit a license application. The Applicant's estimated total cost for performing these studies is $20,000.

n. *Purpose of Preliminary Permit*—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

28a. Type of Application: Preliminary Permit.

b. Project No.: 7459–000.

c. Date Filed: July 20, 1983.

d. Applicant: Salt Lake City Corporation.

e. Name of Project: Jordan and Salt Lake City Canal No. 2 Hydroelectric Project.

f. Location: Jordan River, Salt Lake County, Utah.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)—825(r).

h. Contact Person: LeRoy W. Hooton, Director, Department of Public Utilities, 1530 South West Temple, Salt Lake City, Utah 84115.

i. Comment Date: January 4, 1984.

j. Description of Project: The proposed project would be located on the existing Jordan and Salt Lake City Canal, which is owned by the Jordan and Salt Lake City Canal Company, and would consist of: (1) The existing 48-foot-long and 12-foot-high concrete diversion structure on the Jordan River; (2) a 3.5-mile-long portion of the existing Jordan and Salt Lake City Canal; (3) a proposed concrete intake structure; (4) a proposed 420-foot-long, 48-inch-diameter penstock; (5) a proposed powerhouse containing one turbine/generator unit operating at a head of 80 feet, with an installed capacity of 570 kW; (6) a proposed tailrace; (7) a proposed 2,600-foot-long, 12.47-kV transmission line; and (8) appurtenant facilities. The Applicant estimates the average annual energy production to be 4.8 GWh.

k. Purpose of Project: The Applicant plans to sell the power generated at the proposed project to the Utah Power and Light Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated, and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if findings are positive, the Applicant intends to submit a license application. The Applicant's estimated total cost for performing these studies is $20,000.

n. *Purpose of Preliminary Permit*—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

29a. Type of Application: Preliminary Permit.

b. Project No: 7640–000.

c. Dated Filed: September 22, 1983.

d. Applicant: WP, Incorporated.

e. Name of Project: French Cabin Creek.

f. Location: On French Cabin Creek in Kittitas County, Washington within the Wenatchee National Forest.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Gary W. Tripp, 821 East Thomas Street, Seattle, Washington 98102.

i. Comment Date: January 4, 1984.

j. Description of Project: The proposed project would consist of: (1) A 10-foot-high diversion structure at elevation 3,210 feet; (2) a 46-inch-diameter, 4,880-foot-long pipe; (3) a 10-foot-diameter, 10-foot-high surge tank at elevation 3,120 feet; (4) a 28-inch-diameter, 3,910-foot-long penstock; (5) a powerhouse containing a single generating unit with an installed capacity of 2,949 kW,

operating under a head of 828 feet; and (6) a 10.4-mile-long, 115-kV transmission line. The estimated average annual energy output would be 10,333,354 kWh.

A preliminary permit, if issued does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project. No new access road will be needed for the purpose of conducting these studies. The estimated cost for conducting these studies is $70,000.

k. Purpose of Project: Project power will be sold to utilities in the area.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C and D2.

30a. Type of Application: Preliminary Permit.

b. Project No: 7644–000.

c. Dated Filed: September 23, 1983.

d. Applicant: WP, Incorporated.

e. Name of Project: Greider Creek.

f. Location: On Greider Creek in Snohomish County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Gary W. Tripp, 821 East Thomas Street, Seattle, Washington 98102.

i. Comment Date: January 4, 1984.

j. Description of Project: The proposed project would consist of: (1) A 10-foot-high diversion dam at elevation 2,910 feet; (2) a 16-inch-diameter, 2,000-foot-long pipe; (3) a 10-foot-diameter, 25-foot-high surge tank at elevation 2,885 feet; (4) a 14-inch-diameter, 2,100-foot-long penstock; (5) a powerhouse containing a generating unit with a rated capacity of 860 kW operating under a head of 1,131 feet; and (6) a 1.3-mile-long, 115-kV transmission line. The estimated average annual energy output would be 2,998,000 kWh.

A preliminary permit, if issued does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project. No new access road will be needed for the purpose of conducting these studies. The estimated cost for conducting these studies would be between $70,000 and $90,000.

k. Purpose of Project: Project power will be sold to utilities in the area.

l. This notice also consists of the following standard paragraphs A6, A7, A9, B, C and D2.

31a. Type of Application: Exemption (5MW or Less).

b. Project No.: 7530–000.

c. Date Filed: August 16, 1983.

d. Applicant: Mr. William Arkoosh.

e. Name of Project: Little Wood River Ranch.

f. Location: On Little Wood River, Lincoln County, Idaho, near the town of Shoshone.

g. Filed Pursuant to: Energy Security Act of 1980 (16 U.S.C. 2705 and 2708 *as amended*).

h. Contact Person: Mr. Vernon Ravenscroft, Consulting Associates, Inc., P.O. Box 893, Boise, Idaho 83702.

i. Comment Date: December 19, 1983.

j. Description of Project: The proposed project would consist of: (1) A 10-foot-high, diversion structure at elevation 3,743 feet; (2) a 2,000-foot-long canal; (3) a headwork structure; (4) a 112-inch-diameter, 100-foot-long penstock; (5) a powerhouse containing a single generating unit with a rated capacity of 662 kW operating under a head of 23 feet; (6) a tailrace; and (7) a 34.5–kV, one-mile-long transmission line tying into an existing Idaho Power Company line. The estimated average annual energy output is 2,970,000 kWh.

Purpose of Exemption—An exemption, if issued, gives an Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

k. Purpose of Project: The proposed project power will be sold to the Idaho Power Company.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C, and D3a.

32a. Type of Application: Preliminary Permit.

b. Project No: 7552–000.

c. Date Filed: August 23, 1983.

d. Applicant: Pendleton Associates.

e. Name of Project: Pendleton Project.

f. Location: At McKay Reservoir on McKay Creek, tributary of the Umatilla River, near town of Pendleton, in Umatilla County, Oregon.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Tom Forbes, P.O. Box 421, Mercer Island, WA 98040.

i. Comment Date: January 4, 1984.

j. Description of Project: The proposed project would utilize the existing McKay Dam, reservoir, and 60-inch-diameter, 550-foot-long penstock. New project construction would include: (1) A powerhouse containing 2 generating units with a total installed capacity of 1000 kW, and (2) 1 mile of transmission line. The average annual energy production would be 4,560,000 kWh.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term 36 months during which it would conduct engineering, environmental, and feasibility studies and prepare an FERC license application at a cost of $100,000. No roads would be constructed during the study.

k. Purpose of Project: Project Power would be sold to Pacific Power and Light and the city of Pendleton, Oregon

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

33a. Type of Application: Application for License (under 5 MW).

b. Project No: 7483–000.

c. Date Filed: August 1, 1983.

d. Applicant: Willow River Hydro Associates.

e. Name of Project: Mounds Water Power Project.

f. Location: Willow River in St. Croix County, Wisconsin.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Wayne L. Rogers, Synergics, Inc., 410 Severn Avenue, Suite 409, Annapolis, Maryland 21401.

i. Comment Date: January 9, 1984.

j. Description of Project: The proposed project would be operated run-of-river and would consist of: (1) An existing reinforced concrete dam, approximately 58 feet high and 341 feet long; (2) a reservoir having a surface area of 57 acres and a normal storage capacity of 594 acre-feet; (3) an existing powerhouse to be renovated and equipped with two turbine-generator units rated at 245 kW each for a total rated capacity of 490 kW; (4) a tailrace returning flow to the river immediately downstream of the dam; (5) a new underground 12.5 kV transmission line, 465 feet long; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 2,550,000 kWh.

k. Purpose of Project: Project Energy would be sold to the Northern States Power Company.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

34a. Type of Application: Transfer of License.

b. Project No: 2790–002.

c. Date Filed: September 15, 1983.

d. Applicant: Boott Mills and Proprietors of the Locks and Canals on Merrimack River (Licensees), and Boott Hydropower, Inc. and General Electric Credit Corporation.

e. Name of Project: Lowell Hydroelectric Project.

f. Location: On the Merrimack River in Middlesex County, Massachusetts.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Douglas G. Robinson, Skanden, Arps, State,

Meagher & Flom, 919 Eighteenth Street, N.W., Washington, D.C. 20006.

i. Comment Date: November 25, 1983.

j. Description of Project: The license for the Lowell Hydroelectric Project was issued on April 13, 1983, to Boott Mills and Proprietors of the Locks and Canals on Merrimack River. The project consists of four existing powerplants and a proposed powerplant in the canal system adjacent to the Merrimack River, downstream of the Pawtucket Dam. The construction of the proposed fifth station has not been initiated. It is proposed to transfer to Boott Hydropower the title in fee to all the project properties under the license. General Electric Credit Corporation (GECC) will advance construction funds in the form of a loan to Boott Hydropower who will construct the new facilities. Upon completion of construction and initiation of operation of the new facilities Boott Hydropower will transfer to GECC fee title to all of the new facilities and a partial undivided interest in certain existing facilities. GECC will lease all these facilities back to Boott Hydropower for a period of not less than 15 years or more than 20 years. At the end of that period Boott Hydropower has the option to renew the lease.

It is proposed to transfer the license to Boott Hydropower and upon closing of the sale-leaseback with GECC, it will also be proposed that GECC become a licensee.

k. Comments, Protests, or Motions to Intervene: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date on this notice of application.

l. Filing and Service of Responsive Documents: Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "MOTION TO INTERVENE," as applicable, and the Project Number of this application. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Deputy Director, Project Management, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent or motion to intervene must also be served upon the representative of the Applicants specified herein.

Competing Applications

A1. Exemption for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A2. Exemption for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license or conduit exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit and small hydroelectric exemption will not be accepted in response to this notice.

A3. License or Conduit Exemption—Any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

This provision is subject to the following exception: if an application described in this notice was filed by the preliminary permittee during the term of the permit, a small hydroelectric exemption application may be filed by the permittee only (license and conduit exemption applications are not affected by this restriction).

A4. License or Conduit Exemption—Public notice of the filing of the initial license, small hydroelectric exemption or conduit exemption application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing application for license, conduit exemption, small hydroelectric exemption, or preliminary permit, or notices of intent to file competing applications, must be filed in response to and in compliance with the public notice of the initial license, small hydroelectric exemption or conduit exemption application. No competing applications or notices of intent may be filed in response to this notice.

A5. Preliminary Permit: Existing Dam or Natural Water Feature Project—Anyone desiring to file a competing application for preliminary permit for a proposed project at an existing dam or natural water feature project, must submit the competing application to the Commission on or before 30 days after the specified comment date for the particular application (see 18 CFR 4.30 to 4.33 (1982)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

A competing preliminary permit application must conform with 18 CFR 4.33 (a) and (d).

A6. Preliminary Permit: No Existing Dam—Anyone desiring to file a competing application for preliminary permit for a proposed project where no dam exits or where there are proposed major modifications, must submit to the Commission on or before the specified comment date for the particular application, the competing application itself, or a notice of intent to file such an application. Submission of a timely

notice of intent allows an interested person to file the competing preliminary permit application no later than 60 days after the specified comment date for the particular application.

A competing preliminary permit application must conform with 18 CFR 4.33 (a) and (d).

A7. Preliminary Permit—Except as provided in the following paragraph, any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent to file a license, conduit exemption, or small hydroelectric exemption application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

In addition, any qualified license or conduit exemption applicant desiring to file a competing application may file the subject application until: (1) A preliminary permit with which the subject license or conduit exemption application would compete is issued, or (2) the earliest specified comment date for any license, conduit exemption, or small hydroelectric exemption application with which the subject license or conduit exemption application would compete; whichever occurs first.

A competing license application must conform with 18 CFR 4.33 (a) and (d).

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit applications on notices of intent. Any competing preliminary permit application, or notice of intent to file a competing preliminary permit application, must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing preliminary permit applications or notices of intent to file a preliminary permit may be filed in response to this notice.

Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent to file a small hydroelectric exemption application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

In addition, any qualified license or conduit exemption applicant desiring to file a competing application may file the subject application until: (1) A preliminary permit with which the subject license or conduit exemption application would compete is issued, or (2) the earliest specified comment date for any license, conduit exemption, or small hydroelectric exemption application with which the subject license or conduit exemption application would compete; whichever occurs first.

A competing license application must conform with 18 CFR 4.33 (a) and (d).

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either: (1) A preliminary permit application or (2) a license, small hydroelectric exemption, or conduit exemption application, and be served on the applicant(s) named in this public notice.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "MOTION TO INTERVENE," as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Project Management Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. *Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statues. No other formal requests for comments will be made.

Comments shoud be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. *Agency Comments*— The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance

with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. *Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 30 of the Federal Power Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: November 7, 1983.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-30497 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-53-000]

Niagara Mohawk Power Corporation; Filing

November 7, 1983.

The filing Company submits the following:

Take notice that on October 26, 1983, Niagara Mohawk Power Corporation (Niagara) tendered for filing a supplement to an existing rate schedule, an agreement between Niagara, the Connecticut Light and Power Company (CL&P and Western Massachusetts Electric Company (WMECO) dated May 17, 1983.

Niagara presently has on file an agreement with CL&P and WMECO dated october 1, 1981, and amended August 31, 1982. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 117. This new agreement is being transmitted as a supplement to the existing agreement.

Niagara states that this supplement revises the transmission rate as provided for in the 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 this filing were served upon Connecticut Light and Power Company, Western Massachusetts Company 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 November 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 83-30587 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-52-000]

Niagara Mohawk Power Corporation; Filing

November 7, 1983.

The filing Company submits the following:

Take notice that on October 26, 1983, Niagara Mohawk Power Corporation (Niagara) tendered for filing as a supplement to an existing rate schedule, an agreement between Niagara, the Connecticut Light and Power Company (CL&P) and Western Massachusetts Electric Company (WMECO) dated May 17, 1983.

Niagara presently has on file an agreement with CL&P and WMECO dated January 19, 1981 last amended May 17, 1982. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 15. This new agreement is being transmitted as a supplement to the existing agreement.

This supplement revises the transmission rate as provided for in the 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 this filing were served upon Connecticut Light and Power Company, Western Massachusetts Electric Company 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 November 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 83-30588 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-20-000]

Panhandle Eastern Pipe Line Company; Change in FERC Gas Tariff

November 8, 1983.

Take notice that on November 3, 1983, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 1:

Eighth Revised Sheet No. 1
Original Sheet Nos. 3-E, 32-U and 32-V

Panhandle states that these sheets are submitted to provide for Rate Schedule AIC which provides for the transportation of natural gas on behalf of end-users pursuant to Section 157.209 of the Commission's Regulations.

Panhandle requests that these sheets become effective on August 5, 1983, as this was the date upon which the Commission Order Nos. 234B and 319 in Docket Nos. RM81-19 and RM81-29, respectively, became effective.

Panhandle states that a copy of this filing has been served on all of Panhandle's customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 17, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-30573 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI75-59-001, et al.]

Placid Oil Company, et al.; Applications To Amend Certificates To Establish Entitlement to Section 109 Price [1]

November 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 November 23, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 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.

Lois D. Cashell,

Acting 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 [3]	Pressure base
CI75-59-001, July 19, 1983	Placid Oil Company, 3900 Thanksgiving Tower, Dallas, Texas 75201.	Trunkline Gas Company	(4)	
CI77-402-001, Oct. 27, 1983	Cities Service Oil and Gas Corporation, P.O. Box 300, Tulsa, Oklahoma 74102.	Transco Gas Supply Company	(4)	
CI77-583-001, Oct. 27, 1983	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Western Gas Interstate Gas Company	(4)	
CI77-756-002, Aug. 25, 1983	ARCO Alaska Inc. Subsidiary of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Pacific Alaska LNG Associates	(4)	
CI78-1262-001, Oct. 17, 1983 [2]	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Texas 79189.	Transcontinental Gas Pipe Line Corporation	(4)	
CI79-533-001, Oct. 13, 1983	Exxon Corporation, Post Office Box 2180, Houston, Texas 77001.	Pacific Offshore Pipeline Company	(4)	
CI79-659-001, Oct. 27, 1983	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Tennessee Gas Pipeline Company	(4)	
CI80-2-001, Oct. 21, 1983	Sonat Exploration Company, P.O. Box 1513, Houston, Texas 77251-1513.	Southern Natural Gas Company	(4)	
CI81-7-002, Sept. 29, 1983	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Tennessee Gas Pipeline Company	(4)	
CI83-134-001, Oct. 27, 1983	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Montana-Dakota Utilities Co.	(4)	

[2] Applicant proposes to amend certificate to establish Applicant's entitlement to collect Section 109 price consistent with court order in *Tenneco Exploration, Ltd.* v. *FERC*, 649 F2d 376.
[3] See attached Appendix for other related docket numbers.
[4] Applicant notice of change in rate filing is being construed as a petition 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.
Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

APPENDIX

Docket No.	Rate schedule No.	Purchaser
CI-78-1262-001	102	Transcontinental Gas Pipe Line Corp.
CI-78-1046-001	103	Transco Gas Supply Company.

APPENDIX—Continued

Docket No.	Rate schedule No.	Purchaser
CI-79-330-001	106	Transcontinental Gas Pipe Line Corp.
CI-79-404-002	107	Michigan Wisconsin Pipe Line Company.

APPENDIX—Continued

Docket No.	Rate schedule No.	Purchaser
CI-79-332-002	108	Michigan Wisconsin Pipe Line Company.
CI-79-431-001	109	Tennessee Gas Pipeline

APPENDIX—Continued

Docket No.	Rate schedule No.	Purchaser
CI-79-414-001	110	Transcontinental Gas Pipe Line Corp.
CI-79-471-001	111	Michigan Wisconsin Pipe Line Company.
CI-79-472-002	112	Michigan Wisconsin Pipe Line Company.
CI-79-473-002	136	Michigan Wisconsin Pipe Line Company.
CI-79-516-003	137	Michigan Wisconsin Pipe Line Company.
CI-80-236-001	138	Transcontinental Gas Pipe Line Corp.
CI-80-359-001	140	United Gas Pipe Line.
CI-80-355-001	141	United Gas Pipe Line.
CI-80-433-001	142	Trunkline Gas Company.
CI-81-87-001	143	Transcontinental Gas Pipe Line Corp.
CI-81-88-001	144	Transcontinental Gas Pipe Line Corp.
CI-81-206-001	145	Natural Gas Pipeline Company of America.
CI-81-357-001	146	Columbia Gas Transmission.
CI-81-385-001	147	Michigan Wisconsin Pipe Line Company.
CI-81-496-001	148	Trunkline Gas Company.
CI-82-48-001	149	Transcontinental Gas Pipe Line Corp.
CI-82-354-002	150	Michigan Wisconsin Pipe Line Corp.
CI-82-436-001	151	Northern Natural Gas Company.
CI-83-17-002	152	Texas Eastern Transmission Corp.
CI-83-18-002	153	Michigan Wisconsin Pipe Line Company.
CI-83-23-001	154	Michigan Wisconsin Pipe Line Company.
CI-83-25-002	155	Michigan Wisconsin Pipe Line Company.
CI-83-26-002	156	Michigan Wisconsin Pipe Line Company.

[FR Doc. 83-30574 Filed 11-10-83; 8:45]

BILLING CODE 6717-01-M

[Docket No. ER84-56-000]

Public Service Company of Oklahoma; Filing

November 7, 1983.

The filing Company submits the following:

Take notice that on October 28, 1983, Oklahoma Public Service Company (PSO) tendered for filing a Notice of Termination of Supplement No. 20 to FPC rate Schedule No. 118, which became effective on May 29, 1983.

PSO requests an effective date of October 28, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon Arkansas Power and Light Company, Southwest Electric Power Company, the Oklahoma Corporation Commission and the Arkansas 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 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 November 23, 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. 83-30589 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-61-000]

San Diego Gas & Electric Company; Filing

November 7, 1983.

The filing Company submits the following:

Take notice that on October 31, 1983, San Diego Gas & Electric Company (SDG&E) tendered for filing as an initial rate schedule an Interchange Agreement and Service Schedule A covering Economy Energy Interchange between SDG&E and the City of Anaheim, California (Anaheim) dated September 28, 1983.

SDG&E requests an effective date of September 29, 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 November 23, 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. 83-30590 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-59-000]

San Diego Gas & Electric Company; Filing

November 7, 1983

The filing Company submits the following:

Take notice that on October 31, 1983, San Diego Gas & Electric Company (SDG&E) tendered for filing as an initial rate schedule an Interchange Agreement, and Service Schedule A covering Economy Energy Interchange between SDG&E and the City of Riverside, California (Riverside), dated September 28, 1983.

SDG&E requests an effective date of September 28, 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 November 23, 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. 83-30591 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2074-000]

Richard R. Shinn; Application

November 8, 1983.

The filing individual submits the following:

Take notice that on October 28, 1983, Richard R. Shinn filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director—Allied Corporation
Director—The Chase Manhattan Bank, N.A.
Director—The Chase Manhattan Corporation
Trustee—Consolidated Edison Company of New York, Inc.
Director—Schlumberger Limited

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 Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR Section 385.211, 385.214). All such motions or protests should be filed on or before November 28, 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 proceedings. Any person wishing to be come 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. 83-30575 Filed 11-4-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-51-000]

Southern California Edison Company; Filing

November 7, 1983.

The filing Company submits the following:

Take notice that on October 26, 1983, Southern California Edison Company (Edison) tendered for filing a change of monthly carrying charges under the provisions of the Power Sales Agreement among Edison, Arizona Public Service Company, Nevada Power Company, Tucson Gas and Electric Company and Arizona Power Pooling Association, Inc., as embodied in Rate Schedule FERC No. 92.

Edison requests an effective date of January 1, 1984.

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 November 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 83-30592 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP84-5-000]

Stowers Oil and Gas Company, et al.; Petition for Declaratory Order

November 8, 1983.

On October 26, 1983, Stowers Oil and Gas Company, *et al.* (Petitioners), filed a petition pursuant to Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure (18 CFR 385.207(1983)), on the question of whether the production and sale of certain natural gas produced from the Panhandle Field in Texas is in violation of the Natural Gas Act of 1937 (NGA), 15 U.S.C. 717-717w (1976) and the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. V 1981).

The Petitioners state that they produce and sell oil and associated natural gas (casinghead gas) from leases in the Panhandle Field, located in Carson and Gray Counties, Texas. In 1935, the Railroad Commission of Texas (Texas) determined that due to the existence of various geological factors, the various producing formations in the Panhandle Field constitute a single comon reservoir. Accordingly, natural gas proration units and oil proration units in this Field encompass the same acreage.

In 1956, Dorchester Gas Producing Company, Inc. (Dorchester) obtained, in Docket No. G-5925, a certificate to sell natural gas from the Panhandle Field in interstate commerce. Sales by Dorchester under this certificate are generally made to Northern Natural Gas Co., Division of InterNorth, Inc. under a 1952 contract. The production of this gas is subject to natural gas propration unit sales orders issued by Texas.

Petitioners state that subsequent to Dorchester's sales under the certificate and proration orders, they began producing oil from the Panhandle Field in accordance with oil proration unit orders issued by Texas. Casinghead gas is produced in association with the oil from these wells.

Petitioners allege that due to the migration between various production formations within the field, and the fact that wells often produce from multiple formations, there is a "cross production" of the natural gas sold under natural gas proration orders and the casinghead gas produced under oil proration orders. The Petitioners conclude that "the dedication of gas by Dorchester when it sought and was granted a certificate for sale of gas in interstate commerce could only have been of gas produced by it." Accordingly, Petitioners request an order declaring that the production and sale of the casinghead gas to purchasers other than those covered by Dorchester's certificate does not violate the NGA and/or the NGPA.

Any person desiring to be heard or to protest this petition should file a petition to intervene or protests with the Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 in accordance with Rules 211 and 214 with 15 days of publication of this notice in the **Federal Register**. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the petition are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-30576 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-57-000]

Superior Water, Light and Power Company; Filing

November 7, 1983.

The filing Company submits the following:

Take notice that on October 28, 1983, Superior Water, Light and Power Company (SWL&P) tendered for filing proposed changes in its Rate Schedule W-10 for service to Dahlberg Light and Power Company (DP&L). The proposed changes would increase revenues from jurisdictional sales and service by $165,168 annually based on the twelve month period ending July 31, 1984. SWL&P also submitted Supplement No. 1 to the Electric Service Agreement between SWL&P and DL&P, which provides for a ceiling on future rate increases and a reduction in the demand ratchet applicable to DL&P.

SWL&P requests an effective date of November 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon DL&P and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 23, 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. 83-30593 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-23-000]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Application

November 8, 1983.

Take notice that on October 19, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP84-23-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 31.5 miles of 36-inch replacement pipeline and for permission and approval to abandon 31.5 miles of 30-inch pipeline, all located in Harris and Montgomery Counties, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The total cost of the 36-inch replacement pipeline is estimated to be $29,373,000 which cost would be financed with funds on hand, borrowings under revolving credit agreements, or short-term financing, if required.

It is stated that the 36-inch pipeline replacement and abandonment of the 30-inch pipeline would save approximately 4.9 billion cubic feet of gas over the next decade due to reduced fuel gas requirements. It is also indicated that the savings in fuel costs would more than offset the cost of owning and operating the proposed facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 29, 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 particpate 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 a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-30577 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-646-001]

Union Electric Company; Compliance Filing

November 7, 1983.

Take notice that on October 21, 1983, Union Electric Company ("UEC") submitted for filing its Compliance Report which contained revisions that reflect the exclusion of cash balances from rate base pursuant to a Commission Order dated September 23, 1983.

UEC states that copies of this filing are being sent to all parties.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before November 16, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-30594 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-25-000]

United Gas Pipe Line Company; Request Under Blanket Authorization

November 8, 1983.

Take notice that on October 20, 1983, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP84-25-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Applicant proposes to construct and operate a 2-inch tap in Terrebonne Parish, Louisiana, under the authorization issued in Docket No. CP82-430-000 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.

Applicant proposes to construct and operate a 2-inch tap in order to provide gas service for the Ashland North Subdivision through South Coast Gas Company, Inc. (South Coast), an existing customer of Applicant. It is asserted that up to 100 Mcf of gas per day would be sold through the tap pursuant to Applicant's Rate Schedule G-S. Such gas, it is asserted, would be for residential use. Applicant states that the installation of the proposed tap would not result in an increase in South Coast's contractual maximum daily quantity nor its entitlement under Applicant's effective curtailment plan.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for

authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-30578 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-534-000]

United Gas Pipe Line Company; Request Under Blanket Authorization

November 8, 1983.

Take notice that on July 12, 1983, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP83-534-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that United proposes to abandon in place approximately 666.5 feet of 6⅝ inch pipeline located in Escambia County, Florida, under the authorization issued in Docket No. CP82-430-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United states that the pipeline proposed to be abandoned is a sales lateral downstream of the meter station serving the U.S. Naval Air Station at Pensacola, Florida. It is further stated that the proposed abandonment is scheduled to coincide with the installation and operation of the U.S. Naval Air Station's new 10-inch pipeline. It is indicated that the proposed abandonment would be closely coordinated with U.S. Naval Air Station pipeline construction activities to ensure that gas service is not interrupted. Abandonment would have no impact on the quantity of such deliveries or the quantity of gas allocable to the U.S. Naval Air Station under United's curtailment plan, it is submitted.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-30579 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EF84-2031-000]

United States Department of Energy—Bonneville Power Administration; Filing

November 8, 1983.

Take notice that the Bonneville Power Administration (BPA) of the United States Department of Energy, on October 17, 1983, requested interim and final confirmation and approval of the rate charged for the sale of power at the Hanford Generating Project.

BPA states that under a 1974 Letter Agreement BPA offers one-half of the output of the Hanford project to five investor-owned utilities, at a formula rate which recovers the actual cost of the increment of power purchased. BPA states that the submitted contract rate is designed to recover actual costs as was the Hanford rate previously approved by the Economic Regulatory Administration (ERA) when that entity had responsibility for BPA rates. That approval expired June 30, 1983.

On August 8, 1983, BPA submitted a filing in Docket No. EF83-2031-000, requesting extension of the final confirmation and approval, previously granted by ERA, until its 1983 wholesale and transmission rates receive interim or final Commission approval. Those rates were filed on October 3, 1983. No action has been taken with respect to BPA's extension request.

BPA's October 17, 1983 submittal consists of a copy of the submission made on August 8, 1983. BPA requests that final confirmation and approval be granted for a period ending June 30, 1993, when the underlying customer contracts will expire.

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 November 25, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-30580 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-56-000]

Valero Interstate Transmission Company; Purchased Gas Cost Adjustment Filing

November 8, 1983.

Take notice that an October 31, 1983, Valero Interstate Transmission Company ("Vitco") tendered the following filings containing purchased gas cost adjustments:

Original Supplement No. 43 to FERC Rate Schedule No. 1 for the Sale of Gas by Vitco to Natural Gas Pipeline Company of America

Original Supplement No. 123 to FERC Rate Schedule No. 2 for the Sale of Gas by Vitco to Transcontinental Gas Pipe Line Corporation

Original Supplement No. 19 to FERC Rate Schedule No. 14 for the Sale of Gas by Vitco to El Paso Natural Gas Company, and

3rd Revised Sheet No. 14 to FERC Rate Schedule No. T-1

Vitco states that the rates stated on Exhibit A to each of the rate schedule supplements and 3rd Revised Sheet No. 14 to Rate Schedule T-1 reflects the change in purchased gas costs based on the six months ended August 31, 1983.

The change in rate provided in Exhibit A to original Supplement No. 43 to Rate Schedule No. 1 includes an increase in purchased gas costs of 35.09 cents per Mcf and a surcharge of 76.05 cents per Mcf. The change in rate provided in Exhibit A to Original Supplement No. 123 to Rate Schedule No. 2 includes an increase in purchase gas costs of 74.07 cents per Mcf and a surcharge of 37.50 cents per Mcf. The charge in rate provided in Exhibit A to original Supplement No. 19 to Rate Schedule No. 14 includes an increase in purchased gas costs of 41.61 cents per Mcf and a surcharge of 28.70 cents per Mcf. The chanre in rate provided on 3rd Revised Sheet No. 14 to Rate Schedule T-1 includes a decrese in purchased gas cost of 0.18 cents per Mcf and a surcharge of 2.47 cents per Mcf.

Vitco also tendered for filing an original and six copies of the following:

Alternate Supplement No. 123, FERC Gas Rate Schedule No. 2, For Sale of Gas by Vitco to Transcontinental Gas Pipe Line Corporation

Vitco requests that the Commission grant waiver of Section 154.38(d)(4)(iv)(d) of the Commission's Regulations, and of Paragraph B.5 of Vitco's Purchased Gas Cost Adjustment Procedures, filed as Supplement No. 115 to FERC Gas Rate Schedule No. 2, and any other waiver necessary, to permit Vitco to file Original Supplement No. 123 in lieu of Alternate Supplement No. 123 to FERC Gas Rate Schedule No. 2. Alternate Supplement No. 123 reflects a surcharge of 75.34¢ to recover, over a six-month period, a balance of $5,778,493 accumulated in the unrecovered purchase gas cost account (Account No. 191) for Transcontinental Gas Pipe Line Coporation ("Transco"). This surcharge of 75. 34¢ results from a substantial difference between the "mix" of gas that Vitco projected in its last PGA, Docket No. TA83–2–56, would be purchased for Transco from various pricing categories, and the "mix" actually experienced during the period ending August 31, 1983. The difference between projected gas costs and actual gas costs resulted from unique circumstances that are unlikely to recur. Because of the abrupt rise in the rate under Rate Schedule No. 2 that the 75.34¢ surcharge would engender, and because of the difficulties Transco has recently experienced in marketing natural gas, Transco has requested that Vitco amortize the deferred gas cost and related carrying charge portion of the balance of $5,778,493 in the deferred account. In accordance with Transco's request, Vitco proposes a twelve-month amortization, resulting in a surcharge of 37.50¢, as reflected in Original Supplement No. 123 to FERC Gas Rate Schedule No. 2. Vitco requests waiver of the Commission's Regulations to permit Original Supplement No. 123 to be accepted for filing, to be made effective December 1, 1983, and to permit amortization of the current balance in the deferred account over a twelve-month period. Vitco requests that Alternate Supplement No. 123 be accepted for filing, to be made effective December 1, 1983, only if the Commission denies the requested waiver.

Vitco states that these rates include no incremental pricing factor because Vitco was granted an exemption from certain filing and accounting requirements in Docket No. SA80–42.

The proposed effective date for the above filings is December 1, 1983. Vitco requests a waiver of any Commission regulations or order which would prohibit implementation by December 1, 1983.

Copies of the filing were served upon the company's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 17, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-30581 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-622-002]

Western Massachusetts Electric Company; Compliance Report

November 7, 1983.

Take notice that on October 7, 1983, Western Massachusetts Electric Company ("WMEC") submitted for filing its Compliance Report pursuant to Ordering Paragraph (B) in the Commission's Order of September 7, 1983 in Docket No. ER83–622–000.

WMEC states that copies have been sent to all parties and intervenors.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before November 16, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-30595 Filed 11-10-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed; Week of September 30 Through October 7, 1983

During the week of September 30 through October 7, 1983, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

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. 20585.

November 4, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Sept. 30 through Oct. 7, 1983]

Date	Name and location of applicant	Case No.	Type of submission
Sept. 24, 1983	Economic Regulatory Administration/Marathon Oil Co. Washington, DC.	HRD-0170	Motion for discovery. If granted: Discovery would be granted to the Economic Regulatory Administration in connection with the Statement of Objections submitted by Marathon Oil Company in response to the Proposed Remedial Order issued to the firm (Case No. DRO-0195).
Sept. 27 1983	Economic Regulatory Administration/Marathon Oil Co. Washington, DC.	HRD-0167	Motion for discovery. If granted: Discovery would be granted to the Economic Regulatory Administration in connection with the Statement of Objections submitted by Marathon Oil Company in response to the Proposed Remedial Order issued to the firm (Case No. BRO-1295).
Do	Economic Regulatory Administration/Marathon Oil Co. Washington, DC.	HRD-0169	Motion for discovery. If granted: Discovery would be granted to the Economic Regulatory Administration in connection with the Statement of Objections submitted by Marathon Oil Company in response to the Proposed Remedial Order issued to the firm (Case No. DRO-0983).

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of Sept. 30 through Oct. 7, 1983]

Date	Name and location of applicant	Case No.	Type of submission
Oct. 3, 1983	Marathon Oil Co. Findlay, Ohio	HRH-0021	Request for Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with the Statement of Objections submitted by Marathon Oil Company in response to a Proposed Remedial Order (Case No. BRO-1295) issued to the firm.
Oct. 4, 1983	Bi-Petro, Inc., Washington, DC	HRD-0183	Motion for discovery. If granted: Discovery would be granted to Bi-Petro, Inc. in connection with its Statement of Objections submitted in response to a Proposed Remedial Order (Case No. HRO-0183).
Do	Earle D. Hightower, Rockville, Md	HFA-0186	Appeal of an information request denial. If granted: The August 29, 1983, Freedom of Information Request Denial issued by the Office of Safeguards and Sceurity, Defense Programs, would be rescinded and Earle E. Hightower would receive access to statements or testimony provided by Mr. Nathaniel Blum to the Atomic Energy Commission.
Oct. 5, 1983	Ada Resources, Inc., Houston, Tex	HQF-0026	Implementation of second stage refund procedures. If granted: The Office of Hearings and Appeals would implement the second stage refund proceeding for distributing the escrowed funds obtained by the Consent Order with Ada Resources, Inc. (Case No. BEF-0086).
Do	John R. Emshwiller, New York, N.Y.	HFA-0187	Appeal of an information request denial. If granted: John R. Emshwiller would receive a waiver of all fees incurred in the processing of his information request for documents concerning Federal oil price controls.
Oct. 6, 1983	Economic Regulatory Administration/Getty Oil Co. and Standard Oil Co., Washington, DC.	HRR-0074	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 Standard Oil Company (Sohio) would be modified regarding the findings of Getty Oil Company's liability for crude oil overcharges made during the period October 1973 through December 1973 and for per-barrel cash differentials in an exchange with Sohio.
Oct. 7, 1983	Fuel Oil Supply & Terminaling, Inc., Washington, DC	HRZ-0172	Interlocutory order. If granted: Portions of the March 17, 1982, Proposed Remedial Order issued to Fuel Oil Supply & Terminaling, Inc. (Case No. HRO-0044) would be stricken from the record.

REFUND APPLICATIONS RECEIVED

[Week of Sept 30 through Oct 7, 1983]

Date	Name of Refund Proceeding/Name of Refund Applicant	Case No.
10/3/83	Palo Pinto/South Carolina	RQ5-20.
10/4/83	Palo Pinto/Idaho	RQ5-21.
10/4/83	Palo Pinto/Texas	RQ5-22.
10/6/83	Palo Pinto/Colorado	RQ5-23.
10/4/83 thru 10/7/83	Amoco Refund Applications	RF21-12200 thru RF21-12214.

[FR Doc. 83-30621 Filed 11-10-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPRM-FRL 2469-1]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests that have been forwarded to the Office of Management and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers; Office of Standards and Regulations; Information Management Section (PM-223); U.S. Environmental Protection Agency; 401 M Street, SW.; Washington, D.C. 20460; telephone (202) 382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION:

Air Programs

• Title: Annual Motor Vehicle Tampering Survey (EPA #0114).

Abstract: EPA is expanding this survey to include more sites and additional observations per site. This expansion will permit the Agency to manage the newly established SIP credit program to curb tampering with vehicle emission systems while assessing and monitoring trends in tampering.

Respondents: Motorists who volunteer their vehicles.

* * * * *

Agency PRA Clearance Requests Completed by OMB

EPA #0940, Reporting and Recordkeeping of Ambient Air Quality, Precision, Accuracy and Related Data, was cleared October 22 (OMB #2000-003).

EPA #1077, Evaluation of the Asbestos-in-Schools Identification and Notification Rule, was cleared October 21 (OMB #2070-0019).

* * * * *

Comments on all parts of this notice should be sent to:

David Bowers (PM-223), U.S. Environmental Protection Agency, Office of Standards and Regulations, 401 M Street, SW., Washington, D.C. 20460, and

Vartkes Broussalian, Wayne Leiss or Carlos Tellez, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, NW., Washington, D.C. 20503.

Dated: November 7, 1983.

Daniel J. Fiorino,

Chief, Regulation Management Staff.

[FR Doc. 83-30532 Filed 11-10-83; 8:45 am]

BILLING CODE 6560-50-M

[PF-352, PH FRL-2468-2]

Pesticide Petition; American Cyanamid Company

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: American Cyuanamid Company has amended a pesticide petition proposing the establishment of tolerances for residues of the insecticide flucythrinate in or on certain commodities.

ADDRESS: By mail submit written comments to: Program Management and Support Division (TS-757C), Attn: Product Manager (PM) 17, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, deliver comments to: Rm. 229, CM#2, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments must be identified by the document control number (PF-352) and the petition number 2F2806. All written comments filed in response to this notice will be available for public inspection in the Program Management and Support Division office at the address above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Timothy A. Gardner, PM-17, CM#2, Rm. 207, 703-557-2690.

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of February 9, 1983 (48 FR 6018) which announced that the American Cyanamid Company, P.O. Box 400, Princeton, NJ 08540 had submitted pesticide petition 2F2806 proposing to amend 40 CFR 180.400 by establishing tolerances for residues of the insecticide flucythrinate ((≥)-cyano(3-phenoxyphenyl)methyl(+)-4-(difluoromethoxy)-alpha-(1-methylethyl) benzeneacetate) in or on certain raw agricultural commodities. American Cyanamid has amended the petition by decreasing the tolerance levels for whole milk from 0.3 part per million (ppm) to 0.1 ppm and milk fat from 6.0 to 2.0 ppm; and proposing tolerances for meat and meat byproducts of goats, hogs, horses, and sheep at 0.10 ppm and fat of goats, hogs, horses, and sheep at 1.0 ppm.

The proposed analytical method for determining residues is gas chromatography.

(Sec. 408(d)(2), 68 Stat. 512, (21 U.S.C. 346a(d)(2))

Dated: November 3, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-30540 Filed 11-10-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-42041; PSH-FRL 2446-4]

1,3-dioxolane; Response to the Interagency Testing Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Eleventh Report of the Interagency Testing Committee (ITC) designated 1,3-dioxolane for health effects testing consideration. Following the ITC designation, Ferro Corporation and PPG Industries submitted to EPA a proposed testing program for health effects. The Agency has tentatively concluded that this program is sufficient to evaluate the potential health effects of 1,3-dioxolane which were of concern to the ITC. Consequently, EPA is not initiating rulemaking under section 4(a) of the Toxic Substances Control Act (TSCA) to require further health effects testing of 1,3-dioxolane at this time. This notice constitutes the Agency's response to the ITC's designation of 1,3-dioxolane, as required by section 4(e) of TSCA. EPA seeks comments on the Agency's conclusions and on the adequacy of the proposed testing program.

Interested persons are invited to comment on the adequacy of the industry program and on EPA's proposed acceptance of it in lieu of initiating a rulemaking procedure.

DATE: All comments must be submitted by December 29, 1983.

ADDRESS: Written comments should bear the document control number (OPTS-42041) and should be submitted in triplicate to: TSCA Public Information Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Room E-108, 401 M St., SW., Washington, D.C. 20460.

The administrative record supporting this action is available for public inspection in Room E-107 at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Room E-543, 401 M St., SW., Washington, D.C. 20460; toll free: (800-424-9065), in Washington, D.C.: (554-1404), outside the USA: (Operator—202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 4(a) of the Toxic Substances Control Act (TSCA) (Pub. L. 94-469, 90 Stat. 2003 *et seq.*; 15 U.S.C. 2601 *et seq.*) authorizes EPA to promulgate regulations which require manufacturers and processors to test chemical substances and mixtures. The data developed as a result of such testing will be used by EPA to evaluate the risks that these chemicals may present to health and the environment. Section 4(e) of TSCA established an Interagency Testing Committee (ITC) to recommend to EPA a list of chemicals to be considered for the promulgation of test rules under section 4(a) of the Act. The ITC may designate up to 50 of its recommendations at any one time for priority consideration by EPA. EPA is required to respond within 12 months of the date of a priority designation, either by initiating rulemaking under section 4(a) or publishing in the **Federal Register** reasons for not doing so.

1,3-Dioxolane was designated for priority testing in the Eleventh Report of the ITC, submitted to the EPA Administrator on November 3, 1982, and published in the **Federal Register** on December 3, 1982 (47 FR 54626) (Ref. 19). The ITC recommended that a battery of short-term mutagenicity tests, chemical disposition and metabolism studies, and a 90-day inhalation toxicity study with histopathology be considered. The ITC based its recommendations for health effects testing on the concern that potential exists for widespread human exposure through the manufacture and processing of 1,3-dioxolane and the use of products containing 1,3-dioxolane.

Subsequent to the ITC report, Ferro Corporation (Ferro), the sole U.S. manufacturer of 1,3-dioxolane, and PPG Industries (PPG), the principal processor, contacted EPA to discuss the designation of 1,3-dioxolane for priority consideration and the possibility of an industry-sponsored testing program in lieu of the Agency initiating rulemaking. On July 5, 1983, Ferro and PPG formally submitted a proposed industry-sponsored testing program designed to address the health effects concerns of the ITC (Refs. 5,6). This notice fulfills EPA's statutory obligations under section 4(e) and informs the public that EPA is proposing to accept the industry program and is not initiating rulemaking at this time. EPA is requesting comments on the Ferro and PPG proposed testing program and the Agency's tentative decision to accept it in lieu of section 4(a) rulemaking.

II. Assessment of Exposure and Health Effects

A. Production, Use, and Exposure

1,3-Dioxolane ($C_3H_6O_2$) (CAS No. 646-06-0) is a flammable, colorless, volatile

liquid that is miscible in water and soluble in organic solvents. Like most acetals, it is stable in neutral or slightly basic solution, but it can be hydrolyzed in strong acid (Ref. 3).

Ferro is the sole U.S. producer of 1,3-dioxolane. The 1977 TSCA Chemical Substance Inventory estimated that the annual production level is between 1 and 10 million pounds (Ref. 18). Ferro has advised EPA that it produces fewer than 3 million pounds per year, all of which is produced at its Grant Chemical Division in Louisiana (Ref. 8).

The major use of 1,3-dioxolane is as a stabilizer in the production and distribution of 1,1,1-trichloroethane (TCEA) (Refs. 8, 16). Over 95 percent of the domestically manufactured 1,3-dioxolane is purchased by PPG for use as a stabilizer in TCEA at concentrations ranging from 0.5 percent to 1.0 percent. Additional minor uses of the remaining production include use in pharmaceuticals, dialysis membranes for kidney machines, as a component in electrolytes and as a research chemical (Ref. 8). None of these minor uses is expected to result in substantial human exposure. Furthermore, the use of 1,3-dioxolane in pharmaceuticals and dialysis membranes is regulated by the Federal Food, Drug, and Cosmetic Act, and not by TSCA.

The ITC was concerned that there was potential for widespread exposure to 1,3-dioxolane. The National Occupational Hazard Survey (NOHS), which is based on exposure during the manufacture, processing and the ultimate use of a chemical, estimated that 10,602 workers are potentially exposed to 1,3-dioxolane in eleven industrial worker categories (Ref. 13). Ferro states that the production of the chemical takes place in a closed system and estimates that fewer than twenty workers are exposed to 1,3-dioxolane during production and that exposure levels are less than 10 ppm (Ref. 9). PPG has stated that four individuals are potentially exposed to a 40 percent solution of 1,3-dioxolane at their TCEA manufacturing facility. PPG further states that its TCEA transfer, solvent mixing, and storage functions are all considered closed systems (Ref. 16).

Neither the American Conference of Governmental Industrial Hygienists (Ref. 1) nor the Occupational Safety and Health Administration (OSHA) (Ref. 15) has set threshold limit values or standards for 1,3-dioxolane. However, a standard of 350 ppm has been adopted by OSHA for an 8-hour time-weighted average (TWA) exposure to TCEA (Ref. 15). Therefore, assuming 350 ppm 8-hour TWA to be a worst case or maximum worker exposure to TCEA, the resulting exposure to 1,3-dioxolane, at a concentration from 0.5 percent to 1.0 percent by weight of TCEA, would be approximately 2 ppm dioxolane. Actual area monitoring data in 1982 from PPG's Lake Charles, LA, TCEA manufacturing facility, indicated 8-hour TCEA levels ranging from 0.1 ppm to a maximum of 12.7 ppm in the work area. A maximum of 18 ppm for 15 minute samples was recorded in the solvent loading area. Assuming equal volatilities for 1,3-dioxolane and TCEA, PPG calculated that the air concentrations for 1,3-dioxolane would range from less than 0.001 ppm to 0.1 ppm (Ref. 16).

However, there is wide potential for human exposure, both occupational and general population, through the use of products containing TCEA stabilized with 1,3-dioxolane. The primary use of TCEA is as an industrial solvent for vapor degreasing of metals or plastics. TCEA is also a component of many consumer products including drain cleaners, adhesives, water repellant sprays, spot removers, and furniture polishes. There is no estimate for the number of people potentially exposed through these, and other consumer uses. However, NIOSH estimated that the number of workers exposed to TCEA through its manufacture, processing, and use is 2.6 million (Ref. 12).

It is estimated that U.S. production of TCEA was 645 million pounds in 1978 (Ref. 2). The percentage of that production which is stabilized with 1,3-dioxolane is unknown. However, as 95 percent of the estimated 3 million pounds of 1,3-dioxolane produced annually is used as a stabilizer in TCEA at concentrations of 0.5 percent to 1.0 percent by weight, it can estimated that 285 to 570 million pounds of TCEA stabilized with 1,3-dioxolane is produced annually. Therefore, there is substantial potential for extensive human exposure through the use of TCEA stabilized with 1,3-dioxolane, albeit at low concentration levels. Exposure routes could be by inhalation of vapor from, or dermal contact with, products containing the compound.

B. Health Effects Information

Information available on the health effects of 1,3-dioxolane is limited. Two Russian reports provided the bulk of the information (Refs. 11,17). While these studies provided some acute and chronic toxicity data, the validity of the findings was difficult to assess due to the lack of details on methodology. However, acute toxicity data entered in the Registry of Toxic Effects of Chemical Substances (Ref. 14) from a Union Carbide Data Sheet, give for 1,3-dioxolane an oral LD_{50} (rat) of 7,640 mg/kg; a dermal LD_{50} (rabbit) of 8,480 mg/kg; and an inhalation LC_{LO} (rat) of 32,000 ppm for 4 hours (LC_{LO} is the lowest concentration at which deaths were observed).

Several *Salmonella typhimurium*/Mammalian Microsomal Assays (Ames Assay) have been completed for 1,3-dioxolane, all having negative results (Refs. 4,7,8,10,). No other valid health effects studies have been reported in the literature.

III. Planned Testing

Ferro and PPG have jointly proposed to sponsor testing which is designed to accommodate the health effects concerns and tests recommended by the ITC for 1,3-dioxolane.

In order to respond to the ITC's recommendation for a battery of short-term mutagenicity tests, the industry has proposed to perform a cell transformation test, an *in vitro* cytogenetics test and a test for gene mutations in mammalian cells in culture. The proposed mutagenicity tests would complement the existing *Salmonella typhimurium*/ Mammalian Microsomal Assays.

Further, the industry will conduct a comprehensive independent review of a 2-year drinking water chronic toxicity study on albino rats with 1,3-dioxolane, which was begun for PPG prior to the designation of 1,3-dioxolane by the ITC. While this chronic toxicity study has not been completed, the experimental portion of the study has been done and tissues have been taken at terminal sacrifice, but no histopathological examinations have been performed. The uncut tissues will be examined microscopically, and a final report on the results completed. EPA has been provided with preliminary data from the study.

This proposed review, validation, and completion of the study, to be performed by an independent pathology laboratory, will serve to respond to the ITC's concerns regarding the subchronic toxicity potential of 1,3-dioxolane. The validation will yield information on the quality, soundness and the scope of the usefulness of the results of this 2-year study to assist in the assessment of the health effects of 1,3-dioxolane. EPA is aware that the oral route of exposure used in the existing chronic toxicity study is not the route which was recommended by the ITC. However, EPA believes that this study should not be overlooked because, if the study is sufficiently validated, the toxicity information which can be obtained from it will be greater than that which could be obtained from a 90-day subchronic

study. In addition, proceeding with the nearly completed study will accelerate the gathering of that information.

PPG and Ferro have agreed to perform the testing according to a prescribed schedule. The cell tranformation, cytogenicity, and gene mutations tests will be commenced within 60 days following publication of EPA's final notice of acceptance of the testing program and completed within four months after commencement. The validation and completion of the chronic toxicity study shall commence within 60 days after publication of the final notice. The final report from the chronic toxicity study will the provided to the Agency within twelve months following publication of the final notice. If industry does not make a good faith effort to adhere to be proposed schedule, the Agency will consider initiating the rulemaking process.

Upon completion of the validation of the chronic study and the first-tier mutagenicity tests, PPG and Ferro have agreed to meet with EPA scientists to discuss the interpretation of the test results and, if necessary, to develop additional testing plans for the future. Depending upon the results of the testing and validation discussed above, future testing could include repeating the chronic study, a 90-day subchronic study, metabolism and pharmacokinetics studies and/or additional mutagenicity studies.

The Agency has tentatively concluded that the proposed testing plan is sufficient to provide the initial information necessary to enable EPA to assess the potential health hazards of 1,3-dioxolane which the ITC identified in their report. Further, because testing will be initiated sooner than through rulemaking, the industry-sponsored program will permit EPA to judge the need for any additional testing more readily than if the Agency initiated a rulemaking process.

Ferro and PPG have agreed to furnish EPA with the names and addresses of laboratories conducting the tests described above as soon as they are available. The specific tests being performed by each laboratory shall be indicated.

The two companies have also agreed to adhere to the Good Laboratory Practice Standards issued by the U.S. Food and Drug Administration as published in the **Federal Register** of December 22, 1978 (FR 59986). Ferro and PPG have agreed to permit laboratory inspections and study audits in accordance with the provisions outlined in TSCA section 11 at the request of authorized representatives of the EPA for the purpose of determining compliance with this agreement. These inspections may be conducted for purposes which include verification that testing has begun, that schedules are being met, that reports accurately reflect the underlying raw data and interpretations and evaluations thereof, and that the studies are being conducted according to Good Laboratory Practice provisions.

Ferro and PPG have further agreed that all raw data, documentation, records, protocols, specimens, and reports generated as a result of each study will be retained for at least 10 years from the date of publication of the acceptance of any protocols by EPA and made available during an inspection or submitted to EPA if requested by EPA or its designated representative. In addition, correspondence and other documents relating to interpretation and evaluation of data shall also be retained.

Ferro and PPG understand that TSCA section 14(b)(1)(A)(ii) governs Agency disclosure of all test data submitted pursuant to section 4 of TSCA. Further, they understand that the Agency plans to publish in the **Federal Register** a notice of the receipt of any test data submitted under this agreement. Subject to TSCA section 14, the notice shall provide information similar to that described in TSCA section 4(d). Except as otherwise provided in TSCA section 14, such data shall be made available by the Administrator for examination by any person.

Finally, Ferro and PPG understand that failure to conduct the testing according to the specified protocols and failure to follow Good Laboratory Practices may invalidate the tests. In such cases, a data gap may still exist, and the Agency may decide to promulgate a test rule or otherwise require further testing.

EPA is soliciting comments on the Ferro and PPG proposed testing program and the Agency's decision to accept it in lieu of section 4(a) rulemaking at this time. After considering these comments, EPA will either publish in the **Federal Register** a final notice of acceptance of a negotiated test program or will initiate rulemaking under section 4(a) of TSCA.

IV. Decision Not To Initiate Rulemaking

EPA believes that the testing program and validation of an existing study, proposed by Ferro Corporation and PPG Industries, will provide sufficient data to reasonably predict the potential mutagenic and subchronic health effects of 1,3-dioxolane which were of concern to the ITC. Therefore, EPA has tentatively decided not to initiate rulemaking under section 4(a) of TSCA to require the testing of 1,3-dioxolane for those effects at this time.

The ITC also recommended chemical disposition and metabolism studies. However, at this juncture EPA believes that there is not sufficient evidence to indicate that metabolism and pharmacokinetics studies would aid in the hazard assessment for this chemical. The primary value of such studies would be in the interpretation and extrapolation of data indicating chronic organ-specific toxicity of 1,3-dioxolane. Until the proposed review and validation of the previous 2-year chronic study is completed, the necessity of metabolism studies has not been established (Ref. 20). Therefore, EPA is not requiring chemical disposition and metabolism studies at this time.

V. References

(1) ACGIH. 1982. American Conference of Governmental Industrial Hygienists. TLVs. Threshold limit values for chemical substances in work air adopted by ACGIH for 1982.

(2) Battelle Columbus Laboratories. 1980 (Aug.). Final report on risk assessment of 1,1,1-trichloroethane. Washington, DC: Office of Toxic Substances, U.S. Environmental Protection Agency. Contract No. 68-01-0543.

(3) CSG. 1983. Final Technical Support Document: 1,3-Dioxolane. Capital Systems Group, Inc., EPA Contract 68-01-6530. Office of Pesticides and Toxic Substances, U.S. Environmental Protection Agency.

(4) Celanese. 1982. Letter from G.S. Kirshenbaum, Celanese Corporation, to USEPA, January 18, 1982. Submission of 8(d) information. Mutagenicity Evaluation of (1,3-dioxolane) in the Ames *Salmonella*/Microsome Plate Test-Final Report. Litton Bionetics, February 1980.

(5) Cerar. 1983A. Letter from Jeffrey O. Cerar to Richard Troast (EPA) on behalf of Ferro Corporation and PPG Industries. July 5, 1983.

(6) Cerar. 1983B. Letter from Jeffrey O. Cerar to Richard Troast (EPA). Supplement to Letter of July 5, 1983. July 19, 1983.

(7) Dow. 1983. Letter from Robert L. Hagerman, Dow Chemical Company, to USEPA, February 21, 1983. Submission of 8(d) information. Mutagenic Evaluation of (1,3-Dioxolane)—LBI Project #2506. Litton Bionetics, January 20, 1975.

(8) Ferro. 1983A. Letter from Lowell E. Snodgrass, Ferro Corporation to Office of Pesticides and Toxic Substances, USEPA, January 12, 1983. Comments on the 11th ITC Report.

(9) Ferro. 1983B. Letter from Lowell E. Snodgrass, Ferro Corporation to Office of Toxic Substances, USEPA, February 3, 1983. Supplement to comments on the 11th ITC Report.

(10) Goodyear. 1983. Letter from W.D. Davis, Goodyear Tire and Rubber Company, to USEPA, January 31, 1983. Submission of 8(d) information. Laboratory Report No. 79-55: Mutagenicity Evaluation of 1,3-Dioxolane, November 20, 1979.

(11) Lomonova GV, Vinogradova VK. 1975. Hygienic normalization of formal glycol in the air of industrial facilities. Gig Tr Prof Zabol 8:45–47. (In Russian; English translation).

(12) NIOSH. 1980. National Institute for Occupational Safety and Health, National Occupational Hazard Survey (NOHS).

(13) NIOSH. 1982A. National Institute for Occupational Safety and Health. Computer printout. National Occupational Hazard Survey (NOHS). Retrieved Nov. 19, 1982.

(14) NIOSH. 1982B. National Institute for Occupational Safety and Health. Computer printout. RTECS (Registry of Toxic Effects of Chemical Substances) data base. Retrieved Dec. 9, 1982.

(15) OSHA. 1981. Occupational Safety and Health Administration. General Industry. OSHA Safety and Health Standards (29 CFR 1910). Washington, DC.

(16) PPG. 1983. Letter from Z. Bell, PPG Industries, to Office of Pesticides and Toxic Substances, USEPA, January 12, 1983. Comments on TSCA 4(a) Priority Chemical—Dioxolane.

(17) Stasenkova KP, Samoilova LM, Dulatova L. 1972. Toxicity of formal glycol (dioxalan-1,3). Sov Rubber Technol (Eng. Transl.) 31 (6): 27–28.

(18) USEPA. 1980. U.S. Environmental Protection Agency. Office of Pesticides and Toxic Substances. Computer printout: producers and importers of chemicals in the non-confidential initial TSCA inventory. Retrieved 1980.

(19) USEPA. 1982. Eleventh Report of the Interagency Testing Committee to the Administrator; Receipt of Report and Request for Comments Regarding Priority List of Chemicals. **Federal Register**, December 3, 1982 (47 FR 54626).

(20) USEPA. 1983. Memorandum. 1,3-Dioxolane Metabolism. DiCarlo FR to Lee CC. Environmental Protection Agency. February 28, 1983.

VI. Public Record

The EPA has established a public record of this testing decision (document control number OPTS–42041). This record includes:

(1) **Federal Register** Notice designating 1,3-dioxolane to the priority list and comments received in response thereto.

(2) Communications before industry testing proposal consisting of letters, contact reports of telephone conversations, and meeting summaries.

(3) Testing proposals and protocols.

(4) Published and unpublished data.

(5) **Federal Register** notice requesting comment on the negotiated testing proposal and comments received in response thereto.

The record, containing the basic information considered by the Agency in developing the decision, is available for inspection in the OPTS Reading Room from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays, in Rm. E–107, 401 M St., SW., Washington, D.C. 20460. The Agency will supplement this record periodically with additional relevant information received. (Sec. 4, 90 Stat. 2003; (15 U.S.C. 2601)).

Dated: November 3, 1983.

William D. Ruckelshaus,

Administrator.

[FR Doc. 83-30634 Filed 11-10-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS–42040; TSH–FRL–2446–3]

Tris(2-Ethylhexyl)Trimellitate; Response to the Interagency Testing Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Eleventh Report of the Interagency Testing Committee (ITC) designated the chemical tris(2-ethylhexyl)-trimellite also known as trioctyltrimellitate (TOTM), for health and environmental effects testing consideration. The ITC suggested that a screening-type approach be utilized for TOTM before additional health effects studies are undertaken. Following the designation, plans for testing the health and environmental effects of TOTM were presented to EPA by the Chemical Manufacturers Association (CMA). The Agency has concluded tentatively that this program, when combined with related data from the CMA Phthalate Esters Program and the National Toxicology Program will supply screening information of the type that the ITC sought and is likely to provide information on which to reasonably predict the toxicity of TOTM. Therefore, at this time, the EPA is not initiating rulemaking under section 4(a) of the Toxic Substances Control Act (TSCA) to require health or environmental effects testing of TOTM. This notice constitutes the Agency's response to the ITC's designation of TOTM, as mandated by section 4(e) of TSCA.

DATE: Comments should be submitted on or before December 29, 1983.

ADDRESS: Written comments should bear the document control number (OPTS–42040) and should be submitted in triplicate to: TSCA Public Information Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Room E–108, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, TSCA Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–543, 401 M St., SW., Washington, D.C. 20460; Toll Free: (800–424–9065), In Washington, D.C.: (554–1404), Outside the USA: (Operator 202–554–1404).

SUPPLEMENTARY INFORMATION:

I. Background

Section 4(a) of the Toxic Substances Control Act (TSCA) (Pub. L. 94–469, 90 Stat. 2003 *et seq.*; 15 U.S.C. 2601 *et seq.*) authorizes EPA to promulgate regulations which require manufacturers and processors to test chemical substances and mixtures. Data developed through these test programs are used by EPA to determine the risks that such chemicals may present to health and the environment. Section 4(e) of TSCA established an Interagency Testing Committee (ITC) to recommend to EPA a list of chemicals to be considered for the promulgation of testing rules under section 4(a) of the Act. The ITC may designate up to 50 of its recommendations at any time for priority consideration by EPA. EPA is required to respond within 12 months of the date of designation, either by initiating rulemaking under section 4(a) or publishing in the **Federal Register** reasons for not doing so.

The ITC designated TOTM for priority consideration in its Eleventh Report delivered to the Administrator of EPA on November 10, 1982, and published in the **Federal Register** on December 3, 1982 (47 FR 54624). The ITC recommended that industry first screen TOTM for chemical disposition and metabolism with identification of metabolites. If absorption and/or metabolism were shown to occur, the ITC suggested that reproductive effects and subchronic effects tests should be considered. The ITC also recommended that an evaluation of subchronic effects include assessments of hepatic peroxisomal proliferation and hypolipidemia. In addition, acute and chronic toxicity to fish and aquatic invertebrates were to be considered, as well as toxicity to plants, bioconcentration and chemical fate.

The reasons for the ITC's recommendations for health effects testing were: (1) The presumed structural relationship between TOTM and di(2-ethylhexyl)phthalate (DEHP), (2) the presence of the 2-ethylhexyl moiety in the molecule, and (3) projections of increasing usage of TOTM.

The ITC was concerned about toxicity to aquatic organisms and plants because of its view that: (1) TOTM was expected to be released to the aquatic environment and persist in sediments, (2) TOTM has a potential to bioaccumulate and possibly

contaminate the food chain, and (3) there is a possibility for the resuspension of TOTM from sediments in the aquatic environment through natural or human activities such as storms and dredging. Chemical fate testing was recommended to better characterize the transformations and persistence of TOTM in the aquatic environment. The bioconcentration testing recommendation was based on the relatively high estimated octanol/water partition coefficient of TOTM, which indicated a potential for bioconcentration.

Subsequent to the ITC Report, the Trimellitate Esters Panel (TEP), a group formed under the sponsorship of the Chemical Manufacturers Association (CMA) which includes the principal producers of TOTM and the supplier of the starting material, trimellitic anhydride, provided the EPA with information on production, exposure, uses, and release of TOTM (Refs. 3 and 9). EPA has considered these data and additional data reported by manufacturers under TSCA sections 8(a) and 8(d) in conjunction with other information in making its decision on TOTM.

II. Assessment of Exposure and Health and Environmental Effects.

A. Production, Use and Exposure

Tris(2-ethylhexyl)trimellitate (CAS No. 3319-31-1) or TOTM, is a clear to pale yellow viscous liquid with a faint odor. It has very low vapor pressure and low water solubility (Ref. 5).

TOTM is produced by the esterification of trimellitic anhydride with 2-ethylhexanol. Annual production is in the range of 20 to 25 million pounds (Ref. 3).

TOTM is used primarily as a specialty plasticizer in polyvinyl chloride (PVC) where stability at high temperatures, low volatility, low migration characteristics, and very high resistance to water extraction are required (Ref. 4). More than 90 percent of the annual production is used in 90°C and 105°C insulation for industrial grade electrical wire and cable (Ref. 3). The other significant uses of TOTM are as a specialty platicizer in refrigerator gaskets, roofing membranes and automotive crash pads (Ref. 3).

TOTM is produced through a closed system batch process. The American Conference of Governmental Industrial Hygienists (ACGIH) has established a TLV-TWA for trimellitic anhydride (TMA) of 0.005 ppm (Ref. 1). The engineering controls necessary to keep exposure to TMA within this limit also minimize occupational exposure to TOTM during its manufacture (Ref. 8). Worker exposure is limited in duration and occurs only at sampling, filter change, and loading. Similarly, based on the processes and controls in use by the industry, worker exposure to TOTM during processing is reported to be very limited (Ref. 3).

Exposure from consumer uses of TOTM are expected to be quite low because of its low vapor pressure, low water solubility, and low migration characteristics. The market for the jacketed wire is quite specialized; 105° and 90° UL listed wire is used in computers, electronic equipment and communications equipment. Most of the wire is bundled and enclosed either in metal conduits or in plastic jackets made with a different plasticizer, further limiting exposure potential (Ref. 9).

B. Health Effects Data

The acute oral toxicity (LD_{50}) of TOTM was reported to be greater than 3,200 mg/kg for both rats and mice (Ref. 5). The dermal LD_{50} for guinea pigs was greater than 20 ml/kg, and TOTM caused slight skin irritation in guinea pigs and slight eye irritation in rabbits (Ref. 5). In a 6-hour inhalation study, TOTM was found to cause minimal irritation to rats at a concentration of 230 mg/m^3 and was lethal at concentrations of 2,640 and 4,170 mg/m^3 (Ref. 5). In another acute inhalation study, TOTM had little or no effect in rats at 2,588 mg/m^3 for 4 hours (Ref. 3).

Ames assay testing produced negative results when TOTM was tested against five strains of *Salmonella* (Ref. 3). The Ames test also produced negative results with urine from rats given a single dose of 2,000 mg/kg of TOTM (Ref. 3). In addition, the Food and Drug Administration reported the results of two studies (Ref. 10) in its approval of TOTM for use as a plasticizer for PVC anticoagulant storage bags. In those studies, TOTM was found to be not mutagenic in a dominant lethal chromosome induction test in white Swiss mice and negative in a lung adenoma assay in Type A mice.

In a 28-day hepatotoxicity study, make Fischer-344 rats received 1,000 mg/kg/day of TOTM. At the end of the dosing period, animals receiving TOTM had statistically significant lowering of triglyceride levels compared to controls but no other effects were noted (Ref. 7).

In another TOTM study, two rhesus monkeys were infused with fifty ml. of plasma containing either ^{14}C-ring-labeled or ^{14}C-carbonyl-labeled TOTM (Ref. 6). Blood, urine and feces samples were collected for up to 2 weeks following dosing. The disappearance half-life from the blood was 10 minutes for the ring-labeled TOTM and 12 minutes for the carbonyl-labeled TOTM. Within 24 hours, 83 percent and 1 percent of the ring label and 78.4 percent and 2.3 percent of the carbonyl label were excreted in the urine and feces, respectively. Metabolites were not identified.

C. Environmental Effects Data

No information is available on the environmental effects of TOTM and little information is available on its environmental fate. Based on its low water solubility and high estimated log P value, it is likely to adsorb to soil readily (Ref. 8). The compound does not hydrolyze in water at neutral pH and is stable at high temperatures (Ref. 5). Based on its physical and chemical properties, TOTM is expected to partition to the terrestrial compartment rather than the atmospheric or aquatic compartments and is likely to be resistant to rapid chemical, biological or photochemical degradation (Ref. 8).

III. Ongoing Testing of Related Compounds

Because of concern about the potential toxicity of the 2-ethylhexyl moiety, the National Toxicology Program (NTP) has selected 13 compounds containing that group for toxicologic testing (Ref. 2). All 13 chemicals were negative in four different strains of *Salmonella* both with and without activation. Two of the compounds were also tested for chromosomal aberrations and found to be weakly positive. The same two compounds were evaluated in the sister chromatid exchange assay using Chinese hamster ovary cells and found to be negative. In addition, four of the compounds have been tested for carcinogenicity by the NTP, and two were found to be hepatocarcinogens. Currently, 2-ethylhexanol and mono(2-ethylhexyl) phthalate have been recommended for carcinogenicity testing. NTP is planning additional genotoxicity testing for 10 more 2-ethylhexyl compounds, including TOTM.

The CMA, on behalf of the Phthalate Esters Program Panel (PEPP), is conducting testing on the phthalate esters, alkyl diesters of 1,2-benzenedicarboxylic acid, which are primarily used as plasticizers. The CMA's proposal was accepted by the Agency in lieu of a test rule under section 4 of the Toxic Substances Control Act and is described in the **Federal Register** of October 30, 1981 (45 FR 53775).

Industry's phthalate testing program examines aquatic toxicity,

environmental transport and fate, and biodegradation of the high production alkyl phthalates and benzyl butyl phthalate. The program also examines, in a more experimental approach, potential oncogenic and mutagenic effects of selected alkyl phthalates and benzyl butyl phthalate. Basically, CMA's health program is a multistage test program consisting of two first-stage components: (1) A battery of short-term mutagenicity tests; and (2) a 21-day *in vivo* test with rats. CMA will concurrently be performing extensive metabolism work on di-2-ethylhexyl phthalate. Long-term tests, such as 2-year bioassays, will also be performed depending on the results of the short-term tests for other phthalates.

IV. Ongoing and Planned Testing of TOTM

The Trimellitate Esters Panel (TEP) has presented to EPA a proposal for testing TOTM for health effects, environmental effects and chemical fate which is conceptually similar to the program being performed by the PEPP, which the Agency previously found appropriate for assessment of the effects of a somewhat structurally related class of chemicals. The TEP proposal for TOTM includes the following tests:

1. *Mutagenicity*. To characterize further the genetic activity of TOTM, the TEP will perform two other short term tests in addition to those which have already been conducted: an unscheduled DNA synthesis assay in primary rat hepatocytes and a Chinese hamster ovary hypoxanthine quanine phosphoribosyl transferase point mutation test.

2. *Chemical disposition and metabolism*. Eastman Kodak is currently conducting *in vivo* and *in vitro* metabolism studies using TOTM. The rate of hydrolysis of TOTM was investigated in intestinal homogenates prepared from Sprague-Dawley rats. No measurable hydrolysis was observed (Ref. 3). In another study, rats were given a 100 mg/kg dose of TOTM ^{14}C-labeled on the ethylhexyl portion of the molecule. After 144 hours, the label was found to be distributed as follows: 74.9 percent in feces, 15 percent in urine, 2 percent in breath and 0.38 percent in carcass. Evidence such as this, that TOTM is absorbed into the body, was the first step in the screen proposed by the ITC. The identification of metabolites is still being investigated (Ref. 3). When results and conclusions of this work are available, they will be submitted to the Agency.

3. *28-Day feeding study*. The TEP is proposing a 28-day feeding study which will included examination of major organs and neurological tissues, full clinical chemical and hematological profiles, and investigation of peroxisome induction and hypolipidemia according to the method developed by the PEPP. This follows the suggestion of the ITC that peroxisome proliferation and hypolipidemia be used as screening factors for compounds containing the 2-ethylhexyl moiety.

4. *Physical-chemical properties*. The TEP proposes to develop a suitable analytical method for measuring TOTM in water. Using this procedure, they will then measure the maximum solubility of TOTM in water and the octanol/water partition coefficient, a predictor of bioconcentration potential.

5. *Biodegradation*. TOTM will be tested in a shake-flask biodegradation test to determine the rate of parent compound disappearance and CO_2 evolution, as well as the percentage of carbon converted to CO_2.

6. *Toxicity to aquatic invertebrates*. A 21-day reproduction study in *Daphnia magna*, the species most sensitive to DEHP, will be useful in assessing the environmental impact of TOTM. Acute toxicity data will be generated from the range-finding studies done in preparation for this study. Plant studies are not being considered at this time because of the low levels of exposure to TOTM. Should any data obtained in the initial testing indicate a need for additional information, further testing will be pursued.

The Trimellitate Esters Panel has submitted preliminary testing laboratory selections and protocols for tests to the Agency. The protocols for these studies have been reviewed by EPA scientists and, with minor exceptions, are acceptable. They are also available for examination in the public record of this proceeding.

Taking into account the time it will take for the Agency to evaluate public comments on its program, and assuming Agency approval, the TEP has proposed the following schedule. The mutagenicity studies are scheduled to begin in July 1984 and be completed (final report submitted) in January 1985. The 28-day feeding study will also begin in July 1984, with completion scheduled for June 1985. The development of an analytical method to measure TOTM in water will begin in July 1984 and be completed by October 1984. Using that method, the water solubility and octanol/water partition coefficient determinations will then begin and be completed in February 1985. The shake-flask CO_2 study is planned from February through June 1985 and the daphnid chronic exposure study from March through September 1985. All final reports will be submitted by October 1985. Program reviews will be conducted by EPA at appropriate intervals throughout the program to assess the need for additional testing of TOTM. Should TEP fail to make a good faith effort to adhere to its testing schedule outlined above, EPA may initiate rulemaking to require testing.

The TEP has furnished EPA with the names and addresses of the laboratories conducting the tests under this agreement. The TEP has also agreed to adhere to the Good Laboratory Practice Standards issued by the U.S. Food and Drug Administration as published in the **Federal Register** of December 22, 1978 (43 FR 59986). The TEP has agreed to permit laboratory inspections and study audits in accordance with the provisions outlined in TSCA section 11 at the request of authorized representatives of the EPA for the purpose of determining compliance with this agreement. These inspections may be conducted for purposes which include verification that testing has begun, that schedules are being met, that reports accurately reflect the underlying raw data and interpretations and evaluations thereof, and that the studies are being conducted according to Good Laboratory Practice provisions.

The TEP has further agreed that all raw data, documentation, records, protocols, specimens, and reports generated as a result of each study will be retained for at least 10 years from the date of publication of the acceptance of any protocols by EPA and made available during an inspection or submitted to EPA if requested by EPA or its designated representative. Documentation which will be retained includes correspondence and other documents relating to the conduct, interpretation, or evaluation of data other than that included in the final report. The TEP understands that the Agency plans to publish quarterly in the **Federal Register** a notice of the receipt of any test data submitted under this agreement. Subject to TSCA section 14, the notice will provide information similar to that described in TSCA section 4(d). Except as otherwise provided in TSCA section 14, any data submitted will be made available by EPA for examination by any person.

Finally, the TEP understands that failure to conduct the testing according to the specified protocols and failure to follow Good Laboratory Practice procedures may invalidate the tests. In such cases, a data gap may still exist, and the Agency may decide to require further testing.

V. Decision Not To Initiate Rulemaking

The ITC was concerned about the health effects of TOTM primarily because of its structural similarity to DEHP and the presence of the 2-ethylkhexyl moiety in the TOTM molecule. Concern about the toxicity of the 2-ethylhexyl moiety will be directly addressed in the NTP testing program. In addition to the testing already completed, 2-ethylhexanol and mono(2-ethylhexyl)phthalate, which are structurally similar to TOTM, will be tested for carcinogenesis, and 10 other 2-ethylhexanol compounds will be tested for genotoxic effects. This additional information on structurally similar substances may significantly contribute to the Agency's ability to predict the toxic effects of TOTM.

EPA believes that pursuing the TEP proposed testing program for mutagenic, subchronic and environmental effects, together with the data resulting from ongoing studies on related substances sponsored by the Phthalate Esters Panel, will provide the type of screening data the ITC recommended obtaining. Included among these data will be the identification of the metabolites of TOTM. When data are available upon completion of the testing planned by NTP and the testing proposed by the CMA Trimellitate Esters Panel, along with data gathered in the PEPP studies, a complete assessment of further testing needs for TOTM and its metabolites will be made. For these reasons, EPA has decided not to initiate rulemaking under section 4(a) of TSCA to require testing of TOTM at this time.

VI. References

(1) ACGIH. 1982. American Conference of Governmental Industrial Hygienists. TLVs ®. Threshold limit values for chemical substances in work air adopted by ACGIH for 1982. Cincinnati, OH: ACGIH, pp. 32–33.

(2) Canter, D. A. 1983. National Toxicology Program, U.S. Department of Health and Human Services. Memorandum to Members, Chemical Evaluation Committee and Liaison Staff. Subject: Nomination of Additional Compounds Containing the 2-Ethylhexyl Moiety for NTP Testing.

(3) Chemical Manufacturers Association. 1983. (June 13, 1983) Tris(2-ethylhexyl)trimellitate: A Voluntary Testing Program under Section 4 of the Toxic Substances Control Act.

(4) Dougherty PC, Cassis FA. 1962. Amoco Chemicals Corporation. Vinyl plasticizers from trimellitic anhyride. Soc. Plast. Eng. Tech. Pap. 18 (session 22):1–9.

(5) Eastman Chemical Products, Inc. 1982 (Feb.) Product literature. KODAFLEX ® TOTM. Trioctyl trimellitate [tri[2-ethylhexyl]trimellitate]. Coatings Chemicals Division, B–280, Kingsport, TN 37662.

(6) Kevy, S. V., Jacobson, N. S., and Harmon, W. E., "The Need For a New Plasticizer For Polyvinyl Chloride Medical Devices," Trans. Am. Soc. Artif. Intern. Organs, Vol. XXVII, pgs. 286–390, 1981.

(7) Nuodex, Inc. 1981. 28 day hepatotoxicity study in rats conducted for Tenneco Chemicals, Incorporated with samples NUOPLAZ TOTM and NUOPLAZ DOP. 878220032.

(8) Spangler, W. J. Capital Systems Group, Inc. and Dynamac Corporation. 1983. Final technical support document: Tris(2-ethylhexyl) trimellitate. Washington, D.C.: Office of Pesticides and Toxic Substances. U.S. Environmental Protection Agency. Contract no. 68–01–6530.

(9) USEPA. 1982. U.S. Environmental Protection Agency. Meeting Summary—Meeting with CMA Subcommittee on TOTM—January 18, 1983. Arlington, VA.

(10) USFDA. 1981. U.S. Food and Drug Administration. Summary for Basis of Approval BB—NDA 80–77/04. Washington, D.C.

VII. Public Record

The EPA has established a public record of this testing decision (docket number OPTS–42040). This record includes:

(1) **Federal Register** notice designating TOTM to the priority list and comments received thereon.

(2) Communications before industry testing proposal consisting of letters, contact reports of telephone conversations, and meeting summaries.

(3) Testing proposals and protocols.

(4) Published and unpublished data, including the references cited above.

(5) **Federal Register** notice requesting comment on the negotiated testing proposal and comments received in response thereto.

The record, containing the basic information considered by the Agency in developing the decision, is available for inspection in the OPTS Reading Room from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays, in Rm. E–107, 401 M St., SW., Washington, D.C. 20460. The Agency will supplement this record periodically with additional relevant information received.

(Sec. 4, 90 Stat. 2003; (15 U.S.C. 2601))

Dated: November 3, 1983.

William D. Ruckelshaus,

Administrator.

[FR Doc. 83–30535 Filed 11–10–83; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–42039; BH–FRL 2450–3]

Bis(2-Ethylhexyl)Terephthalate; Response to the Interagency Testing Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Eleventh Report of the Interagency Testing Committee (ITC) designated bis(2-ethylhexyl)-terephthalate, also known as dioctyl terephthalate (DOTP), for health and environmental effects testing consideration. Subsequent to the ITC designation, Eastman Kodak Company presented to EPA a testing program for the health and environmental effects testing of DOTP. Also, the National Toxicology Program (NTP) has nominated a variety of chemicals containing the 2-ethylhexyl moiety and 2-ethylhexanol for toxicity testing. The Agency has concluded that these programs are sufficient to evaluate the health and environmental effects of DOTP as recommended for testing by the ITC and is not initiating rulemaking under section 4(a) of the Toxic Substances Control Act (TSCA) at this time. This notice constitutes the Agency's response to the ITC's designation of DOTP, as mandated by section 4(e) of TSCA.

DATE: Interested persons are invited to comment on this proposed decision. All comments should be submitted on or before December 29, 1983.

ADDRESS: Written comments should bear the document control number (OPTS–42039) and should be submitted in triplicate to: TSCA Public Information Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Room E–108, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, TSCA Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Room E–543, Washington, D.C. 20460; Toll Free: (800–424–9065), Outside the USA: (Operator 202–554–1404).

SUPPLEMENTARY INFORMATION:

I. Background

Section 4(a) of the Toxic Substances Control Act (TSCA) (Pub. L. 94–469, 90 Stat. 2003 *et seq.*, 15 U.S.C. 2601 *et seq.*) authorizes EPA to promulgate regulations which require manufacturers and processors to test chemical substances and mixtures. Data developed through these test programs are used by EPA to assess the risks that such chemicals may present to health and the environment. Section 4(e) of (TSCA) established an Interagency Testing Committee (ITC) to recommend to EPA a list of chemicals to be considered for the promulgation of testing rules under section 4(a) of the

Act. The ITC may designate up to 50 of its recommendations at any one time for priority consideration by EPA. EPA is required to respond within 12 months of the date of designation, either by initiating rulemaking under section 4(a) or publishing in the **Federal Register** reasons for not doing so.

On November 1982, the ITC forwarded to EPA its Eleventh Report which designated bis(2-ethylhexyl)terephthalate (DOTP) for priority consideration by EPA (Ref. 1). The ITC recommended that bis(2-ethylhexyl)terephthalate be considered for health and environmental effects and chemical fate testing. The health effects testing recommendations included mutagenicity, chemical disposition, metabolism, and subchronic effects testing. The environmental effects and chemical fate testing included acute and chronic toxicity to fish and aquatic invertebrates, toxicity to plants, bioconcentration and chemical fate testing. These health and environmental effects testing recommendations were based primarily on a lack of data to adequately characterize the effects. The ITC's testing recommendations were also based on the analogy that bis(2-ethylhexyl)terephthalate would have a similar metabolic profile to its isomer bis(2-ethylhexyl)phthalate. The ITC presumed that DOTP would be expected initially to hydrolyze the 2-ethylhexyl alcohol during metabolism, thereby, resulting in hepatic peroxisome proliferation. The ITC also indicated that terephthalic acid (TPA), a possible metabolite of DOTP, had induced bladder calculi in Fisher–344 rats when fed at levels of three percent or more in the diet. Hence, the ITC felt that studies on the metabolic disposition of DOTP were needed to determine the relative levels of these toxic metabolites that are formed. Also, subchronic experiments were recommended to determine if DOTP causes peroxisomal proliferation. Based on a structural similarity to dialkyl phthalates and significant amounts of DEHP accumulated by aquatic plants and invertebrates, the ITC expected DOTP to be released and persist in the aquatic environment, especially sediments. The environmental effects recommendations made by the ITC were partially based on problems that could result from accumulation of the chemical in sediments, including: (1) Toxic effects on benthic invertebrates; (2) bioaccumulation and resultant toxic effects of DOTP on fish; and (3) redistribution of DOTP in the aquatic environment. The ITC recommended chemical fate testing to better characterize the transformations and persistence of DOTP in the aquatic environment.

Subsequent to the ITC report, Eastman Kodak Company, the only U.S. manufacturer of DOTP, submitted to EPA additional information concerning consumer use and industrial exposure, and additional biological effects data. It subsequently submitted for EPA consideration a proposed program for testing DOTP's health and environmental effects. EPA has also considered the data reported by Eastman Kodak under TSCA section 8(a) which included production volume, use, exposure and release information. EPA has used these data, in conjunction with other information, to reach its decision not to initiate rulemaking on DOTP under section 4(a) at this time.

II. Assessment of Exposure, Health and Environmental Effects

A. Production, Use, and Exposure

DOTP (CAS No. 6422–86–2) is a clear, viscous, odorless liquid with low volatility. It is also relatively insoluble in water. Eastman Kodak Company is the sole U.S. producer of DOTP. Annual production of DOTP is in the range of 2.5 to 25 million pounds (1,100 to 11,000 kkg) (Ref. 2). DOTP is used as a plasticizer for polyvinyl chloride and related plastics. Approximately 50 percent of the annual production of DOTP is used in 60°C insulation for electrical wire and cable. Approximately 35 percent of the DOTP produced is used for pond liners, vinyl coated fabrics, shoe soles, and gaskets. Some of the remaining uses of DOTP include weatherstripping, outdoor carpeting, coatings, automotive hose and sealants, and water stops (Refs. 2 and 4).

Due to the batch process by which DOTP is produced, Eastman Kodak estimates that no more than 20 workers are exposed to DOTP during its production, with a maximum duration of exposure of 140 hours per worker per year. No data are available on the number of workers exposed to DOTP during the preparation of plastic products. DOTP issued as a plasticizer in vinyl plastics where high resistance to water extraction, high lacquer mar resistance and low volatility are desirable (Refs. 2 and 4).

No data are available from the National Occupational Hazard Survey (NOHS) on the numbers of workers occupationally exposed to DOTP or on the occupations/industries in which workers may be exposed. Furthermore, no threshold limit value (TLV) has been recommended by the American Conference of Governmental Industrial Hygienists (ACGIH) for DOTP nor has a Federal limit been established.

B. Health Effects Information

Eastman Kodak has performed preliminary investigations on the acute toxicity of DOTP in mice, guinea pigs, rats and rabbits. Preliminary data indicate that the LD_{50} values for DOTP in both rats and mice are greater than 3,200 mg/kg after oral administration and intraperitoneal injection (Refs. 2, 5 and 6). DOTP has been determined to be a slight skin irritant when the undiluted liquid is in contact with depilated guinea pig skin for 24 hours. Also, slight eye irritation was reported in rabbits one hour after 0.1 ml of DOTP was applied (Refs. 2, 4, 5 and 6).

Eastman Kodak has also conducted 10-day feeding and inhalation studies in rats. No systemic organ toxicity was reported in rats that consumed as much as 890 mg/kg/day for 10 days. In addition, no compound-related effects were found in rats exposed to 46.3 mg/m^3 of DOTP 8 hours/day for 10 days (Refs. 2, 4, 8 and 9).

C. Environmental Effects Information

Eastman Kodak has performed a limited number of investigations on the acute aquatic toxicity of DOTP (Refs. 2 and 5). Thses data show that the static 96-hour LC_{50} for DOTP to fathead minnows and kelisoma snails is greater than 1,000 mg/L. It should be noted that some of the lethalities may have resulted from organisms becoming entrapped in DOTP floating on the surface of the aquaria because DOTP is relatively water insoluble (<4 mg/L) (Refs. 2 and 4).

III. Ongoing Testing

Eastman Kodak Company has in progress *in vitro* and *in vivo* metabolism studies and mutagenicity studies on DOTP. The *in vitro* metabolism of DOTP was investigated using intestinal homogenates prepared from Sprague-Dawley rats with which the rate of disappearance of DOTP was measured during a 30-minute incubation period at 37°C. Preliminary *in vitro* metabolism study results indicated that the calculated half-life for DOTP is 32 minutes and the DOTP is converted to two moles of 2-ethylhexanol and one mole of terephthalic acid. In the *in vivo* metabolism study, the rats were given a single dose by gavage of 100 mg/kg of ^{14}C labeled DOTP. The preliminary results from this study indicate that (^{14}C) DOTP was excreted by the rat in the feces and urine. An average of 40.6 percent of the (^{14}C) DOTP administered was recovered unchanged in the feces.

Mono(2-ethylhexyl) terephthalate was also detected in the feces. Terephthalic acid was identified in the urine and additional urinary metabolites are being further studied. DOTP was negative in mutagenicity tests, both with and without activation, in the standard Ames *Salmonella*/ Microsome Assay (Refs. 2, 7, 8, and 9).

Terephthalic acid (TPA) has been identified as a possible metabolite of DOTP (Refs. 2). The primary adverse effects associated with TPA are renal and bladder calculi in Fischer-344 rats fed TPA at dietary levels of 3–5 percent (Refs. 10, 11, 12 and 14). No tumors or toxic effects were noted in rats fed TPA for two years at levels below one percent (Refs. 13). Also TPA gave negative results in the *Salmonella* microsomal assay (Ref. 15).

The NTP/NCI bioassay program has nominated a large number of chemcials that contain the ethylhexyl moiety (as does DOTP) to determine their metabolic-toxicologic profiles. There are presently 13 chemcials that contains the ethylhexyl moiety selected for toxicologic testing by NTP. 2-Ethylhexanol and mono(2-ethylhexyl)phthalate, two chemicals similar to the metabolites of DOTP identified in preliminary studies, have been nominated for genotoxicity testing by the NTP. Completion of the testing of the 13 chemicals that contain the ethylhexyl moiety and other chemical analogues of di(2-ethylhexyl)phthalate should provide a sound data base for determining the structure-activity relationship for the phthalate acid esters (Ref. 3).

IV. Planned Testing

Eastman Kodak Company has proposed a testing program for DOTP (Ref. 2). This program is designed to accommodate the health and environmental effects testing concerns recommended by the ITC.

The health effects tests that Eastman Kodak proposes to perform includes mutagenicity, chemical disposition and metabolism (currently ongoing), and a 90-day feeding study. The Ames *Salmonella*/Microsome test, the chromosomal aberration test and the Chinese Hamster Ovary Hypoxanthine Guanine Phosphoribosyl Transferase Forward Mutation Assay (CHO/HGPRT) are the mutagenicity tests that Eastman Kodak Company proposes to perform. Also a 90-day subchronic feeding study will be performed. This study will include histopathologic examinations and examine peroxisomal proliferation. The physico-chemical properties and chemical fate tests that Eastman Kodak Company will conduct include the development of a sensitive analytical method for determining the concentration of DOTP in water, octanol-water partition coefficient, the water solubility of DOTP and a shake-flask biodegradation test. The acute and chronic toxicity to fish and aquatic invertebrate tests for DOTP that Eastman Kodak intends to perform are a 2-week dynamic LC_{50} value for rainbow trout, a 96-hour EC_{50} value for oyster shell deposition, and a 77-day rainbow trout embryo larval study. The bioconcentration factor for DOTP will be determined in oysters using ^{14}C labeled DOTP. Using the various grasses recommended by the TSCA testing guidelines, the Eastman Kodak Company will conduct seed germination and early plant growth tests for DOTP. The health and environmental effects tests will be conducted using the TSCA testing guidelines.

Agency scientists have reviewed Eastman Kodak's program and believe that the program should provide sufficient information to assess the various health and environmental effects of bis(2-ethylhexyl)terephthalate. The testing program and protocols are available for examination in the public record of this proceeding. Eastman Kodak has provided the Agency with preliminary laboratory selection information and a proposed schedule predicated on final program acceptance in June, 1984. The mutagenicity studies are scheduled to begin in July, 1984, with final reprts submitted to the Agency in February, 1985. The 90-day feeding study will begin in September, 1984 and be concluded with the submission of a final report by August, 1985. The development of an analytical method to measure DOTP in water will begin in July, 1984, with the final report being available in November, 1984. Using that method, the wate solubility and octanol/water partition coefficient determinations will then begin and final reports will be delivered in March, 1985. Biodegradation studies, acute rainbow trout, acute oyster studies and plant growth determinations will be initiated in March, 1985. Final reports from these investigations will be available in July, 1985. The rainbow trout embryo-larval study and the oyster bioconcentration test will begin in July, 1985 and the final report will be submitted in March, 1986.

Eastman Kodak has agreed to adhere to the Good Laboratory Practice Standards issued by the U.S. Food and Drug Administration is published in the **Federal Register** of December 22, 1978 (43 FR 59986). Eastman Kodak Company has also agreed to permit laboratory inspections and study audits in accordance with the provisions outlined in TSCA section 11 at the request of authorized representatives of the EPA for the purpose of determining compliance wtih this agreement. These inspections may be conducted for purposes which include verification that testing has begun, that schedules are being met, that reports accurately reflect the underlying raw data and interpretations and evaluations thereof, and that the studies are being conducted according to Goo Laboratory Practice Provisions.

Eastman Kodak Company has further agreed that all raw data, documentation, records, protocols, specimens, and reports generated as a result of each study will be retained for at least 10 years from the date of publication of the acceptance of any protocols by EPA and made available during an inspection or submitted to EPA if requested by EPA or its designated representative. Documentation which will be retained includes correspondence and other documents relating to the conduct, interpretation, or evaluation of data other than that included in the final report. Eastman Kodak understands that the Agency plans to publish quarterly in the **Federal Register** a notice of the receipt of any test data submitted under this agreement. Subject to TSCA section 14, the notice will provide information similar to that described in TSCA section 4(d). Except as otherwise provided in TSCA section 14, any data submitted will be made available by EPA for examination by any person.

Eastman Kodak Company understands that failure to conduct the testing according to the specified protocols and failure to follow Good Laboratory Practice procedures may invalidate the tests. In such cases, a data gap may still exist, and the Agency may decide to require further testing. Also, should Eastman Kodak Company fail to make a good faith effort to adhere to its testing program outlined above, EPA may initiate rulemaking to require testing.

V. Decision Not To Initiate Rulemaking

As noted above, Eastman Kodak has included both health and environmental effects testing for DOTP in their proposed testing program. The health effects tests that Eastman Kodak has proposed to conduct include a battery of mutagenicity tests, chemical disposition and metabolism studies, and a 90-day subchronic feeding study that includes histopathologic examinations. The environmental effects and chemical fate tests for DOTP includes the determination of the physico-chemical properties of DOTP, a shake-flask CO_2

biodegradation test, acute and chronic toxicity to fish and aquatic invertebrates, an oyster bioconcentration test and plant toxicity tests.

EPA believes that the testing program proposed by Eastman Kodak Company will provide sufficient data to reasonably determine or predict the biologic effects of bis(2-ethylhexyl)terephthalate. The health and environmental testing recommendations made by the ITC will be adequately addressed by the proposed testing program developed by the Eastman Kodak Company. 2-Ethylhexanol and mono-(2-ethylhexyl)phthalate are two chemicals similar to the metabolites of DOTP that have been nominated for genotoxicity testing by the National Toxicology Program. Also, 13 chemicals that contain the same ethylhexyl moiety as does DOTP have been selected for toxicologic testing by the NTP. Completion of Eastman Kodak Company's proposed testing program and the NTP testing should provide sufficient data to adequately characterize the health and environmental effects of DOTP. Therefore, EPA has decided not to initiate rulemaking under section 4(a) of TSCA to require testing of DOTP at this time.

VI. References

(1) U.S. Environmental Protection Agency. 1982. Eleventh Report of the Interagency Testing Committee. Bis(2-Ethylhexyl) Terephthalate Recommendation. **Federal Register** 47:54634–54636, December 3.

(2) Proposed Di(2-Ethylhexyl)Terephthalate Testing Program: A Testing Program Under Section 4 of the Toxic Substances Control Act. Submitted to the U.S. Environmental Protection Agency by the Eastman Kodak Company, Submitted April 11, 1983; Revised June 20 and August 4, 1983.

(3) Department of Health and Human Services, 1983. Memorandum: Nomination of Additional Compounds Containing the 2-Ethylhexyl Moiety for NTP Mutagenicity Testing from Dorothy A. Canter, NTP to Members, Chemical Evaluation Committee and Liaison Staff (Laurence S. Rosenstein, U.S. EPA) May 31, 1983.

(4) Eastman Chemical Products, Inc. 1980. Technical data sheets. KODAFLEX * DOTP. Dioctyl terephthalate (bis[2-ethylhexyl] terephthalate). L-187C. Kingsport, TN 37662.

(5) Eastman Kodak Company. 1975a. Unpublished data. Basic toxicology of bis(2-ethylhexyl)terephthalate (dioctyl terephthalate), DOTP. Washington, DC: Office of Toxic Substances, U.S. Environmental Protection Agency.

(6) Eastman Kodak Company. 1975b. Unpublished data. Toxicity and health hazard summary. Washington, DC: Office of Toxic Substances, U.S. Environmental Protection Agency.

(7) Eastman Kodak Company. 1980. Unpublished data. Bacterial mutagenicity test results. Washington, DC: Office of Toxic Substances, U.S. Environmental Protection Agency.

(8) Eastman Kodak Company. 1983a (Apr. 11). Health, Safety, and Human Factors Laboratory, Rochester, NY 14650. Proposal. Di(2-ethylhexyl)terephthalate: a testing program under section 4 of the Toxic Substances Control Act: Submitted to U.S. Environmental Protection Agency.

(9) Eastman Kodak Company. 1983b (Jan. 18). Summary of health effects data on DOTP, presented by H.B. Lockhart at TRDB Focus Meeting on bis(2-ethylhexyl)terephthalate, USEPA, Washington, DC.

(10) CIIT. 1981. Chemical Industry Institute of Toxicology. A twenty-four month toxicology study in Fischer-344 rats given terephthalic acid. Eighteen-month Interim Status Report. Performed by IIT for CIIT.

(11) CIIT. 1982. A ninety-day study of terephthalic acid-induced urolithiasis and reproductive performance in Wistar and CD rats. Final Report. Joint study: Research Triangle Institute, Experimental Pathology Laboratories, Inc., and CIIT.

(12) Chin Ty, Tyl RW, Popp JA, Heck H d'A. 1981. Chemical Urolithiasis. I. Characteristics of bladder stone induction by terephthalic acid and dimethyl terephthalate in weanling Fischer-344 rats. Toxicol. Appl. Pharmacol. 58:307–321.

(13) Gross J. 1974. The effects of prolonged feeding of terephthalic acid (TPA) to rats. Project FG–1s–175, USDA, Agricultural Research Service, Washington, D.C.

(14) Heck H d'A. 1981. Chemical urolithiasis 2. Thermodynamic aspects of bladder stone induction by terephthalic acid and dimethyl terephthalate in weanling Fischer-344 rats. Fund. Appl. Tox. 1:299–308.

(15) NTP. 1981a. National Toxicology Program. NTP, EMTDP Lab. Results by Chemicals as of 10/26/81. NTP Environmental Mutagenesis Test Development Program, 1981.

VII. Public Record

EPA has established a public record for this rulemaking (docket number OPTS–42039) which is available for inspection in the OPTS Reading Room from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays in Rm. E–107, 401 M St. SW., Washington, D.C.

This record includes the basic information the Agency considered in developing this notice, and other appropriate **Federal Register** notices. The Agency will supplement the record with additional information as it is received. This record includes:

(1) **Federal Register** notices pertaining to this notice consisting of:

(a) Notice containing the ITC designation of Bis(2-Ethylhexyl)Terephthalate to the priority list (47 FR 54634, December 3, 1982).

(2) Support Documents Consisting of:

(a) Economic Analysis Document-Level I analysis.

(b) Eastman Kodak Company's Proposed Testing Program—Original and revised submissions.

(c) Telephone Contact Reports.

(d) Memoranda.

(e) Letters.

(f) Meeting Summaries.

Dated: November 3, 1983.

William D. Ruckelshaus,

Administrator.

[FR Doc. 83-30536 Filed 11-10-83; 8:45 am]

BILLING CODE 6560-50-M

[AD-FRL 2468-8]

Control Techniques Guideline Document; Control of Volatile Organic Compound Emissions From Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins

AGENCY: Environmental Protection Agency (EPA).

ACTION: Release of final control techniques guideline (CTG) document.

SUMMARY: A final CTG document for control of volatile organic compund (VOC) emissions from manufacture of high-density polyethylene, polypropylene, and polystyrene resins is available. This final CTG document provides guidance for the States in determining reasonably available control technology (RACT) for VOC emissions from manufacture of high-density polyethylene, polypropylene, and polystyrene resins.

ADDRESSES: Copies of the final CTG document may be obtained by contacting the Environmental Research Library (MD–35), (919) 541–2777, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. Please refer to "Guidelines Series—Control of Volatile Organic Compund Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins," EPA–450/3–83–008. Comments received on the draft CTG document are attached as an appendix to each final CTG document and are also available for public inspection and copying between 8:30 a.m. and 4:00 p.m., Monday through Friday, at the Chemicals and Petroleum Branch, Room 736, U.S. Environmental Protection Agency, 411 West Chapel Hill Street, Durham, North Carolina 27701.

FOR FURTHER INFORMATION CONTACT: Mr. James C. Berry, (919) 541–5605, Chemicals and Petroleum Branch (MD–13), Emission Standards and Engineering Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION: On May 6, 1982, (47 FR 19580), the EPA announced the availability of the draft CTG document for "Control of Volatile Organic Compund Emissions from Manufacture of High-density Polyethylene, Polypropylene, and Polystyrene Resins" for public review. Comments were received from six industry representatives and trade groups. The final CTG document was prepared based on the evaluation of the public comments. The major change in the final document is including flares in the definition of RACT. Data available on the performance of flares when the draft CTG was published did not support a conclusion that flares would reduce VOC emissions by 98 percent or greater, consequently flares were not included in the definition of RACT. Three commenters, however, argued that flares should be included in the definition of RACT.

In January 1983, "A Report on a Flare Efficiency Study" was published by the Chemical Manufacturers Association. This report covers the results of a study designed to measure the performance of flares in reducing VOC emissions. The results demonstrate that under certain conditions, flares will reduce VOC emissions by at least 98 percent.

Finally, the RACT level for polystyrene plants using continuous process was changed from 0.3 kg of VOC/1000 kg of product to 0.12 kg of VOC/1000 kg of product based on recent information concerning current industry practice.

These CTG documents are part of the third group of CTG documents published to assist the States in determining RACT for various stationary sources of VOC emissions. CTG documents provide State and local air pollution control agencies with an initial information base for proceeding with their own analysis of RACT for specific stationary source categories of VOC emissions located within areas where an extension was granted to the attainment of the national ambient air quality standard (NAAOS) for ozone. The CTG documents review existing information and data concerning the technology and cost of various control techniques to reduce VOC emissions.

This CTG is not a "rule" as defined by the Administrative Procedure Act (5 U.S.C. 551 et seq.). It is a "rule" for purpose of Executive Order 12291, because it is designed to implement an EPA policy. Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore, subject to the requirements of a regulatory impact analysis. These CTG documents are not "major rules" because they do not impose any new requirements. This notice and the final CTG documents were submitted to the Office of Management and Budget (OMB) for review. Any comments from the OMB to the EPA and any EPA responses to those comments are available for public inspection. See the **ADDRESSES** section of this notice for the times and addresses.

Dated: June 9, 1983.

Charles L. Elkins,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 83-30533 Filed 11-10-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-00169; PH-FRL 2470-1]

FIFRA Scientific Advisory Panel; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a three-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel to review the Agency's decision to suspend on an emergency basis all registrations for soil fumigation uses of ethylene dibromide (EDB) and to present the decision options being considered by the Agency to conclude the Rebuttable Presumption Against Registration (RPAR) on the rodenticide uses of sodium monofluoroacetate (Compound 1080). The meeting will be open to the public.

DATES: Tuesday, Wednesday, and Thursday, November 29 and 30, and December 1, 1983, from 8:30 a.m. to 5:00 p.m. each day.

ADDRESS: The meeting will be held at Sacremento Inn, 1401 Arden Way at Freeway, Sacremento, CA 95815, (916-922-8041).

FOR FURTHER INFORMATION CONTACT: By mail: Philip H. Gray, Jr., Executive Secretary, FIFRA Scientific Advisory Panel, Office of Pesticide Programs (TS-766C), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 1117, CM No. 2, Arlington, VA, (703-557-7096).

SUPPLEMENTARY INFORMATION: The agenda for this meeting is:

1. Review of the emergency suspension by the Administrator of all soil fumigation uses of EDB.

2. Presentation of the decision options proposed by the Agency to conclude the RPAR on the rodenticide uses of Compound 1080.

3. Completion of any unfinished business from previous Panel meetings.

4. In addition, the Agency may present status reports on other ongoing programs of the Office of Pesticide Programs.

Copies of documents relating to item 1 may be obtained by contacting, by mail: Richard J. Johnson, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 711, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-7400).

Copies of documents relating to item 2 may be obtained by contacting, by mail: Walter Waldrop, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 711, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-7400).

Any member of the public wishing to submit written comments should contact Philip H. Gray, Jr., at the address or telephone number given above to be sure that the meeting is still scheduled and to confirm the Panel's agenda. Interesting persons are permitted to file such statements before or after the meeting, and may, upon advance notice to the Exeuctive Secretary preesent oral statements to the extent that time permits. All statements will be made part of the record and will be taken into consideration by the Panel in formulating comments or in deciding to waive comments. Persons wishing to make oral statements must notify the Executive Secretary and submit the required number of copies of a summary no later than November 21, 1983.

Individuals who wish to file written statements are advised to contact the Executive Secretary in a timely manner concerning the format and the number of copies to submit to ensure appropriate consideration by the Panel.

The tentative date for the next Scientific Advisory Panel meeting is January 31 through February 2, 1984.

Dated: November 8, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83-30713 Filed 11-10-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

October 31, 1983.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. These are existing information collection requirements in use without OMB numbers. No changes are proposed.

Copies of these submissions are available from Richard D. Goodfriend, Agency Clearance Officer, (202) 632–7513. Persons wishing to comment on any of these information collections should contact David Reed, Office of Management and Budget, Room 3235 NEOB, Washington, D.C. 20503, (202) 395–7231.

Part or section no.	Title
Part 21 (§§ 21.201, 21.203, 21.207, 21.208, 21.300, 21.307, 21.406, 21.708, 21.808, 21.204).	Domestic Public Fixed Radio Services.
§ 73.961	Tests of the Emergency Broadcast System procedures.
§ 73.1870	Chief Operators.
§ 73.1920	Personal attacks.
§ 73.1930	Political editorials.
§ 73.1940	Broadcasts by candidates for public office.
§ 73.2080	Equal Employment Opportunities.
§ 73.3525	Agreements for removing application conflicts.
§ 73.3526	Local public inspection file of commercial stations.
§ 73.3527	Local public inspection file of noncommercial educational stations.
§ 73.3538	Application to make changes in an existing station.
§ 73.3542	Application for Temporary or Emergency Authorization.
§ 73.3544	Application to obtain a modified station license.
§ 73.3548	Application to operate by remote control.
§ 73.3550	Requests for new or modified call sign assignments.
§ 73.3594	Local public notice of designation for hearing.
§ 73.3598	Period of construction.
§ 73.3613	Filing of contracts.
§ 73.4020	Ascertainment (an annual list of problems and needs).
§ 73.4025	Ascertainment, noncommercial educational stations.
§ 74.21	Broadcasting emergency information.
§ 87.35(e)	Changes in authorized station.
§ 87.95	Posting station license and transmitter cards or plates.
§ 87.97	Posting operator licenses.
§ 87.127	Discontinuance of operation.
§ 87.153	Report of operation.
§ 90.38(b)	Physically handicapped (special eligibility showing).
§ 90.41(b)	Disaster relief organizations (special eligibility showing).
§ 90.49(b)	Communications standby facilities (special eligibility showing).
§ 90.129(b)	Supplemental information to be routinely submitted with applications.
§ 90.131(b)	Amendment or dismissal of applications.
§ 90.135(c)(1)	Modification of License.
§ 90.151	Requests for Waiver.
§ 90.155(a)	Time in which station must be placed in operation.
§ 90.155(b)	Time in which station must be placed in operation (exceptions).
§ 97.88	Operation of a station by remote control.
§ 97.90	System network diagram required.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-30638 Filed 11-10-83; 8:45 am]

BILLING CODE 6712-01-M

[File No. BPH-811215AE; MM Docket No. 83-1191 et al.]

Applications for Consolidated Hearing; Gonzalez/Torres Broadcasting Co., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant	City/State	File No.	MM Docket No.
A. Gonzalez/Torres Broadcasting Co.	Midland, Texas	BPH-811215AE	83-1191
B. Richard L. Moore and LaDona L. Moore, a partnership	do	BPH-820203AA	83-1192
C. Hugh M. McBeath	do	BPH-820507BB	83-1193
D. De Pa Ho Communications, Inc.	do	BPH-820617AO	83-1194
E. Willis Jay Harpole	do	BPH-820622AJ	83-1195
F. Horizon Communications, Inc.	do	BPH-820623AB	83-1196
G. Responsive Chord Communications, Ltd.	do	BPH-820624AF	83-1197
H. Lee Optical and Associated Companies Retirement and Pension Fund Trust	do	BPH-820624AV	83-1198
I. Jerry Wayne Black	do	BPH-820624BG	83-1199
J. Joe B. Garza, et al., d/b/a A.S. & G. Communications, a general partnership.	do	BPH-820624BI	83-1200

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue hearings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. (See Appendix), A
2. (See Appendix), B, C, D, F, H and J
3. Air Hazard, B, D, E
4. Comparative, All applicants
5. Ultimate, All applicants

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 252, 1919 M Street NW., Washington, D.C. 20554. Telephone (202) 632–6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

Appendix—Issue(s)

1. To determine with respect to the following applicant(s) whether, in light of the evidence adduced concerning the deficiency set forth above in paragraph 8 [1], the applicant(s) is financially qualified: A (Gonzalez)

2. If a final environmental impact statement is issued with respect to B (Moore), C (McBeath), D (De Pa Ho), F (Horizon), H (Lee Optical), or J (A.S. & G.) which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environment,

(a) to determine whether the proposal is consistent with the National Environmental Policy Act, as implemented by Sections 1.1301–1319 of

[1] Paragraph 8 reads as follows: The material submitted by the applicant(s) below does not demonstrate its financial qualifications. Accordingly, an issue will be specified concerning the following deficiency.—*Applicant(s):* A (Gonzalez). *Deficiency:* Bank loan letter fails to specify the interest rate of the loan, terms of repayment and collateral or security required.

the Commission's Rules; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

[FR Doc. 83-30645 Filed 11-10-83; 8:45 am]
BILLING CODE 6717-01-M

[File No. BPH-811112 AO; MM Docket No. 83-1189 et al.]

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant	City/State	File No.	MM Docket No.
A. Perry S. Smith	Selmer, Tennessee	BPH-811112AO	83-1189
B. WDTM, Inc	do	BPH-820324AL	83-1190

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Comparative, A, B
2. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, audio Services Division, Mass Media Bureau.

[FR Doc. 83-30646 Filed 11-10-83; 8:45 am]
BILLING CODE 6712-01-M

[MM Docket No. 83-1163, File No. BPCT-830301KM; MM Docket No. 83-1164, File No. BPCT-830405KJ]

CMM, Inc. and Metro Program Network, Inc.; Hearing Designation Order.

Adopted: October 26, 1983.
Released: November 3, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of CMM, Inc., Ames, Iowa and Metro Program Network, Inc., Ames, Iowa, for authority to construct a new commercial television broadcast station on Channel 23, Ames, Iowa.

2. Section II, Page 2, FCC Form 301, requires that if the applicant is a corporation, the names, addresses and offices held by each officer must be listed. CMM, Inc.'s application shows that Mike Miller is the sole stockholder, but the office or offices which he holds, if any, have not been disclosed. No other names are listed as officers. The application is for a city of Iowa. The laws of the State of Tennessee, where CMM, Inc. is incorporated, appear to require that a corporation have at least two officers (Tenn. Code Ann. 48-811). Furthermore, § 73.3514(a) requires applicants to provide all information called for by FCC Form 301, unless the required information is inapplicable. Accordingly, appropriate issues will be specified to determine the identity and qualifications of the corporate officers and to examine CMM, Inc.'s compliance with § 73.3514(a).

3. Section II, Item 9, FCC Form 301, inquires whether there are any documents, instruments, contracts or understandings relating to ownership or future ownership rights including, but not limited to, non-voting stock interests, beneficial stock ownership interests, options, warrants, or debentures. A positive response to this question must be accompanied by particulars as exhibits. CMM, Inc. answered "yes" to Item 9; however, it did not submit the required exhibits. CMM, Inc. will be required to submit its exhibits in the form of an amendment to the presiding Administrative Law Judge within 15 days after the date of the release of this Order.

4. The technical portion of Metro's application indicates, in response to Section V-C, Paragraph 3, FCC Form 301, that maximum effective radiated visual power will be 2190 kW, but the applicant's engineering statement states that maximum ERP will be 2703 kW. In addition, the contour map which the applicant has submitted as Exhibit 4 does not agree with the distances to the predicted contours shown in the applicant's response to Section V-C, Paragraph 15, FCC Form 301. For example, the map shows that the Grade B contour would extend along the 180° radial less than 20 miles, but the response to Section V-C, Paragraph 15 shows the distance as 38.9 miles. These discrepancies must be eliminated by appropriate amendment.

5. Section 73.610 of the Commission's Rules requires a minimum separation of 60 miles between a station operating on Channel 23 and a station or city to which Channel 30 is allocated. Metro's application states it would be 57 miles from vacant channel 30, Carroll, Iowa. Metro would, therefore, be 3 miles short-spaced. Accordingly, an issue will be specified.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since these applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

7. 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 before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to CMM, Inc.:

(a) The number, identity and legal qualifications of the officers of CMM, Inc.

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue, the applicant complied with § 73.3514(a) of the Commission's Rules; and

(c) In light of the evidence adduced pursuant to the foregoing issues, the effect of any omissions on the applicant's basic or comparative qualifications.

(2.) To determine, with respect to Metro Program Network, Inc., whether the application is consistent with § 73.610 of the Commission's Rules and, if not, whether circumstances exist which would warrant a waiver of the rule.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, That CMM, Inc. shall submit its explanation for answering "yes" to Section II, Item 10, FCC Form 301, to the presiding Administrative Law Judge within 15 days after the date of the release of this Order.

9. it is further ordered, That Metro Program Network, Inc. shall submit to the presiding Administrative Law Judge within 15 days after the date of the release of this Order, an appropriate engineering amendment to clarify the effective radiated power and the distances to the predicted contours.

10. 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 15 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 on the issues specifed in this Order.

11. 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 within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-30647 Filed 11-10-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-1165, File No. BPCT-830328KK, etc.]

Federal Television Co., et al.; Hearing Designation Order

In re applications of Federal Television Company, Des Moines, Iowa, MM Docket No. 83-1165, File No. BPCT-830328KK; Iowa Television Authority, Des Moines, Iowa, MM Docket No. 83-1166, File No. BPCT-830602KG; and Des Moines TV, Ltd., Des Moines, Iowa, MM Docket No. 83-1167, File No. BPCT-830602KH; For Construction Permit.

Adopted: October 26, 1983.

Released: November 4, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Federal Television Company (Federal TV), Iowa Television Authority (Iowa TV), and Des Moines TV Ltd. (Des Moines TV) for a new commerical television station on Channel 69, Des Moines, Iowa.

2. The effective radiated visual power, antenna height above average terrain and other technical data submitted by the applicants indicate that there would be a significant difference in the size of the area and population that each proposes to serve.[1] Consequently, for the purposes of comparison, the area and population which would be within the predicted 64 dBu (Grade B) contour, together with the availability of other television service of Grade B or greater intensity, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accure to any of the applicants.

3. There is the potential for a television station operating on Channel 69 to cause objectionable interference to existing land mobile radio facilities operating in the 806-816 MHz band. Section 73.687(i)(1) of the Commission's Rules imposes upon the television station permittee the obligation to take adequate measures to identify and substantially eliminate such interference. This obligation may require the expenditure of substantial resources by the winning applicant for whatever corrective measures may be necessary. *See, e.g., Jack Straw Memorial Foundation*, 35 F.C.C. 2d 397, *recon. denied*, 37 F.C.C. 2d 544 (1972); *Sudbrink Broadcasting of Georgia*, 65 F.C.C. 2d 691 (1977). Therefore, a grant of any of these applications will be subject to an appropriate condition.

4. No determination has been made that the tower heights and locations proposed by Iowa TV[2] and Des Moines TV would not constitute a hazard to air navigation. Accordingly, an appropirate issue will be specified.

5. In the event of a grant of Federal TV's application, the construction permit will be conditioned to require Federal TV to demonstrate that its propsosed antenna will not alter the antenna pattern of AM station KCBC, Des Moines, Iowa.

6. Section 73.685(e) of the Commission's Rules states that UHF stations operating with transmitters delivering peak visual power of more than one kilowatt may employ directive transmitting antennas with a maximum to minimum ratio in the horizontal plane of not more than 15 dB. Des Moines TV proposes a directional antenna with a maximum to minimum ratio in excess of 15 dB. Accordingly, an issue will be specified to determine if circumstances exist to warrant waiver of § 73.685 of the Rules.

7. The technical data provided by Des Moines TV in response to Section V-C, item 15, FCC Form 301, is inconsistent with the contours calculated using the directional antenna pattern, Exhibit E-1A, and the contours plotted in Exhibit E-2. For example, the city grade distance at an azimuth of 90 degrees True is 28.9 miles per Section V-C, item 15; 20.6 miles using the Exhibit E-1A pattern; and 34.5 miles as plotted in Exhibit E-2. Des Moines TV will be required to submit a corrective amendment to the presiding Administrative Law Judge within 20 days after this Order is released.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

9. 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, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Iowa Television Authority and Des Moines TV, Ltd., whether there is a reasonable possiblity that the tower height and location proposed by each would constitute a hazard to air navigation.

2. To determine, with respect to Des Moines TV, Ltd., whether circumstances exist to warrant a waiver of Section 73.685 of the Commission's Rules.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

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[1] Federal TV has not submitted the population figure as required by FCC Form 301, item 10(e), Section V-C. It is expected that Federal TV will forward this data to the presiding Administrative Law Judge within 20 days after this Order is released.

[2] The Commission is not in receipt of the Federal Aviation Administration's study for Iowa TV.

10. It is further ordered, That Federal Television Authority shall submit an amendment with the information required by FCC Form 301, item 10(e), to the presiding Administrative Law Judge, within 20 days after this Order is released.

11. It is further ordered, That, in the event of a grant of a construction permit to any of the applicants, the construction permit will be conditioned as follows:

During equipment tests, authorized by § 73.1610 of the Commission' Rules, the permittee shall take adequate measures to identify and substantially eliminate objectionable interference which may be caused to existing land mobile radio facilities in the 806–816 MHz band. Documentation that objectionable interference will not be caused to existing land mobile radio facilities shall be submited along with the application for license and the appropriate request for program test authority.

12. It is further ordered, That, the Federal Aviation Administration is made a party respondent with respect to Issue 1.

13. It is further ordered, That, in the event of a grant of Federal Television Company's application, the construction permit will be conditioned as follows:

During the installation of the antenna authorized herein, AM Station KCBC shall determine operating power by the indirect method and, if necessary, request temporary authority from the Commission in Washington to operate with parameters at variance in order to maintain monitoring point values within authorized limits. Upon completion of the installation, common point impedance measurements on the AM array shall be made and a partial proof of performance, as defined by § 73.154(a) of the Commission's Rules, shall be conducted to establish that the AM array has not been adversely affected and, prior to or simultaneous with the filing of the application for license to cover this permit, the results submitted to the Commision (along with a tower sketch of the installation) in an application for the AM station to return to the direct method of power determination.

14. It is further ordered, That Des Moines TV, Ltd. shall submit an amendment to the presiding Administrative Law Judge, within 20 days after this Order is released, to correct Section V–C, item 15, FCC Form 301.

15. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and the party respondent 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 present evidence on the issues specified in this Order.

16. 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 within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-30648 Filed 11-10-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-1173, File No. BPCT-830427KE; MM Docket No. 83-1174, File No. BPCT-830613KF]

Haynes Communications Co. and Cenla Broadcasting Group; Memorandum Opinion and Order

Adopted: October 26, 1983.
Released: November 3, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for a new commercial television station on Channel 41, Alexandria, Louisiana; a petition to deny filed by Cypress Communications Company licensee of KLAX-TV (KLAX) Channel 31, Alexandria, Louisiana, against Haynes Communications Company (Haynes); and related pleadings.

2. KLAX claims standing as a party in interest under Section 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. 309(d), on the grounds that because Haynes proposes Alexandria as its city of license, the two stations would compete for audience and revenue. We find that KLAX has standing. *FCC v. Sanders Brothers Radio Station*, 309 U.S. 470, 60 S.Ct. 693, 9 RR 2008 (1940).

3. KLAX contends that Haynes' application should be dismissed because the Federal Aviation Administration (FAA) has not approved Haynes' proposed tower location and height; Haynes has not made a showing that its proposed site is available; Haynes fails to place the required city grade contour over all of the city of Alexandria; and finally, Haynes is not financially qualified. This allegation is based on the fact that Haynes has four pending applications for FM facilities, as well as three other pending television applications.

4. We have reviewed KLAX's petition carefully. A petitioner like KLAX, under Section 309 of the Act, may not plead only conclusions. Instead a petitioner must allege facts that if true would be *prima facie* inconsistent with the public interest. The statute also requires that such allegations be supported by an affidavit from a person with personal knowledge of the facts alleged. We must review KLAX's pleadings in light of the statutory requirements. KLAX's conclusion that FAA approval of the proposed tower "is doubtful" is negated by the FAA's specific approval for the proposed tower. KLAX's conclusion that the transmitter site will be unavailable to Haynes is unsupported by any specific facts. KLAX states that the engineering map used by Haynes is not acceptable and that the map does not show all of the area within the Alexandria city limits. If the correct city limits were used, according to KLAX, Haynes' proposal would not provide the entire city with the required signal intensity. KLAX is in error as to the map used: sectional aeronautical charts are permissible for submitting the required information under question 10, page 15, FCC Form 301. KLAX supports its conclusions as to principal community coverage with no engineering exhibit and no map depicting what it believes to be the correct city limits. Our own engineering review, using the most recent maps available to us, confirms Haynes' engineering study, which establishes that the entire city will receive the required signal strength. Finally, Haynes has certified to its financial qualifications, which it is permitted to do. Questions 1 and 2, page 5, FCC Form 301; *Revision of Form 301*, 50 R.R. 2d 381, 382 (1981). KLAX notes that Haynes has other broadcast applications pending. Without any other specific information, KLAX concludes that Haynes is not financially qualified. We conclude, in light of the above, that KLAX has failed to meet the burden of pleading imposed on petitioners by Section 309 of the Act and that its petition to deny must be denied.

5. The effective radiated visual power, antenna height above average terrain and other technical data submitted by the applicants indicate that there would be a significant difference in the size of the area and populations that each proposes to serve. Consequently, for the purposes of comparison, the area and population which would be within the predicted 64 dBu (Grade B) contour, together with the availability of other television service of 64 dBu (Grade B) or

greater intensity, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

6. The applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issue specified below.

7. 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, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a compartive basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, That the petition to deny filed by Cypress Communications Company against Haynes Communications Company is denied.

9. 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 present evidence on the issues specified in this Order.

12. 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 within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-30650 Filed 11-10-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-1171; File No. BPCT-830301KJ etc.]

Henry C. McCall; Hearing

Hearing Designation Order

In re Applications of Henry C. McCall [1] Amsterdam, New York; MM Docket No. 83-1171, File No. BPCT-830301KJ; G and M Broadcasting, Inc., Amsterdam, New York; MM Docket No. 83-1172, File No. BPCT-830429KJ; For Construction Permit.

Adopted: October 26, 1983.

Released: November 3, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above captioned mutually exclusive applications of Henry McCall (McCall), and G and M Broadcasting, Inc. (G and M Broadcasting) for a new commercial television station to operate on Channel 55, Amsterdam, New York.

2. The Commission is not in receipt of the Federal Aviation Administration's studies for either applicant. Consequently, no determination has been made that the tower heights and locations proposed by each would not constitute a hazard to air navigation. Accordingly, an appropriate issue will be specified.

3. Section II, item 9, FCC Form 301 inquires whether there are any documents, instruments, contracts or understandings relating to ownership or future ownership rights. If the answer to this question is "yes", an exhibit explaining the particulars must be provided. McCall answered "yes" to item 9, but did not include the required explanation. Accordingly, the applicant will be required to amend its application to comply with item 9 and to submit an amendment to the presiding Administrative Law Judge within 20 days after this Order is released.

4. Section V-C, item 10, FCC Form 301 requires that an applicant submit figures for the area and population within its predicted Grade B contour. McCall has not specified the population within its Grade B contour. Consequently, we are unable to determine whether there would be a significant difference in the size of the area and population that each applicant proposes to serve. McCall will be required to submit an amendment showing the required information, within 20 days after this Order is released, to the presiding Administrative Law Judge. If it is determined that there is a significant disparity between the areas and populations, the presiding Administrative Law Judge will consider it under the standard comparative issue.

5. Section 73.682(a)(15) of the Commission's Rules states that the effective radiated power (ERP) of the aural transmitter shall not be less than 10 percent nor more than 20 percent of the peak radiated power of the visual transmitter. McCall specifies an aural ERP of only 1 percent. Accordingly, McCall will be required to correct its aural ERP and to submit an amendment, within 20 days after this Order is released, to the presiding Administrative Law Judge.

6. G and M Broadcasting proposes to operate from a site located within 250 miles of the Canadian border with maximum visual effective radiated power (ERP) of more than 1,000 kilowatts. The proposal poses no interference threat to United States television stations; however, it contravenes an agreement between the United States and Canada which limits the maximum visual ERP of United States television stations located within 250 miles of Canada to 1,000 Kilowatts. *Agreement Effectuated by Exchange of Notes*, T.I.A.S. 2594 (1952). Accordingly, in the event of a grant of G and M Broadcasting's application the construction permit shall be appropriately conditioned.

7. Except as indicated by the issue specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

8. 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, to be held before an Administrative Law Judge at a time and place to be specified in subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by each of the applicants would constitute a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

[1] Applicant amended his application to change name from American Cellular Systems, Inc.

9. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

10. It is further ordered, That Henry C. McCall shall submit to the presiding Administrative Law Judge the exhibit required by an affirmative answer to item 9, Section II, FCC Form 301 within 20 days after this Order is released.

11. It is further ordered, That Henry C. McCall shall submit an amendment stating the population within its predicted Grade B contour, within 20 days after this Order is released, to the presiding Administrative Law Judge.

12. It is further ordered, That Henry C. McCall shall submit an amendment showing compliance with Section 73.682(a)(15), within 20 days after this Order is released, to the presiding Administrative Law Judge.

13. It is further ordered, That, in the event of a grant of G and M Broadcasting, Inc.'s application, the construction permit shall be conditioned as follows:

Subject to the condition that operation with visual effective radiated power in excess of 1,000 kW after July 1, 1985 is subject to a further extension of consent by Canada.

14. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to Section 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 present evidence on the issues specified in this Order.

15. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-30553 Filed 11-10-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-1168, File No. BPCT-830613KE, et al.]

Vicksburg Broadcasting Group et al.; Hearing Designation Order

In re Applications of Vicksburg Broadcasting Group, Vicksburg, Mississippi, MM Docket No. 83-1168, File No. BPCT-830613KE; Matthew D. Wiggins, Jr., Vicksburg, Mississippi, MM Docket No. 83-1169, File No. BPCT-830613KI; and Action Communications (Vicksburg), Inc., Vicksburg, Mississippi, MM Docket No. 83-1170, File No. BPCT-830613KK; For Construction Permit.

Adopted: October 26, 1983.
Released: November 3, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television station on Channel 35, Vicksburg, Mississippi.

2. No determination has been made that the tower heights and locations proposed by Vicksburg Broadcasting Group and Matthew D. Wiggins, Jr. would not constitute a hazard to air navigation. Accordingly, an appropriate issue will be specified.

3. Section 73.685(f) of the Commission's Rules requires an applicant proposing to use a directional antenna to include a tabulation of relative field pattern, oriented so that 0° corresponds to True north and tabulated at least every 10° plus any minima or maxima. Vicksburg Broadcasting Group has not supplied this data. Accordingly, the applicant will be required to submit an amendment with the appropriate information, to the presiding Administrative Law Judge and a copy to the TV Branch, Mass Media Bureau, within 20 days after this Order is released.

4. Section 73.636(a)(1) of the Commission's Rules states that no license for a television station shall be granted to any party if such party directly or indirectly owns, operates, or controls an AM or an FM broadcast station and the grant of such license would result in the Grade A contour of the proposed station encompassing the entire community of license of the AM or FM broadcast station. Matthew D. Wiggins Jr. owns 70 per cent of the stock of Jackson Radio, Inc., licensee of Station WZXQ(FM), Gluckstadt, Mississippi.[1] Gluckstadt is within the predicted Grade A contour of the proposed television station. Note 8 to this rule provides, *inter alia*, that applications for UHF television facilities ". . . will be handled on a case-by-case basis in order to determine whether common ownership, operation or control of the stations in question would be in the public interest." Accordingly, an appropriate issue will be specified to determine whether common ownership of Station WZXQ(FM), Gluckstadt, Mississippi, and the proposed television station would be consistent with the public interest.

5. Frank Holifield, Jr., 49 per cent owner of Action Communications (Vicksburg), Inc. (ACI), is employed as general manager of Hol-Co., Inc., licensee of WQBC(AM), Vicksburg, Mississippi. However, Mr. Holifield has represented to the Commission that he will sever all other employment relationships. Accordingly, any grant of a construction permit to ACI will be conditioned upon Mr. Holifield's severance of all connection with Hol-Co., Inc., licensee of WQBC(AM), Vicksburg, Mississippi.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant would serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

7. 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, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Vicksburg Broadcasting Group and Matthew D. Wiggins, Jr., whether there is a reasonable possibility that the tower height and location proposed by each would constitute a hazard to air navigation.

2. To determine, with respect to Matthew D. Wiggins, Jr., whether common ownership, operation or control

[1] Mr. Wiggins has an application pending (BP-830224AH) for an AM station at Ridgeland, Mississippi. Ridgeland is within 15 miles of Gluckstadt. Section 73.240, Note 11 of the rules states that an AM station and an FM station which are within 15 miles of each other will be counted as one station. Therefore, Mr. Wiggins' proposal may violate the "one-to-a-market" rule, but does not violate the "regional concentration of control" rule.

of Station WZXQ(FM) Gluckstadt, Mississippi, and the proposed television station would be consistent with the public interest.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, That the Federal Aviation Administration is made a party respondent with respect to issue 1.

9. It is further ordered, That, in the event of a grant of Action Communications (Vicksburg), Inc.'s application, the construction permit will be conditioned as follows:

Prior to the commencement of operation of the television station authorized herein, permittee shall certify to the Commission that Frank Holifield, Jr., has severed all connection with Hol-Co., Inc., licensee of WQBC(AM), Vicksburg, Mississippi.

10. It is further ordered, That Vicksburg Broadcasting Group shall submit an amendment providing the information required by § 73.685(f) of the Commission's Rules, to the presiding Administrative Law Judge and a copy to TV Branch, Mass Media Bureau, within 20 days after the release date of this Order.

11. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and the party respondent 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 present evidence on the issues specified in this Order.

12. 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 within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-30649 Filed 11-10-83; 8:45 am]

BILLING CODE 6712-01-M

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing it (Space WARC Advisory Committee)

November 9, 1983.

Main Committee Meeting

December 8–9, 1983

Chairman: Stephen E. Doyle (916) 355–6941

Time: 9:30 A.M.–4:00 P.M. (both days)

Location: Federal Communications Commission, 1200 19th Street NW, Room 330, Washington, D.C. 20554

Agenda:

(1) Consideration of Minutes of October 28, 1983 Meeting

(2) Consideration of Draft First Report

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-30635 Filed 11-10-83; 8:45 am]

BILLING CODE 6712-01-M

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing It (Space WARC Advisory Committee)

November 1, 1983.

Task Group B–4 of Working Group B: Institutional Implications of New Services & Technologies

Chairman: Steven A. Levy, (202) 331–2624

Date: Friday, November 4, 1983

Time: 10:00 a.m.–12:30 p.m.

Location: Hogan & Hartson, 8th Floor, 815 Connecticut Ave., NW., Washington, D.C. 20006

Agenda: Discussion of draft report.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-30637 Filed 11-10-83; 8:45 am]

BILLING CODE 6712-01-M

National Industry Advisory Committee Emergency Broadcast Subcommittee; Meeting

Pursuant to the provisions of Public Law 92–463, announcement is made of a public meeting of the Emergency Broadcast Subcommittee of the National Industry Advisory Committee (NIAC) to be held Thursday, December 8, 1983. The Subcommittee will meet at 9:30 A.M. at the Board Room of the National Association of Broadcasters, 1771 N Street NW., Washington, D.C.

Purpose: To consider emergency communications matters

Agenda:

1. Opening remarks by Chairman
2. Briefing by FCC staff on emergency communications functions
3. Review status of current Subcommittee activities
4. Plan and schedule future Subcommittee activities
5. Other business
6. Adjournment

Any member of the public may attend or file a written statement with the Subcommittee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Subcommittee prior to the meeting. Those desiring more specific information about the meeting may telephone the NIAC Executive Secretary in the FCC Emergency Communications Division at (202) 634–1549.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-30636 Filed 11-10-83; 8:45 am]

BILLING CODE 6712-01-M

[File No. BPH–820817AB; MM Docket 83–1228, etc.]

Applications for Consolidated Hearing; Floyd W. White and Bettie F. White

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant and city/state	File No.	MM Docket No.
Floyd W. White and Bettie F. White, general partnership; Ashdown, Arkansas.	BPH-820817AB	83-1228
B. Alfred T. Moore, Jr., and Pamela Oakes Woodward, d.b.a. LRC Broadcasting Co.; Ashdown, Arkansas.	BPH-821217AO	83-1229

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue heading and applicant(s)

1. Air Hazard, B
2. Comparative, A, B
3. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-30639 Filed 11-10-83; 8:45 am]

BILLING CODE 6712-01-M

[File No. BPH-820927AF; MM Docket No. 83-1223, etc.]

Applications for Consolidated Hearing; Warmac Communications, Inc., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant and city/state	File No.	MM Docket No.
A. Warmac Communications, Inc.; Springfield, FL.	BPH-820927AF	83-1223
B. Bible Broadcasting Systems, Inc.; Springfield, FL.	BPH-830215AF	83-1224
C. Martin Intermart, Inc.; Springfield, FL.	BPH-830215AG	83-1225
D. Werner Wortsman et al.; Springfield, FL.	BPH-830215AH	83-1226
E. Betty F. Martin; Callaway, FL.	BPH-830215AI	83-1227

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. (See Appendix), A, C
2. Air Hazard, A, B, C, E
3. 307(b), A, B, C, D, E
4. Contingent Comparative, A, B, C, D, E
5. Ultimate, A, B, C, D, E

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

Appendix

Issue

1. If a final environmental impact statement is issued with respect to A (WCI) or C (MII) which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environment,

(a) To determine whether the proposal is consistent with the National Environmental Policy Act, as implemented by Sections 1.1301-1319 of the Commission's Rules; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

[FR Doc. 83-30640 Filed 11-10-83; 8:45 am]

BILLING CODE 6712-01-M

[File No. BPH-820920AJ; MM Docket 83-1220, etc.]

Applications for Consolidated Hearing; The Bluebonnet Station, et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant and city/state	File No.	MM Docket No.
A. The Bluebonnet Station, Inc.; Hearne, TX.	BPH-820920AJ	83-1220
B. Freckles Broadcasting Corp.; Hearne, TX.	BPH-821206AK	83-1221
C. Judith G. Werlinger, d.b.a. Hearne Broadcasting Company; Hearne, TX.	BPH-830119AB	83-1222

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. (See Appendix), B
2. Air Hazard, A, C
3. Comparative, A, B, C
4. Ultimate, A, B, C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

Appendix

Issue(s)

1. If a final environmental impact statement is issued with respect to B (Freckles) which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environment,

(a) To determine whether the proposal is consistent with the National Environmental Policy Act, as implemented by Sections 1.1301-1309 of the Commission's Rules; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

[FR Doc. 83-30641 Filed 11-10-83; 8:45 am]

BILLING CODE 6712-01-M

[File No. BPH-821209 AC; MM Docket No. 83-1218, etc.]

Applications for Consolidated Hearing; Broadcast Associates of Colorado, et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant and city/state	File No.	MM Docket No.
A. Broadcast Associates of Colorado (a limited partnership); Lamar, CO.	BPH 821209AC	83-1218
B. FM 105, Inc.; Lamar, CO.	BPH 830321AN	83-1219

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have

been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 F.R. 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. (See Appendix), B
2. Air Hazard, A, B
3. Comparative, A, B
4. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

Appendix

Issue

1. If a final environmental impact statement is issued with respect to B (FM 105) which concludes that the proposed facility is likely to have an adverse effect on the quality of the environment,

(a) To determine whether the proposal is consistent with the National and Environmental Policy Act, as implemented by Sections 1.1301-1319 of the Commission's Rules; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

[FR Doc. 83-30642 Filed 11-10-83; 8:45 am]

BILLING CODE 6712-01-M

[File No. BPH-820607AQ; MM Docket No. 83-1208, etc.]

Applications for Consolidated Hearing; Good News Broadcasting, et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant and city/state	File No.	MM Docket No.
A. Gary L. Acker, d.b.a. Good News Broadcasting; Wichita Falls, TX.	BPH-820607AQ	83-1208
B. Kimberly Renee Stephens; Wichita Falls, TX.	BPH-820729AD	83-1209
C. Broadco, Inc.; Wichita Falls, TX.	BPH-821020AD	83-1210
D. Barbara Louise Montoya; Wichita Falls, TX.	BPH-821021AJ	83-1211
E. Wichita Falls Communications, A District of Columbia Limited Partnership; Wichita Falls, TX.	BPH-821021AK	83-1212
F. Robert Tracy Cheatham, III d.b.a. Wichita Communications; Wichita Falls, TX.	BPH-821021AW	83-1213

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Comparative, A, B, C, D, E, F
2. Ultimate, A, B, C, D, E, F

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this preceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street NW., Washington, D.C., 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-30643 Filed 11-10-83; 8:45 am]

BILLING CODE 6712-01-M

[File No. BPH-820423AR; MM Docket No. 83-1205, etc.]

Applications for Consolidated Hearing; Red Rock Broadcasting Corp., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant and city/state	File No.	MM Docket No.
A. Red Rock Broadcasting Corp.; Sparks, NV.	BPH-820423AR	83-1205
B. Pepper Schultz; Sparks, NV.	BPH-820519AK	83-1206
C. Comstock Broadcasters, Inc.; Sparks, NV.	BPH-820628AQ	83-1207

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. (See Appendix), A
2. Comparative, A, B, C
3. Ultimate, A, B, C

3. If there is any non-standardized issue(s) in this preceding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, N.W., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

Appendix—Issue(s)

1. To determine whether A (RRB) has failed to comply with the provisions of Section 1.65 of the Commission's Rules, with respect to keeping the Commission advised of ownership and engineering changes to its application, and if so the affect of such noncompliance on the applicant's comparative qualifications.

[FR Doc. 83-30644 Filed 11-10-83; 8:45 am]

BILLING CODE 6712-01-M

[File No. BPH-811201 AI; MM Docket No. 83-1180, etc.]

Applications for Consolidated Hearing; N.E.O. Broadcasting Co., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant and city/state	File No.	MM Docket No.
A. N.E.O. Broadcasting Company; Geneva, OH.	BPH-811201AI	83-1160
B. Donald E. Martin d.b.a. Ray-Mar Broadcasting Co.; Geneva, OH.	BPH-820624BK	83-1161
C. American Ethnic Voice of Northeast, Ohio, Inc.; Geneva, OH.	BPH-820624BR	83-1162

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Comparative, A, B, C
2. Ultimate, A, B, C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-30651 Filed 11-10-83; 8:45 am]

BILLING CODE 6712-01-M

[File No. BPH-820824AE; MM Docket No. 83-1183, etc.]

Applications for Consolidated Hearing; Knox Communications, et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant and city/state	File No.	MM Docket No.
A. Phil Nichols et al d.b.a. Knox Communications; Mount Vernon, OH.	BPH-820824AE	83-1183
B. Allied Communications, Inc.; Mount Vernon, OH.	BPH-821214AA	83-1184
C. Mount Vernon Family Radio, Ltd.; Mount Vernon, OH.	BPH-821216AJ	83-1185
D. John M. McKinley d.b.a. Ohio Broadcast Services; Mount Vernon, OH.	BPH-821217AN	83-1186
E. Louis A. Fender and Lisa Fender d.b.a. Fender Broadcasting Co.; Fredericktown, OH.	BPH-821217AU	83-1187
F. Kokosing Communications Corp.; Fredericktown, OH.	BPH-821217BF	83-1188

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Air Hazard, A, D, F
2. 307(b), A, B, C, D, E, F
3. Contingent Comparative, A, B, C, D, E, F
4. Ultimate, A, B, C, D, E, F

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-30652 Filed 11-10-83; 8:45 am]

BILLING CODE 6712-01-M

[File No. BPH-821004AU; MM Docket No. 83-1175, etc.]

Applications for Consolidated Hearing; Avon Communications Corp., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant and city/state	File No.	MM Docket No.
A. Avon Communications Corp.; Avon, CO.	BPH-821004AU	83-1175
B. QBC Communications, limited partnership; Avon, CO.	BPH-821021AT	83-1176
C. Avon Broadcasting Corp.; Avon, CO.	BPH-821021AU	83-1177
D. Rocky Mountain Wireless, Inc.; Avon, CO.	BPH-821021AV	83-1178
E. Patrick/Hybl Communications; Avon, CO.	BPH-820618AN	83-1179

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signfy whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. City Coverage, A, D, E
2. Air Hazard, A, B, C, E
3. Comparative, A, B, C, D, E
4. Ultimate, A, B, C, D, E

3. If there is any non-standarized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-30654 Filed 11-10-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Formation of a Bank Holding Company; American Republic Bancshares, Inc.

American Republic Bancshares, Inc., Belen, New Mexico, 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 100 percent of the voting shares of The First National Bank of Belen, Belen, New Mexico. 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)).

American Republic Bancshares, Inc., Belen New Mexico, 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 voting shares of Scientific Management Systems, Inc., Belen, New Mexico.

Applicant states that the proposed subsidiary would engage in credit life, health, and accident insurance activities. These activities would be performed from offices of Applicant's subsidiary in Belen, New Mexico and the geographic areas to be served are Valencia and Torrence Counties, New Mexico. 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 Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than December 7, 1983.

Board of Governors of the Federal Reserve System, November 7, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-30516 Filed 11-10-83; 8:45 am]

BILLING CODE 6210-01-M

Corporation To Do Business Under Section 25(a) of the Federal Reserve Act; Bank of Bermuda Limited

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as Bank of Bermuda International Limited, New York, New York. Bank of Bermuda International Limited would operate as a subsidiary of The Bank of Bermuda Limited, Hamilton, Bermuda. The factors that are considered in acting on the application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than December 7, 1983. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 7, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-30517 Filed 11-10-83; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by Bank Holding Companies; Central Wisconsin Bankshares, 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 Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Central Wisconsin Bankshares, Inc.*, Wausau, Wisconsin; to acquire 51 percent or more of the voting shares or assets of The Union National Bank of Ashland, Ashland, Wisconsin. Comments on this application must be received not later than November 25, 1983.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *B-K Agency, Inc.*, Hardtner, Kansas; to increase its ownership from 43.22 to 50.21 percent of the voting shares of Farmer's State Bank, Hardtner, Kansas. Comments on this application must be received not later than December 5, 1983.

Board of Governors of the Federal Reserve System, November 7, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-30519 Filed 11-10-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Denmark Bancshares, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(10) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in 3(c) of the Act (12 U.S.C. 1342(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Denmark Bancshares, Inc.*, Denmark, Wisconsin; to become a bank holding company by acquiring at least 80 percent of the voting shares of Denmark State Bank, Wisconsin. Comments on this application must be received not later than November 30, 1983.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Helena Bancshares, Inc.*, Arkansas; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to Helena National Bank, Helena, Arkansas. Comments on this application must be received not later than December 5, 1983.

C. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Rocky Mountain Bancorp*, Greeley, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of State Bank of Greeley, Greeley, Colorado. 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 November 30, 1983.

Board of Governors of the Federal Reserve System, November 7, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-30514 Filed 11-10-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of a Bank Holding Company; Gould Bancshares, Inc.

Gould Bancshares, Inc., Gould, Arkansas, 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 First State Bank, Gould, Arkansas. 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)).

Gould Bancshares, Inc., Gould, Arkansas, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 255.4(b)(2) of the Board's Regulation Y (12 CFR 255.4(b)(2)), for permission to engage *de novo* in real estate appraisal.

This activity would be performed from offices of Applicant in Gould, Arkansas, serving Lincoln County, Arkansas. Such activities have been specified by the Board in § 255.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 245.4(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 Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than December 5, 1983.

Board of Governors of the Federal Reserve System, November 7, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-30516 Filed 11-10-83; 8:45 am]

BILLING CODE 6210-01-M

Acquistion of Bank Shares by Bank Holding Companies; NCB Financial Corp. 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 Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *NCB Financial Corporation*, Williamsport, Pennsylvania; to acquire 100 percent of the voting shares or assets of Tri-County National Bank, Middleburg, Pennsylvania. Comments on this application must be received not later than December 7, 1983.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Freeport Corporation*, Freeport, Illinois; to acquire 80 percent or more of the voting shares or assets of Mount Carroll National Bank, Mount Carroll, Illinois; 90 percent or more of the voting shares of Stockton Bancorp, Inc., Stockton, Illinois, thereby indirectly acquiring 89.77 percent of the voting shares of The First National Bank of Stockton, Stockton, Illinois; and 90 percent or more of the voting shares of Warren Bancorp, Inc., Warren, Illinois, thereby indirectly acquiring 85.33 percent of the voting shares of Citizens Bank and Trust Company, Warren, Illinois. Comments on this application must be received not later than November 29, 1983.

C. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Dacotah Bank Holding Company*, Aberdeen, South Dakota; to acquire 100 percent of the voting shares or assets of The First National Bank of Selby, Selby, South Dakota. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Minneapolis. Comments on this application must be received not later than December 7, 1983.

2. *Florida National Banks of Florida, Inc.*, Jacksonville, Florida; to acquire 100 percent of the voting shares or assets of Royal Trust Bank Corp., St. Petersburg, Florida. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Atlanta. Comments on this application must be received not later than December 7, 1983.

Board of Governors of the Federal Reserve System, November 7, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-30519 Filed 11-10-83; 8:45 am]

BILLING CODE 6210-01-M

Merger of Bank Holding Companies; PNC Financial Corp.

PNC Financial Corp., Pittsburgh, Pennsylvania, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Marine Bancorp, Inc., Erie, Pennsylvania. 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)).

PNC Financial Corp., Pittsburgh, Pennsylvania, has also applied to engage in the following nonbank

activities: making and acquiring loans and other extensions of credit such as would be made by a mortgage company; and the leasing of personal property. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the nonbanking aspects of the proposal under the provisions and prohibitions of section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 7, 1983. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 8, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-30512 Filed 11-10-83; 8:45 am]

BILLING CODE 6210-01-M

Proposed Expansion of the Activities of L.S. Consulting Corp., d.b.a. Littlewood, Shain & Co.; PNC Financial Corporation

PNC Financial Corporation, Pittsburgh, Pennsylvania, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to expand the data processing activities of L.S. Consulting Corp., d.b.a. Littlewood, Shain & Co., Wayne, Pennsylvania.

Applicant states that the subsidiary would engage in the activities of data processing including the sale of computer software developed by others to depository or similar institutions for the performance of banking or banking related functions. These activities would be performed from offices of Applicant's subsidiary in Wayne, Pennsylvania and the geographic area to be served is the entire United States. 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 Bank of Cleveland.

Any person wishing to comment on the application should submit views in writing to be received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than December 7, 1983.

Board of Governors of the Federal Reserve System, November 7, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-30520 Filed 11-10-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; UNB Corp. et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *UNB Corp.*, Canton, Ohio; to become a bank holding company by acquiring 100 percent of the voting shares of The United National Bank and Trust Company, Canton, Ohio. Comments on this application must be received not later than November 30, 1983.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Gardner Bancorp*, Gardner, Kansas; to become a bank holding company by acquiring 64.7 percent or more of the voting shares of The Farmers Bank & Trust Co., Gardner, Kansas. Comments on this application must be received not later than December 7, 1983.

Board of Governors of the Federal Reserve System, November 7, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-30521 Filed 11-10-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities; American Fletcher Corp. et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing

should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *American Fletcher Corporation,* Indianapolis, Indiana (consumer finance and related insurance activities; Indiana): To engage through its subsidiary, American Fletcher Financial Services, Inc., in making or acquiring loans or other extensions of credit for personal, family or household purposes, including loans secured by home equities, purchasing consumer installment sales finance contracts and acting as agent with respect to credit life and disability insurance on borrowing customers and insurance on property taken as collateral for loans and contacts made or purchased at this proposed office of such subsidiary. The proposed insurance activities shall be restricted to such purposes and amounts as are authorized by clauses A, B, and D under Section 601 of the Garn-St Germain Depository Institutions Act of 1982. These activities will be conducted from an office in Indianapolis, Indiana, serving Marion County and western Hancock County, Indiana. Comments on this application must be received not later than November 25, 1983.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Anadarko Bancshares, Inc.,* Anadarko, Oklahoma (financing activities; Oklahoma): To engage directly in making or acquiring for its own account loans and other extensions of credit on a secured or unsecured basis, such as may be made by a bank, mortgage company or finance company, including loans secured by mortgages, inventory, accounts receivable or other assets. These loans may include participations in commercial and consumer loans from company's subsidiary bank, Anadarko Bank & Trust Company, Anadarko, Oklahoma. These activities would be conducted from Applicant's offices in Anadarko, Oklahoma, serving the State of Oklahoma. Comments on this application must be received not later than November 30, 1983.

Board of Governors of the Federal Reserve System, November 7, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-30515 Filed 11-10-83; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules; Ivaco, Inc., et al.

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) 83-0837—Ivaco, Inc.'s, proposed acquisition of voting securities of Laclede Steel Co.	Oct. 26, 1983.
(2) 83-0840—Litton Industries, Inc.'s proposed acquisition of voting securities of Compucorp.	Do.
(3) 83-0843—Compucorp's proposed acquisition of voting securities of New Monroe, Corp. (Litton Industries, Inc., UPE).	Do.
(4) 83-0894—National Computer Systems, Inc.'s proposed acquisition of voting securities of Westinghouse Learning Corp., (Westinghouse Electric Corp., UPE).	Oct. 28, 1983.
(5) 83-0854—Dollar General Corp.'s proposed acquisition of voting securities of INTERCO Inc.	Oct. 31, 1983.
(6) 83-0812—Advance Voting Trust's proposed acquisition of voting securities of Gourmet, Inc., (Earl R. MacAusland Trust, UPE).	Nov. 1, 1983.
(7) 83-0822—LIN Broadcasting Corporation's proposed acquisition of voting securities of Indiana Broadcasting, Inc., (A. H. Belo Corporation, UPE).	Nov. 2, 1983.
(8) 83-0839—National Gypsum Co.'s proposed acquisition of voting securities of The Austin Co.	Do.
(9) 83-0842—S. E. Rykoff & Co.'s proposed acquisition of voting securities of John Sexton & Co., (Beatrice Foods Co., UPE).	Do.
(10) 83-0871—Reliance Group Holding, Inc.'s (Saul P. Steinberg, UPE) proposed acquisition of voting securities of Pargas Inc.	Do.
(11) 83-0848—Edwin C. Parker's proposed acquisition fo assets of the Air Control Products Operation of National Distillers & Chemical Corp.	Oct. 25, 1983.
(12) 83-0836—Oneida Ltd.'s proposed acquisition of voting securities of Buffalo China Inc.	Do.
(13) 83-0835—M.D.C. Corp.'s proposed acquisition of voting securities of Olin-American, Inc. (Olin Corp., UPE).	Do.
(14) 83-0766—Xerox Corp.'s proposed acquisition of voting securities of NAVCO Corp.	Do.

FOR FURTHER INFORMATION CONTACT: Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 83-30559 Filed 11-10-83; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

Information Collection; Transportation Discrepancy Report, Standard Form 361

AGENCY: Office of Policy and Management Systems, GSA.

ACTION: Notice of an extension.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the General Services Administration (GSA), plans to request the Office of Management and Budget (OMB), to extend the expiration date from February 1985 to October 1986 for an existing requirement.

DATES: Comments on this information collection must be submitted on or before December 2, 1983.

ADDRESSES: Send comments to Franklin S. Reeder, OMB Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to John F. Gilmore, GSA Clearance Officer (ORAI), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: John Millington (GSA), Office of Federal Supply and Services (557-1256).

SUPPLEMENTARY INFORMATION: The SF-361 is preferred by Government shippers or receivers to record loss, damage, or other discrepancies occurring during transportation. The form is used in compiling documentary support of claims filed with commercial

transportation companies. The annual reporting burden is 18,000 responses, which is an increase over the 2,520 responses estimated at the time of GSA's petition for approval of the SF-361. A copy of the proposal may be obtained from the Directives and Reports Management Branch (ORAI), Room 3004, GS Building, Washington, DC 20405; (202-566-0666).

Dated: November 3, 1983.

Michael G. Barbour,

Director, Information Management Division.

[FR Doc. 83-30499 Filed 11-10-83; 8:45 am]

BILLING CODE 6820-34-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). This notice, however, is being published today because the **Federal Register** was not published on Friday, November 11. The following are those packages submitted to OMB since the last list was published on November 4.

Public Health Service

Health Resources and Services Administration

Subject: Black Lung Clinic Program—New
Respondents: State and local governments; not for profit institutions
Subject: Nurse Practitioner Traineeship Grant Program—New
Respondents: Individuals or households; not for profit institutions
OMB Desk Officer: Fay S. Iudicello

Food and Drug Administration

Subject: Product License Application for the Manufacture of Reagent Red Blood Cells (0910-0062)—New
Respondents: Businesses or other for-profit small businesses or organizations
Subject: Anthelmintic Drug Products for Over the Counter Human Use—New
Respondents: Businesses or other for-profit organizations
Subject: Notice of Availability of Sample Electronic Product (FDA 2767—Revision
Respondents: Businesses or other for-profit organizations
OMB Desk Officer: Bruce Artim

Social Security Administration

Subject: Certification by School Official; Statement to U.S. Social Security Administration by School Outside the United States About Student's Attendance (0960-0090)—Revision
Respondents: Selective school officials
Subject: Application for Survivor's Benefits (0960-0062)—Extension/No Change
Respondents: Individuals entitled to survivor's benefits from Social Security
Subject: State Contribution Return (0960-0041)—Revision
Respondents: States participating in Federal Social Security System
OMB Desk Officer: Milo Sunderhauf

Health Care Financing Administration

Subject: Statement of Expenditures for Medical Assistance (0938-0067)—Revision
Respondents: State or territorial Medicaid agencies
OMB Desk Officer: Fay S. Iudicello

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503. Attn: (name of OMB Desk Officer).

Dated: November 3, 1983.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 83-30292 Filed 11-10-83; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

[Docket No. 82F-0213]

Morton Chemicals; Withdrawal of Petition for Food Additive

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal without prejudice of a petition (FAP 2B3641) proposing that the food additive regulations be amended to provide for the safe use of 1,2-benzisothiazolin-3-one as a preservative in coating compositions for food-packaging films.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with § 171.7 *Withdrawal of petition without prejudice* of the procedural food additive regulations (21 CFR 171.7), Morton Chemical Division of Morton-Norwich Products, Inc., 2 North Riverside Plaza, Chicago, IL 60606, has withdrawn its petition (FAP 2B3641), notice of which was published in the **Federal Register** of July 27, 1982 (47 FR 32479), proposing that the food additive regulations be amended to provide for the safe use of 1,2-benzisothiazolin-3-one as a preservative in coating compositions for food-packaging films.

Dated: November 3, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-30509 Filed 11-10-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0337]

Rohm and Haas Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Rohm and Haas Co. has filed a petition proposing that the food additive regulations be amended to raise the use temperature of methyl acrylate-divinylbenzene-diethylene glycol divinyl ether terpolymer aminolyzed with dimethylaminopropylamine and quaternized with methyl chloride for the treatment of sugar solutions.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3A3742) has been filed by

Rohm and Haas Co., Philadelphia, PA 19105, proposing that § 173.25 *Ion-exchange resins* (21 CFR 173.25) be amended to raise the use temperature of methyl acrylate divinylbenzene-diethylene glycol divinyl ether terpolymer aminolyzed with dimethylaminopropylamine and quaternized with methyl chloride for the treatment of sugar solutions.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 3, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-30506 Filed 11-10-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W-80250]

Realty Action; Sale of Public Lands in Lincoln County, Wyoming

In FR Doc. 83-28176, appearing on pages 47074 and 47075 in the issue of Monday, October 17, 1983, the county in the heading should read, "Lincoln County, Wyoming." The document was signed by the District Manager on October 7, 1983.

Dated: October 31, 1983.

Donald H. Sweep,

District Manager.

[FR Doc. 83-30183 Filed 11-10-83; 8:45 am]

BILLING CODE 4310-84-M

Public Hearing, Draft Lahontan Resource Management Plan and Environmental Impact Statement, Nevada

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Public hearing, Draft Lahontan Resource Management Plan and Environmental Impact Statement, Nevada.

SUMMARY: A third public hearing is scheduled for the Bureau to receive public comments regarding the Draft Lahontan Resource Management Plan, Draft Environmental Impact Statement, and wilderness studies in the Lahontan Resource Area of the Carson City District, Nevada.

DATE: December 1, 1983; 2:00 p.m.

ADDRESS: Ormsby Public Library, 900 N. Roop St., Carson City, Nevada.

FOR FURTHER INFORMATION CONTACT: District Manager, c/o RMP/EIS Team Leader, Bureau of Land Management, 1050 E. William St., Suite 335, Carson City, NV 89701; (702) 882-1631.

SUPPLEMENTARY INFORMATION: Notice was published October 7, 1983, in Vol. 48, No. 196, page 45849 of the **Federal Register**, about the public comment period and two public hearings. The third hearing is scheduled in response to expressed public interest. Written comments concerning the draft plan, impact statement, and wilderness studies will still be accepted until January 3, 1984.

Edward F. Spang,

State Director.

[FR Doc. 83-30501 Filed 11-10-83; 8:45 am]

BILLING CODE 4310-84-M

Utah; Availability of Utah Combined Hydrocarbon Regional Draft Environmental Impact Statement; Volumes I, II, III, and Public Hearings

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Availability of the draft EIS and notice of formal public hearings.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management has prepared a Draft Combined Hydrocarbon Leasing Regional EIS in three volumes. The DEIS addresses eleven scattered deposits designated as Special Tar Sand Areas (STSA) in Uintah, Duchesne, Grand, Emery, Wayne, Garfield, and San Juan Counties in Utah. Volume I is a regional analysis which considers two alternative production levels in addition to the no production (no action) alternative. Volume II contains site specific planning amendments to BLM's land use plans in the affected areas. Alternative leasing categories are examined for each STSA. Volume III contains a site specific analysis for potential new Combined Hydrocarbon Lease tracts. Five alternatives, including no action, are analyzed for potential leasing of specific tracts in 1984.

DATES: Written comments on the DEIS should be submitted by January 18, 1984. Public hearings will be held as scheduled below to receive comments on the alternatives, potential impacts, and mitigation measures discussed in the Draft EIS. Written and oral comments will be accepted.

December 5, 1983, 7:00 p.m., Bureau of Land Management, 900 North 7th East, Price, Utah;

December 6, 1983, 7:00 p.m., Bureau of Land Management, 170 South 500 East, Vernal, Utah; and

December 7, 1983, 7:00 p.m., Bureau of Land Management, University Club Building, 136 East South Temple, 13th Floor Conference Room, Salt Lake City, Utah.

Written and oral comments received during the public meeting and all written comments received prior to January 18, 1984, concerning the adequacy of the Draft EIS will receive consideration in preparation of the Final EIS.

ADDRESS: Written comments on the Draft EIS should be sent to Utah State Director, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Partridge, EIS Team Leader, Bureau of Land Management, Richfield District, 150 East 900 North, P.O. Box 768, Richfield, Utah 84701. Telephone (801) 896-8221.

SUPPLEMENTARY INFORMATION: A limited number of copies of the Draft EIS are available upon request from Mr. Partridge at the above address, or from BLM offices at the following locations:

—Bureau of Land Management, Office of Public Affairs, Main Interior Building, 18th and C Streets, NW., Washington, D.C. 20240.

—Bureau of Land Management, Utah State Office, University Club Building, Public Room (13th Floor), 136 East South Temple, Salt Lake City, Utah 84111.

Dated: November 4, 1983.

Roland G. Robison,

State Director, Utah.

[FR Doc. 83-30500 Filed 11-10-83; 8:45 am]

BILLING CODE 4310-84-M

Proposed All American Pipeline Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the Bureau of Land Management in coordination with other Federal Agencies and the California State Lands

Commission will prepare an Environmental Impact Report and Environment Impact Statement (EIR/EIS) for the proposed All American Pipeline.

The All American Pipeline will run from Central California to Texas. The EIR/EIS will assess the impacts of constructing a 1230 mile pipeline from a coastal location near Santa Barbara, California north to near Bakersfield, California, east and south to Blythe, California, and after crossing Arizona and New Mexico, will terminate at a refining area near McCamey, Texas. The Pipeline would be a heated, thirty (30) inch line. The pipeline would carry 300,000 barrels of crude oil per day (BPD). The project will require an amendment to the California Desert Plan as the proposed route is outside of existing utility corridors.

The EIR/EIS will be prepared by an interdisciplinary team which will consider the following general issues:

1. Geologic Hazards
2. Air Quality
3. Biological Resources
4. Cultural Resources
5. Existing Land Uses
6. Water Quality (including river crossings)
7. Groundwater
8. Socioeconomics
9. Oil spill potential
10. Visual Resources

Eight public scoping meetings will be held. Seven sites have been selected; details are given below. The eighth meeting will be in McCamey, Texas, or or about December 9, 1983. Issues raised during those meetings will be considered in the EIR/EIS in addition to those described above.

DATES: Following are the proposed Scoping Meeting dates and locations:

San Bernardino Convention Center, 303 North "E" Street, San Bernardino, California 92401, Nov. 29, 1983, 7–9 p.m.

Maricopa County Board of Supervisors Auditorium, 205 West Jefferson, Phoenix, Arizona, Nov. 30, 1983, 7–9 p.m.

Pima County Board of Supervisors Auditorium, 111 West Congress, Tucson, Arizona, Dec. 1, 1983, 7–9 p.m.

Howard Johnson Motor Lodge, Crimson Room, 2600 Valley Drive, Las Cruces, New Mexico, Dec. 2, 1983, 7–9 p.m.

Beale Library, 1315 Truxtun Ave., Bakersfield, CA, Dec. 5, 1983, 7–9 p.m.

City Council Chambers, Santa Barbara City Hall, Delaguerra Plaza, Santa Barbara, CA, Dec. 12, 1983, 4–6 p.m.

City Hall, 110 East Cook, Santa Maria, CA, Dec. 12, 1983, 7–9 p.m.

McCamey, Texas (to be announced), 7–9 p.m.

FOR FURTHER INFORMATION CONTACT: Gerald E. Hillier, District Manager, Bureau of Land Management, 1695 Spruce Street, Riverside, California 92507.

Dated: November 7, 1983.

Hugh Riecken,

Associate District Manager.

[FR Doc. 83-30690 Filed 11-10-83; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Upper Delaware National Scenic and Recreational River; Meeting

AGENCY: National Park Service; Upper Delaware Citizens Advisory Council.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: December 2, 1983, 7 p.m.

ADDRESS: Town of Tusten, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent, Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764–0159, (717) 729–7135.

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95–625, 16 U.S.C. § 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include discussion of the annual report of the Council to the Secretary of the Interior, the appointment of officers and Council discussion of the final draft of the river management plan.

This meeting will be open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Council c/o Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764–0159. Minutes of the meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Upper Delaware National Scenic and Recreational River, River Road, 1¾ miles north of Narrowsburg, N.Y., Damascus Township, Pennsylvania.

Dated: November 2, 1983.

Don H. Castleberry,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 83-30697 Filed 11-10-83; 8:45 am]

BILLING CODE 4310-70-M

Women's Rights National Historical Park; Meeting

AGENCY: National Park Service; Women's Rights NHP Advisory Commission.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of Women's Rights Advisory Commission. Notice of this meeting is required under the Federal Advisory Committee Act.

DATES:

November 28, 1983, 1:00 to 4:00
November 29, 1983, 8:30 to 2:00

ADDRESS: Women's Rights National Historical Park, 116 Fall Street, P.O. Box 70, Seneca Falls, New York 13148.

This notice also sets forth the date for the first public workshop for the General Management Plan: November 29, 7:00 p.m., Gould Hotel, 108 Fall St., Seneca Falls, to be held in conjunction with the Advisory Commission meeting.

FOR FURTHER INFORMATION CONTACT: Judy Hart, Superintendent, Women's Rights National Historical Park, 116 Fall Street, P.O. Box 70, Seneca Falls, New York 13148, (315) 568 2991.

SUPPLEMENTARY INFORMATION: The Advisory Commission was established by Pub. L. 96–607 to meet, consult and advise the Secretary with respect to matters relating to the administration of the Park. The agenda for the meeting will include: (1) Park development and (2) National constituency development project.

The meeting will be open to the public. Facilities and space to accommodate members of the public are limited and persons will be accommodated on a first-come, first-serve basis. Any member of the public may file with the Commission a written statement concerning agenda items to be discussed. The statement should be addressed to the Commission, c/o Women's Rights National Historical Park, P.O. Box 70, Seneca Falls, New York 13148. Minutes of the meeting will be available for inspection six weeks

after the meeting at the same address above. The facility at which the meeting will be held is physically accessible. If interpretive services are requested by deaf or hearing impaired individuals, they will be provided if notification is received within five working days before the meeting, at the Park Office.

Dated: October 27, 1983.

Herbert S. Cables, Jr.,

Regional Director.

[FR Doc. 83-30598 Filed 11-10-83; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or requirements. 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 OMB and Agency form numbers, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small businesses or organizations are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New

Bureau of Labor Statistics
Diary Research Supplement
CE-902.1(Supp.)
Nonrecurring
Individuals or households
1200 responses; 100 hours; 2 forms

The forms are to be used to gather information on the record-keeping process of the respondents, and to evaluate the quality of the data reported by respondents. Data collected are from a multistage, national probability sample of households designed to be representative of the total noninstitutional population.

Employment and Training Administration
Standard Job Corps Center RFP and Related Contractor Information Gathering
On occasion; weekly; monthly; quarterly; semi-annually; annually
Business or other for-profit; Federal agencies; Non-profit institutions; Small businesses or organizations
174,450 hours

Standard Request for Proposal for the operation of a Job Corps center completed by prospective contractors for competitive procurements and Federal paperwork requirements for contract operators of such centers are included.

Extension

Bureau of Labor Statistics
BLS/OSHS Federal State Statistical Grant Application Package 1220-0067; Standard Form 424; BLS 424B, 424C, 424D
Annually
State or Local Governments
48 responses; 384 hours; 4 forms

Cost information and program objectives are needed to evaluate benefits to the government and the extent of cost effectiveness. Data will become part of a management information system to generate summaries for authorized users. The respondents are state agencies designated by Governors as participants.

Employment Standards Administration
Request for Examination and/or Treatment, 1215-0066; LS-1
On occasion
Individuals or Households; Businesses or Other For-Profit
16,500 responses; 95,700 hours; 1 form

Form is used by employers to authorize medical treatment for injured workers and by physicians to report the findings of physical examinations and treatment recommended.

Reinstatement

Assistant Secretary for Administration and Management
Qualifications Inquiry, PERS-6 1225-0014, DL 1-66
On occasion
Individuals or households
11,900 responses; 1,983 hours; 1 form

This form is required under the Department of Labor's negotiated Merit Staffing Plan for positions outside the union bargaining units, National Council of Field Labor Locals, and the National Union of Compliance Officers to solicit information by Personnel Offices from the applicant's supervisors. The information will be used by raters to evaluate outside applicants against the requirements of the vacancy to be filled.

Signed at Washington, D.C. this 8th day of November 1983.

Paul E. Larson,

Department Clearance Officer.

[FR Doc. 83-30613 Filed 11-10-83; 8:45 am]

BILLING CODE 4510-24-M

Bureau of Labor Statistics

Labor Research Advisory Council Committee; Meeting and Agenda

The regular autumn meeting of the Occupational Safety and Health Statistics Committee will be held at 10:00 a.m., December 14, 1983, in Room N-3437, Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members.

The agenda of the meeting is as follows:

1. Results of the Annual Survey of Injuries and Illnesses for 1982.
2. Discussion of recordkeeping issues for the publication of *What Every Employer Needs to Know About OSHA Recordkeeping.*
3. Report on recording of hearing loss cases.
4. Plans for Work Injury Report surveys.
5. Other Business

The meeting is open. It is suggested that persons planning to attend as observers contact Joseph P. Goldberg, Executive Secretary, Labor Research Advisory Council on (Area Code 202) 275–5239.

Signed at Washington, D.C. this 4th day of November 1983.

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 83-30599 Filed 11-10-83; 8:45 am]

BILLING CODE 4510-24-M

Labor Research Advisory Council Committees; Meetings and Agenda

The regular autumn meeting of committees of the Labor Research Advisory Council will be held on December 7 and 8 in Room N–3437, Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members.

The schedule and agenda of the meetings are as follows:

Wednesday, December 7

9:30 a.m.—Committee on Employment Structure and Analysis

1. Discussion of Program Status
   a. Update on Labor Market Information Program Funding
   b. 790 Modernization Program
   c. Findings of the Employer Response Analysis Survey
2. Plans for the Current Population Survey
   a. January 1984 Displaced Worker Supplement
   b. New Question on Union Membership
   c. Update on the CPS Redesign
3. Reconciliation of Discrepancies Between 790/Current Population Survey Employment Estimates
4. Relationship Between Industrial Growth and Earnings by Industry
5. Observations on the Underground Economy and Statistics
6. Other Business

Wednesday, December 7

1:30 p.m.—Committee on Wages and Industrial Relations

1. Review of wages and industrial relations work in progress
2. Deciding on new areas for the area wage survey program
3. Determining employers' cost levels for employee benefit data: What is Available and What is Needed.
4. Other Business

Thursday, December 8

9:30 a.m.—Committee on Productivity, Technology and Economic Growth

1. Current Directions in Multifactor Productivity Measurements
2. Status of Work on International Comparisons
3. Review of Current Version of 1995 Projections for Economic Growth and Employment
4. Work Plans Regarding Next Set of Projection
5. Other Business

Thursday, December 8

1:30 p.m.—Committee on Prices and Living Conditions

1. Area Sample for the Revised CPI
2. Status Report on Consumer Expenditure Survey
3. Changing Over to Rental Equivalence in the CPI–W
4. Finding Solutions to Problems That May Arise From the Changeover to Rental Equivalency With the January 1985 CPI–W
5. Other Business

The meetings are open. It is suggested that persons planning to attend as observers contact Joseph P. Goldberg, Executive Secretary, Labor Research Advisory Council on (Area Code 202) 272–5239.

Signed at Washington, D.C. this 4th day of November 1983.

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 83-30600 Filed 11-10-83; 8:45 am]

BILLING CODE 4510-24-M

Meeting of the Business Research Advisory Council's Committee on Occupational Safety and Health Statistics

The BRAC Committee on Occupational Safety and Health Statistics will meet on Tuesday, November 22, 1983, at 10:00 a.m., in Room N–3437 of the Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C.

The Business Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of technical officers from American business and industry. Agenda for the meeting follows:

1. Results of the Annual Survey of Injuries and Illnesses for 1982.
2. Discussion of recordkeeping issues for the publication of *What Every Employer Needs to Know About OSHA Recordkeeping.*
3. Report on recording of hearing loss cases.
4. Plans for Work Injury Report surveys.
5. Other Business.

This meeting is open to the public. It is suggested that persons planning to attend as observers contact Janice D. Murphey, Liaison, Business Research Advisory Council on Area Code (202) 523–1347.

Signed at Washington, D.C. this 4th day of November 1983.

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 83-30617 Filed 11-10-83; 8:45 am]

BILLING CODE 4510-24-M

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period October 31, 1983–November 4, 1983.

In order for an affirmative determination to made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–14,567; Penn Machine Co., Johnstown, PA

TA-W-14,247; General Motors Corp., Delco Remy Div., Olathe, KS
TA-W-14,248; General Motors Corp., Delco Remy Div., Fitzgerald, GA
TA-W-14,268; General Motors Corp., New Departure—Hyatt Div., Bristol, CT
TA-W-14,279; General Motors Corp., Detroit Diesel Allison Div., Indianapolis, IN
TA-W-14,280; General Motors Corp., Detroit Manufacturing Plant, Detroit, MI
TA-W-14,296; General Motors Corp., Romulus Manufacturing Plant, Romulus, MI
TA-W-14,297; General Motors Corp., Romulus Parts Distribution Facility, Romulus, MI
TA-W-13,948; United Technologies Corp., Automotive Group Headquarters, Dearborn, MI

In the following case the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-14,967; RCA Records, Rockaway, NJ

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-14,544; Jim Walter Resources, Inc., Mining Div., Mine #5, Brookwood, AL

Aggregate U.S. imports of coal are negligible.

TA-W-14,545; Jim Walter Resources, Inc., Mining Div., Mine #7, Brookwood, AL

Aggregate U.S. imports of coal are negligible.

TA-W-14,546; Jim Walter Resources, Inc., Mining Div., Central Shop, Brookwood, AL

Aggregate U.S. imports of coal are negligible.

TA-W-14,547; Jim Walter Resources, Inc., Mining Div., Nebo Mine, Graysville, AL

Aggregate U.S. imports of coal are negligible.

Affirmative Determinations

TA-W-14,751; Hanna Mining Co., Buttler Taconite Plant, Nashwauk, MN

A certification was issued covering all workers separated on or after June 6, 1982.

TA-W-14,562; Eastern Stainless Steel Co., Baltimore, MD

A certification was issued covering all workers engaged in employment related to the production of stainless steel coils, sheet and strip separated on or after March 22, 1982 and before December 31, 1982.

TA-W-14,510; Aileen, Inc., Monterey, VA

A certification was issued covering all workers separated on or after March 11, 1982 and before March 18, 1983.

TA-W-14,400; Republic Steel Corp., Chicago District, Chicago, IL

A certification was issued covering all workers engaged in employment related to basic steelmaking activities and the production of alloy steel bars and carbon steel pipe separated on of after January 24, 1982 and before January 1, 1983.

TA-W-14,420; Mar-Jo, Inc., Orange, NJ

A certification was issued covering all workers separated on or after January 24, 1982 and before December 31, 1982.

TA-W-14,836; Bethlehem Mines Corp., Barrackville Mine, Charleston, WV

A certification was issued covering all workers separated on or after July 7, 1982.

TA-W-14,790; Jones & Laughlin, Inc., Corporate Office, Pittsburgh, PA

A certification was issued covering all workers separated on or after June 21, 1982.

TA-W-14,558; Reserve Mining Co., Babbit, MN

A certification was issued covering all workers separated on or after March 24, 1982.

TA-W-14,559; Reserve Mining Co., Silver Bay, MN

A certification was issued covering all workers separated on or after March 24, 1982.

TA-W-14,565; The Mettowee Lumber & Plastic Co., Granville, NY

A certification was issued covering all workers separated on or after May 1, 1982.

TA-W-14,519; Republic Steel Corp., Cleveland District, Cleveland, OH

A certification was issued covering all workers engaged in employment related to the production of basic steel, hot rolled carbon bars, hot rolled carbon sheet and cold rolled carbon steet separated on or after March 9, 1982 and before January 1, 1983.

TA-W-14,393; Kennecott Minerals Co., Nevada Mine Div., McGill, NV

A certification was issued covering all workers separated on or after September 30, 1982.

TA-W-14,393A; Nevada Northern Railway Co., McGill, NV

A certification was issued covering all workers separated on or after September 30, 1982.

TA-W-14,492; Kennecott Minerals Co., Tintic Div., Eureka, UT

A certification was issued covering all workers separated on or after September 30,. 1982.

TA-W-14,493; Kennecott Refining Corp., Baltimore, MD

A certification was issued covering all workers separated on or after September 30, 1982.

I hereby certify that the aforementioned determinations were issued during the period October 31, 1983–November 4, 1983. Copies of these determinations are available for inspection in Room 9120, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: November 8, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-30814 Filed 11-10-83; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 25, 1983.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 25, 1983.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C., this 7th day of November 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Hanimex Manufacturing Inc. (Allied Industrial Workers Union).	Jackson, Michigan	11/2/83	10/26/83	TA-W-15,095	Slide projectors, slide viewers, editors, electric heaters.
International Harvester Co., Parts Distribution Center (UAW).	Columbus, Ohio	11/1/83	10/28/83	TA-W-15,096	Supplies parts to I.H.C. dealers.
Levi Strauss & Co., Accessories Div. (workers)	Cincinnati, Ohio	11/4/83	11/1/83	TA-W-15,097	Wallets & leather belts.
Ohio Ferro Alloys Corp. (USWA)	Powhatan Point, Ohio	11/1/83	10/27/83	TA-W-15,098	Silicon metal.
Outboard Marine Corp., Galesburg Facility (Office & Professional Employees Inter'l Union).	Galesburg, Ill	11/2/83	10/25/83	TA-W-15,099	Outboard motor parts & lawn mower parts.
Rockwell International Corp., Flow Control Div. (company)	Barberton, Ohio	11/4/83	11/1/83	TA-W-15,100	Nordstrom R cast iron plug valves.
Standard Steel Specialty Co. (USWA)	Hammond, In	11/3/83	10/31/83	TA-W-15,101	Elevator guide rails.
Stuck Mould Works, Inc., Stuck Castings Div. (Amer. Flint Glass Workers).	Lancaster, Ohio	11/2/83	10/26/83	TA-W-15,102	Moulds for glass production castings for moulds for glass.
Wean United, Inc., Plant #2 (USWA)	Warren, Ohio	11/1/83	10/31/83	TA-W-15,103	Steel cast rolls, etc.
Wear United, Inc., Plant #13 (USWA)	Vandergrift, Pa	11/1/83	10/31/83	TA-W-15,104	Steel cast rolls.

[FR Doc. 83-30615 Filed 11-10-83; 8:45 am]

BILLING CODE 4510-30

[Employment and Training Order No. 1-84]

Federal-State Unemployment Compensation Program; Redelegation of Authority to Director, Unemployment Insurance Service, to Certify Determinations Relating to Limitations on Tax Credit Reductions and Deferral of Interest on Title XII Advances

Employment and Training Order No. 1-84 redelegates to the Director, Unemployment Insurance Service, authority to make certain determinations with respect to limitations on tax credit reductions by reason of an outstanding balance of advances received by a State under Title XII of the Social Security Act and deferral of interest on such advances. Employment and Training Order No. 1-84 is published below.

Dated: October 26, 1983.

Royal S. Dellinger,

Acting Assistant Secretary of Labor.

U.S. Department of Labor

Employment and Training Administration

Washington, D.C. 20213

Classification: UI
Correspondence Symbol: TEURL
Date: October 25, 1983

Directive: Employment and Training Order No. 1-84
To: National and Regional Offices
From: Royal S. Dellinger, Acting Assistant Secretary of Labor
Subject: Redelegation of Authority to Director, Unemployment Insurance Service, to Certify Determinations Relating to Limitations on Tax Credit Reductions and Deferral of Interest on Title XII Advances

1. *Purpose.* To redelegate authority to the Director, Unemployment Insurance Service.

2. *Directives Affected.* SO 4-75, MAO 4-75 and ETO 3-83.

3. *Redelegation.* The Director, Unemployment Insurance Service, is redelegated authority, in lieu of the Associate Assistant Secretary for Employment and Training, to certify determinations required under the provisions of Sections 3302(c), (d), (f), and (g) of the Federal Unemployment Tax Act and under Section 1202 of the Social Security Act.

4. *Effective Date.* This Order is effective on the date of publication in the **Federal Register.**

Expiration date: Continuing.

[FR Doc. 83-30610 Filed 11-10-83; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-83-103-C]

AMAX Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

AMAX Coal Company, 105 South Meridian Street, P.O. Box 967, Indianapolis, Indiana 46206 has filed a petition to modify the application of 30 CFR 75.302-4(d) (auxiliary fans and tubing) to its Wabash Mine (I.D. No. 11-00877) located in Wabash County, Illinois. 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 in places where auxiliary fans are used, the ventilation during scheduled idle periods shall be by means of the primary air current conducted into the place in a manner to prevent accumulation of methane.

2. The mine has two exhaust fan shafts, two man shafts, and a slope entry. The man shafts and slope entry also serve as intake air shafts. The West Main entries are approaching a down thrust fault with a vertical displacement of about 115 feet where the entries intersect the fault. Six entries will be driven through the fault on a slope that will vary from 14 to 12 degrees. The entries will be driven for a distance of about 670 feet. An attempt will be made to eliminate the crosscut entries on the slope because of the hazards involved in driving crosscuts on a slope as well as the additional roof support problems which would result.

3. Petitioner states that the elimination of these crosscuts will create a brattice line that is several hundred feet in length and create significant air flow resistance, requiring regulation of the air flow in the entries every time the blower fan system is shut down. This could result in a major air change for the mine every idle day and/or weekend.

4. As an alternate method to hanging several hundred feet of line brattice, petitioner proposes to operate the auxiliary blowing fan system during idle shifts and weekends while the Main West entries are being driven through

the fault. The blowing fans will be permissible and located on the intake air side of the last crosscut out by the fault slope. The air will pass through 30-inch rigid duct tubing hung in the last crosscut and 28-inch flexible tubing hung in the slope entries. The flexible tubing will be extended to within 30 feet of the working face in the slope entries at all times to allow 6,000 cfm of air to ventilate the working face.

5. In addition, petitioner proposes to:

a. Install a methane monitor on the auxiliary blowing fan system which will automatically shut off the auxiliary fans if a methane buildup of one percent or more occurs;

b. Install a signal system connecting the auxiliary fan system to the mine's communication center to indicate whether the fan is operating. The communications center is staffed 7 days a week, 24 hours a day. The system will allow the communications center personnel to deenergize the fan system if necessary;

c. Install a fire sensor system at the auxiliary fan system location which will alert the hoistman at the No. 1 shaft. If the sensor is activated, the hoistman will immediately notify the communications center personnel, who will deenergize the auxiliary fan system and take appropriate corrective action;

d. Locate firefighting equipment within 50 feet out by the auxiliary system;

e. Pre-shift examine the auxiliary system during all idle periods and weekends to ensure that proper ventilation is being maintained.

6. Petitioner states that the proposed 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 December 14, 1983. Copies of the petition are available for inspection at that address.

Dated: November 7, 1983.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-30611 Filed 11-10-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-101-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, P.O. Box 1632, Fairmont, WV 26554 has filed a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps) to its #95 Robinson Run (I.D. No. 46-01318) located in Harrison County, West Virginia. 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 underground pumps be housed in fireproof structures or areas and that air currents used to ventilate such structures be coursed directly into the return.

2. Petitioner states that the pumps are located along the Main West haulage. The haulage and adjacent entries are vented with intake air. The nearest return is more than two miles from the pitmouth and intake air that passes over these pumps is not used to ventilate an actual working section.

3. As an alternate method, petitioner proposes to install an automatic fire suppression device over the pumps activated by heat sensors. No oil or combustible material will be stored in the area of the pumps.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners 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 of or before December 14, 1983. Copies of the petition are available for inspection at that address.

Dated: November 7, 1983.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-30610 Filed 11-10-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-116-C]

H.A.T. Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

H.A.T. Coal Company, 113 N. Oak Street, Shamokin, PA 17872 has filed a petition to modify the application of 30 CFR 75.902 (low- and medium-voltage ground check monitor circuits) to its No. 3 Slope (I.D. No. 36-07363) located in Northumberland County, Pennsylvania. The petition is filed under 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 low- and medium-voltage resistance grounded systems include a failsafe ground check circuit to monitory continuously the grounding circuit.

2. The mine generates 480-volt, 3-phase power with a diesel-powered generator, which energizes one 15 hp sump-pump. The power conductors are #6 copper and the grounding conductor, which is continuous from the surface grounding electrodes to the underground electrical equipment, in #6 copper.

3. There are no personnel in the mine while electrical circuits are energized. There is no high voltage at the mine. There is no portable or mobile equipment in the mine.

4. Water is pumped from the mine before or after personnel are in the mine. Pump repairs are made by outside contractors and not at the mine. Since there are no personnel in the mine during pumping, there is no change of personnel contacting the energized frames of mining machinery which might become energized through failure of the insulation of the power conductors.

5. As an alternate method, petitioner proposes that:

a. No personnel will enter the mine while circuits are energized;

b. The pumps, which are controlled from the surface, will be locked out at the disconnect switch by the mine superintendent before personnel enter the mine; and

c. A warning sign of adequate size will be posted at the mine's entry.

6. Petitioner states that the proposed 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 December 14, 1983. Copies of the petition are available for inspection at that address.

Dated: November 7, 1983.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-30609 Filed 11-10-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-109-C]

K & D Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

K & D Coal Company, R.D. No. 1, Herndon, Pennsylvania 17830 has filed a petition to modify the application of 30 CFR 75.902 (low- and medium-voltage ground check monitor circuits) to its No. 1 Mine (I.D. No. 36-06130) located in Northumberland 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 low- and medium-voltage resistance grounded systems include a failsafe ground check circuit to monitor continuously the grounding circuit.

2. The mine generates 480-volt, 3-phase power with a diesel-powered generator, which energizes an 8 and a 13 hp sump-pump. The power conductors are #4 copper and the grounding conductor, which is continuous from the surface grounding electrodes to the underground electrical equipment, is #4 copper.

3. There are no personnel in the mine while electrical circuits are energized. There is no high voltage at the mine. There is no portable or mobile equipment in the mine.

4. Water is pumped from the mine before or after personnel are in the mine. Pump repairs are made by outside contractors and not at the mine. Since there are no personnel in the mine during pumping, there is no chance of personnel contacting the energized frames of mining machinery which might become energized through failure of the insulation of the power conductors.

5. As an alternate method, petitioner proposes that:

a. No personnel will enter the mine while circuits are energized;

b. The pumps, which are controlled from the surface, will be locked out at the disconnect switch by the mine superintendent before personnel enter the mine; and

c. A warning sign of adequate size will be posted at the mine's entry.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miner 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 the before December 14, 1983. Copies of the petition are available for inspection at that address.

Dated: November 7, 1983.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-30608 Filed 11-10-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-118-C]

Sewell Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Sewell Coal Company, Route 3, Box 125, Nettie, West Virginia 26681 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Sewell No. 1 Mine (I.D. No. 46-01478) and its Sewell No. 1-A Mine (I.D. No. 46-03859), both located in Nicholas County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The Sewell No. 1 Mine operates two mining sections in seam heights of 39 to 84 inches; the Sewell No. 1-A Mine operates four mining sections in seam heights of 20 to 90 inches. Both mines have abrupt changes in seam heights and undulations in the mine floor.

3. Petitioner states that the use of canopies on specified mining equipment would result in a diminution of safety for the miners affected because the canopy can strike and dislodge the roof support system, increasing the chances of a roof fall. Canopies also restrict the equipment operator's visibility, forcing the operator to lean out from under the canopy, exposing body parts to potential injury.

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 December 14, 1983. Copies of the petition are available for inspection at that address.

Dated: November 4, 1983.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-30603 Filed 11-10-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-107-C]

Solar Fuel Co.; Petition for Modification of Application of Mandatory Safety Standard

Solar Fuel Company, P.O. Box 488, Somerset, Pennsylvania 15501 has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its Solar No. 10 Mine (I.D. No. 36-06289) located in Somerset County, Pennsylvania. The petition if 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 specified levels of illumination be provided on or about continuous mining machines operated in the working place.

2. Petitioner uses continuous mining machines equipped with radio remote control and a double bridge mobile carrier haulage system. An umbilical remote control unit may be used if the radio system suffers impairment. At no time is there an operator on the machine, and there is no cable handler.

3. The mining height varies from 32 to 38 inches with an undulating floor. The machine height is 24 inches and the distance from the floor to the top edge of the ballast enclosure and the sodium vapor luminaire housings is 31¼ inches.

4. Petitioner states that the combined factors of seam height, floor condition, lighting system component height and machine length make it virtually impossible to maintain the required lighting system. Damage frequently

involves complete destruction of the lighting system components and frequent replacement of these units.

5. Petitioner further states that the roof control plan includes use of 30-inch resingrouted roof rods installed on 5-foot centers. The small clearance between the mining machine top surface and roof is hampered by the lighting system components using this space. The reduced clearance, when machine or lighting system repairs are undertaken, increases the changes of hand injuries to the mechanic and electrician making the repairs.

6. As an alternate method, petitioner proposes to use and maintain the original equipment headlights to provide sufficient illumination.

7. Petitioner states that the proposed 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 December 14, 1983. Copies of the petition are available for inspection at that address.

Dated: November 7, 1983.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-30608 Filed 11-10-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-106-C]

Thelma Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Thelma Coal Company, Box 301, Warfield, Kentucky 41267 has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its No. 2 Mine (I.D. No. 15-11841) located in Martin County, Kentucy. 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 requirements that all mobil face equipment be equipped with illumination devices.

2. The coal seam height averages from 44 to 48 inches, with uneven floor and roof conditions, which causes the face equipment to rub the roof at various locations. Cable boards are also used, further decreasing the mine height.

3. Petitioner states that the installation of illumination devices on the mine's mobile face equipment could cause the equipment to strike the roof, increasing the chances of an accident. In addition, loose sloughing roof materials are striking the light equipment.

4. Petitioner believes that illumination on the face equipment would create an even greater hazard to the safety of the miners.

5. 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 December 14, 1983. Copies of the petition are available for inspection at that address.

Dated: November 7, 1983.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-30606 Filed 11-10-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-115-C]

Valley Construction Coal Company; Petition for Modification of Application of Mandatory Safety Standard

Valley Construction Coal Company, R.D. 1, Box 291, Ashland, Pennsylvania 17921 has filed a petition to modify the application of 30 CFR 75.902 (low- and medium-voltage ground check monitor circuits) to its No. 6 Vein Slope (I.D. No. 36-07289) located in Dauphin 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 low- and medium-voltage resistance grounded systems include a failsafe ground check circuit to monitor continuously the grounding circuit.

2. The mine generates 480-volt, 3-phase power with a diesel-powered generator, which energizes one 50 hp sump-pump. The power conductors are #2 copper and the grounding conductor, which is continuous from the surface grounding electrodes to the underground electrical equipment, is #2 copper.

3. There are no personnel in the mine while electrical circuits are energized. There is no high voltage at the mine. There is no portable or mobile equipment in the mine.

4. Water is pumped from the mine before or after personnel are in the mine. Pump repairs are made by outside contractors and not at the mine. Since there are no personnel in the mine during pumping, there is no chance of personnel contacting the energized frames of mining machinery which might become energized through failure of the insulation of the power conductors.

5. As an alternate method, petitioner proposes that:

a. No personnel will enter the mine while circuits are energized;

b. The pumps, which are controlled from the surface, will be locked out at the disconnect switch by the mine superintendent before personnel enter the mine; and

c. A warning sign of adequate size will be posted at the mine's entry.

6. Petitioner states that the proposed 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 December 14, 1983. Copies of the petition are available for inspection at that address.

Dated: November 7, 1983.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-30607 Filed 11-10-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-117-C]

Westmoreland Coal Company; Petition for Modification of Application of Mandatory Safety Standard

Westmoreland Coal Company, P.O. Drawers A & B, Big Stone Gap, Virginia 24219-0196 has filed a petition to modify the application of 30 CFR 75.326 (aircourses and belt haulage entries) to its Bullitt Mine (I.D. No. 44-00304) located in Wise County, Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that entries used as intake and return aircourses be separated from belt haulage entries.

2. As an alternate method, petitioner proposes to use intake air which is coursed through the belt haulage and/or track entries to ventilate active working places.

3. In support of this proposed alternate method, petitioner proposes to install an MSHA-approved carbon monoxide/fire detection system with monitors in all belt haulage entries used as intake aircourses. The monitors will be installed with specific safeguards at or near each belt drive and tailpiece and at intervals not to exceed 2,500 feet on those belts where this system will replace the existing point sensor system.

4. Petitioner states that in the event that the monitoring system is deenergized, the affected area will be patrolled and physically monitored by a qualified person with carbon monoxide detecting tubes or equivalent means. Monitors and sensors will be examined once every 24 hours (daily) when belts are operating, inspected by a qualified person at intervals not to exceed 7 days, and calibrated at least every 30 calendar days.

5. Petitioner states that the proposed 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 December 14, 1983. Copies of the petition are available for inspection at that address.

Dated: November 4, 1983.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-30604 Filed 11-10-83; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Media Arts Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (Radio Section) to the National Council on the Arts will be held on November 29-December 1, 1983, from 9:00 a.m.-5:30 p.m. in room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

Dated: November 8, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Art.

[FR Doc. 83-30541 Filed 11-10-83; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Opera-Musical Theater Section) to the National Council on the Arts will be held on November 28—30, 1983, from 9:00 a.m.—9:30 p.m. and on December 1, 1983, from 9:00 a.m.—5:30 p.m. in Room M-07 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Art.

[FR Doc. 83-30542 Filed 11-10-83; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on Qualification Program for Safety-Related Equipment; Meeting

The ACRS Subcommittee on Qualification Program for Safety-Related Equipment will hold a meeting on December 1, 1983, Room 1167, 1717 H Street, NW, Washington, DC. The Subcommittee will discuss Regulatory Guide 1.89, "Qualification of Electrical Equipment Important to Safety in Nuclear Power Plants."

In accordance with the procedures outlined in the **Federal Register** on September 28, 1983 (48 FR 44291), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday, December 1, 1983—8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements

and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Anthony Cappucci (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: November 7, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-30625 Filed 11-10-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Human Factors; Meeting

The ACRS Subcommittee on Human Factors will hold a meeting on November 30, 1983, Room 1046, 1717 H Street, NW, Washington, D.C.

In accordance with the procedures outlined in the **Federal Register** on September 28, 1983 (48 FR 44291), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, November 30, 1983—8:30 a.m. until the conclusion of business

The purpose of the meeting is to review:

1. Revisions to Reg. Guide 1.149, "Nuclear Power Plant Simulators for Use in Operator Examinations";
2. Revisions to Reg. Guide 1.8, "Personnel Qualification and Traiing for Nuclear Power Plants";
3. A new Reg. Guide related to the Application of the Systems Approach to Training at Nuclear Power Plants;
4. Revisions to Reg. Guide 1.134, "Medical Evaluation of Nuclear Power Plant Personnel Requiring Operator Licenses";
5. Revisions to Reg. Guide 1.114, "Guidance on Being Operator at the Controls";
6. A proposed modification to 10 CFR 50, Appendix A adding a human factors general design criterion; and
7. Edison Electric Institute Guidelines to Effective Drug and Alcohol Policy Development, September 1983.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information about topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, David Fischer, (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EST.

Dated: November 8, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-30628 Filed 11-10-83; 8:45 am]

BILLING CODE 7590-01-M

Spent Fuel and High-Level Waste Transportation Packaging; NRC/DOE Procedural Agreement

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of NRC/DOE procedural agreement.

SUMMARY: The Nuclear Regulatory Commission and the Department of Energy have signed a Procedural Agreement concerning planning assumptions and procedures that the Nuclear Regulatory Commission and the Department of Energy will observe in connection with the development of transportation packaging under the provisions of the Nuclear Waste Policy Act of 1982. The text of this agreement is published below.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Cunningham, Director, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, MS 396 SS, Washington, DC 20555; (301) 427–4485.

Dated at Silver Spring, Maryland, this 4th day of November 1983.

For the Nuclear Regulatory Commission.

Donald R. Chapell,

Deputy Director, Division of Fuel Cycle and Material Safety.

Procedural Agreement Between NRC and DOE Concerning Certification of Spent Fuel and High Level Waste Transportation Packaging Under NWPA

This Agreement establishes common planning assumptions and outlines procedures which the Nuclear Regulatory Commission (NRC) and the Department of Energy (DOE) will observe in connection with the development of transportation packaging (packaging) to be used for transportation of spent fuel and high-level waste under the provisions of the Nuclear Waste Policy Act of 1982 (NWPA). In this agreement, transportation refers to the physical movement of spent fuel and high level waste to a geologic repository, a test and evaluation facility, a monitored retrievable storage (MRS) facility, or an interim storage facility. The purpose of this agreement is to: (1) Define the principal policy assumptions which will be used by each agency for planning purposes; (2) assure adequate procedures for consultation and exchange of information; (3) assure that DOE and NRC exchange adequate information about plans for and results from the design, development, and testing programs and certification requirements for packaging related to this agreement; and (4) establish a coordination framework for transportation related activities covered by this agreement.

1. *NRC Approval of Packaging.* Pursuant to the Hazardous Materials Regulations of the Department of Transportation (DOT), all persons other than DOE (and the Department of Defense under certain circumstances) who ship high level radioactive waste or spent nuclear fuel must ship such materials in NRC-certified packaging.

Pursuant to the DOT regulations (49 CFR Section 173.7(d)), DOE certifies its packaging for radioactive materials against standards that are equivalent to 10 CFR Part 71. However, in light of the NWPA provisions regarding nuclear fuel under the NWPA interim storage program (Section 137(a)), and taking into account the commercial source of materials being transported to other NWPA facilities, DOE plans to use packaging that has been approved by NRC in accordance with 10 CFR Part 71 (rather than DOE-certified packaging) for DOE shipments performed under the NWPA from NRC-licensed facilities to an NRC-licensed repository, MRS or interim storage facility. While DOE recognizes that it may need to re-examine this intent, if it appears that

such packaging will not be available or if it cannot accomplish its mandate under NWPA using NRC-certified packaging, it believes that all affected parties should maximize the use of NRC-certified packaging in this commercial related program.

2. *Basis for Regulations.* DOE will provide, to the extent practicable, information which would be of assistance in providing sound technical bases for regulations. NRC will exert its best efforts to continue to provide stable regulations which have a sound technical basis for the orderly design and development of packaging.

3. *Packaging Designs.* DOE will inform NRC of and coordinate with it packaging design, development, and testing activities at an early stage and periodically thereafter as progress is made. NRC, in turn, will inform DOE of potential issues related to certification of packaging of a specific design. Both agencies will exert best efforts to resolve the issues.

4. *Schedules.* Within 180 days of the date of this agreement DOE will develop, in coordination with NRC, projected schedules for the design and testing of packaging. DOE and NRC will develop schedules for timely decisions on certification of packaging and will define to the extent practicable major milestones related to these objectives.

5. *Meetings.* NRC and DOE will schedule and conduct periodic meetings to review information and discuss and resolve issues related to packaging design, testing and certification, and other matters of mutual interest under the scope of this agreement. A written report agreed to by both NRC and DOE will be prepared for each meeting.

a. Technical meetings will be held between NRC and DOE staff to assess the feasibility and utility of development projects in meeting packaging safety and certification objectives. Unresolved issues will be elevated promptly to management for resolution.

b. Periodic management meetings will be held, as necessary, to review the status of the program; to discuss regulatory concerns and issues; and to consult on policy matters.

6. *Limitations.* (a) Nothing in this agreement is intended to limit or expand the responsibility or authority of either DOE or NRC as established by law.

(b) This agreement is limited to matters of health and safety incident to packaging. Other matters, including design features related to the storage or disposal, or other use of packaging after transport will be managed under applicable regulations and agreements.

(c) This agreement is intended to facilitate the effective discharge by NRC and DOE of their respective responsibilities and shall not be construed to give rise to any private rights of action.

(d) Nothing in this agreement limits informal consultation not mentioned in this agreement.

Dated: November 3, 1983.

Robert L. Morgan,

Project Director, Nuclear Waste Policy Act Project Office, U.S. Department of Energy.

Dated: October 26, 1983.

John G. Davis,

Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission.

[FR Doc. 83-30634 Filed 11-10-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-97]

Cornell University Zero Power Reactor; Renewal of Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. R-89 to the Cornell University (the licensee) that renews the license for operation of the Zero Power Reactor (the facility) located on the campus of Cornell University in Ithaca, New York. The facility is a research reactor that has been operating at steady state power levels not in excess of 100 watts (thermal).

The amendment extends the duration of Facility License No. R-89 for twenty years from the date of issuance of this amendment.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I. Those findings are set forth in the license amendment. Notice of the proposed issuance of this action was published in the **Federal Register** on November 7, 1978 at 43 FR 51882. No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal for the renewal of the Facility Operating License and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action.

For further details with respect to this action, see: (1) The application for amendment dated October 6, 1978, as supplemented, (2) Amendment No. 3 to License R-89, and (3) the Commission's related Safety Evaluation Report (NUREG-1010) and Environmental Impact Appraisal. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

The Safety Evaluation Report (Document No. NUREG-1010) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 4th day of November 1983.

For the Nuclear Regulatory Commission.

Cecil O. Thomas,

Chief, Standardization and Special Projects Branch, Division of Licensing.

[FR Doc. 83-30629 Filed 11-10-83; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-321 and 50-366]

Georgia Power Company et al.; Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses Nos. DPR-57 and NPF-5, issued to Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia (the licensees), for operation of the Edwin I. Hatch Nuclear Plant, Units Nos. 1 and 2, located in Appling County, Georgia.

In accordance with the licensees' application dated February 26, 1981, as supplemented by submittals dated October 1, 1981, September 19, 1983, and October 3, 1983, the amendments would provide Technical Specifications for both Hatch Units 1 and 2 that: (1) Add limiting conditions for operation (LCOs) and surveillance requirements for scram discharge volume (SDV) vent and drain valves and (2) add LCOs and surveillance requirements for new diverse SDV highwater level scram instrumentation.

The amendments would also provide Technical Specifications for Hatch Unit 1 only that add LCOs and surveillance

requirements for the SDV highwater level rod block instrumentation.

These proposed changes were submitted in response to NRC staff letters dated July 7, 1980, and June 23, 1983, requesting that the licensees submit proposed Technical Specifications for LCOs and surveillance requirements for SDV vent and drain valves, diverse SDV highwater level scram instrumentation and SDV highwater rod block instrumentation.

The current Hatch Units 1 and 2 Technical Specifications do not provide LCOs or surveillance requirements for these SDV vent and drain valves or the diverse SDV highwater level scram instrumentation. The current Hatch Unit 1 Technical Specifications do not provide LCOs or surveillance requirements for SDV highwater level rod block instrumentation.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facilities in accordance with the proposed amendments would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). An example of a change involving no significant hazards consideration is "a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement" (Example ii). The changes included in this application add limitations requiring operability and surveillance of the scram discharge volume (SDV) vent and drain valves and the SDV highwater level scram and rod block instrumentation. Since the proposed changes add limitations not presently included in the Technical Specifications, the Commission's staff proposes to determine that the application does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Branch.

By December 14, 1983, the licensees may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonably specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendments involve a significant hazards comsideration, any hearing held would take place before the issuance of the admendments.

Normally, the Commission will not issue the amendments until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facilities, the Commission may issue the license amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects

that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–600 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: Petioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this**Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 2055, and to G. F. Trowbridge, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street NW., Washington, D.C. 20036, attorney for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Dated at Bethesda, Maryland, this 4th day of November 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83–30630 Filed 11–10–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–320]

GPU Nuclear Corporation; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission is considering issuance of an amendment to Facility Operating License No. DPR–73, issued to GPU Nuclear Corporation (the licensee), for operation of the Three Mile Island Nuclear Plant, Unit 2 located in Middletown, Pennsylvania.

This proposed amendment consists of administrative changes to the wording of section 5.5.4 of Appendix B of the Technical Specifications to be consistent with a modification to the Proposed Technical Specifications issued September 19, 1983. Section 5.5.4 presently references reviews that are performed by the Plant Operations Review Committee (PORC). Because the September 19, 1983 Modification of Order revised the GPU review structure thereby deleting PORC, this statement is no longer correct. The modification would reference Technical Specification Appendix A, Section 6.0 for criteria that should be used. Section 6.0, "Administrative Controls," instructs the licensee on management levels and the type of groups required to review procedures, station design changes and operation modifications at TMI–2.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations to 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of standards for determining whether license amendments involve no significant hazards considerations by providing certain examples which were published in the **Federal Register** on April 6, 1983 (48 FR 14870). One of the examples of actions involving a no significant hazards consideration is a purely administrative change to technical specifications, for example, a change to achieve consistency throughout the technical specifications, correction of an error, or change in nomenclature (i).

As discussed above, this example is applicable to the subject proposed change.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By December 14, 1983, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceeedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularly the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should

also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amendment petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-67000). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Bernard J. Snyder: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Shaw, Pittman, Potts & Trowbridge, 1800 M St., N.W., Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment, dated Novermber 29, 1982 as amended on February 25, 1983, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the State Library of Pennsylvania, Harrisburg, Pennsylvania 17126.

Dated at Bethesda, Maryland, this 4th day of November 1983.

For the Nuclear Regulatory Commission.

Bernard J. Snyder,

Program Director, Three Mile Island Program Office, Office of Nuclear Reactor Regulation.

[FR Doc. 83-30631 Filed 11-10-83; 8:45 am]

BILLING CODE 7590-01-M

International Nutronics, Inc.; Order Modifying License

[License Nos. 29-13848-01; EA 83-122]

I

International Nutronics, Inc. (the Licensee) is the holder of Byproduct Material License No. 29-13848-01, which authorizes the Licensee to possess, store, and use byproduct material for irradiation of materials, calibration of instruments, and shielding. The license was last renewed on July 14, 1981 and will expire on July 31, 1986. The license permits use of material only at the licensee's facilities at U.S. Highway 46 and Schley Street, Dover, New Jersey.

II

On September 30, 1983, Region I was notified that a spill and release of water contaminated with cobalt-60 had occurred at the facilities of International Nutronics, Inc., during December 1982. During an inspection on September 30 and October 1, 1983, Licensee representatives stated that approximately 600 gallons of water contaminated with cobalt-60 had spilled onto the floor of the irradiator building on December 4, 1982. The water apparently was released from a cobalt-60 storage pool when a hose connected to a circulating pump broke. Licensee representatives stated that no water was believed to have been released from the facility but that no surveys or evaluations had been made at that time to determine the extent, concentrations and quantities of radioactive materials that may have been released from the facility. The irradiator facility was shut down at the time of the spill and remained shut down until a new storage pool was built and licensed in February 1983.

10 CFR 20.403 requires each Licensee to notify the appropriate NRC Regional office within 24 hours of any incident involving licensed material which may have caused or threatens to cause: (1) The release of radioactive materials in concentrations which, if averaged over 24 hours, would exceed 500 times the limits specified for such materials in Appendix B, Table II, of Part 20; (2) a loss of one day or more of the operation of any facilities affected; or (3) damage to property in excess of $2,000. As a result of the spill, the licensee lost more than one day of operations and cleanup costs will be in excess of $2,000.

10 CFR 20.201(b) requires each Licensee to make such surveys as may be necessary for the Licensee to comply with the regulations in Part 20, and to make such surveys as are reasonable under the circumstances to evaluate the extent of radiation hazards that may be present. 10 CFR 20.103 limits the exposure of individuals to inhaled radioactive materials. 10 CFR 20.106 limits the concentrations of radioactive materials in liquid or gaseous effluent. Records maintained by the Licensee show extensive contamination of parts of the facility immediately surrounding the pool that contains water contaminated with cobalt-60. Independent measurements by NRC inspectors of soil located less than one foot from the outside walls of the facility indicate measureable concentrations of cobalt-60. Maximum concentrations detected by the NRC were slightly less

than 2.0 × 10E-4 microcuries/gram in soil. This concentration is approximately four times higher than the concentrations in microcuries/milliliter in water listed in Appendix B of Part 20. These findings indicate that following the spill of contaminated water, the licensee should have made surveys and evaluations to confirm its compliance with Part 20 limits.

By a confirmatory action letter of October 4, 1983, and the Licensee's response of October 10, 1983, the Licensee agreed to discontinue all irradiations of materials, submit a decontamination plan to the Commission, evaluate all interior areas of the facility for potential exposure of individuals to radiation or radioactive materials, evaluate the status of contamination exterior to the facility, arrange bioassays to determine any internal uptake of cobalt-60 by workers, make no changes in water purification systems without the prior approval of the Commission, install an adequate exhaust filtration system prior to performing any activities having the potential of creating an airborn radiation area, notify the Commission of all shipments of radioactive material from the facility, discontinue all activities which might produce liquid discharges contaminated with cobalt-60, and neither abandon nor release any facility until a full successful decontamination effort has been completed. In order to assure that thorough evaluations and timely notifications are made and that proper radiological safety procedures are adopted and followed during decontamination of the facility, I have determined these commitments are required in the interest of public health and safety and, therefore, should be confirmed by an immediately effective Order.

III

Accordingly, pursuant to Section 81, 161b, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 30, it is hereby ordered, effective immediately, that:

1. The Licensee shall discontinue any use of licensed material for the conduct of irradiations.

2. The Licensee shall submit a decontamination plan for the Dover facility to the NRC Region I office by November 15, 1983. This plan shall contain a complete characterization of the facility, with a description of the location and levels of all sources of radiation and contamination, and a timetable for decontamination activities and transfer of contaminated waste. Prior to implementation of any decontamination activities or preparation of radioactive material for shipment, detailed operating and radiation control procedures shall be provided to NRC Region I. No decontamination efforts will be initiated until the NRC has confirmed receipt of the procedures and has had at least two working days to review and approve the submitted procedures.

3. The Licensee shall perform a survey of all interior areas of the irradiator facility to evaluate potential exposure to sources of radiation and radioactive materials, including airborne radioactive materials. However, prior to entry into any High Radiation Area (HRA) or any Airborne Radioactivity Area (ARA), a detailed plan for entry, including radiation protection procedures to be followed, shall be provided to NRC Region I. No entry into any HRA or ARA shall be made until the NRC has confirmed receipt of the procedures and has at least two working days to review and approve the submitted procedures.

4. The Licensee shall evaluate the status of contamination external to the irradiator facility including building external walls, ancillary buildings, equipment, soil, and water, and submit the results to this office by November 19, 1983. These evaluations shall include drilling of test wells to sample groundwater in the vicinity of the facility. Analytical methods shall be sensitive enough to detect one picocurie or less of activity per gram of soil or milliliter of water.

5. The Licensee shall schedule whole-body counts (in vivo bioassay) of all employees, past and current, who have worked at the facility since October 1982, inform NRC Region I of the schedule for completing this action, and provide a summary of the results of this program to NRC Region I in accordance with the information requirements of 10 CFR 20.405, but within seven days after completion of the program.

6. Except in an emergency, the Licensee shall make no changes in the water purification system on either pool, including addition of any auxiliary equipment, without notification and approval by NRC Region I.

7. The Licensee shall make no further decontamination efforts or other acts which might produce airborne activity within the irradiator facility until an adequate exhaust filtration system has been installed and reviewed by NRC Region I.

8. The Licensee shall notify NRC Region I of all proposed radioactive material shipments at least 48 hours prior to the proposed shipment date.

9. The Licensee shall discontinue all activities which might produce liquid discharges from the facility which may contain radioactive material.

10. The Licensee shall neither abandon nor release any facilities until the NRC has confirmed a successful decontamination has been completed.

The Licensee may request a hearing on this Order within 25 days of its issuance. Any request for hearing shall be addressed to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Dated at Bethesda, Maryland, this 1st day of November 1983.

For the Nuclear Regulatory Commission.

Richard G. DeYoung,

Director, Office of Inspection and Enforcement.

[FR Doc. 83-30683 Filed 11-10-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-277 and 50-278]

Philadelphia Electric Company, et al. (Peach Bottom Atomic Power Station, Units Nos. 2 and 3); Exemption

I

Philadelphia Electric Company (the licensee) is authorized by Facility Operating Licenses Nos. DPR-44 and DPR-56 to operate the Peach Bottom Atomic Power Station, Units Nos. 2 and 3 (the facilities) at steady-state reactor power levels not in excess of 3293 megawatts thermal for each unit. These licenses provide, among other things, that they are subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facilities are boiling water reactors located at the licensee's site in York County, Pennsylvania.

II

Section 50.54(q) of 10 CFR Part 50 requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans which meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F of Appendix E requires each

licensee to conduct an emergency preparedness exercise annually with full participation by State and local county governments unless the State and all local county governments in the plume exposure pathway Emergency Planning Zone (EPZ) for the licensee's facility have otherwise participated in a full-scale exercise during the annual period (with such participation occurring in conjunction with a full-scale exercise at another nuclear power plant). In this latter case, the licensee is required to conduct an annual exercise with the participation of State and local governments consistent with the provisions of Section IV.F.3 of Appendix E for small scale exercises.

By letter dated April 20, 1983, the licensee requested an exemption from certain annual exercise requirements of Section IV.F.1.a of Appendix E. Specifically, the licensee's annual exercise scheduled for June 28, 1983, would not include a level of participation of local governments within the plume exposure pathway EPZ for the Peach Bottom facilities entirely consistent with the requirements of Section IV.F.1.a for full-scale exercises. Rather, the level of participation by the five counties (York, Lancaster and Chester Counties in Pennsylvania and Cecil and Harford in Maryland) along with the Commonwealth of Pennsylvania and the State of Maryland, would be consistent with the provisions of Section IV.F.3 of Appendix E for small-scale exercises.

The States of Maryland and Pennsylvania have participated or will participate in the Calvert Cliffs (September 14, 1983) and Three Mile Island (November 16, 1983) full-scale annual exercises, respectively. Lancaster and York Counties (Pennsylvania) also will participate in the full-scale Three Mile Island exercise, while Chester County (Pennsylvania) is planning to participate in the first full-scale 1984 Limerick exercise. Although Chester County may not fully satisfy the annual participation requirement within the required time period, the County is forming a basis for alternating annual full-scale participation between the Peach Bottom and Limerick facilities.

Cecil and Harford Counties (Maryland) participated only on a small-scale level for the 1983 Peach Bottom exercises because no county funds were available for full-scale participation. The 1983 county budgets on small-scale participation were based upon an interpretation of the regulations (10 CFR 50, Appendix E, Section IV.F) that when a State does not fully participate in an exercise because of previous or planned full participation at another site that year (e.g., Maryland at Calvert Cliffs), counties need also not fully participate. The regulations, however, require that each facility, State and local government participate fully in the exercise of their emergency plans each year.

Therefore, the licensee requested in its April 20, 1983 letter, an exemption for full participation by certain local governments (specifically for Chester, Cecil and Harford Counties) pursuant to 10 CFR 50, Appendix E, Section IV.F.1.a requirements and indicated that the level of participation by these local governments would be in conformance with the small-scale exercise requirements of Section IV.F.3 of Appendix E, thereby allowing the proposed exercise to qualify as an annual exercise. In general, communications and notification systems and procedures, and major interfaces with the utility organization and government agencies would be tested pursuant to Section IV.F.3 of Appendix E. In addition, the Prompt Notification system and emergency Broadcast Systems would be activated.

We have reviewed the participation of the States of Pennsylvania and Maryland and the Peach Bottom EPZ counties at the June 1, 1982 full-scale exercise for the Peach Bottom facilties. This review has shown that this exercise, conducted last year, has provided a suitable test for the adequacy of offsite emergency preparedness for Peach Bottom and has provided ample opportunity for training and familiarizing emergency response personnel, including those in Cecil, Harford and Chester Counties. In addition, the Federal Emergency Management Agency (FEMA) has informed us that all three Counties adequately exercised their small-scale participation emergency preparedness roles during the June 28, 1983 Peach Bottom Exercise and Nottingham, Chester County, which is the only municipality of Chest County within the Peach Bottom plume exposure pathway EPZ, participated full scale in that exercise and performed adequately. Moreover, both Harford and Cecil Counties participated in a number of notification and communication exercises during the past year. Participation in these various exercises during the past year, along with substantial efforts by Cecil and Harford Counties in upgrading emergency preparedness and equipment and substantial training for Chester County emergency response personnel has allowed these Counties to maintain an adequate leve of emergency preparedness despite their failure to participate full scale in the current annual full-scale exercise for Peach Bottom. FEMA has confirmed that there has been no lessening of the emergency preparedness programs of the three Counties since the 1982 Peach Bottom Exercise.

III

Based on the above, we conclude that the three Counties' failure to participate full scale in the current annual exercise for Peach Bottom has not adversely affected the Counties' emergency preparedness and that granting the requested exemption will not adversely affect the overall state of emergency preparedness for Peach Bottom. Therefore, the licensee's request for exemption should be granted.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption requested by the licensee's letter dated April 20, 1983, as discussed above, is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest.

The requested exemption from the exercise requirements of 10 CFR 50, Appendix E, Section IV.F.1. a involving Cecil, Harford, and Chester Counties' full-scale participation in the licensee's current annual exercise is hereby granted.

The Commission has determined that the granting of this Exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

This exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 3rd day of November 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director Division of Licensing.

[FR Doc. 83-30632 Filed 11-10-83; 8:45 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2108]

Idaho; Declaration of Disaster Loan Area

Custer County in the State of Idaho constitutes a disaster area because of damage resulting from an earthquake

occurring on October 28, 1983. Applications for loans for physical damage may be filed until the close of business on January 5, 1984, and for economic injury until the close of business on August 6, 1984, at the address listed below:

U.S. Small Business Administration, 1005 Main Street, Boise, Idaho 83702

or other locally announced locations.

Interest rates for this disaster area:

	Percent
Homeowners with credit available elsewhere	12.750
Homeowners without credit available elsewhere	6.375
Businesses with credit available elsewhere	11.000
Businesses without credit available elsewhere	8.000
Businesses (EIDL) without credit available elsewhere	8.000
Other (non-profit organizations including charitable and religious organizations)	10.500

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008).

Dated: November 4, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-30660 Filed 11-10-83; 8:45 am]

BILLING CODE 8025-01-M

Establishment of Size Policy Board

Pursuant to authority under the Small Business Act, 15 U.S.C. 631 *et seq.*, the Administrator of the Small Business Administration has established an SBA Size Policy Board.

The Board members are the Associate Administrator for Procurement and Technical Assistance (Chairman), the Associate Administrator for Finance and Investment, the Associate Administrator for Minority Small Business/Capital Ownership Development, the Assistant Administrator for Innovation, Research and Technology, and the Director, Size Standards Staff.

The functions of the Board are to develop and to consider matters of size policy. The Board may consider and make recommendations relating to proposals on size policy, including improvements in SBA regulations, procedures and directives. The Board may also consider changes or recommendations relating to industry classification and to particular SBA size standards. The Board coordinates its review and recommendations with other interested SBA offices, including the Office of Hearings and Appeals, the Office of General Counsel and the Office of Advocacy.

When approved, Board actions and recommendations may be incorporated into the Size Regulations, published interpretations, be considered by the Office of Hearings and Appeals in the review of size appeals and size standard appeals. The Size Policy Board has no authority to issue size determinations or advisory opinions on the size eligibility of particular concerns, but may consider facts of a particular case within the context of general policy consideration and for the purpose of possible policy recommendations to the appropriate implementing program office.

The Size Policy Board works with the Size Standards staff and with other interested SBA offices in the consideration of suggestions from small business concerns or other public comment proposing changes or clarifications in SBA size criteria. The Board may also consider comments or suggestions from other federal agencies regarding policies and procedures of the SBA size program and their relationship to the regulations or programs of such other agencies. In the performance of its functions the Board may request data or other assistance from various SBA central or field offices.

Dated: November 3, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-30661 Filed 11-10-83; 8:45 am]

BILLING CODE 8025-01-M

Region I—Advisory Council Meeting; Rhode Island

The Small Business Administration Region I Advisory Council, located in the geographical area of Providence, Rhode Island, will hold a public meeting at 12:00 noon, on Wednesday, December 14, 1983, at Camille's Roman Garden, 71 Bradford Street, Providence, Rhode Island, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call James A. Hague, District Director, U.S. Small Business Administration, 380 Westminster Mall, Providence, Rhode Island 02903. Telephone number (401) 528-4562.

Dated: November 8, 1983.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 83-30658 Filed 11-10-83; 8:45 am]

BILLING CODE 8025-01-M

Region III—Advisory Council Meeting; West Virginia

The Small Business Administration Region III Advisory Council, located in the geographical area of Clarksburg, West Virginia, will hold a public meeting at 1:00 p.m., Tuesday, December 13, 1983, at the Sheraton Lakeview Resort and Convention Center, Morgantown, West Virginia, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Marvin P. Shelton, District Director, U.S. Small Business Administration, P.O. Box 1608, Clarksburg, West Virginia 26302-1608. Telephone number (304) 622-6601.

Dated: November 8, 1983.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 83-30657 Filed 11-10-83; 8:45 am]

BILLING CODE 8025-01-M

Region IV—Advisory Council Meeting; Mississippi

The Small Business Administration Region IV Advisory Council, located in the geographical area of Jackson, Mississippi, will hold a public meeting at 9:00 a.m., Friday, November 18, 1983, at the Eola Hotel, 110 North Pearl Street, Natchez, Mississippi 39120, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Jack Spradling, District Director, U.S. Small Business Administration, 322 Federal Building, 100 West Capitol Street, Jackson, Mississippi 39269. Telephone number (601) 960-4363.

Dated: November 8, 1983.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 83-30659 Filed 11-10-83; 8:45 am]

BILLING CODE 8025-01-M

Region V—Advisory Council Meeting; Ohio

The Small Business Administration Region V Advisory Council, located in the geographical area of Cleveland, Ohio, will hold a public meeting at 9:00 a.m., on Tuesday, December 6, 1983, at the Anthony J. Celebrezze Federal Building, 1240 East Ninth Street, Room 317 (Conference Room), Cleveland, Ohio, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call S. Charles Hemming, District Director, U.S. Small Business Administration, 317 AJC Federal Building, 1240 East Ninth Street, Cleveland, Ohio 44199, (216) 522-4182.

Dated: November 8, 1983.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 83-30656 Filed 11-10-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/680]

National Committee of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the National Committee of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on November 30, 1983 from 9:30 a.m. until 12:00 noon in Room 6320, Department of State, 2201 C Street, NW., Washington, D.C.

The National Committee assists in the resolution of administrative/procedural problems pertaining to U.S. CCITT activities; provides advice on matters of policy and positions in the preparation for CCITT Plenary Assemblies and meetings of the International Study Groups; provides advice and recommendations in regard to the work of the U.S. CCITT Study Groups; and recommends the disposition of proposed U.S. contributions to the international CCITT which are submitted to the Committee for consideration.

This will be the second meeting of the National Committee to consider examination of issues relating to the upcoming CCITT Plenary Assembly scheduled for October 1–12, 1984. These issues will include study questions for the next Plenary period (1985–1988); candidates for Director of the CCITT; candidates for chairmanships and vice chairmanships of the various Study Groups; etc. It is requested that all current U.S. and international CCITT Chairmen and Vice Chairmen be in attendance.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is therefore suggested that prior to the meeting, persons who plan to attend, so advise Mr. Earl Barbely, Department of State, Washington, D.C.; telephone (202) 632–3405. All attendees must use the C Street entrance to the building.

Dated: October 31, 1983.

Earl S. Barbely,

Director, Office of International Communications Policy.

[FR Doc. 83-30502 Filed 11-10-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/683]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea Working Group on Ship Design and Equipment; Meeting

The Working Group on Ship Design and Equipment of the Subcommittee on Safety of Life at Sea (SOLAS) will meet on November 30, 1983 at 9:30 a.m. in Room 3201 at Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593.

The purpose of this meeting will be to formulate and discuss the United States' positions for the upcoming Twenty-Seventh Session of the Subcommittee on Design and Equipment for the International Maritime Organization (IMO) to be held February 27 to March 2, 1984.

The agenda for this meeting includes the following discussion items:

a. Requirements for machinery and electrical installations;

b. Maneuverability of ships;

c. Safety measures for diving systems;

d. Helicopter facilities for all types of ships; and

e. Consideration and clarification of the Code for Mobile Offshore Drilling Units.

Members of the public may attend up to the seating capacity of the room.

For further information contact Captain A. E. Henn, U.S. Coast Guard Headquarters (G-MTH-12), 2100 Second Street, SW., Washington, D.C. 20593. Telephone: (202) 426-2167.

Dated: October 27, 1983.

Samuel V. Smith,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 83-30505 Filed 11-10-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/681]

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on November 30, 1983 from 2:00 to 5:00 p.m. in Room 6320, Department of State, 2201 C Street, NW., Washington, D.C.

Study Group A deals with U.S. Government aspects of international telegram and telephone operations and tariffs. The Study Group will discuss international telecommunications questions relating to telegraph, telex, new record services, data transmission and leased channel services in order to develop U.S. positions to be taken at international CCITT Study Group meeting, with particular interest in the upcoming December meeting of CCITT Study Group I.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entery will be facilitated if arrangements are made in advance of the meeting. It is therefore suggested that prior to the meeting, persons who plan to attend, so advise Mr. Earl Barbely, Department of State, Washington, D.C. telephone (202) 632-3405. All attendees must use the C Street entrance to the building.

Dated: October 31, 1983.

Earl S. Barbely,

Director, Office of International Communications Policy.

[FR Doc. 83-30503 Filed 11-10-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/682]

Study Group 8 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 8 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on December 2, 1983, from 9:30 a.m. to 4:00 p.m. in Rooms 6A and 6B of the Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C.

Study Group 8 studies matters relating to systems of radiocommunications and radiodetermination for the mobile services. The purpose of the meeting is to prepare documents and other matters in connection with the Interim Meeting of international CCIR Study Groups 3 and 8 to be held in Geneva, May 1984.

Members of the general public may attend the meeting and join in the discussions subject to the instructions of the Chairman. Requests for further information should be directed to Mr.

Richard E. Shrum, State Department, Washington, D.C. 20520; telephone (202) 632-2592.

Dated: October 28, 1983.

Richard E. Shrum,

Chairman, U.S. CCIR National Committee.

[FR Doc. 83-30504 Filed 11-10-83; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration Materials Transportation Bureau

International Standards on the Transport of Dangerous Goods

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, Department of Transportation (DOT).

ACTION: Notice of Public Meeting.

SUMMARY: This notice sets forth the venue and provisional agenda for a public meeting which will review the recent activities of the MTB relating to international standards for the transport of dangerous goods.

DATE: December 15, 1983, 9:30 a.m. to 4:00 p.m.

ADDRESS: Room 4436, Nassif Building, 400 7th Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Edward A. Altemos, International Standards Coordinator, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. (202) 426-0656.

SUPPLEMENTARY INFORMATION: Particular topics to be reviewed at this meeting will include:

1. Difficulties encountered in the international transport of explosives by air pursuant to the ICAO Technical Instructions.

2. Results of the August 1983 meeting of the Group of Rapporteurs of the United Nations (UN) Committee of Experts on the Transport of Dangerous Goods.

3. Results of the September 1983 meeting of the Groups of Experts on Explosives of the UN Committee of Experts on the Transport of Dangerous Goods.

4. Status of the development of the International Civil Aviation Organization's (ICAO) dangerous goods regulations and results of the October 1983 working group meeting of the ICAO Dangerous Goods Panel.

5. Recent decisions of the RID/ADR Joint Meeting with respect to the transport of dangerous goods by rail and road in Europe.

With regard to item 1 on the provisional agenda, it has come to the attention of the MTB that increasing difficulty is being encountered with the international transport of explosives by air pursuant to the ICAO Technical Instructions. Of particular concern is the refusal of foreign governments to accept explosives approvals issued by the MTB in its capacity as the United States Competent Authority. Persons who have encountered this problem, or who have a particular interest in this subject, are invited to attend in order to discuss this problem and possible means of resolving it.

Persons planning to attend the meeting are cautioned that this meeting is intended only to review the most recent activities and decisions of international organizations governing the transport of dangerous goods and to discuss certain problems relating to the international transport of dangerous goods. Therefore, it is recommended that attendees be familiar with these organizations, their functions and the standards issued by them.

Issued in Washington, D.C. on November 7, 1983.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-30668 Filed 11-10-83; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 83-234]

Petitioner's Desire To Contest Decision Denying Domestic Interested Party Petition Requesting Reclassification of Certain Glassware

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of petitioner's desire to contest decision on domestic interested party petition.

SUMMARY: This document advises the public of a domestic interested party's desire to contest Customs decision denying its petition requesting reclassification of certain "specially tempered" imported glassware as "other" glassware at a higher rate of duty. The petitioner has advised Customs of its intention to file an action in the U.S. Court of International Trade.

FOR FURTHER INFORMATION CONTACT: Thomas J. Lindmeier, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-2938).

SUPPLEMENTARY INFORMATION:

Background

On July 31, 1981, a petition was filed with Customs under section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), by Libbey Glass Division of Owens-Illinois, Inc. ("petitioner"), an American manufacturer of glassware. The petitioner contended that certain glassware imported by J. G. Durand International ("importer") which has been classified under the provision for glassware which is "specially tempered," in item 546.38, Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), is not "specially tempered," and thus is properly classifiable under the provisions for "other" glassware, according to value, in items 546.52 through 546.68, TSUS.

A notice of receipt of the petition was published in the **Federal Register** on November 12, 1981 (46 FR 55822), advising the public of petitioner's contention and requesting comments on the petition. A notice of extension of time for comment was published in the **Federal Register** on December 7, 1981 (46 FR 59690). Of the 37 comments received in response to the notice, 34 expressed general approval of the petition and requested its adoption.

Decision on Petition and Notice of Petitioner's Desire To Contest

After careful analysis of the comments received in response to the notice and further review of the matter, Customs published in the **Federal Register** on July 25, 1983 (48 FR 33792), Treasury Decision 83-154 granting the petition in part, and denying it in part. As stated on page 33794 of that document:

> * * * However, as to the imported glassware designated "Artic Stemware", to include "Champagne", "Wine", and "Goblet", and "Artic Tumblers", to include "Old Fashioned", "Hi Ball", and "Beverage", the petition is denied. That merchandise has been properly classified under the provision for glassware which is "pressed and toughened (specially tempered)" in item 546.38, TSUS.

A document correcting the effective date of the decision to September 10, 1983, *i.e.*, the thirty-first day after the date of publication of the decision in the Customs Bulletin, appeared in the **Federal Register** on August 9, 1983 (48 FR 36238).

In response to Customs decision to deny the petition in part, the petitioner filed on August 19, 1983, a letter giving notice of its desire to contest Customs

decision in accordance with section 516(c), Tariff Act of 1930, as amended (19 U.S.C. 1516(c)), and § 175.23, Customs Regulations (19 CFR 175.23).

Customs has reconsidered the matter in light of petitioner's letter, but remains of the opinion that its July 25, 1983, decision is correct. That decision will stand in the absence of a contrary judgment rendered by the U.S. Court of International Trade or the U.S. Court of Appeals for the Federal Circuit.

Authority

This notice is published under the authority of section 516(c), Tariff Act of 1930, as amended (19 U.S.C. 1516(c)), and § 175.24, Customs Regulations (19 CFR 175.24).

Drafting Information

The principal author of this document was Todd J. Schneider, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: October 14, 1983.

William von Raab,

Commissioner of Customs.

[FR Doc. 83-30544 Filed 11-10-83; 8:45 am]

BILLING CODE 4820-02-M

VETERANS ADMINISTRATION

Agency Forms Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: The Veterans Administration has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains a proposed extension and a proposed new collection and lists the following information: (1) The department or staff office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filed out; (5) Who will be required or asked to report; (6) An estimate of the number of response; (7) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the proposed forms and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (004A2), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420; (202) 389-2146. Comments and questions about the items on this list should be directed to the VA's OMB Desk Officer, Dick Eisinger, Office of Management and Budget, 726 Jackson Place, NW, Washington, DC 20503; (202) 395-6880.

DATES: Comments on the forms should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: November 7, 1983.

By direction of the Administrator.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

Extension

1. Department of Veterans Benefits.
2. Application for National Service Life Insurance (RH).
3. VA Form 29-4361.
4. On occasion.
5. Individuals or households.
6. 7,760 responses.
7. 11,640 hours.
8. Not applicable.

New Collection

1. Department of Medicine and Surgery.
2. Residential Care Home Program Sponsor Application.
3. VA Form 10-2407.
4. One time only.
5. Individuals or households; businesses or other for-profit.
6. 1,000 responses.
7. 80 hours.
8. Not applicable.

[FR Doc. 83-30522 Filed 11-10-83; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 220
Monday, November 14, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CONSUMER PRODUCT SAFETY COMMISSION

Commission Meeting

TIME AND DATE: 10 a.m., Thursday, November 17, 1983.

LOCATION: Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, Md.

STATUS: Closed to the public.

MATTER TO BE CONSIDERED:

1. *Section 15 FY 83 Reports*
The staff will brief the Commission on Section 15 reports for FY 83.
2. *Compliance Status Report*
The staff will brief the Commission on the status of various compliance matters.

For a recorded message containing the latest agenda information, call 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butte, Office of the Secretary, 5401 Westbard Avenue, Bethesda, MD 20207; 301–492–6800.

[S–1589–83 Filed 11–9–83; 2:36 pm]

BILLING CODE 6355–01–M

2

CONSUMER PRODUCT SAFETY COMMISSION

Commission Meeting

TIME AND DATE: 10 a.m., Wednesday, November 16, 1983.

LOCATION: Third Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

STATUS: Open to the public.

MATTER TO BE CONSIDERED:

Section 6(b) Final Rules

The staff will brief the Commission on the final regulation implementing section 6(b) of the Consumer Product Safety Act.

For a recorded message containing the latest agenda information: call 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, MD 20207; 301–492–6800.

[S–1590–83 Filed 11–9–83; 2:36 pm]

BILLING CODE 6355–01–M

3

CONSUMER PRODUCT SAFETY COMMISSION

Commission Meeting

TIME AND DATE: 10 a.m., Monday, November 14, 1983.

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open to the public.

MATTER TO BE CONSIDERED:

1. NEISS: Policy for Dissemination

The Commission will consider the policy to be used for publishing NEISS estimates.

STATUS: Closed to the public.

MATTER TO BE CONSIDERED:

2. The Commission will review its procedures to note separate or dissenting opinions in **Federal Register** notices and press releases.

For a recorded message containing the latest agenda information: call 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, MD 20207; 301–492–6800.

[S–1591–83 Filed 11–9–83; 2:36 pm]

BILLING CODE 6355–01–M

4

CONSUMER PRODUCT SAFETY COMMISSION

Commission Meeting; Revised Agenda [1]

TIME AND DATE: 10 a.m., Monday, November 14, 1983.

LOCATION: Third Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *NEISS: Policy for Dissemination*

The Commission will consider the policy to be used for publishing NEISS estimates.

2. *Crib Hardware: 30(d) Rule, Proposed*

The staff will brief the Commission on failures of hardware on cribs and a proposed rule under Section 30(d) of the Consumer Product Safety Act, which proposes transfer of the regulation of risks of injury associated with crib hardware failures from the Federal Hazardous Substances Act to the Consumer Product Safety Act.

Closed to the Public:

3. *Enforcement Matter (OS #3280)*
The commission will consider enforcement matter OS #3280.
4. *Opinions Policy*
The Commission will review its procedures to note separate or dissenting opinions in **Federal Register** notices and press releases.

For a recorded message containing the latest agenda information call: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, Md. 20207301–492–6800.

[S–1592–83 Filed 11–9–83; 4:05 pm]

BILLING CODE 6355–01–M

[1] Agenda revised November 9, 1983, by adding items 2 and 3. The Commission determined that Agency business required holding this meeting without seven days advance notice.

5

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, November 15, 1983, 9:30 a.m. (eastern time).

PLACE: Commission Conference Room 200–C, second floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20507.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Announcement of Notation Vote/s.
2. A Report on Commission Operations (Optional).
3. Freedom of Information Act Appeal No. 83–9–FOIA–87–NO concerning a request for Information from a Title VII Investigative file.
4. Freedom of Information Act Appeal No. 83–4–FOIA–077–NY concerning a request for a document from a Title VII case file.

Closed:

1. Litigation Authorization; General Counsel Recommendations.
2. Consideration of Certain ORA Decisions.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meeting in the **Federal Register**, the Commission also provides

recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634–6748.

This Notice Issued November 8, 1983.

[S-1564-83 Filed 11-9-83; 8:53 am]

BILLING CODE 6750-06-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, November 7, 1983, the Corporation's Board of Directors determined, on motion of Director Irvine H. Sprague (Appointive), seconded by Director C. T. Conover (Comptroller of the Currency), concurred in by Chairman William M. Isaac, that Corporation business required, on less than seven days' notice to the public, the withdrawal from the agenda for consideration in open session and the addition to the agenda for consideration at the Board's closed meeting to be held at 2:30 p.m. the same day, of the following matter:

Application of The Massachusetts Companies, Inc., Boston, Massachusetts, an operating noninsured trust company located at 99 High Street, Boston, Massachusetts, for Federal deposit insurance and for consent to exercise trust powers.

In voting to move the matter from open session to closed session, the Board further determined, by the same majority vote, that the public interest did not require consideration of the matter in a meeting open to public observation and that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

By the same majority vote, the Board further determined that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: November 8, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1565-83 Filed 11-9-83 2:24 pm]

BILLING CODE 6714-01-M

7

FEDERAL ELECTION COMMISSION

DATE AND TIME: Thursday, November 17, 1983, 10:00 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates of future meetings
Correction and approval of minutes
Draft Advisory Opinion No. 1983–32: Thomas J. Trabucco for Natl. Assoc. of Retired Federal Employees (NARFE–PAC)
Draft Advisory Opinion No. 1983–34: Jim Marston on behalf of Lloyd Doggett Campaign Fund
Draft Advisory Opinion No. 1983–37: James Roosevelt, Jr., on behalf of Mass. Democratic State Committee
Finance Committee Report
Routine Administrative matters

* * * * *

DATE AND TIME: Thursday, November 17, 1983, immediately following close of open session

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Compliance, Litigation, Audits, Personnel.

PERSONS TO CONTACT FOR IMFORMATION: Mr. Fred Eiland, Information Officer, Telephone: 202–523–4065.

Majorie W. Emmons,

Secretary of the Commission.

[S-1585-83 Filed 11-9-83; 10:56 am]

BILLING CODE 6715-01-M

8

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., November 16, 1983.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 2744–50: Modification of the Atlantic & Gulf/West Coast of South America Conference Agreement to add intermodal and miniland bridge authority.
2. Agreement No. 10424–5: Modification of the United States Atlantic & Gulf/Jamacia & Hispaniola Steamship Conference Agreement to add alternate port service authority.
3. Agreement No. 10477: Space Chartering Agreement between Farrell Lines, Inc. and Cameroon Shipping Lines and Agreement No. 10480: Space Charter Agreement between Delta Steamship Lines, Inc. and Cameroon Shipping Lines.
4. Special Dockets Nos. 1059, 1060 and 1061: Applications of Distribution Services Ltd. for Target Stores, Wal-Mart Stores, Inc. and Edison Brothers, Inc., respectively—Review of Initial Decison.
5. Docket No. 83–37: In the Matter of Rates Applicable to Charitable Shipments by U.S. Atlantic and Gulf/Jamaica and Hispaniola Steamship Freight Association—Consideration of the record.
6. Proposed Rulemaking Proceeding to Consider Certain Exemptions and Tariff-Filing Requirements for Intermodal Rates.
7. Sea-Land Service, Inc. and Lykes Bros. Steamship Co., Inc. application for special permission to waive the 30 day filing requirement for the purpose of publishing new or initial intermodal rates.

Portion closed to the public:

1. Request for Investigation of Practices of the Port Authority of Trinidad and Tobago.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S-1587-83 Filed 11-9-83; 2:23 pm]

BILLING CODE 6730-01-M

9

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Blue Ribbon Panel on the Information Policy Implications of Archiving Satellite Data

DATE AND TIME: November 16, 1983, 9 a.m.–4 p.m.

PLACE: The Capitol Holiday Inn, 550 C Street SW., Washington, D.C. 20024.

STATUS: Open.

MATTERS TO BE DISCUSSED: To review comments on draft RFP that are pertinent to the data archiving issue and to discuss possible recommendations to the Source Evaluation Board on Civil Space Remote Sensing Satellite Systems.

CONTACT PERSON FOR MORE INFORMATION: Toni Carbo Bearman, Executive Director.

November 7, 1983.

Sarah G. Bishop,

Deputy Director, NCLIS.

[S-1586-83 Filed 11-9-83; 2:20 pm]

BILLING CODE 7527-01-M

10

NUCLEAR REGULATORY COMMISSION

DATE: Week of November 14, 1983.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Tuesday, November 15:*

10:00 a.m.
Briefing on the HTGR (Public Meeting):
a. "The Lead Plant HTGR"
b. "Staff Activities on HTGR"
2:00 p.m.
Discussion of Pending Investigations (Closed—Exemptions 5 and 7)

Wednesday, November 16:

10:00 a.m.
Discussion of RRTF—Administrative Proposals—Revisions to Part 2 (Public Meeting)
1:30 p.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Exemptions 2 and 6)

Thursday, November 17:

9:30 a.m.
Briefing on State of the Nuclear Industry (SESE) (Public Meeting)
10:30 a.m.
Briefing on State of the Nuclear Industry (UCS) (Public Meeting)
1:30 p.m.
Meeting with ACRS (Public Meeting)
3:00 p.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Review of ALAB–729 and Review of ALAB–744 (Tentative)

TO VERIFY THE STATUS OF MEETINGS CALL: (Recording)—(202) 634–1498.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634–1410.

Walter Magee,
Office of the Secretary.

[S–1582–83 Filed 11–8–83; 4:40 pm]
BILLING CODE 7590–01–M

Federal Register

Monday
November 14, 1983

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication to the **Federal Register** are listed with each State.

California: CA 83-5118	Sept. 16, 1983.
Connecticut: CT83-3021	June 3, 1983.
Colorado: CO83-5109	Apr. 8, 1983.
Illinois:	
IL 83-2052	July 1, 1983.
IL82-2001	Jan. 15, 1982.
IL82-2068	Dec. 17, 1982.
Louisiana: LA83-4059	Aug. 5, 1983.
Missouri: MO82-4047	Oct. 1, 1982.
New Jersey:	
NJ83-3026	July 29, 1983.
NJ83-3016	June 17, 1983.
NJ83-3015	Do.
New York:	
NY81-3062	Sept. 11, 1981.
NY80-3045	Sept. 5, 1980.
Pennsylvania: PA82-3027	Oct. 8, 1982.
Texas: TX83-4042	June 3, 1983.
Washington: WA83-5110	Do.
Virginia: VA82-3033	Dec. 3, 1982.

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.

Nebraska: NE83-4057 (NE83-4083)	July 29, 1983.

Signed at Washington, D.C., this 4th day of November 1983.

James L. Valin,

Assistant Administrator.

BILLING CODE 4510-27-M

MODIFICATIONS P. 1

DECISION NO. CA83-5118 - Mod. #2 (48 FR 41695 - September 16, 1983) Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties, California	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos Workers	$21.54	$4.92
Brick Trenders	13.47	7.53
Cement Masons:		
Area 1:		
Cement Masons	18.56	6.50
Cement Floating and Troweling Machine Operators	18.81	6.50
Area 2:		
Cement Masons	16.56	6.50
Cement Floating and Troweling Machine Operators	16.85	6.50
Electricians:		
Area 1:		
Electricians	23.00	4.65+3%
Cable Splicers	23.60	4.65+3%
Sound Technicians	16.95	2.25+3%
Elevator Constructors:		
Area 1:		
Mechanics	22.74	3.00+a
Helpers	15.92	3.00+a
Probationary Helpers	11.37	
Laborers:		
Area 1:		
Group 1	14.82	7.78
Group 2	14.97	7.78
Group 3	15.17	7.78
Group 4	15.47	7.78
Group 5	15.67	7.78
Laborers: (Cont'd)		
Area 2:		
Group 1	$12.82	$7.78
Group 2	12.97	7.78
Group 3	13.17	7.78
Group 4	13.47	7.78
Group 5	13.67	7.78
Plasterers:		
Area 1	19.59	3.905
Plasterers' Tenders:		
Area 1	15.66	7.56
Sheet Metal Workers:		
Area 3	21.09	4.77
Soft Floor Layers:		
Area 2	18.17	4.35

DECISION NO. CT83-3021 - MOD. #8 (48 FR 25090 - June 3, 1983) STATEWIDE	Basic Hourly Rates	Fringe Benefits
CHANGE:		
BOILERMAKERS	18.16	3.441
CARPENTERS: MILLWRIGHTS; PILEDRIVERMEN; RESILIENT FLOOR LAYERS:		
HEAVY & HIGHWAY CONSTRUCTION:		
Areas 1 & 2	14.45	1.80+d
Area 3	14.45	2.30+c+d
Area 4	14.40	2.35+d
PLUMBERS		
Area 6		
Jobs where total mechanical work exceeds $2000,000	17.00	3.83
Jobs where total mechanical work is $200,000 or less	12.75	3.83

MODIFICATIONS P. 2

DECISION NO. IL83-3052 - Mod #3 (48 FR 3057 - July 1, 1983) Adams, Bond, Boone, Brown, Bureau, Calhoun, Carroll, Cass, Clinton, DeKalb, Fulton, Greene, Hancock, Henderson, Henry, Jersey, Jo-Daviess, Knox, LaSalle, Lee, Livingston, Logan, McDonough, McLean, Macoupin, Marshall, Mason, Menard, Mercer, Monroe, Montgomery, Morgan, Ogle, Pike, Putnam, Randolph, Rock Island, Schuyler, Scott, Stark, Stephenson, Warren, Washington, Whiteside, Winnebago, and Woodford Counties Illinois	Basic Hourly Rates	Fringe Benefits
OMIT:		
Glaziers:		
Area 6 (Fulton County)	$16.59	$1.31
CHANGE:		
Glaziers:		
Area 5:		
(To include Fulton County)	16.24	2.00+3%+c
Ironworkers:		
Area 5	16.35	3.56
Painters:		
Area 11:		
Brush, Roller	12.00	1.85
Sandblasting, Spray, Taping	13.00	1.85
Sheetmetal Workers:		
Area 2	15.64	2.36+9%

DECISION NO. IL83-3068 - Mod #1 (47 FR 3660 - Jan. 15, 1982) Alexander, Champaign, Christian, Clark, Clay, Colera, Crawford, Cumberland, DeWitt, Douglas, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Hamilton, Hardin, Iroquois, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Moultrie, Perry, Piatt, Pope, Pulaski, Richland, Saline, Shelby, Union, Vermillion, Wabash Wayne, White, and Williamson Counties, Illinois.	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters: Lathers, Millwrights, Piledrivermen, Soft-Floor Layer Area 1	$13.95	$1.45
Painters:		
Area 9:		
Brush	12.30	
Steel	13.05	
Spray, Sandblast	13.30	
Roofers:		
Area 3	18.21	2.50
Sheet Metal Workers:		
Area 4	15.64	2.36+9%

DECISION NO. IL82-3068 - Mod #4 (47 FR 56601 - Dec. 17, 1982) Madison and St Clair Counties, Illinois	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Laborers:		
Madison County:		
Alton:		
Common	$15.90	$1.50
Laying Sewer & Sewer Work	16.00	1.50
Well Digging; Gunnite Machine; Gunnite Nozzle Operator; & Rip-Rapping	16.15	1.50
Wood River:		
Common	14.90	2.50
Laying Sewer & Sewer Work	15.00	2.50
Well Digging; Gunnite Machine & Nozzle Operator	15.15	2.50
Granite City, Madison, Venice Nameoki & Mitchell		
Common	15.25	2.15
Brick Mason & Plasterer's Tender	15.75	2.15
Cutting, Welding, Burning	15.525	2.15
Dynamite & Powdermen	16.775	2.15
Dynamite & Powdermen Tender	15.775	2.15
Collinsville:		
Common	15.65	1.75
Mason & Plasterer Tender	16.15	1.75
Dynamite Men	16.95	1.75
Dynamite Men Tender	16.20	1.75
Edwardsville:		
Common	16.35	1.05
Working on Sewer from building to main sewer	16.45	1.05
Working in main sewer ditch & cutting w/a torch	16.60	1.05
Plasterers' & Masons' Tenders	16.85	1.05
Dynamite Powdermen	17.675	1.05
Belleville & Vicinity:		
Common	14.70	2.70
Dynamite Men & Powder Men	16.20	2.70
Working w/a Torch at bottom of sewer	14.95	2.70
O'Fallon, Mascoutah, Scott AFB, Shiloh, Lebanon & Vic.		
Common	15.95	1.45
Bottom Men on Sewer Work	16.20	
Dynamite Men	16.90	1.45
Mason & Plasterer Tender	16.45	1.45
Plumbers:		
St Clair (Belleville & Vic)	17.60	2.60
Sheet Metal Workers	15.64	2.36+9%

MODIFICATIONS P. 3

DECISION #LA83-4059-MOD#4 (48 FR 35836-August 5, 1983) Statewide, Louisiana	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters		
Zone 5:		
Carpenters & Soft Floor Layers	$14.76	$2.60
Millwrights	15.15	2.60
Piledrivermen	14.86	2.60
Zone 6:		
Carpenters & Soft Floor Layers	14.60	2.60
Millwrights	15.15	2.60
Piledrivermen	14.86	2.60
Electricians:		
Zone 5:		
Electricians	15.90	1.68 +9%
Cable Splicers	15.90	1.68 +9%
Elevator Constructors:		
Zone 1:		
Mechanics	14.82	3.00 +a
Helpers	70%JR	3.00 +a
Helpers (Prob.)	50%JR	
Ironworkers:		
Zone 3	13.60	2.56
Zone 6	16.10	2.42
Line Construction:		
Zone 1:		
Linemen	15.90	1.68 +9%
Hole digging equip.: tractor w/winch & derrick; line truck w/winch & derrick working hot lines	75%JR	1.68 +9%
Pole truck & trailer or pole hauling & setting truck (not energized lines)	65%JR	1.68 +9%
Truck w/o winch	45%JR	1.68 +9%
Groundmen	50%JR	1.68 +9%

DECISION #LA83-4059-MOD#4 (Cont'd)	Basic Hourly Rates	Fringe Benefits
Painters:		
Zone 2:		
Group 1	$12.50	$1.38
Group 2	14.37	1.38
Power Equipment Operators:		
Zone 7:		
Group 1	15.23	2.50
Group 2	12.49	2.50
Group 3	12.68	2.50
Group 4	15.73	2.50
Group 5	10.79	2.50
Group 6	9.08	2.50
Group 7	15.48	2.50
Group 8	15.73	2.50
Group 9	15.98	2.50
Group 10	16.23	2.50
Group 11	16.73	2.50
Group 12	17.23	2.50

DECISION NO. CO83-5109 - MOD. #3 (48 FR 15404 - April 8, 1983) Statewide, Colorado	Basic Hourly Rates	Fringe Benefits
Add:		
to Carpenters - Heavy and Highway Construction:		
Bridge Builders:		
Zone 1	$12.38	$3.57
Zone 2	12.84	3.57

MODIFICATIONS P. 4

DECISION NO. NJ83-3026 - MOD. #4 (48 FR 34624 -July 29, 1983) Bergen, Essex, Hudson, and Passaic Countirs, New Jersey	Basic Hourly Rates	Fringe Benefits
Change:		
Asbestos Workers	$18.05	6.02
Bricklayers, Cement Masons, Plasterers and Stone Masons		
Zone 3	16.03	4.83
Carpenters, Insulators and Millwrights:		
Zone 1:		
Carpenters & Insulators	17.25	20.5%
Millwrights	17.75	20.5%
Zone 2:		
Insulators	17.26	20.5%
Millwrights	17.76	20.5%
Marble Setters, Tile Setters and Terrazzo Workers:		
Cutters and Setters	13.93	4.19 +e
Carvers	14.48	4.19 +e
Polishers	14.89	2.19 +e
Crane Op. Derrickmen	12.91	4.34 +e
Marble Finisher (Helper)	12.91	2.19 +e
Terrazzo Workers & Mosaic Finishers	15.48	2.71
Tile Setters	15.26	4.335
Tile Setters Finishers	13.84	3.17

DECISION #MO82-4047-MOD#2 (48 FR 43524-October 1, 1982) Green County, Missouri	Basic Hourly Rates	Fringe Benefits
OMIT:		
Elevator Constructors:		
Elevator Constructors	$16.53	a+2.465
Elevator Constructors (Prob. Helpers)	70%JR	a+2.465

DECISION NO. NJ83-3015 -	Basic Hourly Rates	Fringe Benefits
MOD. #9		
(48 FR 27991 - June 17, 1983)		
Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren Counties, New Jersey		
Change:		
Asbestos Workers:		
Zone 2	$18.65	6.02
Bricklayers, Cement Masons, Plasterers & Stone Masons:		
Zone 3	16.03	4.83
Zone 6	16.07	3.19
Zone 7	17.50	2.42
Zone 8	16.69	3.02
Zone 9	15.93	3.34
Zone 10	16.18	3.19
Zone 11	16.35	2.92
Zone 12	17.50	2.42
Carpenters, Insulators & Millwrights:		
Zone 2	17.01	3.74
Zone 4:		
Carpenters & Insulators	17.25	20.5%
Millwrights	17.75	20.5%
Zone 6:		
Carpenters & Insulators	17.26	20.5%
Millwrights	17.76	20.5%
Soft Floor Layers	15.88	20.5%
Marble Setters; Terrazzo Workers & Tile Setters:		
Zone 2:		
Cutters & Setters	13.93	4.19 +e
Carvers	14.48	4.19 +e
Polishers	14.89	2.19 +e
Crane Op.; Derrickmen	12.91	4.34 +e
Marble Finisher (Helpers)	12.91	2.19 +e
Terrazzo Workers & Mosaic Finishers	15.28	2.71
Tile Setters	15.28	4.335
Tile Setters Finishers	13.84	3.17

DECISION NO. NJ83-3016 -	Basic Hourly Rates	Fringe Benefits
MOD. #10		
(48 FR 28063 - June 17, 1983)		
Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean, Salem Counties, New Jersey		
Change		
Asbestos Workers:		
Zone 1	$17.96	4.22
Carpenters, Insulators and Millwrights:		
Zone 1	18.01	15.5%
Bricklayers, Cement Masons, Stone Masons, Marble Masons, Plasterers, Tile Layers and Terrazzo Workers:		
Zone 4	16.10	2.43
Zone 5	15.92	3.22

DECISION NO. NY81-3062 -	Basic Hourly Rates	Fringe Benefits
MOD. #8		
(46 FR 45530 - Sept. 11, 1981)		
WESTCHESTER CO., NEW YORK		
CHANGE:		
ASBESTOS WORKERS	21.0687	3.6971
BOILERMAKERS	21.06	.04+32%
BRICKLAYERS, CEMENT MASONS, PLASTERERS, POINTERS, CAULKERS, CLEANERS & STONE MASONS	17.00	5.57+a
CARPENTERS		
Building	16.85	5.95
DOCKBUILDERS	17.36	7.865
GLAZIERS	17.65	5.70
IRONWORKERS		
Ornamental	16.23	8.45
Structural	15.50	12.29
PAINTERS:		
Bursh	12.98	3.45
Spray	13.98	3.45
Tapers	13.78	3.45
Steel: Swing stage, boatswain chair	14.8347	3.45
PLUMBERS	17.89	5.41+b
ROOFERS	13.85	7.69
SPRINKLER FITTERS	16.92	3.23
SOFT FLOOR LAYERS:		
Soft Floor Layers	17.37	6.63
Hand Sewers	11.52	6.63
STEAMFITTERS:		
Steamfitters	16.16	.96+ 34.5%
Refrigeration (combined compressor tonnage not over 5 tons) & air conditioning (water cooled, not over 10 tons) & air conditioning (air cooled, not over 15 tons)	11.60	3.03

DECISION NO. NY80-3045 -	Basic Hourly Rates	Fringe Benefits
MOD. #7		
(45 FR 59104 - Sept. 5, 1980)		
JEFFERSON CO., NEW YORK		
CHANGE:		
Heading in Federal Register published on Sept. 2, 1983 to read "MOD. #6"		
BRICKLAYERS	16.94	1.81

DECISION NO. PA82-3027 -	Basic Hourly Rates	Fringe Benefits
MOD. 46		
(47 FR 44670 - October 8, 1982)		
Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford, and Venongo Counties, Pennsylvania		
Change:		
Asbestos Workers:		
Zone 1	$15.88	5.92
Boilermakers:		
Zone 1	16.67	.79+ 14½%
Bricklayers & Stonemasons:		
Zone 5	14.00	2.65
Carpenters & Soft Floor Layers:		
Zone 1	14.00	30%
Cement Masons:		
Zone 1	15.94	3.98
Electriciane:		
Zone 3	17.50	1.50 + 8½%
Elevator constructors	17.375	3.00 +j+k
Elevator Constructors Helpers	12.16	3.00 +j+k
Elevator Constructors Helpers (Prob.)	8.69	
Ironworkers:		
Zone 1	16.32	4.95
Zone 2	15.11	3.15
Laborers:		
Zone 1:		
Class I	13.42	20%
Class II	13.56	20%
Class III	13.69	20%
Class IV	13.96	20%
Class V	14.14	20%
Zone 2:		
Class I	12.90	20%
Class II	12.975	20%
Class III	13.00	20%
Class IV	13.05	20%
Class V	13.58	20%
Class VI	13.39	20%
Class VII	13.44	20%
Laborers (Cont'd)		
Zone 3:		
Class I	13.00	20%
Class II	13.25	20%
Class III	13.80	20%
Zone 4:		
Class I	13.42	20%
Class II	13.50	20%
Class III	13.81	20%
Class IV	13.87	20%
Class V	13.66	20%
Class VI	13.99	20%
Class VII	13.66	20%
Class VIII	13.87	20%
Zone 5:		
Class I	11.65	20%
Class II	12.55	20%
Class III	12.25	20%
Class IV	12.15	20%
Class V	11.69	20%
Zone 6:		
Class I	11.92	20%
Class II	12.42	20%
Class III	12.52	20%
Class IV	12.42	20%
Class V	11.97	20%
Landscaping:		
Zone 1:		
Class I	10.30	22%
Class II	10.72	22%
Zone 2:		
Class I	12.00	20%
Line Construction:		
Zone 1:		
Class 1	18.06	.80+ 3 3/8%
Class 2	10.76	.80+ 3 3/8%
Class 3	12.59	.80+ 3 3/8%
Zone 2:		
Class 1	15.64	.65+ 3 3/8%
Class 2	10.94	.65+ 3 3/8%
Class 3	10.41	.65+ 3 3/8%
Painters:		
Zone 1:		
Commercial	13.09	3.27

DECISION NO. PA82-3027 (CONT'D)	Basic Hourly Rates	Fringe Benefits
Piledrivermen	16.14	28%
Roofers:		
Zone 2	16.89	2.65
Plumbers & Steamfitters:		
Zone 4	16.48	3.48
POWER EQUIPMENT OPERATORS:		
Class 1	15.795	3.47
Class 1-A	16.045	3.47
Class 1-B	16.295	3.47
Class 1-C	16.545	3.47
Class 1-D	17.795	3.47
Class 2	15.645	3.47
Class 3	13.37	3.47
Class 3-A	13.87	3.47
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Class 5	11.62	3.47
Class 6	11.92	3.47
Class 6-A	12.02	3.47
Class 6-B	12.17	3.47
Class 6-C	12.92	3.47

DECISION NO. TX83-4042 - MOD. #5 (48 FR 25106 - 6/3/83) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Laborers:		
Zone 1 - Grayson Co.:		
Group 1 - Unskilled	$ 9.675	.775
Group 2 - Air tool op.(jackhammer-vibrator), mason tender & mortar mixer, pipelayer	9.925	.775
Zone 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos.	10.24	1.10

DECISION NO. VA82-3033- MOD. # 5 (47 FR 54744-DECEMBER 3, 1982) HENRICO COUNTY & THE INDEPENDENT CITY OF RICHMOND	Basic Hourly Rates	Fringe Benefits
CHANGE:		
BRICKLAYERS	$12.00	1.45

DECISION NO. WA83-5110 - Mod #4 (48 FR 25108 - June 3, 1983) Statewide Washington	Basic Hourly Rates	Fringe Benefits
ADD: LABORERS (SEWER & WATER LINE CONSTRUCTION ONLY) All Counties and portions of Counties West of the 120th Meridian (Except: Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific County.)		
General Laborer	$14.00	$3.11
Topman	14.34	3.11
Pipelayer	14.48	3.11

SUPERSEDEAS DECISION

STATE: Nebraska
DECISION NO.: NE83-4063
COUNTIES: See Below*
DATE: Date of Publication
Supersedes Decision No. NE83-4057, dated July 29, 1983 in 48 FR 34623.
DESCRIPTION OF WORK: Heavy and Highway Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges)
*Statewide (except Douglas, Cass, Sarpy, Washington and that portion of Saunders County East of Highway #109

	Basic Hourly Rates	Fringe Benefits
CARPENTER	$8.00	
CARPENTER HELPER	5.75	
CEMENT FINISHER	7.75	
CEMENT FINISHER HELPERS	5.75	
CONCRETE SAW OPERATOR	7.30	
FORM SETTER (ROAD)	7.30	
FORM SETTER (STRUCTURES)	6.20	
LABORER	5.00	
MANHOLE BUILDER	6.50	
PAINTER	5.20	
PILE DRIVER LEADSMAN	5.20	
POWER EQUIPMENT OPERATORS:		
All Purpose Spreader	6.20	
Asphalt Distributor	5.95	
Asphalt Distributor Helper	5.55	
Asphalt Heaterman	5.55	
Asphalt Paving Machine	8.00	
Asphalt Paving Machine Screedman	6.50	
Asphalt Roller, Self-propelled	7.45	
Stationary Fl. (base or Stabilization)	7.30	
Stationary Fl. (asphalt or concrete)	8.30	
Beginner Operator	6.50	
Bulldozers:		
Less than 115 Drawbar H. P.	7.45	
115 Drawbar H. P. and over	8.30	
Cement Handler	5.20	
Clamshell, Dragline, Backhoe, Crane, Pile Driver or Shovel	8.40	
Concrete Mixer	5.20	
Concrete Paver	7.30	
Slip Form Paver	8.30	
Concrete Finishing Machine and Spreader	8.30	
Conveyor	5.20	
Crusher (incl. those with integral screening plant)	7.45	

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS (Cont'd):		
Dredge Pump Under 10"	$6.20	
Dredge Pump 10" and over	7.30	
Fireman (boiler)	5.55	
Front End Loader:		
3-1/2 Cu. Yds. or less	7.30	
Over 3-1/2 Cu. Yds.	8.00	
Mechanic	8.40	
Mechanic Helper	7.30	
Motor Grader	8.40	
Oiler or Greaser	7.30	
Roller or Compactor (earthwork) self-propelled	6.50	
Scraper:		
Under 16 Cu. Yds.	7.45	
16 Cu. Yds. and Over	8.30	
Power Grade Machine (trimmer & profiler)	8.30	
Tractor:		
Farm Type	6.20	
Less than 115 Drawbar H. P.	7.45	
115 Drawbar H. P. and Over	8.00	
Traveling Plant (stabilization)	7.45	
Traveling Plant Helper (stabilization)	6.20	
Trenching Machine	6.50	
TRUCK DRIVERS:		
Single Axle	5.20	
Tandem Axle	6.10	
Semi-Trailer	6.20	
Transit Mix	6.20	
Lowboy	7.30	
WATER TANKER, 6,000 GAL. & OVER	7.45	
WELDER	8.00	
HYDROHAMMER	6.15	

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)).

[FR Doc. 83-30333 Filed 11-10-83; 8:45 am]
BILLING CODE 4510-27-C

federal register

Monday
November 14, 1983

Part III

Environmental Protection Agency

Standards of Performance for New Stationary Sources; Revisions to Reference Method 5 (Appendix A) To Add Certain Calibration Procedures; Proposed Rule and Notice of Public Hearing

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL 2432-2]

Standards of Performance for New Stationary Sources; Revisions to Reference Method 5 (Appendix A) To Add Certain Calibration Procedures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule and Notice of Public Hearing.

SUMMARY: This action proposes revisions to Method 5 of Appendix A of 40 CFR Part 60 to add certain sampling equipment calibration procedures that are contained in Air Pollution Technical Documents APTD-0576 and APTD-0581. The calibration procedures are already required by Method 5; however, they are not currently described in the text of Method 5. Since it has been determined that APTD-0576 and APTD-0581 are not suitable for incorporation by reference, we are not revising Method 5 to include all of the necessary calibration procedures.

A public hearing will be held, if requested, to provide interested persons an opportunity for oral presentation of data, views, or arguments concerning the proposed revisions.

DATES: *Comments.* Comments must be received on or before January 9, 1984.

Public Hearing. If anyone contacts EPA requesting to speak at a public hearing by November 25, 1983 a public hearing will be held on December 9, 1983 beginning at 10:00 a.m. Persons interested in attending the hearing should call Mrs. Pat Finch at (919) 541-5578 to verify that a hearing will occur.

Request to Speak at Hearing. Persons wishing to present oral testimony must contact EPA by December 1, 1983.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to: Central Docket Section (LE-131), Attention: Docket Number A-83-15, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Public Hearing. If anyone contacts EPA requesting to speak at a public hearing, it will be held at EPA's Environmental Research Center Auditorium, Research Triangle Park, North Carolina. Persons interested in attending the hearing should call Mrs. Pat Finch at (919) 541-5578 to verify that a hearing will occur. Persons wishing to present oral testimony should notify Mrs. Pat Finch, Standards Development Branch (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone number (919) 541-5578.

Docket. Docket No. A-83-15, containing materials relevant to this rulemaking, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Shigehara, Emission Measurement Branch (MD-19), Emission Standards and Engineering Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-2237.

SUPPLEMENTARY INFORMATION: In the Freedom of Information Act, 5 U.S.C. 552, Congress authorized incorporation of materials into regulations by reference in an effort to reduce the volume of material published in the Federal Register and *Code of Federal Regulations.* Incorporation by reference allows Federal agencies to comply with the requirement to publish regulations in the Federal Register simply by referring to material already published elsewhere, rather than reprinting such material in the published regulations. The legal effect of incorporation by reference is that the material is treated as if it where published in the Federal Register. This material, like any other properly issued regulation, has the force and effect of law.

In this action, EPA is removing certain documents from incorporation by reference in Method 5, as it has been determined that they are not suitable for incorporation by reference.

Miscellaneous

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This regulation is not major because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices; and there will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant economic impact on small entities because there will not be any increase in the cost of testing.

This proposed rulemaking is issued under the authority of sections 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, and 7601(a)

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc, Tires, Incorporation by reference, Can surface coating, Sulfuric acid plants, Industrial organic chemicals, Organic solvent cleaners.

Dated: October 27, 1983.

William Ruckelshaus,

Administrator.

PART 60—[AMENDED]

Appendix A [Amended]

40 CFR Part 60, Appendix A, Method 5, is amended as follows:

1. By revising the first sentence of Section 4.1.1 to read as follows:

4.1.1 *Pretest preparation.* It is suggested that sampling equipment be maintained according to the procedures described in APTD-0576.

2. By revising Section 5.3 to read as follows:

5.3 *Metering System.*

5.3.1. *Calibration Prior to Use.* Before its initial use in the field, the metering system shall be calibrated as follows: Connect the metering system inlet to the outlet of a wet test meter that is accurate to within 1 percent. Refer to Figure 5.5. The wet test meter should have a capacity of 30 liters/rev (1 ft^3/rev). A spirometer of 400 liters (14 ft^3) or more capacity, or equivalent, may be used for this calibration, although a wet test meter is usually more practical. The wet test meter should be periodically calibrated with a spirometer or a liquid displacement meter to ensure the accuracy of the wet test meter. Spirometers or wet test meters of other sizes may be used, provided that the specified accuracies of the procedure are maintained. Run the metering system pump for about 15 minutes with the orifice manometer set at about 13mm (0.5 in.) H_2O to allow the pump to warm up and to permit the interior surface of the wet test meter to be thoroughly wetted. Then, at orifice manometer settings of 13, 25, 50, 100, 150, and 200 mm (0.5, 1.0, 2.0, 4.0, 6.0, and 8.0 in.) H_2O, pass an exact quantity of gas through the wet test meter and note the gas volume indicated by the dry gas meter. Also note the barometric pressure, and the temperatures of the wet test meter, the inlet of the dry gas meter, and the outlet of the dry gas meter. At orifice settings of 13 and 25 mm

(0.5 and 1.0 in.) H_2O, use a minimum volume of 0.15 m^3 (5 cf). Use a minimum volume of 0.30 m^3 (10 cf) at all other orifice settings. The highest setting can be deleted if orifice readings do not exceed the next highest setting in actual sampling. Record all the data on form similar to Figure 5.6, and calculate Y, the dry gas meter calibration factor, at each orifice setting as shown on Figure 5.6. Use the average of the Y values in the calculations in Section 6.

Before calibrating the metering system, it is suggested that a leak check be conducted. For metering systems having diaphragm pumps, the normal leak-check procedure will not detect leakages within the pump. For these cases the following leak-check procedure is suggested: Make a 10-minute calibration run at 0.00057 m^3/min (0.02 cfm); at the end of the run, take the difference of the measure wet test meter and dry gas meter volumes; divide the difference by 10 to get the leak rate. The leak rate should not exceed 0.00057 m^3/min (0.02 cfm).

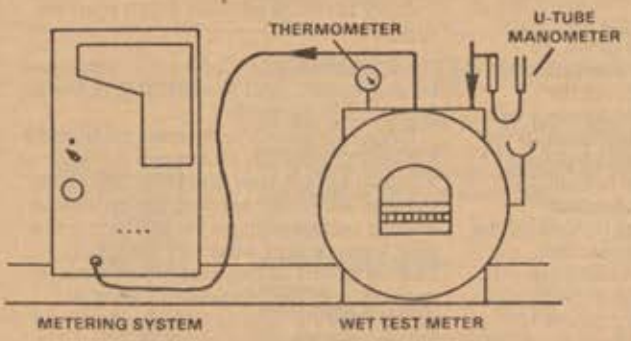

Figure 5 5 Equipment arrangement for metering system calibration

Date_____ Metering System Identification:_____

Barometric pressure, P_b = _____ in. Hg

Orifice manometer setting ΔH in. H_2O	Spirometer (wet meter) gas volume (V_w) ft^3	Dry gas meter volume (V_m) ft^3	Temperatures: Spirometer (wet meter) (t_w) °F	Temperatures: Dry Gas Meter Inlet (t_i) °F	Temperatures: Dry Gas Meter Outlet (t_o) °F	Temperatures: Dry Gas Meter Average (t_m) °F	Time (θ) min
0.5							
1.0							
2.0							
4.0							
6.0							
8.0							

Calculations

ΔH in. H_2O	Y: $\frac{V_w P_b (t_m + 460)}{V_m (P_b + \frac{\Delta H}{13.6}) (t_w + 460)}$	ΔH_θ: $\frac{0.0317 \Delta H}{P_b (t_o + 460)} \left[\frac{(t_w + 460)\theta}{V_w}\right]^2$
0.5		
1.0		
2.0		
4.0		
6.0		
8.0		
Average		

Y = Ratio of accuracy of wet test meter to dry test meter.

ΔH_θ = Orifice pressure differential that give 0.75 cfm of air at 70° F and 29.92 inches of mercury, in. H_2O, in. H_2O.

Figure 5.6. Example data sheet for calibration of metering system (English units).

5.3.2 Calibration After Use. After each field use, the calibration of the metering system shall be checked by performing three calibration runs at a single, intermediate orifice setting (based on the previous field test), with the vacuum set at the maximum value reached during the test series. To adjust the vacuum, insert a valve between the wet test meter and the inlet of the metering system. Calculate the average value of the dry gas meter calibration factor. If the value has changed by more than 5 percent, recalibrate the meter over the full range of orifice settings as previously detailed.

Alternative procedures, e.g., rechecking the orifice meter coefficients, may be used, subject to the approval of the Administrator.

5.3.3 *Acceptable Variation in Calibration.* If the dry gas meter coefficient values obtained before and after a test series differ by more than 5 percent, the test series shall either be voided, or calculations for the test series shall be performed using whichever meter coefficient value (i.e., before or after) gives the lower value of total sample volume.

3. By revising Section 5.4 to read as follows:

5.4 *Probe Heater Calibration.* The probe heating system shall be calibrated before its initial use in the field.

Use a heat source to generate sufficiently hot air and pass this air through the probe at a typical sample flow rate while measuring the inlet and outlet temperatures at various heating system settings. For constant probe inlet temperatures, construct graphs of heating system setting versus probe outlet temperature. The procedure outlined in APTD–0576 can also be used. Probes constructed according to APTD–0581 need not be calibrated if the calibration curves in APTD–0576 are used. Also, probes with outlet temperature monitoring capabilities do not require calibration.

4. By revising Section 6.12 to read as follows:

6.12 *Acceptable Results.* If $90 \text{ percent} < I < 110 \text{ percent}$, the results are acceptable. If the results are low in comparison to the standards, and I is beyond the acceptable range, or, if I is less than 90 percent, the Administrator may opt to accept the results. Citation 4 in Section 7 can be used to make acceptability judgments. If I is judged to be unacceptable, reject the results and repeat the test.

[FR Doc. 83-30069 Filed 11-10-83; 8:45 am]

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10 Parts:		
0–199	9.00	Jan. 1, 1983
200–399	7.50	Jan. 1, 1983
400–499	6.50	Jan. 1, 1983
500–End	7.00	Jan. 1, 1983
11	5.50	July 1, 1983
12 Parts:		
1–199	7.00	Jan. 1, 1983
200–299	8.00	Jan. 1, 1983
300–499	7.00	Jan. 1, 1983
500–End	8.00	Jan. 1, 1983
13	8.00	Jan. 1, 1983
14 Parts:		
1–59	7.00	Jan. 1, 1983
60–139	7.00	Jan. 1, 1983
140–199	5.50	Jan. 1, 1983
200–1199	7.00	Jan. 1, 1983
1200–End	6.50	Jan. 1, 1983
15 Parts:		
0–299	6.50	Jan. 1, 1983
300–399	7.00	Jan. 1, 1983
400–End	7.50	Jan. 1, 1983
16 Parts:		
0–149	7.00	Jan. 1, 1983
150–999	7.00	Jan. 1, 1983
1000–End	7.00	Jan. 1, 1983
17 Parts:		
1–239	8.00	Apr. 1, 1983
240–End	7.00	Apr. 1, 1983
18 Parts:		
1–149	7.00	Apr. 1, 1983
150–399	8.00	Apr. 1, 1983
400–End	6.50	Apr. 1, 1983
19	8.50	Apr. 1, 1983
20 Parts:		
1–399	5.50	Apr. 1, 1983
400–499	7.00	Apr. 1, 1983
500–End	7.50	Apr. 1, 1983
21 Parts:		
1–99	6.00	Apr. 1, 1983
100–169	6.50	Apr. 1, 1983
170–199	6.50	Apr. 1, 1983
200–299	4.75	Apr. 1, 1983
300–499	8.00	Apr. 1, 1983
500–599	6.50	Apr. 1, 1983
600–799	5.00	Apr. 1, 1983
800–1299	6.00	Apr. 1, 1983
1300–End	5.00	Apr. 1, 1983
22	8.50	Apr. 1, 1983
23	7.00	Apr. 1, 1983
24 Parts:		
0–199	6.00	Apr. 1, 1983
200–499	8.00	Apr. 1, 1983
500–799	5.00	Apr. 1, 1983
800–1699	6.50	Apr. 1, 1983
1700–End	6.00	Apr. 1, 1983
25	8.00	Apr. 1, 1983
26 Parts:		
§§ 1.0–1.169	8.00	Apr. 1, 1983
§§ 1.170–1.300	7.50	[1] Apr. 1, 1982
§§ 1.301–1.400	6.00	Apr. 1, 1983
§§ 1.401–1.500	7.00	Apr. 1, 1983
§§ 1.501–1.640	6.50	Apr. 1, 1983
§§ 1.641–1.850	7.50	[1] Apr. 1, 1982
§§ 1.851–1.1200	8.00	Apr. 1, 1983
§§ 1.1201–End	8.50	Apr. 1, 1983
2–29	7.00	Apr. 1, 1983
30–39	6.00	Apr. 1, 1983
40–299	7.50	Apr. 1, 1983
300–499	6.00	Apr. 1, 1983
500–599	8.00	[2] Apr. 1, 1980
600–End	5.00	Apr. 1, 1983
27 Parts:		
1–199	6.50	Apr. 1, 1983
200–End	6.50	Apr. 1, 1983
28	8.00	July 1, 1982
29 Parts:		
0–99	8.00	July 1, 1983
100–499	5.50	July 1, 1983
500–899	8.00	July 1, 1983
900–1899	5.50	July 1, 1983
1900–1910	8.50	July 1, 1983
1911–1919	4.50	July 1, 1983
1920–End	8.50	July 1, 1982
30 Parts:		
0–199	7.00	July 1, 1983
200–End	10.00	July 1, 1982
31 Parts:		
0–199	6.00	July 1, 1983
200–End	6.50	July 1, 1983
32 Parts:		
1–39 (V.I.)	9.00	Sept. 1, 1982
1–39 (V.II)	11.00	Sept. 1, 1982
1–39 (V.III)	10.00	Sept. 1, 1982
40–399	13.00	July 1, 1982
400–699	10.00	July 1, 1982

Title	Price	Revision Date
700–799	8.50	July 1, 1982
800–999	6.50	July 1, 1983
1000–End	6.00	July 1, 1983
33 Parts:		
1–199	9.00	July 1, 1982
200–End	8.00	July 1, 1982
34 Parts:		
1–399	13.00	July 1, 1982
300–399	6.00	July 1, 1983
400–End	8.50	July 1, 1982
35	5.50	July 1, 1983
36 Parts:		
1–199	6.50	July 1, 1983
200–End	7.50	July 1, 1982
37	6.00	July 1, 1983
38 Parts:		
0–17	8.00	July 1, 1982
18–End	7.00	July 1, 1982
39	7.00	July 1, 1982
40 Parts:		
0–51	8.50	July 1, 1982
52	9.00	July 1, 1982
53–80	8.50	July 1, 1982
81–99	8.50	July 1, 1982
100–149	6.00	July 1, 1983
150–189	6.50	July 1, 1983
190–399	7.00	July 1, 1983
400–424	6.50	July 1, 1983
425–End	7.50	July 1, 1982
41 Chapters:		
1—1–1 to 1–10	7.00	July 1, 1983
1—1–11 to Appendix	6.50	July 1, 1983
3–6	8.50	July 1, 1982
7	5.00	July 1, 1983
8	4.75	July 1, 1983
9	8.00	July 1, 1982
10–17	6.50	July 1, 1983
18, Vol. I, Parts 1–5	6.50	July 1, 1983
18, Vol. II, Parts 6–19	7.00	July 1, 1983
18, Vol. III, Parts 20–52	7.50	Dec. 31, 1982
19–100	7.00	July 1, 1983
101	9.00	July 1, 1982
102–End	6.50	July 1, 1983
42 Parts:		
1–60	7.50	Oct. 1, 1982
61–399	7.00	Oct. 1, 1982
400–End	9.50	Oct. 1, 1982
43 Parts:		
1–999	7.00	Oct. 1, 1982
1000–3999	8.50	Oct. 1, 1982
4000–End	7.00	Oct. 1, 1982
44	7.50	Oct. 1, 1982
45 Parts:		
1–199	7.00	Oct. 1, 1982
200–499	6.00	Oct. 1, 1982
500–1199	7.50	Oct. 1, 1982
1200–End	7.50	Oct. 1, 1982
46 Parts:		
1–29	6.00	Oct. 1, 1982
30–40	5.50	Oct. 1, 1982
41–69	7.50	Oct. 1, 1982
70–89	6.00	Oct. 1, 1982
90–109	6.50	Oct. 1, 1982
110–139	5.00	Oct. 1, 1982
140–155	7.00	Oct. 1, 1982
156–165	7.50	Oct. 1, 1982
166–199	7.00	Oct. 1, 1982
200–399	8.50	Oct. 1, 1982
400–End	7.00	Oct. 1, 1982
47 Parts:		
0–19	8.50	Oct. 1, 1982
20–69	9.00	Oct. 1, 1982
70–79	8.00	Oct. 1, 1982
80–End	9.00	Oct. 1, 1982
48	1.50	[3] Sept. 19, 1983
49 Parts:		
1–99	6.50	Oct. 1, 1982
100–177	9.00	Oct. 1, 1982
178–199	8.00	Oct. 1, 1982
200–399	7.50	Oct. 1, 1982
400–999	8.00	Oct. 1, 1982
1000–1199	7.50	Nov. 1, 1982
1200–1299	7.50	Oct. 1, 1982
1300–End	7.50	Oct. 1, 1982
50 Parts:		
1–199	7.00	Oct. 1, 1982
200–End	8.00	Oct. 1, 1982
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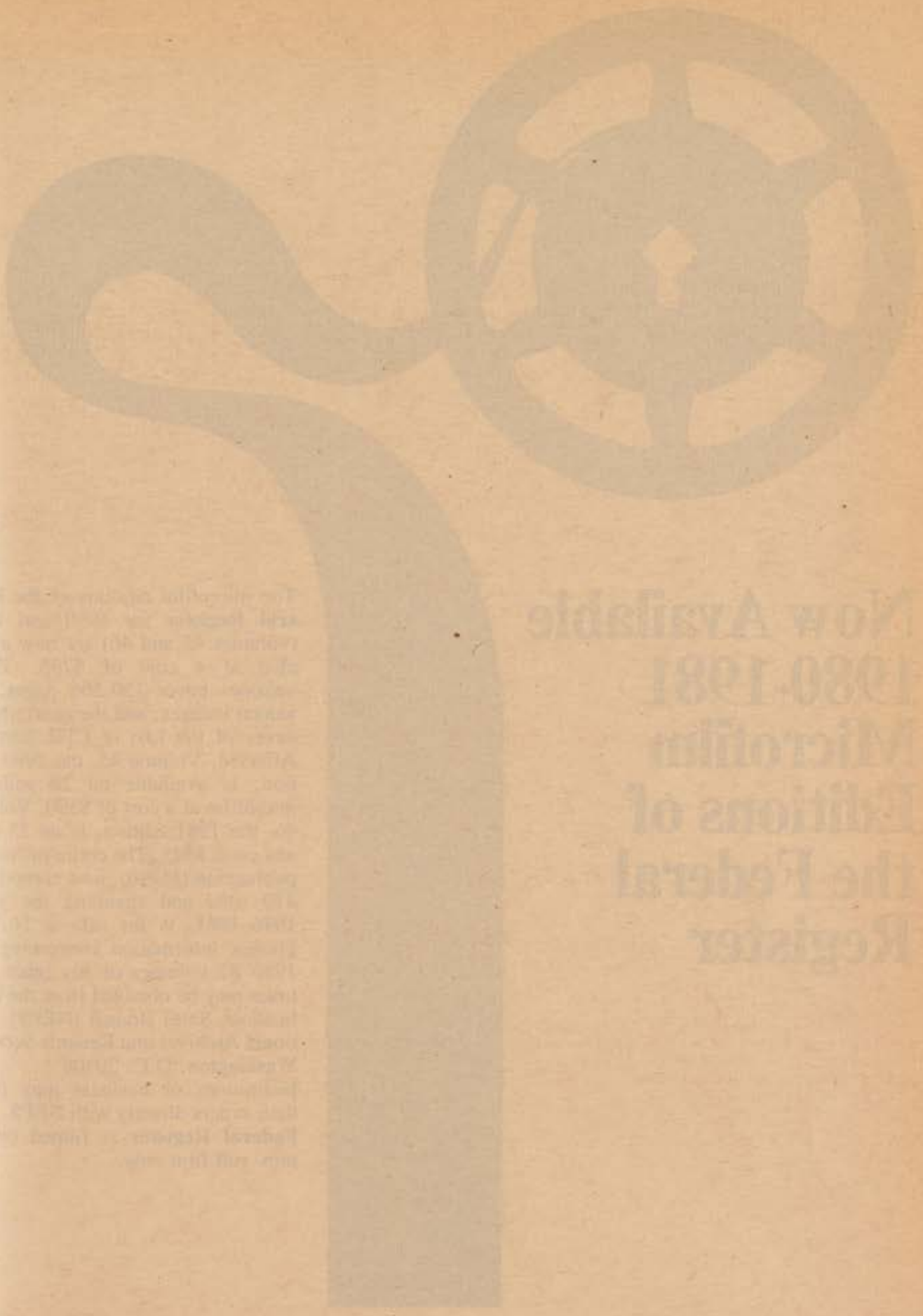
[1] No amendments to these volumes were promulgated during the period Apr. 1, 1982 to March 31, 1983. The CFR volumes issued as of Apr. 1, 1982 should be retained.

[2] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1983. The CFR volume issued as of Apr. 1, 1980, should be retained.

[3] Refer to September 19, 1983, FEDERAL REGISTER, Book II (Federal Acquisition Regulation).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