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Thursday
December 1, 1983

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Interstate Commerce Commission

Coal Mining
Surface Mining Reclamation and Enforcement Office

Copyright
Copyright Royalty Tribunal

Customs Duties and Inspection
Customs Service

Equal Employment Opportunity
Equal Employment Opportunity Commission

Imports
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 438, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This action increases to 230,000 cartons the quantity of California-Arizona lemons that may be shipped to the fresh market during the period November 20–26, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

DATES: Effective for the period November 20–26, 1983.

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

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

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

This action is consistent with the marketing policy currently in effect. The committee met by telephone on November 23, 1983, to consider the current and prospective conditions of supply and demand and recommended an increase in the quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is improved.

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 policy of the Act. Interested persons were given an opportunity to present information and views on the amendment during the telephone meeting, and it relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

1. Section 910.738 Lemon Regulation 438 (48 FR 52429) is revised to read as follows:

§ 910.738 Lemon Regulation 438.

The quantity of lemons grown in California and Arizona which may be handled during the period November 20, 1983, through November 26, 1983, is established at 230,000 cartons.

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

Dated: November 25, 1983.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-32161 Filed 11-30-83; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 932

Olives Grown in California; Administrative Amendment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the administrative rules and regulations with respect to: (1) Charges levied on overdue assessments; (2) modified grade requirements for canned green ripe olives; (3) size certification for outgoing canned ripe olives; and (4) grade and size requirements for 1983–84 crop year olives for limited use. The changes are designed to improve marketing order operations.

EFFECTIVE DATE: December 1, 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 rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

An interim final rule was published in the **Federal Register** on August 23, 1983 (48 FR 38201), which contained the amendment actions established herein. That rule provided an opportunity to file comments through September 22, 1983. No comments were received.

This amendment is issued under the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932) regulating the handling of olives grown in California. 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 the recommendation and information submitted by the California Olive Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

Section 932.39(c) provides that the Committee, with the approval of the Secretary, may levy interest and/or late payment charges for assessments not

paid to the Committee by handlers within a prescribed period of time. Section 932.139 required that any assessments not received by the Committee within 30 days after billing be subject to a two percent late payment charge and an interest charge. The interest charged has been commercial prime rate at the Committee's bank. The Committee has determined that these charges should be increased to discourage delinquencies in the payment of assessments. Thus, the final rule would: Increase the late payment charge from two percent to five percent of the unpaid balance; and increase the interest charge from the Committee's bank current commercial prime rate to that rate plus two percent. The rule also provides that the Committee, upon receipt of a late payment, promptly notify the handler (by registered mail) of any additional interest charges due. If such interest charges are not paid within 30 days of the invoice, the rule provides for the same late payment and interest charges levied for delinquent assessments.

Section 932.52(a) provides that canned ripe olives, other than those of the "tree-rippened" type, shall grade at least U.S. Grade C as defined in the current U.S. Standards for canned ripe olives, unless such requirement is modified with the approval of the Secretary. Section 932.150 specified that with respect to canned green ripe olives of the 1981–82 and 1982–83 crop years which are processed during the period September 1, 1981 through July 31, 1983, no requirements are applicable to such olives with respect to color and blemishes. The Committee recommended that this be continued indefinitely. Thus, the rule extends this exemption on a continuing basis.

Section 932.52(a)(3) provides that use of processed olives smaller than the sizes prescribed for whole and pitted styles may be established annually for limited use and the subpargraph further provides that such minimum sizes may also include a size tolerance as recommended by the Committee and approved by the Secretary. Thus, § 932.153 is revised to provide for the establishment of minimum grades, sizes and size tolerances for olives from the 1983–84 crop used in the production of limited use styles of canned ripe olives. These requirements are the same as have been established in 11 of the past 12 crop years.

In 1982, § 932.51(a)(2)(iii) was added to provide that the Committee may recommend, subject to the approval of the Secretary, procedures for the certification of outgoing size designations, based upon an inspection for olive sizes before processing. Any such procedures are contingent upon the adoption of marketing order sizes in lieu of the size requirements in the U.S. Standards for Canned Ripe Olives. Thus, to make the option of size certification available to handlers, paragraphs (f) and (g) are added to § 932.152. Paragraph (f) specifies the applicable marketing order sizes in terms of the average count ranges for seven size designations and for four varietal subgroupings. Paragraph (g) provides that any lot of canning size olives may be used in the production of packaged olives without an outgoing inspection for size designation if such olives are certified as meeting the average count ranges and other requirements specified in that paragraph.

It is found that it is impracticable and contrary to the public interest to postpone the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that: (1) No comments were received during the 30 day comment period provided in the interim rule; (2) the handling of the 1983 crop of domestic olives is underway, and it is intended that this action be applicable to all olives of such crop; and (3) some of the changes represent a relief of restrictions and no useful purpose is served by delaying the effective date.

List of Subjects in 7 CFR Part 932

Marketing agreements and orders, Olives, California.

PART 932—[AMENDED]

Therefore, Subpart—Rules and Regulations (7 CFR 932.108–932.161) is amended as follows:

1. Section 932.139 is revised to read as follows:

§ 932.139 Late payment and interest charges.

(a) The committee shall impose a late payment charge on any handler whose assessment has not been received in the committee's office within 30 days of the invoice date shown on the handler's assessment statement. The late payment charge shall be five percent of the unpaid balance.

(b) In addition to that specified in paragraph (a), the committee shall impose an interest charge on any handler whose assessment payment has not been received in the committee's office within 30 days of the invoice date. The interest charge shall be the current commercial prime rate of the committee's bank plus two percent which shall be applied to the unpaid balance and late payment charge for the number of days all or any part of the assessment specified in the handler's assessment statement is delinquent beyond the 30 day payment period.

(c) The committee, upon receipt of a late payment equal to or greater than the assessment specified on the handler's assessment statement, shall promptly notify the handler (by registered mail) of any late payment charge and/or interest due as provided in paragraphs (a) and (b) of this section. If such charges are not paid within 30 days of the date on such notification, late payment and interest charges as provided in paragraphs (a) and (b) of this section will accrue on the unpaid amount.

2. Section 932.150 is revised to read as follows:

§ 932.150 Modified grade requirements for canned green ripe olives.

The grade requirements prescribed in § 932.52(a)(1) of this part are hereby modified with respect to canned green ripe olives so that no requirements shall be applicable with respect to color and blemishes of such olives.

3. Section 932.152 is amended by adding paragraphs (f) and (g) to read as follows:

§ 932.152 Outgoing regulations.

* * * * *

(f) *Size designations.* (1) In lieu of the size designations specified in § 932.52(a)(2), except as provided in § 932.51(a) (1) and (2), canned whole ripe olives, other than those of the "tree-ripened" type, shall conform to the marketing order size designations listed in Table I contained herein, and shall be of a size not smaller than the applicable size requirements, tolerances and percentages listed in subparagraphs (a)(2) (i), (ii), (iii), and (iv) of § 932.52.

TABLE I.—CANNED WHOLE RIPE OLIVE SIZES

[Average count ranges (per pound)]

Size designation	Variety group 1		Variety group 2	
	Except Ascolano, Barouni, St. Agostino	Ascolano, Barouni, St. Agostino	Obliza	Except Obliza
Small	N.A.	N.A.	N.A.	128–140.
Medium	N.A.	N.A.	106–121	106–121.
Large	N.A.	N.A.	91–105	91–105.
Ex Large	65–75	65–88	65–88	65–88.
Jumbo	51–60	51–60	51–60	51–60.
Colossal	41–50	41–50	41–50	41–50.
Super Colossal	40 or less	40 or less	40 or less	40 or less.

N.A.—Not Applicable.

(2) The size of canned whole olives shall conform with the applicable count per pound range indicated in Table I of paragraph (f)(1) of this section. When the count per pound of whole olives falls between two count ranges, the size designation shall be that of the smaller size. The size for other styles of canned ripe olives shall be determined prior to pitting. The average count for canned whole ripe olives is determined from all containers in the sample and is calculated on the basis of the drained weight of the olives.

(g) *Size certification.* If a handler elects to have olives sized pursuant to § 932.51(a)(2), any lot of canning size olives may be used in the production of packaged olives for whole, pitted, or limited use styles without an outgoing inspection for size designation if such olives are within the average count range in Table II contained herein for that variety group, and meet such further mid-point or acceptable count requirements for the average count range in each size as approved by the committee.

TABLE II

[Average count ranges (per pound)]

Size designation	Variety group 1		Variety group 2	
	Except Ascolano, Barouni, St. Agostino	Ascolano, Barouni, St. Agostino	Obliza	Except Obliza
Small	N.A.	N.A.	N.A.	128–140.
Medium	N.A.	N.A.	106–121	106–121.
Large	N.A.	N.A.	89–105	89–105.
Ex Large	65–75	65–88	65–88	65–88.
Jumbo	51–60	51–60	51–60	51–60.
Colossal	41–50	41–50	41–50	41–50.
Super Colossal	40 or less	40 or less	40 or less	40 or less.

N.A.—Not Applicable.

4. Section 932.153 is revised to read as follows:

§ 932.153 Establishment of minimum grade and size requirements for 1983–84 crop olives used in limited use styles.

(a) *Grade.* On and after August 1, 1983, any handler may use processed olives of the respective variety groups in the production of limited use styles of canned ripe olives if such olives were processed after July 31, 1983, and meet the grade requirements specified in § 932.52(a)(1) as modified by § 932.149.

(b) *Sizes.* Except as provided in § 932.51(a)(2)(i), on and after August 1, 1983, any handler may use processed olives in the production of limited use styles of canned ripe olives if such olives were harvested during the period August 1, 1983, through July 31, 1984 and meet the following requirements:

(1) The processed olives shall be identified and kept separate and apart from any olives harvested before August 1, 1983, or after July 31, 1984;

(2) Variety Group 1 olives, except the Ascolano, Barouni, or St. Agostino varieties, shall be of a size which individually weigh 1/90 pound: *Provided,* That not to exceed 25 percent of the olives in any lot or sublot may be smaller then 1/90 pound;

(3) Variety Group 1 olives of the Ascolano, Barouni, or St. Agostino varieties shall be of a size which individually weigh 1/140 pound: *Provided,* That not to exceed 25 percent of the olives in any lot or sublot may be smaller then 1/140 pound;

(4) Variety Group 2 olives, except the Obliza variety, shall be of a size which individually weigh 1/180 pound: *Provided,* That not to exceed 10 percent of the olives in any lot or sublot may be smaller than 1/180 pound;

(5) Variety Group 2 olives of the Obliza variety shall be of a size which individually weigh 1/140 pound: *Provided,* That not to exceed 20 percent of the olives in any lot or sublot may be smaller than 1/140 pound.

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

Dated: November 28, 1983.

Russell L. Hawes,

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

[FR Doc. 83-32183 Filed 11-30-83; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Parts 984, 987, and 989

Expenses and Rates of Assessment for Specified Marketing Orders

AGENCY: Agricultural Marketing Services, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses of the Walnut Marketing Board functioning under Marketing Order 984; California Date Administrative Committee functioning under Marketing Order 987; and the Raisin Administrative Committee functioning under Marketing Order 989. Funds to administer these programs are derived from assessments on California walnut, date, and raisin handlers regulated under those orders.

EFFECTIVE DATE: August 1, 1983–July 31, 1984, for Marketing Orders 984, and 989; § 984.335 and 989.334. October 1, 1983–September 30, 1984, for Marketing Order 987; § 987.328.

FOR FURTHER INFORMATION CONTACT: Frank M. Grasberger, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5053.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified a "non-major" rule under criteria contained therein.

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.

These marketing orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). These actions are based

upon the recommendations and information submitted by the Board and Committees established under the respective marketing orders, and upon other information. It is found that the expenses and rates of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rulemaking and good cause exists for not postponing the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). Each order requires that the rate of assessment for a particular fiscal period shall apply to all assessable California walnuts, dates, and raisins, handled from the beginning of such period. To enable the Board and Committees to meet current fiscal obligations, approval of the expenses is necessary without delay. It is necessary to effectuate the declared policy of the act to make these provisions effective as specified, and handlers have been apprised of such provisions, and the effective time.

List of Subjects

7 CFR Part 984

Marketing agreements and orders, Walnuts, California.

7 CFR Part 987

Marketing agreements and orders, Dates, California.

7 CFR Part 989

Marketing agreements and orders, Raisins, California.

Therefore, §§ 984.334 (M.O. 984); 987.327 (M.O. 987); and 989.333 (M.O. 989) are removed and new § 984.335 (M.O. 984); § 987.328 (M.O. 987); and § 989.334 (M.O. 989) are added, to read as follows: (The following sections prescribe annual expenses and assessment rates and will not be published in the Code of Federal Regulations).

§ 984.335 Expenses and assessment rate.

Expenses of $1,169,727 by the Walnut Marketing Board are authorized and an assessment rate payable by each handler in accordance with § 984.69 is fixed at 0.8 cent per kernelweight pound of merchantable walnuts for the marketing year ending July 31, 1984. Unexpended funds may be used temporarily during the first five months of the subsequent marketing year, but must be made available to the handlers from whom collected within that period.

§ 987.328 Expenses and assessment rate.

Expenses of $21,058 by the California Date Administrative Committee are authorized, and an assessment rate payable by each handler in accordance with § 987.72 of 8 cents per hundredweight of assessable dates is established for the crop year ending September 30, 1984. Any unexpended funds from that crop may be used temporarily during the first four months of the ensuring crop year, and thereafter shall be credited or refunded to the handler from whom collected.

§ 989.334 Expenses and assessment rate.

Expenses of $257,367 by the Raisin Administrative Committee are authorized, and an assessment rate payable by each handler in accordance with § 989.80 of $1.30 per ton of assessable raisin tonnage is established for the crop year ending July 31, 1984. Any unexpended funds from that crop year shall be credited or refunded to the handler from whom collected.

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

Dated: November 23, 1983.

Russell L. Hawes,

Acting Deputy Director,

Fruit and Vegetable Division.

[FR Doc. 83-32162 Filed 11-30-83; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 83-081]

Cattle From Mexico; Withdrawal of Proposed Rule and Correction

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document announces that the Department of Agriculture does not adopt the proposal to provide conditions under which cattle could be moved into the United States from Mexico for feeding at quarantined feedlots without complying with the herd-of-origin and port-of-entry brucellosis test requirements. Based on a careful consideration of the comments received, it now appears that such test requirements could not be deleted without causing an unacceptable risk of the dissemination of brucellosis in the United States.

This document also corrects certain references in 9 CFR Part 92.

EFFECTIVE DATE: December 1, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Room 838, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8530.

SUPPLEMENTARY INFORMATION:

Cattle from Mexico

In a document published in the **Federal Register** on December 23, 1982 (47 FR 57288–57291), the Department, among other things, proposed to amend the regulations in 9 CFR Part 92 to provide conditions under which cattle could be moved into the United States from Mexico for feeding at quarantined feedlots without complying with the herd-of-origin and port-of-entry brucellosis test requirements.

The proposal was based on the assumption that the herd-of-origin and port-of-entry brucellosis test requirements could be removed without increasing the risk of dissemination of brucellosis in the United States if certain restrictions were placed on the movement and handling of such cattle (including the offspring) from Mexico. The proposal included requirements for such cattle concerning the posting of United States Customs bonds; branding; movement under seal; separation from other animals; and disposal of any such cattle or offspring which die or which become disabled or diseased.

In response to the proposal, 38 comments were received concerning cattle from Mexico. These comments were from Members of Congress, State Departments of Agriculture, individual cattlemen, and representatives of the cattle and feedlot industries. Eleven of the comments were in favor of the proposal and 27 were opposed.

Commenters who favored the proposal asserted that the adoption of the proposal would provide economic benefits to agricultural interests in Mexico and the United States.

Commenters opposed to the proposal asserted that the safeguards included in the proposal were not adequate to prevent the dissemination of brucellosis in the United States. In this connection it was asserted that the proposal:

1. Did not provide for decontamination of the feedlot areas used by cattle from Mexico;

2. Did not provide for medical diagnosis of dead, dying, or diseased cattle from Mexico;

3. Did not provide adequate restrictions to ensure that the cattle from Mexico would in fact be kept apart from other cattle in the feedlot;

4. Did not provide adequate restrictions to ensure that the cattle from Mexico would not be diverted into

the United States livestock market. Further, commenters asserted that such a proposal would be unenforceable without constant monitoring by Federal or State inspection personnel.

Based on a review of the comments and a reassessment of the proposal, it appears that it is not feasible to establish a program to allow cattle to be moved into the United States from Mexico for feeding at quarantined feedlots without complying with the herd-of-origin and port-of-entry brucellosis test requirements. Therefore, since the proposal is not adopted, it is not necessary to consider the establishment of additional restrictions in response to the comments.

Brucellosis occurs in Mexico, and it is likely that some of the cattle from Mexico moved to a feedlot in the United States in accordance with the provisions of the proposal would have brucellosis. The Department acknowledges that it would take almost constant monitoring by Federal and State inspection personnel to ensure that all requirements necessary to prevent the dissemination of brucellosis would be met. As an example, it appears that without such constant monitoring at the feedlot there would not be adequate assurance against the diversion into the United States livestock market of offspring which could be the means of spreading brucellosis. Under these circumstances, it has been determined that the proposal should not be adopted since sufficient inspection personnel would not be available to provide the necessary monitoring to protect against the dissemination of brucellosis.

Discussion for Corrections

The document of December 23, 1982, also set forth five corrections to 9 CFR Part 92. In this connection the document provided that:

In § 92.31(b) the references to "§ 92.35(c)" would be corrected to read "§ 92.35(d)"; in § 92.33(a) the reference to "§ 92.35(a)(2)" would be corrected to read "§ 92.35(b)(2)"; in § 92.35(d)(2) the reference to "§ 78.15" would be corrected to read "§ 78.24"; in § 92.35(d)(2) the reference to "§ 78.1(v)" would be corrected to read "§ 78.1(q)"; and in § 92.35(d)(2) the reference to "§ 78.12(b)(1)" would be corrected to read "§ 78.8(b)."

No comments were received concerning these corrections. The first three corrections are adopted. However, § 78.1(q) has subsequently been amended and renumbered as § 78.1(oo), and § 78.8(b) has been amended and renumbered as § 78.8(a). Therefore, in § 92.35(d)(2) the reference to § 78.1(v) is corrected to read § 78.1(oo); and the reference to § 78.12(b)(1) is corrected to read 78.8(a).

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMALS AND POULTRY PRODUCTS: INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, Part 92, Title 9, Code of Federal Regulations, is corrected and amended in the following respects:

§ 92.31 [Corrected]

1. In § 92.31(b) the references to "§ 92.35(c)" are removed and references to "§ 92.35(d)" are inserted in lieu thereof.

§ 92.33 [Corrected]

2. In § 92.33(a) the reference to "§ 92.35(a)(2)" is removed and reference to "§ 92.35(b)(2)" is inserted in lieu thereof.

§ 92.35 [Corrected]

3. In § 92.35(d)(2) the reference to "§ 78.15" is removed and reference to "§ 78.24" is inserted in lieu thereof.

§ 92.35 [Amended]

4. In § 92.35(d)(2) the reference to "§ 78.1(v)" is removed and reference to "§ 78.1(oo)" is inserted in lieu thereof.

5. In § 92.35(d)(2) the reference to "§ 78.12(b)(1)" is removed and reference to "§ 78.8(a)" inserted in lieu thereof.

Authority: Sec. 2, 32 Stat. 792, as amended; secs. 2, 4, 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134c, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 21st day of September 1983.

Dale F. Schwindaman,

Acting Deputy Administrator, Veterinary Services

[FR Doc. 83-32132 Filed 11-30-83; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79-14]

Order of the Director, OPPR, of Publication of Incremental Pricing Acquisition Cost Thresholds Under Title II of the NGPA

Issued November 25, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order prescribing incremental pricing thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: December 1, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, D.C. 20426 (202) 357-8500.

SUPPLEMENTARY INFORMATION: Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of December 1983 is issued by the publication of a price table for the applicable month. See FERC Statutes and Regulations ¶ 24,764.

List of Subjects in 18 CFR Part 282

Natural gas.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

TABLE I.—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES

	January	February	March	April	May	June	July	August	September	October	November	December
Calendar Year 1980												
Incremental Pricing Threshold	$1.702	$1.738	$1.750	$1.762	$1.776	$1.790	$1.804	$1.819	$1.834	$1.849	$1.863	$1.877
NGPA Section 102 Threshold	2.358	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640
NGPA Section 109 Threshold	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915	1.929	1.943
130% of No. 2 Fuel Oil in New York City Threshold	7.170	7.260	7.410	7.110	7.380	8.040	7.640	7.380	7.400	7.400	7.450	7.580
Calendar Year 1981												
Incremental Pricing Threshold	$1.891	$1.908	$1.925	$1.942	$1.954	$1.967	$1.980	$1.990	$2.000	$2.010	$2.025	$2.041
NGPA Section 102 Threshold	2.667	2.698	2.729	2.761	2.787	2.813	2.840	2.863	2.886	2.909	2.940	2.971
NGPA Section 109 Threshold	1.957	1.975	1.993	2.011	2.024	2.037	2.050	2.060	2.070	2.080	2.096	2.112
130% of No. 2 Fuel Oil in New York City Threshold	7.610	7.760	8.260	9.010	9.510	9.430	9.360	9.260	8.860	8.700	8.930	8.990
Calendar Year 1982												
Incremental Pricing Threshold	$2.057	$2.071	$2.085	$2.099	$2.106	$2.113	$2.120	$2.129	$2.139	$2.149	$2.159	$2.169
NGPA Section 102 Threshold	3.003	3.033	3.063	3.093	3.112	3.132	3.152	3.176	3.200	3.224	3.249	3.274
NGPA Section 109 Threshold	2.128	2.143	2.158	2.173	2.180	2.187	2.194	2.204	2.214	2.224	2.234	2.244
130% of No. 2 Fuel Oil in New York City Threshold	9.180	9.340	9.470	9.340	9.280	8.000	8.170	8.670	8.660	8.950	8.640	8.890
Calendar Year 1983												
Incremental Pricing Threshold	$2.179	$2.187	$2.195	$2.203	$2.214	$2.225	$2.236	$2.245	$2.254	$2.263	$2.270	$2.277
NGPA Section 102 Threshold	3.299	3.321	3.344	3.367	3.394	3.421	3.448	3.472	3.496	3.520	3.542	3.564
NGPA Section 109 Threshold	2.254	2.262	2.270	2.278	2.289	2.300	2.311	2.320	2.329	2.338	2.345	2.352
130% of No. 2 Fuel Oil in New York City Threshold	9.420	9.320	8.820	8.120	7.550	6.950	7.540	7.610	7.440	7.550	7.670	7.860

[FR Doc. 83-32146 Filed 11-30-83; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

[T.D. 83-253]

Customs Regulations Amendments Relating to the Customs Field Organization

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by consolidating the ports of entry of Trout River, Chateaugay, and Fort Covington, New York, into a single port of entry with its headquarters at Trout River, New York. All three locations will remain open and fully functional. This change will eliminate duplication of port functions and permit better control of staffing resources without impairing services to area businesses or the general public. It will enable Customs to obtain more efficient use of its personnel, facilities, and resources.

EFFECTIVE DATE: January 3, 1984.

FOR FURTHER INFORMATION CONTACT: Richard Coleman, Office of Inspection and Control, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8157).

SUPPLEMENTARY INFORMATION:

Background

On May 16, 1983, a notice of a proposal to consolidate three Customs ports of entry was published in the **Federal Register** (48 FR 21966). The ports, all located in the Northeast Customs Region, headquartered in Boston, Massachusetts, are located at Trout River, Fort Covington, and Chateaugay, New York. Interested parties were given until July 15, 1983, to submit comments with respect to consolidating the three ports into a single port of entry with its headquarters at Trout River. Forty-six comments were received in response to the notice, none of which favored the proposal.

Discussion of Comments

Eight comments were submitted by municipal officials from the affected area, who are under the mistaken impression that the consolidation would result in reduction or elimination of Customs presence at Chateaugay and Fort Covington. This is not the case. The administrative port functions will merely be consolidated in one office at Trout River. Operational aspects such as the entry of merchandise will continue as before at each location. Customs personnel will provide service at all three locations on a rotating basis.

The overwhelming majority of the comments discussed a perceived adverse impact on the Customs inspectors who will have to commute between the three ports of entry on a rotational basis. A Customs analysis of the required travel patterns for the eighteen affected inspectors has revealed that two would be significantly affected, ten would average approximately ten additional miles per day, and the remaining six would actually travel fewer miles than at present.

After consideration of all comments received and further review of the matter, it has been decided to adopt the changes as proposed. These changes will enable Customs to obtain more efficient use of its personnel, facilities, and resources, without impairment to area businesses or the general public.

Changes in the Customs Field Organization

Under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR, 1949-1953 Comp., Ch. II), and pursuant to authority provided by the Treasury Department Order No. 101-5 (47 FR 2449), the ports of Trout River, Chateaugay, and Fort Covington, New York, are consolidated into one port with its headquarters at Trout River.

List of Subjects in 19 CFR Part 101

Customs duties and inspection, Exports, Imports, Organization and functions (Government agencies).

Amendments to the Regulations

PART 101—[AMENDED]

§ 101.3 [Amended]

1. To reflect this change, the list of Customs regions, districts, and ports of entry in § 101.3(b), Customs Regulations (19 CFR 101.3(b)), is amended by removing "Chateaugay" and "Fort Covington" under the column headed "Ports of entry" in the Ogdensburg, N.Y., Customs District. That column of section 101.3(b), is further amended by removing "Trout River (T.D. 56074)", and inserting, in its place, "Trout River, Chateaugay, Fort Covington, T.D. 83–."

§ 101.4 [Amended]

2. The list of Customs stations in § 101.4(c), Customs Regulations (19 CFR 101.4(c)), is amended by removing "Chateaugay" under the column headed the "Port of entry having supervision," opposite the entry for the Customs station of "Churubusco, N.Y.", and by inserting, in its place, "Trout River, N.Y."

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to these amendments because the rule will not have a significant economic impact on a substantial number of small entities. There will be no reduction in Customs service as a result of this change.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

Because this change relates to the organization of the Customs Service, pursuant to section 1(a)(3) of Executive Order 12291, it will not result in a regulation or rule subject to the Executive Order.

Drafting Information

The principal author of this document was Larry L. Burton, 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: November 3, 1983.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 83-32116 Filed 11-30-83; 8:45 am]

BILLING CODE 4820-02-M

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19 CFR Part 141

[T.D. 83-251]

Entry of Cotton Fabrics

AGENCY: U.S. Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations relating to the requirement for additional invoice information for specified "cotton fabrics," by eliminating the use of a Customs form to furnish that information and allowing the use of a standardized commercial invoice for that purpose. This change will eliminate duplicative information and a Customs form, thus simplifying the procedure and lessening the reporting burden for importers.

EFFECTIVE DATE: January 3, 1984.

FOR FURTHER INFORMATION CONTACT: Herbert H. Geller, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5307).

SUPPLEMENTARY INFORMATION:

Background

Section 141.81, Customs Regulations (19 CFR 141.81), provides that, depending on the circumstances of each importation, either a special Customs invoice, a special summary invoice, or a commercial invoice must be presented for each shipment of merchandise imported into the United States at the time the entry documentation is filed with Customs.

Moreover, the invoices for certain classes of merchandise, specified in § 141.89(a), Customs Regulations (19 CFR 141.89(a)), *e.g.*, "cotton fabrics," classifiable under various item numbers in the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), must contain additional information set forth in detail in that section. Customs Form 5519, "Invoice Details for Cotton Fabrics and Linens," was developed for furnishing the additional information required by § 141.89(a) in the case of the enumerated cotton fabrics.

As part of an ongoing program to align and simplify international trade documentation, the National Committee on International Trade Documentation (NCITD), a broad-based trade group, and Customs officials from the New York Customs Region developed a joint proposal for reporting cotton fabric details. The proposal, which was the subject of a notice of proposed rulemaking (NPRM), published in the **Federal Register** on November 19, 1982 (47 FR 52193), would allow the additional required information to be submitted on a commercial invoice, standardized in size, format, and information content, and would eliminate the use of Customs Form 5519 for that purpose. As stated in the NPRM, this change would eliminate duplicative information and a Customs form, thus simplifying the procedure and lessening the reporting and paperwork burden for importers.

Only two comments were received in response to the notice. Although the commenters favored the proposal, they recommended certain changes to improve the quality of information collected on the commercial invoice. These recommended changes are discussed below.

Discussion of Comments

1. *Comment:* The information collection areas identified as items 17 and 18, "Gross Weight" and "Measurement," respectively, should be redesignated as "Unit Price" and "Amount Extension," respectively. By doing this each line description would be correlated with its unit price and amount extension.

Response: Customs concurs and has made the recommended change.

2. *Comment:* The information collection areas identified as items 10 through 14 should be revised to conform with the Standard Master Form developed by NCITD to facilitate preparation of the invoice.

Response: The preparation and submission of a commercial invoice following the Standard Master format will be acceptable for Customs purposes. However, submissions prepared using invoices other than that aligned to the Standard Master will also be acceptable when the prescribed data is shown and identified as indicated in the final rule.

3. *Comment:* The information collection area identified as item 8, "Threads per sq. inch" should be modified to include "single threads per inch in the warp," "single threads per inch in the filling" and, "total single threads per sq. inch."

Response: Customs concurs and has made the suggested change. This information is critical in determining proper textile and apparel categories and quotas. Customs records indicate that this information does appear on commercial invoices approximately 90 percent of the time, and it is the general practice for importers to order fabric by specifying single threads per inch in both the warp and filling. When this information is not shown, Customs has had to request the importer to supply it or perform an analysis of the fabric.

4. *Comment:* The information collection area identified as item 14 relating to "How Woven" should indicate the type of information required, and include the words "plain, eight or more harnesses, jacquard, swivel, lappet."

Response: Customs concurs and has made the suggested change.

5. *Comment:* The information collection area identified as item 15, "No. colors or kinds," should read, "No. colors or kinds in the filling."

Response: Customs concurs and has made the suggested change.

6. *Comment:* The information collection area identified as item 16, "Quantity," should indicate that the number of yards must be shown as well as the number of packages.

Response: Customs concurs and has made the suggested change.

7. *Comment:* Additional columns should be required for the unit price and net weight of each type of fabric.

Response: Unit price will be required (see response to comment 1 above, and information collection area identified on the commercial invoice in the appendix to this document as item 17). Net weight figures are available from other required information on the commercial invoice (see information collection area identified as item 9).

After careful analysis of the comments received, and further review of the matter, it has been determined to adopt the proposal with the changes discussed above. It has also been decided not to use an addendum to the commercial invoice as was proposed in the NPRM. After further review it is Customs opinion that the addendum would in fact be a perpetuation of the Customs Form 5515. In addition, the addendum would be burdensome for a foreign seller or shipper to use. The addendum was not aligned to a standard commercial invoice, was not adaptable to automated production and would probably not be used in any event because most entries for merchandise covered by the proposal are single line entries. Rather than an addendum it is believed additional commercial invoices, when needed, would be preferable to all parties. Appended to this document is a sample of a commercial invoice with the changes noted above.

Executive Order 12291

As indicated in the proposed rule, this amendment does not meet the criteria for a "major rule" as defined by section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this amendment because the rule will not have a significant economic impact on a substantial number of small entities.

Accordingly, it is certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this rule will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal authors of this document were Jesse V. Vitello and John E. Elkins, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 141

Customs duties and inspection, Imports, Invoices.

Amendment to the Regulations

Part 141, Customs Regulations (19 CFR Part 141), is amended as set forth below.

PART 141—ENTRY OF MERCHANDISE

Section 141.89(a), Customs Regulations, is amended by removing the last sentence of the eighth paragraph which relates to the use of Customs Form 5519 for collection of information about cotton fabrics and inserting, in its place, a new sentence which reads as follows:

§ 141.89 Additional information for certain classes of merchandise.

(a) * * *

A standardized commercial invoice may be used for furnishing the information required above.

* * * * *

(R.S. 251, as amended, secs. 481, 484, 624, 46 Stat. 719,) 722, as amended, 759 (19 U.S.C. 66, 1481, 1484, 1624))

Alfred R. De Angelus,

Acting Commissioner of Customs.

Approved: November 8, 1983.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

BILLING CODE 4820-02-M

COMMERCIAL INVOICE

(1)

SHIPPER/EXPORTER/MANUFACTURER/SELLER (2)

DOCUMENT NO. (5)

INVOICE DATE AND NO.
(3) Purchase Date

OTHER REFERENCES (6)

CONSIGNED TO ORDER OF SHIPPER/PORT AGENT/BANK (2A)

BUYER (7)

SHIPPED TO (ULTIMATE CONSIGNEE) (3B)

POINT AND COUNTRY OF ORIGIN OF SHIPMENT (8)

NOTIFY PARTY (INTERMEDIATE CONSIGNEE) (4)

TERMS (9)
SALE
DELIVERY
PAYMENT
DISCOUNT INSTRUCTIONS
REMITTANCE ADDRESS
CURRENCY
OTHER

PIER OR AIRPORT (10)

EXPORTING CARRIER (VESSEL/AIRLINE) (11)

PORT OF LOADING (12)

AIR/SEA PORT OF DISCHARGE (13)

FOR TRANSSHIPMENT TO (14)

PARTICULARS FURNISHED BY SHIPPER

MARKS AND NUMBERS (16)	NO. OF PKGS. (17)	DESCRIPTION OF PACKAGES AND GOODS (18)	UNIT PRICE (19)	AMOUNT EXTENSION (20)
Case Marks Case No.	(16) No. of Pkgs. No. of Yards	(5) Style/Quality No. (7) Description of merchandise (6) Width (8) a. Single threads per sq. inch in the warp (8) b. Single threads per sq. inch in the filling (8) c. Total single threads per sq. inch (9) Weight per sq. yd. (oz.)	(17)	(18)

(10) Average yarn No.

(11) Yarn size in warp

(12) Yarn size in filling

(15) No. colors or kinds in the filling

(14) How woven (plain, eight or more harnesses, jacquard, swivel, or lappet)

Goods Total

Freight

Insurance

Packing

Commissions

Other (Specify)

Invoice Total ($)

[FR Doc. 83-32042 Filed 11-30-83; 8:45 am]

BILLING CODE 4820-02-C

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Parts 193 and 561

[FAP 1H5321/R139C; PH-FRL 2460-1]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; Dicamba; Correction

Correction

In FR Doc. 83-29454 appearing on page 50528 in the issue of Wednesday, November 2, 1983, make the following correction:

On page 50528 second column, top of page, the first formula should have read:

$$\frac{6.75\times10^{-8}\ \text{mg/day}}{60\ \text{kg}} = 1.13\times10^{-10}\ \text{mg/kg/day}$$

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-162; Ref: Notice No. 473]

Establishment of the Willamette Valley Viticultural Area

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

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in northwest Oregon known as "Willamette Valley." The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers better identify wines they purchase. The use of this viticultural area as an appellation of origin will also help winemakers distinguish their products from wines made in other areas.

EFFECTIVE DATE: January 3, 1984.

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

SUPPLEMENTARY INFORMATION:

Background

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

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

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for porposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

Mr. David B. Adelsheim, Chairman, Appellation Committee, Oregon Winegrowers Association, and owner of Adelsheim Vineyards, petitioned ATF for the establishment of a viticultural area in northwest Oregon, as part of the Willamette River Basin, to be known as "Willamette Valley." In response to this petition, ATF published a notice of proposed rulemaking (Notice No. 473) in the **Federal Register** on June 29, 1983 (48 FR 29882), proposing the establishment of the Willamette Valley viticultural area.

General Description

The Willamette Valley viticultural area consists of appoximately 5,200 square miles (3.3 million acres). Scattered throughout the area are 2,000 acres of grapes, and 27 wineries. It is an area enclosed by natural boundaries—the Columbia River to the north, the Coast Range Mountains on the west, the Calapooya Mountains to the south, and the Cascade Mountains to the east. The Willamette Valley generally extends no higher than the 1,000 foot level of the surrounding mountain ranges, the limit of viticulture stated in the petition.

Evidence of the Name

Willamette Valley is named as one of ten climatic regions in the State.

It is the standard name used in all historical, geographical, geological, climatological and agricultural texts to refer to this plain and adjacent foothills.

Boundaries and Geographical Evidence

Free land given to settlers by the Oregon Provisional and the U.S. Government up to 1855 resulted in most of the valuable (cultivable) land being claimed. A map of these claims in the "Atlas of Oregon" is remarkably close to the boundaries of the proposed viticultural area.

The "Atlas of Oregon" mentions Willamette Valley as one of nine physiographic regions in the State and describes it as a "broad alluvial plain, 160 miles long and up to 65 miles broad," which approximates the size of the viticultural area.

The mountains surrounding the Willamette Valley on three sides provide it with a unique and homogeneous climate. The valley has temperatures that are mild, averaging 40° F in the winter, 68° F in summer. Eastern Oregon temperatures range from 28° F in winter to 75° F in summer. In the Umpqua Valley, south of the Calapooya Mountains, the winters are colder, and the summers are warmer, than in the Willamette Valley.

Willamette Valley has an average rainfall of 40 inches. Annual rainfall to the west, on the other side of the Coast Range Mountains, is 100 inches. To the east, on the other side of the Cascade Mountains, annual rainfall is less than 10 inches.

There are two basic types of soil in the Willamette Valley, silty loam and clay loam, unlike the mountain soils to the south, east, and west which result from steeper slopes, dense coniferous vegetation and heavier winter precipitation.

Public Comment

In response to Notice No. 473, three comments were received, all in support of the proposed viticultural area.

Miscellaneous

ATF does not wish to give the impression by approving Willamette Valley as a viticultural area that it is approving or endorsing the quality of the wine from the area. ATF is approving this area as being distinct and not better than other areas. By approving the area, wine producers are allowed to claim a distinction on labels and advertisements as to origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of Willamette Valley wines.

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

Accordingly, it is hereby certified under the provisions of Section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this final rule will not have a significant economic impact on a substantial number of small entities.

Compliance With Executive Order 12291

In compliance with Executive Order 12291, the Bureau has determined that this regulation is not a major rule since it will not result in:

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

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Disclosure

A copy of the petition and the comments received are available for inspection during normal business hours at the following location: ATF Reading Room, Room 4407, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue, NW., Washington, D.C.

List of Subjects in 27 CFR Part 9

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

Drafting Information

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

Authority: This regulation is issued under the authority in 27 U.S.C. 205. Accordingly, 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the heading of § 9.90 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.90 Willamette Valley.

Par. 2. Subpart C is amended by adding § 9.90 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.90 Willamette Valley.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Willamette Valley viticultural area are three U.S.G.S. Oregon maps scaled 1:250,000. They are entitled:

(1) "Vancouver," Location Diagram NL 10–8, 1958 (revised 1974).

(2) "Salem," Location Diagram NL 10–11, 1960 (revised 1977).

(3) "Roseburg," Location Diagram NL 10–2, 1958 (revised 1970).

(c) *Boundaries.* The Willamette Valley viticultural area is located in the northwestern part of Oregon, and is bordered on the north by the Columbia River, on the west by the Coast Range Mountains, on the south by the Calapooya Mountains, and on the east by the Cascade Mountains, encompassing approximately 5,200 square miles (3.3 million acres). The exact boundaries of the viticultural area, based on landmarks and points of reference found on the approved maps, are as follows: From the beginning point at the intersection of the Columbia/Multnomah County line and the Oregon/Washington State line;

(1) West along the Columbia/Multnomah County line 8.5 miles to its intersection with the Washington/Multnomah County line;

(2) South along the Washington County line 5 miles to its intersection with the 1,000 foot contour line;

(3) Northwest (15 miles due northwest) along the 1,000 foot contour line to its intersection with State Highway 47, .5 mile north of "Tophill";

(4) Then, due west from State Highway 47 one-quarter mile to the 1,000 foot contour line, continuing south and then southwest along the 1,000 foot contour line to its intersection with the Siuslaw National Forest (a point approximately 43 miles south and 26 miles west of "Tophill"), one mile north of State Highway 22;

(5) Due south 6.5 miles to the 1,000 foot contour line on the Lincoln/Polk County line;

(6) Continue along the 1,000 foot contour line (approximately 23 miles) east, south, and then west, to a point where the Polk County line is intersected by the Lincoln/Benton County line;

(7) South along Lincoln/Benton County line, 11 miles to its intersection with the Siuslaw National Forest line;

(8) East along the Siuslaw National Forest line six miles, and then south along the Siuslaw National Forest line six miles to State Highway 34 and the 1,000 foot contour line;

(9) South along the 1,000 foot contour line to its intersection with Township line T17S/T18S (31 miles southwest, and one mile west of State Highway 126);

(10) East along T17S/T18S 4.5 miles to Range line R6W/R7W, south along this range line 2.5 miles to the 1,000 foot contour line;

(11) Southeast along the 1,000 foot contour line to R5W/R6W (approximately six miles); southeast from this point eight miles to the intersection of R4W/R5W and T19S/T20S;

(12) East along T19S/T20S 1.5 miles to the 1,000 foot contour line;

(13) Following the 1,000 foot contour line north around Spencer Butte, and then south to a point along the Lane/Douglas County line one-half mile north of Interstate Highway 99;

(14) South along the Lane/Douglas County line 1.25 miles to the 1,000 foot contour line;

(15) Following the 1,000 foot contour line around the valleys of Little River, Mosby Creek, Sharps Creek and Lost Creek to the intersection of R1W/R1E and State Highway 58);

(16) North along R1W/R1E, six miles, until it intersects the 1,000 foot contour line just north of Little Fall Creek;

(17) Continuing along the 1,000 foot contour line around Hills Creek, up the southern slope of McKenzie River Valley to Ben and Kay Dorris State Park, crossing over and down the northern slope around Camp Creek, Mohawk River and its tributaries, Calapooia River (three miles southeast of the town of Dollar) to a point where Wiley Creek intersects R1E/R1W approximately one mile south of T14S/T13S;

(18) North along R1E/R1W 7.5 miles to T12S/T13S at Cedar Creek;

(19) West along T12S/T13S four miles to the 1,000 foot contour line;

(20) Continuing in a general northerly direction along the 1,000 foot contour line around Crabtree Creek, Thomas Creek, North Santiam River (to its intersection with Sevenmile Creek), and Little North Santiam River to the intersection of the 1,000 foot contour line with R1E/R2E (approximately one mile north of State Highway 22);

(21) North along R1E/R2E (through a small portion of Silver Falls State Park) 14 miles to T6S/T7S;

(22) East along T6S/T7S six miles to R2E/R3E;

(23) North along R2E/R3E six miles to T5S/T6S;

(24) Due northeast 8.5 miles to the intersection of T4S/T5S and R4E/R3E;

(25) East along T4S/T5S six miles to R4E/R5E;

(26) North along R4E/R5E six miles to T3S/T4S;

(27) East along T3S/T4S six miles to R5E/R6E;

(28) North along R5E/R6E 10.5 miles to a point where it intersects the Mount Hood National Forest boundary (approximately three miles north of Interstate Highway 26);

(29) West four miles and north one mile along the forest boundary to the 1,000 foot contour line (just north of Bull Run River);

(30) North along the 1,000 foot contour line, into Multnomah County, to its intersection with R4E/R5E;

(31) Due north approximately three miles to the Oregon/Washington State line; and

(32) West and then north, 34 miles, along the Oregon/Washington State line to the beginning point.

Signed: November 1, 1983.

Stephen E. Higgins,

Director.

Approved: November 18, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 83-32078 Filed 11-30-83; 8:45 am]

BILLING CODE 4810-31-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

706 Agencies

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 Austin Human Relations Commission and Corpus Christi Human Relations Commission as certified 706 Agencies. The Commission has determined that these two Commissions meet the eligibility criteria for certification.

EFFECTIVE DATE: December 1, 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 Austin Human Relations Commission and Corpus Christi 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 Austin Human Relations Commission and Corpus Christi Human Relations Commission. Publication of this amendment to § 1601.80 effectuates the designation of the following agencies as certified 706 agencies: Austin Human Relations Commission and Corpus Christi 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 Austin Human Relations Commission and Corpus Christi Human Relations Commission in alphabetical order.

(42 U.S.C. 2000e-12(a))

Signed at Washington, D.C. this 23rd day of November, 1983.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

[FR Doc. 83-32109 Filed 11-30-83; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD7 83-17]

Special Local Regulations; Coors/Winterfest Classic

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the Coors/Winterfest Classic. This event will be held on 11 December 1983 at 1030 to 1500 local time. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective at 1030 local time on 11 December 1983 and terminate at 1500 local time on 11 December 1983.

FOR FURTHER INFORMATION CONTACT: Ens. D. Y. Patlak, (305) 350-4309.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations and they are being made effective in less than 30 days from the date of publication. Following normal rule making procedures would have been impracticable. The application to hold the event was not received until 7 October 1983, and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Drafting Information

The drafters of this regulation are ENS D. Y. Patlak, project officer, USCG Group Miami and LCDR Kenneth E. Gray, project attorney, Seventh Coast Guard District Legal Office.

Discussion of Regulations

The Coors/Winterfest Classic is a Limited Inboard Hydroplane Race. Regulations are issued by the Commander, U.S. Coast Guard Group Miami, Florida as a public service to facilitate the holding of this event, to promote maritime safety, and to reduce to a minimum interference with other vessel traffic in the area.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary § 100.35T717 to read as follows:

§ 100.35T717 Coors/Winterfest Classic.

(a) *Regulated Area.* All navigable waters, including the Intracoastal Waterway from the Las Olas bridge south to approximate position 26-06.5N, 080-06.6W and west from a line in approximate position 080-06.8N east to a line in approximate position 080-06.5N through Bahia Mar Marina and the Swimming Hall of Fame.

(b) *Special Local Regulations.* (1) Entry into the restricted area is prohibited unless authorized by the Coast Guard Patrol Commander.

(2) The Patrol Commander will interrupt the race periodically to allow for bridge opening and traffic flow at 5 mph.

(3) A succession of not less than 5 short whistle or horn blasts from a patrol vessel will be the signal for any non-participating vessels to stop immediately.

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

Dated: November 21, 1983.

G. E. Walton,

Captain, U.S. Coast Guard Commander, USCG Group Miami.

[FR Doc. 83-32181 Filed 11-30-83; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 100

[CGD7 83-16]

Special Local Regulations; Pompano Beach 21st Annual Christmas Boat Parade

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the Pompano Beach 21st Annual Christmas Boat Parade. This event will be held on 18 December 1983 at 1830 local time. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective at 1830 local time on 18 December 1983 and terminate at 2130 local time on 18 December 1983.

FOR FURTHER INFORMATION CONTACT: ENS D. Y. Patlak (305) 350-4309.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations and they are being made effective in less than 30 days from the date of publication. Following normal rule making procedures would have been impracticable. The application to hold the event was not received until 23 September 1983, and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Drafting information

The drafters of this regulation are ENS D. Y. Patlak, project officer, USCG Group Miami and LCDR Kenneth E. GRAY, Project attorney, Seventh Coast Guard District Legal Office.

Discussion of Regulations

The Pompano Beach 21st Annual Christmas Boat Parade is a 10-mile parade with 125 boats expected to participate. Regulations are issued by the Commander, U.S. Coast Guard Group Miami, Florida as a public service to facilitate the holding of this event, to promote maritime safety, and to reduce to a minimum interference with other vessel traffic in the area.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary § 100.35T716 to read as follows:

§ 100.35T716 Pompano Beach 21st Annual Christmas Boat Parade.

(a) *Regulated Area.* All navigable waters from a center point between Lake Santa Barbara and Lettuce Lake (approximate position 26-13.2N, 080-05.9W) proceeding north in the Intracoastal Waterway to the Hillsboro Blvd. Bridge in Hillsboro Beach.

(b) *Special Local Regulations.* (1) All vessel traffic in the regulated area will be controlled by the Patrol Commander.

(2) Rule 20 of the Inland Navigation Rules Act of 1980 will be suspended for registered participants only.

(3) A succession of not less than 5 short whistle or horn blasts from a patrol vessel will be the signal for any nonparticipating vessels to stop immediately. The display of a red distress flare from a patrol vessel will be signal for any and all vessels to stop immediately.

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

Dated: November 28, 1983.

C. M. Holland,

Captain, U.S. Coast Guard, Executive Secretary, Marine Safety Council.

[FR Doc. 83-32180 Filed 11-30-83; 8:45 am]

BILLING CODE 4910-14-M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1151

General Statement of Policy

Correction

In FR Doc. 83-29806, beginning on page 52910, in the issue of Wednesday, November 23, 1983, make the following correction.

On page 52911, first column, in § 1151.2(c), the fourteenth through seventeenth lines should have read "to expedite ATBCB action on the Executive Committee's recommendations."

BILLING CODE 1505-01-M

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 304

Cost of Living Adjustment for Performance of Musical Compositions by Public Broadcasting Entities Licensed to Colleges and Universities

AGENCY: Copyright Royalty Tribunal.

ACTION: Final rule.

SUMMARY: As required by the final rule in the 1982 adjustment of the royalty schedule for use of certain copyrighted works in connection with noncommercial broadcasting, the Copyright Royalty Tribunal announces that the cost of living adjustment to be applied to the compulsory royalty rates paid by public broadcasting entities licensed to colleges and universities for the performance of musical compositions is 5.4%.

EFFECTIVE DATE: January 1, 1984.

FOR FURTHER INFORMATION CONTACT: Edward W. Ray, Chairman, Copyright Royalty Tribunal, 202-653-5175.

SUPPLEMENTARY INFORMATION: In the Federal Register of December 29, 1982 (47 FR 57923), the Copyright Royalty Tribunal published a final rule announcing the adjustment of the royalty schedule for the use of certain copyrighted works in connection with non-commercial broadcasting. In that rule, § 304.10 stated that:

(a) On December 1, 1983 the CRT shall publish in the **Federal Register** a notice of the change in the cost of living as determined by the Consumer Price Index (all urban consumers, all items) from the May, 1982 to the last Index published prior to December 1, 1983. On each December 1 thereafter the CRT shall publish a notice of the change in the cost of living during the period from the first Index published subsequent to the previous notice, to the last Index published prior to December 1 of that year.

(b) On the same date of the notices published pursuant to paragraph (a), the CRT shall publish in the **Federal Register** a revised schedule of rates for § 304.5, alone, which shall adjust those royalty amounts established in dollar amounts according to the change in the cost of living determined as provided in paragraph (a) of this section. Such royalty rates shall be fixed at the nearest dollar.

(c) The adjusted schedule of rates for § 304.5, alone, shall become effective thirty days after publication in the **Federal Register**.

Accordingly, it is announced that the change in the cost of living as determined by the Consumer Price Index (all urban consumers, all items) from the Index published June 22, 1982 to the last Index published prior to December 1, 1983 is 5.4%. (Last year's May Index was published June 22, 1982 and was 287.1;

and this year's October Index was published November 23, 1983 and was 302.6.) The rates published in the **Federal Register** on December 29, 1982 (47 FR 57927) are revised as shown below.

List of Subjects in 37 CFR Part 304

Copyright, Radio, Television.

PART 304—[AMENDED]

37 CFR Part 304 is amended as follows:

§ 304.5 [Amended]

Section 304.5(c) is amended by removing the paragraphs containing dollar amounts and inserting the following:

* * * * *

(c) * * *

For all such compositions in the repertory of ASCAP annually	$140
For all such compositions in the repertory of BMI annually	140
For all such compositions in the repertory of SESAC annually	31
For the performances of any other such composition	1

(Pub. L. 94-553)

Edward W. Ray,

Chairman.

November 28, 1983.

[FR Doc. 83-32148 Filed 11-30-83; 8:45 am]

BILLING CODE 1410-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 431

Medicaid Program; Reduction in Error Rate Tolerance; Medicaid Quality Control Program

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

ACTION: Final rule.

SUMMARY: This final rule revises current Medicaid regulations by establishing new regulations concerning the disallowance of Federal financial participation to States whose eligibility payment error rate for Medicaid, as measured by the Medicaid quality control system, exceeds the 3-percent tolerance level. Specifically, this rule provides that the current regulations regarding the method of projecting anticipated error rates apply only to the period April 1, 1983 through December 31, 1983. This rule also establishes new regulations that apply to periods beginning January 1, 1984. These modifications to the regulations are based on and implement the provisions of section 133 of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97-248), which enacted section 1903(u) of the Social Security Act.

EFFECTIVE DATE: January 3, 1984. However, States will have until February 9, 1984 to submit their rebuttal evidence for the January-March quarterly withholdings.

FOR FURTHER INFORMATION CONTACT: Randolph Graydon, Bureau of Quality Control, Health Care Financing Administration, Room 239, East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, (301) 597-1308.

SUPPLEMENTARY INFORMATION:

I. Background

The Medicaid quality control (MQC) system was designed to reduce erroneous expenditures in medical assistance payments by monitoring eligibility determinations, third-party liability activities, and claims processing. The system uses 6-month sampling periods from April-September and October-March.

Within each 6-month period, a State must select a sample of cases every month and review them for errors. At the end of each 6-month review period, a State's payment error rate is calculated by HCFA based on the findings submitted by the State. A subsample of the State-selected cases is reviewed by HCFA to verify the State's findings. (This is called the Federal subsample.) If a State fails to complete a valid review for any period, HCFA assigns the State an error rate based on either a special sample or audit, the Federal subsample, or other arrangements as the Administrator may prescribe.

Congress addressed the issue of an error rate tolerance level when considering legislation before the second session of the 97th Congress. Congress decided, as a result of its review of various proposals, to set the payment error rate tolerance level at 3 percent, and to require that rate to be achieved by the States in the third and fourth quarters of Federal fiscal year (FY) 1983 and in each succeeding fiscal year. Section 133 (Limitation of Federal financial participation (FFP) in erroneous medical assistance expenditures) of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97-248), enacted on September 3, 1982, includes this tolerance level. Section 133 amended section 1903 of the Social Security Act (Act) by adding a new subsection (u).

Before this legislation was enacted, all quality control disallowances were computed after final payment error rates were established and requests by the States for relief from disallowances were assessed by the Secretary. However, in addition to the disallowance calculation, section 1903(u)(1)(C) of the Act further requires that each State's quarterly request for FFP for medical assistance be reduced prospectively by the difference in the 3-percent tolerance level and the State's anticipated payment error rate. The method for determining this anticipated error rate is left to the discretion of the Secretary.

Section 1903(u)(1)(E) of the Act excludes payments as a result of "technical errors" from a State's error rate calculation. Also excluded are payments made for services provided to any individual whose eligibility was determined exclusively by the Social Security Administration (SSA) under section 1634 of the Act. (Under that section of the Act, the Secretary and a State may enter into an agreement under which SSA determines Medicaid eligibility on behalf of the State for individuals who are eligible for Supplementary Security Income (SSI) or who are receiving a State supplementary payment that is federally administered, or both.) Section 1903(u)(1)(E) of the Act also provides that we may exclude any other classes of individuals whose eligibility was determined in part under a section 1634 agreement.

On June 24, 1983, HCFA published in the **Federal Register** (48 FR 29450) an interim final rule with a 60-day comment period to implement the provisions of section 1903(u) of the Act. Those regulations provide for disallowance of FFP to States whose eligibility payment error rate for Medicaid, as measured by the Medicaid quality control system, exceeds 3 percent for the period April 1 through September 30, 1983, and for each fiscal year thereafter.

The regulations further provide for HCFA to project a payment error rate for each State and to reduce the State's quarterly estimate of expenditures if the anticipated error rate exceeds the 3-percent tolerance level.

We also published a notice of proposed rulemaking (NPRM) with a 30-day comment period on August 31, 1983 (48 FR 39476) that amended those interim final regulations. Set forth below are the provisions of that proposal, the comments received and our responses, and the changes we made based on those comments.

II. Provisions of the Proposed Regulations

We proposed to revise our regulations so that 42 CFR 431.803 would apply only to the period April 1, 1983, through September 30, 1983. Currently, these regulations provide that the disallowance of FFP for excess erroneous State payments is effective for the period April 1, 1983 through September 30, 1983, and for each fiscal year thereafter.

We also proposed to establish at § 431.804 new regulations concerning the disallowance of FFP for excess erroneous State payments for periods beginning Octoer 1, 1983. The proposed regulations differed from the current regulations at § 431.803 in the method for determining the States' anticipated error rate. This change, which is discussed in section II.B., below, was based on comments received on the interim final regulations published in June 1983 (which established § 431.803) and questions raised in two law suits against the Department.

The provisions of those proposed regulations (§ 431.804) follow.

A. Calculation of the Payment Error Rate

As required by section 1903(u)(1)(A) of the Act, a State's payment error rate was expressed as a ratio of erroneous payments for medical assistance to total medical assistance expenditures under the State plan.

Erroneous payments were defined in the proposed regulations as medical assistance payments that were made for an individual or family under quality control review who:

- Was ineligible for the review month or at the time services were received;
- Was ineligible to receive a service that was provided in the review month; or
- Had not properly met beneficiary liability prior to receiving Medicaid services.

As proposed, beneficiary liability was either the amount of excess income that must be offset with incurred medical expenses to gain eligibility (spenddown) or the amount of payment a beneficiary must make toward the cost of long-term care. In determining the amount of erroneous payments for cases involving beneficiaries who are determined to be ineligible due to excess resources, the amount of error was the lesser of—

- The amount of payments made on behalf of the family or individual for the review month; or
- The difference in the amount of actual countable resources for the family or individual for the review month and the State's applicable resource standard in the approved State plan.

Similarly, in determining the amount of the error for cases in which there is a beneficiary liability error, the amount of error was the lesser of—

- The amount of payments made on behalf of the family or individual for the review month; or
- The difference between the correct amount of beneficiary liability and the amount of liability actually met by the individual or family for the review month.

In addition, for cases in which the beneficiary received a service for which the beneficiary was ineligible, the amount of error was the amount of payments made for services that the family or individual was ineligible to receive.

In the proposed regulations, we provided that all payments made on behalf of SSI beneficiaries whose eligibility is determined exclusively by SSA under section 1634 agreements would be excluded from the calculation of the payment error rate. Also excluded from the determination of erroneous payments were payments made as a result of a technical error.

We defined technical errors for MQC purposes as errors in conditions of eligibility that, if corrected, would not result in a difference in the amount of medical assistance paid. These errors included, but were not limited to, those attributable to Work Incentive Program requirements, the assignment of Social Security numbers, the requirement for a separate Medicaid application, and monthly reporting requirements, and assignment of rights to third-party benefits as a condition of eligibility for Medicaid. However, errors resulting from any change in financial circumstances or categorical eligibility were to be counted.

B. Determining a State's Anticipated Erroneous Payment Rate

Section 1903(u)(1)(C) of the Act requires us to project an anticipated erroneous payment rate for each State and to reduce the State's quarterly estimate of FFP for medical assistance expenditures by the percentage that the State's error rate exceeds 3 percent. Current regulations base the projections on the average of the two 6-month sample periods most recently completed by the States and HCFA.

The NPRM proposed to base our projections on the 6-month sample period most recently completed by the States and HCFA. We also proposed that the original State findings and Federal subsample findings for that 6-month period be reviewed by HFCA regional office staff to identify all individuals found to be ineligible. Cases or individuals which are determined to be ineligible due to a technical error as defined in the proposed regulations would be considered eligible in both the original State finding and the Federal subsample findings.

Cases or individuals which were found to be ineligible due to excess resources would be reviewed to assure that the amount of error reflects the lesser of the amount of excess resources or the amount of paid claims for services provided during the review month to case members. If necessary, the dollar error amount would be adjusted to reflect the correct dollar amount in both the original State finding and the Federal subsample finding.

After these adjustments were made, the resultant error rate was to be the projected anticipated error rate for the next two quarters.

If a State believes that this anticipated error rate does not reasonably represent what it believes will be its actual error rate for the quarter being projected, we proposed that the State may present more recent statistical evidence conforming to criteria to be established by the Administrator that demonstrates that the anticipated error rate is significantly unrepresentative of current experience.

To verify that the statistical evidence presented by the State demonstrates that the anticipated error rate is significantly unrepresentative, HCFA will use the Student T test. The Student T test is a widely used and accepted statistical testing procedure. A one-tailed test is appropriate when testing whether one sample estimate (the MQC error rate) is greater than another. Testing using actual MQC data showed statistically significant reductions for half of those States above the 3-percent tolerance level in one period with reduced rates in the subsequent period using the 90-percent level. When higher significance levels were used, less States showed significant reductions. Historical data that represent a decline in error rate over several periods will not be considered to meet these criteria.

We proposed that this evidence be evaluated by HCFA to determine if it meets the proposed criteria. In addition, HCFA may validate the accuracy of the evidence. If the evidence presented by the State is determined to meet the proposed criteria and, at HCFA's discretion, is determined to be valid evidence, the error rate established in this evidence would be accepted by

HCFA as the projected anticipated error rate for the quarter.

To validate the evidence submitted by States, HCFA will use the Military Standard 105D. This standard is also a widely used and accepted statistical method for determining the acceptability of different attributes from sampling populations. In using this method, HCFA will determine the validity of the more recent State sample findings based on the amount of agreement between State and Federal findings in a reduced Federal subsample. The acceptable quality level, which represents the maximum amount of disagreement between State and Federal findings on which HCFA will accept the more recent State findings, is 4 percent. This figure represents the approximate national average percentage of MQC subsample cases in a recent review period in which State and Federal review findings differed for either eligibility dollar errors or paid claims amounts. The use of the 4 percent figure benefits States because it allows a greater tolerance level of State and Federal differences. The use of Inspection Level II (normal) was chosen to assure the accuracy of results. HCFA has also chosen to use double sampling to restrict additional workload on the Regional Offices.

We solicited comments on what should be considered as acceptable evidence that the State's error rate would be less than that projected by HCFA.

The amount of the anticipated erroneous medical assistance expenditures to be withheld from the State's quarterly estimate of medical assistance expenditures was to be based on the difference between the State's anticipated error rate and the 3-percent tolerance.

C. Establishing an Error Rate for States That Fail To Cooperate

In our proposal, if a State fails to cooperate in providing information for establishing its error rate or its anticipated error rate, HCFA will establish the State's error rate based on:

- A special sample or audit;
- The Federal subsample; or
- Other similar arrangements as the administrator may prescribe.

D. Computations for Disallowance of FFP

When States request their quarterly advance of FFP, we proposed to reduce the amount of the estimate of FFP for medical assistance expenditures by the percentage difference between the 3-percent tolerance level and the anticipated error rate established by HCFA for that quarter. At the close of the quarter, this reduction was to be adjusted to reflect the State's actual expenditures for the quarter. These reductions would be noted on the State's grant award and were not considered disallowances. Therefore, the quarterly reductions would not be appealable. When the actual error rates for the review period are determined, the final disallowance amount would be computed and adjustments would be made in the FFP to reflect these findings. The final error rates would be either those determined from the State reviews and subsequent Federal re-reviews or, if the State fails to complete a valid sample, those determined by HCFA. The final disallowance amount would be the product of (1) the difference between the 3-percent tolerance level and the State's error rate established under these regulations and (2) the amount of the Federal share of medical assistance expenditures for the review period (excluding payments made on behalf of SSI beneficiaries in 1634 contract States).

E. Notice of Disallowance and Waivers of Disallowance Based on "Good Faith"

Section 1903(u)(1)(B) of the Act permits us to waive, in certain limited cases, all or part of an FFP disallowance if a State is unable to reach the 3-percent tolerance level despite a good faith effort. We proposed that HCFA would evaluate requests for waivers at the time of the final disallowance. States would be allowed 30 days from the date of the notice of a potential disallowance to apply for a waiver. We provided that HCFA will respond within 60 days of receipt of all information needed to reach a decision on the State's request for a waiver.

F. Applicability

Guam, Puerto Rico, the Virgin Islands, the Northern Marianas, and American Samoa would be excluded from the provisions of these regulations under section 1903(u)(4) of the Act. (Although the preamble to the NPRM included the Northern Marianas in this exclusion, they were inadvertently omitted from the proposed § 431.804(a)(2).)

III. Discussion of Comments

In response to the NPRM, we received comments from or on behalf of 40 State and local health or welfare agencies. These comments and our responses are discussed below.

A. Effective Date of the Regulations

Six States questioned the effective date of the regulations and our intent to consider public comment.

Comment: The proposed rule violates the administrative Procedure Act by not providing adequate time for public comment and consideration of those comments. This is evident since the comment period ends on September 30, 1983, and the proposed effective date is October 1, 1983.

Response: At the time of the proposal, we were considering issuing final regulations during the October–December 1983 quarter, and therefore, there was adequate time available for consideration of comments. We have, however, decided to delay the new rules one quarter to allow more orderly implementation. We are, therefore, making the final rules effective (30 days from publication). The first time we will determine anticipated erroneous expenditures based on these final regulations will be for the January–March 1984 quarter. However, final disallowance calculations are made on a full fiscal year basis. There is no difference between the provisions of § 431.803 and § 431.804 for purposes of determining the final disallowance. Therefore, the provisions of § 431.804 will apply to the determination of the State's final payment error rate for the period October 1, 1983 to September 30, 1984.

Comment: The regulations should be made effective no earlier than January 1, 1984.

Response: We concur and, as noted above, the final regulations will be in effect beginning January 1, 1984. In the event we are enjoined from implementing these regulations by a court order, however, it is our intention that the interim regulations published June 24, 1983, will remain in effect.

B. Three-Percent Tolerance Level

Comment: Two States commented that the 3-percent tolerance level appears to be very low given the States' collective experience.

Response: Section 1903(u)(1)(A) of the Act requires that the State payment error rate tolerance level be set at 3 percent. Therefore, we have no authority to set any other level in the regulations.

C. Impact on States Due to Disallowances Under These Regulations

Ten States expressed concern regarding the impact of disallowances on the amount, duration, and scope of their Medicaid services.

Comment: With the current budgetary limitations at both Federal and State levels, any administrative penalties directly result in reduced levels of services that can be provided to eligible recipients. The commenters question

how a State can continue to fulfill its obligations to the needy under Medicaid when penalties that impose added difficulties to administering the program are assessed.

Response: The withholdings and disallowances required by the provisions of section 1903(u) of the Act are reductions for erroneous expenditures of FFP. Congress, in permitting a tolerance level for erroneous expenditures, recognized that certain levels of error may exist. The disallowance provisions are not intended to result in reduced services, but rather in improved eligibility determinations that would assure that scarce Federal and State funds are spent on only those who are eligible for them.

Comment: The Federal Medicaid eligibility regulations are extremely complex and burdensome. HCFA should accept some responsibility for the error rates rather than place the entire financial burden of sanctions on the States.

Response: Medicaid eligibility regulations implement statutory requirements enacted by Congress regarding who may be eligible for services. As stated above, Congress recognized the difficulty in administering the program by authorizing erroneous expenditures that do not exceed the tolerance level

D. Prospective Withholdings Based on Anticipated Error Rates

Eight States raised objections to the concept of prospective withholding of funds.

Comment: These States do not agree with the concept of prospectively withholding funds. This process is outside the philosophy of quality control as a management tool. This process is also administratively cumbersome in that monies could be withheld based on an anticipated excessive error rate, only to be repaid later when the actual error rate is determined not to be over the 3-percent tolerance level. The commenters strongly urge that we consider fiscal penalties for excessive error rates only on a retrospective basis.

Response: The provision for reducing a State's quarterly estimates of expenditures is mandated by section 1903(u)(1)(C) of the Act. We are, therefore, required to implement a system for prospective withholdings.

Comment: The commenters are opposed to our statement in the NPRM that we might postpone the adjustment to the October–December 1983 grant awards until after that award is made in order to consider and analyze the comments to the NPRM.

Response: The statute requires that, beginning April 1, 1983, each quarter's estimate must be adjusted based on the State's anticipated error rate. If administrative delays prevent the estimate from being reduced at the beginning of the quarter, an adjustment is appropriately made at a later date in order to satisfy the provisions of section 1903(u) of the Act.

Comment: Twelve States expressed strong opposition to the fact that quarterly withholdings are not considered disallowances and, therefore, are not appealable. The proposed regulations state that the reduction in the grant award for the quarter does not constitute a disallowance and is not appealable. An appeal cannot be filed until HCFA computes the actual amount of the disallowance. This could be up to two years after the withholding is made. The States believe that the reductions should be appealable because their effect is an adverse action on the State.

Response: The quarterly withholdings are based on the statutorily required estimates of erroneous expenditures and do not represent actual data or final disallowances, but rather reductions to the State's estimates of expenditures. The Senate Finance Committee report clearly states that these error rate estimates will not be adjusted until actual error rates are available (S. Rep. No. 97–494, 97th Congress, 2d session 39 (1982)). Moreover, the reduction is, under the terms of the statute, a part of the estimation process established by section 1903(d) of the Act, for which no appeal process is provided. Therefore, the final regulations provide that appeals will not be entertained until the final disallowance has been taken based on actual error rate data.

E. Determination of a State's Final Payment Error Rate

Comment: Three States addressed the issue of agency versus client-caused errors. They state that the standards for client and agency-caused errors should be differentiated to reflect the reality that client-caused errors are particularly difficult to control. They recommended that sanctions should apply only to agency-caused errors or that these two types of errors be weighted differently.

Response: The statute makes no provision of distinguishing between agency or client-caused errors. It clearly states that erroneous payments made above the 3-percent tolerance level are to be disallowed. Therefore, as in previous disallowance regulations, we will continue to calculate the payment error rate based on excess erroneous payments made as a result of either agency or client-caused errors. Further, we can find no basis in the statute for giving these errors different weights in computing the final payment error rate. We believe our policy will serve as a strong incentive to States to develop procedures for assuring prompt reporting from clients and to develop methods for agency tracking of changes in beneficiaries' circumstances.

Four States expressed concern over the definition of erroneous payments as presented in the NPRM.

Comment: Under present MQC policy, review of medical services for determination of misspent dollars is confined to the review month. The States believe that the definition of erroneous payments presented in the NPRM implies a different way of assigning error payments. They suggest that we clarify our intent, particularly in light of the current policy concerning claims processing reviews.

Response: We did not intend to change the current definition of erroneous payments by these new regulations. However, we have added language to the final regulations to clarify that not all States provide for full-month coverage and, therefore, only those claims for the period for which the beneficiary was certified during the review month will be counted in determining the amount of error.

Comment: The definition of "erroneous payments" was expanded in the NPRM to include ". . . was ineligible to receive services provided during the review month." The States contend that these types of errors should not be included in the quality control eligibility review process and have in fact been proposed to be included as claims processing errors in an NPRM published in the **Federal Register** on August 9, 1983 (48 FR 36151).

Response: We have added these errors to the definition of erroneous payments because the claims processing review no longer identifies these errors. If the August 9 NPRM does include these errors as claims processing errors, we will make sure it does not when published in final. In addition, we have determined that these errors are clearly eligibility errors and should be included in the calculation of the eligibility payment error rate. The review procedures for determining the dollar amount of the error will be published in part 7 of the *State Medicaid Manual.*

Nine States commented on the definition of technical errors contained in the proposed regulation. Five States supported the exclusion of technical errors; however, we received five

comments requesting that we amend our definition.

Comment: Technical errors as described in § 431.804(b) should specify that these "include, but are not limited to," the examples given.

Response: We agree with these comments and the final regulations adopt the States' suggested language. However, we have provided that errors other than those specifically mentioned may be cited as technical errors only after receiving approval from HCFA.

Comment: The States commented on the fact that the preamble to the proposed rule states that only cases "selected in the subsample" will be changed to eligible, if they were ineligible due to a technical error.

Response: This is an incorrect interpretation of the statement in the preamble. To clarify this misunderstanding, we have added language to the final regulations (§ 431.804(d)(1)) that specifies that changes in error findings resulting from technical errors or the definition of amount of error due to excess resources will be made in both Federal and State findings for review periods prior to October 1, 1983. Beginning with the October 1983–March 1984 review period, these adjustments will only be made through the Federal difference process. (That is, cases in the Federal subsample in which the State erroneously applied the error definitions will be correctly reviewed and the State notified of the findings. The State may then agree or request a conference with the Regional Administrator.)

Comment: Two States raised the issue of making changes to original State findings other than through the Federal re-review process. They believe it is imperative that there be some mechanism to allow for changes in the original State findings by both the State and the Federal reviewers.

Response: These procedures are currently in place and are detailed in part 7 of the *State Medicaid Manual*. The circumstances in which changes to original State findings may be made by the State are, however, limited to assure statistical reliability of the error rate data.

Comment: One State raised the issue of the effect of large dollar cases on the error rate. It believes that the MQC process needs a mechanism to adjust error findings for aberrant situations. On occasion, one or two highly unusual cases with large dollar errors might skew the resulting error rate. Since these figures can result in a significant penalty to a State, there should be a mechanism, other than the proposal for a statistically valid sample, to account for these unusual circumstances.

Response: We do not agree. As pointed out in the respondent's comment, these cases only appear in the sample on occasion. As such, they properly reflect the fact the erroneous payments are made for high dollar cases that may not appear in other sample periods.

Comment: One State commented on the exclusion of SSI beneficiaries in 1634 States from the sample. The concern is that this would allow the 209(b) States (that is, States that use eligibility criteria that are stricter than those used by SSI in 1634 States) to include the SSI beneficiaries and thus considerably lower their total average error rate since SSI cases are not as difficult to administer as nursing home and foster care cases. In other words, the State believes it is easier for a 209(b) State to keep its error rate below the 3-percent tolerance level than it is for a 1634 State.

Response: We do not concur with this comment. SSI beneficiaries are not automatically eligible for Medicaid in 209(b) States as they are in 1634 States, but rather are subject to more restrictive eligibility requirements, which must be verified by the State. In addition, these individuals must be allowed to "spenddown" and are thus subject to liability as well as eligibility errors.

Comment: One State had a question regarding how the error rate is calculated. It wants to know whether a State's payment error rate is the ratio of misspent dollars cited by MQC to total dollars in the MQC sample or whether the MQC error rate is only the first step with further calculation to the total medical assistance expenditures needed to establish the error rate.

Response: The payment error rate is the ratio of the amount of misspent funds detected in the MQC sample to the total amount of medical assistance expenditures for services furnished during the review month for cases in the MQC sample. In determining the amount of the disallowance, this ratio is projected to the universe of total medical assistance payments. We have changed the language in the regulations to clarify this issue.

Comment: One State requested a better explanation regarding how we would adjust the error rate for "erroneous payments" as set forth in the proposed regulations at § 431.804(d)(2).

Response: The requirement that an error rate be adjusted for "erroneous payments" was a typographical error in the text of the regulations. We have corrected the final regulations (§ 431.804(d)(1)) to state that the error rate will be adjusted for the amount of erroneous payments due to excess resources.

Comment: Five States commented on the use of the midpoint estimate for determining amounts of misspent funds. They believe that under any method used for determining fiscal sanctions based on MQC results, HCFA should use the lower limit of the confidence interval at the 95-percent confidence level to set error rates rather than the midpoint estimate method used in the regulations.

Response: The midpoint estimate continues to be a generally accepted statistical measure of the true error rate. Use of the lower limit would constantly understate the State's true error rate as would the use of the upper limit overstate the error rate. In addition, current MQC methodology utilizes a regression methodology that takes into account differences in Federal and State findings. With increased differences, the confidence interval expands. Thus, the State could be encouraged to conduct poor reviews to increase differences, thus artificially lowering the lower limit. Use of the midpoint encourages thorough reviews and more closely reflects the true error rate. We will, therefore, continue to use the midpoint estimate in establishing error rates.

Comment: One State requested that the regulations should establish a firm deadline for calculating the final payment error rate against which the projected error rate can be reconciled. (For example, no longer than nine months after the end of the respective MQC period.)

Response: Since calculation of final payment error rates is dependent upon State review completions and reporting and the completion and reporting of AFDC–QC sample data, HCFA cannot establish a firm time frame for completion of the calculation. However, we have amended the final regulations by committing HCFA to adjusting the withholdings within 30 days of finalizing error rate data.

Comment: One State identified what it felt was an omission to the regulations. It wanted to know what the procedure would be when a State that has had a previous reduction in FFP reaches a final error rate of *less* than three percent.

Response: The final regulations have been clarified to make clear that if, after final error data are available, HCFA determines that the amount withheld on a prospective basis exceeds the amount that should have been withheld based on the actual error rate, these monies will be returned to the State within 30 days. If the State's actual error rate is 3

percent or below, all funds withheld will be returned.

F. Determining a State's Anticipated Error Rate

All the comments we received addressed some aspect of the methodology for determining a State's anticipated error rates. These comments are addressed as they relate to the various aspects of the methodology for determining the anticipated error rates.

1. *Evaluation of the Effect of Corrective Actions in Determining the State's Anticipated Error Rate*

Twenty-eight of the comments received stressed the importance of considering the effect of corrective actions on error rates when establishing a State's anticipated error rate.

Comment: Discounting the potential impact of a State's proposed corrective action plan inappropriately ignores the positive intent of these plans and results in unfair reductions in the flow of funds to States. It does not seem reasonable to expect that HCFA would not reach decisions as to a plan's potential impact, since it will be commenting on the State's annual corrective action plan anyway.

Response: Although it is true that HCFA does review annual corrective action plans to determine if States have addressed the primary causes of errors in their sample, this is a technical assistance function designed to assist States in reducing errors. In projecting error rates for the April–June 1983 and July–September 1983 quarters, HCFA did score States' corrective actions, and factored-in the score in establishing anticipated error rates. The subjectivity of this process has been questioned by States and now is under judicial review. We have decided that a more objective process for establishing anticipated error rates is to base those projections solely on statistical data.

Comment: By ignoring corrective action and other so-called "subjective" evidence regarding a State's error rate, HCFA's estimates will of necessity be biased toward the usually higher error rates for sample periods that are at least one year old.

Response: Our studies indicate that the most recently completed sample period data are the best indicator of future performance. However, due to the built-in time frames of the MQC system, the most recent data are not finalized for a year to a year and a half. We have, therefore, provided for the States to, at their option, present more recent statistical evidence that shows a significant decline in their error rate. The error rate resulting from these data could then be used to establish a State's anticipated error rate.

Comment: The States strongly urge that HCFA continue to use the Corrective Action Evaluation Guide, which monitors the implementation of corrective actions in each State. Absent this consideration in calculating the payment error rate, the MQC system becomes only a vehicle for imposing fiscal sanctions and loses sight of its paramount goal, which is to improve the management of the Medicaid program.

Response: The decision by HCFA not to consider the effect of corrective action plans in establishing anticipated error rates in no way is a sign of diminishing interest in corrective action planning. Clearly, we expect that States will pursue aggressive management improvements that will be reflected in the more current data that may be submitted to document reduced error rates.

2. *Disclosure of the Method for Determining Anticipated Payment Error Rates*

Four States commented on the disclosure of the methodology for determining anticipated payment error rates and the time frame for that disclosure.

Comment: HCFA should be required to provide documentation to the States of HCFA's computation of the anticipated error rate at least 60 days prior to the beginning of the quarter, so that the State may have opportunity to validate the data and request adjustments if appropriate.

Response: Since only regular MQC data or State-generated special data will be used to establish anticipated error rates, the data will have already been validated by States. We will continue to routinely provide printouts to States upon request in order for them to review all case review findings.

3. *Use of Only One Six-Month Period To Base Error Rate Projections*

Twenty-four comments were received regarding the data on which error rate projections are based. Twelve States strongly supported the proposal that a State's anticipated Medicaid error rate should be based on the most recent data available. The proposed rule defined the anticipated error rate as the rate "reported for the most recent 6-month review period completed by HCFA and the States and adjusted for erroneous payments and technical errors".

Comment: Eleven States clearly opposed the use of only one six-month period. Those States believe that the results of a single review period are a weak basis for error rate anticipation. For States that have an error rate determined on the basis of relatively few cases, one review period's result may not be representative of true error conditions. They contend that the use of two periods' results (as in current regulations at § 431.803) seems a better compromise between using data too old and using data from too narrow a sample base. One State suggested that the States be given the option of using the most recent annual assessment period (two 6-month periods) or the most recent 6-month period, whichever has the lower error rate. Such a procedure would allow States to take advantage of low error rate periods in averaging them with a higher period. It would also allow the States some recourse if HCFA does not accept the State's statistical evidence on a challenge to the projected error rates for an MQC period.

Response: We believe that this recommendation is an excellent one which meets the concerns addressed in all comments on this aspect of projecting error rates. We have, therefore, adopted this recommendation and have amended the regulations accordingly.

4. *The use of Statistical Evidence To Rebut the Projected Anticipated Error Rate*

Twenty-six comments were received that addressed the issue of States presenting more recent statistical data to rebut the projected error rates established by HCFA.

Comment: Five States commented on the time frames for submitting statistical evidence. If the criteria for acceptable evidence are as stringent as those suggested in the proposal, HCFA would need to provide the projected error rates at least 120 days prior to the beginning of the affected quarter in order for the State to develop evidence by the 40-day time limit. It would take the State considerably longer than 30 to 60 days to provide the suggested evidence from a statistically valid random sample of at least 100 cases reviewed in the same manner as the MQC sample.

Response: In most cases, HCFA will provide States with projected error rates no later than 80 days prior to the beginning of the quarter. We cannot assure that data will be available before that time. However, it should be noted that States may use their regular MQC sample cases for their statistical evidence if these cases are from a period after the period on which the projection was based and if they consist of full month samples. This would eliminate the need for States to conduct

special reviews. As noted in the effective dates section, States will have 40 days from the effective date of the final rule to submit rebuttal data for the first quarter for which these regulations apply (January–March 1984). This will, in effect, allow the States a 70-day period for the submittal of the data. For future quarters, only 40 days will be permitted.

Comment: Fifteen States supported the concept of State rebuttal evidence, but expressed dissatisfaction with the proposed policy that historical data showing error rate decline over time would not be considered as rebuttal evidence. They contend that the Senate Finance Committee report states unequivocally that HCFA is to consider all relevant circumstances "including the question of whether the State has shown a sustained record of improvement over a period of years."

Response: Our analysis of historical data indicates that these data are not the best predictors of future error rates. We have found that only the most recent data are a good indicator of future performances. We are, therefore, restricting acceptable evidence to more recently completed reviews. In regard to the Senate Finance Committee Report language, this language addresses the good faith waiver process and not projection of error rates.

5. *Criteria for Evaluating Statistical Evidence To Rebut the Projected Anticipated Error Rate*

We received comments on this general subject as well as comments on the specific criterion set forth in the proposed rule. The specific criterion and comments and responses are discussed below as a part of this section.

Comment: One State requested that the criteria for statistical evidence be included in the regulations. That State is opposed to the provision that the statistical evidence that a State may wish to submit in an effort to get the proposed error rate reduced must conform to criteria established by the Administrator that are not set forth in the regulations. The State requests that these criteria be established prior to issuance of the final regulations and made a part of them.

Response: In the NPRM we presented suggested criteria and requested comments on those criteria. These final regulations do contain the criteria that will be used to evaluate the statistical evidence presented (§ 431.804(d)(3)).

Comment: Two States commented on the proposed requirement that rebuttal evidence presented must be "statistically significantly different" from the projected error rate determined by HCFA. Even if a State can produce more recent statistical evidence that demonstrates that the anticipated error rate is unrepresentative of current experience, it must be "significantly" unrepresentative. The States requested an explanation of why it must be "significantly" unrepresentative when it is not required that the error rate be "significantly" over the 3-percent tolerance level before funds are withheld. Also, the regulations do not define what would be considered "significantly different."

Response: First, we decided that it is necessary to require that there be a statistically significant difference because we are looking for accurate predictors of error rates. We have determined that the latest available MQC data are a good predictor of future error rates, and we are using the latest available MQC data as the anticipated rate. If, however, it can be shown that some later data are different from that used in the anticipated rate, and the difference is not simply due to chance (statistically significant) but indeed represents a true lowering in the error rate, it would be indicative that the later data are a better predictor than our original anticipated rate data. Thus, we would accept these data as the new anticipated error rate. Differences due only to chance (not statistically significant) are not indicative of change in the error rate and will not be accepted. Second, statistical significance is not necessary for taking disallowances or withholdings, because we are looking for the best estimate of a State's error rate in order to determine how much (not only if) a State's error rate is above a tolerance level. It is generally agreed that the best estimate of a quantity is reached by using the midpoint from a sample used for the estimation, not the lower limit. The lower limit only provides a minimun value of a range in which a State's error rate is expected to be and does not provide the best estimate of that rate. In addition, the final regulations have been amended to include the definition of significantly different.

a. Evidence must consist of a completed review of all cases in a statistically valid random sample of the total Medicaid case load (excluding SSI cases in 1634 States). Samplers may be selected in a random or stratified manner. If the State plans to use more recent MQC data, the data must consist of one or more consecutive full month samples. Data from one or more partial or nonconsecutive month samples will not be accepted.

Comment: One State commented that if the definition of statistical evidence presupposes the development of a special sample of cases the adherence to this provision would not be feasible.

Response: We have clarified this criterion to make it clear that cases from the regular MQC sample may be used as statistical evidence so long as it is from complete consecutive review months. This requirement is necessary to assure that the sample is random and not just a selection of correct cases.

b. The cases must be selected from a period later than that used to establish the anticipated error rate under § 431.804(d)(1).

Comment: One State commented that the special sample should be pulled from a current reporting period in order to give consideration to corrective action taken.

Response: This criterion does provide for using current reporting periods or any prior period which is from a period later than that on which the projection was made. This criterion is necessary to demonstrate that the error rate has been significantly reduced since the time of the error rate projection.

c. The minimum sample size must be 100 completed cases.

Comment: One State commented that the proposal to review an additional 100 cases was highly impractical and unreasonable and would only result in added expense to the State.

Response: The provision in criterion a., above, which allows the use of regular MQC data from a more current period, deletes the necessity of a State doing a special sample and eliminates the requirement for additional expense. A minimum sample size of 100 cases is necessary to assure statistical validity of the sample. States with large Medicaid populations should consider submitting samples with larger sample sizes.

d. An accurate and thorough review of all cases in the sample sufficient to identify and verify eligibility and payment errors must be completed or the reason for not completing all cases must be documented.

Comment: One State suggested that States should be allowed to present evidence from specialized reviews on specific error factors (that is, back accounts, insurance, social security benefits, income, etc.) that were known to have caused a specific rate of error in past periods rather than full reviews.

Response: Experience has shown that elimination of one type of error cause does not preclude cases from becoming ineligible for other reasons. Therefore, limiting the review of cases to isolated elements of eligibility does not provide verification of eligibility and therefore

cannot be considered an accurate reflection of current error rates. Full cases reviews are necessary to produce complete documentation of in-fact eligibility.

e. Erroneous payments must be defined in the same way as they are defined in § 431.804(b).

Comment: No specific comments were received relating to this criterion.

Response: We decided to include this criterion to assure that the error rate projected by HCFA and the error rate submitted by the State from more recent data were comparable error rates. This demonstrates that there was an actual change in the error rate as measured by MQC.

f. A payment error rate must be computed in a manner that is equivalent to that specified in § 431.804(c).

Comment: One State recommended that case error rate data be used instead of payment error rate data. The new case error rate data could then be compared to previous case error rates to establish a decline in the error rates.

Response: We considered this option; however, we determined from historical MQC data that there was not a direct relationship between case and payment error rates. Since the statute requires that payment error rates be used, case error rates are not acceptable evidence.

6. *Use of Midpoint Estimate in Establishing Anticipated Error Rates*

Comment: Comments were received from or on behalf of 13 States regarding the use of the midpoint estimate to base projections. The proposed rule made no change in the current practice of calculating error rates on the basis of a point estimate rather than using the lower end of the confidence interval as has been recommended by a number of groups.

Response: The purpose of computing an anticipated error rate is to predict, as closely as possible what a State's error rate will be in a future period. Our research has shown that a good predictor of this is a State's latest error rate. Using a lower limit does not provide a good predictor of a State's error rate, as the lower limit would only provide the minimum value of the range in which a State's error rate may be expected to fall. For a further discussion, see the comment and response in section III. E., above, on the use of the lower limit for establishing actual error rates.

G. Additional General Comments

Comment: One State expressed concern that while the MQC system is oriented to conventional Medicaid programs, it has a new and distinctly different medical assistance program for which conventional MQC policies and procedures may not be appropriate.

Response: MQC reviews are based on each individual State's plan and waivers to that State plan. The uniqueness of the program will not disadvantage the State.

Comment: One State raised questions regarding the provision in the statute and the regulations that gives HCFA the authority to establish error rates for States that fail to cooperate in completing a valid MQC sample. The regulations should be specific in defining what "failure to cooperate" encompasses. For example, if HCFA does not provide the necessary software to make timely submission, or if MQC regulations change retroactively without sufficient time to react, the State should not be penalized. Also, if HCFA does invoke this authority, there should be guidelines set in the regulations that limit the amount that can be charged to the State by HCFA.

Response: We believe that the regulations are clear as written. We would invoke this provision only in the case of a State that fails to cooperate in completing a valid sample. With regard to the cost related to the manner in which HCFA will determine the State's error rate, HCFA is subject to the guidelines mandated for all Federal agencies to use competitive bidding.

Comment: One State requested that the time frame for submitting corrective action plans be extended. In order for States to have adequate time to do data analysis such as statistical tests, cross tabulations, error prone profiles, and special studies as suggested by these regulations, the deadline for submittal of the annual corrective action plan should be no earlier than August 31 of each year rather than the current July 31 deadline.

Response: We concur with this comment. We believe that States should be permitted additional time to develop more comprehensive corrective action plans based on a thorough analysis of the data. We have, therefore, amended the proposed regulations by changing the deadline for submitting data analysis and the corrective action plan to August 31 of each year.

Comment: Four States commented on the time frame for submitting good faith waivers. They believe that States should be given at least 65 days (rather than the proposed 30 days) from the receipt of notification of intent to disallow funds to present evidence for good faith waivers. The previous regulations related to the Michel amendment disallowances (§ 431.802) allowed 65 days, and this time frame should not be reduced in these regulations.

Response: We accept this comment and have amended the text of the final regulations to reflect the comment.

Comment: One commenter stated that if States have funds withheld based on projected error rates but, in fact, have acceptable error rates based on the final calculations, these States should not only receive the withheld funds but should receive interest on these funds. This would be consistent with § 433.38 which requires States to pay interest on disallowed claims determined by HCFA.

Response: We do not concur that States should receive interest on funds withheld based on projected error rates. Funds withheld based on the anticipated error rate are reductions in the States' grant awards and do not constitute disallowances. Since these reductions are not disallowances, they are not subject to the provisions of section 1903(d)(5) of the Act, which provide States the option of retaining disallowed funds and paying interest on those funds should it be determined that they were properly disallowed or permitting the Federal government to retain the funds pending the appeal decision. Further, since Congress did not specify in the statute that interest should be paid on funds erroneously withheld under section 1903(u) of the Act, there is no basis in the law that provides for HCFA to pay interest on these withholdings.

Comment: One State commented that the anticipated error rate is subject to intense distortion from an overpayment in a single case and, therefore, the dollar rate is a most unreliable indication of program quality, having little relation to the more meaningful case error rate.

Response: The dollar error rate is the more meaningful rate even though it is more variable than the case error rate. What we seek to measure is the percentage of funds being misspent, which can only be estimated by the dollar error rate. The percentage of cases in error is necessarily of less concern.

H. Additional Change to the Regulations

As a part of this final rule, we are making a change to the regulations at § 431.800(d) to clarify that a State has the option to increase its MQC sample size above the minimum MQC requirements if the States believes that its minimum sample size is not adequate to identify error prone areas. This has always been our policy; however, it has never been stated in the regulations. Therefore, we are including the change in this final rule. In addition, this new section (§ 431.800(d)(7)) provides that FFP is available to States that choose

this option and increase their sample sizes.

IV. Impact Analysis

A. Executive Order

We have determined that these regulations do not meet the criteria for a major rule that are set forth in section 1(b) of Executive Order 12291. That is, these regulations will not have an annual effect on the economy of $100 million or more or otherwise meet the threshold criteria of the Executive Order.

As noted above, this final rule revises current Medicaid regulations concerning the reduction in quarterly estimates of expenditures to States whose eligibility payment error rate exceeds the 3-percent tolerance level. This final rule also provides States with a procedure to submit more recent statistical evidence that they believe more accurately represents their current experience with eligibility payment error rates. If we determine, at our discretion, that the evidence is valid and it meets the applicable criteria, the error rate established by this further evidence would be accepted as the projected error rate for the quarter.

We have developed savings estimates for fiscal years 1984 and 1985 that incorporate the effects of quarterly withholdings based on projected error rates and the acceptance of State evidence rebutting our projected error rates. These fiscal year estimates reflect the total amount of projected withholding based on our adjusted error rate determinations. We cannot now determine the exact percent reduction as States have yet to submit evidence, and we cannot project how many submittals we will accept. However, we are assuming that 50 percent of the States will be able to show evidence of reduced error rates and we have incorporated this factor into our estimates. Based on these assumptions, we developed the following savings estimates for this final rule:

FY 84—$27 million

FY 85—$15 million

These estimates differ from the previous estimates, published in the August 31, 1983 NPRM, primarily because of our use of the most current payment error rate data. As these estimates do not meet the $100 million threshold and since no other threshold criterion are met by these final regulations, we have determined that this final rule is not a major rule as defined by section 1(b) of the Executive Order.

B. Regulatory Flexibility Analysis

The Secretary certifies, under 5 U.S.C. 605(b) enacted by the Regulatory Flexibility Act (Pub. L. 96-354), that these regulations will not have a significant economic impact on a substantial number of small entities.

This rule implements congressionally mandated tolerance levels for erroneous payments in the Medicaid program. The regulations affect only State Medicaid agencies, which do not fall into the category of small governmental jurisdictions as defined by Pub. L. 96-354. However, even if there were a significant effect on a substantial number of small entities, we have determined that this effect is the result of the statutory provisions and not these regulations, which merely implement the provisions. Therefore, a regulatory flexibility analysis is not required.

C. Information Collection and Reporting Requirements

Sections 431.800(g)(3) and 431.804(d)(2) and (d)(3) contain information collection requirements that are subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1980. States are not required to comply with the information collection provisions in these sections until we obtain the necessary OMB approval and control numbers. When we receive OMB approval, we will publish a notice in the **Federal Register** that sets forth the OMB control numbers for these provisions.

V. List of Subjects in 42 CFR Part 431

Administrative practice and procedure, Contracts (agreements), Fair hearings, Federal financial participation, Grant-in-aid program—health, Health facilities, Health maintenance organizations (HMO), Indians, Information (disclosure), Medicaid, Mental health centers, Prepaid health plans, Privacy, Quality control, Reporting requirement.

PART 431—STATE ORGANIZATION AND GENERAL ADMINISTRATION

42 CFR Part 431 is amended as set forth below:

The authority citation for Part 431 reads as follows:

Authority: Sec. 1102, Social Security Act, (42 U.S.C. 1302), unless otherwise noted.

1. The table of contents for Part 431, Subpart P is amended by revising the title of § 431.803 and adding a new § 431.804 to read as follows.

Sec.

* * * * *

431.803 Disallowance of Federal financial participation for erroneous State payments (effective April 1 through December 31, 1983).

431.804 Disallowance of Federal financial participation for erroneous State payments (effective January 1, 1984).

2. Section 431.800 is amended by revising paragraphs (d)(5), (d)(6), and (g)(3) and by adding paragraph (d)(7), to read as follows. (The introductory text of paragraphs (d) and (g) is reprinted without change for the convenience of the user.

§ 431.800 Medicaid quality control (MQC) system.

* * * * *

(d) Basic elements of MQC system. The agency—

* * * * *

(5) In order to verify eligibility information, must conduct field investigations, including—

(i) Personal interviews for each case in the active case sample; and

(ii) Personal interviews for cases in the negative case action sample, to the extent necessary to verify erroneous eligibility determinations;

(6) Must use 6-month sampling periods, from April through September and from October through March; and

(7) May, at its option, increase its sample size above the minimum MQC requirements and claim FFP for the increased costs the agency incurs by exercising this option.

* * * * *

(g) *Corrective action.* The agency must—

* * * * *

(3) By August 31 each year, submit to the Administrator a report on its error rate analysis and a corrective action plan based on that analysis.

* * * * *

3. Section 431.802 is amended by revising the title to close the parenthesis after "September 30, 1982" and by revising paragraph (a)(2) to read as follows.

§ 431.802 Disallowance of Federal financial participation for erroneous State payments (effective October 1, 1980 through September 30, 1982).

(a) *Purpose and applicability* * * *

(2) *Applicability.* This section applies to all States for the 12-month annual assessment periods of October 1980-September 1981 and October 1981-September 1982. Beginning April 1, 1983, all States except Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, and American Samoa must

follow the rules and procedures specified in § 431.803.

* * * * *

4. Section 431.803 is amended by revising the title, and paragraph (a)(2), the definition of "State payment error rate" in paragraph (b), and paragraphs (c)(1) and (e)(1) as follows.

§ 431.803 Disallowance of Federal financial participation for erroneous State payments (effective April 1 through December 31, 1983).

(a) *Purpose and applicability.* * * *

(2) *Applicability.* This section applies to all States except Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, and American Samoa for the period of April 1 through December 31, 1983. Beginning January 1, 1984, those States must follow the rules and procedures specified in § 431.804.

(b) *Definitions.* * * *

"State payment error rate" means the ratio of erroneous payments for medical assistance detected under the MQC system for the period April–September 1983 to total expenditures for medical assistance (less payments to Supplemental Security Income beneficiaries in section 1634 contract States) for the same period.

* * * * *

(c) *Setting the State's payment error rate.* (1) A payment error rate for each State is determined by HCFA for the period April–September 1983 by computing the ratio of erroneous payments for medical assistance to total expenditures for medical assistance for that State under its State plan in effect at the time of review. This ratio incorporates the findings of a federally re-reviewed subsample of the State's rereview findings.

* * * * *

(e) *Notice to States and showing of good faith.* (1) When the actual payment error rate data are finalized for the April–September 1983 assessment period HCFA will establish each State's error rate and the amount of any potential disallowance. States that have error rates above the national standard will be notified by letter of their error rates and the amount of the potential disallowance.

* * * * *

5. Section 431.804 is added to read as follows.

§ 431.804 Disallowance of federal financial participation for erroneous State payments (effective January 1, 1984).

(a) *Purpose and applicability*—(1) *Purpose.* This section establishes rules and procedures for disallowing Federal financial participation (FFP) in erroneous medical assistance payments due to eligibility and beneficiary liability errors, as detected through the Medicaid quality control (MQC) system required under § 431.800.

(2) *Applicability.* This section will apply to all States except Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, and American Samoa beginning January 1, 1984.

(b) *Definitions.* For purposes of this section—"Administrator" means the Administrator, Health Care Financing Administration or his or her designee.

"Annual assessment period" means the 12-month period October 1 through September 30 and includes two 6-month sample periods (October–March and April–September).

"Beneficiary liability" means—

(1) The amount of excess income that must be offset with incurred medical expenses to gain eligibility; or

(2) The amount of payment a recipient must make toward the cost of long term care.

"Erroneous payments" means the Medicaid payment that was made for an individual or family under review who—

(1) Was ineligible for the review month or, if full month coverage is not provided, at the time services were received;

(2) Was ineligible to receive a service provided during the review month; or

(3) Had not properly met beneficiary liability prior to receiving Medicaid services.

"National standard" means a 3-percent eligibility payment error rate.

"State payment error rate" means the ratio of erroneous payments for medical assistance to total expenditures for medical assistance (less payments to Supplemental Security Income beneficiaries in section 1634 contract States) detected under the MQC system for each assessment period.

"Technical error" means errors in eligibility conditions that, if corrected, would not result in a difference in the amount of medical assistance paid. These errors include, but are not limited to, Work Incentive Program requirements, assignment of social security numbers, the requirement for a separate Medicaid application, monthly reporting requirements, and assignment of rights to third-party benefits as a condition of eligibility for Medicaid. Errors other than those listed are subject to approval by HCFA before they are classified as technical errors.

(c) *Setting of State's payment error rate.*

(1) Each State must, for each annual assessment period, have a payment error rate no greater than 3 percent or be subject to a disallowance in FFP.

(2) A payment error rate for each State is determined by HCFA for each annual assessment period by computing the ratio of erroneous payments for medical assistance made on behalf of individuals or cases in the sample for services received during the review month to total expenditures for medical assistance for that State made on behalf of individuals or cases in the sample for services received during the review month under its State plan in effect at the time of review. This ratio incorporates the findings of a federally re-reviewed subsample of the State's review findings and is projected to the universe of total medical assistance payments for calculating the amount of disallowance under paragraph (d)(7) of this section.

(3) The State's payment error rate does not include payments made on behalf of individuals whose eligibility determinations were made exclusively by the Social Security Administration under an agreement under section 1634 of the Act.

(4) The amount of erroneous payments is determined as follows:

(i) For ineligible cases resulting from excess resources, the amount of error is the lesser of—

(A) The amount of the payments made on behalf of the family or individual for the review month; or

(B) The difference between the actual amount of countable resources of the family or individual for the review month and the State's applicable resource standard in the approved State plan.

(ii) For ineligible cases resulting from other than excess resources, the amount or error is the total amount of medical assistance payments made for the individual or family under review for the review month.

(iii) For erroneous payments resulting from failure to properly meet beneficiary liability, the amount of error is the lesser of—

(A) The amount of payments made on behalf of the family or individual for the review month; or

(B) The difference between the correct amount of beneficiary liability and the amount of beneficiary liability met by the individual or family for the review month.

(iv) The amount of payments made for services provided during the review month for which the individual or family was not eligible.

(5) In determining the amount of erroneous payments, errors caused by technical errors are not included.

(6) If a State fails to cooperate in completing a valid MQC sample or

individual reviews in a timely and appropriate fashion as required, HCFA will establish the State's payment error rate based on either—

(i) A special sample or audit;

(ii) The Federal subsample; or

(iii) Other arrangements as the Administrator may prescribe.

(7) When it is necessary for HCFA to exercise the authority in paragraph (c)(6) of this section, the amount that would otherwise be payable to the State under title XIX of the Act is reduced by the full costs incurred by HCFA in making these determinations. HCFA may make these determinations either directly or under contractual or other arrangements.

(d) *Computation of anticipated error rate.*

(1) Before the beginning of each quarter, HCFA will project the anticipated medical assistance payment error rate for each State for that quarter. The anticipated error rate is the lower of the weighted average error rate of the two most recent 6-month review periods or the error rate of the most recent 6-month review period. In either case, cases in the review periods must have been completed by the State and HCFA. Adjustments for the amount of erroneous payments due to excess resources and for technical errors will be made for all cases in the State and Federal samples for periods prior to October 1, 1983. Beginning with the October 1983–March 1984 sample period, these adjustments will be made only through the Federal difference process if they are not reflected in the original State findings. If a State fails to provide HCFA with information needed to project anticipated excess erroneous expenditures, HCFA will assign the State on error rate as prescribed in paragraph (c)(6) of this section.

(2) If the State believes that the anticipated payment error rate established in paragraph (d)(1) of this section is significantly unrepresentative of current experience, the State may submit statistically valid evidence, conforming to criteria set forth in paragraph (d)(3) of this section, which demonstrates with more recent data that the State's latest error rate is significantly below the error rate projected in paragraph (d)(1) of this section.

The State must complete the following steps in submitting its evidence:

(i) The State must inform HCFA of its intent to submit evidence at least 75 days prior to the beginning of the quarter. The evidence submitted by the State may take the form of data from—

(A) A special sample; or

(B) An MQC sample for a more recent period than was used to establish the anticipated payment error rate under the provisions of paragraph (d)(1) of this section.

(ii) If the evidence is from a special sample, it must be submitted to HCFA at least 40 days prior to the beginning of the quarter for which the projection is being made and may be used for projecting the error rate for two quarters. If the State elects to submit data from a more recent MQC sample, the evidence must be submitted by the due date prescribed by HCFA.

(iii) The statistical evidence supplied by the State is subject to validation by HCFA. If a State submits error rate findings from the regular MQC sample for a more recent period, the validation will consist of the Federal re-review and the error rate will be adjusted based on Federal findings. If the data submitted by the State are from a special sample, the validity of the sample data will be determined through acceptance sampling. The acceptance sampling procedure used by HCFA will be the Military Standard 105D, double sampling with an Acceptable Quality Level of 4 percent at Inspection Level II (Normal). A case finding will be considered defective if either the eligibility/liability or payment finding is considered incorrect in the validation. If the data submitted by the State are determined to be invalid, the anticipated error rate established in paragraph (d)(1) of this section will remain as the anticipated error rate.

(3) Evidence submitted by the State to establish that the anticipated payment error rate determined in paragraph (d)(1) of this section is statistically significantly different from current State experience must be shown to be statistically significantly different by use of the Student T Test (1-tail test at the 90-percent level) and must be shown to meet the following criteria:

(i) Evidence must consist of a completed review of all cases in a statistically valid random sample of the total Medicaid case load (excluding SSI cases in 1634 States). Samples may be selected in a random or stratified manner. (Examples of strata that may be used are error-prone and nonerror-prone, or high dollar and low dollar cases.) If the State plans to use more recent MQC data, the data must consist of one or more consecutive full month samples. All cases selected for a sample must be used and submitted to HCFA as evidence. Data from one or more partial or nonconsecutive month samples will not be accepted.

(ii) The cases must be selected from a period later than that used to establish the anticipated payment error rate under paragraph (d)(1) of this section.

(iii) The minimum sample size must be 100 completed cases.

(iv) An accurate and thorough review of all cases in the sample sufficient to identify and verify eligibility and payment errors must be completed or the reason for not completing all cases must be documented.

(v) Erroneous payments must be defined in the same way as they are defined in paragraph (b) of this section.

(vi) A payment error rate must be computed in a manner that is equivalent to that specified in paragraph (c) of this section.

(4) Based on the anticipated error rate established in paragraph (d)(1) or (d)(2) of this section, HCFA will reduce the State's estimate of its requirements for FFP for medical assistance for the quarter by the percentage by which the anticipated payment error rate exceeds the 3-percent national standard. This reduction will be applied against the State's total estimate of FFP for medical assistance expenditures (less payments to Supplemental Security Income beneficiaries in 1634 contract States) prior to any other required reductions. The reduction will be noted on the State's grant award for the quarter and does not constitute a disallowance, and, therefore, is not appealable.

(5) After the end of each quarter, an adjustment to the reduction will be made based on the State's actual expenditures.

(6) After the actual payment error rate has been established for each annual assessment period, HCFA will compute the actual amount of the disallowance and adjust the FFP payable to each State based on the difference between the amounts previously withheld for each of the quarters during the appropriate assessment period and the amount that should have been withheld based on the State's actual final error rate. If HCFA determines that the amount withheld for the period exceeds the amount of the actual disallowance, the excess amount withheld will be returned to the States through the normal grant awards process within 30 days of the date the actual disallowance is calculated.

(7) HCFA will compute the amount to be withheld or disallowed as follows:

(i) Subtract the 3-percent national standard from the State's anticipated or actual payment error rate percentage.

(ii) If the difference is greater than zero, the Federal medical assistance funds for the period, excluding payments for those individuals whose eligibility for Medicaid was determined

exclusively by the Social Security Administration under a section 1634 agreement, are multiplied by that percentage. This product is the amount of the disallowance or withholding.

(8) A State's payment error rate for an annual assessment period is the sum of the weighted average of the payment error rates in the two 6-month review periods comprising the annual assessment period.

(9) The weights are established as the percent of the total annual payments that occur in each of the 6-month periods.

(See § 431.803(d)(9) for an example of a disallowance computation)

(e) *Notice of States and showing of good faith.* (1) When the actual payment error rate data are finalized for each annual assessment period beginning October 1, 1983, HCFA will establish each State's error rate and the amount of any potential disallowance. States that have error rates above the national standard will be notified by letter of their error rates and the amount of the potential disallowance.

(i) The State has 65 days from the date of receipt of this notification to show that this disallowance should not be made because it made a good faith effort to meet the national standard.

(ii) If the Administrator finds that the State did not meet the national standard despite a good faith effort, HCFA will reduce the disallowance in whole, or in part, as the Administrator finds appropriate under the circumstances shown by the State.

(iii) A finding that a State did not meet the national standard despite a good faith effort will be limited to extraordinary circumstances.

(iv) The decision of the Administrator will be communicated to the State by letter.

(2) Some examples of circumstances under which the Administrator may find that a State did not meet the national standard despite a good faith effort are—

(i) Disasters such as fire, flood, or civil disorders that—

(A) Require the diversion of significant personnel normally assigned to Medicaid eligibility administration; or

(B) Destroyed or delayed access to significant records needed to make or maintain accurate eligibility determinations;

(ii) Strikes that result in the disruption of State staff or other government or private personnel necessary to the determination of eligibility or processing of case changes.

(iii) Sudden and unanticipated workload changes which result from changes in Federal law and regulation, or rapid, unpredictable caseload growth in excess of, for example, 15 percent for a 6-month period;

(iv) State actions resulting from incorrect written policy interpretations to the State by a Federal official reasonably assumed to be in a position to provide that interpretation; and

(v) The State timely developed and implemented a corrective action plan which the Administrator finds to be reasonably designed to meet the target error rate, but the national standard was not achieved. In evaluating whether the State made a good faith effort in these circumstances, the Administrator will consider the following factors:

(A) Submittal of annual corrective action plans to the HCFA Regional Office by August 31 of each year with revisions to the plan made within 60 days of identification of additional error prone areas, other significant changes in the error rate, or changes in planned corrective action.

(B) The State must have operated an MQC eligibility program in accordance with the provisions of § 431.800.

(C) Demonstrated commitment by senior management to the error reduction program; for example, priorities and goals clearly enunciated to staff, accountability for performance, availability of resources.

(D) Sufficiency and quality of systems designed to reduce errors that are operational in the State; for example, BENDEX, SDX, monthly reporting, error prone profiles, local agency monitoring systems, computer clearances.

(E) Use of effective systems and procedures for the statistical and program analysis of QC and related data; for example, statistical tests, tabulations and cross tabulations, error prone profiles, corrective action committees, special studies.

(F) Effective management and execution of the corrective action process; for example, assignment of responsibilities, milestones for completing tasks, substantial completion of tasks, monitoring of progress.

(3) The failure of a State to act upon necessary legislative changes or to obtain budget authorization for needed resources is not a ground for a waiver.

(4) A State may request reconsideration of a disallowance under this section in accordance with the procedures specified in 45 CFR Part 16.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: November 10, 1983.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: November 25, 1983.

Margaret M. Heckler,

Secretary.

[FR Doc. 83-32072 Filed 11-29-83; 8:45 am]

BILLING CODE 4120-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1152

[Ex Parte No. 274 (Sub-5)]

Revision of Abandonment Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The Commission is modifying its regulations at 49 CFR Part 1152 which govern applications to abandon or discontinue service over rail lines and offers of financial assistance (see Appendix), to reflect prior court decisions and case law. This decision addresses the following cost matters: (1) Equipment costs; (2) cost of capital; (3) rehabilitation costs; (4) labor costs; (5) property tax costs; and (6) opportunity costs. The decision also addresses various non-cost matters including: (1) system diagram map requirements; (2) historic resource data filing requirements; (3) petitions for waiver of abandonment regulations; (4) financial assistance procedures; (5) public use conditions; and (6) protest and investigation standards. Various miscellaneous matters are also addressed. The revisions have been made to improve our costing methodology and to provide more effective procedures for disposing of abandonment proceedings.

EFFECTIVE DATE: These rules are effective on January 3, 1984.

FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer (202) 275-7245; Wayne A. Michel (202) 275-7657

or

Karen Osterloh (202) 275-7483.

SUPPLEMENTARY INFORMATION: By notice of proposed rulemaking (NPR) served October 1, 1982, and published in 47 FR 43747 (October 4, 1982), we instituted this proceeding to modify our regulations governing applications to abandon or discontinue service over rail lines and offers of financial assistance. Our proposed rules referred to 49 CFR Part 1121. On November 1, 1982, the

Commission published Ex Parte No. 55 (Sub-No. 55), *Revision and Redesignation of the Rules of Practice.* This decision modified the section citations in 49 CFR Part 1100 *et seq.* The abandonment regulations are now found at 49 CFR Part 1152.

Additional information is contained in the Commission's full decision. To purchase a copy of the decision write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4387 (D.C. Metropolitan Area) or toll free (800) 424-5403.

This action will not significantly affect either the quality of the human environment or energy consumption.

Regulatory Flexibility

The revisions will not increase the burdens on regulated carriers or interested parties, including small entities. For the foregoing reasons, it is certified that the revised regulations will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 49 CFR Part 1152

Administrative practice and procedure, Railroads.

(5 U.S.C. 553 and 49 U.S.C. 10321, 10362, and 10903 *et seq.*)

Dated: November 16, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre dissented in part with a separate expression.

James H. Bayne,

Acting Secretary.

Appendix

49 CFR Part 1152 is amended as follows:

PART 1152—ABANDONMENT AND DISCONTINUANCE OF RAIL LINES AND RAIL TRANSPORTATION UNDER 49 U.S.C. 10903

1. Section 1152.1 is revised to read as follows:

§ 1152.1 Purpose and scope.

(a) 49 U.S.C. 10903 *et seq.* governs abandonment of rail lines and discontinuance of rail service by common carriers. Section 10903(a) provides that no line of railroad may be abandoned and no rail service discontinued unless the Commission has issued a certificate of public convenience and necessity authorizing the abandonment or discontinuance.

(b) Part 1152 contains regulations governing abandonment and discontinuance of service over rail lines. This Part also sets forth procedures for providing financial assistance to assure continued rail freight service and for acquisition of rail lines for alternate public use.

§ 1152.2 [Amended]

2. In paragraph (c) of 1152.2, the reference to "§ 1121.40(b)" is revised to read "§ 1152.30(b)."

3. In paragraph (j) of § 1152.2, the reference to "the Rail Services Planning Office" is revised to read "the Section of Rail Services Planning."

§ 1152.10 [Amended]

4. Paragraph (d) of § 1152.10 is removed and paragraph (e) is redesignated as paragraph (d).

5. Paragraph (a) of § 1152.12 is revised to read as follows:

§ 1152.12 Filing and publication.

(a) Each carrier shall file with the Commission six copies of its color-coded system diagram map (identified by its "AB number" as set forth in the appendix to this part) and the accompanying line descriptions. If a revised map is filed, the line descriptions for the lines which were revised must be filed.

* * * * *

6. Paragraph (c) of § 1152.12 is revised to read as follows:

* * * * *

(c) *The carrier shall*—(1) Publish in a newspaper of general circulation in each county containing category 1–3 lines or lines being revised, a notice containing: (i) A black-and-white copy of the system diagram map (or a portion of map clearly depicting its lines in that county); and (ii) a description of each line;

(2) Post a copy of the newspaper notice: (i) In each agency station or terminal on each line in categories 1–3 and on each line which has been revised; or (ii) if there is no agency station on the line, at any station through which business for the line is received or forwarded;

(3) Furnish, at reasonable cost, upon request of any interested person, a copy of its system diagram map (either color-coded or black-and-white); and

(4) Notify interested persons of this availability through its publication in the appropriate county newspaper.

* * * * *

7. Paragraph (a) of § 1152.13 is revised to read as follows:

§ 1152.13 Amendment of the system diagram map.

(a) Each carrier shall be responsible for maintaining the continuing accuracy of its system diagram map and the accompanying line descriptions. Amendments may be filed at any time and will be subject to all carrier filing and publication requirements of § 1152.12.

* * * * *

8. Paragraph (c)(1) of § 1152.13 is revised to read as follows:

* * * * *

(c)* * *

(1) An revised and updated color-coded system diagram map and line descriptions which shall be subject to the filing and publication requirements of § 1152.12.

* * * * *

9. The heading and text of § 1152.20 are revised to read as follows:

§ 1152.20 Notice of intent to abandon or discontinue service.

(a) *Filing and publication requirements.* An applicant shall give Notice of Intent to file an abandonment or discontinuance application by complying with the following procedures:

(1) *Filing.* Applicant must serve its Notice of Intent on the Commission, by certified letter, in the format prescribed in § 1152.21. The Notice shall be filed in accordance with the time requirements of paragraph (b) of this section.

(2) *Service.* Applicant must serve, by first-class mail (unless otherwise specified), its Notice of Intent upon: (i) Significant users of the line; (ii) the Governor (by certified mail) of each State directly affected by the abandonment or discontinuance; (iii) the Public Service Commission (or equivalent agency) in these States; (iv) the designated State agency in these States; (v) the State Cooperative Extension Service in these States; (vi) the U.S. Department of Transportation (Federal Railroad Administration); (vii) the U.S. Department of Defense (Military Traffic Management Command); (viii) the U.S. Department of Interior (Bureau of Outdoor Recreation); (ix) the U.S. Railroad Retirement Board; (x) the Commission's Office of Special Counsel; (xi) the National Railroad Passenger Corporation ("Amtrak") (if Amtrak operates over the involved line); and (xii) the headquarters of the Railroad Labor Executives' Association. For purposes of this subsection "directly affected States" are those in which any part of a line sought to be abandoned is located.

(3) *Posting.* Applicant must post a copy of its Notice of Intent at each agency station and terminal on the line to be abandoned. (If there are no agency stations on the line, the Notice of Intent should be posted at any agency station

through which business for the involved line is received or forwarded.)

(4) *Newspaper publication.* Applicant must publish its Notice of Intent at least once during each of 3 consecutive weeks in a newspaper of general circulation in each county in which any part of the involved line is located.

(b) *Time limits.* (1) The Notice of Intent must be served at least 15 days, but not more than 30 days, prior to the filing of the abandonment application; (2) the Notice must be posted and fully published within the 30-day period prior to the filing of the application; and (3) the Notice must be filed with the Commission either concurrently with service or when the Notice is first published (whichever occurs first).

(c) *Historic site data.* When a carrier files a Notice of Intent, it must also submit the historic site data described at 49 CFR 1105.7(c)(10). This information must be submitted to the Commission and to the State Historic Preservation Officer (as defined in 36 CFR 800.2(h)) of each State in which any part of the involved line is located.

10. Section 1152.21 is revised to read as follows:

§ 1152.21 Form of notice.

The notice of intent to abandon or to discontinue service shall be in the following form:

No. AB (Sub-No.)

Notice of Intent To Abandon or To Discontinue Service

(Name of Applicant) gives notice that on or about (insert date application will be filed with the Commission) it intends to file with the Interstate Commerce Commission, Washington, D.C. 20423, an application for a certificate permitting the abandonment of (the discontinuance of service on), a line of railroad known as extending from railroad milepost near (station name) to (the end of line or rail milepost) near (station name), a distance of miles, in County(ies), State(s). The line for which the abandonment (or discontinuance) application will be filed includes the stations of (list all stations on the line in order of milepost number, indicating milepost location).

The reason(s) for the proposed abandonment (or discontinuance) is (are) (explain briefly and clearly why the proposed action is being undertaken by the applicant).

This line of railroad has appeared on the system diagram map in category 1 since (insert date).

The interest of railroad employees will be protected by (specify the appropriate conditions).

Any interested person, after the application is filed on (insert date), is entitled to file with the Interstate Commerce Commission written comments concering the proposed abandonment (or discontinuance) or protests to it.

Protests must contain the following:

(1) Protestant's name, address and business.

(2) A statement describing protestant's interest in the proceeding including:

(i) A description of protestant's use of the line;

(ii) If protestant does not use the line, information concerning the group or public interest it represents; and

(iii) If protestant's interest is limited to the retention of service over a portion of the line, a description of the portion of the line subject to protestant's interest (with milepost designations if available).

(3) Specific reasons why protestant opposes the application including information regarding protestant's reliance on the involved service [this information must be supported by affidavits of persons with personal knowledge of the fact(s)].

(4) Any rebuttal of material submitted by applicant.

(5) If an oral hearing is desired, a request for and reasons why an oral hearing is necessary.

In addition, a commenting party or protestant may provide a statement of position and a summary of evidence regarding:

(i) intent to offer financial assistance;

(ii) environmental impact;

(iii) impact on rural and community development;

(iv) suitability of the properties for other public purposes; and

(v) recommended provisions for protection of the interests of employees.

Written comments and protests will be considered by the Commission in determining whether an investigation is needed to assist in determining what disposition to make of the application. The Commission will automatically direct investigation if a protest is filed which demonstrates: (1) the protestant filed a feeder line application under 49 U.S.C. 10910; (2) the feeder line application involves any portion of the rail line involved in the abandonment or discontinuance application; (3) the feeder line application was filed prior to the date the abandonment or discontinuance application was filed; and (4) the feeder line application is pending before the Commission. If an investigation is conducted, the commenting party or protestant may participate in the proceeding as its interests may appear.

Those parties filing protests to the proposed abandonment (or discontinuance) should be prepared to participate actively in either oral hearing or through the submission of additional material in the form of verified statements. Parties seeking information concerning the filing of protests should refer to 49 CFR 1152.25.

Written comments and protests should indicate the proceeding designation No. AB——— (Sub-No.———) and should be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, no later than (insert the date 30 days after the date applicant intends to file its application). Interested persons may file a written comment or protest with the Commission to become a party to this abandonment (or discontinuance) proceeding. A copy of each written comment or protest shall be served upon the representative of the applicant (insert name, address, and phone number). The original and 2 copies of all comments or protests shall be filed with the Commission with a certificate of service.

If no protests are received within 30 days after the application is filed, the Commission will grant the abandonment (or discontinuance) request and issue a certificate which permits the abandonment (or discontinuance) to occur within 75 days after the application is filed.

The line sought to be abandoned (or discontinued) will be available for subsidy or sale for continued rail use, if the Commission decides to permit the abandonment (or discontinuance), in accordance with applicable laws and regulations (49 U.S.C. 10905 and 49 CFR 1152.27). Applicant will promptly provide upon request to each interested party an estimate of the subsidy and minimum purchase price required to keep the line in operation. The carrier's representative to whom inquiries may be made concerning sale or subsidy terms is (insert name and business address).

Persons seeking further information concerning abandonment procedures may contact the Interstate Commerce Commission's Rail Section, Office of Proceedings or the Office of Transportation Analysis, Rail Services Planning Office, or refer to the full abandonment or discontinuance regulations at 49 CFR Part 1152.

A copy of the application will be available for public inspection on or after (insert date abandonment application is to be filed with Commission) at each agency station or terminal on the line proposed to be abandoned or discontinued [if there is no agency station on the line, the application shall be deposited at any agency station through which business for the line is received or forwarded (insert name, address, location, and business hours)]. The carrier shall furnish a copy of the application to any interested person proposing to file a protest or comment, upon request.

11. Paragraphs (f) and (g) of § 1152.22 are revised to read as follows:

§ 1152.22 Contents of application.

* * * * *

(f) *Environmental impact.* The applicant shall submit information regarding the environmental impact of the proposed abandonment or discontinuance in compliance with 49 CFR 1105.7. If certain information required by the environmental regulations duplicates information required elsewhere in the application, the environmental information requirements may be met by a specific reference to the location of the information elsewhere in the application.

(g) *Passenger service.* If passenger service is provided on the line, the applicant shall state whether appropriate steps have been taken for

discontinuance pursuant to 49 U.S.C. 10908–10909 or the Rail Passenger Service Act. (45 U.S.C. 501 *et seq.*)

* * * * *

§ 1152.23 [Amended]

12. In paragraph (a) of § 1152.23, the reference to "§ 1121.32" is revised to read "§ 1152.22".

§ 1152.24 [Amended]

13. In paragraph (c) of § 1152.24, the reference to "the Commission's Rail Services Planning Office" is revised to read "the Commission's Section of Rail Services Planning".

14. A new paragraph (e)(5) is added to § 1152.24 to read as follows:

§ 1152.24 Filing and service of application.

* * * * *

(e) * * *

(5) An applicant may seek waiver of specific regulations listed in Subpart C of this part by filing a petition for waiver with the Commission. A decision granting or denying a waiver petition will be issued within 30 days of the date the petition is filed. If waiver is not obtained prior to the filing of the application, the application may be subject to rejection under paragraphs (e)(1) and (2) of this section.

15. Paragraphs (a), (b), and (c)(1) of § 1152.25 are revised as follows.

§ 1152.25 Participation in abandonment or discontinuance proceedings.

(a) *Public participation*—(1) *Protests and comments.* Interested persons may become parties to an abandonment or discontinuance proceeding by filing written comments or protests with the Commission. Protests must contain the following information:

(i) Protestant's name, address and business.

(ii) A statement describing protestant's interest in the proceeding including:

(A) A description of protestant's use of the line;

(B) If protestant does not use the line, information concerning the group or public interest it represents; and

(C) If protestant's interest is limited to the retention of service over a portion of the line, a description of the portion of the line subject to protestant's interest (with milepost designations if available).

(iii) Specific reasons why protestant opposes the application including information regarding protestant's reliance on the involved service [this information must be supported by affidavits of persons with personal knowledge of the fact(s)].

(iv) Any rebuttal of material submitted by applicant.

(v) If an oral hearing is desired, a request for and reasons why an oral hearing is necessary.

(2) *Additional information.* In addition to the information required in paragraph (a)(1) of this section, a commenting party or protestant may provide a statement of position and a summary of evidence regarding:

(1) Intent to offer financial assistance;

(ii) Environmental impact;

(iii) Impact on rural and community development;

(iv) Suitability of the properties for other public purposes; and

(v) Recommended provisions for protection of the interests of employees.

(3) *Investigations.* (i) Based on the written comments and protests, the Commission will determine whether an investigation is needed to assist in determining what disposition to make of the application. The Commission will automatically direct investigation if a protest is filed which demonstrates: (A) The protestant filed a feeder line application under 49 U.S.C. 10910; (B) the feeder line application involves any portion of the rail line involved in the abandonment or discontinuance application; (C) the feeder line application was filed prior to the date the abandonment or discontinuance application was filed; and (D) the feeder line application is pending before the Commission.

(ii) If an investigation is conducted, parties filing written comments or protests may participate in the investigated proceeding. A party filing a protest should be prepared to actively participate either in modified procedure investigation (i.e. through the submission of written verified statements) or in oral hearing.

(b) *Employee or employee representative participation.* Employees or their representatives may file protests or comments to an application. However, since the Commission will impose employee protective conditions under 49 U.S.C. 10903(b)(2) if an application is granted, employees and their representatives need not file comments or protests seeking this protection.

(c) *Filing and service of written comments, protests, and replies.* (1) Written comments and protests shall be filed with the Commission (the Secretary, Interstate Commerce Commission, Washington, D.C. 20423) within 30 days of the filing with the Commission of an abandonment or discontinuance application. The proposed date of filing of an abandonment or discontinuance application shall be included in the Notice of Intent required in §§ 1152.20–1152.21

* * * * *

§ 1152.26 [Amended]

16. In paragraphs (a) and (b) of § 1152.26, the references to "§ 1152.26" are revised to read "§ 1152.25".

17. In paragraph (b)(3) of § 1152.26, the reference to "§ 1138.24(c)" is revised to read "§ 1152.24(c)".

18. A new paragraph (l)(7) is added to § 1152.27 to read as follows:

§ 1152.27 Financial assistance procedures.

* * * * *

(l) * * *

(7) All evidence or information supporting the request to set terms and any evidence or information contesting the suggested terms must be submitted within 30 days of the request. Replies to this evidence are due within 40 days of the request. Evidence and information submitted after these dates may be rejected.

* * * * *

19. Section 1152.28 is revised to read as follows:

§ 1152.28 Public use procedures.

(a) If the Commission finds that the present or future public convenience and necessity require or permit abandonment or discontinuance, the Commission will determine if the involved rail properties are suitable for other public purposes.

(b) If the Commission finds that the rail properties are suitable for other public purposes, the railroad may dispose of the rail properties only under the conditions described in the Commission's decision. The conditions imposed by the Commission may include a prohibition against the disposal of the rail assets for a period of not more than 180 days from the effective date of the decision authorizing the abandonment or discontinuance, unless the properties have first been offered, on reasonable terms, for sale for public purposes. This period will run concurrently with any other postponements.

§ 1152.30 [Amended]

20. In paragraph (a)(2) of § 1152.30, the reference to "§ 1152.27(d)" is revised to read "§ 1152.22(d)".

21. Paragraphs (g), (h), (j), (m) and (n)(2) of § 1152.32 are revised, and paragraphs (o), (p), and (q) are added to § 1152.32 to read as follows:

§ 1152.32 Calculation of avoidable costs.

* * * * *

(g) *Freight car costs.* For Class I railroads, the on-segment costs for time-mileage freight cars shall be calculated on the basis of the carrier's average cost per day and per mile. Those freight cars that are rented on a straight mileage basis are to be costed on the carrier's average cost per mile for each type of car rented on this basis. No costs are to be included in the calculation for private line (shipper owned) or other cars for which the railroad does not make payments. The cost per day and per mile shall be calculated separately for each type of car specified in Ex Parte No. 334, *Car Service Compensation—Basic Per Diem Charges*, 362 I.C.C. 884 (1980). The costs assigned to a line under this subsection are to be derived from the accounts listed below plus the return on investment in freight cars.

Operating expense group—Repair and maintenance	Account No.
Salaries and wages	11-22-42
Materials	21-22-42
Repairs by others—DR	39-22-42
Repairs for others—CR	40-22-42
Purchased services	41-22-42
Other expenses	61-22-42
Lease rentals—DR	31-22-00
Lease rentals—CR	32-22-00
Depreciation	
Other rents—DR	35-22-00
Other rents—CR	36-22-00

The system total of the repair and maintenance accounts, all accounts designated XX-XX-42, and depreciation shall be divided into time-related costs and mileage-related costs on the basis of the present "Rail Form A" apportionment factors (i.e., 50 percent time and 50 percent mileage for repairs, and 60 percent time and 40 percent mileage for depreciation). Freight car costs shall not include depreciation as determined in Account No. 62-22-00. Freight car depreciation shall be calculated in the manner set forth in paragraph (g)(3)(i) of this section. The system total receipts and payments for the hire of time-mileage cars, and the basic data used in the development of the car-day and car-mile factors, shall be taken from the carrier's latest Form R-1 and company records. The specific steps to complete the calculation are as follows:

(1) The total system car days by car type shall be calculated by: (i) Averaging the carrier's freight car ownership at the beginning and end of the year (Form R-1, schedule 710, columns (b) and (k); (ii) multiplying the average by the standard active number of car days (346) as developed in ICC Docket No. 31358; (iii) subtracting car days on foreign lines (source: company records); and (iv) adding the foreign car days on home line (source: company records). This procedure shall be followed for each car type specified in Ex Parte No. 334, *supra.*

(2) The total railroad car miles shall be calculated by adding the loaded car miles for the railroad owned and leased cars (R-1, Schedule 755) to empty car miles for the railroad owned or leased cars (R-1, Schedule 755). The total car miles, loaded and empty, shall be calculated for each car type specified in Ex Parte No. 334, *supra.*

(3) The cost per car day shall be calculated for each type of time-mileage car by adding 50 percent of total freight car repair costs for each type (Form R-1, schedule 415, column (b)), and 60 percent of the depreciation shall be developed as follows:

(i) The current value for each type of car shall be calculated by first arriving at the current cost per car using the most recent purchase of this type by the railroad indexed to the midpoint of the year or a price quote from the manufacturer. This unit price shall be applied to the average number of this type of car owned by the carrier during the year. The current value developed for each car type is then multiplied by the composite depreciation rate for that type of car as shown in the latest annual report filed with the Commission or company records.

(ii) Add 100 percent of the return on investment. The return on investment shall be determined by multiplying the current value of each type of car, developed in paragraph (g)(3)(i) of this section, by one minus the ratio of accumulated depreciation to the total original cost investment. (The total return on investment is determined by multiplying the net current value by the rate of return calculated in § 1152.35(a).)

(iii) To the amounts for repairs, depreciation, and return on investment add the time portion of the railroad's payment for hire of time-mileage freight cars (Form R-1, schedule 414, column (g)), and subtract the time portion of the railroad's receipts for hire of time mileage freight cars (Form R-1, schedule 414, column (d)). The total of these costs is divided by the total car days for each type developed in paragraph (g)(1) of this section.

(4) The cost per mile shall be calculated for each type of time-mileage car as follows. First, add: (i) 50 percent of the total freight train car repair cost for each car type (Form R-1, schedule 415, column (b)); (ii) 40 percent of the total depreciation costs for each car type developed in paragraph (g)(3)(i) of this section; and (iii) the mileage portion of the carrier's payments for the hire of time-mileage freight cars (Form R-1, schedule 414, column (f)). Then, subtract the mileage portion of the carrier's receipts for hire of time-mileage freight cars (Form R-1, schedule 414, column (c)). Finally, divide the result by the total car-miles for each car-type developed in paragraph (g)(2) of this section.

(5) The costs per car day and per car mile developed in paragraphs (g) (3) and (4) of this section shall be applied to the total car days and total car miles for each car type accumulated on the line segment for all traffic originated and/or terminated on the segment plus those freight cars that bridge the line segment which are attributed to time-mileage freight train cars. The on-segment costs for freight cars rented on a straight mileage basis shall be the railroad's total payments for mileage cars (Form R-1, schedule 414, column (e)), for each car type divided by the total miles on which the charges were based.

(6) For Class II and III railroads, the on-segment costs for time-mileage and straight mileage freight cars shall be calculated in the same manner prescribed for Class I railroads, using the latest data available.

(h) *Return on investment—locomotive (Line).* The return on investment shall be calculated for each type of classification of locomotive that is actually used to provide service to the line segment. The return for the locomotive(s) used shall be calculated in accordance with the following procedure:

(1) The current replacement cost for each type of locomotive used to serve the line segment shall be based on the most recent purchase of that particular type and size locomotive by the carrier indexed to the midpoint of the subsidy year or an amount quoted by the manufacturer. The amount must be substantiated. This unit cost shall be multiplied by 1 minus the ratio of total accumulated depreciation to original total cost of that type of equipment owned by applicant-carrier, as shown by company records.

(2) The current cost of capital used in the calculation of return on investment for locomotives shall be the current before-tax cost of capital, weighted to the capital structure, and adjusted for the effects of the combined statutory Federal and State income tax rates. The current cost of capital expressed as a percent, shall be calculated as provided in § 1152.35(a).

(3) The annual return on investment for each category or type of locomotive shall be calculated by multiplying the replacement cost developed in paragraph (h)(1) of this section by the current cost of capital determined in paragraph (h)(2) of this section.

(4) The return on investment for each type of locomotive shall be assigned to the line segment on a ratio of the locomotive unit hours on the segment to average locomotive unit hours per unit for each type of locomotive in the system. This ratio will be developed as follows:

(i) The carrier shall keep and maintain records of the number of hours that each type of locomotive incurred in serving the segment during the subsidy period.

(ii) The railroad shall develop the system average locomotive unit hours per unit for each of the following types of locomotives: yard diesel; yard-other; road-diesel; and road-other.

(iii) The ratio applied to the return on investment is calculated by dividing the hours that each type or class of locomotive is used to serve the segment, as developed in paragraph (g)(4)(i) of this section, by the system average locomotive unit hours per unit for the applicable type developed in paragraph (h)(ii) of this section.

(5) The cost assigned to the segment for each type of locomotive shall be calculated by multiplying the annual return on investment development in paragraph (h)(3) of this section by the ratio(s) developed in paragraph (h)(4) of this section.

* * * * *

(j) *Property taxes (Line).* (1) Property taxes, in the amount allowed below, shall be deemed attributable costs of the rail properties to be abandoned if the applicant-carrier intends to sell or otherwise dispose of those properties after abandonment. If the applicant-carrier expresses an intent to dispose of the properties, it will be presumed that the properties will ultimately be sold or otherwise disposed of after abandonment. Protestants may rebut this presumption by showing that it would be financially beneficial to retain ownership of the property for investment purposes. The attributable property taxes will be calculated as follows:

(2) In States where a true *ad valorem* tax is levied, the amount of property taxes shall be the amount levied against the property on the line segment, based on the value of certain kinds of railroad property, such as track, land, buildings, and other facilities.

(3) In States where a true *ad valorem* tax is not levied, but the method of assessment is based on a formula, a *pro rata* share of the applicant's tax liability may be deemed attributable to the line and avoidable through abandonment. Although the tax reduction might not be immediate and may occur only as the cumulative result of several abandonments, applicant may submit evidence of the allocated share of taxes attributable to the line proposed to be abandoned. Evidence of the *pro rata* share of taxes attributable to the line will be considered, provided applicant explains fully its method of allocation of a share of its taxes to the line segment.

(4) In States where property taxes are assessed on the basis of a formula of a State-wide valuation of property and the line segment to be abandoned is included in the valuation of the railroad operating the service, the tax on each segment shall be based on the distribution of the assessment by the State to that segment and the application of the appropriate tax rate or rates.

(5) In States where real property taxes are assessed and levied against the owner of the property but the tax on rolling stock is assessed to the railroad operating the service on the basis of a formula of a State-wide valuation of property, the tax on rolling stock attributable to each line segment shall be determined as follows:

(i) Using ratio of the cost of equipment (as used in the formula) to the total of all property costs (as used in formula);

(ii) Apply that ratio to the total State assessment to determine the portion of the assessment attributable to rolling stock;

(iii) Allocate the rolling stock assessment thus determined to each line segment on the basis of car and locomotive unit miles on the segment to total car and locomotive unit miles in the State; and

(iv) Apply the appropriate tax rate or rates to the allocated assessment thus determined.

* * * * *

(m) *Rehabilitation.* (1) For abandonment purposes the applicant carrier shall project the amounts necessary to permit efficient operations over the line segment. The carrier shall indicate the level of FRA Class Safety Standard to be attained with the amount of expenditure. *See* 49 CFR Part 213. Applicant-carrier, in making its projection of rehabilitation costs, shall give consideration to (i) the cost to attain the lowest operationally feasible track level, (ii) the cost to attain the rehabilitation level resulting in the lowest operating and rehabilitation expenditures, or (iii) the cost to attain the rehabilitation level resulting in the lowest loss, or highest profit, from operations.

(2) For subsidy purposes rehabilitation costs shall not be included unless:

(i) The track does not meet minimum Federal Railroad Administrative Class I Safety Standards (49 CFR Part 213), in which case the railroad will furnish, with the abandonment application, a detailed estimate of the costs to rehabilitate the track to the minimum level; or

(ii) The potential subsidizer requests a level of service which requires expenditures for rehabilitation.

(n) * * *

(2) The procedure for determining the off-branch costs will use the existing Rail Form A cost formula. This formula will be applied to the latest Annual Report Form R-1 filed by the railroad, with two exceptions. The amount used in the formula for freight car depreciation will be calculated using the procedure discussed in paragraph (g)(3) of this section applied to the average total car fleet of the railroad. The return on investment in freight cars shall be computed by developing the replacement cost of the carrier's average car fleet owned during the year for which the latest Annual Report Form R-1 is filed. The replacement cost of the average car fleet multiplied by the current cost of capital developed in paragraph (g)(3) of this section shall be used in the determination of the off-branch costs.

* * * * *

(o) *Locomotive Depreciation.* The depreciation cost for locomotives used on the line shall be calculated using the following procedure:

(1) The current replacement cost for each type of locomotive used to serve the line will be based on the most recent purchase of that particular type and size locomotive by the carrier indexed to the midpoint of the year or an amount quoted by the manufacturer.

(2) The depreciation rate that will be applied to the replacement cost shall be the carrier's component rate for each type of locomotive as reported in the latest Annual Report Form R-1 submitted to the Commission or from the company records. Carriers using depreciation rates based on company records must explain why composite rates are inappropriate; provide a detailed explanation of the methodology used to compute the alternate depreciation rate; and demonstrate that these rates have been used consistently.

(3) The annual depreciation cost for each type of locomotive shall be calculated by multiplying the replacement cost(s) developed in paragraph (o)(1) of this section by the rate from paragraph (o)(2) of this section.

(4) The depreciation expense for each type of locomotive shall be assigned to the line on the ratio of the hours

incurred serving the line to the average system locomotive unit hours in service by each of the following categories of locomotives: yard-diesel; yard-other; road-diesel; and road-other. The ratio for each type of locomotive used to serve the line shall be the same as that developed in paragraph (h)(4) of this section.

(5) The depreciation shall be calculated by multiplying the annual depreciation expense for each type of locomotive developed in paragraph (o)(3) of this section by the ratio(s) developed in paragraph (o)(4) of this section.

(p) *Opportunity costs.* Applicant-carrier may, at its discretion, present evidence of its opportunity costs, if the assets engaged in the line proposed to be abandoned could be used more profitably in some other capacity. Opportunity costs may be calculated in accordance with the methodology approved by the Commission in abandonment adjudications, or by using any other reasonable, fully explained method. Opportunity costs are not included as costs on Exhibit 1 described at § 1152.36. These costs should be submitted as a separate exhibit to the application.

(q) *Labor costs.* (1) The salaries, wages and fringe benefits of personnel exclusively assigned to the line segment shall be deemed attributable costs of the segment. The salaries, wages, and fringe benefits of personnel not exclusively assigned to the line segment shall be deemed attributable costs of the segment to the extent they are shown to be apportionable to the segment to be abandoned.

(2) These costs shall be deemed attributable notwithstanding any obligation of applicant to provide employee protection for employees after the abandonment.

22. Paragraph (b)(2) of § 1152.33 is revised to read as follows:

§ 1152.33 Apportionment rules for the assignment of expense to on-branch costs.

* * * * *

(b) * * *

(2) *Locomotive Depreciation.* Locomotive depreciation shall be calculated and assigned in accordance with the procedures set forth in § 1152.32(o).

* * * * *

23. Paragraph (c) of § 1152.34 is revised to read as follows:

§ 1152.34 Valuation of rail properties.

* * * * *

(c) The net liquidation value for the highest and best use for non-rail purposes, of the rail properties on the line to be subsidized which are used and required for performance of the services requested by the person offering the subsidy. This value shall be determined by computing the current appraised market value of such properties for other than rail transportation purposes, less all costs of dismantling and disposition of improvements necessary to make the remaining properties available for their highest and best use and complying with applicable zoning, land use, and environmental regulations. If rehabilitation has been performed along the line during any subsidy year and rehabilitation expenses have been paid by the subsidizer under 49 CFR 1152.32(m)(2), the investment base shall exclude the increment to the net liquidation value of the line caused by the rehabilitation project.

24. Section 1152.35 is revised to read as follows:

§ 1152.35 Reasonable return.

(a) A rail carrier shall furnish to the Commission, and to any financially responsible person considering making an offer of a rail service continuation payment, a substantiated statement showing its current cost of capital. The railroad's cost of capital shall be the current before-tax cost of capital, weighted to the actual capital structures, adjusted for the effects of the combined statutory Federal and State income tax rates, expressed as a percent. The rate shall be calculated as follows:

(1) The railroad shall determine its permanent capital structure ratio for debt and equity capital so that the total of the two numbers is 100 percent. This capital structure will be the actual capital structure of the railroad. If this calculation is not possible or not representative because the railroad is part of a conglomerate, the debt-equity ratio from the Commission's latest Determination of Adequate Railroad Revenues (currently Ex Parte No. 415) will be used. However, if the debt-equity ratio for the railroad industry is used, the industry average equity rate and debt rate from the Commission's latest revenue adequacy finding must also be used in paragraphs (a) (2) and (3) of this section.

(2) The current cost of debt shall be the current rate quoted to the railroad for debt instruments normally used by the railroad in the financing of new equipment purchases such as bonds, equipment purchase trust certificates, etc. Because this is a before-tax rate there is no adjustment for income taxes.

(3) The current cost of equity shall be determined from market data or comparable earnings of railroads or other organizations with similar risk characteristics to find the return that shareholders expect to earn on their investment. This current cost of equity capital is divided by one minus the combined statutory Federal and State income tax rate. This will develop the cost of equity on a before-tax basis.

(4) The current before-tax cost of debt is multiplied by the capital structure ratio number for debt to obtain a weighted before-tax cost of current debt.

(5) The current before-tax cost of equity is multiplied by the capital structure ratio number for equity to obtain a weighted before-tax cost of current equity.

(6) The results of paragraphs (a) (4) and (5) of this section are added together to determine the current cost of capital.

(b) The return element of the subsidy payment shall be computed by applying the current cost of capital as determined above to the investment base determined pursuant to § 1152.34 of this part. If the carrier and the subsidizer cannot agree on the amount of the return element, this amount will be determined by the Commission, and the Commission's determination will be final.

25. Footnote 1 to the table in § 1152.36 is revised to read as follows:

§ 1152.36 Submission of revenue and cost data.

* * * * *

[1] This projection shall be computed in accordance with § 1152.32(m).

* * * * *

Appendix I—[Removed]

26. Appendix I to 49 CFR Part 1152 is removed.

Appendix II—[Redesignated]

27. Appendix II to 49 CFR Part 1152 is redesignated as Appendix.

[FR Doc. 83-32103 Filed 11-30-83; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 48, No. 232
Thursday, December 1, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

7 CFR Part 6

Licenses for Importation/Transfer of Sugar To Be Re-Exported in Sugar Containing Products

Correction

In FR Doc. 83-31648 beginning on page 52926 in the issue of Wednesday, November 23, 1983, make the following correction:

On page 52926, first column, under **"DATES"** "Comments received before December 8, 1983, will be considered" should have read "Comments received before December 15, 1983, will be considered."

BILLING CODE 1505-01-M

Agricultural Marketing Service

7 CFR Part 1040

Milk in the Southern Michigan Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rules.

SUMMARY: This notice invites written comments on a proposal to suspend for the months of December 1983 through March 1984 the requirement in the Southern Michigan Federal milk order that a cooperative association deliver to pool distributing plants at least 50 percent of its members' producer milk in order to qualify its supply plants as pool plants under the order. The suspension was requested by a cooperative association that represents producers supplying milk to the fluid market. The association claims that the action is needed to avoid inefficient handling of milk and to ensure that dairy farmers historically associated with the Southern Michigan market will continue to share in the market's fluid milk sales.

DATE: Comments are due on or before December 7, 1983.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building; U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-4829.

SUPPLEMENTARY INFORMATION: William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposed action would not have significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the Southern Michigan marketing area is being considered for December 1983 through March 1984:

1. In § 1040.7(b)(2) the words "if transfers from such supply plant to plants described in paragraph (b)(5) of this section and by direct delivery from the farm to plants qualified under paragraph (a) of this section are:

2. In § 1040.7(b)(2), paragraph (i) and (ii).

All persons who want to send written data, views or arguments about the proposed suspension should send two copies to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 7th day after publication of this notice in the **Federal Register.** The period for filing comments is lmited to seven days because a longer period would not provide the time needed to complete the required procedures and include December 1983 in the suspension period if this is found necessary.

The comments that are received will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension would make inoperative for the months of December 1983 through March 1984 the provisions requiring a cooperative association to deliver at least 50 percent of its members' producer milk to pool distributing plants, either through its supply plants or directly from farms, in order to qualify the supply plants as pool plants.

Michigan Milk Producers Association, which represents a majority of the producers supplying the market, requested the suspension.

The association said that milk production for the first ten months of 1983 was 4.7 percent greater than the comparable period in 1982. It noted that October 1983 was the 54th consecutive month of increased milk production for the market. It said the increased milk production had resulted from larger cow numbers and increased production per cow. The association anticipates milk production to remain above year earlier amounts at least through March 1984.

The association indicated that the marketwide statistics for 1983 show that the trend in declining Class I sales has been reversed and the sales are now comparable to year earlier levels. However, it stated this is because Southern Michigan distributing plants have increased route distributions into other markets. The association also identified erratic demand for Class I supplies by nonpool plants as contributing to its problem of meeting the qualification requirements. It also noted that increased competition among milk suppliers had resulted in a loss of fluid sales within the Southern Michigan market by the association.

The association said that the suspension is needed to avoid the inefficient handling of milk merely to assure pooling of supply plants and to ensure that dairy farmers who have been historically associated with the Southern Michigan market will continue to share in the fluid milk sales of the market.

List of Subjects in 7 CFR Part 1040

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on: November 29, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-32252 Filed 12-1-83; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1126

[Docket No. AO-231-A51]

Milk in the Texas Marketing Area; Extension of Time for Filing Briefs

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of Time for filing briefs.

SUMMARY: This notice extends the time for filing briefs on the hearing held October 4-7, 1983, at Irving, Texas to consider proposals to amend the Texas milk marketing order. This extension applies to briefs on proposals Nos. 3-9 considered at the hearing. Briefs on proposals Nos. 1 and 2 were due November 3, 1983. The request for additional time was made by representatives of proprietary milk plants.

DATE: Briefs are now due on or before December 23, 1983.

ADDRESS: Briefs (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: John F. Borovies, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-2089.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued, August 29, 1983; published, September 1, 1983 (48 FR 39643).

Correction to Notice of Hearing: Published, September 12, 1983 (48 FR 40894).

Notice is hereby given that the time for filing briefs, proposed findings and conclusions on the record of the public hearing held October 4-7, 1983, at Irving, Texas, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas marketing area pursuant to notice issued August 29, 1983 (48 FR 39643) is hereby extended to December 23, 1983, with respect to proposals Nos. 3-9 as set forth in the notice of hearing.

This notice is issued pursuant to the provision of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington D.C. on: November 25, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-32094 Filed 11-30-83; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Role of NRC Staff in Adjudicatory Licensing Hearings; Extension of Comment Period on Advance Notice of Proposed Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Extending comment period.

SUMMARY: In response to requests from the public, the Commission has decided to extend for an additional thirty (30) days the comment period in its advance notice of proposed rulemaking concerning the role of the NRC staff in adjudicatory licensing hearings. The advance notice of proposed rulemaking was published in the **Federal Register** on November 2, 1983 (48 FR 50550) and provided for the comment period to expire on December 2, 1983. Some members of the public informed the Commission that the period was not long enough to provide substantive and meaningful comments and, accordingly, the Commission has decided to extend it an additional thirty (30) days to January 3, 1984.

DATES: The comment period has been extended and now expires January 3, 1984. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Send written comments or suggestions to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received by the Commission may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT: Linda S. Gilbert, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: (301) 492-7678.

Dated at Washington, D.C., this 28th day of November 1983.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 83-32151 Filed 11-30-83; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors and Disability Insurance Computation of Benefits Under Totalization Agreements

AGENCY: Social Security Administration, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: Section 233 of the Social Security Act (the Act) authorizes the President of the United States to enter into Social Security agreements with foreign countries which permit the establishment of entitlement to benefits under title II of the Act by combining periods of coverage under the United States (U.S.) system and the system of the foreign country with which the U.S. has such an agreement. This process is called "totalization."

We have gained a considerable amount of experience under the rules (§ 404.1918) for computing a totalization benefit while implementing the three agreements now in effect. That experience has shown that those rules are difficult to administer and that they can cause some undesirable results for benefit applicants. The rules also make it difficult to negotiate and implement additional agreements.

In order to avoid administrative problems and other undesirable results we are proposing a new U.S. totalization benefit computation method which uses neither foreign earnings nor foreign coverage.

DATES: Your comments will be considered if we receive them no later than January 30, 1984.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203 or delivered to the Office of Regulations, Social Security Administration, 3-A-3 Operations Building, 6401 Security Boulevard, Balitmore, Maryland 21235 between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by

making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Dave Smith, 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-7457.

SUPPLEMENTARY INFORMATION:

Background of Current Method

Section 233 of the Act does not provide a detailed description of how totalization benefit amounts are to be computed. It only provides that periods of coverage under the foreign Social Security system may be used in determining eligibility for and the amount of the U.S. totalized benefit and the benefit amount payable shall be based on a proportion of the individual's periods of coverage completed under the U.S. Social Security system (see section 233(c)(1) (A) and (C)). Section 233(d) of the Act directs the Secretary of Health and Human Services to establish regulations which are reasonable and necessary to implement the agreements.

Section 404.1918 of the current regulations provides the rules for computing a totalization benefit. We have used the rules to implement international Social Security agreements with Italy, Germany and Switzerland. We expect agreements with several additional countries within the next few years.

Under the existing rules, we obtain information about a worker's earnings in a foreign country from the foreign country and convert those earnings to U.S. dollars. We combine those earnings with actual earnings under the U.S. system, indexed if appropriate, and determine a benefit known as a theoretical primary insurance amount (PIA) by following the rules for computing a regular Social Security benefit. We then reduce this theoretical PIA by multiplying it by a fraction equal to the ratio of periods of coverage under the U.S. system to the combined periods of coverage under the U.S. and foreign system. Therefore, the more covered work a person has in a foreign country, compared to his work covered by the U.S. Social Security system, the larger the reduction will be. Under the current method, foreign coverage exerts a substantial influence over the amount of the U.S. benefit.

The principle underlying our current method for computing a totalization benefit is that the total benefits a person receives from the two countries should reasonably reflect the worker's total work history in the two countries. The current method of computing U.S. totalization benefits attempts to implement this principle by providing for the computation of a theoretical PIA which reflects the worker's total work history in the two countries as though all of the covered work occurred under the U.S. system. The theoretical PIA is then prorated to reflect the ratio of U.S. periods of coverage to total periods of coverage under both countries' systems. This pro rata PIA, when added to a benefit computed and paid independently by the foreign country, is intended to make the worker whole in terms of his or her benefits.

Our current method of computing totalization benefits is unique among countries which have totalization agreements because it takes account of earnings amounts credited under foreign systems. Foreign countries traditionally ignore earnings in other countries when computing totalization benefits. Instead, they generally assume that the worker had the same level of earnings throughout covered work in both countries as the worker had under the paying country's system. They can reasonably make this assumption because the earnings they use in averaging are usually indexed to wage or price increases which occurred since the earnings were derived, and the benefit they actually pay is based on the proportion of actual covered work in their country when compared to a theroretical "coverage lifetime."

Our adoption of the traditional methodology was not practical when we first began negotiating Social Security agreements in the early 1970's because, at that time, the U.S. benefit formula took account of a worker's actual (i.e., unindexed) earnings averaged over all the years in the worker's computation period regardless of the length of time he or she actually worked under the U.S. system. Under the pre-1979 benefit formula, if a person with a work record split between the U.S. and another country was assumed to have had the same average earnings during the foreign work period as he or she had in the U.S., the person would generally be seriously disadvantaged if his or her U.S. coverage occurred early in career, when earnings levels and the maximum amount of annual creditable earnings were lower. Likewise, the person would enjoy the advantage of generally higher earnings levels and maximum earnings amounts if the U.S. coverage occurred later in his or her career. This method could have produced radically different benefits for workers who had the same number of quarters of coverage (QC's) under the U.S. system depending on when the work occurred. We therefore considered it necessary, in order to avoid either result, to take account of the actual foreign earnings record.

The enactment in 1977 (for implementation beginning in 1979) of a U.S. benefit formula based on indexed U.S. earnings has minimized the problems that would arise from a totalization computation method that, instead of using actual foreign earnings in computing a theoretical PIA, projects a worker's earnings level during periods of U.S. coverage to an entire coverage lifetime. Since U.S. earnings, regardless of when the work occurred, are now indexed in regular U.S. benefit computations, they accurately reflect wage levels near the time of entitlement.

Nothing in section 233 of the Social Security Act requires, or even mentions, the use of foreign earnings in computing the U.S. totalization benefit. Moreover, we are permitted, but we are not required, to use foreign coverage periods in the computation. In order to avoid a number of administrative problems and undesirable results discussed below, we have decided to eliminate foreign earnings and coverage from the U.S. totalization benefit computation.

Establishing the Theoretical Lifetime Earnings Record

In determining the amount of a person's totalization benefit under the new computation method we propose to establish a theoretical lifetime earnings record based on the worker's relative earnings position (REP) while actually covered in the U.S. The REP is the average of the ratios of the worker's actual U.S. covered earnings in each year with at least one QC to the average of the total wages of all workers for that year. In calculating the REP, we would make adjustments for any years with less than 4 QC's to, in effect, calculate the REP on a quarterly basis. Without these adjustments a worker's relative earnings level in such years could be significantly understated since the earnings the worker acquired in only part of a year would be compared to the national average wage for the entire year. Since some totalization beneficiaries can have their REP's determined based on as few as six QC's they could be seriously disadvantaged without the adjustments.

To illustrate the need for this adjustment, consider as an example two people who each worked a total of 24 consecutive months in U.S. covered employment at an earnings level corresponding to the U.S. national average wage. If the first person had begun working at the start of a calendar year and worked 24 consecutive months, ceasing work at the end of the following calendar year, the ratio of his actual earnings to the national average wage

for each year would be 100 percent. When the ratios for the two years are averaged, we find that the REP is also 100 percent.

If the second person had worked 24 consecutive months, but had delayed the start of his work by six months, his earnings would have been spread over three calendar years. As a result, the ratio of his actual U.S. earnings to the national average wage would have been 50 percent in the first and third years and 100 percent in the second year (when he worked a full calendar year). His REP, therefore, would be 66⅔ percent. Thus, without an adjustment, two individuals who worked at the same earnings level for the same length of time could have substantially different theoretical PIA's because of small differences in the starting and ending dates of their coverage. No such distortion is possible for regular title II beneficiaries because a worker's average monthly wage (AMW) or average indexed monthly earnings (AIME) is determined over a fixed number of years that is independent of the starting and ending dates of coverage.

Under our proposal we will use the REP to construct the theoretical lifetime earnings record by assuming that the person worked at the same REP during all of his computation base years—i.e., the years that could generally be considered in computing a PIA under U.S. law. For each computation base year taken into account, we will multiply the worker's REP by the average of the total wages of all workers for that year and attribute the resulting amount to the worker's theoretical earnings record. However, to avoid unduly advantaging the worker by attributing earnings to years in which there likely was no work, we will not attribute earnings to computation base years before the year of attainment of age 22 or to computation base years beginning with the year of attainment of retirement age (or the year in which a period of disability begins) unless the worker is actually credited with earnings in those years. In death cases, earnings for the year of death will be attributed only through the quarter of death, on a proportional basis.

Under our proposal we will attribute earnings based on the worker's REP even to years in which the worker had earnings credited under the U.S. Social Security system. If we were to use a combination of attributed earnings and the worker's actual earnings, the years with lowest actual earnings (or lowest actual earnings after indexing in AIME computations) would always be disregarded in computing the AMW or AIME on which the worker's theoretical PIA is based (see §§ 404.211(e), 404.221(c) and 404.241(d)). As a result, the AMW or AIME would represent an inflated REP. In addition, taking into account both actual and attributed earnings on the theoretical earnings record would seriously complicate the processing of totalization benefit claims.

In attributing earnings to establish a theoretical "full career" earnings record, we may attribute earnings to computation base years during which the worker was not covered under either the U.S. or foreign Social Security system. (This contrasts with the present method of computing a theoretical PIA in which earnings are credited only to actual periods of coverage under the U.S. or foreign system.) Under our proposal we will establish a theoretical "full career" earnings record as if the worker had worked a lifetime in the U.S. The intent is to determine what the worker's AMW or AIME would be and what PIA would result if he or she had engaged in U.S. covered work during all of the years used in computing a title II benefit. Any periods not worked in U.S. covered employment (whether because of work under a foreign system, work in noncovered employment, or no work at all) would then be taken into account in computing the pro rata PIA, which is the benefit actually payable. In other words, the "theoretical" PIA would be reduced to exclude that portion which is attributable to periods which are not covered under the U.S. Social Security system.

Pro Rata Computation

One of the basic objectives of the regular U.S. Social Security benefit formula is to reasonably relate benefit amounts to the amount of a worker's average covered earnings. Consequently, when eligibility for U.S. benefits is established without totalizing, individuals with the same date of birth and the same average covered earnings for the same period of time should receive the same benefit amount. Applying this principle to U.S. totalization computations seems entirely rational and consistent with the requirement of pay U.S. totalization benefits in proportion to U.S. coverage. In the current method for computing totalization benefits, this does not always happen. As noted before, we prorate the theoretical PIA to reflect the ratio of periods of covered work in the U.S. to periods of covered work in the U.S. and the foreign country combined. As a result, individuals with the same average earnings under the U.S. system could receive significantly different benefit amounts depending upon the amount of covered work they had under the foreign country's system. Although additional work under the foreign system would generally reduce the amount of U.S. totalization benefits, it might or might not result in a compensating increase in foreign benefits, depending on the computation method used by the foreign country. Also, under the current method, an individual who worked in two foreign countries with which we have agreements would generally receive a larger U.S. totalization benefit under the agreement with the country where he or she had less covered work. Thus, the amount of an individual's U.S. totalized benefit might be more dependent on the amount of coverage under the foreign system than on the amount of U.S. coverage.

Under the proposed rules, we would resolve these problems by relating the pro rata reduction to the number of calendar quarters in the benefit computation years. We would, in effect, establish a theoretical "coverage lifetime" for each individual, and the benefit payable would be based on the ratio of the actual U.S. coverage to the individual's coverage lifetime. By eliminating the influence of foreign coverage from the computation, we would make individuals with the same date of birth and the same average earnings in the U.S. eligible for the same benefit. Morever, if a worker had enough coverage in two foreign countries with which we have agreements to be eligible for a benefit under both, the benefit payable would be the same regardless of which agreement may apply, since foreign earnings would no longer be a factor in the computation.

The coverage lifetime established for an individual would equal the number of benefit computation years used in computing the individual's theoretical PIA. Under these rules, a coverage lifetime would generally be derived by counting the number of years after 1950 (or after 1936, if an old-start computation applies), or, if later, the number of years after attainment of age 21, up to the year in which the worker reaches retirement age, becomes disabled, or dies, minus the appropriate number of drop-out years. (Since there can never be fewer than two benefit computation years, a coverage lifetime could never be less than two years.) By establishing a coverage lifetime as described above, all individuals with the same date of birth would have the same coverage lifetime for purposes of calculating the pro rata PIA.

In certain disability cases, it is theroretically possible under the computation method just described for the pro rata PIA to approach and even exceed the theoretical PIA. These would be cases where the individual has considerable U.S. covered earnings but needs foreign coverage to meet the recency-of-work test to be eligible for disability benefits (§ 404.130). To ensure that the totalization benefit payable would not in any case be higher than the benefit which could be payable if the beneficiary were eligible without totalization, the proposed rules contain a "cap" equal to the non-totalization (national law) benefit. Thus, if the pro rata PIA should be higher than the non-totalization benefit amount, the non-totalization benefit amount will be paid. If the pro rata PIA is equal to or lower than the non-totalization benefit amount, the benefit based on the pro rata PIA will be paid.

Indexing Foreign Earnings

Under the current totalization computation, if an AIME computation is applicable, the foreign earnings are indexed using the same rules that are used to index U.S. earnings. However, the changes in U.S. wage levels which determine how earnings are indexed may not correspond at all to wage levels in the foreign country. This could result in the use of inflated or deflated earnings to determine the benefit amount.

Under these proposed rules, foreign earnings would not be required since the benefit would be based only on U.S. earnings. Consequently, the new method would produce consistent results for all applicants to whom it applies because the U.S. totalized benefit would not be influenced by the levels of earnings in foreign countries.

Availability of Foreign Earnings Information

Unlike most foreign countries, we currently require the use of foreign earnings in computing a totalization benefit. Most foreign countries do not maintain lifetime earnings records for individual workers and therefore cannot supply the detailed earnings information that we require. Other countries that do maintain such information cannot retrieve it conveniently or are unwilling to release it for reasons of confidentiality. Each country with which we have discussed the possibility of concluding an agreement has either been reluctant to furnish the information or has refused to do so. Since foreign earnings would not be used under the proposed rules, all of these problems would be eliminated.

Administrative Problems

The long response times we experience in connection with foreign earnings record requests, submitted to countries with which we currently have agreements, represent one of the most critical administrative problems associated with the present totalization computation method. These delays cause backlogs of pending claims, unproductive rehandling of claims material, increased correspondence workloads, etc. Beyond the administrative problems, these delays can also impose severe economic hardships on applicants.

The other major administrative problem is the need to apply a series of complex, time-consuming and error-prone manual computations once we receive a foreign earnings record. This is necessary because—

1. Many of the records are handwritten, making them difficult to decipher;

2. Foreign records frequently contain discrepancies which are difficult to reconcile and which make it difficult for claims technicians to credit foreign coverage and earnings to the proper calendar quarters in constructing the combined U.S.—foreign earnings records. As a result, recontacts with the foreign agencies are frequently necessary, thus causing further delays; and

3. Before crediting foreign earnings, the amounts must be converted to equivalent dollar amounts using exchange rates which vary from country to country and year to year.

Under the proposed rules, foreign earnings would no longer be a factor in the computation and much of the delay now being experienced would be eliminated. Only foreign coverage information to determine eligibility would be necessary. Moreover, the time-consuming and complex steps of converting foreign earnings to U.S. dollar equivalents and then assigning them to blank quarters in the record would not be required. Because the proposed method would involve fewer steps, it would be less prone to error.

Limiting the Number of Computations in Totalization Claims

Our ability to process totalization claims in an efficient and timely manner has been further impaired by the frequent need to perform two or more trial computations in order to determine the amount of a worker's totalization benefit. Multiple computations are necessary under the present rules for computing totalization benefits when more than one of the methods of computing regular PIA's provided in the Act apply to a worker.

Several methods of computing regular Social Security benefits are currently in effect because Congress has changed the rules for computing PIA's several times since the Social Security program began. To prevent a sudden change in rules from seriously disadvantaging some workers, prior computation methods frequently have been retained when a new method was enacted.

Although the latest computation method which can apply to a worker will usually yield the highest PIA, a prior method may be advantageous in some cases, depending on such factors as the person's age, how long the person worked, or the level of earnings during his or her career. For this reason, where more than one method applies to a worker, the law applicable to regular title II benefit computations requires that we compute regular national law PIA's under each method and pay according to the one which yields the highest benefit amount. The need to consider alternative computation methods when computing benefits is a more significant problem in the case of totalization beneficiaries than regular beneficiaries primarily because many of the older, less familiar methods no longer apply to people who are currently reaching retirement age. For totalization beneficiaries, however, who may have reached retirement age many years ago but are only now becoming entitled based on totalization, it is much more likely for some of the more obscure computation methods to be encountered.

To simplify the way we compute benefits for workers who qualify based on combined U.S. and foreign work credits, § 404.1918(c) of these proposed rules specifies that in general only the most current computation method which can apply to a worker will be used to determine his or her theoretical PIA. This change from the way we compute regular benefits will reduce the administrative complexity and expense involved in processing claims for totalization benefits without having significant effect on the amount of totalization benefits which will be paid under totalization agreements.

In particular, we will only apply the "old-start" computation method described in §§ 404.240–404.242 if, based on the worker's theoretical earnings record and date of birth, neither the AMW method described in § 404.220 nor the AIME method described in §§ 404.210 to 404.212 could apply. In practice, this will only be cases where the individual became disabled many years ago. An old-start method is

intended for workers who have all or substantially all of their U.S. Social Security earnings before 1951. Where a worker with substantial coverage after 1950 is eligible for an old-start computation, it almost always yields a smaller benefit than the AMW or AIME method. Because we will deem earnings to a theoretical full career under our proposed rules for computing totalization benefits, cases in which an old-start computation could yield a higher theoretical PIA than an applicable new-start computation would be very rare. These would be cases in which the worker's actual U.S. earnings level was extremely low—significantly lower than even a level corresponding to the Federal minimum wage. The great majority of persons who qualify for totalization benefits have average earnings above the minimum wage level and as a result very few would qualify for a higher benefit based on an old-start computation. Even in those rare cases where an old-start computation would be advantageous, the actual difference in the amount of benefits payable would be very small.

In addition, where a worker meets the conditions for an AIME computation, we will only apply that method and will not apply the alternative method described in §§ 404.230–404.233. According to the legislative history of the statute providing for this alternative method (section 215(a)(4)(B) of the Act), the alternative method was provided to protect the benefit rights of people who were approaching retirement age when the AIME computation mehtod was enacted in 1977 and whose retirement plans had taken Social Security benefits into account. The purpose served by the alternative method obviously does not apply to people only now becoming eligible for benefits based on a totalization agreement, since they could not have expected to get U.S. Social Security benefits. Thus, our excluding the alternative in totalization claims to which the AIME formula applies does not violate the spirit of the statute requiring the application of the alternative method.

Miscellaneous Technical Changes

Section 404.1910 of the current regulations has been revised to reflect the fact that, under these proposed rules, if an individual is eligible under more than one agreement, the benefit will be the same regardless of which agreement it is paid under.

It does take account, however, of the fact that the benefit could be different under different agreements in rare cases. Primarily, this could occur when the worker has enough foreign work under two agreements to be insured for a benefit but has enough foreign work only under one of the agreements to meet the insured status requirement (recency-of-work test) for a period of disability to be established. Excluding a period of disability in computing the benefit under one agreement could result in a higher benefit payable under that agreement. Thus, the regulations provide that if the benefit amounts payable are different under different agreements, only the highest benefit will be paid.

Section 404.1918 has been revised to reflect the changes in the rounding of benefits due to § 2206 of Pub. L. 97–35.

Section 404.1919 has been revised to eliminate the reference to including additional foreign earnings in a recomputation, since only U.S. earnings will be considered under these proposed rules, and to provide that an increase in the theoretical PIA is not required in order to recompute the pro rata PIA. Increasing the amount of U.S. coverage in the pro rata fraction will increase the benefit amount even if it does not increase the theoretical PIA.

Section 404.1904 has been revised to reflect the amendment of § 233(e) of the Social Security Act by section 326 of Pub. L. 98–21 regarding the effective dates of totalization agreements. The revision provides that a totalization agreement can become effective after the expiration of a period during which at least one House of Congress has been in session on each of 60 days after the agreement was submitted to both Houses. Previously, an agreement could become effective after the expiration of a 90-day period during which both Houses had been in session.

Section 404.1920 has been revised to reflect the changes in the minimum benefit due to section 2201 of Pub. L 97–35 and section 2 of Pub. L. 97–123.

Regulatory Procedures

Executive Order 12291—This regulation, which replaces the current computation method, will result in some administrative savings and program costs. However, both the savings and costs are expected to be minor. Therefore, these regulations do not meet the criteria specified in Executive Order 12291 for a major rule, and a regulatory impact analysis is not required.

Paperwork Reduction Act—These proposed regulations impose no reporting or recordkeeping requirements requiring OMB clearance.

Regulatory Flexibility Act—We certify that these regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities because these rules only affect individuals. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96–354, the Regulatory Flexibility Act, is not required.

The proposed amendments are to be issued under the authority contained in section 205, 233 and 1102 of the Social Security Act, as amended; 53 Stat. 1368, as amended; 91 Stat. 1538 as amended; 49 Stat. 647, as amended; 42 U.S.C. 405, 433, and 1302.

(Catalog of Federal Domestic Assistance Program Nos. 13.803 Social Security—Retirement Insurance; 13.805 Social Security—Survivors Insurance)

List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Death benefits, Disabled, Old-age, Survivors, and Disability insurance.

Dated: September 27, 1983.

Louis D. Enoff,

Acting Commissioner of Social Security.

Approved: November 3, 1983.

Margaret M. Heckler,

Secretary of Health and Human Services.

For the reasons set out in the preamble, Part 404 of Chapter III of Title 20, Code of Federal Regulations, is amended as follows:

Subpart T—Totalization Agreements

1. The authority citation for Subpart T reads as follows:

Authority: Secs. 205, 233, and 1102 of the Social Security Act; 53 Stat. 1368, 91 Stat. 1538, and 49 Stat. 647, as amended (42 U.S.C. 405, 433, and 1302).

PART 404—[AMENDED]

2. Section 404.1904 is revised to read as follows:

§ 404.1904 Effective date of totalization agreement.

Section 233 of the Social Security Act provides that a totalization agreement shall become effective on any date provided in the agreement if—

(a) The date occurs after the expiration of a period during which at least one House of Congress has been in session on each of 60 days following the date on which the agreement is transmitted to Congress by the President; and

(b) Neither House of Congress adopts a resolution of disapproval of the agreement within the 60-day period described in paragraph (a) of this section.

3. In § 404.1910, paragraph (c) is revised to read as follows:

§ 404.1910 Person qualifies under more than one totalization agreement.

* * * * *

(c) In the absence of evidence to the contrary, the agreement that affords the most favorable treatment for purposes of paragraph (b) of this section will be determined as follows:

(1) If benefit amounts are the same under all such agreements, benefits will be paid only under the agreement which affords the earliest month of entitlement.

(2) If benefit amounts and the month of entitlement are the same under all such agreements, benefits will be paid only under the agreement under which all information necessary to pay such benefits is first available.

(3) If benefit amounts under all such agreements are not the same, benefits will be paid only under the agreement under which the highest benefit is payable. However, benefits may be paid under an agreement under which a lower benefit is payable for months prior to the month of first entitlement to such higher benefit.

4. Section 404.1918 is revised to read as follows:

§ 404.1918 How benefits are computed.

(a) *General.* Benefits payable under an agreement are based on a pro rata primary insurance amount (PIA), which we determine as follows:

(1) We establish a theoretical earnings record for a worker which attributes to all computation base years (see §§ 404.211(b) and 404.241(c)) the same relative earnings position (REP) as he or she has in the years of his of her actual U.S. covered work. As explained in paragraph (b)(3) of this section, the REP is derived by determining the ratio of the worker's actual U.S. covered earnings in each year to the average of the total U.S. covered wages of all workers for that year, and then averaging the ratios for all such years. This average is the REP and is expressed as a percentage.

(2) We compute a theoretical PIA as prescribed in § 404.1918(c) based on the theoretical earnings record and the provisions of Subpart C of this part.

(3) We multiply the theoretical PIA by a fraction equal to the number of quarters of coverage (QC's) which the worker completed under the U.S. Social Security system over the number of calendar quarters in the worker's coverage lifetime (see paragraph (d)(2) of this section). See § 404.140 for the definition of OC.

(4) If the pro rata PIA is higher than the PIA which would be computed if the worker were insured under the U.S. system without totalization, the pro rata PIA will be reduced to the later PIA.

(b) *Establishing a theoretical earnings record.* (1) To establish a worker's theoretical earnings record, we divide his or her U.S. earnings in each year credited with at least one U.S. QC by the average of the total wages of all workers for that year and express the quotient as a percentage. For the years 1937 throght 1950, the average of the total wages is as follows:

Year	Average of the total wages of all workers
1937	$1,137.96
1938	1,053.24
1939	1,142.36
1940	1,195.00
1941	1,276.04
1942	1,454.28
1943	1,713.52
1944	1,936.32
1945	2,021.40
1946	1,891.76
1947	2,175.32
1948	2,381.64
1949	2,483.20
1950	2,543.96

(2) For years after 1950, the average of the total wages is as prescribed in § 404.211(c). If a worker has earnings in the year preceding the year of eligibility or death, or in a later year, we may not have been able to establish the average of the total wages of all workers for that year. Therefore, we will divide a worker's actual earnings in these years by the average of the total wages for the latest year for which that information is available. Average wage information is considered available on January 1 of the year following the year in which it is published in the **Federal Register.**

(3) The percentages for all years of actual covered earnings are then averaged to give the worker's REP for the entire period of work in the U.S. In determining the percentages for all years of covered earnings and the REP, we make adjustments as necessary to take account of the fact that the covered earnings for some years may have involved less than four U.S. QC's. The actual earnings that are taken into account in determining the percentage for any year with 1, 2, or 3 OC's cannot exceed ¼, ½, or ¾, respectively, or the maximum creditable earnings for that year. When we determine the REP from the percentages for all years, we add the percentages for all years, divided this sum by the total number of OC's credited to the worker, and multiply this quotient by 4 (see Example 1 of paragraph (d) of this section). This has the effect of calculating the REP on a quarterly basis.

(4) For each of the Worker's computation base years (see §§ 404.211(b), 404.221(b) and 404.241(c)), we multiply the average of the total wages of all workers for that year by the worker's REP. The product is the amount of earnings attributed to the worker for that year, subject to the annual wage limitation (see §404.1047). The worker's theoretical earnings record consists of his or her attributed earnings based on his or her REP for all computation base years. However, we do not attribute earnings to computation base years before the year of attainment of age 22 or to computation base years beginning with the year of attainment of retirement age (or the year in which a period of disability begins), unless the worker is actually credited with U.S. earnings in those years. In death cases, earnings for the year of death will be attributed only through the quarter of death, on a proportional basis.

(c) *Determining the theoretical PIA.* We determine the worker's theoretical PIA based on his or her theoretical earnings record by applying the same computation method that would have applied under Subpart C if the worker had these theoretical earnings and had qualified for benefits without application of an agreement. However, when the criteria in § 404.210(a) for the Average Indexed Monthly Earnings (AIME) computation method are met, only that method is used. If these criteria are not met but the criteria in § 404.220(a) for the Average Monthly Wage method are met, then only that method is used. If neither of these criteria are met, then the old-start method described in § 404.241 is used. If a theoretical PIA is to be determined based on a worker's AIME, theoretical earnings amounts for each year, determined under paragraph (b) of this section, are indexed in determining the AIME under § 404.211.

(d) *Determining the pro rata PIA.* We then determine a pro rata PIA from the theoretical PIA. The pro rata PIA is the product of—

(1) The theoretical PIA; and

(2) The ratio of the worker's actual number of U.S. QC's to the number of calendar quarters in the worker's coverage lifetime. A coverage lifetime means the worker's benefit computation years as determined under § 404.211(e), 404.221(c), or 404.241(d).

Example 1: C attains age 62 in 1982 and needs 31 OC's to be insured. C worked under the U.S. system from July 1, 1974 to December 31, 1980 and therefore has only 6½ years during which he worked under the U.S. system (26 QC's). C, however, has worked under the Social Security system of a foreign country that is party to a totalization agreement, and his total U.S. and foreign

work, combined as described in § 404.1908, equals more than 31 QC's. Thus, the combined coverage gives C insured status. The benefit is computed as follows:

Step 1: Establish C's theoretical earnings record:

The following table shows: (1) C's actual U.S. covered earnings for each year, (2) the average of the total wages of all workers for that year and (3) the ratio of (1) to (2):

Year	QC's	C's Actual U.S. Covered Earnings	National average wage	Percentage ratio of (1) to (2)
		(1)	(2)	(3)
1974	2	$2,045.08	$8,030.76	25.46558
1975	4	7,542.00	8,630.92	87.38350
1976	4	9,016.00	9,226.48	97.71874
1977	4	9,952.00	9,779.44	101.76452
1978	4	10,924.00	10,556.03	103.48587
1979	4	12,851.00	11,479.46	111.94777
1980	4	11,924.00	12,513.46	95.28939

C's REP is the average of the ratios in column 3, adjusted to take account of the fact that C had only 2 QC's in 1974. Thus, the REP equals the sum of the figures in column 3 (823.05537), divided by the total number of C's QC's (26) and multiplied by 4, or 95.85467 percent.

Since C attained age 62 in 1982, his computation base years are 1951 through 1981. To establish his theoretical earnings record we use 95.85467 percent of the national average wage for each of the years 1951 through 1981. Since national average wage data is not available for 1981, for that year we attribute 95.85467 percent of the national average wage for 1980 or $11,994.74. His theoretical earnings record would look like this:

1951	$2,683.13
1952	2,850.07
1953	3,009.30
1954	3,024.83
1955	3,164.58
1956	3,385.93
1957	3,490.76
1958	3,521.51
1959	3,695.96
1960	3,841.01
1961	3,917.35
1962	4,113.51
1963	4,214.38
1964	4,366.82
1965	4,465.60
1966	4,733.65
1967	4,997.33
1968	5,340.79
1969	5,649.44
1970	5,929.80
1971	6,227.75
1972	6,838.08
1973	7,265.94
1974	7,697.86
1975	8,273.14
1976	8,844.01
1977	9,374.05
1978	10,118.45
1979	11,003.80
1980	11,994.74
1981	11,994.74

Step 2: Comute the theoretical PIA: Since C attains age 62 in 1982, we determine his theoretical PIA using an AIME computation. In applying the AIME computation, we index each year's earnings on the theoretical earnings record in accordance with § 404.211(d). In this example, the theoretical PIA is $453.

Step 3: Compute the pro rata PIA:

Theoretical PIA x *actual U.S. QC's* calendar quarters in benefit computation years

$453 × *26* QC's (6½ years) =$113.20 pro rata PIA 104 quarters (26 years)

Example 2: M needs 27 QC's to be insured, but she has only 3 years of work (12 QC's) under the U.S. system. M has enough foreign work, however, to be insured. She attained age 62 in 1978, and her U.S. covered earnings were in 1947, 1948 and 1949. Based on M's date of birth, her theoretical PIA can be computed, in accordance with § 404.220, under a new start method. If M's earnings in 1947, 1948, and 1949 were 50 percent, 60 percent and 70 percent, respectively, of the average wage for each year, her REP would be 60 percent. For each year in the computation period, 60 percent of the average wage for that year will be attributed as M's assumed earnings. The theoretical PIA will then be computed as described in §§ 404.220 through 404.222.

To determine M's pro rata PIA, the theoretical PIA will be multiplied by the ratio of the actual number of U.S. QC's to the number of calendar quarters in the benefit computation years. There are 22 benefit computation years, or 88 quarters. The pro rata PIA would, therefore, be 1⁵⁄₈₈ x theoretical PIA.

(e) *Rounding of benefits.* (1) If the effective date of the pro rata PIA is before June 1982, we will round to the next higher multiple of 10 cents if it is not already a multiple of 10 cents.

(2) If the effective date of the pro rata PIA is June 1982 or later, we will round to the next lower multiple of 10 cents if it is not already a multiple of 10 cents.

(f) *Auxiliary and survivors benefits; reductions; family maximum.* We will determine auxiliary and survivors benefit amounts (see Subpart D) on the basis of the pro rata PIA. We will apply the regular reductions for age under section 202(q) of the Act to the benefits of the worker or to any auxiliaries or survivors which are based on the pro rata PIA (see § 404.410). Benefits will be payable subject to the family maximum (see § 404.403) derived from the pro rata PIA. If the pro rata PIA is less than the minimum PIA, the family maximum will be 1½ times the pro rata PIA.

5. Section 404.1919 is revised to read as follows:

§ 404.1919 How benefits are recomputed.

We will recompute the pro rata PIA only if the inclusion of the additional earnings results in an increase in the benefits payable by the U.S. to all persons receiving benefits on the basis of the worker's earnings. Subject to this limitation, the pro rata PIA will be automatically recomputed (see § 404.285) to include additional earnings under the U.S. system. In so doing, a new REP will be established for the worker, taking the additional earnings into account, and assumed earnings in the computation base years used in the original computation will be refigured using the new REP. Assumed earnings will also be determined for the year of additional earnings using the new REP. The additional U.S. earnings will also be used in refiguring the ratio described in § 404.1918(d)(2).

6. Section 404.1920 is revised to read as follows:

§ 404.1920 Supplementing the U.S. benefit if the total amount of the combined benefits is less than the U.S. minimum benefit.

If a resident of the U.S. receives benefits under an agreement from both the U.S. and from the foreign country, the total amount of the two benefits may be less than the amount for which the resident would qualify under the U.S. system based on the minimum PIA as in effect for persons first becoming eligible for benefits before January 1982. An agreement may provide that in the case of an individual who first becomes eligible for benefits before January 1982, the U.S. will supplement the total amount to raise it to the amount for which the resident would have qualified under the U.S. system based on the minimum PIA. (The minimum benefit will be based on the first figure in column IV in the table in section 215(a) of the Act for a person becoming eligible for the benefit before January 1, 1979, or the PIA determined under section 215(a)(1)(C)(i)(I) of the Act (as in effect in December 1981) for a person becoming eligible for the benefit after December 31, 1978).

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 906

Proposed Modifications to the Colorado Permanent Regulatory Program

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

ACTION: Reopening of public comment period.

SUMMARY: OSM is reopening the period for review and comment on proposed modifications to the Colorado permanent regulatory program which

was conditionally approved by the Secretary of the Interior under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is reopening the comment period to allow the public sufficient time to consider additional material relating to the nine conditions of approval on the Colorado program which follow: Condition (c), relating to technical guidance documents; condition (d), relating to success of revegetation; condition (l), relating to right of entry; condition (p), relating to permit renewal; condition (r), relating to inspections; condition (bb)(3), relating to replacement of surety bonds; condition (ee), relating to citizen suits; condition (oo), relating to limitations placed on underground operations; and condition (ss), relating to inspection reports. Also available for public review and comment is material relating to three proposed amendments submitted by Colorado concerning the following: compliance with all effluent limitations addressed at rule 4.05.3(5); deletion of portions of rule 207.6(3) relating to criteria for permit approval or denial regarding existing structures; and a Colorado Attorney General's opinion clarifying the effect of Colorado S.B. 370 on section 34-33-108 of the Colorado statute as it pertains to the repeal of State statutory or regulation provisions after a Federal counterpart has been repealed.

DATE: Written comments not received on or before 4:00 p.m. December 16, 1983 will not necessarily be considered.

ADDRESS: Written comments should be mailed or hand delivered to: Robert H. Hagen, Director, Albuquerque Field Office, Office of Surface Mining, Suite 216, 219 Central Avenue, NW., Albuquerque, New Mexico 87102.

FOR FURTHER INFORMATION CONTACT: Robert H. Hagen, Director, Albuquerque Field Office, Office of Surface Mining, Suite 216, 219 Central Avenue, NW., Albuquerque, New Mexico 87102; Telephone: (505) 766-1486.

SUPPLEMENTARY INFORMATION: On February 29, 1980, OSM received a proposed regulatory program from the State of Colorado. On December 15, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved the program subject to the correction of 45 minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the December 15, 1980, **Federal Register** (45 FR 82173-82214).

Information pertinent to the general background, reivsions, modifications, and amendment to the proposed permanent program submission, as well as the Secretary's findings, the dispostion of comments, and a detailed explanation of the conditions of approval of the Colorado program can be found in the December 15, 1980 **Federal Register** (45 FR 82173-82214).

On January 7 and February 9, 1982, OSM received from the State of Colorado material intended to satisfy 45 program conditions. The State also submitted certain revisions to the State regulations unrelated to the program conditions.

OSM published a notice in the **Federal Register** on February 25, 1982, announcing receipt of these provisions and inviting public comment on whether the proposed program amendments corrected the deficiencies, and whether the Secretary should approve the additional amendments to the State program (47 FR 8207-8212). A public hearing scheduled March 23, 1982, was not held because no one expressed a desire to present testimony. The public comment period closed March 29, 1982. Subsequent to the close of the public comment period, it became apparent that certain other proposed amendments to the Colorado program had been omitted from the February 25, 1982 notice. OSM then reopened the public comment period in the **Federal Register** on June 16, 1982 (47 FR 25979-25981) on the program amendments not described in the February 25, 1982 notice. The public comment period ended on July 6, 1982.

On December 16, 1982 the Secretary published in the **Federal Register** (47 FR 56342-56351) his findings on the material submitted by Colorado to satisfy conditions placed on the Colorado program. The Secretary also indicated in the December 16, 1982 **Federal Register** that he had not completed his review of all the material submitted by Colorado on January 7 and February 9, 1982, to correct the following conditions: Condition (c), relating to technical guidance documents; condition (d), relating to success of revegetation; condition (l), relating to right of entry; condition (p), relating to permit renewal; condition (r), relating to inspections; condition (bb)(3), relating to replacement of surety bonds; condition (ee), relating to citizen suits; condition (oo), relating to limitations placed on underground operations; and condition (ss), relating to inspection reports and the additional amendments unrelated to conditions pertaining to compliance with all effluent limitations addressed at rule 4.05.3(5); deletion of portions of rule 2.07.6(3) relating to criteria for permit approval or denial regarding existing structures; and a Colorado Attorney General's opinion regarding Colorado S.B. 370 concerning repeal of State statutory or regulation provisions after a Federal counterpart has been repealed. Therefore, the Secretary deferred a decision on these materials until a later date.

Subsequent to the December 16, 1982 **Federal Register** notice, a meeting was held on February 9, 1983, between representatives of OSM and the Colorado Mined Land Reclamation Division to discuss the remaining conditions and the additional proposed amendments to the Colorado program. As a result of the meeting, the State of Colorado submitted to OSM on May 26, 1983, additional information intended to satisfy conditions (bb)(3), (ee) and (oo). Also, the State, on August 2, 1983, provided to OSM material from the Colorado Attorney General's office that clarifies Colorado S.B. 370's effect on the Colorado statute as it pertains to repeal of State provisions after repeal of a counterpart Federal provision.

Therefore, OSM is reopening the public comment period to allow the public sufficient time to review and comment on the following material with regard to the adequacy of the provisions submitted by the State:

(1) Minutes of the February 9, 1983 meeting between representatives of OSM and the Colorado Mined Land Reclamation Division.

(2) Material submitted to OSM's Albuquerque Field Office Director on May 26, 1983, intended to satisfy conditions (bb)(3), (ee) and (oo).

(3) Colorado Attorney General's opinion and cover letter submitted to OSM's Albuquerque Field Office Director dated August 2, 1983.

The Secretary seeks public comment on whether the above material together with the provisions described in the February 25, 1982 **Federal Register** notice for conditions (c), (d), (l), (p), (r), (bb)(3), (ee), (oo) and (ss), correct the deficiencies for the nine program conditions. If the program amendments are approved, the above conditions in 30 CFR 906.11 will be removed. The Secretary also seeks public comment on the above material as it relates to the three program amendments described above. If these amendments are approved they too will become part of the Colorado program.

Authority: Pub. L. 95-87, 30 U.S.C. 1201 *et seq.*

Dated: November 25, 1983.

William B. Schmidt,

Assistant Director, Program Operations and Inspection.

[FR Doc. 83-32093 Filed 11-30-83; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 938

Public Comment and Opportunity for Public Hearing on the Modification to the Pennsylvania Permanent Regulatory Program

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of program amendments submitted by the State of Pennsylvania to satisfy certain conditions imposed by the Secretary of the Interior on the approval of the Pennsylvania State program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendments pertain to ponds, dams and impoundments; existing non-conforming structures; approximate original contour variances; revegetation for underground mining operations; and abatement periods in excess of 90 days.

This notice sets forth the times and locations that the Pennsylvania program and the proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed regarding the public hearing.

DATES: Written comments must be received on or before 4:00 p.m., January 3, 1984 to be considered.

If requested, a public hearing on the proposed modifications will be held on December 27, 1983 beginning at the location shown below under **"ADDRESSES."**

ADDRESSES: Written comments should be mailed or hand delivered to: Robert Biggi, Director, Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L-4, Harrisburg, Pennsylvania 17101.

If a public hearing is held, its location will be at: Penn Harris Motor Inn and Convention Center at the Camp Hill bypass at U.S. 11 and 15, Camp Hill, Pennsylvania, in the Keystone-A Convention Room.

FOR FURTHER INFORMATION CONTACT: Robert Biggi, Director, Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L-4, Harrisburg, Pennsylvania 17101, Telephone: (717) 782-4036.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Availability of Copies

Copies of the Pennsylvania program, the proposed modifications to the program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM offices and the Office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L-4, Harrisburg, Pennsylvania 17101

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 "L" Street NW., Washington, D.C. 20240

Pennsylvania Department of Environmental Protection, Fulton Bank Building, Third and Locust Streets, Harrisburg, Pennsylvania 17120

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **"DATES"** or at locations other than Harrisburg, Pennsylvania, will not necessarily be considered and included in the Administrative Record for the final rulemaking.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **"FOR FURTHER INFORMATION CONTACT"** by the close of business *five* working days before the date of the hearing. If no one requests to comment at the public hearing, the hearing will not be held.

If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment, have been heard.

Public Meeting

Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting at the OSM office listed in **"ADDRESSES"** by contacting the person listed under **"FOR FURTHER INFORMATION CONTACT."**

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record. A written summary of each public meeting will be made part of the Administrative Record.

II. Background on Conditional Approval

Under 30 CFR 732.13(i), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiencies are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with steps to correct the deficiencies, and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval.

III. Background on the Pennsylvania State Program

On February 29, 1980, the Secretary of the Interior received a proposed regulatory program from the State of Pennsylvania. On October 22, 1980, following a review of that proposed program as outlined in 30 CFR 732, the Secretary of the Interior disapproved the program. The State resubmitted its program on January 25, 1982, and subsequently the Secretary approved the program conditioned on the correction of minor deficiencies. Information pertinent to the general background of the permanent program submission, as well as the Secretary's findings, the disposition of comments and explanations of the conditions of approval of the Pennsylvania program can be found in the July 30, 1982 **Federal Register** (47 FR 33050).

At the time of the Secretary's conditional approval, Pennsylvania agreed to meet ten minor conditions, many of which contained several parts.

In accepting the conditions of approval, Pennsylvania agreed to correct conditions (b), (e), (f), (g), (h) and (j)(1) by May 1, 1983. In the **Federal Register** dated May 25, 1983 (48 FR 23416-23417), the Secretary granted an extension of time to November 1, 1983,

for the State to submit material to satisfy these conditions. In a letter dated October 31, 1983, Pennsylvania submitted to OSM pursuant to 30 CFR 732.17, certain revisions to its regulations intended to satisfy conditions (b), (e), (f), (h) and (j)(1).

Condition (b)

Condition (b) requires Pennsylvania to amend its program to require: (1) That the contents of the "general plan for impoundments" associated with surface mining operations be prepared by or under the direction of and certified by a qualified registered professional engineer, or by a professional geologist with assistance from experts in related fields; (2) that the detailed plan must include any geotechnical investigation, design and construction requirements for impoundments associated with coal refuse operations which are no less effective than 30 CFR 780.25(a) (2)(ii), and (3)(ii) and in accordance with sections 507(b), 508(a) and 510(b) of SMCRA; (3) that plans for impoundments associated with surface mining and coal refuse operations contain geothechnical information on the type, size, and range of engineering properties of the embankment and foundation materials which are no less effective than 30 CFR 780.25 (b) and (c) and in accordance with sections 507(b), 508(a) and 510(b) of SMCRA; and (4) that a stability analysis, supporting calculations and justification of parameters be prepared for impoundments associated with surface mining and coal refuse operations which meet the Mine Safety and Health Administration's (MSHA) criteria (30 CFR 77.216(a)) which are no less effective than 30 CFR 780.25(f) and in accordance with sections 507(b), 508(a) and 510(b) of SMCRA.

Pennsylvania submitted revised regulations (87.73(c)(5), 87.112(a), 87.112(c), 90.12(c), 90.18 and 90.39(a)(8)) that are intended to satisfy the requirements imposed by condition (b) pertaining to impoundments.

Condition (e)

Condition (e) requires Pennsylvania to amend its program to require that the reconstruction of existing nonconforming structures occurs within six months after issuance of a permit without causing significant harm to the environment or public health or safety. Pennsylvania submitted a revised regulation (PA86.38(b)) that is intended to satisfy the requirement imposed by condition (e).

Condition (f)

Condition (f) requires Pennsylvania to amend its program to require: (1) That impoundments associated with surface mining and coal refuse operations comply with the spillway design and factor of safety criteria which are no less effective than 30 CFR 816.46(q) (1) and (2); (2) that such impoundments be routinely inspected as provided by 30 CFR 816.46(t) and 816.49(f); (3) that such impoundments meet MSHA criteria (30 CFR 77.216(a)), comply with the requirements of U.S. Soil Conservation Technical Release 60 (Earth Dams and Reservoirs, June 1976) and are no less effective than 30 CFR 816.49(a)(5); and (4) that annual certification reports for ponds, dams and impoundments associated with surface mining and coal refuse operations contain information on monitoring and instrumentation, design versus actual water levels periodically taken throughout the reporting period, existing storage capacity, the presence of fires and any other aspects of the dam which might affect stability which is no less effective than 30 CFR 816.49(h) and in accordance with sections 515(b) (4), (8) and (10) of SMCRA.

To satisfy condition (f), Pennsylvania has submitted revised regulations for Pennsylvania sections 87.112(b), 87.112(e), 87.112(f), and 90.112 pertaining to requirements for impoundments, ponds or dams associated with surface mining and coal refuse operations.

Condition (g)

Condition (g) requires Pennsylvania to amend its program to provide that variances to approximate original contour for surface mining in non-steep slope areas will require complete backfilling, removal of the highwall, impoundment of the watershed control of the area, and concurrence of appropriate land use planning agencies and surface owner(s) that the potential use of the affected land will constitute an equal or better economic or public use in accordance with sections 515(e) (1) and (3) or SMCRA.

To satisfy condition (g), Pennsylvania submitted revised Pennsylvania regulation section 87.175 concerning variances to approximate original contour for both steep slope and non-steep slope areas.

Condition (h)

Condition (h) requires Pennsylvania to amend its program to require the establishment of a diverse vegetative cover for underground mining operations which is no less effective than 30 CFR 817.111(a) and in accordance with section 516(b)(6) of SMCRA.

Pennsylvania intends to satisfy condition (h) by its submission of the revised regulation, PA 89.86, pertaining to general requirements for revegetation for underground coal mining and coal preparation operations.

Condition (j)(1)

Condition (j)(1) requires Pennsylvania to amend its program to limit the circumstances when abatement times in excess of 90 days will be permitted to be the same or similar as 30 CFR 843.12 and no less stringent than section 521(a)(3) of SMCRA.

To satisfy condition (j)(1), Pennsylvania submitted revised regulation PA 86.22, pertaining to extension of time for abatement in excess of 90 days.

The full text of the program amendments is available for review at the locations listed under "**ADDRESSES.**" The Secretary seeks public comment on these proposed modifications to the Pennsylvania program, particularly on whether they are consistent with SMCRA and no less effective than OSM's counterpart regulations. If these amendments are approved, they will become part of the Pennsylvania program and the conditions of approval to which the amendments apply will be removed.

IV. Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

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

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

List of Subjects in 30 CFR Part 938

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

Date: November 25, 1983.

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

James R. Harris,

Director, Office of Surface Mining.

[FR Doc. 83-32087 Filed 11-30-83; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 204

Pamlico Sound, N.C., Danger Zone

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Corps of Engineers proposes to amend the regulations which establish danger zones for the Marine Corps in the waters of Pamlico Sound and Neuse River, North Carolina. These changes are necessary to reflect distances in nautical miles rather than statute miles; and laser training to the uses of the area to reflect changes in training needs and change the boundaries of the range areas to add an extra margin of safety for the general public.

DATE: Comments must be received on or before January 3, 1984.

ADDRESS: HQDA, DAEN-CWO-N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard at (202) 272-0199 or Mr. Bob Johnson at (919) 343-4641.

SUPPLEMENTARY INFORMATION: The Department of the Army established danger zone regulations under 33 CFR 204.55. The Commanding General, U.S. Marine Corps, Marine Corps Air Bases, Eastern Area, Cherry Point, North Carolina has requested the Corps of Engineers amend the regulations which establish the regulatory description and bombing range area in Pamlico Sound near Brant Island and the Piney Island Target and Bombing Range Area, BT-11, in Pamlico Sound and Neuse River.

Redesignation of the range area boundaries is necessary to ensure the safety of the general public. Hunters, fishermen and boaters have, in the past, inadvertently entered the danger zones during periods of active training. The expansion of the existing range boundaries will encompass unrestricted coves and inlets off the main waterways in Carteret County which cannot be visually monitored by range personnel due to their topographical features and distance from the control towers. The Marine Corps will clearly mark the new boundaries, if established, to indicate the dangers to be avoided.

In accordance with the request of the Marine Corps, the Corps of Engineers proposes to amend the regulations in 33 CFR 204.55 as follows:

1. Change paragraph (a) by adding "strafing and laser training."

2. Change paragraph (a)(1) by substituting "nautical miles" for "statute miles."

3. Paragraph (a)(2) is changed in its entirety to reflect use for strafing and laser training and a restriction is added on the placing of nets, buoys, pots, stakes or other equipment within the area.

4. Change paragraphs (b)(1) (i), (ii), (iii) and (iv), which establish the boundaries of the Piney Island Target and Bombing Range Area, BT-11.

5. Delete paragraph (b)(i)(v).

6. Paragraph (b)(2) is amended in its entirety to reflect mission changes and restrictions placed on nets, buoys, pots, stakes and other equipment within the area:

List of Subjects in 33 CFR Part 204

Marine safety, Waterways.

Note.—The Corps of Engineers has determined that this proposed rule is not a major rule and is exempt from the general requirement of Executive Order 12291 in accordance with the exception provided military functions. The Corps has also determined that these regulations would not have a significant economic impact on a substantial number of small entities as required by Pub. L. 96-354.

Dated: November 10, 1983.

Approved.

Michael Volpe,

Colonel, Corps of Engineers, Executive Director of Civil Works.

PART 204—[AMENDED]

Accordingly, the Corps of Engineers proposes to revise 33 CFR 204.55 (a) and (b) as set forth below.

§ 204.55 Pamlico Sound and Adjacent Waters, N.C.; danger zones for Marine Corps Operations.

(a) Bombing, rocket firing, strafing, and laser training area in Pamlico Sound in vicinity of Brant Island—

(1) *The area.* The waters within a circular area with a radius of 2.6 nautical miles having its center on the southern side of Brant Island at latitude 35°12'30":, longitude 76°26'30".

(2) *The regulations.* The area described in paragraph (a)(1) will be used as a bombing, rocket firing, strafing, and laser training area. Live and dummy ammunition will be used. The area shall be closed to navigation at all times except for vessels engaged in operational and maintenance work as directed by the enforcing agency. The area will be patrolled and vessels "buzzed" by the patrol plane or hailed by means of a public address system prior to the conduct of operations. Vessels which have been so warned shall leave the area immediately. The placing of nets, buoys, pots, stakes or other equipment which may interfere with target and support vessels shall not be permitted.

(b) Bombing, rocket firing, strafing, and laser training areas in Pamlico Sound and Neuse River—

(1) *The areas.* (i) The waters within a circular area with a radius of 1.5 nautical miles having its center at latitude 35°3, and longitude 76°28'.

(ii) The waters within a circular area with a radius of 1.5 nautical miles having its center at latitude 35°5', longitude 76°28'.

(iii) The waters within a circular area with a radius of 1.5 nautical miles having its center at latitude 35°.2', longitude 76°27.7'.

(iv) The waters within a circular area with a radius of 1.5 nautical miles having its center at latitude 34°59.3', longitude 70°27.2'.

(2) *The regulations.* The areas described in paragraph (b)(1) (i), (ii), (iii), and (iv) will be used as bombing, rocket firing, strafing, and laser training areas. Live and dummy ammunition will be used. The areas shall be closed to navigation at all times except for such vessels engaged in operational and maintenance work as directed by the enforcing agency. The areas will be patrolled and vessels "buzzed" by the patrol plane or hailed by means of a public address system prior to the conduct of operations. Vessels which have been so warned shall leave the area immediately. The placing of nets, buoys, pots, stakes or other equipment which may interfere with target and support vessels shall not be permitted.

Authority: (33 U.S.C. 1, 3)

[FR Doc. 83-32081 Filed 11-30-83; 8:45 am]

BILLING CODE 3710-92-M

POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM 83-6]

Rules of Practice; Contents of Formal Requests

Correction

On October 13, 1983 at 48 FR 46545, the Postal Rate Commission published a notice of proposed rulemaking concerning its rules of practice (FR Doc. 83-27600). On November 21, 1983 at 48 FR 52665, the Commission published a document in the Notices section of the issue which, among other things, extended the comment period for the October 13 proposed rule to December 9, 1983 (FR Doc. 83-31263). The November 21 document should have appeared in the Proposed Rules section of the issue.

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 310

Marking Excess or Surplus Federal Property Available to the United States Merchant Marine Academy, the State Maritime Academies and Approved Nonprofit Maritime Training Institutions

AGENCY: Maritime Administration, DOT.

ACTION: Proposed rulemaking.

SUMMARY: The Maritime Administration (MARAD) proposes to adopt regulations to implement Section 1308(b) of the Merchant Marine Act of 1936, as enacted by the Maritime Educations and Training Act of 1980 (46 U.S.C. 1295g). This legislation authorizes MARAD to make excess or surplus vessels, shipboard equipment and other marine equipment available to the U.S. Merchant Marine Academy (USMMA), the state maritime academies and nonprofit training institutions which have been jointly approved by MARAD and the United States Coast Guard as offering training courses meeting Federal regulations for maritime training. As a Federal agency, MARAD has had statutory authority to make such equipment directly available to the USMMA. The state maritime training schools and other non-Federal organizations, however, were required to coordinate their donable surplus property requests with the General Services Administration (GSA) and their respective state agencies responsible for the disposal of surplus property. This process was lengthy, often involved significant costs and did not assure the school of getting the property items since property is generally awarded on a next-in-line basis. Section 1308(b) is intended to expedite the acquisition of such property.

DATES: Written comments by interested persons must be received on or before January 16, 1984.

ADDRESS: Send the original and one (1) copy of the comments to the Secretary, Maritime Administration, Washington, DC 20590. All comments will be made available for inspection during normal business hours in Room 7300, Department of Transportation, 400 7th Street, SW, Washington, DC 20590. Any commentator who wishes acknowledgement of MARAD's receipt of comments should include a self-addressed and stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur W. Friedberg, Director, Office of Maritime Labor and Training, Maritime Administration—DOT, 400 7th Street, SW, Room 7302, Washington, DC 20590, Telephone: (202) 426-5755.

SUPPLEMENTARY INFORMATION: Following is a summary of the content of this proposed rulemaking.

The Maritime Education and Training Act of 1980 (Pub. L. 96-453) amends the Merchant Marine Act, 1936, by adding a new Title XIII (46 U.S.C. 1295). It provides authority for the Secretary of Transportation to make available to any approved state maritime academy or other non-profit training institution excess or surplus vessels and marine equipment to be used for maritime training purposes. This provision recognizes the desire by Congress to lend an element of support to those non-Federal educational institutions that are dedicated to merchant marine training. The state academies, in particular, have an immediate and critical need for small vessels, shipboard equipment and other marine equipment to provide greater at-sea training for their deck cadets, in accordance with the requirements of the International Maritime Organization's (IMO) International Convention on Standards of Training Certification and Watchkeeping for Seafarers of 1978, of which the United States was a major backer.

MARAD is able to provide this excess or surplus property from various Federal property sources, at no substantial cost to the Government under Section 1308 (b) of Pub. L. 96-453. The state maritime schools, in providing additional seatime through the use of acquired smaller excess or surplus vessels, rather than through additional operations of the large government loaned training ships, can save as much as $200,000.00 for each month additional large training ship usage not required. This improves the overall quality of the federally-aided maritime training programs and ensures the maritime industry and the Nation of highly skilled, technically trained merchant officers for peacetime commerce as well as for national emergencies when merchant ships may be used as Navy auxillaries.

The total annual cost to the Federal Government for processing an estimated 120 excess/surplus property requests from approximately 30 respondents (4 property requests per respondent) is $5,524.40. The 30 respondents include the Federal maritime academy, six state maritime academies and approximately 23 currently approved non-profit maritime training institutions. The estimated annual costs to be incurred by respondents in filing requests is $1,016.40.

The fair market value of an excess or surplus vessel may range from $500.00 to $1,000,000.00. The fair market value of excess or surplus marine equipment and shipboard equipment may range from negative value to $10,000. MARAD is unable to give the fair market value for specific property items because it does not know what property items the maritime schools will request.

The proposed regulation would carry out the substantive requirements of the statute and provide the procedural mechanism for making excess or surplus property available to specified maritime training institutions.

A summary of the content of the proposed provisions is as follows:

Section 310.200—Definitions—This section defines the key terms in the surplus and excess property regulations.

Section 310.201—General—This section cites the statutory exemption from the normal government property disposal system. The legislative authority permits MARAD to acquire excess and surplus property more expeditiously without complying with the usual requirements of the General Services Administration.

Section 310.202—Federal assistance—This section indicates that excess or surplus vessels, shipboard equipment and other marine equipment may be made available to approved institutions by gift, loan, sale, lease, or charter for instructional purposes. Property items may be made available to schools by gift when no future need for the item is anticipated by MARAD. Property items may be sold to schools when funds are required by MARAD for acquisition reimbursement. The charter, lease, or

loan method may be used to make property items available to schools when MARAD desires to retain title for future use.

Section 310.203—Information and inspection—This section provides sources of information and the point of contact in MARAD for arranging on-site inspections.

Section 310.204—Application procedure—This section provides information on submission and contents of the application.

Section 310.205—Distribution of property—This section presents distribution criteria, as well as the agreement adopted for making the property available. If more than one school requests the same property item, allocations will be based on need, existing resources and the ability of the school to maintain the property.

EO 12291, Statutory Requirements and DOT Procedure

The Maritime Administrator has made a determination that this rulemaking meets none of the criteria in Executive Order 12291 for a major rule. Pursuant to DOT Order 2100.5, this rulemaking is considered to be nonsignificant. Since this rulemaking affects primarily the USMMA and state academies, the Maritime Administrator certifies that the regulation would have no significant economic impact on a substantial number of small entities pursuant to the Regulatory Flexibility Act of 1980 (Pub. L. 96-354).

The information collection requirements contained in this proposed rule have been submitted to OMB for review under Section 3504(h) of the Act. Comments on the collection of information in Section 310.204 are to be directed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Wayne Leiss, Desk Officer for the Maritime Administration.

List of Subjects in 46 CFR Part 310

Grant programs—Education, Schools, Seamen.

PART 310—MERCHANT MARINE TRAINING

Accordingly, 46 CFR Part 310 is amended to include a new Subpart D as follows:

Subpart D—Regulations for Making Excess or Surplus Federal Property Available to the U.S. Merchant Marine Academy, the State Maritime Academies and Approved Nonprofit Maritime Training Institutions

Sec.
310.200 Definitions.
310.201 General.
310.202 Federal assistance.
310.203 Information and inspection.
310.204 Application procedure.
310.205 Distribution of property.

Authority: Secs. 204(b) and 1308, Merchant Marine Act, 1936, as amended, (46 U.S.C. 1114(b) and 1259g); Pub. L. 97-31 (August 6, 1981); 49 CFR 1.66 (46 FR 47458, September 28, 1981).

Subpart D—Regulations for Making Excess or Surplus Federal Property Available to the U.S. Merchant Marine Academy, the State Maritime Academies and Approved Nonprofit Maritime Training Institutions

§ 310.200 Definitions.

For purposes of this Subpart D:

(a) "Act" means the Merchant Marine Act of 1936, as amended by the Education and Training Act of 1980, Pub. L. 96-453 (46 U.S.C. 1295).

(b) "Administration" means the Maritime Administration, U.S. Department of Transportation.

(c) "Administrator" means the Maritime Administrator, U.S. Department of Transportation.

(d) "School" means the U.S. Merchant Marine Academy, a state maritime academy or college or any nonprofit training institution which has been jointly approved by the Administration and the U.S. Coast Guard as offering training courses meeting Federal regulations for maritime training.

(e) "Agreement" means an agreement between the Administration and a school, as set forth in section 310.205 of this Subpart.

(f) "Surplus" means Federal property that is no longer required by the Federal Government.

(g) "Excess" means Federal property that is no longer required by the Federal Agency or Department with custody of that property.

(h) "Vessel" means a craft furnished by the Administration to a school for instructional purposes under section 1308(b) of the Act.

(i) "Shipboard Equipment" means any equipment or stores used in the operation or maintenance and repair of a ship.

(j) "Marine Equipment" means any machinery, parts stores and equipment utilized in or identified with marine operations or training.

§ 310.201 General.

The regulations in this subpart are issued pursuant to authority (46 U.S.C. 1295(g)) separate from that controlling the disposition of other Government property. They are intended to facilitate the acquisition of excess and surplus property by a school.

§ 310.202 Federal assistance.

The Administration may cooperate with and assist a school by making vessels, shipboard equipment and other marine equipment owned by the United States, which have been determined to be excess or surplus, available by gift, loan, sale, lease, or charter, for instructional purposes, under such terms as the Administration may prescribe.

§ 310.203 Information and inspection.

(a) *Information.* Information concerning excess or surplus property may be obtained from appropriate Federal supply management offices. Listed below are several offices that are in a position to provide information.

General Services Administration, Customer Service Bureau, Office of Federal Supply and Services, 7th & D Streets, SW., Washington, DC 20407

Defense Logistics Supply Agency, Attn: DLA/SI, Cameron Station, Alexandria, VA 22314

Department of the Navy, Office of the Director of Ship, Maintenance and Modernization, Washington, DC 20350

U.S. Department of Transportation, U.S. Coast Guard, Supply and Transportation Management Branch, Washington, DC 20593

U.S. Department of Transportation, Maritime Administration, Office of Maritime Labor and Training, 400—7th Street, SW—Room 7302, Washington, DC 20590

(b) *Inspection.* A school wishing to inspect excess or surplus property, prior to submitting an application, may do so by contacting the Director, Office of Maritime Labor and Training, U.S. Department of Transportation, Maritime Administration, 400—7th Street, SW, Room 7302, Washington, DC 20590, and requesting that arrangements be made for an on-site visit.

§ 310.204 Application procedure.

Formal application for excess or surplus property shall be made in writing to the director, Office of Maritime Labor and Training, Maritime Administration, U.S. Department of Transportation, 400 7th Street, SW, Room 7302, Washington, DC 20590. The application shall contain the following:

(a) Legal name and address of the applicant;

(b) Detailed information concerning the applicant's maritime training activities; and,

(c) Description of the property sought, its location and intended educational use.

§ 310.205 Distribution of property.

In instances where more than one school is applying for the same property, allocations will be based on the relative need and resources of the competing

schools and their ability to maintain the property. Where a school is the only applicant, the request will normally be granted. In all cases, consideration will be given to whether previously granted property was utilized for the purposes intended. The form of the agreement to be used in making the property available is set forth below.

UNITED STATES OF AMERICA

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

This agreement is entered into as the — day of ——— 19 —, by and between the United States of America, acting through the Department of Transportation, Maritime Administration (hereinafter called the "Administration"), and the ——— (hereinafter called the "School").

Witnesseth

Whereas:

1. The Merchant Marine Act of 1936 as amended by the Maritime Education and Training Act of 1980, Pub. L. 96-453 (hereinafter called the "Act"), provides that excess or surplus vessels, shipborad equipment and other marine equipment, owned by the United States, may be made available by gift, loan, sale, lease, or charter to the Federal and state maritime academies and to any nonprofit training institution which has been jointly approved by the Administration and the U.S. Coast Guard as offering training courses meeting Federal regulations for maritime training.

2. The School is a qualified institution under the Act.

Now, Therefore, in consideration of the mutual promises hereinafter set forth, the parties hereto agree as follows:

Article 1. *Property.* The following item(s) is hereby

☐ donated
☐ loaned
☐ sold
☐ leased
☐ chartered

to the School.

Item Description, Item Location, and Item Custodian

Article 2. *Purpose.* The School represents, agrees and warrants that the item(s) identified in Article 1 shall be used by the School for the purpose of instructing students and shall be so dedicated for a period of no less than — months.

Article 3. *Transportation Costs.* All packing and transportation costs from the present location, to the School and, if applicable, from the School to the present location shall be borne by the School.

Article 4. *Price or Payment.* The sale price(s) or lease or charter payment(s) for the item(s) identified in Article 1 is ——— (Applicable in case of sale, loan, lease, or charter).

Article 5. *Maintenance and Repair.* The School shall be responsible for proper maintenance and repair of the item(s) made available under this Agreement (Applicable in case of loan, lease, or charter).

Article 6. *Disposition.* The School hereby agrees to obtain the prior written approval of the Administration before disposing of said property. If the school proposes to dispose of the property, the school agrees that the Administration may, at its option, repossess said property, as is, where is, and transfer it to another maritime training institution for use in maritime training.

Article 7. *No Warranty.* The School accepts the item(s) identified in Article 1 as is, where is and without warranty of any kind and without any representation by the Administration as to condition or suitability for any use.

Article 8. *Injury or Damage.* The School hereby agrees to accept and hereby accepts full responsibility for the item(s) made available under this Agreement. The School agrees that the Administration shall be held harmless and shall not be liable in the event of any injury or damage resulting from the School's possession or use of said item(s).

In Witness Whereof, the parties, represented as aforesaid, have caused this Agreement to be executed as of the day and year first written above.

Attest:

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
MARITIME ADMINISTRATION

Secretary ———
By: ———
(Seal)
Date: ———
Attest:
State of ———
(School) ———
Secretary ———
By: ———
(Seal)
Date: ———

Authority: Secs. 204(b) and 1308, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b) and 1195g; Pub. L. 97-31, August 6, 1981); 49 CFR 1.66 (46 FR 47458, September 28, 1981).

Dated: November 28, 1983.

By order of the Maritime Administrator.

Georgia P. Stamas,

Secretary.

[FR Doc. 83-32152 Filed 11-30-83; 8:45 am]

BILLING CODE 4910-81-M

FEDERAL MARITIME COMMISSION

46 CFR Part 508

[Docket No. 83-45]

Actions To Adjust or Meet Conditions Unfavorable to Shipping in the United States/Republic of the Philippines Trade

AGENCY: Federal Maritime Commission.

ACTION: Enlargement of Time to Comment.

SUMMARY: Counsel for National Galleon Shipping Corporation and the Maritime Company of the Philippines have requested a 60-day enlargement of time to file comments in this proceeding regarding actions to adjust or meet conditions unfavorable to shipping in the United States/Republic of the Philippines trade initiated by Federal Register notice of October 7, 1983 (48 FR 45800-45804). The Commission originally allowed comment on or before December 5, 1983. Counsel cites that he was retained only recently and must confer with corporate and governmental officials in the Philippines. Grounds for a partial extension having been established, an enlargement of time until January 20, 1984 is granted.

DATE: Comments on or before January 20, 1984 (original and 15 copies).

ADDRESS: Send comments to: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: None.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-32096 Filed 11-30-83; 8:45 am]

BILLING CODE 6730-01-M

Notices

Federal Register
Vol. 48, No. 232
Thursday, December 1, 1983

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

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee of Adjudication, Committee on Judicial Review, Committee on Regulation; Public Meetings

On December 15 three committees of the Administrative Conference will meet with their consultants to review progress on pending projects. There will be no action items considered.

Committee on Adjudication

Time: 10:30 a.m. Location: 2120 L Street, NW., Suite 500, Wash., D.C. Agenda: Discussion of current and possible new projects. Contact: Richard K. Berg, 202-254-7020.

Committee on Judicial Review

Time: 12 noon. Location: Offices of Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue, NW., Seventh Floor Conference Room, Wash., D.C. Agenda: Study by Professor Frederick Anderson concerning voluntary negotiated cleanup of hazardous waste spills and dump sites under the Comprehensive Environmental Response Compensaton and Liability Act. Contact: Mary Candace Fowler, 202-254-7065.

Committee on Regulation

Time: 9:30 a.m. Location: Federal Home Loan Bank Board, 17th & G Streets, NW., 6th Floor Board Room, Wash., D.C. Agenda: Projects on Siting of Large Scale Industrial Facilities (consultant Gregory L. Ogden); Representation by Non-lawyers in Agency Proceedings (consultant Jonathan Rose); Alternatives to Regulation (consultant Philip J. Harter). Contact: William C. Bush, 202-254-7065.

Public Participation:

Attendance at the committee meetings is open to the public, but limited to the space available. Persons wishing to attend should notify the contact person at least two days in advance of the meeting. The committee chairman may permit members of the public to present appropriate oral statements at the meeting. Any member of the public may file a written statement with a committee before, during, or after the meeting. Minutes of the meetings will be available on request to the contact persons. The contact persons' mailing address is: Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037. These meetings are subject to the Federal Advisory Committee Act (Pub. L. 92-463).

Richard K. Berg,
General Counsel.
November 28, 1983.
[FR Doc. 83-32115 Filed 11-30-83; 8:45 am]
BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Designation of Alva Grain Inspection Department (OK) and Renewal of Designation of Connecticut Department of Agriculture (CT)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the designation of Alva Grain Inspection Department and the designation renewal of Connecticut Department of Agriculture, as official agencies responsible for providing official services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act).

EFFECTIVE DATE: January 1, 1984.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447-8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512-1; therefore, the Executive Order and Secretary's Memorandum do not apply to this action.

The July 1, 1983, issue of the **Federal Register** (48 FR 30417) contained a notice from the Federal Grain Inspection Service (FGIS) announcing that Alva's interim designation and Connecticut's designation terminate on December 31, 1983, and requesting applications for designation as the agency to provide official services within each specified geographic area. Applications were to be postmarked by August 1, 1983.

Alva and Connecticut were the only applicants for each respective designation.

FGIS announced the names of these applicants and requested comments on same in the September 1, 1983, issue of the **Federal Register** (48 FR 39670). Comments were to be postmarked by October 16, 1983.

No comments were received regarding designation of Alva or designation renewal of Connecticut.

FGIS has evaluated all available information, regarding the designation criteria in Section 7(f)(1)(A) of the Act and in accordance with Section 7(f)(1)(B), and has determined that Alva and Connecticut are able to provide official services in the respective geographic areas for which Alva's designation is being granted and Connecticut's designation is being renewed. Each assigned area is the entire geographic area, as previously described in the July 1, **Federal Register** issue.

Effective January 1, 1984, and terminating December 31, 1986, the responsibility for providing official inspection services in their respective specified geographic areas is assigned to Alva and Connecticut.

A specified service point, for the purpose of this notice, is a city, town, or other location specified by an agency to conduct official inspection services and where the agency and one or more of its licensed inspectors are located. In addition to the specified service points within the assigned geographic area, an agency will provide official services not requring a licensed inspector to all locations within its geographic area.

Interested persons may contact the Regulatory Branch, specified in the adddress section of this notice, to obtain a list of the specified service points. Interested persons also may obtain a list

of the specified service points by contacting the agencies at the following addresses:

Alva Grain Inspection Department, P.O. Box 501, Alva, OK 73717 and

Connecticut Department of Agriculture, 165 Capitol Avenue, Hardford, CT 06115.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: November 21, 1983.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 83-31758 Filed 11-30-83; 8:45 am]

BILLING CODE 3410-EN-M

Request for Comments on Designation Applicants in the Areas Currently Assigned to Alton Grain Inspection Department (IL), Grand Forks Grain Inspection Department (ND), and John R. McCrea Agency (IA)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for official agency designation in the areas currently assigned to Alton Grain Inspection Department, Grand Forks Grain Inspection Department, and John R. McCrea Agency.

DATE: Comments to be postmarked on or before January 16, 1984.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Information Resources Management Branch, Resources Management Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 0667, South Building, 1400 Independence Avenue SW., Washington, DC 20250. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

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

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512-1; therefore, the Executive Order and Secretary's Memorandum do not apply to this action.

The September 30, 1983, issue of the **Federal Register** (48 FR 44869) contained a notice from the Federal grain Inspection Service requesting applications for designation to perform official services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), in the areas currently assigned to the official agencies. Applications were to be postmarked by October 31, 1983.

Alton Grain Inspection Department, Grand Forks Grain Inspection Department, and John R. McCrea Agency, the only applicants for each respective designation, requested designation for the entire geographic area currently assigned to each of those agencies.

In accordance with § 800.206(b)(2) of the regulation under the Act, this notice provides interested persons the opportunity to present their comments concerning the applicants for designation. All comments must be submitted to the Information Resources Management Branch, Resources Management Division, specified in the address section of this notice, and postmarked not later than January 16, 1984.

Comments and other available information will be considered before a final decision is made in this matter. Notice of the final decision will be published in the **Federal Register**, and the applicants will be informed of the decision in writing.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: November 21, 1983.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 83-31759 Filed 11-30-83; 8:45 am]

BILLING CODE 3410-EN-M

Request for Designation Applicants To Perform Official Services in the Geographic Areas Currently Assigned to Bloomington Grain Inspection Department (IL), Lubbock Grain Inspection and Weighing (TX), and Plainview Grain Inspection and Weighing Service, Inc. (TX)

AGENCY: Federal Grain Inspection Service; USDA.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of the U.S. Grain Standards Act, as amended (Act), official agency designations shall terminate not later than triennially and may be renewed in accordance with the criteria and procedures prescribed in the Act. This notice announces that the designation of three agencies will terminate, in accordance with the Act, and requests applications from parties, including the agencies currently designated, interested in being designated as the official agency to conduct official services in the geographic area currently assigned to each specified agency. The official agencies are Bloomington Grain Inspection Department, Lubbock Grain Inspection and Weighing, and Plainview Grain Inspection and Weighing Service, Inc.

DATE: Applications to be postmarked on or before January 16, 1984.

ADDRESS: Applications must be submitted to James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250. All applications received will be made available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447-8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512-1; therefore, the Executive Order and Secretary's Memorandum do not apply to this action.

Section 7(f)(1) of the Act (7 U.S.C. 71 *et seq.*, at 79(f)(1)) specifies that the Administrator of the Federal Grain Inspection Service (FGIS) is authorized, upon application by any qualified agency or person, to designate such agency or person to perform official services after a determination is made that the applicant is better able than any other applicant to provide such official services in an assigned geographic area.

Bloomington Grain Inspection Department (Bloomington), P.O. Box 817, Bloomington, IL 61701, was designated as an official agency under the Act for the performance of inspection functions on October 20, 1978. Lubbock Grain Inspection and Weighing (Lubbock), P.O. Box 675, Lubbock, TX 79408, was designated as an official agency under the Act for the performance of inspection functions on October 19, 1978. Plainview Grain Inspection and Weighing Service, Inc. (Plainview), P.O. Box 717, Plainview, TX 79072, was designated as an official agency under the Act for the performance of inspection functions on October 25, 1978.

The agencies' designation will terminate on May 31, 1984. This date reflects administrative extensions of official agency designations, as discussed in July 16, 1979, issue of the **Federal Register** (44 FR 41275). Section 7(g)(1) of the Act states generally that official agencies' designations shall

terminate no later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Bloomington, in Illinois, pursuant to Section 7(f)(2) of the Act, and which is the area that may be assigned to the applicant selected for designation is the following:

Bounded: on the North by State Route 18 east to U.S. Route 51; U.S. Route 51 south to State Route 17; State Route 17 east to Livingston County; the Livingston County line east to the ICG Railroad line;

Bounded: on the East along the ICG Railroad line southwest to Pontiac, which intersects with a straight line running north and south through Arrowsmith to the southern McLean County line;

Bounded: on the South by the southern McLean County line; the eastern Logan County line south to State Route 10; State Route 10 west to State Route 121; and

Bounded: on the West by State Route 121 north to Interstate 74; Interstate 74 northwest to State Route 116; State Route 116 north to State Route 26; State Route 26 north to State Route 18.

The following location, outside of the foregoing contiguous geographic area, is presently assigned to Bloomington and is part of this geographic area assignment: Bunge Corporation, Pontiac, Livingston County.

Exceptions to the described geographic area the following locations situated inside Bloomington's area have been and will continue to be served by the following official agencies:

1. Gibson City Grain Inspection Department to service Farm Service, Arrowsmith, McLean County; and

2. Springfield Grain Inspection Department to service East Lincoln Farmers Grain Co., Lincoln, Logan County.

The geographic area presently assigned to Lubbock, in Texas, pursuant to Section 7(f)(2) of the Act, and which is the area that may be assigned to the applicant selected for designation is the following:

Bounded: on the North by the northern Cochran County line; the northern Hockley County line east to FM 303; FM 303 north to U.S. Route 84; U.S. Route 84, including Sudan, Texas, southeast to FM 37; FM 37 east to FM 179; FM 179 north to FM 1914; FM 1914 east, not including Hale Center, Texas, to FM 400; FM 400 south to FM 37; FM 37 east to the Hale County line; the eastern Hale County line; the northern Crosby and Dickens County lines;

Bounded: on the East by the eastern Dickens, Kent, Scurry, and Mitchell County lines;

Bounded: on the South by the southern Mitchell, Howard, Martin, and Andrews County lines; and

Bounded: on the West by the western Andrews, Gaines, Yoakum, and Cochran County lines.

In addition, the area includes El Paso County.

The geographic area presently assigned to Plainview, in Texas, pursuant to Section 7(f)(2) of the Act, and which is the area that may be assigned to the applicant selected for designation is the following:

Bounded: on the North by the northern Deaf Smith County line east to U.S. Route 385; U.S. Route 385 south to FM 1062; FM 1062 east to State Route 217; State Route 217 east to Prairie Dog Town Fork of the Red River; Prairie Dog Town Fork of the Red River southeast to the Briscoe County line; the northern Briscoe County line; the northern Hall County line east to U.S. Route 287;

Bounded: on the East by U.S. Route 287 southeast to the eastern Hall County line; the eastern and southern Hall County lines; the eastern Motley County line;

Bounded: on the South by the southern Motley and Floyd County lines; the western Floyd County line north to FM 37; FM 37 west to FM 400; FM 400 north to FM 1914; FM 1914 west, including Hale Center, Texas, to FM 179; FM 179 south to FM 37; FM 37 west to U.S. Route 84; U.S. Route 84 northwest to FM 303; and

Bounded: on the West by FM 303, not including Sudan, Texas, north to U.S. Route 70; U.S. Route 70 west to the Lamb County line; the western and northern Lamb County lines; the western Castro County line; the southern Deaf Smith County line west to State Route 214; State Route 214 north to the northern Deaf Smith County line.

Interested parties, including Bloomington, Lubbock, and Plainview, are hereby given opportunity to apply for designation as the official agency to perform the official services in the geogrphic area, as specified above, under the provisions of Section 7(f) of the Act and § 800.196(b) of the regulations issued thereunder. Designations in the specified geographic areas are for the period beginning June 1, 1984, and ending May 31, 1987. Parties wishing to apply for designation should contact the Regulatory Branch, Compliance Division, at the address listed above for appropriate forms and information. Applications must be postmarked not later than January 3, 1984, to be eligible for consideration.

Applications submitted and other available information will be considered in determining which applicant will be designated to provide official services in a geographic area.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: November 21, 1983.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 83-31760 Filed 11-30-83; 8:45 am]

BILLING CODE 3410-EN-M

DEPARTMENT OF COMMERCE

International Trade Administration

[Case No. 646]

Dr. Athol M. Harrison et al., Denial of Export Privileges

Order Temporarily Denying Export Privileges

In the Matter of: Case No. 646; Dr. Athol M. Harrison, Administrative Director, Microelectronics Research Institute, P.O. Box 7232 Loop Station, 7th Floor, Motor and General Building, Capetown, South Africa, and Microelectronics Research Institute, P.O. Box 7232 Loop Station, 7th Floor, Motor and General Building, Capetown, South Africa, and Banhock Road, Stellenbosch, South Africa.

The Department of Commerce (the "Department"), pursuant ot the provisions of § 388.19 of the Export Administration Regulations (15 CFR Parts 368-399 (1983)) (the "Regulations"), has petitioned the Hearing Commissioner for an order temporarily denying all export privileges to Dr. Athol M. Harrison and Microelectronics Research Institute, both located at P.O. Box 7232 Loop Station, 7th Floor, Motor and General Building, Capetown, South Africa (hereinafter collectively referred to as "respondents").

The Department states that the respondents are under investigation by the Department's Office of Export Enforcement and that its investigation gives it reason to believe: (1) That respondents reexported to West Germany and attempted to divert to the Soviet Union U.S.-origin commodities exported to the respondents; (2) that, without obtaining specific authorization from the Department, respondents have engaged in transactions, involving U.S.-origin commodities, with Richard Mueller, a person previously denied all U.S. export privileges by Order dated August 6, 1981; and (3) that respondents may make similar attempts to reexport or divert U.S.-origin commodities or

technical data, and engage in transactions involving such commodities or technical data with persons denied all U.S. export privileges, contrary to the Regulations, unless appropriate action is taken to preclude such attempts.

Based on the showing made by the Department, I find that an order temporarily denying all export privileges to Dr. Athol M. Harrison and Microelectronics Research Institute, and to parties related to them, is required in the public interest to facilitate enforcement of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2401–2420 (Supp. V 1981)), and the Regulations and to permit completion of the Department's investigation.

Anyone who is now or may in the future be dealing with the above named respondents or any related party in transactions that in any way involve U.S.-origin commodities or technical data is specifically alerted to the provisions set forth in Paragraph IV below.

Accordingly, it is hereby ordered—

I. All outstanding validated export licenses in which respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondents, their successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to a validated export license application, (b) in the preparation or filing of any export license application or reexport authorization, or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported from the United States, or to be exported, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successors. After notice and opportunity for comment, such denial may also be made applicable to any person, firm, corporation, or business organization with which respondents are now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of export trade or related services. Those parties now known to be affiliated with at least one of the respondents, and which are accordingly subject to the provisions of this order, are:

Detleff Heppner, c/o Electronica-Stellsels, 101 Connaught Road, Parrow Cape Town, South Africa
Manfred Schroder, Cape Town, South Africa
Dr. Hendrik Christo Viljoen, c/o Microelectronics Research Institute, P.O. Box 7232 Loop Station, 7th Floor, Motor and General Bldg., Cape Town, South Africa
Clive Whitton, Cape Town, South Africa
Act-Com, Pty Ltd., Cape Town, South Africa
Computer Add-ons Pty., Ltd., Cape Town, South Africa
Dancontrol, AG Zug, Switzerland
Electronica-Stellsels, 101 Connaught Road, Parrow, Cape Town, South Africa
Optronix Pty. Ltd., Cape Town, South Africa
SEM Investments Pty., Ltd., Cape Town, South Africa
Electronika S.A. (pty) Ltd., 101 Connaught Road, Beaconvale (Parow), Cape Town, South Africa, and
P.O. Box 7232, Roggebuai, Cape Province, 8012, South Africa

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall, with respect to U.S.-origin commodities and technical data, do any of the following acts, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for the respondent or any related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(b) of the Regulations, the respondents or any related party may move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room 6716, 14th and Constitution Avenue, NW., Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the Hearing Commissioner at the earliest convenient date.

VI. This order is effective immediately. It remains in effect until the final disposition of any administrative or judicial proceedings initiated against the respondents as a result of the ongoing investigation. A copy of this order and Parts 387 and 388 of the Regulations shall be served upon the respondents and the above-named related parties.

Dated: November 23, 1983.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 83-32089 Filed 11-30-83; 8:45 am]

BILLING CODE 3510-DT-M

International Trade Administration Importers and Retailers' Textile Advisory Committee; Open Meeting

A meeting of the Importers and Retailers' Textile Advisory Committee will be held January 12, 1984, 10:30 a.m., Room 4830, Herbert C. Hoover Building, 14th St. and Constitution Avenue, NW., Washington, D.C. 20230 (The Committee was established by the Secretary of Commerce on August 13, 1963 to advise Department officials of the effects on import markets of cotton, wool and man-made fiber textile and apparel agreements).

Agenda: Review of import trends, implementation of textile agreements, report on conditions in the domestic market, and other business.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes contact Helen L. LeGrande (202) 377–3737.

Dated: November 28, 1983.

Walter C. Lenahan,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 83-32165 Filed 11-30-83 8:45 am]

BILLING CODE 3510-DR-M

Management-Labor Textile Advisory Committee; Open Meeting

A meeting of the Management-Labor Textile Advisory Committee will be held

January 11, 1984, 1:00 p.m., Room 6802, Herbert C. Hoover Building, 14th St. and Constitution Avenue, NW., Washington, D.C. 20230. (The Committee was established by the Secretary of Commerce on October 18, 1961 to advise Department officials of the effects on import markets of cotton, wool and man-made fiber textile and apparel agreements.)

Agenda: Review of import trends, implementation of textile agreements, report on conditions in the domestic market, and other business.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes contact Helen L. LeGrande (202) 377-3737.

Dated: November 28, 1983.

Walter C. Lenahan,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 83-32164 Filed 11-30-83; 8:45 am]

BILLING CODE 3510-DR-M

[C-201-001]

Leather Wearing Apparel From Mexico; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On September 26, 1983, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on leather wearing apparel from Mexico. The review covers the period January 1, 1982 through December 31, 1982.

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of the review are the same as the preliminary results.

EFFECTIVE DATE: December 1, 1983.

FOR FURTHER INFORMATION CONTACT: Stephen Nyschot or Joseph Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On September 26, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 43707) the preliminary results of its administrative review of the countervailing duty order on leather wearing apparel from Mexico (46 FR 21357, April 10, 1981). The Department has now completed that administrative review, in accordance with section 751 or the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of Mexican leather wearing apparel. These products include leather coats and jackets for men, boys, women, girls and infants, and other leather apparel products including leather vests, pants and shorts. Also included are outer leather shells and parts and pieces of leather wearing apparel. Such merchandise is currently classifiable under items 791.7620, 791.7640 and 791.7660 of the Tariff Schedules of the United States Annotated. The review covers the period January 1, 1982 through December 31, 1982 and three programs: (1) CEDI, (2) FOMEX, and (3) CEPROFI.

Final Results of the Review

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of the review are the same as the preliminary results.

The following four firms were certified as not applying for or receiving benefits under any of the programs covered in this review period:

Elegance de Baja California, S.A.
Karen International, S.A. de C.V.
Manufacturas Industriales de Nogales, S.A.
Confecciones Generales, S.A.

We determine the total bounty or grant to be zero for the four certified firms, and 11.69 percent for all other firms, for the period January 1, 1982 through December 31, 1982.

The Department will instruct the Customs Service to assess no countervailing duties on shipments of this merchandise from the four certified firms, and countervailing duties of 11.69 percent of the f.o.b. invoice price on shipments from all other firms, exported on or after January 1, 1982 and on or before December 31, 1982.

The Mexican government suspended the CEDI program by an executive order published in the Diario Oficial (Official Gazette) on August 25, 1982. The order abrogates prior executive orders which contained the lists of products eligible for CEDI. The suspension of the eligibility for the CEDI program was effective the day after publication. Thus, the only programs currently in effect for this merchandise are the FOMEX and CEPROFI programs.

In light of the suspension of the CEDI program, the Department will instruct the Customs Service, as provided by section 751(a)(1) of the Tariff Act, to collect a cash deposit of estimated countervailing duties of zero on any shipment of Mexican leather wearing apparel from the four certified firms and 3.53 percent of the entered value on any shipment from all other firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct now the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders as early as possible after the Department's receipt of the requested information.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: November 25, 1983.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 83-32166 Filed 11-30-83; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Evaluation of State/Territorial Coastal Management Programs, Coastal Energy Impact Programs and National Estuarine Sanctuaries

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of availability of evaluation findings.

SUMMARY: Notice is hereby given of the availability of the evaluation findings for Washington, New Hampshire, Ohio, California, and Rhode Island Coastal Zone Management Programs, and/or Coastal Energy Impact Programs and/or National Estuarine Sanctuaries. Section 312 of the Coastal Zone Management Act of 1972, as amended, requires a continuing review of the performance of each coastal state with respect to the implementation of its federally approved Coastal Management Program, Coastal Energy Impact Program, and National Estuarine Sanctuary financial assistance awards. The states and territories evaluated were found to be adhering both to the programmatic terms of their financial assistance awards and/or to

their approved coastal management programs; and to be making satisfactory progress on award tasks, special award conditions, and significant improvement tasks aimed at program implementation and enforcement, as appropriate. Accomplishments in implementing coastal management programs were occurring with respect to the national coastal management objectives identified in Section 303(2)(A)–(I) of the Coastal Zone Management Act.

A copy of the assessment and detailed findings for these programs may be obtained on request from: Richard D. White, Acting Evaluation Officer, Policy Coordination Division, Office of Ocean and Coastal Resource Management, Nation Ocean Service, NOAA, 3300, Whitehaven Street, N.W., Washington, D.C. 20235 (telephone 202/634–4245).

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: November 23, 1983.

K. E. Taggart,

Acting Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 83-32113 Filed 11-30-83; 8:45 am]

BILLING CODE 3510-08-M

Intent To Evaluate Estuarine Sanctuaries and Programs

SUMMARY: The National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management (OCRM), announces its intent to evaluate the performance of the Florida National Estuarine Sanctuaries (Apalachicola/Rockery Bay); Maine Coastal Management Program (CMP) and National Estuarine Sanctuary (Wells); Washington CMP and National Estuarine Sanctuary (Padilla Bay); North Carolina CMP and National Estuarine Sanctuaries (Carrot Island/Zeke's Island/Currituck Bank); Hawaii CMP, and National Estuarine Sanctuary (Waimanu); Alabama CMP; and Virgin Island CMP through March 1984. These reviews will be conducted pursuant to Section 312 of the Coastal Zone Management Act (CZMA) which requires a continuing review of the performance of the states with respect to coastal management, and their adherence to the terms of financial assistance awards funded under the CZMA. Coastal zone management is funded under Section 306, CEIP is funded under Section 308, and the Estuarine Sanctuary Program under Section 315 of the CZMA. The reviews involve consideration of written submissions, a site visit to the state, and consultations with interested Federal, state and local agencies and members of the public. Public meetings will be held as part of the site visits. The state will issue notice of these meetings. Copies of each state's most recent performance report, as well as the OCRM's notification letter are available upon request from the OCRM. A subsequent notice will be placed in the **Federal Register** announcing the availability of Final Findings when the evaluations have been completed.

FOR FURTHER INFORMATION CONTACT; Richard D. White, Acting Evaluation Officer, Policy Coordination Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 3300 Whitehaven Street NW., Washington, D.C. 20235 (telephone: 202/634–4245).

Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration.

Dated: November 23, 1983.

K. E. Taggart,

Acting Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 83-32112 Filed 11-30-83; 8:45 am]

BILLING CODE 3510-08-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Control Levels for Certain Cotton and Man-Made Fiber Textile Products From the Republic of Korea

November 28, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling imports of cotton and man-made fiber textile products in Categories 313, 315, 319, 320, 613, 631, and part of 669 (tents) produced or manufactured in Korea and exported during the agreement year which began on January 1, 1983.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in trhe **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924).

SUMMARY: During consultations held in October 1983 between representatives of the Governments of the United States and the Republic of Korea, agreement was reached under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 1, 1982, to establish levels for cotton and man-made fiber textile products in Categories 313, 315, 319, 320, 613, 631 and part of 669 (tents) during the agreement year which began on January 1, 1983. Notice of the intention to hold these consultations was published in the **Federal Register** on June 6, June 22, June 23, July 1, August 24 and September 30 (48 FR 25260, 28530, 28699, 30424, 38530 and 44877). The United States has decided to control imports in these categories, exported during 1983, at the agreed levels.

EFFECTIVE DATE: December 1, 1983.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 30, 1982 a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the **Federal Register** (47 FR 58338) which established levels of restraint for certain cotton, wool and man-made fiber textile products, produced or manufactured in Korea and exported during the twelve-month period which began on January 1, 1983. In the letter published below additional levels are being established for the designated categories as a result of bilateral consultations. The levels have not been adjusted to account for merchandise exported on and after January 1, 1983 and extending to the effective date of this action, December 1, 1983. Charges for the period January 1-September 30, 1983 have amounted to the following and will be charged. Charges for the period October 1 through November 30, 1983 will be made when the data become available.

Category	Amount to be charged (Jan.-Sept. 1983)
313	22,322,192 square yards.
315	12,334,028 square yards.
319	4,333,021 square yards.
320	14,473,242 square yards.
613	6,994,466 square yards.
631	92,245 dozen pairs.
669 (only T.S.U.S.A. Nos. 386.1105 and 389.6210).	311,329 pounds.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

November 28, 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 concerning cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported during 1983.

Effective on December 1, 1983, paragraph 1 of the directive of December 23, 1982 is hereby further amended to include the following levels:

Category	12-mo level of restraint [1]
313	35,000,000 square yards.
315	21,359,219 square yards.
319	7,494,206 square yards.
320	34,621,852 square yards.
613	21,267,141 square yards.
631	210,000 dozen pairs.
669 pt. [2]	4,823,839 pounds.

[1] The levels of restraint have not been adjusted to reflect any imports exported after December 31, 1982.
[2] In Category 669, only TSUSA Nos. 386.1105 and 389.6210.

Textile products in the foregoing categories which have been exported to the United States prior to January 1, 1983 shall not be subject to this directive.

Textile products in the foregoing categories which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 533.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-32163 Filed 11-30-83; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

New

Guidelines for Contractor Presentation of Independent Research and Development (IR&D) Information, DTIC Form 271

An IR&D data bank operated by the Defense Technical Information Center of the Defense Logistics Agency, Cameron Station, Alexandria, Virginia contains information on contractors IR&D projects. It provides a centralized body of technical and management information that allows DoD scientists, engineers, and managers access to and awareness of technical projects of an advanced nature being conducted in the defense and aerospace industry. The IR&D project data is submitted by defense contractors, prime or subcontractor, who negotiate advance agreements with the Government for their annual IR&D/B&P costs.

Defense Contractors with negotiated advance agreements for IR&D and B&P ceilings or allowable costs: 8,000 responses; 10,000 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DoD Clearance Officer WHS/DIOR, Room 1C535, Pentagon, Washington, D.C. 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from Dr. Leo Young, OPI, Room 3E114, Pentagon, Washington, D.C. 20301, telephone (202) 697-3228.

November 28, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-32155 Filed 11-30-83; 8:45 am]

BILLING CODE 3810-1-M

Changes in the Proposed Revision of the Manual for Courts-Martial

The Department of Defense is considering recommending a comprehensive revision of the Manual for Courts-Martial, Exec. Order No. 11476, as amended by Exec. Order Nos. 11835, 12018, 12198, 12233, 12306, 12315, 12340, and 12383. A notice of the availability of the proposed revision for public comment was published on May 26, 1983, 48 FR 23688. The public comment period closed on September 2, 1983. The proposed revision is now undergoing internal review prior to submission to the President.

On November 18, Congress approved S. 974, the Military Justice Act of 1983. If approved by the President, this legislation will require certain modifications in the proposed revision of the Manual for Courts-Martial. To ensure timely integration of the changes required by the new legislation into the proposed revision of the Manual, the changes are being made available to the public at this time.

Copies of the changes required by the Military Justice Act of 1983 may be examined at the Criminal Law Division, Room 2D434, Pentagon, Office of the Judge Advocate General, Pentagon, Washington, D.C. A copy of the changes may be obtained by mail upon request from the following address: DAJA-CL, ATTN: Major J. Cooke, Washington, D.C. 20310. The May, 1983 proposed comprehensive revision may be obtained by mail upon request from the same address. Any comments on the changes required by the Military Justice Act of 1983 must be received at the same address not later than January 4, 1984.

The abbreviated comment period is required to implement promptly the Military Justice Act of 1983 if approved by the President. In view of the comprehensive changes made by the proposed revision of the entire Manual for Courts-Martial, it is imperative that the new Manual be submitted to the President as soon as possible to ensure an orderly transition. Closing the comment period on January 4, 1984 is necessary to permit appropriate consideration of the comments within the Departments of Defense and Transportation, prompt, interagency coordination, timely presentation to the President, and a sufficient period to print the Manual, distribute it to the field, and to provide adequate instruction. A longer comment period would be contrary to the sound administration of the military justice system.

Also, most of the changes made by the proposed revision of the Manual for Courts-Martial, which was made available in May, 1983, do not require further substantive amendments to implement the Military Justice Act of 1983. Moreover, many of the substantive changes proposed herein merely reflect the requirements of the Military Justice Act of 1983. Accordingly, a longer comment period is unnecessary to further the public comment policies established by the Department of Defense with respect to the Manual for Courts-Martial.

The changes in the proposed revision referenced herein primarily pertain to the following subjects: changing the responsibility for pretrial legal judgments from the convening authority to the staff judge advocate; granting authority for the convening authority to delegate the power to excuse members

prior to trail; permitting the military judge to excuse members after referral; authorizing the military departments to establish procedures for assignment of counsel and judges; revising the post-trial duties of the convening authority and the staff judge advocate to focus on matters relating to the sentence; providing express authority for the accused to make post-trial submissions to the convening authority within specified periods; permitting the accused to waive or withdraw and appeal in noncapital cases; providing guidance for review of cases not reviewed by the Courts of Military Review under Article 66 or by the Judge Advocate General under Article 69(a); expanding the scope of review by The Judge Advocate General under Article 69; permitting interlocutory appeal by the government; prosecution of controlled substances offenses; and authorizing petitions to the Supreme Court for review of the decisions of the Court of Military Appeals by writs of certiorari. Nothing herein precludes other changes in the proposed revision based upon internal review, nor does it preclude separate submission of portions of the proposed revision to the President if necessary to implement legislation or make other necessary changes in the current Manual for Courts-Martial prior to the effective date of the comprehensive revision.

This notice is provided in accordance with Department of Defense policy with respect to amendments to the Manual for Courts-Martial, 47 FR 3401 (1982). It is intended only to improve the internal management of the federal government, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

November 28, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-32153 Filed 11-30-83; 8:45 am]

BILLING CODE 3810-01-M

National Advisory Panel on the Education of Handicapped Dependents; Meeting

The National Advisory Panel on the Education of Handicapped Dependents will meet in open session from 9 a.m. to 4 p.m., December 6-8, 1983, at Hoffman Building II, Room 3N50, 200 Stoval Avenue, Alexandria, Virginia.

The mission of the Panel is to advise the Director, Department of Defense Dependents Schools (DoDDS), of unmet needs within the system for the education of handicapped children, to comment publicly on rules and regulations proposed for issuance by the Office of Dependents Schools (ODS) concerning education for the handicapped and on procedures for distribution of funds, and to assist ODS in developing and reporting all data and evaluation as may assist the Director in the performance of her responsibilities under section 618 of Pub. L. 94-142.

The Panel will review the following areas: Policy, comprehensive system of personnel development, administration, program development, and communications. This meeting is open to the public; however, due to space constraints, anyone wishing to attend should contact the ODS coordinator, Dr. Diane Goltz, Chief, Special Education, DoDDS, 2461 Eisenhower Avenue, Alexandria, Virginia 22331, (202) 325-7810.

November 28, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-32154 Filed 11-30-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

National Institute of Handicapped Research

Correction

In FR Doc. 83-31635 beginning on page 53152 in the issue of Friday, November 25, 1983, make the following correction:

On page 53152, second column, sixth paragraph, fourth line, insert "December 27, 1983 for "the 30th day after publication on this Notice in the **Federal Register**."

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement by United States and Canada

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale: Contract Number S-CA-342, to the Radiation Protection Bureau, Ottawa, Canada, 583.44 grams of natural uranium, for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: November 25, 1983.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-32100 Filed 11-30-83; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement by United States and Euratom

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United State of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for supply of the following materials: Contract Number WC-EU-265, to GSI, Darmstadt, the Federal Republic of Germany, targets containing 2 milligrams of plutonium-242, 2 milligrams of plutonium-244, 2 microcuries of neptunium-237, and 2 microcuries of uranium-233, for bombardment in the UNILAC accelerator, for study of produced isotopes. It is planned to return the materials to the United States upon conclusion of the study.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the funishing of these nuclear materials will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: November 25, 1983.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for Internation Affairs.

[FR Doc. 83-32098 Filed 11-30-83; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangements by United States and EURATOM

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval of the following retransfers:

RTD/JA(EU)-26, from France to Japan, six irradiated fuel pins, containing 293.01 grams of uranium, enriched to approximately 75% in U-235, 68.97 grams of plutonium, and 190.38 grams of natural uranium, for post-irradiation analysis and measurement.

RTD/JA(EU)-27, from the United Kingdom to Japan, three irradiated fuel pins containing 139 grams of uranium, enriched to approximately 86% in U-235, and 34 grams of plutonium, for post-irradiation analysis.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that these subsequent arrangements will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: November 25, 1983.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-32099 Filed 11-30-83; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreement; Civil Uses; by United States and Euratom

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the return of 20 kilograms of highly enriched uranium contained in irradiated research reactor fuel of U.S. origin from the ESSOR reactor in Italy to the DOE Savannah River facility for reprocessing and storage.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security. This arrangement for the return of U.S. origin highly enriched uranium (HEU) is consistent with U.S. non-proliferation policy in that it serves to reduce the amount of HEU abroad.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: November 25, 1983.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-32101 Filed 11-30-83; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

Correction

In FR Doc. 83-31444 beginning on page 52761 in the issue of Tuesday, November 22, 1983, make the following correction:

On page 52762, column one, in column two of the table (Dollars per million Btu's), the entry for Tennessee, "4.22" should read "4.27".

BILLING CODE 1505-01-M

Federal Energy Regulatory Commission

[Docket No. ER82-853-002]

Appalachian Power Co.; Refund Report

November 28, 1983.

Take Notice that on November 14, 1983, Appalachian Power Company ("Appalachian") submitted for filing its Refund Report pursuant to the Commission's Order issued April 26, 1983.

Appalachian states that it has collected only the settlement rates pending final Commission action on the settlement agreement in this docket. Accordingly, Appalachian states that no sales occurred at rate levels which would require refunds.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, D.C. 20426, on or before December 12, 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. 83-32118 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP84-8-000]

Colorado Interstate Gas Co.; Petition for Declaratory Order

November 28, 1983.

On October 28, 1983, the Colorado Interstate Gas Company (CIG) 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)), concerning whether the production and sale of certain natural gas produced from the West Panhandle Field, Carson and Gray Counties, Texas violates the Natural Gas Act (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).

CIG assets that in 1927 CIG's predecessor, Canadian River Gas Company (CRG), obtained ownership of natural gas rights underlying 500,000 acres of the subject field. CIG asserts that CRG from its inception sold gas produced from this acreage to CIG, Amarillo Oil Company (Amarillo), and Clayton Gas Company. CIG states that it obtained title to the natural gas

reserves of CRG underlying the above acreage as a result of a Federal Power Commission approved merger of CRG into CIG. CIG claims that gas from the subject acreage remaining after CIG's deliveries to Amarillo is dedicated under the NGA to CIG and its "jurisdictional customers."

CIG alleges that various oil producing companies are "drilling, have drilled or are planning to drill" putative oil wells on the subject acreage in the West Panhandle Field. CIG claims that these "oil" wells produce a substantial amont of gas from strata which produce *only* gas. CIG asserts that the gas from these wells is processed into natural gas liquids and thus classified by the oil operators as "oil." CIG further claims that the "residue" gas from the processed "oil" well gas stream is ordinarily sold by the "oil" operators at NGPA section 103 prices.

CIG asserts that it believes that these "oil" wells are producing gas dedicated to CIG and its "jurisdictional customers," and accordingly the instant gas is diverted to other markets in contravention of the Natural Gas Act. CIG alleges that the aforementioned claims raise the possibility of rapid depletion of low cost gas reserves.

Accordingly, CIG requests that the Commission issue an order declaring that both liquids and gas produced by the instant "oil" wells are being illegally diverted from the interstate market. CIG asks that the Commission assume *arguendo* that the "oil" wells "do and will produce gas dedicated to the interstate market and that a portion of such gas is converted" into a liquid form.

Any person desiring to be heard or to protest this petition should file a petition to intervene or protest with the Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 in accordance with Rules 211 and 214 within 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32119 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-21-000]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

November 28, 1983.

Take notice that Columbia Gas Transmission Corporation (Columbia) on November 17, 1983, tendered for filing the following revised tariff sheets with a proposed effective date of January 1, 1984:

Original Volume No. 1

Ninety-First Revised Sheet No. 16

Original Volume No. 1-A

First Revised Sheet No. 3

Columbia states that the aforementioned tariff sheets are being filed to reflect an increase in the Gas Research Institute (GRI) funding unit from 0.72¢ per Mcf to 1.25¢ per Mcf as authorized by Opinion No. 195 issued by the Federal Energy Regulatory Commission on October 28, 1983, at Docket No. RP83-95-000. Ordering Paragraph B of such Opinion approves the GRI funding requirement for the year 1984 and provides that members of GRI may collect from their applicable customers a general R&D funding unit of 1.25¢ per Mcf (1.21¢ per Dth) during 1984 for payment to GRI.

Copies of this filing were served upon the Company'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, Union Center Plaza Building, 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. All such motions or protests should be filed on or before Dec. 12, 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 Columbia's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32120 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-42-000]

Columbia Gas Transmission Corp.; Request Under Blanket Authorization

November 28, 1983.

Take notice that on November 3, 1983, Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP84-42-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Columbia proposes to add three additional delivery points for existing wholesale customers under the authorization issued in Docket No. CP83-76-000 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.

Columbia states that it would construct and operate two delivery points for service to customers of Columbia Gas of West Virginia, Inc., and one delivery point for service to a customer of Columbia Gas of Ohio, Inc. It is asserted that the taps would be for residential service and that the annual deliveries of 150 Mcf per tap (or 1.5 Mcf on a peak day) would be within Columbia's currently authorized level of sales. It is further asserted that the proposed deliveries would not affect Columbia's annual and peak day deliveries to existing wholesale customers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32121 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP79-23-014 and RP81-34-005]

Distrigas of Massachusetts Co.; Filing

November 28, 1983.

Take notice that on October 31, 1983, Distrigas of Massachusetts Corporation (DOMAC) tendered for filing revised tariff sheets and revised rates relating to the period of effectiveness of the rates in Docket No. RP81-34-000 from August 2, 1983, to the present. The following revised tariff sheets are filed as part of DOMAC's FERC Gas Tariff, First Revised Volume No. 1:

Substitute Sixth Revised Sheet No. 17
Substitute Fifth Revised Sheet No. 18

On June 23, 1983, the Commission issued Opinion No. 178, "Opinion and Order Establishing Just and Reasonable Rates" in Docket Nos. RP79-23-000 and RP79-24-000. DOMAC and certain of its customers filed with the Commission Petitions for Rehearing. On August 22, 1983, the Commission issued Opinion No. 178-A, "Order Denying Rehearing", which addressed the period in which refunds are limited by the refund floor subsequent to the period for the effectiveness of rates in Docket No. RP79-23-000. On August 30, 1983, DOMAC filed its "Application of Distrigas of Massachusetts Corporation and Distrigas Corporation for Rehearing of Opinion No. 178-A". On September 29, 1983, the Commission issued a "Notice of Denial of Rehearing". Accordingly, pursuant to Ordering Paragraph (D) of Opinion No. 178, DOMAC submits for filing the above-referenced revised tariff sheets and revised rates.

DOMAC states that the tariff sheets supersede tariff sheets approved by the Commission in its letter order dated October 18, 1982.

DOMAC states also that a "Petition for Review of Opinions No. 178 and 178-A" has been filed with the United States Court of Appeals for the First Circuit. In the event the Court reaches a decision which requires modification of these tariff sheets or these rates, DOMAC states that it will make an appropriate filing in compliance with the Court's order.

A copy of this filing has been mailed to each of DOMAC's 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 December 9, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 83-32122 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP82-81-002 and RP82-104-002]

Inter-City Minnesota Pipelines Ltd., Inc.; Filing of Tariff Sheet

November 28, 1983.

Please take notice that on November 22, 1983, Inter-City Minnesota Pipelines Ltd., Inc. ("Minnesota Pipelines") tendered for filing Third Substitute Twentieth Revised Sheet No. 4 to Original Volume No. 1 of Minnesota Pipelines' FERC Gas Tariff.

Minnesota Pipelines states this sheet corrects a typographical error in the base rate for the Western Zone TWS and I-1 commodity rates that has been identified on the corresponding Second Substitute revised sheet filed on November 4, 1983. As corrected, the base rates correspond to the settlement rates approved by the Commission in its Order of October 5, 1983. Minnesota Pipelines requests that the Second Substitute revised sheet, which was noticed on November 10, 1983 be withdrawn and Third Substitute Twentieth Revised Sheet No. 4 be substituted therefor with the same effective date. Minnesota Pipelines requests any waivers of Commission orders necessary to effect this correction as of November 1, 1983.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before December 12, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32123 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-320-005]

Iowa Public Service Co.; Compliance Filing

November 28, 1983.

Take notice that on November 14, 1983, Iowa Public Service Company ("Iowa") submitted for filing its Compliance Report pursuant to a Commission Order dated October 19, 1983.

Iowa states that copies of its Compliance Filing have been mailed to each party to the proceeding.

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 December 12, 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. 83-32124 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-106-000]

Minnesota Power & Light Co.; Filing

November 28, 1983.

The filing Company submits the following:

Take notice that on November 21, 1983, Minnesota Power & Light Company (MP&L) tendered for filing an executed contract amendment relating to rates for electric utility service to its municipal customer the City of Brainerd, Minnesota.

MP&L states that under the terms and conditions of the executed amendment, the customer's minimum demand is reduced. This amendment recognizes the relative difference between the sum of the peak demands for the five points of delivery and the demand resulting from the consolidation of those points to a single point of delivery.

MP&L requests an effective date of October 5, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon the City of Brainerd and the Minnesota Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 December 15, 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. 83-32125 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-25-001]

Mississippi River Transmission Corp.; Proposed Changes in FERC Gas Tariff

November 28, 1983.

Take notice that on November 22, 1983 Mississippi River Transmission Corporation ("Mississippi") tendered for filing First Revised Sheet No. 4B to its F.E.R.C. Gas Tariff, Second Revised Volume No. 1. An effective date of January 1, 1984 is proposed.

First Revised Sheet No. 4B sets forth, in accordance with Section 18 of Mississippi's tariff, the revised GRI surcharge of $.0125 per Mcf authorized by Opinion 195 issued on October 28, 1983 at Docket No. RP83-95.

A copy of this filing has been mailed to each of Mississippi'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 sections 385.211 and 385.214 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 December 12, 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 inspections.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32126 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RI83-8-003 and 004]

Mobil Oil Corp., Northern Natural Gas Producing Co.; Petition for Rate Relief

November 28, 1983.

Take notice that on November 1 and 4, 1983, Mobil Oil Corporation (Mobil) and Northern Natural Gas Producing Company (Northern) filed petitions pursuant to Section 385.207 of the Commission's Rules of Practice and Procedure requesting authorization to collect increased rates to recover increased royalty payments which may be required as a result of certain "market value" royalty litigation in the state courts of Kansas.

Mobil and Northern request authorization to commence collection of the requested rate increase as a surcharge on current sales of natural gas by them to Northwest Central Pipeline Corporation under Mobil Rate Schedule Nos. 3 and 262, and to Northern Natural Gas Company, a division of Internorth Inc. under Mobil Rate Schedule Nos. 281 and 282 and Northern Rate Schedule No. 2 so as to recover the excess royalty payments. Petitioners state that the surcharge will be collected subject to refund pending final court determination of their respective royalty obligations.

Mobil and Northern request waiver of any Commission regulations that would prevent the collection of the requested surcharge as a means of implementing relief to recoup the excess royalty payments. They additionally request expedited action on their petition.

Any person desiring to be heard to make protest with reference to said petition should on or before December 13, 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 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32127 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-25-000]

Mountain Fuel Supply Co.; Tariff Filing

November 28, 1983.

Take notice that on November 22, 1983, Mountain Fuel Supply Company (Mountain Fuel) tendered for filing and acceptance initial Rate Schedule AIC, consisting of Original Sheet No. 2-B to Mountain Fuel's FERC Gas Tariff, Original Volume No. 1.

Mountain Fuel believes that it has the capability to provide transportation service to end-use customers in conformance with the Commission final rule issued on July 20, 1983, in Docket No. RM81-29-000 (Order No. 319) and all other rules and regulations governing transportation service under the Commission's jurisdiction.

Mountain Fuel states that a copy of the filing has been served on its 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 §§ 385.214 and 385.211 of this chapter. All such petitions or protests should be filed on or before Dec. 12, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32128 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-217-002]

National Fuel Gas Supply Corp.; Petition To Amend

November 28, 1983.

Take notice that on November 8, 1983, National Fuel Gas Supply Corporation (Petitioner), 308 Seneca Street, Oil City, Pennsylvania 16301, filed in Docket No. CP83-217-002 a petition to amend the Commission's order issued July 12, 1983, in Docket No. CP83-217-000 pursuant to

Section 7(c) of the Natural Gas Act by authorization of the sale of natural gas to Elizabethtown Gas Company (Elizabethtown) for an extended term ending October 31, 1984, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner requests authorization to continue to sell up to an aggregate of 3,000,000 Mcf of natural gas to Elizabethtown during an extended period ending October 31, 1984. Petitioner states that the authorization for the above sale expired on October 31, 1983. Petitioner further states that such sale would be made on an interruptible basis under a service agreement entered into pursuant to its Rate Schedule I-1 on identical terms to those previously approved herein except that the period for completing the sale approved initially to Elizabethtown would be extended for one year. As of October 31, 1983, Petitioner has sold 458,000 Mcf to Elizabethtown, it is asserted.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 19, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32129 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-19-001]

Natural Gas Pipeline Company of America; Filing

November 28, 1983.

Take notice that on November 17, 1983, Natural Gas Pipline Company of America (Natural) tendered for filing Subtitute Twenty-first Revised Sheet No. 5A to be a part of its FERC Gas Tariff, Third Revised Volume No. 1, to be effective January 1, 1984.

Natural states that the purpose of this filing is to revise the Sheet No. 5A submitted on October 31, 1983, in the above-referenced docket, to reflect the lower rate levels for Rate Schedules S-1, MS-2 and the Onshore Transportation Cost that became effective with the Commission's November 3, 1983 order approving Natural's "Stipulation and Agreement Pertaining to Interim Rate Reduction and Refund" at Docket No. RP83-68.

Natural requests waiver of the Commission's Regulations to the extent necessary to permit (1) the substitution of Substitute Twenty-first Revised Sheet No. 5A for the Twenty-first Revised Sheet No. 5A originally submitted on October 31, 1983, and (2) the substitute sheet to be accepted for filing to be effective January 1, 1984.

A copy of the filing has been mailed to Natural's 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, DC 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 December 12, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32130 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-26-000]

Natural Gas Pipeline Company of America; Proposed Change in Gas Research Institute Surcharge

November 28, 1983.

Take notice that on November 22, 1983, Natural Gas Pipeline Company of America (Natural) submitted as part of its FERC Gas Tariff, Third Revised Volume No. 1, Fifty-third Revised Sheet No. 5 to be effective January 1, 1984.

Natural states that the revised tariff sheet reflects the GRI surcharge related to the Gas Research Institute's 1984 Research and Development Program as approved by Commission Opinion No. 195 (RP83-95) issued October 28, 1983. The approved rate of 1.25¢ per Mcf converts to 1.21¢ per Mcf under Natural's billing basis.

A copy of this filing has been mailed to 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 of Practice and Procedure. All such motions or protests must be filed on or before December 12, 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. 83-32131 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP84-7-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Petition for Declaratory Order

November 28, 1983.

On October 28, 1983, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 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)) concerning whether the production and sale of certain natural gas produced from the Panhandle Field, Carson and Gray Counties, Texas, violates the Natural Gas Act (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).

Northern states that Dorchester Gas Producing Company (Dorchester) produces and sells gas from certain acreage in Panhandle Field to Northern under a 1952 contract between Northern and Dorchester's predecessor, and that a Certificate of Public Convenience and Necessity was granted February 6, 1956 in Docket G-5925 by the Federal Power Commission. Northern further states that the "weighted average price" of all gas sold to Northern by Dorchester from the subject field is approximately $1.20/MMBtu.

Northern claims that in 1980, certain independent operators began drilling and producing putative oil wells on

areas of the subject field dedicated by Dorchester to Northern. Northern alleges that the putative oil wells produce substantial amounts of casinghead gas, which is classified under NGPA section 103, and sold to Northern at an average purchase price of $3.65/MMBtu. Northern also claims that other putative oil wells were "drilled by other operators" on the dedicated acreage and that casinghead gas from these wells has been sold to Cabot Corporation (Cabot), Kerr-McGee Corporation (KMC) and Getty Oil Company (Getty).

Accordingly, Northern requests that the Commission issue an order declaring the rights of the respective parties and removing uncertainty concerning (i) whether the gas "certificated for sale" by Dorchester to Northern at an approximate and average price of $1.20/MMBtu is being sold to Northern by the aforementioned casinghead gas producers at an average and approximate price of $3.65/MMBtu and (ii) whether the gas "certificated for sale" by Dorchester to Northern has been removed from interstate commerce and sold to Cabot, KMC, and Getty without abandonment authority from the Commission under NGA section 7(b).

Any person desiring to be heard or to protest this petition should file a petition to intervene or protest with the Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 within 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32133 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-37-003]

Northwest Pipeline Corp.; Change of Rates

November 28, 1983.

Taken notice that on November 18, 1983, Northwest Pipline Corporation ("Northwest") tendered for filing and acceptance as part of its FERC Gas Tariff, First Revised Volume No. 1, Twelfth Revised Sheet No. 10 and as part of its Original Volume No. 2 Tariff, Eighth Revised Sheet No. 2.

Twelfth Revised Sheet No. 10 and Eighth Revised Sheet No. 2 reflect the revised funding unit for the Gas Research Institute ("GRI") approved by the Commission in Opinion No. 195 issued October 28, 1983. Such revised funding unit is proposed to become effective January 1, 1984.

A copy of this filing has been mailed to all of Northwest's jurisdictional customers and affected state agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before December 12, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32134 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES84-17-000]

South Carolina Electric and Gas Co.; Application

November 28, 1983.

Take notice that on November 16, 1983, South Carolina Electric and Gas Company (Applicant) filed an Application seeking an order pursuant to Section 204 authorizing the issuance of up to $300,000,000 of unsecured promissory notes.

Any person desiring to be heard or to make any protest with reference to the Application should on or before December 15, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32135 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-41-000]

South Georgia Natural Gas Co.; Application

November 28, 1983.

Take notice that on October 31, 1983, South Georgia Natural Gas Company (Applicant), P.O. Box 1279, Thomasville, Georgia 31792, filed in Docket No. CP84-41-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an increase in maximum daily quantities of natural gas of its jurisdictional customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant, it is said, is authorized to sell gas for resale in Georgia and Florida with a total maximum daily quantity of 71,706 Mcf. It is said further that Applicant has increased its contract demand with Southern Natural Gas Company (Southern) by 822 Mcf per day.

Applicant states that the additional gas was made available as a result of the Commission order issued September 29, 1983, in Docket No. CP70-7-024, authorizing, among other things, the reduction in the contract demand of one of Southern's customers and the reallocation of a portion of that reduction among those of Southern's other customers who elected to participate in the reallocation.

Applicant states further that the increase in its contract demand with Southern would be allocated *pro rata* among its jurisdictional customers based on their current maximum daily quantities.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 19, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules

Take further notice that, pursuant to the authority contained in and subject to

jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32136 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-105-000]

Southern California Edison Co.; Filing

November 28, 1983.

The filing Company submits the following:

Take notice that on November 21, 1983, Southern California Edison Company (Edison) tendered for filing a change of rates for point-to-point transmission service, Contract Rate TP, under the provisions of the Edison-Riverside San Onofre Transmission Service Agreement (Agreement) (Rate Schedule FERC No. 165), which has been executed by Edison and the City of Riverside, California.

Edison requests an effective date of January 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the Public Utilities Commission of the State of California, the City of Riverside, California.

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 December 15, 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. 83-32137 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-107-000]

Southern California Edison Co.; Filing

November 28, 1983.

The filing Company submits the following:

Take notice that on November 21, 1983, Southern California Edison Company (Edison) tendered for filing Amendment No. 2 to the San Onofre Transmission Service Agreement, which has been executed by Edison and the City of Anaheim, California (Anaheim); and Amendment No. 1 to the Edison-Riverside San Onofre Transmission Service Agreement, which has been executed by Edison and the City of Riverside, California.

Edison states that the Amendments additionally provide for the delivery of energy purchased by Anaheim or Riverside from other entities to Edison's 220 kV buses and the simultaneous delivery of a like amount of energy, less transmission losses, to Anaheim or Riverside at the respective Point of Delivery.

Edison requests that the Commission waive the prior notice requirements and assign an effective date as of the date of execution.

Copies of this filing were served upon the Public Utilities Commission of the State of California and the Cities of Anaheim and Riverside, California.

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 December 15, 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. 83-32138 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-104-000]

Southern California Edison Co.; Filing

November 28, 1983.

The filing Company submits the following:

Take notice that on November 21, 1983, Southern California Edison Company (Edison) tendered for filing a notice of change of rates for transmission service as embodied in Edison's agreements with the following entities:

	Rate schedules FERC No.
City of Anaheim	130
City of Azusa	160
City of Banning	159
City of Colton	162
City of Riverside	129

Edison requests an effective date of January 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon the Pubic Utilities Commission of the State of California and all interested parties.

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 December, 15, 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. 83-32139 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-34-000]

Southern Natural Gas Co.; Request Under Blanket Authorization

November 28, 1983.

Take notice that on October 26, 1983, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP84-34-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that Southern proposes to abandon certain facilities and to construct, install and operate certain other facilities in Douglas County, Georgia, in connection with a change in delivery point for the City of Austell Natural Gas System (Austell) under the authorization issued in Docket No. CP82-406-000 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.

Southern states that Austell has requested that Southern replace certain metering and related facilities at its Station No. 1 delivery point to Austell in order to increase the capacity of that station to enhance Austell's flexibility in receiving gas within its allocated quantities to service with greater reliability additional high-priority customers through the delivery point.

Southern states that the total estimated cost of the abandonment and subsequent construction and installation is approximately $57,300. Austell would reimburse Southern for total actual cost of the replacement as proposed. Southern further states that there would be no increase in the Austell area contract demand associated with the proposed replacement.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32140 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-35-010]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

November 28, 1983.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on November 22, 1983 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Second Revised Sheet No. 156

On November 10, 1983 Texas Eastern filed Second Revised Sheet No. 64 pursuant to its Stipulation and Agreement in Docket Nos. RP83-35-000, *et al.*, approved by the Commission's Order dated July 14, 1983 to reflect on such tariff sheet an allowance for the revised shrinkage factors as set forth in the Stipulation and Agreement for Rate Schedule SS-II. The sole purpose of this filing is to request that the November 10, 1983 filing be amended to include Second Revised Sheet No. 156 in order that an allowance for the proper shrinkage factors approved by the Commission may also be included in the Form of Service Agreement for Texas Eastern's Rate Schedule SS-II.

The proposed effective date of the above tariff sheet is February 14, 1982, consistent with the November 10, 1983 filing and the effective date of the new shrinkage factors pursuant to the settlement in Docket Nos. RP83-35-000, *et al.*, approved by the Commission's Order dated July 14, 1983.

Texas Eastern respectfully requests waiver of any rules and regulations that the Commission may deem necessary to accept the above tariff sheet to be effective on February 14, 1982.

Copies of the filing were served on Texas Eastern'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, DC 20426, in accordance with Rule 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before December 12, 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. 83-32142 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-74-010]

Texas Gas Transmission Co.; Filing

November 28, 1983.

Take notice that on November 16, 1983, Texas Gas Transmission Company (Texas Gas) tendered for filing Third Revised Sheet No. 1005 superseding Revised Substitute First Revised Sheet No. 1005 to Texas Gas' FPC Gas Tariff, Original Volume No. 2. Texas Gas states that this revised sheet was inadvertently omitted from the several revised tariff sheets filed by Texas Gas on June 24, 1983, to effectuate the settlement rates approved by the Commission on June 20, 1983, in Docket No. RP82-74.

Texas Gas proposes that the revised sheet be made effective as of November 1, 1982, which is the date upon which the RP82-74 settlement rates were made effective.

Texas Gas states that the rate of 39.15¢ per Mcf of gas transported is the currently effective rate for transportation service from Zone SL to Zone 4 and is the rate which has been paid by Consolidated Gas Supply Corporation for transportation service rendered by Texas Gas pursuant to rate Schedule X-77 subsequent to November 1, 1982.

Texas Gas requests that the Commission grant a waiver of the Commission's Regulations in order to permit the revised sheet to become effective as of November 1, 1982.

A copy of the filing has been served upon Consolidated Gas Supply Corporation.

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 December 12, 1983. 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 this petition are on filing with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32141 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP84-11-000]

Texas General Land Office; Petition for Declaratory Order

November 28, 1983.

On November 8, 1983, the Texas General Land Office (GLO) filed a Petition with the Federal Energy Regulatory Commission (Commission) for a declaratory order pursuant to Rule 207 of the Commission's Rules of Practice and Procedure (18 CFR 385.207) (1983)). GLO is requesting an order declaring that certain sales of natural gas by GLO qualify as sales made pursuant to intrastate rollover contracts under section 106(b)(2) of the Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432 (Supp V 1981). GLO also requests that the Commission expedite its consideration of this petition.

The GLO is a state agency charged with the collection of royalties on oil and gas produced from state leases. GLO's Petition concerns gas produced under state-owned leases and sold under existing intrastate contracts executed on or after June 11, 1973. GLO states that a Texas statute, effective June 11, 1973, provides that upon 60 days notice to the lessee, the state may compel payment in kind of royalties due. GLO argues that, under Texas contract law, this statutory provision is deemed to be incorporated into all gas purchase contracts. GLO asks for a declaratory order finding that, if the above-stated propositions of Texas law are assumed to be true, then the 60-day statutory notice provision fulfills the requirement of NGPA section 2(12) that a "rollover contract" is a contract that succeeds a contract that "expired at the end of a fixed term. . . ."

GLO first states that a contract must meet three conditions to qualify as a rollover contract under section 2(12):

1. The fixed term of the existing contract must expire;

2. A new contract or amendment must be "entered into" on or after November 9, 1978; and

3. The rollover contract must cover sales of gas previously subject to an existing contract.[1]

For the purposes of the present petition, GLO assumes that the last two conditions have been satisfied and focuses on whether the fixed term of the existing contract has expired.

GLO contends that the sixty-day Texas statutory notice provision defines the "fixed term" of the existing intrastate contracts to the extent of the state's royalty share. This price is equal to the price allowed under NGPA section 102. GLO supports this contention by citing *M.H. Marr*, Opinion No. 126, Docket No. SA80-3-000, 16 FERC ¶ 61,118 (August 10, 1981), in which the Commission found that a contract which allowed either party to terminate upon thirty days notice to the other contained a maximum fixed term of thirty days. GLO argues that the situation presented here is analogous to that in *M.H. Marr*.

Finally, GLO urges that the Commission find that the maximum lawful price of gas that qualifies as rollover contract gas for the reasons stated above is governed by NGPA section 106(b)(2). Section 106(b)(2) provides the maximum lawful price for first sales of gas under a rollover contract, which gas constitutes a state government's production or royalty share. GLO also contends that this classification is not altered if there is an identity of parties under the superceded contract and the rollover contract.

Any person desiring to be heard or to make any protest to this complaint should file, within 30 days after notice is published in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rules 211 or 214 of the Commission's Rules of Practice and Procedure. All protests filed will be considered but will not make the protestants parties to the proceedings.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32143 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-29-002 (PGA 84-1a)]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

November 28, 1983.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing on November 18, 1983 Substitute Twenty-Eighth Revised Sheet No. 12, Substitute Twenty-Eighth Revised Sheet No. 15 and Substitute Tenth Revised Sheet No. 16 to Second Revised Volume No. 1 and Substitute Thirty-Fourth Revised Sheet No. 121 to Original Volume No. 2 of Transco's FERC Gas Tariff.

Transco states that the instant filing supersedes in its entirety the PGA filing tendered by Transco September 30, 1983 in Docket No. TA84-1-29-001 (hereinafter "PGA rates filed September 30, 1983") and reflects a reduction in Transco's PGA rates as a consequence of actions taken by Transco effective November 1, 1983 reducing its gas purchase costs, as more fully described in the "Amendment to Settlement Agreement as to Rates of Transcontinental Gas Pipe Line Corporation" (Amendment) filed October 7, 1983 in Docket Nos. RP83-11-000 and RP83-30-000 and approved by Commission order issued November 10, 1983.

The tariff sheets in the instant filing reflect a net decrease below Transco's PGA rates filed September 30, 1983, of 23.6¢ per dekatherm (dt) in the commodity or delivery charge under rate schedules CD, G, OG, ACQ, E, PS, and S-2, and no change in the delivery charge under the X-20 rate schedule. For purposes of comparison to Transco's May 1, 1983 PGA rates, such tariff sheets reflect a net increase of 5.9¢ per dt in the commodity or delivery charge under rate schedules CD, G, OG, E, PS, and S-2, a net increase of 5.8¢ per dt in the commodity charge under the ACQ rate schedule, and a net increase of 0.1¢ per dt in the delivery charge under the X-20 rate schedule.

Transco describes in detail specific changes from Transco's September 30, 1983 filing as follows:

A. Tracking Rate Adjustment Under PGA Clause (Section 22)

This tracking rate change amounts to a decrease from PGA rates filed September 30, 1983 of 23.3¢ per dt in the commodity or delivery charge in Transco's CD, G, OG, E, PS, S-2 and ACQ rate schedules. This decrease is comprised of: (a) a 22.7¢ per dt decrease in the current gas cost adjustment and (b) a 0.6¢ per dt decrease in the Deferred Adjustment. The 22.7¢ per dt decrease represents the difference between the positive 7.0¢ per dt current gas cost adjustment reflected in Transco's PGA rates filed September 30, 1983 and the negative 15.7¢ per dt current gas cost adjustment which is reflected in the instant filing, and which is detailed in Revised Appendix B, Schedule 1 hereof. The foregoing 22.7¢ per dt decrease represents the estimated savings per dt from the currently effective cost of gas resulting from the cost-reduction

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[1] GLO cites *Conoco, Inc. and Shell Oil Company*, Docket No. GP82-32-000, 24 FERC ¶ 66,097 (July 20, 1983) for the rollover contract qualifying conditions.

measures described in Article III of the aforementioned Amendment. The 0.6¢ decrease in the Deferred Adjustment represents the difference between the positive Deferred Adjustment of 8.4¢ per dt reflected in the PGA rates filed September 30, 1983 and the proposed positive Deferred Adjustment of 7.8¢ per dt as reflected in Revised Appendix C, Schedule 1, page 1 in the instant filing, which is required to eliminate, over the six-month period commencing November 1, 1983, the debit balance of $34,279,005 accumulated in Transco's Unrecovered Purchased Gas Cost Account (FERC Account No. 191) at August 31, 1983.

B. Industrial Sales Program (ISP) Surcharge (RP83-11 Settlement Agreement, Article II C)

In Transco's PGA rates filed September 30, 1983, the ISP surcharge amounted to 8.5¢ per dt, representing a 28.5¢ increase from the negative 20.0¢ per dt in the May 1, 1983 PGA rates, all as more fully explained therein. The instant filing, based on an increased sales estimate of 440 MMdt, results in an 8.2¢ per dt surcharge, a decrease of 0.3¢ per dt from the PGA rates filed September 30, 1983 with respect to this item. The computation of the 8.2¢ surcharge in the instant filing is detailed in Revised Appendix C, Schedule 1, page 7 in the instant filing.

Transco further notes that the instant filing supersedes in its entirety the September 30, 1983 PGA filing. Therefore, with the exceptions noted hereinabove, the changes reflected in Transco's September 30, 1983 filing likewise have been reflected in the instant filing.

Transco states that copies of the filing are being mailed to each of its 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 Rule 211 and Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such petitions or protests should be filed on or before December 6, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 83-32144 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-40-000]

United Gas Pipe Line Co.; Request Under Blanket Authorization

November 28, 1983.

Take notice that on October 31, 1983, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP84-40-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Applicant proposes to construct and operate a 2-inch sales tap necessary to provide additional gas service to Entex, Inc., in Smith County, Mississippi, 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 states that it proposes to deliver up to 400 Mcf per day through the proposed tap, pursuant to its Rate Schedule DG-N. Applicant indicates that the subject volumes are within its currently authorized level of sales and would have no major impact on its peak day and annual sales. It is indicated that authorization to provide service to Entex, Inc., was granted in a certificate issued in Docket No. G-2019.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32145 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-30-000]

Small Power Production and Cogeneration Facilities; Amada Corp.—Splendora Cogeneration Facility; Application for Commission Certification of Qualifying Status

November 28, 1983.

On November 2, 1983, Amanda Corporation, (Applicant) of P.O. Box 19693, Houston, Texas 77224, 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 Commisison's rules.

The topping-cycle cogeneration facility will be located in Montgomery County, Texas. The facility will consist of two combustion engine generator units and a hydrocarbon liquid recovery unit. The engines' exhaust gas and jacket cooling water will be sequentially routed into the hydrocarbon liquid recovery unit where the thermal energy will be utilized in the lean oil stripping process. The primary energy source for the facility will be natural gas. The electric power production capacity of the facility will be 1000 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. 83-32117 Filed 11-30-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53055; BH-FRL 2480-1]

Premanufacture Notices; Monthly Status Report for October 1983

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the **Federal Register** at the beginning of each month reporting the premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired since publication of the last monthly summary. This is the report for October 1983.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance. Nonconfidential portions of the PMNs may be seen in Rm. E-106 at the address below between 8:00 a. m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

ADDRESS: Written comments are to be identified with the document control number "[OPTS-53055]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Management Support Division, Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street, SW., Washington, DC 20460; (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-229, 401 M Street, SW., Washington, DC 20460; (202-382-3736).

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during October; (b) PMNs received previously and still under review at the end of October; (c) PMNs for which the notice review period has ended during October; (d) chemical substances for which EPA has received a notice of commencement to manufacture during October and (e) PMNs for which the review period has been suspended. Therefore, the October 1983 PMN Status Report is being published.

Dated: November 22, 1983.

Linda A. Travers,

Acting Director, Information Management Division.

Premanufacture Notices Monthly Status Report, October 1983

I. 189 Premanufacture Notices Received During the Month

PMN No.	Identity/generic name	FR citation	Expiration date
84-1	Generic name: Polyester of dicarboxylic acids and difunctional alcohols	48 FR 46852 (10/14/83)	Dec. 31, 1983.
84-2	Generic name: Amine salt of a modified carboxyl terminated polyester urethane polymer	48 FR 46852 (10/14/83)	Do.
84-3	Generic name: Modified magnesium fluorogermanate	48 FR 46852 (10/14/83)	Do.
84-4	Generic name: Tannins, methylamino methylated	48 FR 46852 (10/14/83)	Do.
84-5	Generic name: Aliphatic polyester, cyclohexane diisocyanato based polyurethane	48 FR 46853 (10/14/83)	Do.
84-6	Generic name: Polyurethane based on TDI and a polycarbonate	48 FR 46853 (10/14/83)	Do.
84-7	N,N,N',N'-tetraglycidyl-1,3-bisaminomethyl cyclohexane	48 FR 46853 (10/14/83)	Jan. 1, 1984.
84-8	Generic name: Polyfunctional copolymer of styrene with alkyl acrylate and substituted alkyl methacrylates	48 FR 46853 (10/14/83)	Do.
84-9	Generic name: Polyester from vegetable oil fatty acids, alkane triol, alkanoic anhydride and carbomonocyclic acide	48 FR 46853 (10/14/83)	Do.
84-10	Generic name: Polymer of N,N'-biscycloamino-alkylene diamine and an alkanoic acid	48 FR 46853 (10/14/83)	Do.
84-11	Generic name: Alkylated cycloalkanone, bis[(4-azidophenyl)methylene]-	48 FR 46853 (10/14/83)	Do.
84-12	Generic name: Aliphatic polycarbonate urethane	48 FR 46853 (10/14/83)	Do.
84-13	Generic name: Disubstituted benzene	48 FR 46853 (10/14/83)	Do.
84-14	Generic name: Polyurethane prepolymer resin	48 FR 46864 (10/21/83)	Jan. 4, 1984.
84-15	Generic name: Substituted heterocyclic metal complex	48 FR 46864 (10/21/83)	Do.
84-16	Generic name: Epoxy urethane	48 FR 46864 (10/21/83)	Jan. 8, 1984.
84-17	Generic name: Substituted heterocyclic metal complex	48 FR 46864 (10/21/83)	Do.
84-18	1(1,1,1* dimethylethoxy)-propan-2-ol	48 FR 46864 (10/21/83)	Do.
84-19	Generic name: Tolylene diisocyanate polymer with acrylated glycols	48 FR 46864 (10/21/83)	Do.
84-20	Generic name: Methylene bis (4-isocyanatocycle-hexane) polymer with acrylated glycols	48 FR 46864 (10/21/83)	Do.
84-21	Generic name: Polybutanediol acrylate	48 FR 46864 (10/21/83)	Do.
84-22	Generic name: Isophorone diisocyanate polymer with acrylated diols	48 FR 46864 (10/21/83)	Do.
84-23	Generic name: 1,4-cyclohexylene diisocyanate polymer with acrylated diols	48 FR 46864 (10/21/83)	Do.
84-24	Generic name: Methylene-bis (cyclohexyl isocyanate) polymer with acrylated diols	48 FR 46865 (10/21/83)	Do.
84-25	Generic name: Titanium alcohol complex	48 FR 46865 (10/21/83)	Jan. 9, 1984.
84-26	Generic name: Alkoxy functional polydimethly-siloxane	48 FR 46865 (10/21/83)	Do.
84-27	Generic name: Polyol carboxylate ester	48 FR 46865 (10/21/83)	Do.
84-28	Generic name: Flexibilized dicyclopentadiene modified unsaturated polyester resin	48 FR 46865 (10/21/83)	Do.
84-29	Generic name: Ethylene terpolymer	48 FR 46865 (10/21/83)	Do.
84-30	Generic name: Modified polyethylene ionomer	48 FR 46865 (10/21/83)	Do.
84-31	Generic name: Modified polyethylene ionomer	46 FR 46865 (10/21/83)	Do.
84-32	Generic name: Aminomethylene phosphonic acid	48 FR 46865 (10/21/83)	Do.
84-33	Generic name: Phosphorus containing aminosilane	48 FR 46865 (10/21/83)	Do.
84-34	Generic name: Aliphatic polycarbonate diol	48 FR 46865 (10/21/83)	Do.
84-35	Generic name: (Substitutedphenyl) (heterocycle-substituted alkyl)ketone	48 FR 46865 (10/21/83)	Do.
84-36	Generic name: Substituted heterocyclic metal	48 FR 46866 (10/21/83)	Jan. 10, 1984.
84-37	Poly(oxy(methyl-1,2,-ethanediyl)), alpha-hydro-omega-(2-amino-2-methyl)ethoxy-, ether with 1,2,3-propanetriol (3:1)	48 FR 46866 (10/21/83)	Do.
84-38	Generic name: Oil modified polyester	48 FR 46866 (10/21/83)	Do.
84-39	Generic name: Oil free polyester	48 FR 46866 (10/21/83)	Do.
84-40	Generic name: Oil modified polyester	48 FR 46866 (10/21/83)	Do.
84-41	Generic name: Metal complex with amine fatty acid salt	48 FR 46866 (10/21/83)	Jan. 9, 1984.
84-42	Generic name: Substituted benzene	48 FR 50951 (11/4/83)	Jan. 11, 1984.
84-43	Generic name: Fatty acid mercaptan acrylic copolymer	48 FR 50952 (11/4/83)	Do.
84-44	Generic name: Acrylic copolymer	48 FR 50952 (11/4/83)	Do.
84-45	Generic name: Acrylic urethane polymer	48 FR 50952 (11/4/83)	Do.
84-46	Generic name: Acrylic urethane polymer	48 FR 50952 (11/4/83)	Do.
84-47	Generic name: Ester urethane copolymer	48 FR 50952 (11/4/83)	Do.
84-48	Generic name: Acrylic styrene copolymer	48 FR 50952 (11/4/83)	Do.
84-49	Generic name: Formaldehyde reaction product with phenol and diamine	48 FR 50952 (11/4/83)	Do.
84-50	Generic name: Substituted heterocyclic metal complex	48 FR 50952 (11/4/83)	Do.
84-51	Generic name: Substituted hetrocyclic metal complex	48 FR 50952 (11/4/83)	Do.
84-52	Generic name: Vinylpyrrolidone copolymer	48 FR 50952 (11/4/83)	Do.
84-53	Generic name: Vinylpyrrolidone copolymer	48 FR 50952 (11/4/83)	Do.
84-54	Generic name: Drying oil modified alkyd	48 FR 50952 (11/4/83)	Do.
84-55	Generic name: Ethoxylated nonylphenol urethane derivative	48 FR 50952 (11/4/83)	Do.
84-56	Generic name: Polyester resin	48 FR 50953 (11/4/83)	Do.
84-57	Generic name: Transition metal complex	48 FR 50953 (11/4/83)	Do.

I. 189 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
84-58	Generic name: Cycloaliphatic amines	48 FR 50953 (11/4/83)	Do.
84-59	Generic name: Copolyester polymer	48 FR 50953 (11/4/83)	Do.
84-60	Generic name: Copolyester polymer	48 FR 50953 (11/4/83)	Do.
84-61	Generic name: Copolyester polymer	48 FR 50953 (11/4/83)	Do.
84-62	Generic name: Copolyester polymer	48 FR 50953 (11/4/83)	Do.
84-63	Generic name: Substituted-phenyl-N-substituted-amino monochlorotriazinylamino substituted-sulfophenylazo-benzylidene-hydrazino sulfobenzoate-copper sulfate, potassium salt.	48 FR 50953 (11/4/83)	Do.
84-64	Generic name: Substituted-phenylamino monochloro-triazinylamino sulfophenylazo-substituted disulfonaphthalenylazo-naphthalene-disulfonic acid, hexasodium salt.	48 FR 50953 (11/4/83)	Do.
84-65	Generic name: Substituted anthraquinone aryl sulphamate	48 FR 50953 (11/4/83)	Do.
84-66	Generic name: Substituted phenol-formaldehyde condensate	48 FR 50953 (11/4/83)	Do.
84-67	Generic name: Substituted aromatic azo pyridinium salt	48 FR 50953 (11/4/83)	Do.
84-68	Generic name: Substituted anthraquinone aryl amine	48 FR 50953 (11/4/83)	Do.
84-69	Generic name: Substituted anthraquinone ammonium salt	48 FR 50953 (11/4/83)	Do.
84-70	Generic name: Substituted methimine indolium acetic acid salt	48 FR 50953 (11/4/83)	Do.
84-71	Generic name: Substituted pyridinium chloride	48 FR 50954 (11/4/83)	Jan. 15, 1984
84-72	Generic name: Modified acrylate ester resin	48 FR 50954 (11/4/83)	Do.
84-73	Generic name: Polyester polycarboxylate salt	48 FR 50954 (11/4/83)	Do.
84-74	Generic name: Unsaturated organic compounds with isocyanates	48 FR 50954 (11/4/83)	Do.
84-75	Generic name: Copolymer of unsaturated organic compounds with polyols and isocyanates	48 FR 50954 (11/4/83)	Do.
84-76	Generic name: Vinyl acetate-ethylene copolymer	48 FR 50954 (11/4/83)	Do.
84-77	Generic name: Substituted heterocycle, diester with alkanedioic acid	48 FR 50954 (11/4/83)	Do.
84-78	Generic name: Substituted benzaldehyde	48 FR 50954 (11/4/83)	Do.
84-79	Generic name: Glycol/phthalate polyester resin	48 FR 50954 (11/4/83)	Do.
84-80	Cellulose, acetate, [(1-oxo-2-propenyl) amino] methyl ether	48 FR 50954 (11/4/83)	Do.
84-81	Cellulose, acetate butanoate, [(1-oxo-2-propenyl)amino] methyl ether	48 FR 50954 (11/4/83)	Do.
84-82	Generic name: Azo triazolium salt	48 FR 50954 (11/4/83)	Do.
84-83	Generic name: Azo triazolium salt	48 FR 50955 (11/4/83)	Do.
84-84	Generic name: Azo benzothiazolium salt	48 FR 50955 (11/4/83)	Do.
84-85	Generic name: Azo benzothiazolium salt	48 FR 50955 (11/4/83)	Do.
84-86	Generic name: Heterocyclic azo substituted aromatic compound	48 FR 50955 (11/4/83)	Do.
84-87	Generic name: Ethylene interpolymer	48 FR 50955 (11/4/83)	Do.
84-88	Generic name: Acrylic resin	48 FR 50955 (11/4/83)	Do.
84-89	Generic name: Acrylic resin	48 FR 50955 (11/4/83)	Do.
84-90	Generic name: Azo triazolium salt	48 FR 50955 (11/4/83)	Do.
84-91	Generic name: Azo triazolium salt	48 FR 50955 (11/4/83)	Do.
84-92	Generic name: Polymer of 1,3-propanediol, 1,6-hexanedioic acid and tetra substituted benzene dicarboxylic acid derivative	48 FR 50955 (11/4/83)	Do.
84-93	Generic name: Substituted-IH-isoindol-1-one	48 FR 50955 (11/4/83)	Do.
84-94	Generic name: Cresol formaldehyde polymer	48 FR 50955 (11/4/83)	Do.
84-95	Generic name: Thermoplastic polyurethane	48 FR 50945 (11/4/83)	Jan. 18, 1984.
84-96	Generic name: Polyurethane polymer	48 FR 50945 (11/4/83)	Do.
84-97	Ethanol, 2-amino-hydrobromide	48 FR 50945 (11/4/83)	Do.
84-98	Generic name: Alkoxy polyol terpolymer	48 FR 50945 (11/4/83)	Do.
84-99	Generic name: Hydroxylalkyl ether	48 FR 50945 (11/4/83)	Do.
84-100	Generic name: Ester of substituted, unsaturated acid	48 FR 50945 (11/4/83)	Do.
84-101	Generic name: Ester of substituted, unsaturated acid	48 FR 50945 (11/4/83)	Do.
84-102	Generic name: Substituted aromatic	48 FR 50945 (11/4/83)	Do.
84-103	Generic name: Modified polyacrylate polymer	48 FR 50945 (11/4/83)	Do.
84-104	Generic name: Starch grafted polyacrylate polymer	48 FR 50945 (11/4/83)	Do.
84-105	Generic name: Halogenated alkene	48 FR 50945 (11/4/83)	Do.
84-106	Generic name: Halogenated alkene	48 FR 50945 (11/4/83)	Do.
84-107	Generic name: Halogenated alkane	48 FR 50945 (11/4/83)	Do.
84-108	Generic name: Trisubstituted heterocyclic disubstituted monocycle	48 FR 50945 (11/4/83)	Do.
84-109	Generic name: Substituted-substituted-oxadiazine	48 FR 50946 (11/4/83)	Do.
84-110	Generic name: Polyurea	48 FR 50946 (11/4/83)	Do.
84-111	Generic name: Substituted aromatic polymer	48 FR 50946 (11/4/83)	Do.
84-112	Generic name: Substituted aromatic polymer	48 FR 50946 (11/4/83)	Do.
84-113	Generic name: Substituted aromatic polymer	48 FR 50946 (11/4/83)	Do.
84-114	Generic name: Substituted aromatic polymer	48 FR 50945 (11/4/83)	Do.
84-115	Generic name: Substituted aromatic polymer	48 FR 50946 (11/4/83)	Do.
84-116	Generic name: Substituted aromatic polymer	48 FR 50946 (11/4/83)	Do.
84-117	Generic name: Substituted aromatic polymer	48 FR 50946 (11/4/83)	Do.
84-118	Generic name: Aliphatic polycarbonate urethane	48 FR 50946 (11/4/83)	Do.
84-119	Generic name: Aliphatic polyester urethane	48 FR 50946 (11/4/83)	Do.
84-120	Generic name: Modified halogenated hydrocarbon polymer	48 FR 50946 (11/4/83)	Do.
84-121	Generic name: Substituted heterocyclic metal complex	48 FR 50946 (11/4/83)	Do.
84-122	Generic name: Substituted-benzene sulfonic acid, sodium salt	48 FR 50946 (11/4/83)	Do.
84-123	Generic name: Naphthaquinone-(1,2)-diazide-(1)-sulfonic-(5)-acid ester	48 FR 50947 (11/4/83)	Jan. 21, 1984.
84-124	Invalid		
84-125	Generic name: 2,7-naphthalenedisulfonic acid, 4-amino-5-hydroxy-6-substituted, potassium salt	48 FR 50947 (11/4/83)	Do.
84-126	Generic name: Substituted naphthalene diazonium sulfate	48 FR 50947 (11/4/83)	Do.
84-127	Generic name: Polyurethane prepolymer resin	48 FR 50947 (11/4/83)	Do.
84-128	Generic name: Alkyleneamine methylene phosphonic acid	48 FR 50947 (11/4/83)	Do.
84-129	Generic name: Fluorocarbon ionic polymer	48 FR 50947 (11/4/83)	Do.
84-130	Generic name: Fluorocarbon ionic polymer	48 FR 50947 (11/4/83)	Do.
84-131	Generic name: Fluorocarbon ionic polymer	48 FR 50947 (11/4/83)	Do.
84-132	Generic name: Fluorocarbon ionic polymer	48 FR 50947 (11/4/83)	Do.
84-133	Generic name: Fluorocarbon ionic polymer	48 FR 50947 (11/4/83)	Do.
84-134	Generic name: Fluorocarbon ionic polymer	48 FR 50947 (11/4/83)	Do.
84-135	Generic name: Fluorocarbon ionic polymer	48 FR 50947 (11/4/83)	Do.
84-136	Generic name: Fluorocarbon ionic polymer	48 FR 50947 (11/4/83)	Do.
84-137	Generic name: Fluorocarbon ionic polymer	48 FR 50947 (11/4/83)	Do.
84-138	Generic name: Fluorocarbon ionic polymer	48 FR 50948 (11/4/83)	Do.
84-139	Generic name: Fluorocarbon ionic polymer	48 FR 50948 (11/4/83)	Do.
84-140	Generic name: Fluorocarbon ionic polymer	48 FR 50948 (11/4/83)	Do.
84-141	Generic name: Fluorocarbon ionic polymer	48 FR 50948 (11/4/83)	Do.
84-142	Generic name: Fluorocarbon ionic polymer	48 FR 50948 (11/4/83)	Do.
84-143	Generic name: Fluorocarbon ionic polymer	48 FR 50948 (11/4/83)	Do.
84-144	Generic name: Fluorocarbon ionic polymer	48 FR 50948 (11/4/83)	Do.
84-145	Generic name: Fluorocarbon ionic polymer	48 FR 50948 (11/4/83)	Do.
84-146	Generic name: Fluorocarbon ionic polymer	48 FR 50948 (11/4/83)	Do.

I. 189 Premanufacture Notices Received During the Month—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
84-147	Generic name: Fluorocarbon ionic polymer	48 FR 50948 (11/4/83)	Do.
84-148	Generic name: Fluorocarbon ionic polymer	48 FR 50948 (11/4/83)	Do.
84-149	Generic name: Polyalkylene glycol ether	48 FR 50948 (11/4/83)	Do.
84-150	Generic name: Aminomethylene phosphonic acid	48 FR 50948 (11/4/83)	Do.
84-151	Lithium aluminum hydroxide	48 FR 50948 (11/4/83)	Do.
84-152	Hydroxy bromide	48 FR 50948 (11/4/83)	Do.
84-153	Hydroxy chloride	48 FR 50949 (11/4/83)	Do.
84-154	Lithium aluminum hydroxy stearate	48 FR 50949 (11/4/83)	Do.
84-155	Palmitate	48 FR 50949 (11/4/83)	Do.
84-156	Myristate	48 FR 50949 (11/4/83)	Do.
84-157	Laurate	48 FR 50949 (11/4/83)	Do.
84-158	Generic name: Modified epoxy resin	48 FR 50949 (11/4/83)	Do.
84-159	Generic name: Rubber modified epoxy resin	48 FR 50949 (11/4/83)	Do.
84-160	Generic name: Rubber modified epoxy resin	48 FR 50949 (11/4/83)	Do.
84-161	Reaction of: diethylene triamine, Cardura E, Cardura glycidyl ether, urea	48 FR 50949 (11/4/83)	Jan. 22, 1984.
84-162	Generic name: Modified epoxy resin	48 FR 50949 (11/4/83)	Do.
84-163	Generic name: Substituted triazine	48 FR 50949 (11/4/83)	Do.
84-164	Generic name: Fluorine substituted dioxolane	48 FR 50949 (11/4/83)	Do.
84-165	Generic name: Carbonyl fluorine substituted dioxolane	48 FR 50949 (11/4/83)	Do.
84-166	Generic name: Fluorine substituted poly dioxolane	48 FR 50949 (11/4/83)	Do.
84-167	Generic name: Fluorine substituted dioxan-2-one	48 FR 50950 (11/4/83)	Do.
84-168	Generic name: Oxo-fluorine substituted dioxolane	48 FR 50950 (11/4/83)	Do.
84-169	Generic name: Acrylate ester blocked polyurethane	48 FR 50950 (11/4/83)	Do.
84-170	Generic name: Acrylate blocked polyurethane	48 FR 50950 (11/4/83)	Do.
84-171	Generic name: Functional polyurethane	48 FR 50950 (11/4/83)	Do.
84-172	Generic name: Functional acrylic copolymer	48 FR 50950 (11/4/83)	Do.
84-173	Generic name: Titanium (4+) mixed alcohol complex	48 FR 50950 (11/4/83)	Do.
84-174	Generic name: Titanium (4+) mixed alcohol complex	48 FR 50950 (11/4/83)	Do.
84-175	N-dodecylthio-2-propanol	48 FR 50950 (11/4/83)	Do.
84-176	Generic name: Aliphatic triol ester methacrylate	48 FR 50950 (11/4/83)	Do.
84-177	Generic name: Ester of substituted cyclohexene	48 FR 50950 (11/4/83)	Do.
84-178	Generic name: Ester of substituted cyclohexene	48 FR 50950 (11/4/83)	Do.
84-179	Generic name: Substituted-phenyl-N-substituted-amino monochlorotriazinylamino substituted-sulfophenylazo-benzylidenehydrazino sulfobenzoate-copper sulfate, sodium salt.	48 FR 50950 (11/4/83)	Jan. 24, 1984.
84-180	Generic name: Polyether acrylate ester	48 FR 50951 (11/4/83)	Do.
84-181	Generic name: Aliphatic acrylate ester	48 FR 50951 (11/4/83)	Do.
84-182	Generic name: Polyether acrylate	48 FR 50951 (11/4/83)	Do.
84-183	Generic name: Aliphatic ester methacrylate	48 FR 50951 (11/4/83)	Do.
84-184	Generic name: Aliphatic ester methacrylate	48 FR 50951 (11/4/83)	Do.
84-185	Generic name: Perhalooleflin	48 FR 50951 (11/4/83)	Do.
84-186	Generic name: (Polyurethane from polyhydroxyalkyls and an aromatic disocyanate)	48 FR 50951 (11/4/83)	Do.
84-187	Yttrium aluminum gallium oxide	48 FR 52504 (11/18/83)	Jan. 25, 1984.
84-188	Generic name: Aryl alkyl alkanedione	48 FR 53504 (11/18/83)	Do.
84-189	Generic name: Aminoplast resin	48 FR 52504 (11/18/83)	Do.
84-190	Generic name: Chromophore substituted polyoxyalkylene	48 FR 52504 (11/18/83)	Jan. 28, 1984.

II. 231 Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN No.	Identity/generic name	FR citation	Expiration date
83-1094	Withdrawn		
83-1095	Generic name: Amine salt of alkylnaphthalene sulfonic acid	48 FR 40783 (9/9/83)	Nov. 29, 1983.
83-1096	Withdrawn		
83-1097	Generic name: (2-(α(3-(4-amino-6-chloro-1,3,5-triazin-2-ylimino)-2-hydroxy-5-sulfophenylazo)substituted methinohydrazono)-4-sulfobenzoate-(0,0')(4-)) copper(II) acid, disodium.	48 FR 41638 (9/16/83)	Nov. 30, 1983
83-1098	Generic name: μ-(2,2'-bis(α-(2-carboxy-5-sulfophenylhydrazono)substituted methinoazo)-4,4'-disulfo-6,6'-(6-chloro-1,3,5-triazin-2,4-diyldiimino)di-1-phenolato-(0,0',0",0'")(8-))dicopper(II) acid, tetrasodium.	48 FR 41638 (9/16/83)	Do.
83-1099	Polymer of: tall oil, pentacrythritol, isophthalic acid, benzoic acid, styrene, methyl methacrylate	48 FR 41638 (9/16/83)	Do.
83-1100	Generic name: Heteromonocyclic substituted diester	48 FR 41638 (9/16/83)	Do.
83-1101	Generic name: Heteromonocyclic substituted diester	48 FR 41639 (9/16/83)	Do.
83-1102	Generic name: Aliphatic acid ester of n-alkyl perfluoro sulfonamido alkanol	48 FR 41639 (9/16/83)	Dec. 4, 1983.
83-1103	Generic name: Esterified copolymers of alpha olefins and maleic anhydride	48 FR 41639 (9/16/83)	Do.
83-1104	PEG-120 methyl glucoside dioleate	48 FR 41639 (9/16/83)	Do.
83-1105	Methyl glucoside dioleate	48 FR 41639 (9/16/83)	Do.
83-1106	Generic name: Polyester of phthalic anhydride and lower glycols	48 FR 41639 (9/16/83)	Do.
83-1107	Generic name: Amine salt of a carboxyl terminated polyester urethane polymer	48 FR 41639 (9/16/83)	Do.
83-1108	Generic name: Alpha olefin/2,5 furandione copolymer	48 FR 41639 (9/16/83)	Do.
83-1109	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41639 (9/16/83)	Do.
83-1110	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41639 (9/16/83)	Do.
83-1111	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41639 (9/16/83)	Do.
83-1112	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41639 (9/16/83)	Do.
83-1113	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41639 (9/16/83)	Do.
83-1114	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41639 (9/16/83)	Do.
83-1115	Generic name: Alpha olefin/2,5 furandione copolymer	48 FR 41640 (9/16/83)	Do.
83-1116	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1117	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1118	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1119	Generic name: Alpha olefin/2,5 furandione copolymer	48 FR 41640 (9/16/83)	Do.
83-1120	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1121	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1122	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1123	Generic name: Alpha olefin/2,5 furandione copolymer	48 FR 41640 (9/16/83)	Do.
83-1124	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1125	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1126	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1127	Generic name: Alpha olefin/2,5 furandione copolymer	48 FR 41640 (9/16/83)	Do.
83-1128	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1129	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1130	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.

II. 231 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
83-1131	Generic name: Alpha olefin/2,5 furandione copolymer	48 FR 41641 (9/16/83)	Do.
83-1132	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1133	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1134	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1135	Generic name: Alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1136	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1137	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1138	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1139	Generic name: Alpha olefin/2,5 furandione copolymer	48 FR 41641 (9/16/83)	Do.
83-1140	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1141	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1142	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1143	Generic name: Alpha olefin/2,5 furandione copolymer	48 FR 41641 (9/16/83)	Do.
83-1144	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1145	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1146	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1147	Generic Name: Styrene/alpha olefin/2,5 furandione copolymer	48 FR 41641 (9/16/83)	Do.
83-1148	Generic Name: Ammonia salt of styrene/alpha olefin/2,5 furandione polymer	48 FR 41642 (9/16/83)	Do.
83-1149	Generic Name: Styrene/alpha olefin/2,5 furandione copolymer	48 FR 41642 (9/16/83)	Do.
83-1150	Generic Name: Ammonia salt of styrene/alpha olefin/2,5 furandione polymer	48 FR 41642 (9/16/83)	Do.
83-1151	Generic name: Diethoxydiphenylalkanone	48 FR 41642 (9/16/83)	Do.
83-1152	Generic Name: Substituted sulfonated naphthalene	48 FR 41642 (9/16/83)	Dec. 5, 1983.
83-1153	Generic Name: Urethane compound	48 FR 41642 (9/16/83)	Do.
83-1154	Generic Name: Urethane compound	48 FR 41642 (9/16/83)	Do.
83-1155	Generic Name: Copolymer of mixed acrylate and methacrylate monomers	48 FR 41642 (9/16/83)	Do.
83-1156	Generic Name: Substituted cyclopentadiene-formaldehyde copolymer	48 FR 41642 (9/16/83)	Do.
83-1157	Generic Name: Substituted oxirane	48 FR 41642 (9/16/83)	Do.
83-1158	Generic Name: Polymer of styrene with mixed alkyl acrylates and methacrylates	48 FR 41642 (9/16/83)	Do.
83-1159	Generic Name: Complex epoxy resin adduct	48 FR 41642 (9/16/83)	Do.
83-1160	Generic Name: Substituted heterocycle	48 FR 41642 (9/16/83)	Do.
83-1161	Generic name: Combination of a metal phosphate and metal oxides	48 FR 41643 (9/16/83)	Do.
83-1162	Generic name: Substituted pyridine	48 FR 41643 (9/16/83)	Do.
83-1163	Generic name: Substituted pyridine	48 FR 41643 (9/16/83)	Do.
83-1164	Generic name: Trisubstituted pyrimidine	48 FR 41643 (9/16/83)	Do.
83-1165	Generic name: Monosubstitutedbenzenesulfonyl-isocyanate	48 FR 41643 (9/16/83)	Do.
83-1166	Generic name: Monosubstitutedphenyl magnesium bromide	48 FR 41643 (9/16/83)	Do.
83-1167	Generic name: Trisubstitutedmethylsilane hydrochloride	48 FR 41643 (9/16/83)	Do.
83-1168	Generic name: Monosubstitutedbenzyl chloride	48 FR 41643 (9/16/83)	Do.
83-1169	Generic name: Monosubstitutedbenzylthiosulfate salt	48 FR 41643 (9/16/83)	Do.
83-1170	Generic name: Monosubstitutedbenzylsulfonylchloride	48 FR 41643 (9/16/83)	Do.
83-1171	Generic name: Monosubstitutedbenzenealkylsulfonylisocyanate	48 FR 41643 (9/16/83)	Do.
83-1172	Generic name: Monosubstitutedbenzoic acid	48 FR 41643 (9/16/83)	Do.
83-1173	Generic name: Monosubstitutedbenzoic acid methyl ester	48 FR 41643 (9/16/83)	Do.
83-1174	Generic name: Monosubstitutedheterocyclediazonium chloride	48 FR 41643 (9/16/83)	Do.
83-1175	Generic name: Monosubstitutedheterocyclesulfonylisocyanate	48 FR 41643 (9/16/83)	Do.
83-1176	Generic name: Trisubstitutedbenzenesulfonylchloride	48 FR 41643 (9/16/83)	Do.
83-1177	Generic name: Trisubstitutedphenol, ammonium salt	48 FR 41644 (9/16/83)	Do.
83-1178	Generic name: Monosubstitutedphenol, sodium salt	48 FR 41644 (9/16/83)	Do.
83-1179	Generic name: Monosubstitutedbenzenesulfonylisocyanate	48 FR 41644 (9/16/83)	Do.
83-1180	Generic name: Polyglycol alcohol polymer	48 FR 41644 (9/16/83)	Do.
83-1181	Generic name: Polyglycol alcohol polymer	48 FR 41644 (9/16/83)	Do.
83-1182	Generic name: Polyglycol alcohol polymer	48 FR 41644 (9/16/83)	Do.
83-1183	Generic name: Substituted polyalkylene polyamine	48 FR 41644 (9/16/83)	Do.
83-1184	Polymer of: styrene, butyl acrylate, 1-octyl acrylamide, acrylic acid, methacrylic acid	48 FR 41644 (9/16/83)	Do.
83-1185	Generic name: Substituted-1-sila-2-azacyclopentane	48 FR 41644 (9/16/83)	Do.
83-1186	Generic name: Vinyl interpolymer containing hydroxyl and carboxyl groups	48 FR 41644 (9/16/83)	Dec. 6, 1983.
83-1187	Generic name: Vinyl interpolymer containing hydroxyl and carboxyl groups	48 FR 41644 (9/16/83)	Do.
83-1188	Generic name: Organic acid salt of the succinimide of alpha olefin and alkene/alkene copolymer	48 FR 41644 (9/16/83)	Do.
83-1189	Generic name: Succinimide of alpha olefin and alkene/alkene copolymer	48 FR 41644 (9/16/83)	Do.
83-1190	Generic name: Alpha olefin succinic anhydride	48 FR 41644 (9/16/83)	Do.
83-1191	Generic name: Alkenyl succinic acid metal salt	48 FR 41644 (9/16/83)	Do.
83-1192	Generic name: Alkenyl succinic acid metal salt	48 FR 41644 (9/16/83)	Do.
83-1193	Generic name: Organic acid salt of 3 heteropolycycle alkyl succinimide of thiol alkene/alkene copolymer	48 FR 41645 (9/16/83)	Do.
83-1194	Generic name: 3 heteropolycycle alkyl succinimide of thiol alkene/alkene copolymer	48 FR 41645 (9/16/83)	Do.
83-1195	Generic name: Succinic anhydride of thiol alkene/alkene copolymer	48 FR 41645 (9/16/83)	Do.
83-1196	Generic name: Reaction product of alkyl succinic anhydride and polyamine	48 FR 41645 (9/16/83)	Do.
83-1197	Generic name: Reaction product of alkyl succinic anhydride and polyamine	48 FR 41645 (9/16/83)	Do.
83-1198	Generic name: Reaction product of alkyl succinic anhydride and polyamine	48 FR 41645 (9/16/83)	Do.
83-1199	Generic name: Reaction product of alkyl succinic anhydride and polyamine	48 FR 41645 (9/16/83)	Do.
83-1200	Generic name: Diyne diurea	48 FR 43397 (9/23/83)	Do.
83-1201	Generic name: Diyne diurea	48 FR 43397 (9/23/83)	Do.
83-1202	Generic name: Diyne diurea	48 FR 43397 (9/23/83)	Do.
83-1203	Generic name: Diyne diurea	48 FR 43397 (9/23/83)	Do.
83-1204	Generic name: Diyne diurea	48 FR 43398 (9/23/83)	Do.
83-1205	Generic name: Diyne diurea	48 FR 43398 (9/23/83)	Do.
83-1206	Generic name: Polyester of dicarboxylic acids and a difunctional alcohol	48 FR 43398 (9/23/83)	Do.
83-1207	Generic name: Polyester of dicarboxylic acids and a difunctional alcohol	48 FR 43398 (9/23/83)	Do.
83-1208	Generic name: Polyester of dicarboxylic acids and a difunctional alcohol	48 FR 43398 (9/23/83)	Do.
83-1209	Generic name: Monosubstitutedbenzenesulfonamide	48 FR 43398 (9/23/83)	Do.
83-1210	Generic name: Trisubstitutedbenzenesulfonylchloride	48 FR 43398 (9/23/83)	Do.
83-1211	Generic name: Monosubstitutedheterocyclesulfonamide	48 FR 43398 (9/23/83)	Do.
83-1212	Generic name: Monosubstitutedheterocyclesulfonylchloride	48 FR 43398 (9/23/83)	Do.
83-1213	Generic name: Monosubstitutedaminoheterocycle	48 FR 43398 (9/23/83)	Do.
83-1214	Generic name: Disubstitutedchloromethylmethylsilane	48 FR 43398 (9/23/83)	Do.
83-1215	Generic name: Monosubstitutedbenzenesulfonamide	48 FR 43398 (9/23/83)	Do.
83-1216	Generic name: Monosubstitutedbenzenesulfonylisocyanate	48 FR 43398 (9/23/83)	Do.
83-1217	Generic name: Monosubstitutedbenzenesulfonylisocyanate	48 FR 43398 (9/23/83)	Do.
83-1218	Generic name: Monosubstitutedbenzenesulfonylisocyanate	48 FR 43398 (9/23/83)	Do.
83-1219	Generic name: Monosubstitutedbenzenesulfonamide	48 FR 43399 (9/23/83)	Do.
83-1220	Generic name: Monosubstitutedbenzylsulfonamide	48 FR 43399 (9/23/83)	Do.
83-1221	Generic name: Substituted dialkylphenol	48 FR 43399 (9/23/83)	Do.
83-1222	Generic name: Substituted alkyl halide	48 FR 43399 (9/23/83)	Do.

II. 231 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
83-1223	Generic name: Bisphenol glycidyl ether polyglycol reaction product	48 FR 43399 (9/23/83)	Do.
83-1224	Generic name: Fluorocarbon polymer	48 FR 43399 (9/23/83)	Do.
83-1225	Generic name: Fluorocarbon polymer	48 FR 43399 (9/23/83)	Do.
83-1226	Generic name: Fluorocarbon polymer	48 FR 43399 (9/23/83)	Do.
83-1227	Generic name: Perhalo alkoxy ether	48 FR 43399 (9/23/83)	Do.
83-1228	Generic name: Perhalo alkoxy ether	48 FR 43399 (9/23/83)	Do.
83-1229	Generic name: Perhalo alkoxy ether	48 FR 43399 (9/23/83)	Do.
83-1230	Generic name: Fluorocarbon polymer	48 FR 43399 (9/23/83)	Do.
83-1231	Generic name: Fluorocarbon polymer	48 FR 43399 (9/23/83)	Do.
83-1232	Generic name: Polymner of aliphatic diamines, an alkanediol polyester, a monoalcohol polyether, a metal salt of an alkanediol polyether, and aliphatic diisocyanates.	48 FR 43399 (9/23/83)	Do.
83-1233	Generic name: Phosohorothioic acid ester, amine salt	48 FR 43399 (9/23/83)	Do.
83-1234	Generic name: Vinyl—epoxy ester	48 FR 43399 (9/23/83)	Dec. 10, 1983.
83-1235	Generic name: Vinyl—epoxy ester	48 FR 43400 (9/23/83)	Do.
83-1236	Generic name: Vinyl—epoxy ester	48 FR 43400 (9/23/83)	Do.
83-1237	Generic name: Polyester of aliphatic polyols, vegetable oil, and aromatic dibasic acid	48 FR 43400 (9/23/83)	Do.
83-1238	Generic name: Substituted anthraquinone	48 FR 43400 (9/23/83)	Do.
83-1239	Generic name: Modified acrylic polymer	48 FR 43400 (9/23/83)	Do.
83-1240	Generic name: Copolymer of alkyl methacrylates and vinyl mono-heterocycle	48 FR 43400 (9/23/83)	Do.
83-1241	Polymer of: Adiprene 167, teracol 650 and 2-hydroxy ethyl acrylate	48 FR 43400 (9/23/83)	Do.
83-1242	Generic name: Polyamic acid	48 FR 43400 (9/23/83)	Dec. 21, 1983.
83-1243	Generic name: Polymer of formaldehyde and substituted phenols and hydrobromic acid	48 FR 43400 (9/23/83)	Dec. 10, 1983.
83-1244	Generic name: Modified polyester	48 FR 43400 (9/23/83)	Do.
83-1245	Generic name: Polyester	48 FR 43400 (9/23/83)	Do.
83-1246	Generic name: Fatty alchol	48 FR 43400 (9/23/83)	Dec. 11, 1983.
83-1247	Generic name: Dialkyl maleate ester	48 FR 43400 (9/23/83)	Do.
83-1248	Benzeneacetic acid, α,α-(1,2-ethanediyldiimine) bis[2-hydroxy-5-sulfo]tetrasodium salt	48 FR 43401 (9/23/83)	Do.
83-1249	Void		
83-1250	Void		
83-1251	Generic name: Linseed oil alkyd resin	48 FR 43401 (9/23/83)	Do.
83-1252	Generic name: Potassium salt of a substituted propyl sulfonic acid	48 FR 43401 (9/23/83)	Do.
83-1253	Generic name: Rare earth silicate	48 FR 43401 (9/23/83)	Do.
83-1254	Void		
83-1255	Void		
83-1256	Void		
83-1257	Void		
83-1258	Void		
83-1259	Void		
83-1260	Generic name: Substituted heterocycle	48 FR 43401 (9/23/83)	Do.
83-1261	Generic Name: Disubstituted aniline	48 FR 43401 (9/23/83)	Do.
83-1262	Generic Name: Polysubstituted heterocycle	48 FR 43401 (9/23/83)	Do.
83-1263	Generic Name: Substituted heterocyclic azo disubstituted aniline	48 FR 43401 (9/23/83)	Do.
83-1264	Generic Name: Polysubstituted heterocyclic azo disubstituted aniline	48 FR 43401 (9/23/83)	Do.
83-1265	Generic Name: Polyesteramide CR 1236	48 FR 43401 (9/23/83)	Dec. 13, 1983.
83-1266	Generic Name: 9H-thioxanthen-9-one, 2-chloro-	48 FR 43402 (9/23/83)	Do.
83-1267	Generic Name: 9H-thioxanthen-9-one, 2,4-diethyl-	48 FR 43402 (9/23/83)	Do.
83-1268	Generic Name: 9H-thioxanthen-9-one, 2,4-dimethyl-	48 FR 43402 (9/23/83)	Do.
83-1269	Generic Name: Methanone, (4-methoxy-3-methylphenyl)	48 FR 43402 (9/23/83)	Do.
83-1270	Generic Name: 9H-thioxanthen-9-one, 4-chloro-	48 FR 43402 (9/23/83)	Do.
83-1271	Generic Name: Carboxylic acid derivatives of alkoxylated polyamines	48 FR 44900 (9/30/83)	Dec. 14, 1983.
83-1272	Generic Name: Epoxy modified acrylic polymer	48 FR 44900 (9/30/83)	Do.
83-1273	Generic Name: Chromophore substituted polyoxy-alkylene	48 FR 44901 (9/30/83)	Do.
83-1274	Generic Name: Acetamide, 2-chloro-N-chloromethyl-N-(2-ethyl-6-methylphenyl)	48 FR 44901 (9/30/83)	Do.
83-1275	3-(5-carboxypentyl)-5(1-ethyl[1], 4-dihydro-quinolylidene-4-ethylidene)-4-oxo-2-thioxo-thiazolidine	48 FR 44901 (9/30/83)	Do.
83-1276	Quinolinium, 4-[2-(acetylphenylamino)ethenyl]-1-ethyl-, iodide	48 FR 44901 (9/30/83	Do.
83-1277	3-thiazolidinehexanoic acid, 4-oxo-2-thioxo	48 FR 44901 (9/30/83	Do.
83-1278	Generic name: Hydroxy functional acrylic copolymer	48 FR 44901 (9/30/83)	Dec. 17, 1983.
83-1279	Generic name: Water dispersed oligourethane	48 FR 44901 (9/30/83)	Do.
83-1280	Generic name: Polyurethane prepolymer resin	48 FR 44901 (9/30/83)	Do.
83-1281	Generic name: Premetallized aromatic substituted disazo	48 FR 44901 (9/30/83)	Do.
83-1282	Generic name: Reaction product of metal complex, diazotized aromatic compound and fustic extract	48 FR 44901 (9/30/83)	Do.
83-1283	Generic name: Substituted aromatic disazo	48 FR 44901 (9/30/83)	Do.
83-1284	Generic name: Reaction product of diazotized aromatic compounds with fustic extract	48 FR 44901 (9/30/83)	Do.
83-1285	Generic name: Reaction product of diazotized aromatic compounds with fustic extract	48 FR 44901 (9/30/83)	Do.
83-1286	Generic name: Aromatic substituted triazo	48 FR 44901 (9/30/83)	Do.
83-1287	Generic name: Reaction product of diazotized aromatic compounds with fustic extract	48 FR 44901 (9/30/83)	Do.
83-1288	Generic name: Reaction product of diazotized aromatic compounds with fustic extract	48 FR 44902 (9/30/83)	Do.
83-1289	Polymer of: 1,4 cyclohexanedimethanol, neopentyl glycol, trimethylol propane, isophthalic acid, fumaric acid	48 FR 44902 (9/30/83)	Dec. 18, 1983.
83-1290	Generic name: Substituted pyridine	48 FR 44902 (9/30/83)	Do.
83-1291	Generic name: Polyfunctional mercaptan	48 FR 44902 (9/30/83)	Dec. 19, 1983.
83-1292	Generic name: Urethane modified polyester	48 FR 44902 (9/30/83)	Do.
83-1293	Generic name: 2-(2-chlorophenyl)-1-substituted-2-hydroxy-1-ethanone	48 FR 44902 (9/30/83)	Dec. 20, 1983.
83-1294	Generic name: Dimer acids, monocarboxylic acid, dicarboxylic acids, diamines polyamide resin	48 FR 45842 (10/7/83)	Dec. 21, 1983.
83-1295	Generic name: Alkyl (substituted-phenyl) alkylate	48 FR 45842 (10/7/83)	Do.
83-1296	Generic name: Polyol acetal	48 FR 45842 (10/7/83)	Do.
83-1297	Generic name: Polyurethane	48 FR 45842 (10/7/83)	Do.
83-1298	Generic name: Acrylic copolymer	48 FR 45842 (10/7/83)	Do.
83-1299	Generic name: Styrene acrylic copolymer	48 FR 45842 (10/7/83)	Do.
83-1300	Generic name: Fatty acid mercaptan acrylic copolymer	48 FR 45842 (10/7/83)	Do.
83-1301	Generic name: Polymer of aliphatic and alicyclic diamines and aliphatic and benzene dicarboxylic acids	48 FR 45843 (10/7/83)	Do.
83-1302	Generic name: Polymer of aliphatic and alicyclic diamines and aliphatic and benzene dicarboxylic acids	48 FR 45843 (10/7/83)	Do.
83-1303	Generic name: Dimethyl siloxanes and silicones	48 FR 45843 (10/7/83)	Do.
83-1304	Generic name: Dimethyl siloxanes and silicones	48 FR 45843 (10/7/83)	Do.
83-1305	Generic name: Naphthalene, dialkylated	48 FR 45843 (10/7/83)	Do.
83-1306	Generic name: Dialkylated naphthalenesulfonic acid	48 FR 45843 (10/7/83)	Do.
83-1307	Generic name: Dialkylated naphthalene sulfonic acid barium salt	48 FR 45843 (10/7/83)	Do.
83-1308	Generic name: Benzo-heterocyclic, 2-[[4-[alkyl(2-hydroxyalkyl)amino]phenyl]-azo]-6-methoxy-3-alkyl-, chloride	48 FR 45843 (10/7/83)	Do.
83-1309	Generic name: Polymer with methyl methacrylate, butyl acrylate, and hydroxy functional acrylic monomers	48 FR 45843 (10/7/83)	Do.
83-1310	Generic name: Mercaptopropyl methyl dimethoxy silane	48 FR 45843 (10/7/83)	Do.
83-1311	Generic name: Phenolated rosin-modified alkyd	48 FR 45843 (10/7/83)	Do.
83-1312	Generic name: Urethane acrylate	48 FR 45843 (10/7/83)	Do.
83-1313	Generic name: Modified, maleated metal resinate	48 FR 45843 (10/7/83)	Do.

II. 231 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
83-1314	Generic name: Isocyanatoarylsilane	48 FR 45843 (10/7/83)	Do.
83-1315	Generic name: Rosin modified alkyd	48 FR 45844 (10/7/83)	Do.
83-1316	Generic name: Alkyl fatty ester	48 FR 45844 (10/7/83)	Do.
83-1317	Generic name: Neopentylglycol alkyl ester	48 FR 45844 (10/7/83)	Do.
83-1318	Generic name: Methyl fatty acid esters	48 FR 45844 (10/7/83)	Do.
83-1319	Cesium bicarbonate	48 FR 45844 (10/7/83)	Do.
83-1320	Generic name: Polymer of acrylic acid, acrylic acid esters, and methacrylic acid esters	48 FR 45844 (10/7/83)	Do.
83-1321	Generic name: Benzophenotetracarboxy imide amide prepolymer	48 FR 45844 (10/7/83)	Do.
83-1322	Generic name: Modified, maleated metal resinate	48 FR 45844 (10/7/83)	Dec. 26, 1983.
83-1323	Generic name: Acrylourethane	48 FR 45844 (10/7/83)	Dec. 27, 1983.
83-1324	Generic name: Polyesteramide	48 FR 45844 (10/7/83)	Do.
83-1325	1-H-imidazole-1-carboxamide, N,N',-1,5 naphthalenediylbis	48 FR 46851 (10/14/83)	Dec. 28, 1983.
83-1326	Void		
83-1327	Nickel dibenzyldithiocarbamate	48 FR 46852 (10/14/83)	Do.
83-1328	Generic name: Organic salt of quaternary aliphatic amine	48 FR 46852 (10/14/83)	Do.
83-1329	Generic name: Vinyl chloride, hydrocarbon elastomer, polyolefin copolymer	48 FR 46852 (10/14/83)	Do.
83-1330	Generic name: Vinyl chloride, hydrocarbon elastomer, polyolefin copolymer	48 FR 46852 (10/14/83)	Do.
83-1331	Generic name: Vinyl chloride, hydrocarbon elastomer, polyolefin copolymer	48 FR 46852 (10/14/83)	Do.
83-1332	Generic name: Vinyl chloride, hydrocarbon elastomer, polyolefin copolymer	48 FR 46852 (10/14/83)	Do.
83-1333	Generic name: Vinyl chloride, hydrocarbon elastomer, copolymer	48 FR 46852 (10/14/83)	Do.
83-1334	Generic name: Vinyl chloride, hydrocarbon elastomer, copolymer	48 FR 46852 (10/14/83)	Do.
83-1335	Generic name: Vinyl chloride, hydrocarbon elastomer, copolymer	48 FR 46852 (10/14/83)	Do.
83-1336	Withdrawn		
83-1337	Withdrawn		
83-1338	Withdrawn		
83-1339	Withdrawn		
83-1340	Withdrawn		
83-1341	Withdrawn		
83-1342	Withdrawn		
83-1343	Withdrawn		

III. 125 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY.)

PMN No.	Identity/generic name	FR citation	Expiration date
81-558	4-hydroxy-3-(5-(2-hydroxysulfonyloxy) ethyl-sulfonyl)-2-methoxyphenylazo)-7-succinylamino-2-naphyhalenesulfonic acid disodium salt.	46 FR 55146 (11/6/81)	Oct. 31, 1983.
83-532	Generic name: Glycaryl propoxy diacrylate	48 FR 10470 (3/11/83)	Oct. 11, 1983.
83-622	1,3,6-Naphthalenetrisulfonic acid, 7-[[4-[[4-[[4-[(4,8-disulfo-2-naphthalenyl)azo]-3-methylphenyl]amino]-6-[(4-sulfophenyl)-amino]-1,3,5-triazin-2-yl]amino]-2-methylphenyl]azo]-,hexasodium salt.	48 FR 16332 (4/15/83)	Aug. 18, 1983.
83-748	Generic name: Alkyl amine salt of a substituted phenol	48 FR 23905 (5/27/83)	Oct. 15, 1983.
83-749	....do	48 FR 23905 (5/27/83	Do.
83-750	....do	48 FR 23905 (5/27/83)	Do.
83-751	....do	48 FR 23905 (5/27/83)	Do.
83-757	Generic name: Functionalized acrylic polymer	48 FR 24967 (6/3/83)	Sept. 28, 1983.
83-758	....do	48 FR 24967 (6/3/83)	Do.
83-759	....do	48 FR 24967 (6/3/83)	Do.
83-899	Generic name: Alkyl (hydroxy aryloxy) alkanoate	48 FR 32383 (7/15/82)	Oct. 2, 1983.
83-900	Generic name: Polyglycol polyalkyl polymer with polyalkanolamine	48 FR 32383 (7/15/82)	Do.
83-901	Generic name: Polyglycol polyalkyl polymer with polyalkanolamine hydrochloride acetate	48 FR 32382 (7/15/83)	Do.
83-902	Generic name: Polyglycol polyalkyl polymer with polyalkanolamine hydrochloride	48 FR 32383 (7/15/82)	Do.
83-903	Generic name: Polyalkylenepolyammonium alkanoate hydrohalide	48 FR 32383 (7/15/82)	Do.
83-904	Generic name: 4,4'-thio diether dianhydride	48 FR 32383 (7/15/82)	Do.
83-905	Generic name: Acetyl anilino ether	48 FR 32383 (7/15/82)	Do.
83-906	Generic name: Brominated aryl alkyl ether	48 FR 32383 (7/15/82)	Do.
83-907	Generic name: Substituted benzoyl benzoic acid	48 FR 32383 (7/15/82)	Do.
83-908	Generic name: Ethylated amino phenol	48 FR 32383 (7/15/82)	Do.
83-909	Generic name: Amino phenol	48 FR 32383 (7/15/82)	Do.
83-910	Generic name: Anilino-ether	48 FR 32383 (7/15/82)	Do.
83-911	Generic name: 2,2-dimethyl butanoic acid	48 FR 32383 (7/15/82)	Do.
83-912	Generic name: Substituted, amine salt	48 FR 32383 (7/15/82)	Do.
83-913	Generic name: Copper sulfonylphenazopolyhydroxy phenszobenzoate	48 FR 32383 (7/15/83)	Do.
83-914	Generic name: Polyester of dicarboxylic acids and substituted alkanes	48 FR 32383 (7/15/83)	Do.
83-915	Generic name: Poly alkylene polyol	48 FR 32383 (7/15/83)	Do.
83-916	Generic name: [(Benzoquinolinyl)-Methimidazolylmethylene)] indenedion deriv	48 FR 32383 (7/15/83)	Do.
83-917	Generic name: Substituted (cyanophenyl-thiazolyl) tetraazo dimethoxybenzene	48 FR 32383 (7/15/83)	Do.
83-918	Generic name: Aminomethyl sulfide	48 FR 32384 (7/15/83)	Do.
83-919	Generic name: Trisubstituted pyrimidine	48 FR 32383 (7/15/83)	Do.
83-920	Generic name: Phosphonocarboxylic acid derivative	48 FR 32384 (7/15/83)	Do.
83-921	Generic name: Hydrolyzed copolymer based on maleic anhydride	48 FR 32384 (7/15/83)	Do.
83-922	Generic name: Substituted aniline	48 FR 32384 (7/15/83)	Oct. 4, 1983.
83-923	Generic name: Substitute vinyl pyridine salt	48 FR 32384 (7/15/83)	Do.
83-924	Generic name: Polymer of substituted vinyl pyridine salt	48 FR 32384 (7/15/83)	Do.
83-925	Generic name: Substituted benzenesulfonamide	48 FR 32384 (7/15/83)	Do.
83-926	Generic name: Substituted benzenesulfonamide	48 FR 32384 (7/15/83)	Do.
83-927	Generic name: Amino aliphatic propoxylate	48 FR 32384 (7/15/83)	Do.
83-928	Generic name: Polyglycolamine	48 FR 32384 (7/15/83)	Do.
83-929	Generic name: Mixed phthalic-glycol polyester polymer	48 FR 32384 (7/15/83)	Do.
83-930	Generic name: Modified phenol/formaldehyde resin	48 FR 33532 (7/22/83)	Oct. 5, 1983.
83-931	Generic name: Branched polyamidoamine	48 FR 33532 (7/22/83)	Do.
83-932	Vinylbenzal-2,4-disodium disulfonate/vinyl alcohol copolymer	48 FR 33532 (7/22/83)	Do.
83-933	Generic name: Fatty acid polyamide	48 FR 33532 (7/22/83)	Do.
83-934	Generic name: Fatty acid polyamide	48 FR 33532 (7/22/83)	Do.
83-935	....do	48 FR 33532 (7/22/83)	Do.
83-936	Generic name: Alkyl ester of alkenyl succinic acid	48 FR 33532 (7/22/83)	Do.
83-937	Generic name: Fatty caid polyamide	48 FR 33533 (7/22/83)	Do.
83-938	Generic name: A polymer of methacrylic acid derivatives and a substituted alkane	48 FR 33533 (7/22/83)	Do.

III. 125 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY.)—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
83-939	Oxo-heptyl acetate	48 FR 33533 (7/22/83)	Do.
83-940	Generic name: Aromatic carbonate	48 FR 33533 (7/22/83)	Oct. 8, 1983.
83-941	Generic name: Reaction product of hexane, 1-6 diisocyanato and 2-alkeneamide, 2-methyl-N-(substituted methoxy)	48 FR 33533 (7/22/83)	Do.
83-942	Generic name: Ethylene polymer with mixed alpha	48 FR 33533 (7/22/83)	Do.
83-943	Generic name: Vinyl aromatic methacrylate polymer	48 FR 33533 (7/22/83)	Do.
83-944	Generic name: Cationic polymer	48 FR 33533 (7/22/83)	Do.
83-945	Generic name: Polyfamide ester)	48 FR 33533 (7/22/83)	Do.
83-946	Generic name: Polyglycol alcohol polymer	48 FR 33533 (7/22/83)	Do.
83-947	Generic name: 1-hydrocarbyl pyridinium halide	48 FR 33533 (7/22/83)	Do.
83-948	Generic name: Halogenated aryl alkoxide	48 FR 33533 (7/22/83)	Do.
83-949	Generic name: Polyglicidyl ethers of hydrocarbon novolac	48 FR 33534 (7/22/83)	Do.
83-950	Generic name: Carboxylated arylalkene alkadiene copolymer	48 FR 33534 (7/22/83)	Do.
83-951	Generic name: Polypropylene glycol/bisphanol copolymer	48 FR 33534 (7/22/83)	Do.
83-952	Void		
83-953	Generic name: Modified phenol-formaldehyde alkyl ether amine	48 FR 33534 (7/22/83)	Oct. 22, 1983.
83-954	Generic name: Modified styrene-acrylic polymer	48 FR 33534 (7/22/83)	Oct. 8, 1983.
83-955	Generic name: Polybutadiene ester acylcaprolactam	48 FR 33534 (7/22/83)	Do.
83-956	Generic name: Polyallylether polymer	48 FR 33534 (7/22/83)	Do.
83-957	Generic name: Spiro-[isobenzofuran xanthene]	48 FR 33534 (7/22/83)	Do.
83-958	Generic name: Dialkylphenyl substituted amine	48 FR 33534 (7/22/83)	Do.
83-959	Generic name: Cresol-formaldehyde resin	48 FR 33534 (7/22/83)	Do.
83-960	Generic name: Silicone modified polyester resin	48 FR 33534 (7/22/83)	Do.
83-961	2,2'-dihydroxydiethylamine p-methoxy cinnamate	48 FR 33534 (7/22/83)	Do.
83-962	Generic name: Acrylic unsaturated acid terpolymer	48 FR 33534 (7/22/83)	Do.
83-963	Generic name: Modified dialdehyde starch	48 FR 33534 (7/22/83)	Do.
83-964	Magnesium aluminum hydroxy anion chloride	48 FR 33535 (7/22/83)	Do.
83-965	Magnesium aluminum hydroxy anion carbonate	48 FR 33535 (7/22/83)	Do.
83-966	Magnesium aluminum hydroxy anion bicarbonate	48 FR 33535 (7/22/83)	Do.
83-967	Generic name: Isocyanate terminated ricinoleate prepolymers	48 FR 33535 (7/22/83)	Do.
83-968	Generic name: Isocyanate terminated ricinoleate prepolymers	48 FR 33535 (7/22/83)	Do.
83-969	Generic name: Terpolymer of alkyl methacrylates and divinyl benzene	48 FR 33535 (7/22/83)	Do.
83-970	Generic name: Aromatic aliphatic branched polyester resin	48 FR 33535 (7/22/83)	Do.
83-971	Generic name: Alkyl metallic halide	48 FR 33535 (7/22/83)	Do.
83-972	Methyl fluorene-9-carboxylate	48 FR 33535 (7/22/83)	Do.
83-973	9-methyl carboxylate-9-aminophenyl (4-dimethylamino) fluorene	48 FR 33535 (7/22/83)	Do.
83-974	Methyl 9-bromofluorene-9-carboxylate	48 FR 33535 (7/22/83)	Do.
83-975	Generic name: (Polyurethane from polyhydroxyalkyls and an aromatic diisocyanate)	48 FR 33535 (7/22/83)	Oct. 11, 1983.
83-976	Generic name: Fluoroalkylamine	48 FR 34507 (7/29/83)	Oct. 12, 1983.
83-977	Generic name: Acrylic polymer	48 FR 34507 (7/29/83)	Oct. 16, 1983.
83-978	Generic name: Aromatic copolyester	48 FR 34507 (7/29/83)	Do.
83-979	Generic name: Blocked nitrile fumarate polymer	48 FR 34507 (7/29/83)	Oct. 17, 1983.
83-980	Generic name: Cyanoacetate ester	48 FR 34507 (7/29/83)	Do.
83-981	Generic name: Quaternized alkyl amine	48 FR 34507 (7/29/83)	Oct. 18, 1983.
83-982	Generic name: Cyanoacrylate ester	48 FR 34507 (7/29/83)	Do.
83-983	Generic name: Styrene/acrylic copolymer	48 FR 34507 (7/29/83)	Do.
83-984	....do	48 FR 34507 (7/29/83)	Do.
83-985	....do	48 FR 34507 (7/29/83)	Do.
83-986	Generic name: Amino silane	48 FR 34507 (7/29/83)	Do.
83-987	....do	48 FR 34508 (7/29/83)	Do.
83-988	Generic name: Hydroxy functional silane	48 FR 34508 (7/29/83)	Do.
83-989	Generic name: Substituted carboxylated cocoimidazoline	48 FR 35713 (8/5/83)	Oct. 22, 1983.
83-990	3-aminonaphthalene-1,5-disulfonic acid, monosodium salt	48 FR 35713 (8/5/83)	Do.
83-991	Generic name: Substituted sulfated naphthylazo sodium salt	48 FR 35713 (8/5/83)	Do.
83-992	Generic name: Co-polymer of styrene and an alkyl methacrylate	48 FR 35713 (8/5/83)	Do.
83-993	Polymer of: adipic acid, dipropylene glycol, lauric acid, trimelletic anhydride, trimethylol propane, and triphenyl phosphite	48 FR 37513 (8/5/83)	Oct. 23, 1983.
83-995	Generic name: Complex of a substituted oxazoline and a metal-substituted pyrazol	48 FR 35713 (8/5/83)	Do.
83-996	1,3-benzenedicarboxylic acid, polymer with 1,4-benzenedicarboxylic acid, [1,1' biphenyl]-4,4'-diol and 4-hydroxybenzoic acid	48 FR 35713 (8/5/83)	Do.
83-999	Generic name: Substituted oxazoline	48 FR 35714(8/5/83)	Oct. 24, 1983.
83-1000	Generic name: Heptasodium salt of 3,5-bis(4-(7-(2-substituted-phenylazo)-3,6-disulfo-8-hydroxy-1-naphthylamino)-6-chloro-1,3,5-triazin-2-ylamino) benzoic acid.	48 FR 35714(8/5/83)	Oct. 25, 1983.
83-1001	N,N,N', N', N'', N'',-hexaisopropyl thiomelamine	48 FR 36647(8/12/83)	Oct. 26, 1983.
83-1002	Hexamethylene-1,6-bisthiosulfate, nickel salt, hexahydrate	48 FR 36647(8/12/83)	Do.
83-1003	Propanoic acid, 3-[(dibutoxyphosphinothioyl) dithio]-methyl ester	48 FR 36648(8/12/83)	Do.
83-1004	Hexamethylene 1,6-bisthiosulfate, disodium salt, dihydrate	48 FR 36648(8/12/83)	Do.
83-1005	Generic name: Polycarboxylic acid, alkanolamine salt	48 FR 36648(8/12/83)	Do.
83-1006	Generic name: Dihydro-(substituted)-(substituted)-(substituted)-1H-indole	48 FR 36648(8/12/83)	Do.
83-1009	1-propanaminium, 2,3-di-hydroxy-N,N,N-trimethyl-chloride	48 FR 36648(8/12/83)	Oct. 29, 1983.
83-1010	Generic name: Aromatic, tertiary amine containing polyether polyurethane prepolymer	48 FR 36648(8/12/83)	Do.
83-1011	Generic name: Thioalkylamidomine	48 FR 36648(8/12/83)	Do.
83-1013	Generic name: Substituted (oxyphenyl) tetrazo oxylene	48 FR 36648(8/12/83)	Oct. 30, 1983.
83-1014	Generic name: Hydroxy functional acrylic copolymer	48 FR 36648(8/12/83)	Do.
83-1015	Generic name: Isocyanato functional poly-carbamoyl (polyalkylene oxide) oligomer	48 FR 36649 (8/12/83)	Oct. 31, 1983.
83-1016	....do	48 FR 36649 (8/12/83)	Do.
83-1017	....do	48 FR 36649 (8/12/83)	Do.
83-1019	Generic name: Substituted polyhydroxy benzene derivative	48 FR 36649 (8/12/83)	Do.
83-1020	....do	48 FR 36649 (8/12/83)	Do.

IV. 59 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE

PMN No.	Chemical identification	FR citation	Date of commencement
81-107	Generic name: Modified water-borne linseed fatty acid based alkyd	46 FR 20769 (4/7/81)	July 22, 1983.
81-158	Generic name: Ethylene interpolymer	46 FR 20769 (4/7/81)	On or about Oct. 17, 1983.
81-160	....do	46 FR 25694 (5/7/81)	Sept. 29, 1983.
82-338	Generic name: Disubstituted triazolidinen	47 FR 20854 (5/14/82)	Sept. 20, 1983.
82-339	Generic name: Disubstituted triazolidine salt	47 FR 20854 (5/14/82)	Nov. 19, 1983.

IV. 59 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE—Continued

PMN No.	Chemical identification	FR citation	Date of commencement
82-516	Generic name: Aromatic amine derivative	47 FR 33236 (7/30/82)	Sept. 29, 1983.
82-569	Generic name: Epoxidized hydroxystearic acid	47 FR 36469 (8/20/82)	Oct 11, 1983.
82-690	[Hydroxy(methylsulfonyl)phenyl]azo substituted heteromonocycle, metal complex (2:1), compound with alkanamine (1:1)	47 FR 44606 (10/8/82)	Aug. 11, 1983.
83-45	Propionic acid, zirconium salt	47 FR 49072 (10/29/82)	Sept. 27, 1983.
83-324	Generic name: Modified bisphenol A, epichloro-hydrin polymer	48 FR 72 (1/3/83)	Aug. 10, 1983.
83-395	Generic name: Modified alkyd polymer from a vegetable oil, carbomonocyclic anhydride, carbomonocyclic acid, a substituted alkanetriol and a substituted alkanoic ester.	48 FR 5304 (2/4/83)	Sept. 8, 1983.
83-432	Generic name: Disazo amine compound	48 FR 6397 (2/11/83)	Sept. 15, 1983.
83-463	Generic name: Amino aliphatic propoxylate	48 FR 7300 (2/18/83)	Oct. 17, 1983.
83-467	Generic name: Alkyl cyclohexane carboxyaldehyde	48 FR 7300 (2/18/83)	Sept. 22, 1983.
83-518	1,1'[Isopropylidenebis(6-hydroxy-m-phenylene)] bis(tetrahydrothiophenium hydroxide) bis (inner salt) tetrahydrate	48 FR 10469 (3/11/83)	Sept. 9, 1983.
83-522	Reaction product of succinic anhydride and 1,2-ethanediamine, N-[3-(trimethoxy-siyl)propyl]	48 FR 10470 (3/11/83)	Do.
83-524	Generic name: Polymer of trisubstituted methane alkyl phenol and substituted methane alkyl phenol and substituted bis benzene derivative.	48 FR 10470 (3/11/83)	Sept. 16, 1983.
83-568	Generic name: Substituted styrene	48 FR 12592 (3/25/83)	Do.
83-569	Generic name: Phenyl substituted butane	48 FR 12592 (3/25/83)	Sept. 9, 1983.
83-590	Generic name: Arylsulfonic acid, [[(arylamino) phenyl]azo] compound with alkanolamine	48 FR 15180 (4/7/83)	Sept. 22, 1983.
83-653	Generic name: Disubstituted isobenzofurandione, disubstituted bis phenyleneoxy bis copolymer with tetracarboxy carbocycle and disubstituted benzenediamine.	48 FR 20488 (5/6/83)	Oct 10, 1983.
83-717	Generic name: Oxopentadecanolide	48 FR 22794 (5/20/83)	Sept 22, 1983.
83-741	Generic name: Substituted polyalkylene polyamine	48 FR 23904 (5/27/83)	Oct. 3, 1983.
83-742	Generic name: Polyalkyeneoxy alkanoate	48 FR 24968 (5/27/83)	Oct 4, 1983.
83-761	Generic name: Substituted cyclopentadione	48 FR 24968 (6/3/83)	Sept 22, 1983.
83-762	Generic name: Octenal	48 FR 24967 (6/3/83)	Oct 4, 1983.
83-772	Generic name: [(Haloheterocyclicoxy)aryl oxy] alkanoate	48 FR 24968 (6/3/83)	Do.
83-788	Generic name: Reaction product of fatty alkene amine and isocyanate	48 FR 26884 (6/10/83)	Sept 12, 1983.
83-789	Generic name: Reaction product of fatty alkene amine, aromatic amine and isocyanate	48 FR 26884 (6/10/83)	Sept 8, 1983.
83-810	Generic name: Cyclo alkyl acrylate	48 FR 26886 (6/10/83)	Sept 27, 1983.
83-811	Generic name: Aliphatic alkyl acrylate	48 FR 26886 (6/10/83)	Do.
83-823	Generic name: Organofunctional polydimethyl siloxane	48 FR 29049 (6/24/83)	Oct 15, 1983.
83-824	do	48 FR 29049 (6/24/83)	Do.
83-827	Generic name: Disubstituted pyridinium bromide	48 FR 29055 (6/24/83)	Sept 22, 1983.
83-841	2,2-dimethyl-1,3-propanediol polymer with 1,4- cyclohexane-dimethanol, 1,6-hexanedioic acid, 1,3-benzenedocarboxylic acid, 1,4-benzenedi-carboxylic acid.	4 FR 30434 (97/1/83)	On or before Dec. 1, 1983.
83-842	2,2-dimethyl-1,3-propanediol, polymer with 1,6-hexanediol 1,8-hexanedioic acid, 1,3-benzene-dicarboxylic acid and 1,4-benzen-edicarboxylic acid.	48 FR 30434 (7/1/83)	Oct 1, 1983.
83-847	Generic name: Spiro-xanthene	48 FR 30434 (7/1/83)	Oct 14, 1983.
83-848	Generic name: Modified polyester polyurethane containing substituted alkanediol and diphenyl-methane diisocyanate	48 FR 30434 (7/1/83)	Sept 17, 1983.
83-852	Generic name: Addition polymerization product of: isoboryni methacrylate, isobutyl methacrylate and isocyanatoethyl methacrylate.	48 FR 30435 (7/1/83)	Oct 19, 1983.
83-863	Generic name: Thiazolium salt, N-substituted, 3-substituted	48 FR 30435 (7/1/83)	Sept 21, 1983.
83-869	Generic name: Reaction product of a diamine, cycloaliphatic diepoxide and a hydroxyl functional acid	48 FR 31461 (7/8/83)	Oct 15, 1983.
83-870	Generic name: Modified polyurethane from aliphatic polyester alkane polyols and aliphatic diisocyanate	48 FR 31461 (7/8/83)	Sept 21, 1983.
83-893	Generic name: Substituted sulfobenzene acid	48 FR 32382 (7/15/83)	Sept 29, 1983.
83-894	Generic name: Trisubstituted benzenesulfonic acid	48 FR 32382 (7/15/83)	Do.
83-895	Generic name: Disubstituted benzenesulfonic acid	48 FR 32382 (7/15/83)	Do.
83-896	Generic name: Trisubstituted benzenesulfonic acid, alkali metal salt	48 FR 32382 (7/15/83)	Do.
83-912	Generic name: Substituted amine salt	48 FR 32383 (7/15/83)	Oct 5, 1983.
83-927	Generic name: Amino aliphatic propoxylate	48 FR 32384 (7/15/83)	Oct 17, 1983.
83-928	Generic name: Polyglycolamine	48 FR 32384 (7/15/83)	Oct 5, 1983.
83-929	Generic name: Mixed phthalic-glycol polyester polymer	48 FR 32384 (7/15/83)	Do.
83-958	Generic name: Dialkylphenyl substituted amine	48 FR 33534 (7/22/83)	Oct 17, 1983.
83-963	Generic name: Modified dialdehyde starch	48 FR 33534 (7/22/83)	Oct 14, 1983.
83-969	Generic name: Terpolymer of alkyl methacrylates and divinyl benzene	48 FR 33535 (7/22/83)	Oct 17, 1983.
83-970	Generic name: Aromatic aliphatic branched polyester resin	48 FR 33535 (7/22/83)	Oct 11, 1983.
83-971	Generic name: Alkyl metallic halide	48 FR 33535 (7/22/83)	Oct 31, 1983.
83-986	Generic name: Amino silane	48 FR 34507 (7/29/83)	Oct 19, 1983.
83-987	do	48 FR 34508 (7/29/83)	Do.
83-988	Generic name: Hydroxy functional silane	48 FR 34508 (7/29/83)	Do.
83-990	3-aminonaphthalene-1,5-disulfonic acid monosodium salt	48 FR 35713 (8/5/83)	Oct. 24, 1983.

V. 44 PREMANUFACTURE NOTICES FOR WHICH THE REVIEW PERIOD HAS BEEN SUSPENDED

PMN No.	Identity/generic name	FR citation	Date suspended
80-146	Phosphorodithioic acid *O,O'*-di (isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters, zinc salt	45 FR 49153 (7/23/88)	Sept. 17, 1980.
80-147	Phosphorodithioic acid *O,O'*-di (isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters	45 FR 49153 (7/23/80)	Do.
82-60	Generic name: Zinc, O,O-bis alkylphosphoro dithioate	47 FR 5932 (2/9/82)	Apr. 15, 1982.
82-387	Phosphorodithioic acid O,O', secondary butyl and isooctyl, mixed esters	47 FR 25401 (6/11/82)	July 30, 1982.
82-388	Phosphorodithioic acid O,O', secondary butyl and isooctyl, mixed esters, zinc salt	47 FR 25401 (6/11/82)	Do.
83-1	Generic name: Polyhalogenated aromatic alkylated hydrocarbon	47 FR 46371 (10/18/82)	Oct. 22, 1982.
83-110	Generic name: Saturated acid diester	47 FR 52223 (11/19/82)	Jan. 26, 1983.
83-115	Generic name: Naphthalenedisulfonic acid, disodium salt, ((2-((sodium sulfooxyethyl) sulfonyl)aryl)azo), and monochlorotriazinyl amino, substituted, copper complex.	47 FR 52224 (11/19/82)	Apr. 1, 1983.
83-333	Generic name: Reaction product of polycycle-sulfonic acid salt with phosphorus halide/halogen, subsequent reaction with an amine, subsequent reation with an aldehyde/sodium bisulfit alkali.	48 FR 73 (1/3/83)	Mar. 14, 1983.
83-401	Generic name: Naphthalenetrisulfonic acid, chlorortriazinylamino-methoxymethylphenylazo-	48 FR 5304 (2/4/83)	Aug. 18, 1983.
83-418	Generic name: Benzenedisulfonic acid, chloro-triazinylaminodimethylphenylazo-sulfo-naphthaleneazo-	48 FR 5306 (2/4/83)	Do.
83-434	Generic name: Unsaturated aliphatic diether	48 FR 6397 (2/11/83)	Apr. 20, 1983.
83-461	Generic name: Substituted alkoxy silane	48 FR 7300 (2/18/83)	Apr. 25, 1983.
83-479	Generic name: Monoazo substituted aromatic	48 FR 7301 (2/18/83)	May 2, 1983.
83-466	Generic name: Zirconium propanoate, substituted	48 FR 8343 (2/18/83)	May 6, 1983.
83-524	Generic name: Polymer of trisubstituted methane alkyl phenol and substituted bis benzene derivative	48 FR 10470 (3/11/83)	May 20, 1983.
83-634	Generic name: Substituted mono azo aromatic	48 FR 17395 (4/22/83)	July 5, 1983.
83-669	Generic name: Chromium complex of substituted phenolazosulfonaphthol with naphtholazosulfonaphthol	48 FR 20490 (5/6/83)	Aug. 5, 1983.
83-677	Generic name: Chromium complex of substituted alkylaminoformimidphenol with sulfonaphtholazo-sulfophenylpyrazolone	48 FR 20491 (5/6/83)	Do.
83-755	4-hydroxy-6-phenylaminonaphthalene-2-sulfonic acid	48 FR 24967 (6/3/83)	Aug. 17, 1983.
83-769	Generic name: Disubstituted heterocycle	48 FR 24968 (6/3/83)	Aug. 22, 1983.

V. 44 PREMANUFACTURE NOTICES FOR WHICH THE REVIEW PERIOD HAS BEEN SUSPENDED—Continued

PMN No.	Identity/generic name	FR citation	Date suspended
83-770	Generic name: Cobalt complex of a substituted phenolazonaphthol	48 FR 24968 (6/3/83)	Aug. 15, 1983.
83-771	Generic name: Chromium coplex of substituted phenolazoalkylarylamino-formimidphenol with sulfonaphthylazosulfonaphthol	48 FR 24968 (6/3/83)	Do.
83-785	Generic name: Substituted heteromonocycle sulfonylphenyl azo substituted naphthalene-sulfonic acid, salt	48 FR 26884 (6/10/83)	Aug. 24, 1983.
83-820	Generic name: Disubstituted heterocyclic azo disubstituted benzene	48 FR 29049 (6/24/83)	Sept. 28, 1983.
83-821	Generic name: Trisubstituted phenyl azo disubstituted heterocyclé	48 FR 29049 (6/24/83)	Do.
83-822	Generic name: Trisubstituted aniline	48 FR 29049 (6/24/83)	Do.
83-831	Generic name: Disazo solvent red dye	48 FR 29055 (6/24/83)	Sept. 9, 1983.
83-845	Generic name: Tetrasodium salt of μ-(2-(2-hydroxy-3-nitro-5-sulfo-phenylazo)-2'-(2-hydroxy-5- substituted-3-sulfphenylazo)-3,3'-disulfo-6,6'-iminodi-1-naphtholate-(0,0', 0'',0''') (8))dicopper (II) acid.	48 FR 30434 (7/1/83)	Sept. 16, 1983.
83-860	Generic name: Metal complexed substituted aromatic azo compound	48 FR 30435 (7/1/83)	Sept. 21, 1983.
83-875	4-(2-cyano-4-nitrophenylazo)-[N-(2-cyanoethyl)-N-(2-phenoxyethyl) amino] benzene	48 FR 31462 (7/8/83)	Do.
83-876	4-(2-cyano-4-nitrophenylazo)-[N,N-bis(2-propionyloxyethyl) amino]-3-chlorobenzene	48 FR 31462 (7/8/83)	Do.
83-997	Generic name: 6-diethylamino-2-(substituted) spiro(xanthene-9,3'-phthalide)	48 FR 35713 (8/5/83)	Oct. 20, 1983.
83-998	Generic name: 6-dibutylamino-2-(substituted) spiro(xanthene-9,3'-phthalide)	48 FR 35714 (8/5/83)	Do.
83-1006	Generic name: (Amino)-(hydroxy)-(substituted)-(substituted) naphthalenedisulfonic acid, and (amino)-(hydroxy)-(substituted)-(substituted) naphthalenedisulfonic acid, salts with sodium and potassium.	48 FR 36648 (8/12/83)	Oct. 14, 1983.
83-1007	Generic name: (Substituted)-(substituted)-hydroxy-naphthalenesulfonic acid, sodium salts	48 FR 36648 (8/12/83)	Do.
83-1012	Generic name: Bis(sulfophenylchlorotriazine-aminosulfophenylazo) hydroxyaminodisulfo-naphthalene	48 FR 36648 (8/12/83)	Oct. 24, 1983.
83-1018	Generic name: Substituted-naphthalene tetradisulfonic acid, bis[(substituted-hydroxyphenylazo)phenyl]derivative	48 FR 36649 (8/12/83)	Do.
83-1023	Generic name: Alkyl aryl phosphine	48 FR 36649 (8/12/83)	Oct. 20, 1983.
83-1026	Generic name: Disubstitutedsulfamoylcarbomono-cycle azo substituted naphthalene sulfonic acid, sodium salt	48 FR 37699 (8/19/83)	Oct. 27, 1983.
83-1042	Acridine, 9-phenyl	48 FR 37700 (8/19/83)	Oct. 17, 1983.
83-1048	Generic name: Polyether polyurethane	48 FR 38890 (8/26/83)	Oct. 27, 1983.
83-1092	Generic name: Mixed castor amide with diethylene triamine	48 FR 40783 (9/9/83)	Oct. 11, 1983.
83-1093	Generic name: Mixed castor amide with amino ethyl ethanol amine	48 FR 40783 (9/9/83)	Do.

[FR Doc. 83-31924 Filed 11-28-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[8-26-83; 48 FR 38897]

Cellular Application Filing Procedures Notice of Changes in Markets Below the 90 Largest; Correction

November 22, 1983.

The Public Notice dated August 19, 1983, Mimeo 6031, is corrected as follows:

On List D, Page 1 of 1, Rock Hill, SC, York County was incorrectly listed as an SMSA that was deleted by OMB but would be continued to be treated by the FCC as an SMSA. Rock Hill, York County, since it was not an SMSA in 1980, must be applied for as though it was a non-SMSA area.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-32069 Filed 11-30-83; 8:45 am]

BILLING CODE 6712-01-M

Winterbrook Communications, Inc., et al.; MM Docket No. 83-1042 et al; Application for Construction Permit; for Ashland, Oregon, Phoenix, Oregon and Talent, Oregon; Hearing Designation Order; Correction

By the Chief, Mass Media Bureau.

The Commission has before it The hearing designation order designating for hearing the above-captioned applications published in the Federal Register on October 17, 1983 (48 FR 47067), erroneously listed Local Talent Broadcasting Company as applying for a station in Ashland, Oregon.

This document corrects that listing to state, that Local Talent Broadcasting Company will be listed as applying for an FM station at Talent, Oregon.

Federal Communications Commission.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Burea.

[FR Doc. 83-32070 Filed 11-30-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group Income and Other Accounts Subcommitteee; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Telecommunications Advisory Group (TIAG) Income and Other Accounts Subcommittee scheduled for Wednesday and Thursday, December 14 and 15, 1983. The meeting will begin on December 14 at 9:30 a.m. in the offices of AT&T, 1120 20th Street, NW., Washington, D.C., and will be open to the public. The agenda is as follows:

I. General Administrative Matters
II. Discussion of Assignments
III. Other Business
IV. Presentation or Oral Statements
V. Adjournment

With prior approval of Subcommittee Chairman Glenn L. Griffin, oral statements while not favored or encouraged may be allowed at the meeting if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Griffin ((214) 659-3484) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-32068 Filed 11-30-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 83-54]

Petition for Exemption From Tariff Filing Requirements Previously Granted by Commission Order and Cross-Petition for Revocation of Exemption; Kugkaktlik, Ltd.; Order of Investigation and Hearing

Kugkaktlik Ltd. has petitioned the Commission for a declaratory order extending the exemption from the tariff filing requirements of the Shipping Act, 1916 (46 U.S.C. 801 *et seq.*) and the Intercoastal Shipping Act of 1933 (46 U.S.C. 843 *et seq.*) granted under section 35 of the Shipping Act (46 U.S.C. 833a) in Docket No. 80-30, *In the Matter of Exemption of Kugkaktlik, Limited From Tariff Filing Requirements*, July 30, 1980. A reply to the petition and cross-petition for revocation of the exemption was filed by Kuskokwim Transportation

Company. Kugkaktlik filed a reply to the cross-petition.

Upon consideration of the foregoing documents, and the factual issues raised by them, the Commission concludes that further proceedings are necessary to determine whether the existing exemption and the requested expansion are detrimental to commerce or unjustly discriminatory, and whether common carrier service to this portion of Western Alaska should generally be exempt from the tariff filing requirements of the Shipping Act, 1916 and the Intercoastal Shipping Act, 1933.

Kugkaktlik's tugboat and barge service from Bethel, Alaska to eight native villages in western Alaska north of the Kuskokwim River was exempted from tariff filing requirements by Commission action in 1980. At that time, there were no protests to the requested exemption. The Commission found that the exemption would not be detrimental to commerce or unjustly discriminatory in view of the limited size and geographically remote nature of Kugkaktlik's services and the relatively large expense of complying with the tariff filing regulations.

Kugkaktlik now requests an expansion of this exemption to include four additional villages and service by two additional vessels. Kugkaktlik states that its service consists mainly of transport of bulk fuel oil purchased by it for sale at destination, with a small amount of on deck general cargo service offered as a convenience to the native villages. The deck cargo service totalled $68,000 in gross receipts during the 1982 season.

Kuskokwim has filed a protest to the request for expansion of Kugkaktlik's exemption and has cross-petitioned for revocation of the existing exemption. Kuskokwim is controlled by the Kuskokwim Corporation which, like Kugkaktlik, is a native corporation organized under the Alaska Native Claims Settlement Act, 43 U.S.C. 1601 *et seq.* Kugkaktlik, however, alleges that a "substantial ownership interest in Kuskokwim is held by Crowley Maritime Corporation," a major carrier in the Alaska trades.

Kuskokwim serves western Alaska, including the area served by Kugkaktlik, under tariffs filed with the FMC and the Interstate Commerce Commission. With the exemption expansion requested, Kugkaktlik would serve 12 of the 17 villages covered by Kuskokwim's F.M.C. tariff. Kugkaktlik, however, alleges that Kuskokwim's service to the villages Kugkaktlik proposes to serve has been sporadic and inadequate, consisting of one delivery to two villages during the 1982 season. Kuskokwim states that it and Kugkaktlik are competitors, and that continuation or expansion of Kugkaktlik's exemption will be unjustly discriminatory to Kuskokwim.

Kugkaktlik's petition requests issuance of a declaratory order under Rule 68 of the Commission's Rules of Practice and Procedure (46 CFR 502.68). The request for an enlargement of an existing exemption is not the type of matter best disposed of pursuant to a declaratory order. The Commission is therefore treating Kugkaktlik's petition as one filed pursuant to Rule 69 (46 CFR 502.69), which provides for the filing of "Petitions—General."

Section 35 of the Shipping Act provides:

> The * * * Commission, upon application or on its own motion, may by order or rule exempt for the future * * * any specified activity from any requirement of the Shipping Act, 1916, or Intercoastal Shipping Act, 1933, where it finds that such exemption will not substantially impair effective regulation by the * * * Commission, be unjustly discriminatory, or be detrimental to commerce.
>
> The Commission may attach conditions to any such exemptions and may, by order, revoke any such exemption.
>
> No order or rule of exemption or revocation of exemption shall be issued unless opportunity for hearing has been afforded interested persons.

Neither party has specifically requested a hearing. However, the protest and cross-petition for revocation raise material issues of fact going to the propriety of the requested expansion of the existing exemption and the continued necessity of the exemption. Because Kuskokwim has alleged that the continuation or expansion will place that carrier at a disadvantage vis-a-vis Kugkaktlik, the possibility of extending the existing exemption to the operations of all carriers serving the Kuskokwim Bay area has become an issue before the Commission. The degree of actual competition between Kuskokwim and Kugkaktlik and the relative size of the two operations are matters which, although not ascertainable on the present record, should be considered in determining whether expansion or continuation of the existing exemption creates unjustly discriminatory conditions. The existence and degree of integration between Kuskokwim and Crowley operations in the Alaska trade is an issue upon which the Commission would benefit from further information from the parties. Similarly, the level of common carrier service in the Kuskokwim Bay area is not apparent on the present record. As part of our deliberations on the Kugkaktlik petition, we will consider whether a trade-wide exemption of all common carrier services to this remote area of Western Alaska may be justified, based upon the size, scope and nature of those services and of the area served.

To avoid unnecessary expenditures of the parties' resources, the investigation and hearing hereby initiated will be limited to the simultaneous submission of affidavits, memoranda of law, and replies. We see no need to engage in a full scale, trial-type hearing to resolve the issues raised. Further hearings, including oral testimony, cross examination, or oral argument, will be undertaken only upon a detailed showing by the parties that the issues raised cannot be resolved on the basis of written submissions.

Therefore, it is ordered, that pursuant to sections 18 and 35 of the Shipping Act, 1916 (46 U.S.C. 817 and 833a) and section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844), an investigation and hearing is instituted to determine whether: (1) The exemption of Kugkaktlik Ltd. from the requirements of section 18 of the Shipping Act, 1916 and section 2 of the Intercoastal Shipping Act, 1933 for the filing of tariffs for carriage of general cargo from Bethel, Alaska to the villages of Tuntutuliak, Kongiganak, Kwigillingok, Kipnuk, Chefornak, Tooksook Bay, Nightmute and Tununak is unjustly discriminatory or impairs effective regulation by the Commission; (2) the exemption of Kugkaktlik, Ltd. from the previously enumerated requirements of the Shipping Act, 1916 and the Intercoastal Shipping Act, 1933 for service from Bethel, Alaska to the villages of Quinahagak, Goodnews Bay, Platinum and Mekoryuk would be unjustly discriminatory or impairs effective regulation by the Commission; and (3) common carrier service to villages in Western Alaska from Platinum to Mekoryuk should be exempted on a trade-wide basis from the tariff filing requirments of section 18 of the Shipping Act, 1916 and section 2 of the Intercoastal Shipping Act, 1933; and

It is further ordered, that Kugkaktlik, Ltd. is hereby made Proponent in this proceeding; and

It is further ordered, that Kuskokwim Transportation Company is hereby made Protestant in this proceeding; and

It is further ordered, that the parties to this proceeding shall submit affidavits of fact, memoranda of law and such other documents as they wish to submit no more than thirty days after service of this Order; and

It is further ordered, that the parties to this proceeding shall submit affidavits of fact, memoranda of law or other

documents in reply to the opposing party's initial submission within thirty days of service of such initial submission; and

It is further ordered, that persons other than those named having an appropriate interest and desire to participate in this proceeding may petition for leave to intervene pursuant to Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72); and

It is further ordered, that this Order be published in the **Federal Register** and a copy served upon all parties of record;

It is further ordered, that all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118) as well as being mailed directly to all parties of record.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-32095 Filed 11-30-83; 8:45 am]

BILLING CODE 6730-01-M

GENERAL SERVICES ADMINISTRATION

Availability of Supplement to Final Environmental Impact Statement, ETN 78002; Renovation of Union Station, Nashville, Davidson County, Tenn.

The U.S. General Services Administration (GSA) has prepared, in accordance with section 102(2)(C) of the National Environmental Policy Act, as amended, a supplement to the Final Environmental Impact Statement (FEIS), Number ETN 78002, which was dated December 7, 1978, and entitled Renovation of Union Station, Nashville, Davidson County, Tennessee. The supplement addresses the current proposal to not proceed with the proposed renovation project and to declare the Union Station excess to the needs of GSA. It is further proposed to house those agencies that were slated to occupy the Union Station in an existing Government-owned facility in which sufficient vacant space will be available in the near future.

The supplement to the FEIS was released on November 22, 1983, to Federal, state, and local agencies, interested individuals, and community groups. All interested parties are invited to review and comment on the supplement to FEIS ETN 78002. Copies of the supplement to the Final Environment Impact Statement are available from the following person upon request:

Mr. James L. Smith, Chief, Planning Staff, Office of Public Buildings and Real Property, General Services Administration, 75 Spring Street SW., Room 418-A, Atlanta, Ga. 30303, (404) 221-3080

Also a copy of the supplement is available for review and public inspection at the following locations:

Mr. Larry Fountain, Director, Business Service Center, General Services Administration, 75 Spring Street SW., Room 318, Atlanta, GA. 30303, (404) 221-3032

and

Mr. Herman Thompson, Field Office Manager, General Services Administration, Estes Kefauver Federal Building & U.S. Courthouse, 801 Broadway, Room 113, Nashville, Tenn. 37203, (615) 251-5221.

Written comments will be received until December 30, 1983, and should be submitted to Mr. James L. Smith at the forestated address.

Dated: November 22, 1983.

Donald F. Layfield,

Regional Administrator.

[FR Doc. 83-32182 Filed 11-30-83; 8:45 am]

BILLING CODE 6820-34-M

GSA Advisory Board; Meeting

Notice is hereby given that the GSA Advisory Board's subcommittees on Contracting and Supply and Distribution will meet on December 6, 1983 from 9:30 a.m. to 4:30 p.m. in room 6120, GSA Central Office, 18th and F Streets, NW., Washington, D.C. This meeting will be devoted to discussions relating to agency efforts to automate its contracting process, improve the formulation of contracting policy, introduce improvements in agency product ordering procedures (color banding) and efforts to maximize government-wide savings through increased reliance upon GSA sources of supply. This meeting will be open to the public.

Less than fifteen days notice of this meeting is being provided due to scheduling difficulties.

Roger C. Dierman,

Deputy Associate Administrator.

[FR Doc. 83-32215 Filed 11-30-83; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Blood Products Advisory Committee; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Blood Products Advisory Committee

Date, time and place. December 15 and 16, 8:30 a.m., Lister Hill Center Auditorium, National Library of Medicine, National Institutes of Health, Bldg. 38A, 9000 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, December 15, 8:30 a.m. to 9:30 a.m.; open committee discussion, 9:30 a.m. to 3:00 p.m.; closed presentation of data, 3:00 to 4:30 p.m.; open committee discussion, December 16, 8:30 a.m. to 4:30 p.m.; Mary Ann Tourault, National Center for Drugs and Biologics (HFN-830), Office of Biologics Research and Review, Food and Drug Administration, Bldg. 29, 8800 Rockville Pike, Bethesda, MD 20205, 301-496-5241.

General functions of the committee. The committee reviews and evaluates data on the safety, effectiveness, and appropriate use of blood products intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will hear data and information on the use of nonspecific tests to screen donated blood and plasma for potential infectivity.

Closed presentation of data. The committee will hear trade secret or confidential commercial information from individual manufacturers relevant

to new tests to detect potential infectivity in blood and plasma. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Rm. 4-62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94-409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Dated: November 23, 1983.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 83-32074 Filed 11-30-83; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Medicare Program; Performance Criteria and Statistical Standards for Evaluating Intermediary Performance During Fiscal Year 1983

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

ACTION: Final notice.

SUMMARY: This final notice amends and responds to comments on a general notice published in the **Federal Register** on February 18, 1983 (48 FR 7308). That notice described performance criteria and statistical standards to be used for evaluating the performance of fiscal intermediaries in the administration of the Medicare program for fiscal year 1983.

DATE: These changes are effective February 18, 1983, the effective date of the notice they amend.

FOR FURTHER INFORMATION CONTACT: Newton Dikoff, (301) 594-8190.

SUPPLEMENTARY INFORMATION:

I. Background

We evaluate the performance of Medicare fiscal intermediaries in such areas as bill processing, provider reimbursement, contract management, bill processing cost, bill processing timeliness, and cost report settlement quality, using performance criteria and statistical standards.

On February 18, 1983, we published in the **Federal Register** (48 FR 7176) a final rule that requires (at 42 CFR 421.120(c) and 421.122(d)) that we publish annual notices describing the specific performance criteria and statistical standards to be used for evaluating the performance of fiscal intermediaries in the administration of the Medicare program. On February 18, 1983, we also published in the **Federal Register** a notice that announced the criteria and standards for FY 1983 (48 FR 7308) and was effective on that date. Although we issued the performance criteria and statistical standards notice in final form, we offered to consider comments of interested parties and make modifications as we develop future performance measures.

II. Discussion of Comments on the Notice

We received three letters in response to the notice. The comments were from a law firm, a home health agency and an insurance company.

Comment: One commenter suggested that the wording on pages 7309 and 7311 under "A. Scoring System" implies that a failure of any one of three performance criteria or three statistical standards would result in an overall unsatisfactory performance rating.

Response: We agree and are revising the language in the final notice to clarify that unsatisfactory performance in any of these areas may contribute to an overall assessment of unsatisfactory performance for the performance criteria or statistical standard phases of the evaluation system. This acknowledges the complexity of the decision concerning satisfactory/unsatisfactory performance. For example, we may also consider HCFA regional office comments concerning circumstances which mitigate against an overall assessment of unsatisfactory performance and we may consider current year legislative/administrative initiatives with emphaiss prescribed by the Secretary of HHS or the executive Office of Management and Budget.

Comment: One commenter expressed concern about an incorrect weight coefficient on page 7310 column 2 under "B. Bill Processing." Intermediaries had been informed in HCFA instructions that the weight coefficient was 1.0 and the notice incorrectly included a weight of 1.5.

Response: The weight for (b) Criterion B(1) Element 1 is 1.0 and the notice is being revised to indicate the correct weight.

Comment: One commenter expressed concern about the inclusion of the clerical salary survey compiled by the Life Office Management Association (LOMA) into the adjustment factors used to determine an intermediary's unit cost. The commenter believed that since the survey is compiled on a confidential basis as a service to its members and cannot be distributed to nonmembers, it should not have been included by HCFA as an adjustment factor.

Response: We are aware that the LOMA survey cannot be used as an adjustment factor. Since the formula that HCFA will use to adjust an intermediary's unit cost will vary in sources and factors used, and because there is concern that readers reading the final notice may assume that the LOMA data may be used as an adjustment, we are making two changes. First, we are deleting the language "by applying the adjustment factors described below." from page 7312, column 2, line 7 to emphasize that the LOMA survey is not used as an adjustment factor. Second, we are deleting the LOMA data which were to be used for the adjustment factors from page 7312, column 2, the second paragraph.

Comment: One commenter recommended that both medical and utilization review costs should be excluded in comparing intermediaries' costs. The commenter felt that medical and utilization review are program safeguard functions which should be external to the bill processing function.

Response: We agree with the suggestion and have revised the language in the final notice to exclude medical and utilization review costs in comparisons of intermediaries' costs.

III. Waiver of 30-Day Delayed Effective Date

This notice contains technical and minor corrections and does not introduce substantive policy revisions. Its publication is intended to inform interested parties of comments received as a result our February 18, 1983 notice and how the concerns they raised effect the criteria and standards for FY 83. The changes constitute a simplification in the administration of our system already being used for evaluating intermediary performance. For these reasons, we find good cause to waive the usual 30-day delay in the effective date.

IV. Impact Analysis

This final notice merely responds to comments received on a notice published on February 18, 1983. It makes no further changes that result in costs or savings. Therefore, we have determined that it is not a major rule under the criteria of Executive Order 12291, and the Secretary certifies that is will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act of 1980 (Pub. L. 96–354).

V. Changes to the Notice

The following changes are made to the notice appearing at 48 FR 7308 appearing in the issues of February 18, 1983. Under Supplementary Information we are changing the notice as follows:

1. On page 7309, in column 3, third paragraph under the heading, A. Scoring System, line 5 "the three areas may result in * * *" is corrected to read, the three areas may contribute to * * *." The change sentence reads "Unsatisfactory performance in any of the three areas may contribute to an overall assessment of unsatisfactory performance for the performance criteria phase of the evaluation system."

2. On page 7310, in column 2 under the heading, B. Bill Processing, (b) Criterion B(1) Element 1, "Weight=1.5." is corrected to read "Weight=1.0."

3. On page 7311, in column 3, first full paragraph, line 11, "may result in * * *" is changed to read "may contribute to * * *." The changed sentence reads, "Failure to achieve a score of 75 in any of the statistical standards may contribute to an overall assessment of unsatisfactory performance for the statistical standards phase of the evaluation process."

4. On page 7312, in column 1, under the heading, C. Unit Cost Standard, line 10, after "related to provider reimbursement; add "medical and utilization review;". The changed sentence reads "These costs exclude nonrecurring costs and costs related to provider reimbursement; medical and utilization review; provider audit; Professional Standards Review Organization and health maintenance organization activities; and State premium taxes, where applicable."

5. On page 7312, in column 2, line 7, "* * * by applying the adjustment factors described below." is deleted. The changed sentence reads "Before we compare an intermediary's unit cost with the FY 83 standards, appropriate adjustments will be made." Also, on page 7312, in column 2, the second full paragraph is changed by deleting the indented paragraph which discusses how we will adjust the factors.

(Secs. 1102, 1816 and 1871 of the Social Security Act (42 U.S.C. 1302, 1395h, and 1395hh; 42 CFR 421.120 and 421.122))

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: October 3, 1983.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: November 2, 1983.

Margaret M. Heckler,

Secretary.

[FR Doc. 83-32072 Filed 11-30-83; 8:45 am]

BILLING CODE 4120-03-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection Submitted to OMB for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under

the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service clearance officer and the OMB Interior Desk Officer at 202-395-7340.

Title: Grazing Permit Application, to allow the grazing of livestock on national wildlife refuges

Bureau Form Number: N/A

Frequency: On occasion

Description of Respondents: Individuals or households, farms, and ranches

Annual Responses: 740

Annual Burden Hours: 370

Service Clearance Officer: Arthur J. Ferguson, 202-653-7499.

Walter O. Stieglitz,

Acting Associate Director—Wildlife Resources.

[FR Doc. 83-32173 Filed 11-30-83; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Indian Affairs

Indian Child Welfare Act; Grant Funds Guidelines

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Title II of the Indian Child Welfare Act of 1978 authorized the Secretary of the Interior to make grants to Indian tribes and Indian organizations for establishment and operations of Indian child and family service programs.

In order to ensure insofar as possible that all applicants approved for funding receive a proportionate share of available grant funds under the provisions of 25 CFR Part 23, "Application and selection criteria", established by the Bureau of Indian Affairs, the distribution of these funds will be accomplished based on merit and need in accordance with the following guidelines.

Grants will be awarded to individual tribes or organizations, or to consortia of tribes and organizations within the following categories:

A. A maximum of up to $50,000 for eligible applicants with a total service area population of 3,000 or less;

B. A maximum of up to $150,000 for eligible applicants with a total service area population greater than 3,000 but less than 15,000;

C. A maximum of up to $300,000 for eligible applicants with a total service area population of 15,000 or more.

A consortium is an agreement or association of two or more eligible applicants. Notwithstanding the above grant guidelines, consortia having a total service area population of 3,000 or less, may apply for a maximum grant of up to $150,000 because of the greater administrative costs associated with operating a small consortium. Consortia with service area populations greater than 3,000 must comply with the grant guidelines set above.

Service area population means the total number of Indians eligible for service under 25 CFR 23.2(d) (2) and/or (3) in the geographical area to which the tribe or organization can realistically provide the services proposed in the application. The service area population is used only to determine maximum grant allocations a tribe, multi-service center, or organization may be eligible to receive. These population figures must be based on identifiable statistical resources.

Applicants will not be funded for more than their demonstrated need, as specifically addressed in 25 CFR 23.24 and 23.25. The statistical requirements established in these regulations, as well as the tribe's multi-service center's or organization's prior service record will be used in determining need. Examples of necessary data include the number of actual or estimated Indian child placements outside the home, the number of actual or estimated Indian family breakups, and the number of persons who will receive direct services from any portion of the proposed program, preferably by program area.

In accordance with 25 CFR 23.27(c)(3), if an applicant has been a grantee during Fiscal Year 1983 and proposes to continue essentially the same service program, the applicant, at the time of application, must provide satisfactory evaluations from the area office along with the other materials required in this subsection.

At no time may any Indian tribe or organization which is either an eligible individual applicant in accordance with 25 CFR 23.21 or a member of consortium receive Indian Child Welfare Act grant funds greater than a maximum grant of $300,000 through a direct grant or through subgranting procedures with approved applicants.

The FY 1984 appropriation for this program is $8,700,000. A preliminary projection of percentages of funds to be allocated to each of the Bureau of Indian Affairs' area offices and corresponding dollar amounts follows:

	Percent	Dollars
Aberdeen	6.85	595,950
Albuquerque	6.17	536,790
Anadarko	7.79	677,730
Billings	3.86	335,820
Juneau	8.75	761,250
Minneapolis	11.93	1,039,800
Muskogee	7.72	671,640
Navajo	3.45	300,000
Phoenix	8.61	766,470
Portland	12.46	1,084,020
Sacramento	12.61	1,097,070
Eastern	9.58	833,460

These preliminary allocations are meant for information purposes to the public. They were determined by averaging the following factors for each area office: The total Indian population based on the 1980 census figures and the 1983 estimates of Indian population and labor force statistics compiled by the Bureau of Indian Affairs. The number of grantees by area, and the structure of the grant program were considered in an effort to provide certain adjustments to meet the need for such programs identified in previous years. Final allocations for funding applications will be made upon appropriation and by the Central Office.

Dated: November 25, 1983.

John W. Fritz,

Acting Assistant Secretary, Indian Affairs.

[FR Doc. 83-32076 Filed 11-30-83; 8:45 am]

BILLING CODE 4310-02-M

Indian Child Welfare Act; Title II Grant Applications

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The period for submitting grant applications is effective on the date of publication in the **Federal Register** and will end January 16, 1984. It is necessary that specific timeframes be established for submission of applications so that all applicants approved for funding under the provisions of 25 CFR Part 23 may be included in a competitive review and ranking process, and can receive a proportionate share of available grant funds.

Application materials and related information may be obtained from Bureau of Indian Affairs offices nearest the applicant. Applications are being accepted in anticipation of an appropriation. All grant application approvals will be subject to the availability of funds. Grant awards will be for a one-year period.

Grant applications will be accepted for the purpose of:

(a) Establishment and operation of Indian child and family service

programs which promote the stability of Indian families; and

(b) Providing non-Federal matching shares for other Federal financial assistance programs for "on or near" reservation programs which contribute to the purpose stated in (a) above.

Applications must be received in the appropriate Bureau of Indian Affairs, Social Services Office, on or before 4:15 p.m., or the applicable close of business for that office on the closing date of the application period. Applications sent be registered or certified mail not later than the closing date as evidenced by the U.S. Postal Service postmark or the original receipt from the U.S. Postal Service, will be considered.

John W. Fritz,

Acting Assistant Secretary, Indian Affairs.

[FR Doc. 83-32075 Filed 11-30-83; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[F-14897-A]

Alaska Native Claims Selection; Seth-de-ya-ah Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)) (ANCSA), will be issued to Seth-de-ya-ah Corporation for approximately 140 acres. The lands involved are U.S. Survey No. 4455D, U.S. Survey No. 4469 and a portion of U.S. Survey No. 4220A, all within T. 4 N., R. 9 W., Fairbanks Meridian.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner upon issuance of the decision. For information on how to obtain copies, contact Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR, Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until January 3, 1984 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Retained Lands Unit—Easements, Division of Land and Water Management, Alaska Department of Natural Resources, Pouch 7-005, Anchorage, Alaska 99510

Seth-de-ya-ah Corporation, P.O. Box 849, Fairbanks, Alaska 99701

Doyon, Limited, Land Department, Doyon Building, 201 First Avenue, Fairbanks, Alaska 99701

Arvilla McAllister,

Acting Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-32067 Filed 11-30-83; 8:45 am]

BILLING CODE 4310-84-M

[M-57793]

Conveyance of Public Lands; Montana

November 17, 1983.

AGENCY: Bureau of Land Management, MSO, Interior.

ACTION: Notice of conveyance of public lands in Phillips County.

SUMMARY: Notice is hereby given that pursuant to Sec. 206 of the Act of October 21, 1976 (43 U.S.C. 1716 (1976)), the following described land was conveyed to First Montana Title Insurance Company as trustee for the benefit of the Federal Land Exchange of Nevada, Inc.

Principal Meridian, Montana

T. 29 N., R. 28 E.,
Sec. 3, lots 3 and 4, S½NW¼
T. 30 N., R. 28 E.,
Sec. 10, NE¼
T. 31 N., R. 29 E.,
Sec. 16, E½
T. 28 N., R. 31 E.,
Sec. 25, N½
T. 28 N., R. 32 E.,
Sec. 8, SE¼NE¼.
Aggregating 1,011.20 acres.

In exchange for the above land, the United States acquired the following described land within the boundaries of the Custer National Forest, Carbon County, Montana:

Principal Meridian, Montana

T. 8 S., R. 26 E.,
Secs. 5, 8, and 9—parts within HES169.
Containing 159.96 acres.

The purpose of this notice is to inform State and local governmental officials and other interested parties of the conveyance of the land to First Montana Title Insurance Company.

Edgar D. Stark,

Chief, Lands Adjudication Section.

[FR Doc. 83-32062 Filed 11-30-83; 8:45 am]

BILLING CODE 4310-84-M

Conveyance of Public Lands; New Mexico

Notice is hereby given that, pursuant to Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), the following described public lands have been conveyed to the purchasers shown through non-competitive sale.

Legal Description, Acreage, and Purchaser

New Mexico Principal Meridian, New Mexico

T. 1S., R. 1W.,
Sec. 36, lot 5, 9.56 acres; The Atchison, Topeka and Santa Fe Railway Company, 900 Polk Street, Amarillo, Texas 79171.
T. 2 S., R. 1 W.,
Sec. 1, lot 33, 0.33 of an acre; Manuel Arturo Cordova, General Delivery, Lemitar, New Mexico 87823.
Sec. 2, lot 42, 1.57 acres; Emil Kiehne and Sons, Incorporated, P.O. Box 167, Reserve, New Mexico 87830.
Sec. 2, tract 44 and lot 64; 0.57 of an acre; Benito A. Chavez, Star Route 1, Box 28, Lemitar, New Mexico 87823.
Sec. 11, lot 46; 3.12 acres; Wilma R. and James B. Kelly, Jr., P.O. Box C, Socorro, New Mexico 87801.

Sec. 11, lot 44; 0.57 of an acre; John W. and Ona I. Couch, Route 1 Box 54, Socorro, New Mexico 87801.
Sec. 11, lot 45; 1.19 acres; Frank C. Jaramillo, Box 312, Socorro New Mexico 87801.
Sec. 25, lot 18; 0.26 of an acre; Middle Rio Grande Conservancy District, 1930 Second Street SW., Albuquerque, New Mexico 87102.
Sec. 25, lot 22; 0.37 of an acre; Teresita B. Crespin, P.O. Box 122, Socorro, New Mexico 87801.
Sec. 13, lot 63 and sec. 25; lot 23; 0.60 of an acre; Middle Rio Grande Conservancy District, 1930 Second Street SW., Albuquerque, New Mexico 87102.
T. 3 S., R. 1 E.,
Sec. 31, lots 46 and 53; 1.20 acres; David M. Gonzales, P.O. Box 129, Socorro, New Mexico 87801.
T. 2 S., R. 1 E.,
Sec. 19, lot 34; 0.92 of an acre; G. A. and Yvonnie Chumbley, 3109 Heritage, Abilene, Texas 79606.

The purpose of this notice is to inform the public and interested State and local governmental officials of the issuance of conveyance documents.

Edward C. Roberts,

Area Manager.

[FR Doc. 83-32090 Filed 11-30-83; 8:45 am]

BILLING CODE 4310-84-M

[W-78366]

Conveyance of Public Lands, and Exchange of Public Lands for Private Lands; Big Horn and Park Counties, Wyoming

1. Notice is hereby given that pursuant to Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716 (1976), the following described land, surface estate only, has been conveyed to Glenn E. Nielson, Cody, Wyoming:

Sixth Principal Meridian, Wyoming

T. 51 N., R. 100 W.,
Sec. 7, lots 5, 6, and 7, and SW¼SE¼;
Sec. 18, lots, 4, 5, 6, and 7, E½W½, and W½E½;
Sec. 19, lots 1, and 2, W½NE¼, and E½NW¼.
T. 51 N., R. 101 W.,
Sec. 10, lots 2, 3, and 4, S½NE¼, and E½SE¼;
Sec. 11, lots 1, 4, and 5, SW¼NE¼, S½NW¼, NE¼NE¼SW¼, E½NW¼N E¼SW¼, SE¼NE¼SW¼, E½SW¼ NE¼SW¼, SW¼SW¼NE¼SW¼, W½ NW¼SW¼, S½SE¼NW¼SW¼, and SW¼SW¼;
Sec. 12, lots 9 and 10;
Sec. 15, lot 2;
Sec. 24, lot 2;
Tracts 64C adn 64H;
Tracts 65A, 65B, 65G, and 65H;
Tracts 66A, 66D, and 66E;
Tracts 67A 67B, 67C, 67D, 67E, and 67F;
Tract 71G.

Containing 2066.44 acres.

2. In exchange for the above land, the United States acquired the following described land from Glenn E. Nielson for the purpose of diminishing private lands in the "Fifteen Mile Wild Horse Area":

Sixth Principal Meridian, Wyoming

T. 49 N., R. 97 W.,
Sec. 4, lots 6, 7, and 8, and S½N½;
Sec. 6, lots 13 and 14;
Sec. 19, lot 8, SE¼SW¼; and SE¼;
Sec. 30, lots 5 and 6, NE¼, and E½NW¼.
T. 50 N., R. 97 W.,
Sec. 30, lot 8, SE¼SW¼, and SW¼SE¼;
Sec. 31, N½NE¼ and NE¼NW¼;
Sec. 32, S½NE¼, NW¼, and N½SE¼;
Sec. 33, NW¼SW¼, S½SW¼, and SW¼SE¼.
T. 49 N., R. 98 W.,
Sec. 1, S½SW¼ and SE¼;
Sec. 2, lots 7 and 8, S½NW¼, and S½;
Sec. 3, SE¼SE¼;
Sec. 10, N½NE¼NE¼;
Sec. 11, N½N½.

Containing 2576.59 acres.

3. Subject to valid existing rights and the requirements of applicable law, the land described in Paragraph 2 above, is hereby open to operation of the public land laws effective upon date of publication of this notice in the **Federal Register.** The land has been, and shall continue to be, open to operation of the mining and mineral leasing laws. All valid applications received prior to 10:00 a.m. on December 19, 1983, shall be considered as simultaneously filed at that time. Those received thereafter, shall be considered in the order of filing.

Inquiries concerning the lands should be addresed to the Chief, Branch of Land Resources, P.O. Box 1828, Cheyenne, Wyoming 82003.

P. D. Leonard,

Associate State Director, Wyoming.

[FR Doc. 83-32156 Filed 11-30-83; 8:45 am]

BILLING CODE 4310-84-M

California Desert District; Surprise Canyon Area of Critical Environmental Concern (ACEC); Implementation of Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Implementation of Surprise Canyon ACEC Management Plan.

SUMMARY: The Surprise Canyon ACEC was established to provide protection and enhancement of natural and cultural resource features of Public Land in the Surprise Canyon watershed. This ACEC also provides for other resource uses to the extent they are compatible with the overall goal of protection and enhancement of key natural and cultural resources. The authorities for the management plan are 43 CFR 8000.0–6, 8340, 8341, 8342, 8343, 8351, 8364, and 8365, the Federal Land Policy and Management Act of 1976, the National Environmental Policy Act of 1969, the Sikes Act of 1974, the Antiquities Act and Archaeological Resources Protection Act of 1979. The area affected by this management plan is the Surprise Canyon ACEC. The ACEC contains approximately 13,168 acres of BLM managed public lands in Inyo County. The ACEC Management Plan was developed following the guidelines established for the area in the California Desert Conservation Area Plan. The results of the ACEC Management Plan included public involvement.

EFFECTIVE DATE: Immediately.

ADDRESS: Send inquiries to Area Manager, Ridgecrest Resource Area, 1415A N. Norma, Ridgecrest, California 93555. The ACEC Management Plan and public comments will be available at the above address from 7:30 a.m. to 4:00 p.m. on regular working days. For further information contact Peter Rowlands at the above address or (619) 446–4526.

Plan Actions: The purpose of these closures and restrictions is to minimize conflicts between recreation use, mineral use, and natural and cultural resources. Camping and parking areas will be limited to designated areas. Designated camping and parking areas will be marked.

The riparian areas of the ACEC will be closed to firewood gathering. A letter will be sent to all residents in the canyon identifying this closure. Vehicle use will be restricted to designated roads and signed accordingly.

The ACEC will be closed to the collecting of plants and animals exept by permit. California Department of Fish and Game will be the authority to issue animal collecting permits. Bureau of Land Management will be the authority to issue vegetation collecting permits.

The ACEC will be closed to shooting. However, hunting, managed by the California Department of Fish and Game, will be allowed to continue. The public lands within the ACEC will remain open to other resource uses not in conflict with the objectives of the ACEC Management Plan.

Administrative access by vehicle into areas closed to vehicle access for BLM personnel, BLM contractors, licensees, permittees, lessees, and other federal, state, and county employees is allowed when on official duty and when cleared beforehand by the authorized officer.

A map showing the restricted areas is available for review at the Ridgecrest

Resource Area Office. Copies of the map are available upon request.

All restrictions will be identified on an interpretive sign posted at the entrance of the Surprise Canyon ACEC.

Any person who violates or fails to comply with these regulations as governed by 43 CFR Parts 8340, 8351, 8364, and 8365 may be subject to prosecution pursuant to appropriate laws and regulations. Such punishment may be a fine of not more than $1,000 or imprisonment for not longer than 12 months or both.

Dated: November 21, 1983.

Gerald E. Hillier,

District Manager.

[FR Doc. 83-32156 Filed 11-30-83; 8:45 am]

BILLING CODE 4310-84-M

[A-17295]

Exchange of Public and Private Lands; Mohave County, Arizona

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Realty Action—Exhchange, Public Lands in Mohave County, Arizona.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian, Arizona

T. 19 N., R. 21 W.,
Sec. 31, lots 3 and 4 and W½E½SW¼.
Comprising 120.08 acres, more or less.

In exchange for these lands, the United States will acquire the following described lands from Albert Bojorquez of Bullhead City, Arizona:

Gila and Salt River Meridian, Arizona

T. 20 N., R. 20 W.,
Sec. 3, SW¼SW¼;
Sec. 23, NE¼NW¼;
Sec. 27, SE¼SE¼.
Comprising 120 acres, more or less.

The purpose of the exchange is to acquire the non-federal lands which contain riparian habitat within the Black Mountains west of Kingman, Arizona. In addition, the United States will acquire all water rights held by the proponent in the above described offered lands. The exchange is consistent with the Bureau's planning system and the public interest will be well served.

The above lands will be subject to an appraisal to determine the value of the lands and interest to be exchanged. The listed lands may change to reflect equal value following the completion of the appraisal.

Lands to be transferred from the United States will be subject to the following reservations:

1. A right-of-way for ditches and canals constructed by the authority of the United States, pursuant to the Act of August 30, 1890 (26 Stat. 391; U.S.C. 945).

2. All minerals in the subject are reserved to the Santa Fe Pacific Railroad Company as set forth in Patent No. 1128838 of April 16, 1947.

3. Subject to such rights for powerline right-of-way A-1876 as provided under the authority of the Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961).

4. Subject to such rights for diversion dike right-of-way A-18889 as provided under the authority of the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

5. Subject to whatever restrictions may be imposed by the County Floodplain Administrator in accordance with the "Amended Floodplain Regulations For The Unincorporated Area of Mohave County, Arizona," as adopted by the Mohave County Board of Supervisors by Resolution No. 82-1 of May 17, 1982, and Recorded in Book 824, Page 895 of Official Records, Mohave County, Arizona.

Private lands to be acquired by the United States will be subject to the following reservations, terms and conditions:

1. All minerals in the subject are reserved to the Santa Fe Pacific Railroad Company as set forth in Book 78 of Deeds, page 259 and nullification of certain rights recorded in Book 88 of Deeds, page 416, Mohave County, Arizona.

Publication of this Notice will segregate the subject lands from all appropriations under the public land laws. This segregation will terminate upon the issuance of a patent or two years from the date of this Notice, or upon publication of a Notice of Termination.

Detailed information concerning this exchange can be obtained from the Kingman Resource Area Office, 2475 Beverly Avenue, Kingman, Arizona 86401. For a period of Forty-five (45) days from the date of this Notice, interested parties may submit comments to the District Manager, Phoenix District Office, 2929 West Clarendon Avenue, Phoenix, Arizona 85017. Any adverse comments will be evaluated by the District Manager who may vacate or modify this Realty Action, and issue a final determination. In the absence of any action by the District Manager, this Realty Action will become the final determination of the Department of the Interior.

Dated: November 23, 1983.

Marlyn V. Jones,

District Manager.

[FR Doc. 83-32083 Filed 11-30-83; 8:45 am]

BILLING CODE 4310-84-M

[I-18536]

Exchange of Public and Private Lands; Issuance of Land Exchange Conveyance Document; Idaho

November 22, 1983.

The United States has issued an Exchange Conveyance Document to Harold T. and Claudia D. Stearns, Hope, Idaho 83836, for the following-described lands under Section 206 of the Federal Land Policy and Management Act of 1976.

Boise Meridian, Idaho

T. 56 N., R. 2 E.,
Sec. 20, lots 4, 5, and 6.
Comprising 85.32 acres of public land.

In exchange for these lands, the United States acquired the following-described lands:

Boise Meridian, Idaho

T. 56 N., R. 2 E.,
Sec. 17, S½S½NW¼SE¼, SW¼SE¼;
Sec. 20, patented part of Alamo No. 2 lode of M.S. 3537 in the W½NE¼.
Comprising 52.13 acres of private land.

The purpose of this exchange was to consolidate public land for better management and eliminate various rights-of-ways on the Federal land. The public interest was well served through completion of this exchange.

The values of the Federal public land and the non-Federal land in the exchange were appraised at $81,520.00 and $76,725.00 respectively. An equalization payment of $4,795.00 was paid to the United States by Harold T. and Claudia D. Stearns.

Louis B. Bellesi,

Deputy State Director for Operations.

[FR Doc. 83-32091 Filed 11-30-83; 8:45 am]

BILLING CODE 4310-84-M

[I-18849]

Exchange of Public and Private Lands; Idaho

The following described lands have been examined and determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716:

Bonneville County, Idaho

T. 1 N., R. 38 E., Boise Meridian
Sec. 12, SE¼SW¼, SW¼SE¼, NE¼SW¼;

T. 1 N., R. 39 E., Boise Meridian
Sec. 18, lots 2 & 4, NW¼SE¼, SE¼NW¼;
T. 1 N., R. 40 E., Boise Meridian
Sec. 32, lot 4.

Containing 313.1 acres.

In exchange for these lands, the Federal government will acquire the following described private lands from David Loertscher, representing Hi-Willow Farms:

T. 1 N., R. 40 E., Boise Meridian
Sec. 28, S½SE¼;
Sec. 29, N½NW¼;
Sec. 33, NE¼NE¼, SW¼NE¼, SE¼NW¼.

Containing 280 acres.

The purpose of the exchange is to acquire non-Federal lands which will provide additional Key winter habitat for a large herd of elk and deer. The acquired lands are located within the boundaries of the Tex Creek Wildlife Management Area. This management area has been established under Cooperative Agreement between the Idaho Department of Fish and Game and the Bureau of Land Management. The main objective of this agreement is to provide and protect the key winter habitat. The Federal lands involved in the exchange are isolated tracts not needed for any Federal programs. The exchange is consistent with the Bureau's planning for the lands and has been discussed with the County Commissioners, Idaho Department of Fish and Game and the Idaho Department of Lands. The public interest will be well served by making the exchange.

The value of the lands to be exchanged is approximately equal and the acreage will be adjusted or money will be used to equalize the values upon completion of the final appraisal of the lands.

The terms and conditions applicable to the exchange are:

1. The reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. Those rights for powerline purposes as have been granted to the Bureau of Reclamation under serial number I-06499.

3. Those rights granted for a road right-of-way to AMCOR, Inc. under serial number I-19803.

4. The mineral estates will not be exchanged. The U.S. will retain the mineral estates attached to the Federal lands and the exchange proponent will retain the mineral estates attached to the non-Federal lands.

The publication of this notice in the **Federal Register** will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws including the mining laws. As provided by the regulations of 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is descretionary, shall not be accepted, shall not be considered as filed and shall be returned to the applicant.

Detailed information concerning the exchange, including the environmental analysis and the record of public discussions, is available for review at the Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, Idaho.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Idaho Falls District Manager, Bureau of Land Management at the above address.

Dated: November 23, 1983.

James Gabettas,

Acting District Manager.

[FR Doc. 83-32087 Filed 11-30-83; 8:45 am]

BILLING CODE 4310-84-M

[OR 19343]

Exchange of Public and Private Lands; Oregon

ACTION: Exchange of Public Lands in the Counties of Crook, Deschutes, Gilliam, Harney, Lake, Sherman, Wasco and Wheeler; Realty Action Amendment.

SUMMARY: In the **Federal Register** Document 83-6927 beginning on page 11339 in the issue of Thursday, March 17, 1983, the fourth full paragraph of the second column of page 11340 should be amended to add an additional term and condition as follows:

"5. Both parties in the exchange will reserve all minerals in the lands being exchanged."

ADDRESS: Bureau of Land Management, 185 E. 4th Street, Prineville, OR 97754.

Dated: November 23, 1983.

Gerald E. Magnuson,

District Manager.

[FR Doc. 83-32079 Filed 11-30-83; 8:45 am]

BILLING CODE 4310-84-M

Rock Springs District Grazing Advisory Board; Meeting; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the Rock Springs District Grazing Advisory Board; Correction.

SUMMARY: This notice corrects the schedule of a meeting of the Rock Springs District Grazing Advisory Board. The original notice of meeting, published Thursday, October 27, 1983 on page 49703 of the **Federal Register** listed December 9, 1983 as the date of the meeting. The correct date is listed below.

DATE: January 19, 1983, 9:30 a.m. until 4:00 p.m.

ADDRESS: Bureau of Land Management District Office, Highway 191 North, Rock Springs, Wyoming.

FOR FURTHER INFORMATION CONTACT: Donald H. Sweep, District Manager, Rock Springs District, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82902-1869, (307-382-5350).

Donald H. Sweep,

District Manager.

[FR Doc. 83-32088 Filed 11-30-83; 8:45 am]

BILLING CODE 4310-84-M

[C-1-83, C-1-84]

Survey Plat Filings; California

November 22, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

T. 17 N., R. 16 E., MDM, Nevada County;
T. 32 N., R. 5 W., MDM, Shasta County;
T. 8 N., R. 4 E., HM, Humboldt County;
T. 9 S., R. 21 E., SBM, Imperial County.

2. The supplemental plats showing:

a. Amended lottings, section 2, T. 17 N., R. 16 E., Mount Diablo Meridian was accepted November 2, 1983.

b. The NW¼ of section 32, T. 32 N., R 5 W., Mount Diablo Meridian was accepted November 2, 1983.

c. A modified form of subdivision of former lot 16, section 14, T. 8 N. ,R. 4 E., Humboldt Meridian was accepted November 2, 1983.

d. A modified form of subdivision of original lots 2 and 7, section 25, T. 9 S., R. 21 E., San Bernardino Meridian, was accepted November 1, 1983.

3. The plats will immediately become the basic record for describing the land for all authorized purposes. The plats have been placed in the open files and are available to the public for information only.

4. These survey plats were executed to meet certain administrative needs of the U.S. Forest Service, Bureau of Indian Affairs, and this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 83-32085 Filed 11-30-83; 8:45 am]

BILLING CODE 4310-84-M

[Group 781]

Survey Plat Filings; California

November 22, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Humboldt Meridian, Humboldt County

T. 7 N., R. 5 E.

2. This plat, in two sheets, representing the dependent resurvey of the east and north boundaries, portions of the south and west boundaries, a portion of the subdivisional lines, the McCoy (false) south boundary of the Hoopa Valley Indian Reservation, and the Kirkham Placer Mine, and the survey of the subdivision at sections 4 and 5, and the meets-and-bounds survey of Tract 37, T. 7 N., R. 5 E., Humboldt Meridian, under Group No. 781, California, was accepted November 2, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of the U.S. Forest Service, Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 83-32086 Filed 11-30-83; 8:45 am]

BILLING CODE 4310-84-M

[Group 810]

Survey Plat Filings; California

November 22, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, Lake County

T. 15 N., R. 8 W.

2. This plat, representing the dependent resurvey of a portion of the Third Standard Parallel North, on the south boundary of T. 16 N., R.8. W., and a portion of the west boundary and subdivisional lines, and the survey of the subdivision of sections 6, 8, 17, 20 and 21, T. 15 N., R. 8 W., Mount Diablo Meridian, under Group No. 810, California, was accepted November 10, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 83-32084 Filed 11-30-83; 8:45 am]

BILLING CODE 4310-84-M

[M-59098]

Realty Action, Modified Competitive Sale of Public Land in McCone County, Montana; Correction

AGENCY: Bureau of Land Management, Miles City District Office, Interior.

ACTION: Notice.

SUMMARY: In the third paragraph of the "Summary" under the above title that appeared in FR Doc. 83-31218 on page 52467 on November 21, 1983, the following correction is made. In the third sentence, the word "not" is not a part of the notice and should not be considered a part of Notice of Realty Action M-59098.

Dated: November 23, 1983.

Bruce G. Whitmarsh,

Acting District Manager.

[FR Doc. 83-32157 Filed 11-30-83; 8:45 am]

BILLING CODE 4310-DN-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Exxon Co., U.S.A.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Exxon Company, U.S.A., Unit Operator of the Grand Isle Block 16 Federal Unit Agreement No. 14-08-001-2932, submitted on November 16, 1983, a proposed annual plan of development/production describing the activities it proposes to conduct on the Grand Isle Block 16 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838-0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: November 23, 1983.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 83-32176 Filed 11-30-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; McMoRan Offshore Exploration Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that McMoRan Offshore Exploration Co. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 3079 and 3080, Blocks 555 and 556, Matagorda Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service., Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838-0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals

Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: November 22, 1983.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 83-32178 Filed 11-30-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Mobile Oil Exploration and Production Southeast Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Mobil Oil Exploration and Production Southeast Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS 049 and 050, Blocks 119 and 120, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 838-0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 25034 of Title 30 of the Code of Federal Regulations.

Dated: November 21, 1983.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 83-32177 Filed 11-30-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Texaco U.S.A.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Texaco U.S.A. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0310, Blocks 207, 212, and 217, South Marsh Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 838-0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: November 25, 1983.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 83-32175 Filed 11-30-83; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30319]

Railroad Services Abandonment; St. Louis Southwestern Railway Co.; Exemption in McPherson County, KS

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the St. Louis Southwestern Railway Company from the requirements of 49 U.S.C. 10903 *et seq.* in connection with abandonment of 1.6 miles of rail line known as the McPherson City Track in McPherson County, KS, subject to conditions for protection of employees.

DATES: This exemption is effective on January 3, 1984. Petitions to stay must be filed by December 12, 1983; and petitions for reconsideration must be filed by December 21, 1983.

ADDRESS: Send pleadings referring to Finance Docket No. 30319 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 10423

(2) Petitioner's representative: Thormund A. Miller, Southern Pacific Building, One Market Plaza, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T. S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423 or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: November 22, 1983.

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

James H. Bayne,

Acting Secretary.

[FR Doc. 83-32102 Filed 11-30-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

Proposed Final Judgment and Competitive Impact Statement; Alaska Board of Registration for Architects, Engineers, and Land Surveyors

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement (CIS), as set forth below, have been filed with the United States District Court for the District of Alaska in *United States v. Alaska Board of Registration for Architects, Engineers, and Land Surveyors*, Civil No. A 82-423 CIV.

The complaint in this case alleged that, in violation of Section 1 of the Sherman Act, 15 U.S.C. 1, the defendant conspired to restrain competition for architectural, professional engineering, and land surveying services in Alaska by adopting a code of ethics provision which prohibited its licensees from engaging in competitive bidding.

The proposed Final Judgment enjoins the defendant from adopting, continuing, advocating, or furthering any agreement, plan, or course of action which has the purpose or effect of suppressing or discouraging Alaska architects, professional engineers, and land surveyors from submitting competitive bids or price quotations. The defendant is also required to delete the competitive bidding ban from its code of ethics and to notify licensed practitioners, purchasers of architectural, professional engineering, and land surveying services, and the general public in Alaska of the rule change.

Public comment is invited within the statutory 60-day period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to John W. Poole, Jr., Chief, Special Litigation Section, Antitrust Division, United States Department of Justice, Washington, D.C. 20530 [Telephone (202) 633-2425].

Joseph H. Widmar,

Director of Operations, Antitrust Division.

Michael R. Spaan, U.S. Attorney, Federal Building and United States Courthouse, Room C-252, Mail Box 9, 701 C Street, Anchorage, Alaska 99513

Edward D. Eliasberg, Jr., Carolyn L. Davis, United States Department of Justice, 10th & Pennsylvania Ave., NW., Washington, D.C. 20530, Telephone: (202) 633-2582, Attorneys for Plaintiff

United States District Court for the District of Alaska

United States of America, Plaintiff, v. *Alaska Board of Registration for Architects, Engineers, and Land Surveyors*, Defendant. Civil Action No. A82-423 CIV.

Filed: November 18, 1983.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated:

For the Plaintiff: William F. Baxter, *Assistant* Attorney General; Joseph H. Widmar; *John W. Poole, Jr.*, Thomas L. Greaney, *Attorneys, Antitrust Division, U.S. Department of Justice;* Edward D. Eliasberg, Jr., Carolyn L. Davis, *Attorneys, Antitrust Division U.S. Department of Justice*, Washington, D.C. 20530, Telephone: (202) 633-2582, Mark R. Davis, *Assistant United States Attorney District of Alaska.*

For the Defendant: Norman Gorsuch, *Attorney General.*

By: Peter B. Proehlich, *Assistant Attorney General, State of Alaska, Department of Law*, Pouch K—State Capitol, Juneau, Alaska 99501, Telephone: (907) 465-3600.

Michael R. Spaan, U.S. Attorney, Federal Building and United States Courthouse, Room C-252, Mail Box 9, 701 C Street, Anchorage, Alaska 99513

Edward D. Eliasberg, Jr., Carolyn L. Davis, United States Department of Justice, 10th & Pennsylvania Ave., NW., Washington, D.C. 20530, Telephone: (202) 633-2582, Attorneys for Plaintiff

U.S. District Court for the District of Alaska

United States of America, Plaintiff, v. *Alaska Board of Registration for Architects, Engineers, and Land Surveyors*, Defendant. Civil Action No. A82-423 CIV.

Filed: November 18, 1983.

Final Judgment

Plaintiff, United States of America, having filed its Complaint herein on October 12, 1982, and plaintiff and defendant, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby, ordered, adjudged, and decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against defendant under Section 1 of the Sherman Act (15 U.S.C. § 1).

II

As used in the Final Judgment: "Board certificate of registration holder" means any person holding a current certificate of registration as a professional architect, engineer or land surveyor issued by defendant, or any corporation holding a current certificate of authorization to practice architecture, engineering or land surveying issued by defendant.

III

This Final Judgment applies to the defendant and to defendant's officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with it who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

Defendant is hereby enjoined and restrained from directly or indirectly:

(A) Continuing, maintaining, adopting, entering into, carrying out, advocating or furthering any agreement, plan, program, or course of action which has the purpose or effect of suppressing, restraining, or discouraging Board certificate of registration holders from submitting competitive bids or price quotations.

(B) Promulgating, maintaining, adopting, disseminating, publishing, enforcing or seeking adherence to any rule, by-law, guideline, standard, code of ethics, statement of principle, policy, or collective statement which has the purpose or effect of suppressing, restraining, or discouraging Board certificate of registration holders from submitting competitive bids or price quotations, or which states or implies that competitive bidding or quoting prices is prohibited, unethical, unprofessional, or contrary to any policy of defendant.

(C) Refusing to issue a certificate to any applicant, or rescinding, suspending or refusing to renew a certificate of any holder, because of use or submission of competitive bids or price quotations, or solicitation of proposals for professional services on the basis of competitive bidding.

V

Nothing in this Final Judgment shall prohibit defendant from advocating or seeking legislation concerning competitive bidding or quoting prices, provided that such advocacy or discussion makes clear that defendant is not thereby suppressing, restraining or discouraging Board certificate of registration holders from submitting competitive bids or price quotations.

VI

Subsection 230(b) of the defendant's Rules of Professional Conduct [12 AAC 36.230(b)] which states that:

Each architect, engineer or land surveyor shall seek professional employment on the basis of qualifications for the proper accomplishment of the work. He may not knowingly solicit or submit proposals for professional services on the basis of competitive bidding.

is hereby declared null and void because the subsection is in violation of Section 1 of the Sherman Act [15 U.S.C. § 1 (1977)]. Subsection 230(b) must be deleted from the Alaska Administrative Code within 60 days from the entry of this Final Judgment. Defendant is also ordered and directed to delete any other provision in its Rules of Professional Conduct, by-laws, resolutions, and policy statements, whether formal or informal, which prohibits, limits, or otherwise discourages the use or submission of competitive bids or price quotations, or solicitation of proposals for professional services on the basis of competitive bidding, by Board certificate of regulation holders and applicants, or which implies that the use, submission, or solicitation of competitive

bids or price quotations is prohibited, unethical, unprofessional, or contrary to any policy of the defendant.

VII

Within 60 days from entry of this Final Judgment:

A. The defendant is ordered to insert in the place of the text of subsection 230(b) [12 AAC 36.230(b)] and any other provision deleted pursuant to Section VI, above a statement that subsection 230(b) [12 AAC 36.230(b)] or other such provision has been deleted and the date of the deletion.

B. The defendant is further ordered to insert in the Alaska Administrative Code on the page where subsection 230(b) [12 AAC 36.230(b)] previously appeared the following Editor's Footnote:

Editor's Note: As of Register 88, Jan. 1984, 12 AAC 36.230(b) was deleted by the regulations attorney in accordance with a Final Judgment entered, with the consent of the Board and the United States Department of Justice, by the United States District Court for the District of Alaska in *United States* v. *Alaska Bd. of Registration for Architects, Engineers and Land Surveyors*, Civil Action No. A82–423 CIV. This Judgment was entered because 12 AAC 36.230(b) was in violation of Secion 1 of the Sherman Antitrust Act [15 U.S.C. 1 (1977)]. The Final Judgment also prohibits further enforcement of any ban or Board policy against competitive bidding.

VIII

Within 60 days from entry of this Final Judgment, notice of this Final Judgment consisting of a letter on the letterhead of the Division of Occupational Licensing of the Alaska Department of Commerce and Economic Development with a text identical to that of Appendix A of this Final Judgment, shall be sent: (1) To each current Board certificate of registration holder; (2) to each state, city and borough entity in Alaska which may purchase architecture, engineering, or land surveying services and to which the Board's roster is mailed under AS 08.48.081; and (3) to each trade association for contractors in the State of Alaska. In addition within 60 days from entry of this Final Judgment, such notice shall be published in the *Alaska Construction and Oil* magazine, and in the *Anchorage Times, Juneau Empire, Fairbanks News-Miner, Sitka Sentinel, Peninsula Clarion, Nome Nugget, Tundra Times, Ketchikan Daily News*, and *Kodiak Mirror* newspapers in their general readership sections.

Furthermore, for a period of ten (10) years following the date of entry of this Final Judgment, such notice shall be sent to each new Board certificate of registration holder and to all others who receive the Board's roster under AS 08.48.081. The letter will also be published in every printing of the Board's pamphlet of statutes and regulations for a period of ten (10) years after the date of entry of this Final Judgment.

IX

The defendant is ordered and directed to file with the Court and serve upon plaintiff, within one-hundred-twenty (120) days after entry of this Final Judgment, an affidavit as to the fact and manner of its compliance with Sections VI, VII and the first paragraph of Section VIII.

X

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant made to the Division of Occupational Licensing at its principal office, be permitted:

(1) Access during office hours to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of defendant, who may have counsel present, regarding any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, employees, and agents of such defendant, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to the Division of Occupational Licensing at its principal office, defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested. The Antitrust Division of the United States Department of Justice will be considered a person who has filed a request for notice of proposed regulation actions by the defendant under AS 44.62.190(a)(2) and will therefore be sent notice of those actions.

XI

This Final Judgemnt shall remain in effect until ten (10) years from the date of entry.

XII

Jurisdiction is retained by the Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of its provisions, for its enforcement or compliance, and for the punishment of any violation of its provisions.

XIII

Entry of this Final Judgment is in the public interest. Entered:

United States District Court Judge.

Appendix A

Re: United States v. Alaska Board of Registration for Architects, Engineers, and Land Surveyors, (Civil No. A82–423 CIV. D. AK.)

Dear Alaskan or Other Interested Party:

The Alaskan board of Registration for Architects, Engineers, and Land Surveyors has recently entered into a stipulation with the United States Department of Justice to settle an antitrust case filed against the Board. That case, *United States* v. *Alaskan Board of Registration for Architects, Engineers, and Land Surveyors* (Civil No. A82–423 CIV.) concerned the Board's regulation 12 AAC 36.230(b) which does not allow an architect, engineer or land surveyor to "knowingly solicit or submit proposals for professional services on the basis of competitive bidding." Under the terms of the Final Judgment entered by the Court according to the stipulation, 12 ACC 36.230(b) has been deleted entirely. All Board Certificate of Registration holders will now be able to solicit work or submit proposals on the basis of competitive bidding and will be able to offer price quotations, hourly rates, or price estimates to all potential customers whether or not that customer requested a price quotation or competitive bid.

In addition, the Final Judgment, which was entered by Federal District Court Chief Judge von der Heydt, prevents the Board from adopting in the future any new regulation, rule, or policy statement which would prevent, discourage or label as unprofessional the use, submission or solicitation of price quotations and competitive bids. The Final Judgment, which is enforceable in federal court, prohibits the Board from discouraging or disparaging competition which is, in part, based on price, cost, or hourly charges.

A copy of the entire Final Judgment is available upon request from any office of the Division of Occupational Licensing or the Alaska Attorney General.

Sincerely yours,

Harry D. Traeger,

Director, Division of Occupational Licensing, Department of Commerce and Economic Development, State of Alaska.

Michael R. Spaan, U.S. Attorney, Federal Building and United States Courthouse, Room C–252, Mail Box 9, 701 C Street, Anchorage, Alaska 99513

Edward D. Eliasberg, Jr., Carolyn L. Davis, United States Department of Justice, 10th & Pennsylvania Ave., NW., Washington, D.C. 20530, Telephone: (202) 633–2582, Attorneys for Plaintiff

U.S. District Court for the District of Alaska

United States of America, Plaintiff, v. *Alaska Board of Registration for Architects, Engineers, and Land Surveyors*, Defendant. Civil No. A 82–423–CIV.

Filed: November 18, 1983.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), the United States submits this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

On October 12, 1982, the United States filed a civil antitrust complaint alleging that, in violation of Section 1 of the Sherman Act, 15

U.S.C. 1, defendant Alaska Board of Registration for Architects, Engineers and Land Surveyors ("Board") and co-conspirators have been engaged in a combination and conspiracy to restrain competition in the sale of architectural, professional engineering, and land surveying services in Alaska.

The Complaint alleged that the substantial terms of this agreement, understanding, and concert of action have been and are that the Board promulgate, adopt, publish and distribute a provision in its Rules of Professional Conduct, 12 Alaska Administrative Code 36.230(b) ("Rule 36.230(b)" or "Rule"), prohibiting Board certificate of registration holders and other architects, professional engineers and land surveyors practicing in Alaska from knowingly soliciting or submitting proposals for professional services on the basis of competitive bidding. The Complaint further alleged that the effect of the conspiracy has been to suppress and eliminate competition in the sale of architectural, professional engineering, and land surveying services in Alaska.

The relief sought in the Complaint was that the Board be required to cancel its ban on competitive bidding and every other resolution or statement of policy which has as its purpose or effect the suppression or elimination of competitive bidding by Board certificate of registration holders. The Complaint also asked that the Board be enjoined from adopting or suggesting any rule prohibiting competitive bidding or any practice, plan, program or device having a similar purpose or effect. The Complaint further asked that the Board be required to notify all holders of Board certificates or registration, Alaska city, borough, and state officials, and the general public of the rule change.

Entry of the proposed Final Judgment will terminate the action, except that the Court will retain jurisdiction over the matter for further proceedings which may be required to interpret, enforce or modify the Judgment, or to punish violations of any of its provisions.

II

Description of Practices Involved in the Alleged Violation

Defendant is a state licensing board consisting entirely of architects, engineers, and land surveyors who are also private practitioners. Under Alaska law, individuals may not practice or offer to practice the profession of architecture, professional engineering, or land surveying unless they hold a current certificate of registration from the Board to practice architecture, professional engineering, or land surveying.

In 1974, the Board adopted "Rules of Professional Conduct" intended to regulate the practice of architecture, professional engineering, and land surveying in Alaska. The board can suspend, refuse to renew, or revoke the certificate of registration of any certificate of registration holder who violates any of the Board's Rules of Professional Conduct.

Among the Rules which the Board adopted in 1974 is Rule 36.230(b), which provides that an architect, professional engineer, or land surveyor may not knowingly solicit or submit proposals for professional services on the basis of competitive bidding. This Rule is still in effect. In December, 1980, the Board voted to retain Rule 36.230(b) despite the recommendation of the Alaska Attorney General that it be repealed. In May 1982, the Board refused to repeal the Rule on an emergency basis. In September 1982, the Board voted to retain the Rule.

Had this case gone to trial, the United States would have offered evidence to show that the Rule has had an adverse impact on consumers of architectural, engineering and land surveying services in Alaska by restricting practitioners' ability to compete and thereby raising prices. As a result of the Board's ban on competitive bidding, certificate of registration holders have refused to submit competitive bids although purchasers have requested such bids, and architectural, professional engineering and land surveying associations have made reference to the ban in an attempt to discourage purchasers in Alaska from requesting or insisting upon competitive bids. Had this case gone to trial, the Government would also have adduced evidence that the Board informed potential purchasers that competitive bidding was in violation of its Rules and took other steps to ensure compliance with its Rules.

III

Explanation of the Proposed Final Judgement

The United States and the Board have stipulated that the Court may enter the proposed Final Judgment after compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)–(h). The proposed Final Judgment provides that its entry does not constitute any evidence against or admission by either party with respect to any issue of fact or law.

Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(e), the proposed Final Judgment may not be entered unless the Court finds that entry is in the public interest. Section XIII of the proposed Final Judgment sets forth such a finding.

The proposed Final Judgment is intended to ensure that the Board completely eliminates all formal or informal rules, policy statements, or ethical codes proscribing or discouraging competitive bidding. It is also intended to ensure that Board certificate of registration holders and purchasers of architectural, professional engineering and land surveying services in Alaska are made aware that competitive bidding is now permissible.

A. *Prohibited Conduct.* Section IV of the proposed Final Judgment prohibits three categories of conduct. First, it enjoins the Board from directly or indirectly entering into, continuing, adopting, advocating, or furthering any plan, agreement, program, or course of action which has the purpose or effect of suppressing, restraining, or discouraging Board certificate of registration holders from submitting competitive bids. Second, Section IV enjoins the Board from promulgating, adopting, maintaining, or seeking adherence to any rule, guideline, statement of principal, policy, or collective statement which has the purpose or effect of suppressing, restraining, or discouraging Board certificate of registration holders from submitting competitive bids or price quotations, or which states or implies that competitive bidding or quoting prices is prohibited, unethical, unprofessional, or contrary to any policy of the Board. Finally, the Board is also enjoined from refusing to issue a certificate to any applicant, or rescinding, suspending or refusing to renew a certificate of any holder, because of use or submission of competitive bids or price quotations, or solicitation of proposals for professional services on the basis of competitive bidding.

Section V provides that nothing in the proposed Final Judgment shall prohibit the Board from advocating or seeking legislation concerning competitive bidding, provided that such advocacy or discussion makes clear that the Board is not thereby suppressing, restraining, or discouraging Board certificate of registration holders from submitting competitive bids or price quotations.

B. *Affirmative Obligations.* The affirmative obligations of the proposed Final Judgment are found in Sections VI–VIII.

Section VI declares Rule 36.230(b) null and void and requires its deletion from the Alaska Administrative Code within 60 days from entry of the proposed Final Judgment. Section VI also requires the Board to delete any other provision in its Rules of Professional Conduct, by-laws, resolutions, and policy statements, whether formal or informal, that prohibits, limits, or otherwise discourage the use or submission of competitive bidding or price quotations or which implies that the use, submission, or solicitation of competitive bids or price quotations is prohibited, unethical, unprofessional, or contrary to any policy of the Board.

Section VII of the proposed Final Judgment requires the Board within 60 days from entry of the proposed Final Judgment to insert in the place of the text of Rule 36.230(b) and any other provision deleted pursuant to Section VI a statement that Rule 36.230(b) or other such provision has been deleted and the date of the deletion. The Board is also required within 60 days from entry of the proposed Final Judgment to insert in the Alaska Administrative Code on the page where Rule 36.230(b) previously appeared a statement that the Rule was deleted in accordance with the proposed Final Judgment and that the proposed Final Judgment also prohibits further enforcement of any ban or Board policy against competitive bidding.

Section VIII contains various requirements for dissemination of the proposed Final Judgment. First, Section VIII provides that within 60 days from entry of the proposed Final Judgment notice of the proposed Final Judgment consisting of a letter on the letterhead of the Division of Occupational Licensing of the Alaska Department of Commerce and Economic Development with a text identical to that of Appendix A of the proposed Final Judgment shall be sent to: (1) Each current Board certificate of registration holder, (2) each state, city, and borough entity in Alaska which may purchase architectural,

engineering, or land surveying services and to which the Board's roster is mailed under Alaska Statute 08.48.081, and (3) each trade association for contractors in the State of Alaska. Second, Section VIII further provides that within 60 days from entry of the proposed Final Judgment this notice will also be published in the general readership sections of various publications and newspapers in Alaska. Third, this Section also requires that this notice be sent to each new Board certificate of registration holder and to all other persons who normally receive the Board's roster each year for the next ten years. Finally, the Section also provides that the letter will also be published in every printing of the Board's pamphlet of statutes and regulations for the next 10 years.

c. *Scope of Final Judgment.* Section XI provides that the proposed Final Judgment will remain in effect for 10 years. Section III provides that the proposed Final Judgment applies to the Board and to the Board's officers, directors, agents, employees, successors, and assigns, and to all other persons in active concert or participation with the Board who shall have received actual notice of the proposed Final Judgment by personal service or otherwise.

IV

Competitive Effect of the Proposed Final Judgment

The relief in the proposed Final Judgment is designed to permit competitive bidding with regard to architectural, professional engineering, and land surveying services in Alaska.

Three methods for determining compliance with the terms of the Final Judgment are provided. First, Section IX requires that the Board file within 120 days after entry of the Final Judgment an affidavit as to the fact and manner of its compliance with Sections VI, VII and the first paragraph of Section VIII of the Final Judgment. Second, Section X provides that, upon reasonable notice, the Department of Justice shall be given access to any of the Board's records relating to matters contained in the Final Judgment and permitted to interview any officers, directors, employees, or agents of the Board. Third, Section X also provides that, upon written request, the Department of Justice may require the Board to submit written reports about any matters relating to the Final Judgment. Finally, Section X provides that, pursuant to Alaska Statute 44.62.19)(a)(2), the Department of Justice will be sent notice of proposed regulation actions by the Board.

The Department of Justice believes that this proposed Final Judgment contains adequate provisions to prevent further violations of the type upon which the Complaint is based and to eradicate the effects of the alleged conspiracy.

V

Remedies Available To Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. § 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages suffered, as well as costs and reasonable attorney's fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of such actions. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. § 16(a), the judgment has no *prima facie* effect in any subsequent lawsuits that may be brought against the Board.

VI

Procedures Available for Modification of the Proposed Final Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments to John W. Poole, Jr., Chief, Special Litigation Section, Antitrust Division, U.S. Department of Justice, 10th Street and Pennsylvania Avenue, N.W. Washington, D.C. 20530, within the 60-day period provided by the Act. These comments, and the Department's responses, will be filed with the Court and published in the **Federal Register.** All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consents to the proposed judgment at any time prior to entry. Section XII of the proposed Final Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for the modification, interpretation or enforcement of the Final Judgment.

VII

Alternative to the Proposed Final Judgement

The alternative to the proposed Final Judgment considered by the Department of Justice was a full trial of the issues on the merits and on relief. The Department considers the proposed Final Judgment to be of sufficient scope and effectiveness to make a trial unnecessary, since it provides appropriate relief against the violation alleged in the Complaint and is the identical relief that would have been sought at trial.

VIII

Determinative Materials and Documents

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b), were considered in formulating the proposed Final Judgment.

Dated: November 18, 1983.

Respectfully submitted,

Edward D. Eliasberg, Jr.,

Carolyn L. Davis,

Attorneys, United States Department of Justice, 10th & Constitution Ave., NW., Washington, D.C. 20530, Telephone-(202) 633-2582.

[FR Doc. 83-32109 Filed 11-30-83; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Judgment and Competitive Impact Statement Thereon; First Multiple Listing Service, Inc.

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Sections 16 (b) through (h), that a proposed final judgment and a competitive impact statement ("CIS") as set out below have been filed with the United States District Court for the Northern District of Georgia in Civil Action No. C80-1861A, *United States v. First Multiple Listing Service, Inc.*

The complaint in this case alleges that the defendant, First Multiple Listing Service, Inc. ("FMLS"), a residential real estate multiple listing service, and various co-conspirators, engaged in a combination and conspiracy to restrict licensed real estate brokers from access to the competitive benefits derived from membership in FMLS. The complaint alleged that FMLS and the other co-conspirators otherwise combined and conspired to restrict competition among licensed brokers and salespersons engaged in the sale of real estate in the Atlanta, Georgia area.

The proposed final judgment would enjoin the defendant from engaging in these restrictive practices and would require it to admit to membership persons who meet certain specified requirements. The CIS explains the background of the case and the intended effects of the proposed judgment.

Public comment is invited within the statutory 60-day comment period. Such comments and responses thereto will be published in the **Federal Register** and filed with the Court. Comments should be directed to Donald A. Kinkaid, Chief, Atlanta Field Office, Antitrust Division, United States Department of Justice, Suite 420, 1776 Peachtree Street, NW., Atlanta, GA 30309—telephone (404) 881-3828.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

U.S. District Court, Northern District of Georgia, Atlanta Division

United States of America, Plaintiff, v. *First Multiple Listing Service, Inc.,* Defendant. Civil No. C80-1861A.

Filed: November 16, 1983.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to either party or other proceedings, provided that Plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on Defendant and by filing that notice with the Court.

2. In the event Plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to Plaintiff or Defendant in this or any other proceeding.

Dated:

For the Plaintiff: William F. Baxter, *Assistant Attorney General;* Mark P. Leddy; Donald A. Kinkaid, *Attorneys, Antitrust Division, U.S. Department of Justice;* John R. Fitzpatrick, Katherine A. Schlech, *Attorneys, Antitrust Division, U.S. Department of Justice,* 1776 Peachtree St., NW., Suite 420, Atlanta, Georgia 30309; Telephone: FTS 257-3828, (404) 881-3828.

For the Defendant: Harold L. Russell, Esquire, *Gambrell & Russell,* 4000 First Atlanta Tower, Atlanta, Georgia 30383, Telephone: (404) 658-1620.

U.S. District Court, Northern District of Georgia, Atlanta Division

United States of America, Plaintiff, v. First Multiple Listing Service, Inc. Defendant. Civil Action No. C80-1861A.

Filed: November 16, 1983.

Final Judgment

Plaintiff, United States of America, having filed its Complaint herein on October 28, 1980, and Plaintiff and Defendant, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue:

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby, ordered, adjudged and decreed as follows:

This Court has jurisdiction of the subject matter of this action and each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against the Defendant under Section 1 of the Sherman Act (15 U.S.C. § 1).

II

As used in this Final Judgment:

(A) "Member" shall mean any person who is entitled to access to the services offered by Defendant's multiple listing service, whether or not said person is a stockholder in Defendant; and

(B) "Person" shall mean any individual, partnership, firm, association, corporation or other business or legal entity.

III

This Final Judgment applies to Defendant and to its officers, directors, members, retained agents, employees, subsidiaries successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

Defendant, whether acting unilaterally or in concert or agreement with any other person, is enjoined and restrained from:

(A) Refusing to make available or to furnish any and all services that Defendant now or hereafter makes available or furnishes to any of its members to any person who:

(1) Holds a real estate broker's license issued by the appropriate State of Georgia governmental licensing authority and is deemed by said authority to be acting as a principal broker, and whose license is deemed to be in active status by said authority:

(2) Is not the subject of any pending proceedings before the appropriate State of Georgia governmental licensing or disciplinary authority which may result in the suspension or revocation of the applicant's broker's license:

(3) Agrees to abide by Defendant's charter, by-laws, rules and regulations insofar as they are not inconsistent with the terms of this Final Judgment; and

(4) Agrees to pay to Defendant:

(a) A charge equal to the reasonable set-up costs of preparing to make Defendant's services available to the person;

(b) A reasonable security deposit, to secure against any unpaid claims or charges that may be asserted by Defendant against the person, which deposit shall be placed in an account bearing interest at a market rate and shall be returned with the accumulated interest to the depositor upon such person's withdrawal from membership in Defendant to the extent not applied against such unpaid claims or charges; and

(c) Reasonable and non-discriminatory fees for use of Defendant's services, which shall be equal on a per use basis for all members, whether or not stockholders of Defendant, and which shall not differentiate between persons who became members before or after the date of this Final Judgment. Such fees shall reflect the reasonable expenses of Defendant's operations, and may provide for a reasonable minimum annual fee for access to Defendant's services reflecting a reasonable approximation of the cost of Defendant's standing ready to provide services. The reasonable expenses of Defendant' operations, for purposes of this decree, shall include, in addition to Defendant's other expenditures in providing its services to members: (i) The accumulation and maintenance of reasonable reserves to be used exclusively for developing, maintaining, or improving the services and facilities used or to be used by Defendant to serve its members, and (ii) an annual return to stockholders, which may be distributed to stockholders as dividends or retained by Defendant for the benefit of stockholders, calculated on the basis of the book value of Defendant's outstanding stock as of the close of the nearest preceding accounting period. The aggregate annual rate of return to all stockholders as a group shall not exceed the sum of the following items: (i) 130 percent of the average (for the calendar year next preceding the date of such determination) of the auction average interest rates for three-month U.S. Treasury bills calculated on the sum of (aa) $25,000, plus (bb) an amount arrived at by multiplying the book value of Defendant's aggregate outstanding stock by a simple fraction of which the numerator shall be the value of Defendant's net (depreciated) property and equipment and the denominator shall be the value of Defendant's total assets, all as determined as of the close of Defendant's most recent accounting period next preceding the date of such determination; plus (ii) 100 percent of the average (for the calendar year next preceding the date of such determination) of the auction average interest rates for three-month U.S. Treasury bills calculated on the balance of book value remaining after deducting from total book value $25,000 plus the portion thereof derived in accordance with the formula specified in subpart (bb) above. Nothing in this Final Judgment shall prohibit Defendant from: (i) Imposing delivery or service charges, which shall be applied equally to all members, reflecting reasonable approximations of actual costs, including reasonable deposits for keys or books, or (ii) limiting book delivery or photographic services to an area reasonably accessible to such delivery or photographic services; provided, however, that Defendant must make reasonable arrangements for alternative service to inaccessible areas, including shipment of books by common carrier and allowing members to take and submit for publication their own photographs.

(B) Refusing to sell a share of stock in Defendant to any person who elects to purchase a share of stock and who:

(1) Satisfies the standards set forth in Paragraph A of this Section; and

(2) Agrees to pay Defendant as the purchase price for the share of stock the lesser of either (a) $25,000, or (b) a sum equal to (i) the book value of one share of Defendant's stock, plus (ii) an amount arrived at by multiplying the book value of one share of Defendant's stock by a simple fraction of which the numerator shall be the value, not to exceed $20,000 of Defendant's net (depreciated) property and equipment and the denominator shall be the value of Defendant's total assets, all as determined as of the close of Defendant's most recent accounting period next preceding the date of such purchase. The purchaser may elect to make payment for the share in five annual installments, each consisting of one-fifth of the purchase price, together with accrued interest on the unpaid portion at a rate equal to 130 percent of the average (for the calendar year next preceding the respective dates when the four final installments become due) of the auction average interest rates for three-month U.S. Treasury bills. The first installment shall be due at the time of purchase. Each succeeding installment shall become due and payable one year after the preceding installment, together with accrued interest to the date of payment of that installment.

(C) Issuing stock in Defendant of a different class, or having different rights, from the stock in Defendant outstanding on the date of entry of this Final Judgment, or in any other manner discriminating between stockholders

with regard to the rights, benefits, or privileges of stock ownership.

(D) Issuing stock in Defendant to any person except in accordance with the provisions of Paragraph (B) of this Section.

(E) Issuing an additional share of stock in Defendant to any stockholder in Defendant or exchanging any share of stock in Defendant for more than one share of stock in Defendant.

(F) Establishing, maintaining or enforcing any charter provision, by-law, rule or regulation, or otherwise taking action, which is designed to or has the effect of restricting or limiting the availability of either stockholder or nonstockholder membership in Defendant whether by imposing moratoria on the acceptance of new members or otherwise.

(G) Prohibiting or restricting any member of Defendant from belonging to or otherwise using the services of any other multiple listing service, or adopting or enforcing any such prohibition, except that Defendant may: (i) Prohibit any of its directors or officers from simultaneously serving as directors or officers of any other multiple listing service, and (ii) require its members to devote a reasonable number of uncompensated hours to the administration of Defendant's service, provided that such an obligation is not used to discriminate against such of Defendant's members as may elect to become members of, or to utilize the services of, another multiple listing service or to discriminate against any member of Defendant who is not a stockholder.

(H) Establishing, maintaning or enforcing any fees, charges, or practices which discriminate among members with respect to the availability of Defendant's services, except that collection of the charges provided for in Paragraphs (A)(4)(a) and (A)(4)(b) of this Section may be limited to persons who become members after the date of this Final Judgment.

V

(A) Defendant is ordered and directed to admit to membership any person who meets the criteria set forth in Section IV(A) and to issue a share of stock to any person who meets the criteria set forth in Section IV(B) within thirty (30) days from the receipt of an application. Within ten (10) days from receipt of an application, Defendant shall acknowledge its receipt and furnish the applicant with a copy of the Final Judgment. In the event a question is raised as to whether an applicant meets the criteria set forth in Paragraphs (A) or (B) of Section IV, Defendant shall promptly inform the applicant in writing of the nature of the question, and the applicant shall be permitted an opportunity to supply information to Defendant pertinent to the resolution of such question as has been raised as to his qualifications.

(B) Nothing in this Final Judgment shall affect Defendant's right to purchase or redeem its own stock on such terms, including price, as it deems appropriate: provided, however, that the purchase or redemption of stock shall not be considered an expense of Defendant's operation within the meaning of Section IV(A)(4)(c). Nothing in this Final Judgment shall affect Defendant's right to use funds received as a return to stockholders pursuant to Section IV(A)(4)(c) or as the purchase price for a share of stock pursuant to Section IV(B)(2) for the purpose of redeeming or purchasing its own stock or for the purpose of paying dividends to its stockholders.

(C) In the event that Defendant collects set-up charges or service fees in excess of its actual requirements, including the payment of a return to stockholders and the accumulation and maintenance of reasonable reserves as provided in Section IV(A)(4)(c), said excess monies shall be returned to the members or credited to their accounts in proportion to the contributions of said members to the amount of the surplus: provided that any amounts then due and payable to Defendant in payment for stock pursuant to Section IV(B)(2) may first be deducted from any member's share of such surplus. Any surplus shall be returned or credited to members within ninety (90) days of the end of each of Defendant's fiscal years.

(D) Nothing in this Final Judgment shall prevent defendant from suspending or terminating the membership of any member who at the time of such suspension or termination fails to meet the standards of or fulfill obligations assumed pursuant to Section IV(A) or, in the case of stockholders, to meet the standards of or fulfill obligations assumed under Section IV(B).

VI

Defendant shall:

(A) Furnish within thirty (30) days after the date of entry of this Final Judgment, a copy thereof to each of its officers, directors, member firms, employees and retained agents.

(B) Furnish a copy of this Final Judgment to each person who, subsequent to Defendant's compliance with Paragraph (A) of this Section, becomes an officer, director, member firm, employee or retained agent of Defendant, said copy to be furnished within thirty (30) days of said person's achieving such status.

(C) File with this Court and with Plaintiff within sixty (60) days after the date of entry of this Final Judgment, an affidavit as to the fact of its compliance with Paragraph (A) of this Section.

(D) Obtain from each person served with this Final Judgment pursuant to Paragraph (A) or (B) of this Section a written statement evidencing such person's receipt of a copy of this Final Judgment and retain such statements in its files.

VII

Defendant shall require, as a condition of the sale or disposition of all, or substantially all, of Defendant's total assets or stock, to any person or persons seeking to perform essentially the same services as Defendant, that the acquiring party agree to be bound by the provisions of this Final Judgment. The acquiring party shall file with the Court, and serve upon Plaintiff, its consent to be bound by this Final Judgment.

VIII

(A) Once each fiscal year, for a total of five (5) successive fiscal years, Defendant shall conduct an examination of its operations to determine compliance with the provisions of this Final Judgment. The persons conducting the examinations must be given complete cooperation by Defendant's officers, directors, member firms, employees and retained agents, and shall be given access to all relevant books and records of Defendant.

(B) Descriptions by Defendant as to how the examination will be conducted are to be submitted to Plaintiff for approval within six (6) months after the date of entry of this Final Judgment.

(C) Within one hundred twenty (120) days after the close of each of its fiscal years ending after the anniversary date of the entry of this Final Judgment, a report of the findings of each such examination shall be filed with the Court, and a copy thereof submitted to Plaintiff and to the officers and directors of Defendant.

IX

Within sixty (60) days after the entry of this Final Judgment, Defendant shall mail or deliver to the real estate boards in the nineteen counties listed in Paragraph 5 of the Complaint in this action either a copy of this Final Judgment or a notice of its entry, which notice shall also set forth, verbatim, the text of Sections IV and V hereof and the advice that this Final Judgment is available for inspection in the office of the Clerk of the Unites States District Court in Atlanta, Georgia.

X

(A) For the purpose of determining or securing compliance with this Final Judgment and subject to any legally recognized privilege, from time to time:

(1) Duly authorized representatives of the Department of Justice, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable written notice directed to Defendant's principal office, shall be permitted:

(a) Access during the office hours of Defendant to inspect and copy all books, ledgers, accounts, minutes, correspondence, memoranda, and other records and documents in the possession or under the control of Defendant, which may have counsel present, relating to any of the matters contained in the Final Judgment: and

(b) Subject to the reasonable convenience of Defendant and without restraint or interference from it to interview officers, directors, members, employees and agents of Defendant, any of whom, as well as Defendant, may have counsel present, regarding any such matters: and

(2) Upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division made to Defendant's principal office, Defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

(B) No information or documents obtained by the means provided in this Final Judgment shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of Plaintiff except in the

course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this final judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by Defendant to Plaintiff, Defendant represents and identifies in writing the material in any such information or documents to be that to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and Defendant marks each pertinent page of such material, "Subject to Claim of Protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days' notice shall be given by Plaintiff to Defendant prior to divulging such material in any legal proceeding (other than proceedings initiated by Plaintiff to enforce compliance with this Final Judgment or to punish any violation hereof or a grand jury proceeding).

XI

This Final Judgment shall expire on, and have no effect after, the end of Defendant's fiscal year ending after the tenth (10th) anniversary to the date of entry of this Final Judgment by this Court; provided, however, that such expiration shall not relieve members or Defendant from any monetary obligation incurred as a result of this Final Judgment during its term.

XII

Defendant's two counterclaims against Plaintiff are dismissed, with prejudice, upon entry of this Final Judgment.

XIII

Jurisdiction is retained by this Court for the purpose of enabling any party to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of any of the provisions of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith or for the punishment of any violation hereof.

Entry of this Final Judgment is in the public interest.

Done or ordered this ———— Day of ————, 1984.

Marvin H. Shoob,

Judge, United States District Court, Northern District of Georgia.

U.S. District Court, Northern District of Georgia, Atlanta Division

United States of America, Plaintiff, v. *First Multiple Listing Service, Inc.*, Defendant. Civil Action No. C80-1861A.

Filed: November 16, 1983.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. §§ 16(b)-(h)), the United States of America submits this Competitive Impact Statement relating to the proposed consent judgment in this civil antitrust proceeding.

I

Nature of the Proceeding

On October 28, 1980, the Department of Justice filed a civil antitrust complaint under Section 4 of the Sherman Act (15 U.S.C. § 4) alleging that First Multiple Listing Service, Inc. had violated Section 1 of the Sherman Act (15 U.S.C. § 1). First Multiple Listing Service, Inc. ("FMLS" or "Defendant") is in the business of operating a real estate multiple listing service for the benefit of its members, who are licensed real estate brokers doing business in the Atlanta, Georgia area, which is made up of 19 contiguous counties ("Atlanta area").

The complaint filed in this action alleges that FMLS and certain other persons combined and conspired, since at least as early as January 1, 1973, to restrict membership in Defendant and to adopt and enforce rules and regulations otherwise restricting competition between and among licensed real estate brokers and other persons engaged in the business of selling real estate in the Atlanta area, in violation of Section 1 of the Sherman Act. The complaint asked the Court to restrain Defendant from establishing, maintaining, or enforcing by-laws, rules and regulations which: (a) Unreasonably restrict membership in Defendant; (b) arbitrarily exclude from membership in Defendant any real estate broker licensed by the State of Georgia; or (c) contribute to the violation alleged in the complaint.

Entry of the proposed consent judgment will terminate the action, including dismissal of Defendant's two counterclaims against the United States, except that the Court will retain jurisdiction over the matter for possible further proceedings which may be required to interpret, modify or enforce the judgment, or to punish alleged violations of any of the provisions of the judgment.

II

Detailed Description of the Practices Involved in the Alleged Violation

Defendant is a Georgia corporation engaged in facilitating the sale of residential real estate in the Atlanta area by compiling the real estate listings of its members into a listing book and periodically disseminating copies of such listing books, as well as copies of new listings, to its members. In this manner, each FMLS affiliated real estate broker and agent is conveniently apprised of a large number of properties for sale in the Atlanta area by member firms. FMLS offers its members other advantages, such as the use of a "lock box" system which provides convenient access to homes offered for sale through FMLS and a computerized data bank and computer terminals which provide its members with easy access to all available information on all FMLS listings. In addition to benefiting its members, FMLS multiple listing service benefits the public by ensuring that prospective purchasers have convenient access to the maximum number of properties in the Atlanta area. Homesellers obtain the assurance that a large number of brokers and agents have been made aware of the fact that their property is being offered for sale.

Historically, FMLS has focused its attention on "North Atlanta," an area generally to the north of the city, while Metropolitan Multi-List, Inc. ("MML"), a multiple listing service owned by the DeKalb County Board of Realtors, has operated primarily in a section of Atlanta generally to the east and south of FMLS' area of dominance. Many brokers who wish to compete in North Atlanta have found membership in MML to be of limited utility, and membership in FMLS to be a competitive necessity.

In its complaint, the United States alleged that access to FMLS' services is essential for a broker to compete in the North Atlanta market. The United States also alleged that by adopting restrictive prerequisites for FMLS membership, FMLS and its members restricted competition in the business of selling residential real estate in the Atlanta area, thereby depriving buyers and sellers of the benefits of free and open competition. Specifically, the United States challenged FMLS' requirements that an applicant for membership has to:

(a) Have operated as a broker in the State of Georgia for two years immediately prior to the date of application for membership;

(b) Have submitted proof that the applicant had sold and closed sale on 240 residences in the two years immediately prior to application for membership, within the defined boundaries of FMLS;

(c) Have received the affirmative vote of at least 75 percent of the active shareholders (85 percent if the applicant was applying for membership as a stockholder);

(d) Have been recommended by two members of FMLS and have received the approval of FMLS' board of directors, if applying for membership as a stockholder; and

(e) Have ceased being a member of, or using the services of, any other multiple listing service, wherever located.

The United States also challenged moratoria by FMLS on the admission of new members, FMLS' rules governing access to its listing books and keys, and FMLS' membership and user fees as they impacted on the ability of both members and non-members to compete on equal terms.

Had further proceedings been necessary, the United States would have submitted evidence to prove its contentions. However, after both parties has engaged in extensive discovery, FMLS demonstrated a willingness to reach a settlement without resorting to what would have been additional costly proceedings. FMLS has agreed to eliminate the practices which the United States alleged to be anticompetitive and violative of Section 1 of the Sherman Act. The proposed consent decree will serve to ensure that FMLS does not reintroduce such objectionable practices and provides the United States with substantially all of the relief which would have been sought if the case had proceeded to a litigated judgment.

Explanation of the Proposed Consent Judgment and Its Anticipated Effects on Competition

The United States and Defendant have stipulated that the proposed consent judgment may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The stipulation between the parties provides that there has been no admission by any party with respect

to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(e), entry of the proposed consent judgment is conditioned upon a determination by the Court that the proposed consent judgment is in the public interest.

An explanation of each of the material provisions of the proposed consent judgment is set forth below, together with a statement of its anticipated effects on competition.

A. Reasonable and Non-Discriminatory Requirements for Membership in FMLS. The proposed consent judgment prohibits FMLS from refusing membership in FMLS,[1] i.e., from refusing to make available any and all of its services, to any person who meets the following reasonable and non-discriminatory requirements:

(1) Holds a real estate broker's license issued by the appropriate State of Georgia governmental licensing authority and is deemed by said authority to be acting as a principal broker, and whose license is deemed to be in active status by said authority:

(2) Is not the subject of any pending proceedings before the appropriate State of Georgia governmental licensing or disciplinary authority which may result in the suspension or revocation of the applicant's broker's license:

(3) Agrees to abide by Defendant's charter, by-laws, rules and regulations insofar as they are not inconsistent with the terms of the Final Judgment: and

(4) Agrees to pay to Defendant:

(a) A charge equal to the reasonable set-up costs of preparing to make Defendant's services available to the person:

(b) A reasonable security deposit, to secure against any unpaid claims or charges that may be asserted by Defendant against the person: and

(c) Reasonable and non-discriminatory fees for use of Defendant's services, which shall be equal on a per use basis for all members, whether or not stockholders of Defendant, and which shall not differentiate between persons who became members before or after the date of the Final Judgment. Such fees shall reflect the reasonable expenses of Defendant's operations, and may provide for a reasonable minimum annual fee for access to Defendant's services reflecting a reasonable approximation of the cost of Defendant's standing ready to provide services.

Thus, under the provisions of the proposed judgment, all members of Defendant's multiple listing service, whether stockholders or not, have to pay reasonable and non-discriminatory fees for the use of Defendant's services, reflecting the reasonable expenses of Defendant's operations and equal on a per use basis. Under a related provision of the proposed judgment, in the event that Defendant collects set-up charges or service fees in excess of its actual requirements, including the payment of a return to stockholders and the accumulation and maintenance of reasonable reserves, such excess monies shall be returned to the members or credited to their accounts in proportion to their respective contributions to the amount of the surplus.

The reasonable expenses of Defendant's operations, for purposes of the proposed decree, shall include, in addition to Defendant's other expenditures in providing its services to members:

(i) The accumulation and maintenance of reasonable reserves to be used exclusively for developing, maintaining, or improving the services and facilities used or to be used by Defendant to serve its members, and

(ii) An annual return to stockholders, which may be distributed to stockholders as dividends or retained by Defendant for the benefit of stockholders, calculated on the basis of the book value of Defendant's outstanding stock as of the close of the nearest proceeding accounting period.

The proposed judgment makes it clear that the aggregate annual rate of return to all stockholders as a group, referred to above, shall not exceed the sum of the following items:

(i) 130 percent of the average (for the calendar year next preceding the date of such determination) of the auction average interest rates for the three-month U.S. Treasury bills calculated on the sum of (aa) $25,000, plus (bb) an amount arrived at by multiplying the book value of Defendant's aggregate outstanding stock by a simple fraction of which the numerator shall be the value of Defendant's net (depreciated) property and equipment and the denominator shall be the value of Defendant's total assets, all as determined as of the close of Defendant's most recent accounting period next preceding the date of such determination: plus

(ii) 100 percent of the average (for the calendar year next preceding the date of such determination) of the auction average interest rates for three-month United States Treasury bills calculated on the balance of book value remaining after deducting from total book value $25,000 plus the portion thereof derived in accordance with the formula specified in subpart (bb) above.

The following is intended to illustrate the application of the above rules governing the interaction of the judgment's provision relating to reasonable expenses and returns of excess fees. Let us assume that: (1) The total amount of set-up charges or service fees of Defendant was $750,000 for a particular fiscal year: (2) its expenses were $60,000 (including the accumulation of reasonable reserves but excluding a return to shareholders): (3) the aggregate book value of its outstanding stock was $500,000: (4) the value of its total assets was $1,000,000, including $18,000 worth of net (depreciated) property and equipment: and (5) the average of the auction average interest rates for three-month U.S. Treasury Bills was 10%. The total amount available for the payment of dividends to stockholders would be $51,020, derived as follows:

$$130\% \times 10\% \times \left(\$25{,}000 + \left[\$500{,}000 \times \frac{\$18{,}000}{\$1{,}000{,}000}\right] + 100\% \times 10\% \times \left(\$500{,}000 - \left[\$25{,}000 + \left(\$500{,}000 \times \frac{\$18{,}000}{\$1{,}000{,}000}\right)\right]\right)\right).$$ [2]

[2] This example, as well as the other example used herein, is intended as a guide to the reader as to how the calculations are to be made, not to illustrate dollar amounts which necessarily have any relationship to actual amounts of money likely to be involved.

The excess set-up charges or service fees are required under the judgment to be returned to members (stockholders or otherwise) or credited to their accounts. The excess monies to be returned or credited would then be $98,980 ($750,000 ($600,000 + $51,020)).

Another provision of the judgment makes it clear that should FMLS determine to redeem one or more shares of its outstanding stock from its shareholders, the redemption of such shares shall not be considered an expense for which Defendant can levy fees. However, nothing in the proposed judgment would prohibit Defendant from using monies obtained as the purchase price of new shares of stock or from the allowable return to stockholders on invested capital, based on U.S. Treasury Bill rates, for the purchase or redemption of its own stock.

Although nonstockholder members would have the right to use all of Defendant's services on the same basis as stockholders, the proposed consent judgment also requires Defendant to sell a share of stock in Defendant to any person who elects to purchase a share of stock, provided he or she meets the requirements specified above and agrees to pay Defendant the specified price. Defendant would be prohibited from discriminating among stockholders with regard to the rights, benefits, or privileges of stock ownership. The purchase price for a share of stock would be the lesser of either (a) $25,000, or (b) a sum equal to (i) the book value of one share of Defendant's stock, plus (ii) an amount arrived at by multiplying the book value of one share of Defendant's stock by a simple fraction of which the numerator shall be the value, not to exceed $20,000, of Defendant's net (depreciated) property and equipment and the denominator shall be the value of Defendant's total assets, all as

[1] The judgment defines the term "member", as "* * * any person who is entitled to access to the services offered by Defendant's multiple listing service, whether or not said person is a stockholder in Defendant * * *." The term "member" will be used in the same fashion in this Competitive Impact Statement.

determined as of the close of Defendant's most recent accounting period next preceding the date of such purchase.[3] To illustrate the application of this formula in arriving at a stock purchase price, let us assume FMLS were to have a total book value of $500,000, and that its assets totaled $1,000,000, including $18,000 worth of net (depreciated) property and equipment. Assume further that there were 50 shareholders. The maximum allowable charge to an additional, new member for a share of FMLS stock would be $10,180 derived as follows:

$$\$10{,}000 + (\$10{,}000 \times \frac{\$18{,}000)}{\$1{,}000{,}000}$$

Finally, the proposed judgment requires that if a question is raised as to whether an applicant meets the judgment's criteria for obtaining access to Defendant's services or for purchasing a share of stock in Defendant, the applicant must be informed in writing of the nature of the question and given the opportunity to present information pertinent to the resolution of the question raised.[4]

The United States believes that, taken together, the above provisions of the proposed consent judgment will assure access to Defendant's services on a reasonable and non-discriminatory basis, thereby permitting all interested brokers to compete on an equal footing. The judgment reflects the conclusion that competition is best promoted by providing for membership in Defendant by interested brokers on both a non-stockholder and stockholder basis. All users, whether stockholders or not, are to be charged the same reasonable and non discriminatory fees for the use of Defendant's services, charges which shall be equal on a per use basis to all members. However, the judgment also recognizes that stockholder members of FMLS entitled to a fair return on their capital which is invested in FMLS. Consequently, the judgment provides that an annual return to stockholders on invested capital, based upon U.S. Treasury Bill rates, is to be considered as part of the expenses of operating FMLS which are to be paid by all members, whether or not stockholders. Before any annual surplus of monies collected on expenses are returned to all members, as is required by the judgment, the judgment permits a U.S. Treasury Bill rate-based dividend to be paid to stockholders by Defendant, or to be retained by Defendant for their benefit. Thus, stockholders in Defendant are placed in the same position as, for example, consumers of electricity who are also stockholders in the public utility providing power. While as stockholders in the utility providing power they would receive a return on capital invested, their charge for using electricity would be the same as that for other, non-stockholder consumers of electric power.

The provisions of the judgment which requires FMLS to sell stock to interested brokers at a price tied to the lesser of book value of a share (plus a small increment) or $25,000, ensure that those willing to make a modest investment will be entitled to the same rights as other shareholders to a return on capital and to other rights incident to holding stock, such as the right to vote. By providing for stockholdership for a modest maximum investment, and by providing that this charge may be paid on an installment basis, the United States believes it has minimized the risk of existing stockhiolders seeking to manipulate the value of Defendant's asset base upward in an unreasonable fashion, either to discourage additional applications for stockholder membership or to discourage non-stockholder membership by increasing the interest-based component of fees. This is true because those dissatisfied for any reason with non-stockholder membership have the right to purchase a share of stock on demand, provided they otherwise qualify for membership.

B. *Other Prohibited Practices.*

(1) *Prohibition on Moratiorio on New Memberships.* the proposed consent judgment prohibits FMLS from restricting or limiting the admission of new members through enactment of moratoria on new memberships, thereby making it clear that the provisions of the judgment discussed above are not to be frustrated by such device.

(2) *Elimination of Prohibition on Membership in Other Multiple Listing Services.* The proposed consent judgment will prevent FMLS from prohibiting its members from belonging to, or otherwise using the services or, other multiple listing services. Defendant may prohibit its officers or directors from simultaneously serving as officers or directors of another listing service. It may also require its members to devote a reasonable number of uncompensated hours to the administration of Defendant's service, provided that obligation does not descriminate against any members of Defendant who is not a stockholder or against any members who uses, or participate as a member in the services of, another multiple listing service. The proposed judgment thereby recognizes FMLS' ligitimate interest in avoiding potential conflicts of interest on the part of its officers and directors and in assuring active participating by all members in its own administration.

The elimination of this restraint will free the Atlanta area from an arbitrary impediment to the develop of alternative listing services. FMLS' members will be free to subscribe or belong to other multiple listing services without fear of losing the benefits of FML's membership.

IV

Scope of the Proposed Judgment and Provisions for Compliance Therewith

By its terms the judgment applies to Defendant and to each of its officers, directors, members, employees, retained agents, subsidiaries, successors and assigns, and to all other persons who act in concert with defendant, provided that such persons have actual notice of the judgment by personal service or otherwise.

Defendant is required to provide notice of the Final Judgment to the real estate boards in each of the 19 counties listed in the Complaint. The proposed consent judgment also requires that Defendant provide a copy of the Final Judgment to each of its officers, directors, member firms, employees and retained agents, and to furnish to the Court and to Plaintiff an affidavit that it has done so. Defendant is similarly required to provide a copy of the Final Judgment to each successor to any officer, director, employee and retained agent of FMLS, and to each new member firm.

The proposed consent judgment also provides that Defendant shall require, as a condition of the sale or disposition of all or substantially all of the total assets or stock of FMLS to a person seeking to perform the same services as Defendant, that the acquiring party agree to be bound by the provisions of the Final Judgment, and that each such acquiring party is to file with the Court, and serve upon Plaintiff, its consent to be so bound.

Finally, the proposed consent judgment requires that for five years Defendant is to conduct an annual examination of its operations to determine compliance with the provisions of the judgment. The findings of the examination shall be filed with the Court and Plaintiff, and submitted to the officers and directors of Defendant. Within six months after the entry of the Final Judgment, Defendant is to submit to Plaintiff for its approval a description of how the examination is to be conducted.

V

Appropriateness of the Proposed Judgment

The relief encompassed in the proposed consent judgment is designed to prevent any recurrence of the activities alleged in the complaint. The prohibitions contained in the judgment should ensure that in the future Defendant will not adopt unreasonably restrictive or anticompetitive membership or operating prices.

The judgment provides two methods for determining Defendant's compliance with the terms of the judgment. First, the United States is given access., upon reasonable notice, to the records of Defendent to examine these records for possible violations of the judgment, and to interview officers, directors, members, employees or agents of Defendant. Second, Defendant may be required to submit written reports with respect to any matter contained in the proposed consent judgment.

[3] At the option of the purchaser, the stock may be paid for in five annual installments on terms specified in the proposed judgment. The installment provision is designed to ensure that the cost of a share of stock can be spread over time so as not to present an unreasonable barrier to stock purchase.

[4] The Court will retain general jurisidiction over the decree, including the power to modify those provisions relating to the purchase of stock and return to stockholders in light of unforeseen circumstances. For example, the decree provides that the maximum purchase price for a share of stock is $25,000. This ceiling on the purchase price id intended to assure that the present stockholders of MLS do not conduct the operations of MLS in such a manner as to increase book value to a level that may make it financially burdensome for a new member to become a stockholder. The figure of $25,000 was selected as a reasonable ceiling to accomplish this objective. If future price inflation should cause the present $25,000 ceiling price to become unrealistically low, the court would have the power to adjust the ceiling price accordingly.

In the Department's view, disposition of the lawsuit without further litigation is appropriate in that the proposed consent judgment provides all of the relief which the Government sought by filing its complaint.

VI

Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act (15 U.S.C. § 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit to recover three times the damages such person has suffered, as well as costs and reasonable attorney fees. The proposed final judgment would in no way affect the rights of any present or potential private plaintiff to sue for monetary damages. Section 5(a) of the Clayton Act, as amendd, (15 U.S.C. § 16(a)) allows a judgment to be invoked as *prima facie* evidence in private litigation only where the judgment operates as an estoppel between the parties. Since this proposed final judgment does not operate as an estoppel in any way as between the parties in this case, it would not have such *prima facie* effect.

VII

Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed consent judgment should be modified may submit written comments to Donald A. Kinkaid, Chief, Atlanta Field Office, Antitrust Division, United States Department of Justice, 1776 Peachtree Street, N.W. Suite 420, Atlanta, Georgia 30309—telephone (404) 881-3828, within the 60-day period provided by the Act. These comments, and the Department's responses to them, will be filed with the Court and published in the **Federal Register**. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed judgment at any time prior to its entry if it should determine that some modification of it is necessary. The proposed consent judgment provides that the Court will retain jurisdiction over this action, and the parties may apply to the Court for such orders as may be necessary or appropriate for its modification, interpretation or enforcement.

VIII

Alternatives to the Proposed Consent Judgment

The Department considers the injunctive provisions of the proposed consent judgment to be of sufficient scope and effectiveness to make continued litigation unnecessary, as the judgment provides all of the relief which reasonably could have been expected after trial. The Department therefore did not consider a trial to be a reasonable alternative.

The proposed judgment results from extensive negotiations between the United States and Defendant. From the Department of Justice's standpoint, at issue were two basic considerations. The first was how to ensure that the tangible competitive advantage of access to FMLS' services was made available to appropriate persons. The second was how to ensure that access to FMLS' services would be made available to those persons at a reasonable cost. To that end, a number of alternative proposals were considered and either abandoned or rejected, as outlined below.

At one time, the Department had under consideration a proposed method of settlement which would have left FMLS' membership requirements in place, but which would have required FMLS to make its listing and comparable sales books, week-old listing books, lock box keys and computer data, available to MML on a reciprocal basis. However, MML was unwilling to become a party to any such proposal and the United States resumed settlement discussions with Defendant alone.

Other alternative means of placing a non-member of FMLS on substantially the same footing as a member were explored. Initially, discussions centered around devising a method to provide a non-member access to FMLS' computer terminals, lock box keys and listing and comparable sales books, while at the same time permitting FMLS' members to belong to or use the services of another listing service. However, an adequate solution to the problem along these lines proved unobtainable. Thereafter, the parties gradually worked toward the proposal now before the Court.

Discussions between the parties also included the possibility of providing for a class of non-stockholder membership in FMLS, with new entrants alone subsidizing a reserve fund designed to redeem the shares of existing stockholders at an amount in excess of book value. This approach to the problem was at one point modified to include consideration of a stock redemption reserve funded by both stockholders and non-stockholders. The concept of having non-shareholders, whether alone or in conjunction with shareholders, buy out shareholders was rejected as placing an unfair burden on non-stockholders, who would receive no equity interest in return.

The Department also had under consideration at various other times proposals to: (a) Tie the number of votes to which a stockholder was entitled to the stockholder's volume of business using the Defendant's sevices; (b) reduce the term of the judgment to less than ten years; (c) create a class of non-stockholder membership which would pay the same fees to use the service as stockholders, without providing for the option to purchase stock; and (d) include in the judgment a provision which would prevent or limit costs for antitrust suits filed against FMLS being assessed against new members.

It was concluded that in order to prevent discrimination against any class of FMLS members, the opportunity to obtain voting rights by purchasing stock was essential. Consequently, relief that did not provide a means of obtaining voting privileges was not considered appropriate. Proportional voting, according to the member's usage of the service, appeared facially attractive. However, it was felt that the concept required further discussion and analysis outside the confines of ongoing litigation. Relief lasting less than 10 years was not considered of sufficient duration to cure long-existing problems. Preventing or limiting the assessment of the costs of defending antitrust suits against new members was seriously considered. However, it was felt that, on balance, prompt implementation of the relief obtained outweighed the value of pursuing a difficult and minor issue under the facts of this case.

The present concept of affording a qualified person access to Defendant's services on either a stockholder or non-stockholder basis and allowing stockholder members a return on invested capital arose from the full and considered exploration of numerous proposals. After due consideration, it was concluded that Defendant's existing members were entitled to be placed in a position analogous to that of persons who were both stockholders in a public utility and users of that utility's services. They are entitled to a return on invested capital, but will have to pay the same fees as non-stockholders for the Defendant's services.

IX

Other Materials

There are no materials or documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)) that were considered determinative in formulating the proposed judgment.

Dated: November 16, 1983.

John R. Fitzpatrick

Katherine A. Schlech,

Attorneys, Antitrust Division, U.S. Department of Justice, Suite 420, 1776 Peachtree Street, NW., Atlanta, Georgia 30309; Tel: (404) 881-3828; FTS 257-3828.

[FR Doc. 83-32108 Filed 11-30-83; 8:45 am]

BILLING CODE 4410-01-M

Pollution Controls; Proposed Consent Decree Western Dairymen Cooperative, Inc.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States of America* v. *Western Dairymen Cooperative, Inc.*, Civil Action No. C-82-1227A, was lodged with the United States District Court for the District of Utah on October 31, 1983.

The proposed consent decree requires the Western Dairymen Cooperative to abate its unpermitted discharges, monitor surface and groundwater quality, construct and properly maintain a solid waste land application treatment system for its process waste water, and monitor the performance of its treatment system at the facility. The decree also requires the cooperative to pay a $13,000 civil penalty and daily stipulated penalties for failure to comply with the Consent Decree.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments

relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America* v. *Western Dairymen Cooperative, Inc.*, D.J. Ref. 90-5-1-1-1885.

The proposed consent decree may be examined at the office of the United States Attorney, 200 Post Office and Courthouse Building, 350 South Main Street, Salt Lake City, Utah 84101; at the Region VIII office of the Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, and at the office of the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth and Pennsylvania Avenue NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $2.60 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

F. Henry Habicht, II,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-32092 Filed 11-30-83; 8:45 am]

BILLING CODE 4410-01-M

LEGAL SERVICES CORPORATION

Grant Conditions for National and State Support

AGENCY: Legal Services Corporation.

ACTION: LSC Instruction 83-9 National and State Support.

EFFECTIVE DATE: This Instruction is Effective January 1, 1984.

FOR FURTHER INFORMATION CONTACT: Gene M. Potack, Manager, Substantive Research and Support Unit, Office of Field Services, Legal Services Corporation, 733 Fifteenth Street, NW., Washington, D.C. 20005, (202) 272-4080.

Instruction

I. Purpose

The purpose of this Instruction is to provide notice and direction to national and state support center recipients of Legal Services Corporation funding regarding contract and grant conditions. The Corporation requires all recipients of basic field, Native American, Migrant, state support, training, technical assistance, national support, and other delivery or support funding to certify that they shall comply with certain grant conditions and assurances. Other special conditions may also be attached to grants or contracts for classes of recipients or individual recipients. A listing of conditions for national and state support recipients is provided herein and shall be made a part of each contract or grant award.

The recipient program will affirm its agreement to the conditions of each contract or grant award by signature confirmation of the appropriate contracting parties. These documents must be returned to the Corporation within a reasonable period of time after receipt of the contract or grant award letter in order that funds may be released by the Office of the Comptroller.

Under certain circumstances, the Corporation may specifically waive one or more conditions.

II. General Policy

The national and state support projects have four principal functions: (1) To support legal services program staff and clients through individual service work, library and resource material, training, communications, the development of manuals and material, technical assistance and development of strategies for use by local program staff; (2) to undertake litigation, including serving as counsel for eligible clients and as co-counsel with local program staff; (3) to undertake legislative and administrative representation on behalf of eligible clients, including legislative representation before Congress; and (4) to coordinate and establish networks with local program staff, other support projects, other advocates and advocate organizations representing the poor.

The Corporation has not required that each project undertake every function to the same degree, although all functions were to be undertaken to some degree by all national support centers. State support center activities have included everything that basic field programs are funded for (with some restrictions applicable to everyone), including direct representation (i.e., sole counsel, co-counsel, amicus counsel, and of counsel in judicial, administrative and legislative forums). Past Corporation policy has therefore blurred the distinction between basic field programs and support center programs.

Furthermore, there has been nothing to prevent state and national support centers from emphasizing direct representation, networking and written or oral legislative or administrative testimony not on behalf of an eligible client, regardless of the local legal services program capacity to meet those needs. The conditions set forth below are meant to provide clarity about the actual use of national and state support funding in 1984 such that the primary obligations to act in support of the most important needs of legal services programs are met and to set the stage for development of long term policy. Information obtained through the national study of support conducted in 1983 and input from the field will be utilized to assist in developing long term policies and instructions pertaining to the use of national and state support funding. It is appropriate and timely that the Corporation review past policies and articulate current policy that addresses the impact of support and responsiveness to the field. The Corporation is committed to providing adequate support to both staff and private attorneys in the provision of quality, efficient, and effective access to justice.

The branch office prohibition for national support centers is not meant to prohibit the establishment or continuation of Washington, D.C. offices. The sole reason for the restriction is that support centers funded to serve all legal services programs with LSC funding of $500,000 or less cannot justify the additional overhead expenses of branch offices. Nothing herein prohibits the establishment or continuation of branch offices through the utilization of non-LSC funding.

III. Conditions For National Support Centers

Each national support center recipient of Corporation funds shall assure and certify that:

1. At least ninety (90) percent of Fiscal Year 1984 LSC funds shall be allocated for support to legal services program staff and clients through individual service work, library and resource material, training, communications, the development of manuals and material, technical assistance and development of strategies for use by local program staff. Out of this amount, an amount equal to at least twenty (20) percent of the total award shall be allocated for training of field staff (including the development of manuals and material).

2. No more than ten (10) percent of Fiscal Year 1984 LSC funds shall be allocated for networking, direct representation (i.e., sole counsel, co-counsel, amicus counsel, and of counsel in judicial, administrative, and legislative forums) and written or oral legislative or administrative testimony.

3. No Fiscal Year 1984 LSC funds shall be utilized for national support Center branch offices.

IV. Conditions For State Support Centers

Each state support center recipient of Corporation funds shall assure and certify that:

1. At least ninety (90) percent of Fiscal Year 1984 LSC funds shall be allocated for support to legal services program staff and clients through individual service work, library and resource material, training, communications, the development of manuals and material, technical assistance, and development of strategies for use by local program staff. Out of this amount, an amount equal to at least twenty (20) percent of the total award shall be allocated for training of field staff (including the development of manuals and material).

2. No more than ten (10) percent of Fiscal Year 1984 LSC funds shall be allocated for networking, direct representation (i.e., sole counsel, co-counsel, amicus counsel, and of counsel in judicial, administrative, and legislative forums), and written or oral legislative or administrative testimony.

3. All state support recipients shall submit detailed functional workplans and semi-annual reports to the Corporation and to the governing body members of all LSC-funded programs in their state.

4. All state support recipients shall adopt procedures to insure that input from all LSC-funded programs in their state is considered in the annual priority-setting process.

V. Waivers

The President may waive one or more of the conditions set forth above upon application of a recipient that demonstrates, to the satisfaction of the Corporation, that it cannot comply with it.

Any waiver of the limitations set forth in Sections III (2) and IV (2) shall not exceed twenty-five (25) percent of Fiscal Year 1984 LSC funds and only upon application of a recipient that demonstrates that the following funds, when added together, will not exceed the twenty-five (25) percent level:

1. Non-LSC funds available for networking, direct representation, and written or oral legislative or administrative testimony.

2. LSC carryover funds (annualized, special needs, attorneys' fees awards, and any other LSC funds from prior years) available for networking, direct representation, and written or oral legislative or administrative testimony.

3. Any Fiscal Year 1984 LSC funds utilized for networking, direct representation, and written or oral legislative or administrative testimony.

Dated: November 29, 1983.

Gregg L. Hartley,

Director, Office of Field Services.

[FR Doc. 83-32206 Filed 11-30-83; 8:45 am]

BILLING CODE 6820-35-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-320]

GPU Nuclear Corp.; 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 located in Middletown, Pennsylvania.

The amendment would delete from the Technical Specifications for Unit 2 reference to requirements for Unit 1 monitoring instrumentation and valves that relate solely to the operation of Unit 1.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility or a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

As a result of the March 28, 1979 accident at TMI-2, the NRC issued an Order and Notice of Hearing, dated August 9, 1983, which as one of the conditions before TMI-1 restart, required that common system and management operations be separated with each unit (TMI-1 and TMI-2) being self supporting. Originally there were a number of Unit 1 requirements contained in the Unit 2 Appendix B Technical Specifications because it was convenient to combine environmental specifications in one location. However, because of the separate organizations that manage and operate TMI-1 and 2, and because the Unit 1 Technical Specifications have been modified to incorporate the requirements for Unit 1 (TMI-1 License Amendment 72 dated, August 6, 1981) the deletion of Unit 1 referenced in Unit 2 Technical Specifications is appropriate.

It is the staff's opinion that because this is an editorial administrative change that does not affect safety at TMI-2 and therefore does not:

(1) Involve a significant increase in the probability or consequence of an accident priviously evaluated; nor

(2) Create the probability of a new or different kind of accident from any accident previously evaluated; nor

(3) Involve a significant reduction in a margin of safety.

Therefore, there is no significant hazard 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 received a request for a hearing.

Comments should be addressed to the Secretary of the Commision, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By January 3, 1984, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject faicility operating license and any person whose interst 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 Commision'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 folowing 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 requirments 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 participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Bernard J. Snyder (301) 492-7761; 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 and Trowbridge, 1800 M Street, NW., 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 had 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)(l)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated July 7, 1983, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the State Library of Pennsylvania, Harrisburg, Pennsylvania 17126.

Dated at Bethesda, Maryland, this 23rd 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. 83-32187 Filed 11-30-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Three Mile Island Unit 1; Meeting

The ACRS Subcommittee on Three Mile Island Unit 1 will hold a meeting on December 7, 1983, in Room 1167, 1717 H Street, NW, Washington, DC. This Subcommittee will review the proposed revised operating organization/staff.

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: Wednesday, December 7, 1983—1:00 p.m.-6:00 p.m.

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 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. Richard Major (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m. est.

Dated: November 25, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-32168 Filed 11-30-83; 8:45 am]

BILLING CODE 7590-01-M

PEACE CORPS

Information Collection Requirements; Pre-Test Study of Candidate Selection Inventory; Extension Request

AGENCY: Peace Corps.

ACTION: Notification of extension request of proposed Peace Corps Pre-Test Study of a Candidate Selection Inventory.

SUMMARY: The information collection inventory described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Peace Corps solicited public comment on the subject inventory by publishing a notice of proposed action in the **Federal Register**, Volume 48, Number 75, 48 FR 16562, Apr. 18, 1983. No comments were received and the form was approved through December 31, 1983. The Peace Corps is now requesting an extension of the inventory.

ADDRESS: Interested persons are invited to submit comments regarding this proposal to Francine Picoult, OMB Desk Officer, Office of Management and Budget, Office of Information and Regulatory Affairs, Room 3235, Washington, D.C. 20503. Comments should be received on or before January 30, 1984.

FOR FURTHER INFORMATION CONTACT: Lou Panarale, Project Manager, Office of Marketing in the Office of Recruitment, Placement and Staging, Peace Corps, 806 Connecticut Avenue NW., Washington, D.C. 20526, telephone (202) 254-6480. This is not a toll-free number. For a copy of the scale contact Mr. Panarale.

SUPPLEMENTARY INFORMATION: Peace Corps proposes to examine the efficacy of a self administered paper-and-pencil inventory for helping staff improve the selection of Peace Corps Volunteers. Current research with the Overseas Assignment Inventory (OAI), originally developed and validated to screen naval and private sector personnel for overseas assignment, suggests it might provide a cost effective and systematic means for measuring and predicting Peace Corps Volunteer candidates cross-cultural adjustment overseas. Use of this inventory by the U.S. Navy has not produced any evidence that it discriminates among groups on the basis of gender, race or ethnic background. Information derived from this study will be used to establish normative OAI data for Peace Corps Volunteer candidates and to test the abilities of the OAI to predict suitability as a Peace Corps Volunteer candidate as he/she goes through Peace Corps' Volunteer Delivery System and overseas service.

The study will include candidates who have been nominated by Peace Corps recruiters for consideration to serve as Peace Corps Volunteers through the end of FY' 84 as well as candidates who attend a Peace Corps Center for Assessment and Training (CAST) during FY' 84. It is estimated that 1300 people would be involved in total. Nominees will be mailed and requested to complete a copy of the OAI. Persons attending CASTs will be administered the OAI directly during the first day.

People participating will need to provide personal identifying information in order that later status changes can be tracked and linked to OAI scores, to establish its validity for Peace Corps. They will be told that their participation is voluntary and that the proposed study is a validation pre-test of the OAI, its procedures and results for Peace Corps, and its results will not be used for deselection purposes during this test phase. No modification of any selection/screening procedures will occur during this study. The proposed information collection requirement is described below.

List of Subjects: Volunteers, Information, Privacy

Proposal: Overseas Assignment Inventory, PC Form 1556

Office: Office of Recruitment, Placement and Staging

Frequency of Submission: On occasion

Affected Public: Individuals who are candidates for Peace Corps Volunteer service

Estimated Burden Hours: 433

This is not a proposal to which 44 U.S.C. 3504(h) applies.

This notice is issued in Washington, D.C. on November 25, 1983.

Gary Palmquist,

Acting Associate Director for Management.

[FR Doc. 83-32066 Filed 11-30-83; 8:45 am]

BILLING CODE 6051-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 20414; SR-Amex-83-24]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Approving Proposed Rule Change

November 25, 1983.

The American Stock Exchange, Inc. ("Amex") 86 Trinity Place, New York, NY 10006, submitted on October 7, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to permit the introduction of options series with consecutive month expiration dates in any class of stock index options, and to reduce from 45 to 30 days the minimum time to expiration for a newly opened stock index option series. A similar monthly expiration proposal by Amex, relating only to broad-based index options, was approved by the Commission in Securities Exchange Act Release No. 20201 (September 20, 1983), 48 FR 43747 (September 26, 1983) ("September Order"). Under the proposed rule change, Amex would also retain authority to introduce broad or narrow-based index option series on quarterly expiration cycles.

Notice of the present rule change proposal and its terms of substance was given by the issuance of a Commission Release (Securities Exchange Act Release No. 20282, October 13, 1983) and by publication in the **Federal Register** (48 FR 48735, October 20, 1983). All written statements filed with the Commission and all written communications between the Commission and any person relating to the proposed rule change were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

The Commission has received no comments from the public concerning either Amex's proposal to extend its monthly expiration rule to narrow-based stock index options or a similar proposal by the Chicago Board Options Exchange ("CBOE").[1] Subsequent to its filing, however, Amex furnished the Commission with trading statistics indicating a heavy concentration of trading interest in those narrow-based

[1] File No. SR-CBOE-83-38. Notice of CBOE's proposal was given in Securities Exchange Act Release No. 20299 (October 18, 1983) and published in 48 FR 49565 (October 26, 1983).

index options having the nearest expiration dates.[2]

Since the Amex's initial experience with narrow-based index options suggests a pattern of trading that is similar to the near-term trading emphasis for Amex's broad-based index options, the Commission has determined to extend the approval given Amex's earlier monthly expirations proposal to its present proposal for narrow-based index options. With one exception, the issues raised by monthly expirations for narrow-based index options are not substantially different from those relating to monthly expirations on broad-based index options, and they are discussed in the September Order. The Commission believes generally that the selection of options expiration intervals is a matter best reposed in the business judgment of each options exchange. Given the apparent interest among investors in index options with short terms to expiration, it is possible that the introduction of monthly expirations could improve the markets for those options. The competitive concerns behind the proposals for monthly expirations for broad-based index options are not an immediate concern in the context of narrow-based index options. That is, there currently are not competing narrow-based index option contracts trading on different quarterly expiration cycles. Given the proliferation of narrow-based index options proposals, however, that is a distinct possibility in coming months. Finally, the Commission finds that there are not serious product proliferation or investor confusion concerns raised by this Amex proposal.[3]

One new issue raised by the proposal is the competitive implications of monthly expirations for narrow-based index options vis-a-vis the current quarterly expirations for individual stock options. In considering proposals to trade narrow-based index options, the Commission has been careful to assure that the regulations applying to the trading of those options are consistent with those applicable to individual stock options trading.

The Commission believes, however, that the market factors driving exchange determination to provide monthly expirations for index options generally may not be applicable to options on individual securities. As noted in the September Order, there appears to be a stronger tendecy for index option volume to concentrate in the near-term series than typically is the case with individual stock options. Amex suggests two explanations for this phenomenon.[4] First, the cast-settlement feature of index options prevents their use for the "buy/write" strategies [5] that account for a significant portion of the trading in the longer term individual stock options. Second, shorter term index options may be considered more desirable for temporary positioning during adjustments of stock portfolio composition, since the investor might in those circumstances be interested more in simply maintaining market position than in paying a higher premium for time value. The Commission, however, makes no judgment at this time on the propriety of establishing monthly expiration cycles outside the idex option context.

Under the present rule proposal, Amex would also have discretion to introduce index option series on the conventional quarterly expiration cycles, instead of or in combination with monthly expirations. Amex states in its filing that it would be unlikely to open the full number of series authorized by the proposed rule but wishes to be able to flexibly respond to investor interest. Given Amex's representations and the Commission's policy that, as a general regulatory matter, expiration cycles may usually be left to the business judgment of an exchange, the Commission believes it is appropriate to permit Amex the flexibility it seeks.

The Commission finds that the rule change proposed in File No. SR-Amex-83-24 is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6, and the rules and regulations thereunder. To provide broker-dealers and the public an opportunity to become educated about the expiration cycles applicable to narrow-based index options, the Commission conditions this approval order on a requirement that Amex provide a two-week notice period before implementing any change in expiration cycles pursuant to this order.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-32100 Filed 11-30-83; 8:45 am]

BILLING CODE 8010-01-M

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[2] *See* letter of November 3, 1983, from Nathan Most, Amex Vice President for New Products Development, to Richard T. Chase, Assistant Director in the Commission's Division of Market Regulation; File No. SR-Amex-83-24 ("Amex November letter"). Amex's Computer Technology Index option, which began trading August 26, 1983, and its Oil and Gas Index option, trading since September 9, 1983, showed volume concentrations of 85 percent and 94.2 percent, respectively, in nearest month contracts, for trading during the months of September and October. This compares with a nearest month concentration of 84.4 percent over the same period for the broad-based Major Market Index option ("MMI"). Although the nearest expiration for the MMI was a month or less away during a greater portion of this interval than was the case for either of the narrow-based options, it is nontheless clear that Amex's early experience with narrow-based index options has shown a concentration of trading interest in the near-term options comparable to that characteristic of broad-based index options.

[3] With respect to the latter concern, the Commission believes that a two-week notice period should be adequate for the public to understand and adjust to monthly expirations.

[4] *See* Amex November Letter.

[5] The term "buy/write" refers to the purchase of stocks and the simultaneous writing of options on stocks.

[Release No. 20413; SR-PSE-83-18]

Self-Regulatory Organizations; Pacific Stock Exchange, Inc., Filing and Order Granting Accelerated Approval of Proposed Rule Change

November 23, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 15, 1983, the Pacific Stock Exchange, Inc. ("PSE"), 301 Pine Street, San Francisco, CA 94104, filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would revise PSE's rule on crossing orders and add a new subsection governing the "facilitation" of public customer orders by the entry of an order for a member organization's proprietary account. A member organization could facilitate a public customer order after the floor broker has disclosed the components of the public customer order, requested bids and offers, bid or offered the public customer's order at a price better than either the best existing bid or best existing offer, identified the order as subject to facilitation and disclosed all its terms and conditions. If the public customer order is not taken at this improved quotation, the member organization's facilitation order may be announced and the public customer order given precedence to trade with it over any other bid or offer in the trading crowd at the same price.

The proposed rule change also would include stock/option orders in the priority rule currently governing spreads, straddles and combination

orders, except that stock/option orders would receive priority only over bids or offers for individual option series made by members to the trading crowd, not over those of the Order Book Official. A stock/option order is defined in the proposed rule change as an order to buy or sell a stated number of units of an underlying or a related security coupled with either (1) the purchase or sale of options of the same series, on the opposite side of the market, representing the same number of units of the underlying or related security; or (2) the purchase and sale of an equal number of puts and calls, each with the same strike price and expiration date, representing the same number of units of the underlying or related security, on the opposite side of the market, representing in aggregate twice the number of units of the underling or related security.

The terms of the rule change proposal are generally similar to those of a proposal made by the Chicago Board Options Exchange ("CBOE") and approved in Securities Exchange Act Release No. 20294 (October 17, 1983), 48 FR 49114 (October 24, 1983). The facilitation rule is expected to expedite the execution of public customer orders at prices favorable to the customer. The creation of limited priority for stock/option orders is expected to prevent execution of such order from being blocked by an option bid or offer that satisfies, at no better price, only one component of the stock/option order. At the same time, in order to prevent excessive loss of priority for public customer orders on the limit order book, the stock/option priority proposal will only apply against the trading crowd. PSE states that the proposed rule change should assist in securing the execution of more public customer orders while preserving the benefits of an auction market, thus serving the aims of Section 6(b)(5) of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, Washington, D.C. 20549. Reference should be made to File No. SR-PSE-82-18.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in that the issues presented by the stock/option priority proposal were put before the public and considered by the Commission in connection with the CBOE's similar proposal referred to above. The facilitation order procedure has likewise been placed before the public and considered by the Commission in connection with both the CBOE proposal and an earlier proposal by the American Stock Exchange ("Amex"), approved by the Commission in Securities Stock Exchange Act Release No. 19711 (April 27, 1983), 48 FR 20186 (May 4, 1983). Those prior CBOE and Amex proposed rule changes were published for full comment periods; however, no written comments were received on either.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-32105 Filed 11-30-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20365 (File No. SR-MSRB-83-13)]

Self-Regulatory Organizations; Order Approving Proposed Rule Change of the Municipal Securities Rulemaking Board

Correction

In FR Doc. 83-31144 beginning on page 52531 in the issue for Friday, November 18, 1983, make the following corrections.

On page 52534, first column, the second full paragraph should have been printed as the second paragraph of footnote 30; also in the first column, the last paragraph should have been printed as the second paragraph of footnote 31.

BILLING CODE 1505-01-M

SMALL BUSINESS ADMINISTRATION

[Application No. 05/05-0913]

Equity Resource Company, Inc., Application for a License To Operate as a Small Business Investment Company (SBIC)

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of Revision 6 of the SBA Regulations (48 FR 45014 (September 30, 1983)), by Equity Resource Company Inc., One Plaza Place, 202 South Michigan Street, South Bend, Indiana 46601 for a license to operate as a small business investiment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (the Act), as amended, (15 U.S.C. *et. seq.*).

The proposed officers, director, management consultants and ten percent or more shareholders are:

Name and address	Title or relationship	Percent ownership
Richard T. Doermer, 5310 Century Court Fort Wayne, Indiana 46807.	Chairman, Director	
Richard A. Rosenthal, 15670 Hearthstone Drive Mishawaka, Indiana 46544.	President, Director	
Michael J. Hammes, 15300 Fox Run Trail, Mishawaka, Indiana 46544.	Vice President, Secretary and Director.	
Marvin B. Basse, 1964—CR 66, Auburn, Indiana 46706.	Vice President, Treasurer.	
Jerry Hammes, 2330 Topsfield South Bend, Indiana 46614.	Management Consultant and Common Shareholder.	6.02
Phillip A. Traub, 711 Cherry Tree Lane, South Bend, Indiana 46617.	Management Consultant and Common Shareholder.	6.02
Indiana Bank and Trust Co., Clinton at Washington, Fort Wayne, Indiana 46801.	Common Shareholder.	50.06
St. Joseph Bank and Trust Co., 202 South Michigan Street, South Bend, Indiana 46601.	Common Shareholder.	15.06
Corporation for Innovation Development, One North Capitol, Suite 520 Indianapolis, Indiana 46204.	Preferred Shareholder.	100.00

St. Joseph Bank and Trust Co. (St. Joseph) and Indiana Bank and Trust Co. (Indiana) are the 13th and 14th largest banks in the State of Indiana. St. Joseph and Indiana are wholly-owned subsidiaries (except qualifying shares) of St. Joseph Bancorporation, Inc. and Indiana Bancorp., Inc. which are

publicly held companies with more than 500 shareholders each.

The Corporation for Innovation Development was formed by the Indiana Legislature in 1981 as a private corporation with the stated purpose of encouraging investment in the State of Indiana, to encourage the exapansion of business and industry to provide additional jobs within the State and to encourage research and development activities within the State.

The Applicant will begin operations with a capitalization of $2,000,000 and will be a source of equity capital and long term loan funds for qualified small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of the Notice will be published in a newspaper of general circulation in South Bend, Indiana.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: November 25, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-32170 Filed 11-30-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 03/03-5168]

Lippo Finance and Investment, Inc.; Issuance of License To Operate as a Small Business Investment Company

On September 2, 1983, a notice was published in the **Federal Register** (48 FR 40052), stating that an application had been filed by Lippo Finance and Investment, Inc., 1101 Connecticut Avenue, NW., Suite 500, Washington, D.C. 20036, with the Small Business Administration (SBA) for a license to operate as a Section 301(d) small business investment company, pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1983)).

Interested parties were given until the close of business September 17, 1983, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(d) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information, SBA issued License No. 03/03-5168 on October 31, 1983, to Lippo Finance and Investment, Inc. to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: November 18, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-32172 Filed 11-30-83; 8:45 am]

BILLING CODE 8025-01-M

Region III Advisory Council; Meeting

The U.S. Small Business Administration Region III Advisory Council, located in the geographical area of Western Pennsylvania, will hold a public meeting at 9:00 A.M., on Friday, December 9, 1983, at the University of Pittsburgh, Room 244, Cathedral of Learning, Fifth Avenue and Bigelow Boulevard, Pittsburgh, Pennsylvania 15260, 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 J. M. Kopp, District Director, U.S. Small Business Administration, 960 Penn Avenue, Convention Tower, 5th Floor, Pittsburgh, Pennsylvania 15222. (412) 644-4306.

Dated: November 28, 1983.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 83-32171 Filed 11-30-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 885]

Agency Forms Submitted for OMB Review

AGENCY: Department of State.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1980, the Department has submitted a proposed collection of information to the Office of Management and Budget for review.

Purpose

The Office of the Legal Adviser of the Department of State proposes to send out a one-time questionnaire to gather information to support a U.S. Government claim to be filed against the Soviet Union, incident to the Korean Airlines tragedy of September 1, 1983.

SUMMARY: The following summarizes the information collection proposal submitted to OMB:

(1) Type of request—new.

(2) Originating office-Office of the Legal Adviser.

(3) Title of information collection—Questionnaire on Claims of United States Nationals Against the Soviet Union—Korean Air Lines Incident of September 1, 1983.

(4) Frequency—Nonrecurring.

(5) Respondents—Families of U.S. citizens who died aboard the aircraft.

(6) Estimated number of responses—75.

(7) Estimated total number of hours needed to respond—600. Section 3504(h) of Pub. L. 95-511 does not apply.

Additional Information or Comments

Copies of the proposed format and supporting documents may be obtained from Gail J. Cook (202) 632-3602. Comments and questions should be directed to (OMB) Francine Picoult (202) 395-7231.

Dated: November 16, 1983.

John P. Shumate,

Acting Assistant Secretary for Administration.

[FR Doc. 83-32060 Filed 11-30-83; 8:45 am]

BILLING CODE 4710-24-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

On November 23, 1983 the Department of Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 535-6020. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7227, 1201 Constitution Avenue, NW., Washington, D. C. 20220.

United States Customs Service

OMB Number: 1515-0069

Form Number: CF 3461 and 3461 Alternate

Type of Review: Extension
Title: Immediate Delivery Application

Comptroller of the Currency

OMB Number: 1557–
Form Number: None
Type of Review: New
Title: Survey of National Bank Brokerage Services
OMB Reviewer: Judy McIntosh (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Internal Revenue Service

OMB Number: 1545–0238
Form Number: W–2G and W–3G
Type of Review: Revision
Title: Statement for Certain Gambling Winnings Transmittal of Certain Information Returns

OMB Number: 1545–
Form Number: None
Type of Review: Existing Collection
Title: Rules and Regulations (26 U.S.C. 7805)

OMB Number: 1545–0239
Form Number: IRS Form 5754
Type of Review: Revision
Title: Application for Determination for Defined Benefit Plan, Supp. Application for Approval of Employee Benefit Plans Under TEFRA, Application for Determination for Defined Contribution Plan

OMB Number: 1545–0197
Form Number: IRS Form 5300
Type of Review: Revision
Title: DSP Storage—Summary of Activity; Inventory, Losses and Gains

Alcohol, Tobacco and Firearms

OMB Number: 1512–0292
Form Number: ATF Rec 5120/2
Type of Review: Existing Regulation
Title: Letterhead Applications and Notices Relating to Wine
OMB Reviewer: Norman Frumkin, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C.20503

Dated: November 23, 1983.

Cathy Thomas,
Departmental Reports, Management Office.

[FR Doc. 83–32179 Filed 11–30–83; 8:45 am]
BILLING CODE 4810–25–M

VETERANS ADMINISTRATION

Agency Forms Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

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 proposed extensions and revisions 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 filled out; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (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, D.C. 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 23, 1983.

By direction of the Administrator

Dominick Onorato,
Associate Deputy Administrator for Information Resources Management.

Extensions

1. Department of Veterans Benefits
2. Statement of Disappearance
3. VA Form 21–1775
4. On occasion
5. Individuals or households
6. 2,000 responses
7. 5,500 hours
8. Not applicable

* * * * *

1. Department of Veterans Benefits
2. Notice to VA of Veterans or Beneficiary Incarcerated in Penal Institution
3. VA Form 21–4193
4. On occasion
5. Individuals or households
6. 1,664 responses
7. 416 hours
8. Not applicable

Revisions

1. Department of Veterans Benefits
2. Application for Guaranty of Loan to Purchase Manufactured Home and/or Lot
3. VA Form 26–8641
4. On occasion
5. Individuals or households; Businesses or other for-profit
6. 1,050 responses
7. 788 hours
8. Not applicable

* * * * *

1. Department of Veterans Benefits
2. Certification of Disbursement—Manufactured Home
3. VA Form 26–8646
4. On occasion
5. Businesses or other for-profit
6. 1,200 responses
7. 300 hours
8. Not applicable

[FR Doc. 83–32104 Filed 11–30–83; 8:45 am]
BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 232
Thursday, December 1, 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

	Items
Civil Rights Commission	1
Federal Deposit Insurance Corporation	2, 3, 4
Securities and Exchange Commission	5

1

U.S. COMMISSION ON CIVIL RIGHTS

PLACE: Room 800, 1121 Vermont Avenue NW., Washington, D.C.

DATE AND TIME: Monday, November 29, 1983, 10 a.m.–11:30 a.m.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

I. Approval of Agenda
II. Approval of Minutes of Last Meetings
III. State of Civil Rights: Final Report of the Commission on Civil Rights
IV. The Transition Period

FOR FURTHER INFORMATION PLEASE CONTACT: Barbara Brooks, Press and Communications Division (202) 376–8312.

[S-1670-83 Filed 11-28-83; 4:14 pm]

BILLING CODE 6335-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 1:05 p.m. on Friday November 25, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Adopt a resolution making funds available for the payment of insured deposits in Atkinson Trust & Savings Bank, Atkinson, Illinois, which had been closed by the Commissioner of Banks and Trust Companies for the State of Illinois on November 22, 1983: (2) accept the bid of Bank of Atkinson, National Association, Atkinson, Illinois, a newly-chartered subsidiary of Farmers National Bancorp, Inc., Geneseo, Illinois, for the transfer of the insured deposits of the closed bank; and (3) designate Bank of Atkinson, National Association, as the agent for the Corporation for the payment of insured deposits of the closed bank.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: November 28, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1671-83 Filed 11-29-83; 12:05 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2 p.m. on Monday, December 5, 1983, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Applications for consent to establish a branch:

Valley Commercial Bank, Stockton, California, for consent to establish a branch at 7810 Thornton Road, Stockton, California.

The Highland Bank, St. Paul, Minnesota, for consent to establish a branch at 8300 Norman Center Drive, Bloomington, Minnesota.

Banco Financiero de Puerto Rico, Ponce, Puerto Rico, for consent to establish a branch at 361 San Francisco Street, Old San Juan, Puerto Rico.

Application for consent to establish a limited service branch (courier service):

PanAmerican International Bank of Nevada, Las Vegas, Nevada, for consent to establish a limited service branch (courier service) in Clark County, Nevada.

Application for consent to establish a remote service facility:

Southwest Bank, Vista, California, for consent to establish a remote service facility at the La Mesa office of Southwest Thrift and Loan Association, 7968 El Cajon Boulevard, La Mesa, California.

Memorandum and Resolution re: Final amendments to Part 335 of the Corporation's rules and regulations, entitled "Securities of Nonmember Insured Banks," which would make the provisions of that Part substantially similar to the securities disclosure rules and regulations of the Securities and Exchange Commission, as required by the Securities Exchange Act of 1934.

Memorandum re: Delegation of Authority to the Director, Division of Liquidation, or his designee, to sell loans for principal plus accrued interest.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: November 28, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1672-83 Filed 11-29-83; 12:05 pm]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, December 5, 1983, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b (c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Director requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (case-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions 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)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for federal deposit insurance:

Investors Finance, Inc., an operating noninsured industrial bank located at 50 South Beretania Street, #C117B, Honolulu, Hawaii.

Application for consent to establish a branch:

Equibank, Pittsburgh, Pennsylvania, for consent to establish a branch at 1740 Washington Road, Upper St. Clair Township, Pennsylvania.

Request for reconsideration of a previous denial of an application for consent to exercise limited trust power:

The Binghamton Savings Bank, Binghamton, New York.

Personnel actions regarding appointments, promotions administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: November 28, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Ribinson,

Executive Secretary.

[S-1673-83 Filed 11-29-83; 12:05 pm]

BILLING CODE 6714-01-M

5

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission held the following meeting on Wednesday, November 23, 1983, at 4 p.m. at 450 5th Street, NW., Washington, D.C., to consider the following item:

Litigation matter:

The Commissioners, Counsel for the Commissioners and the Secretary of the Commission attended the closed meeting. Certain staff members who are responsible for the calendared matter were present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the item considered at the closed meeting was considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9) (A) and (10) and 17 CFR 200.402(a) (4), (8), (9) (i) and (10).

Commissioners Evans, Longstreth and Treadway voted to consider the item listed for the closed meeting in closed session.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Michael Lefever at (202) 272-2468.

November 29, 1983.

[S-1674-83 Filed 11-29-83; 3:56 pm]

BILLING CODE 8010-01-M

federal register

Thursday
December 1, 1983

Part II

Department of Agriculture

Office of the Secretary

Decision To Exclude the Cooperative Extension Service Program From Executive Order 12372; Final Rule Related Notice

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 3015

Decision To Exclude the Cooperative Extension Service Program From Executive Order 12372

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule related notice.

SUMMARY: The purpose of this Notice is to inform State and local governments and other interested persons of the Department of Agriculture's decision to exclude the Cooperative Extension Service Programs from review under Executive Order 12372, "Intergovernmental Review of Federal Programs." Publication of this Notice finalizes the Department's list of programs included and excluded under the Order as set forth in 48 FR 29114–29117, June 24, 1983.

EFFECTIVE DATE: December 1, 1983.

FOR FURTHER INFORMATION CONTACT: Ms. Lyn Zimmerman, Office of Finance and Management, USDA, 14th and Independence Avenue, SW., Room 118–W, Administration Building, Washington, D.C. 20250 (telephone (202) 382–1553).

SUPPLEMENTARY INFORMATION:

Background

On January 24, 1983, the Department indicated in a Notice of Proposed Rulemaking (48 FR 3082) that the Department intended to include the Cooperative Extension Service Programs (CES) in its list of programs and activities subject to the provisions of Executive Order 12372 and the Department's implementing rules for that Executive Order.

This proposed inclusion produced over 850 letters and other communications, virtually all of which objected to the inclusion of the Cooperative Extension Service. Many of the commenters covered several points in each of their letters, giving various reasons why the programs should be excluded. Specifically, numerous commenters stated that application of the Order to CES programs would disrupt an efficient State and local process, while adding excessive and duplicative review requirements to an already effective system of planning. About 172 commenters stated that the Smith-Lever Act already provides a legally constituted review and funding process for CES programs. Additionally, 232 commenters stated that the Order would subject CES personnel to an unnecessary and inappropriate political process, ultimately placing CES programs under the block grant concept. Many commenters stated that the Order would create an unnecessary paperwork burden and more regulations, resulting in increased taxes to fund additional operating costs.

Due to the number of comments received and the fact that comments regarding the inclusion or exclusion of any program were not sought as part of the Notice of Proposed Rulemaking, the Department published a Notice in the **Federal Register** on June 24, 1983 (48 FR 29118), proposing to exclude the Cooperative Extension Service. The public comment period ended on September 22, 1983.

Summary of the Comments

The Department received a total of 36 letters on this subsequent Notice proposing to exclude CES programs. Thirty-three (33) commenters supported the exclusion of CES and three commenters felt that CES programs should be included for review under the Order. A majority of the letters supporting exclusion stated that sufficient review procedures were already in place and that further review would increase bureaucracy and the cost of program administration. Other commenters indicated that including these programs would complicate and interfere with a well accepted and legally constituted review process, and that further review by State officials would introduce political manipulation in determining program priorities.

One of the commenters supporting the inclusion of CES programs under the E.O. stated that, "In view of the fact that the Extension Service requires considerable input of funding from local counties, and * * * that counties are extremely strapped for funding * * * Extension Service programs should be subject to review and comment just as are other programs." Another commenter supporting inclusion felt that, since CES programs directly affect local governmental plans, programs, and budgets, they should be subject to review. However, as stated, the majority of commenters agreed that CES programs should be excluded from review under the Executive Order.

After careful consideration of all comments received, the Department has determined that the Cooperative Extension Service should be excluded from Executive Order 12372.

Dated: November 17, 1983.

John J. Franke, Jr.,

Assistant Secretary for Administration.

[FR Doc. 83–32159 Filed 11–30–83; 8:44 am]

BILLING CODE 3410–03–M

Reader Aids

Federal Register

Vol. 48, No. 232

Thursday, December 1, 1983

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FEDERAL REGISTER PAGES AND DATES, DECEMBER

54211-54318.....1

LIST OF PUBLIC LAWS

Last Listing November 28, 1983

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

H.R. 3222/Pub. L. 98-166

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1984. (Nov. 28, 1983; 97 Stat. 1071) Price: $3.50

TABLE OF EFFECTIVE DATES AND TIME PERIODS—DECEMBER 1983

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or a holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
December 1	December 16	January 3	January 16	January 30	February 29
December 2	December 19	January 3	January 16	January 31	March 1
December 5	December 20	January 4	January 19	February 3	March 5
December 6	December 21	January 5	January 20	February 6	March 5
December 7	December 22	January 6	January 23	February 6	March 6
December 8	December 23	January 9	January 23	February 6	March 7
December 9	December 27	January 9	January 23	February 7	March 8
December 12	December 27	January 11	January 26	February 10	March 12
December 13	December 28	January 12	January 27	February 13	March 12
December 14	December 29	January 13	January 30	February 13	March 13
December 15	December 30	January 16	January 30	February 13	March 14
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December 27	January 11	January 26	February 10	February 27	March 26
December 28	January 12	January 27	February 13	February 27	March 27
December 29	January 13	January 30	February 13	February 27	March 28
December 30	January 16	January 30	February 13	February 28	March 29

Just Released

Code of Federal Regulations

Revised as of July 1, 1983

Quantity	Volume	Price	Amount
_____	Title 29—Labor (Parts 500 to 899) (Stock No. 022-003-95188-1)	$8.00	$_____
_____	Title 35—Panama Canal (Stock No. 022-003-95211-0)	5.50	_____
_____	Title 36—Parks, Forests, and Public Property (Parts 1 to 199) (Stock No. 022-003-95212-8)	6.50	_____
		Total Order	$_____

A cumulative checklist of CFR issuances for 1982-83 appears every Monday in the Federal Register in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

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Charge to my Deposit Account No.

☐☐☐☐☐☐☐-☐

Order No._____

VISA

MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me the **Code of Federal Regulations** publications I have selected above.

Name—First, Last

Street address

Company name or additional address line

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only.

	Quantity	Charges
Enclosed		
To be mailed		
Subscriptions		
Postage		
Foreign handling		
MMOB		
OPNR		
UPNS		
Discount		
Refund		