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federal register

Monday
December 12, 1983

Selected Subjects

CONTINUED INSIDE

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Selected Subjects

Contents

Federal Register
Vol. 48, No. 239
Monday, December 12, 1983

Separate Parts in This Issue

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
1033 55275
1139 55276
1944 55277
Proposed Rules:
1126 55290

9 CFR
81 55402

12 CFR
505d 55278
546 55279
563 55279

17 CFR
145 55280
146 55280

18 CFR
35 55281
Proposed Rules:
282 55294

19 CFR
177 55281

22 CFR
Proposed Rules:
301 55298

27 CFR
Proposed Rules:
178 55298

32 CFR
190 55282

39 CFR
111 55283
Proposed Rules:
10 55299

40 CFR
52 55284
65 55285
81 55286
Proposed Rules:
60 55395
400 55300
610 55399

44 CFR
64 55287

49 CFR
71 55289

Rules and Regulations

Federal Register
Vol. 48, No. 239
Monday, December 12, 1983

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1033

Milk in the Ohio Valley Marketing Area; Order Suspending Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action suspends certain provisions of the Ohio Valley order relating to qualifying an individual producer's milk for movement to manufacturing plants each month. The suspension for December 1983 through August 1984 makes inoperative the requirement that two days' production of an individual producer's milk must be received at a pool plant each month to qualify dairy farmer's milk for movement to a nonpool manufacturing plant during the month.

This action was requested by Milk Marketing, Inc., a cooperative representing a substantial proportion of the producers supplying the market. The temporary action is needed to facilitate the efficient disposition of the market's milk supplies that are not needed for fluid purposes and to maintain producer status for dairy farmers who have regularly supplied the market's fluid requirements. The interim action is based on the record of a public hearing held at Columbus, Ohio, on October 12 and 13, pending completion of the hearing proceeding on this issue.

EFFECTIVE DATE: December 12, 1983.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Hearing: Issued September 26, 1983; published September 29, 1983; (48 FR 44565).

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action ensures that dairy farmers who have regularly supplied the market's fluid milk needs will continue to have all of their milk deliveries priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Ohio Valley marketing area.

It is hereby found and determined that for the months of December 1983 through August 1984, the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1033.15, paragraph (d)(1).

Statement of Consideration

This action is based on the record of a public hearing held to consider amendments to the Ohio Valley milk order on October 12 and 13 at Columbus, Ohio. The suspension makes inoperative for December 1983 through August 1984 the order's producer delivery requirement provisions (touch-base provisions) that require two days' production of a producer to be received at a pool plant to qualify such dairy farmer's milk for diversion to a nonpool manufacturing plant during the month.

Milk Marketing Inc., a cooperative representing a substantial proportion of the producers supplying the market, requested the suspension. Several proposals to relax certain pooling provisions of the order, including the producer touch-base provisions suspended herein, were considered at that hearing.

The cooperative asked that the touch-base provisions be suspended until final action on this matter is completed via the hearing process. Proponent contends that immediate action is needed to avoid uneconomic handling of the market's reserve milk supplies and to maintain producer status for all of the milk deliveries of its members.

The record of the October 1983 hearing indicates that marketing conditions under the Ohio Valley order have changed dramatically during 1983. Early in the year, a large pool distributing plant located in Toledo, Ohio, ceased operation. A pool supply plant located at Defiance, Ohio, which had been a pool plant for several years, became a nonpool plant as of September.

The impact of these changes has fallen primarily on members of the cooperative which is petitioning for this suspension. The members of the cooperative, whose milk was assigned to these two former pool plants, must now "touch-base" at some other pool plant. Recently, this has become a more significant problem to the cooperative. In its suspension request, proponent indicated that because of the limited number of pool plants remaining in the Northwestern Zone of the marketing area and the volume of route sales by such plants, the cooperative has found it necessary, in many instances, during the past three months to haul milk produced on farms located generally in the Defiance and Toledo areas to a Columbus distributing plant to qualify such producer's milk for diversion to nonpool manufacturing plants during the month. These movements were not made because the milk was needed at the distributing plant but rather it was delivered there solely for the purpose of qualifying the producer's other milk deliveries (diversions to manufacturing plants) during the month. Such movements have been costly for the cooperative, both in terms of time and money.

Whether or not the touch-base provisions should be amended and to what extent, is a matter to be determined after the hearing record and post-hearing briefs have been thoroughly analyzed. It is apparent from the foregoing discussion, however, that if no suspension action is taken, the association will be forced to make uneconomic milk movements to assure producer status for all of the deliveries by its members who have been associated with the market's fluid needs.

There is insufficient time to resolve the cooperative's immediate problem on an amendatory basis. In the interim, this suspension is warranted in that it will assure orderly marketing pending the outcome of the hearing proceeding. It is

unlikely that this temporary suspension of the "touch-base" provisions will have any significant adverse impact on producers or handlers serving the market because the total quantity of milk which may be diverted by a handler will continue to be limited. This action, however, will eliminate the possibility of producers who have been regular suppliers of the fluid market losing their producer status and not having their milk priced under the order.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that substantial quantities of milk of producers who have regularly supplied this market otherwise could be excluded from the marketwide pool;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) The marketing problems that provide the basis for this suspension action were fully explored at a public hearing held on October 12 and 13, 1983, where all of the market's interested parties had the opportunity to be heard on this issue.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register.**

PART 1033—[AMENDED]

§ 1033.15 [Amended]

It is therefore ordered, That the aforesaid provisions in § 1033.15 of the Ohio Valley order are hereby suspended for the months of December 1983 through August 1984.

Effective Date: December 12, 1983.

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

List of Subjects in 7 CFR Part 1033

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on: December 6, 1983.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-32899 Filed 12-9-83; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1139

[Milk Order No. 139]

Milk in the Lake Mead Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action continues for the months of January through April 1984 the suspension of certain provisions of the Lake Mead Federal milk order. The suspension removes the limit on the amount of milk not needed for fluid (bottling) use that a handler may move directly from farms to nonpool plants and still be priced and pooled under the order. Also suspended is the requirement that 20 percent of a dairy farmer's monthly milk production be received at a pool plant in order for the remaining production to be eligible to be moved directly from the farm to nonpool manufacturing plants and still be priced and pooled under the order.

The suspension is based on evidence presented at a public hearing held in August 1983 to consider amendments to the order, including proposals to change the diversion qualification requirements for the pooling of producer milk under the order. Lake Mead Cooperative Association, which represents producers who supply the market, requested that the suspension of the diversion requirements be continued pending a decision on whether those provisions of the order should be amended to enable the cooperative to handle efficiently the reserve milk supply for the Lake Mead market. The suspension will promote the efficient handling of the market's reserve milk supply, and the pooling of milk of producers who regularly have been associated with the market.

EFFECTIVE DATE: January 1, 1984.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–2089.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Hearing: Issued August 1, 1983; published August 5, 1983 (48 FR 35652).

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

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Lake Mead marketing area.

After considering all relevant material, including the proposal in the notice and other available information, it is hereby found and determined that for the months of January through April 1984 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1139.13(d)(2), the language "from whom at least 20 percent of his milk production is received during the month at a pool plant. The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the producer milk which the association causes to be delivered to pool plants during the month."

2. In § 1139.13(d)(3), the language "from whom at least 20 percent of his milk production is received during the month at a pool plant. The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the milk received at such pool plant from producers and for which the operator of such plant is the handler during the month."

Statement of Consideration

This action makes inoperative, for January through April 1984, the requirement regarding the percentage of a dairy farmer's monthly milk production that must be received at a pool plant for the remaining production to be priced and pooled under the order. In addition, this action continues a suspension that has been in effect since April 1982 (47 FR 17036, 47 FR 38496, 47 FR 55201, 48 FR 16028, 48 FR 38205) which removes the limit on the amount of producer milk that a cooperative association or other handler may divert to nonpool plants. The order now provides that cooperatives and pool plant operators may divert to nonpool plants up to 30 percent during the months of March through July and 20 percent in other months of the producer milk which they cause to received at pool plants.

Continuation of the suspension until such time as amendatory action can be completed was requested by the Lake Mead Cooperative Association, which supplies a substantial part of the market's fluid milk needs and handles

most of the market's reserve supplies. The cooperative association requested the suspension to provide for greater efficiencies in handling the market's reserve milk supply.

The issue of whether or not it is appropriate to require Lake Mead producers to deliver specified percentages of their milk to a pool plant as a condition for diverting milk to a nonpool plant as producer milk was one of the subjects considered at a public hearing on August 16–17, 1983. Lake Mead Cooperative Association proposed that no percentage delivery requirement apply to the total milk marketed by a cooperative association for its members, and that only one day's production of an individual producer be required to be delivered to pool plants per month.

According to testimony presented at the hearing, the need to handle an increasing quantity of reserve milk supplies is the result of a continuing imbalance between the market's fluid milk requirements and the milk supplies available from producers. Milk production continues to be heavy without a corresponding increase in sales to fluid milk outlets. As a result of these marketing conditions, the order limits on the quantity of milk that a handler may move directly from farms to nonpool plants and still be priced under the order have been suspended since April 1982. Unless the suspension is continued, some of the milk of producers who regularly have supplied the fluid market would have to be moved, uneconomically, first to pool plants and then to nonpool manufacturing plants, in order to be priced under the order.

A suspension of the order requirement that 20 percent of a dairy farmer's monthly milk production must be received at a pool plant in order for the remaining quantity to be eligible for diversion to nonpool plants has been in effect since May 1983. The record of the hearing indicates that unless such suspension is continued, substantial quantities of milk of individual producers who are located farthest from the market must be shipped to pool plants solely for diversion qualification purposes. The shipment of distantly located milk supplies to pool plants displaces the milk of other producers who are located nearer to the distributing plants. Such milk must then be shipped to distant outlets for surplus disposal. Proponent testified that without the continued suspension of the provisions indicated, handlers would incur unnecessary hauling costs because of the need to receive the milk of individual producers at a pool plant in order for milk of such producers to be eligible for diversion to nonpool plants. Suspension of these requirements will eliminate the need to make costly and inefficient movements of producer milk solely for the purpose of pooling the milk of dairy farmers who have been associated regularly with the market.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that the most efficient method of handling milk not needed for the fluid market is by direct movements from producer's farms to manufacturing outlets. This suspension allows for such economical movements of milk while the dairy farmers involved retain producer status;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) The marketing problems that provide the basis for this suspension action were fully reviewed at a public hearing held on August 16–17, 1983, at Las Vegas, Nevada, where all interested parties had an opportunity to be heard on this matter.

Therefore, good cause exists for making this order effective upon January 1, 1984.

List of Subjects in 7 CFR Part 1139

Milk marketing orders, Milk, Dairy products.

PART 1139—[AMENDED]

§ 1139.13 [Amended]

It is therefore ordered, That the aforesaid provisions in § 1139.13 of the Lake Mead order are hereby suspended for January through April 1984.

Effective Date: January 1, 1984.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)Q02

Signed at Washington, D.C., on December 6, 1983.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-32900 Filed 12-9-83; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1944

Rural Rental Housing Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends administrative provisions in its rural rental housing regulation. These actions are needed to assist internal management and recordkeeping and to add clarification to existing procedure. The in-house coding of subsequent loans for improvement and expansion is made clear with this clarification. The financial interest of general partners in limited partnership organizations is clarified as an aggregate of 5 percent.

EFFECTIVE DATE: December 12, 1983.

FOR FURTHER INFORMATION CONTACT: Booker Reaves, Senior Loan Officer, Multiple Family Housing Processing Division, Farmers Home Administration, Washington, D.C. 20250, or call (202)–382–1604.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1 which implements Executive Order 12291, and has been determined to be exempt from those requirements because it involves only internal Agency management affecting (1) internal coding of loans and (2) the clarification of procedure.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since the purpose of these changes involves only internal Agency management and publication for comment is unnecessary. The FmHA programs and projects which are affected by this regulation are subject to State and Local clearinghouse review in the manner delineated in Subpart H of Part 1901 of this Chapter.

The Catalog of Federal Domestic Assistance programs affected are:

10.415 Rural Rental Housing Loans
10.427 Rural Rental Assistance Payments

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required. A final rule published in the **Federal Register** (47 FR 55627) on December 13, 1982, included improvement and expansion as ways of

using subsequent loans. However, this inclusion was inadvertently not carried on to the section of instruction that deals with the in-house coding of loans, which creates an administrative problem.

The general policy and literal interpretation of rural rental housing regulations concerning limited partnership organizations is that general partners in these type organizations must not maintain less than an aggregate of 5 percent financial interest in the organization. Some FmHA personnel were interpretating this to mean each general partner individually had to maintain the 5 percent. This is not the intent. This amendment clarifies this issue.

In addition, § 1944.250 is added to show OMB control number.

List of Subjects in 7 CFR Part 1944

Administrative practice and procedure, Aged, Handicapped, Loan programs—Housing and community development, Low and moderate income housing—Rental, Mortgages, Nonprofit organizations, Rent subsidies, Rural Housing.

Accordingly, Part 1944, Subpart E of Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

PART 1944—HOUSING

Subpart E—Rural Rental Housing Loan Policies, Procedures, and Authorizations

§ 1944.211 [Amended]

1. Section 1944.211(a)(10)(i) is amended by inserting the word "aggregate" after "minimum" in line two.

2. Section 1944.211(a)(10)(ii) is amended by inserting the word "general" after "new" in line four.

3. Section 1944.238 is revised to read as follows:

§ 1944.238 Coding loans as to initial or subsequent.

A borrower may obtain financing for more than one subject. Each subject will be coded as an initial loan when the total number of units are built or purchased at one place at one time. A subsequent loan will be coded when an additional loan or loans are necessary to complete, improve, repair and/or expand the project initially financed by FmHA. As an example, the borrower may obtain initial loans for more than one project in the same county, in different counties under the same District Office jurisdiction, or in more than one District Office jurisdiction. Codes to be used will be in accordance with the FMI for Form FmHA 1940–1.

4. Section 1944.250 is added to read as follows:

§ 1944.250 OMB control number.

The collection of information requirements in this regulation have been approved by the Office of Management and Budget and assigned OMB control number 0575–0047.

5. In Exhibit K, paragraph 6(e)(3) is revised to read as follows:

Exhibit K—Form FmHA 1944–34, "Loan Agreement for an RRH Loan to a Partnership Operating on a Profit Basis or RRH Loan to a Limited Partnership Operation on a Profit Basis or RRH Loan to a Partnership Operating on a Limited Profit Basis or RRH Loan to a Limited Partnership Operating on a Limited Profit Basis"

* * * * *

6. *Regulatory covenants.* * * *

(e) * * *

(3) Not change the membership by either the admission or withdrawal of any general partner(s) *nor permit the general partner(s) to maintain less than an aggregate of 5 percent financial interest in the organization* nor cause or permit voluntary dissolution of the Partnership nor cause or permit any transfer or encumbrance of title to the housing or any part thereof or interest therein, by sale, mortgage, lease, or otherwise.

* * * * *

Authority: 42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Under Secretary for Rural Development, 7 CFR 2.70.

Dated: November 15, 1983.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 83-32905 Filed 12-9-83; 8:45 am]

BILLING CODE 3410-07-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 505d

[No. 83-695]

Information Collection Requirements Under the Paperwork Reduction Act; OMB Control Numbers

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board has adopted a new Part to its General Regulations to display the control numbers assigned by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980, pertaining to the Board's existing information collection requirements contained in general recordkeeping regulations. Periodic amendments will be made to the Part as the Board's information collection requirements change.

EFFECTIVE DATE: December 12, 1983.

FOR FURTHER INFORMATION CONTACT: Louis J. Oliver, Assistant Deputy Director, Special Projects, Office of Examinations and Supervision, Federal Home Loan Bank Board, 202–377–6846.

SUPPLEMENTARY INFORMATION: The Board has determined that the public notice and comment procedure of 12 CFR 508.12 and 13 and 5 U.S.C. 553(b) and the delay of effective date following publication of the regulation pursuant to 12 CFR 508.14 and 5 U.S.C. 553(d) are unnecessary because the regulation is merely a codification and display of control numbers for the convenience of the public.

Accordingly, the Board hereby amends Subchapter A, Chapter V of Title 12, *Code of Federal Regulations*, by adding a new Part 505d, as set forth below.

Add a new Part 505d, as follows:

SUBCHAPTER A—GENERAL REGULATIONS

PART 505d—INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT

§ 505d.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) *Purpose.* This Part collects and displays the control numbers assigned to information collection requirements contained in general recordkeeping regulations of the Board by the Office of Management and Budget ("OMB") pursuant to the Paperwork Reduction Act of 1980, Pub. L. 96–511, and is adopted in compliance with the requirements of 5 CFR 1320.7(f)(2) and 1320.14(e) of the OMB's regulations.

(b) *Display.*

12 CFR section where identified and described	Current OMB control No.
Sec.	
523.13(b)	3068–0031
523.29(c)	3068–0031
545.1–1(f)	3068–0031
545.6–13(c)	3068–0031
545.16	3068–0031
545.20	3068–0031
545.24a(e)	3068–0031
545.29	3068–0031
552.11	3068–0031
563.9(b)	3068–0031
563.9–3(c)	3068–0031
563.17–2(a)	3068–0031
563.17–3(e)	3068–0031
563.23–1(f)	3068–0031
563.23–3(b)	3068–0031
563.25 (c), (f)	3068–0031
563.39–1(f)	3068–0031
563b.4(a)(3)(ii)	3068–0031
563c.10(c)	3068–0031

(Pub. L. 96-511, 44 U.S.C. 3501, et seq.; 5 CFR 1320 7(f)(2), 1320 14(e)).

Dated: December 6, 1983.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 83-32856 Filed 12-9-54; 8:45 am]

BILLING CODE 6720-01-M

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12 CFR Parts 546 and 563

[Docket No. 83-701]

Merger, Consolidation, Purchase or Sale of Assets, and Assumption of Liabilities—Clarifying Amendments

Dated: November 30, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board is adopting clarifying amendments regarding the applications procedure for mergers, consolidations, purchases or sales of assets, or assumptions of liabilities, for federal insitutions chartered pursuant to section 5(o) of the Home Owners' Loan Act. The amendments are intended to clarify the Board's policy that these transactions must receive the prior approval of the Federal Savings and Loan Insurance Corporation ("FSLIC") unless they are subject to similar review and approval procedure of the Federal Deposit Insurance Corporation ("FDIC"), and that the merger of savings banks chartered under section 5(o) is authorized under the Board's federal charter regulation.

EFFECTIVE DATE: December 12, 1983.

FOR FURTHER INFORMATION CONTACT: Penfield Starke, Attorney, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, (202) 377-6453.

SUPPLEMENTARY INFORMATION: Pursuant to section 112 of the Garn-St Germain Depository Institutions Act of 1982, as amended, 12 U.S.C. § 1464(o) (the "Garn Act"), the Federal Home Loan Bank Board ("Board") was given authority, state law permitting, to convert state-chartered savings banks into federal savings banks without requiring such institutions to change from FDIC to FSLIC insurance. With certain exceptions, these FDIC-insured, federal savings banks ("5(o) savings banks") are subject to the Board's plenary regulatory authority. However, the FDIC retains authority to review the following major corporate transactions of a 5(o) savings bank:

(1) Merger or consolidation with any bank, association, or institution that is not insured by the FDIC;

(2) The assumption of liabilities for the payment of any deposits, or similar liabilities of, any bank, association, or institution that is not insured by the FDIC; and

(3) The transfer of assets to any bank, association, or institution that is not insured by the FDIC in consideration of the assumption of any portion of the institution's deposit liabilities.

At the time the Garn Act was enacted, the Board was in the process of revising its merger application procedures. The Board determined to defer to the FDIC's jurisdiction over merger transactions of 5(o) savings banks, thereby relieving them of the burden of applying to both the FDIC and the FSLIC for merger approval. Accordingly, on December 8, 1982 (48 FR 178, January 3, 1983), the Board exempted 5(o) savings banks from the application procedure for mergers by amending section 563.22 of its Regulations for the Federal Savings and Loan Insurance Corporation (12 CFR 563.22). After subsequent amendments, which are not germane to the Board's action today, § 563.22 currently reads:

§ 563.22 Merger, consolidation, purchase or sale of bulk assets, or assumption of liabilities.

(a) No insured institution (which for the purposes of this section, shall not include a Federal institution the deposits of which are insured by the Federal Deposit Insurance Corporation) may at any time increase its accounts of an insurable type as part of any merger or consolidation with another institution or through the purchase of bulk assets or through the assumption of liabilities without application to and approval by the Corporation.* * *;

(b) No insured institution (which for purposes of this section shall not include a Federal institution the deposits of which are insured by the Federal Deposit Insurance Corporation) may at any time make a bulk transfer of assets or a transfer of savings account liabilities without application to and approval by the Corporation. Application for such approval shall be upon forms prescribed by the Corporation and shall contain such information as the Corporation may require.

* * * * *

As discussed above, the parentheticals in § 563.22 (a) and (b) clearly were intended to allow 5(o) savings banks subject to the requirement of prior FDIC approval to avoid the expense and delay of also having to apply for FSLIC approval. It has come to the Board's attention, however, that in the occasional instance in which the FDIC would not retain authority over such transactions involving 5(o) savings banks, a literal reading of the parentheticals might lead to the conclusion that the merger of, or sale of assets between, two 5(o) savings banks need not undergo any regulatory review; and that neither the FDIC or the FSLIC has approval authority over such transaction. Such an interpretation, which would allow the termination of or substantially alter the characteristics of an insured institution without the review of either the chartering or insuring authorities, is inconsistent with the Board's and the FDIC's responsibility and plenary authority in this area and inconsistent with the purposes of the regulatory language.

The Board, therefore, is amending § 563.22 to make clear that any merger, consolidation, purchase or sale of assets, or assumption of liabilities by a 5(o) savings bank which is not subject to the review and approval by the FDIC must receive prior approval from the FSLIC.

The Board is also taking this opportunity to make clear that the merger of two 5(o) savings banks is not prohibited by the Board. Section 546.2 of the Regulations for the Federal Savings and Loan System (12 CFR 546.2) permits the merger of a "Federal association and one or more other associations insured by the [FSLIC] * * *." Because 5(o) savings banks are Federal associations but are not FSLIC-insured, it could be argued under a literal reading of the regulation that a merger of two 5(o) savings banks is expressly prohibited by § 546.2. This clearly is not the Board's intent; and it is therefore amending its regulations to provide expressly for the merger of two 5(o) savings banks.

Effective Date

The Board finds that notice and public procedure with respect to these amendments pursuant to 5 U.S.C. 553(b) and 12 CFR 508.11 are unnecessary because (1) it is in the public interest to adopt the amendments without delay as they clarify the Board's intended application of 12 CFR 546.2 and 563.22 and are, in effect, interpretations of the Board's applications review policy, and (2) immediate adoption will prevent possible future abuse of the § 563.22 application procedure. The Board also finds that the 30-day delay of the effective date following publication as prescribed in 5 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary for the same reasons.

List of Subjects in 12 CFR Parts 546 and 563

Federal Home Loan Bank Board, Savings and loan associations.

Accordingly, the Board hereby amends Parts 546 and 563, Subchapters

C and D, Chapter V of Title 12, Code of Federal Regulations, to read as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 546—[AMENDED]

1. Revise paragraph (a) of § 546.2 as follows:

§ 546.2 Procedure; effective date.

(a) A Federal association and any other Federal association and/or one or more other associations whose accounts are insured by the Federal Savings and Loan Insurance Corporation may merge as prescribed in this Part if, as to any such association which is not a Federal association, the merger is in accordance with the laws of the jurisdiction in which the association was organized.

* * * * *

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PARTS 563—OPERATIONS

2. Revise paragraphs (a) and (b) of § 563.22, as follows:

§ 563.22 Merger, consolidation, purchase or sale of assets, or assumption of liabilities.

(a) No insured institution may increase its accounts of an insurable type: (1) as part of any merger or consolidation with another institution, (2) through the purchase of assets, or (3) through the assumption of liabilities, without application to and approval by the Corporation: *Provided,* that any insured institution that must receive approval for such increase of accounts from the Federal Deposit Insurance Corporation pursuant to section 5(o)(2)(D) of the Home Owners' Loan Act, as amended, 12 U.S.C. § 1464(o)(20)(D), shall not be subject to approval by the Corporation under this section.

(b) No insured institution may at any time make a transfer, as defined in § 571.5(a) of this Subchapter, of assets or savings account liabilities without application to and approval by the Corporation: *Provided,* that any insured institution that must receive approval for such transfer from the Federal Deposit Insurance Corporation pursuant to section 5(o)(2)(D) of the Home Owners' Loan Act, as amended, 12 U.S.C. 1464(o)(2)(D), shall not be subject to approval by the Corporation under this paragraph. Application for approval under this section shall be upon forms prescribed by the Corporation and shall contain such information as the Corporation may require.

* * * * *

(Sec. 112, 96 Stat. 1469, 1471, secs 5, 48 Stat. 132, as amended (12 U.S.C. 1464); secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 FR 4981; 3 CFR 1071 l(1943–48 comp.))

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-32989 Filed 12-09-83; 8:45 am]

BILLING CODE 6720-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 145 and 146

Schedule of Fees for Requests for Commission Records, Reports of the Commission, and Transcripts of Commission Meetings

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commission is modifying the provisions of 17 CFR 145.9b(d) and Part 146, Appendix A, subsection c., to authorize Commission employees to accept fees for requests for Commission records, reports and transcripts. The purpose of the change is to allow the public to pay in a more convenient manner for services provided where the amount owed for the services is minimal. Because the amendment deals with a rule of agency procedure and relieves a restriction on the public, good cause exists for issuing it as a final rule, to take effort immediately upon publication. *See* 5 U.S.C. 553(b)(3) and 553(d).

EFFECTIVE DATE: December 12, 1983.

FOR FURTHER INFORMATION CONTACT: Stacy L. Dean, Counsel to the Acting Executive Director, 2033 K Street, NW., Washington, D.C. 20581. Telephone: 202–254–7360.

Regulatory Flexibility Certification

The proposed amendments are intended to ease the burden on individuals or small entities by allowing small fees for requests for records and transcripts to be paid in cash. Accordingly, the Chairman, on behalf of the Commission, certifies pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), that the rule changes will not have a significant economic effect on a substantial number of small entities.

List of Subjects

17 CFR Part 145

Freedom of Information, Commission records and information, Fees.

17 CFR Part 146

Privacy records maintained on individuals, Fees.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act and, in particular, Section 2(a)(11), 7 U.S.C. 4a(j), and in Section 26 of the Futures Trading Act of 1978, 7 U.S.C. 16a, as amended by the Futures Trading Act of 1982, Pub. L. 97–444, 96 Stat. 2294 (1983), and in the Freedom of Information Act, 5 U.S.C. 552, the Privacy Act, 5 U.S.C. 552a and the Government in the Sunshine Act, 5 U.S.C. 552b, the Commission hereby amends Parts 145 and 146 of Chapter 1 of Title 17 of the Code of Federal Regulations by amending §§ 145.9b(d) and in Part 146, Appendix A, subsection c. as follows:

PART 145—COMMISSION RECORDS AND INFORMATION

§ 145.9b [Amended]

1. Section 145.9b(d) is amended by removing the sentence "No employee of the Commission is authorized to accept payment of fees in cash" and by revising the remaining sentence to read: "Payment should be made by check or money order payable to the Commodity Futures Trading Commission."

PART 146—RECORDS MAINTAINED ON INDIVIDUALS

2. Part 146, Appendix A, subsection c. is amended by removing the sentence "No employee of the Commission is authorized to accept payment of fees in cash" and by revising the remaining sentence to read: "Payment should be made by check or money order payable to the Commodity Futures Trading Commission."

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

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-32838 Filed 12-9-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket No. RM81-38-013; Order No. 298-B]

Clarification on Order on Rehearing and Amendment of Final Rule

Issued: December 7, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Clarification of final rule.

SUMMARY: The Commission clarifies its Final Rule by amending 18 CFR 35.26(d)(1)(ii) so that rate filings that contain Construction Work in Progress (CWIP) but do not increase it do not cause the 10-month restriction against increases in the level of CWIP in rate base to begin running again. This clarification was requested by Montaup Electric Company in a petition for reconsideration of the final rule and the Commission's order here clarifies the Commission's original objective, as articulated in its rehearing order.

EFFECTIVE DATE: December 7, 1983.

FOR FURTHER INFORMATION CONTACT: James Hoecker, Federal Energy Regulatory Commission, Office of the General Counsel, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8033.

SUPPLEMENTARY INFORMATION: .

On October 4, 1983, the Commission issued an Order Granting in Part and Denying in Part Applications for Rehearing of Order No. 298, the Commission's final rule establishing procedures for permitting inclusion of CWIP in the rate base of public utilities. 48 FR 46012 (Oct. 11, 1983).

Order No. 298 permits an electric utility to file to include in rate base all construction work in progress (CWIP) associated with fuel conversion and pollution control and up to 50 percent of all other CWIP. Paragraph (d) of the final rule limits the rate impact of including CWIP in rate base (until July 1, 1985) by requiring that, when CWIP is initially placed in rates or its amount is increased, the utility may not increase wholesale revenues more than six percent as a result of CWIP *and* may not file for additional CWIP until the rate to be superseded, if based in part on CWIP, has been effective for not less than 10 months. The intent of this provision was to restrict CWIP-related rate increases to 6 percent per year for the first two years of the rule's effectiveness and to ensure that any CWIP-related rate increase filings were spaced at least a year apart.[1]

In the order on rehearing, the Commission added language to make clear that this limitation was not intended to restrict the filing of general rate schedule changes that do not increase the level of CWIP in rate base from the prior filing. This change solved the problem, raised by several petitioners, that inclusion of any amount of CWIP in a general rate filing submitted during the ten months would run afoul of the rate impact limitation, as originally drafted.

On October 18, 1983, Montaup Electric Company (Montaup) filed with the Commission a Petition for Reconsideration of Order No. 298 with respect to one issue. Montaup points out that the change made on rehearing is insufficient to resolve a peculiar timing problem that arises as a result of § 35.26(d)(1)(ii). That provision prohibits another CWIP filing unless:

> (ii) the superseded rate schedules, if based in part on CWIP included in rate base under subparagraph (c)(3) of this section, have been effective for not less than 10 months.

Under this language, claims Montaup, the 10-month restriction would begin running again each time *any* CWIP-based rate is filed, even if CWIP is not increased. As a result, a utility would not be allowed to increase its level of CWIP in rate base unless it made no rate filing that contains CWIP for ten months after it first included CWIP in rate base.

The Commission agrees that this anomalous result conflicts with the Commission's expressed intent to allow, during the running of the 10 months, additional rate filings that contain CWIP but do not increase it.[2] It therefore grants Montaup's petition for reconsideration and amends the rule to clarify the Commission's original objective, as articulated in its rehearing order.

Pursuant to 5 U.S.C. 553 (b) and (d), the Commission makes the amendment to §35.26(d) effective immediately, without notice and comment. Because the change clarifies the Commission's previously stated position, further public procedures are unnecessary.

[1] This timing is predicated on a "no-suspension" scenario. A filed rate may become effective not sooner than 60 days after filing under the Federal Power Act. If effective for 10 months, CWIP may then be increased by a second filing one year after the utility first filed for CWIP.

[2] As the Commission stated on rehearing, utilities may not circumvent the 6 percent limitation by filing rate schedule changes in phases in order to increase the rate impact of an approved level of CWIP by means of higher rate of return. 48 FR at 46014, n. 4.

List of Subjects in 18 CFR Part 35

Electric power rates.

In consideration of the foregoing, Part 35 of Title 18, Code of Federal Regulations, is amended as set forth below, effective December 7, 1983.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 35—FILING OF RATE SCHEDULES

1. The authority citation for Part 35 is revised to read:

Authority: Federal Power Act, 16 U.S.C. 791-828c; Department of Energy Organization Act, 42 U.S.C. 7101-7352; E.O. No. 12009, 3 CFR 142 (1978).

2. In § 35.26, paragraph (d)(1)(ii) is revised to read as follows:

§ 35.26 Construction work in progress.

* * * * *

(d) *Initial limitation.* (1) *Limit.* * * *

(ii) the level of CWIP included in the utility's rate base under paragraph (c)(3) of this section, either initially or as an increase in the amount of CWIP, has been effective in one or more rate schedules for not less than 10 months.

* * * * *

[FR Doc. 83-32982 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 177

[T.D. 83-263]

Change of Practice Relating to the Tariff Classification of Garments With Simulated Features

AGENCY: Customs Service, Treasury.

ACTION: Change of practice.

SUMMARY: This document changes the current established and uniform practice of classifying certain garments with simulated features as *not ornamented* wearing apparel. After consideration of comments received in response to the notice proposing this change and review of judicial precedents, Customs will not treat these garments for tariff purposes as being *ornamented* if the simulated features are determined to be primarily decorative in nature.

EFFECTIVE DATE: This change of practice will be effective as to merchandise entered for consumption, or withdrawn from warehouse for consumption, on or after April 10, 1984.

FOR FURTHER INFORMATION CONTACT:
Philip Robins, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8181).

SUPPLEMENTARY INFORMATION

Background

By notice published in the **Federal Register** on January 14, 1982 (47 FR 2126), Customs solicited public comments on whether to change its practice of classifying certain garments with simulated features as not ornamented wearing apparel, based on the decision of the U.S. Court of Customs and Patent Appeals in *The Ferriswheel* v. *The United States*, C.A.D. 1260 (1981), and other judicial precedents. In response to several requests to extend the period of time for submission of comments, Customs published a notice in the **Federal Register** on March 9, 1982 (47 FR 10058), extending the comment period until April 14, 1982.

Discussion of Comments

Thirty-seven comments were received in response to the notice of the proposed change of practice. All but one were opposed to the proposal. A number of legal arguments were presented why the present Customs practice of considering simulated features on garments as not constituting ornamentation should not be changed. The primary reasons given were (1) accepted trade usage and practice, (2) a feature which simulates a functional feature is not ornamental or decorative, (3) the current practice is not *clearly* wrong, and (4) judicial decisions do not require the change of practice and do tend to support the current practice.

In *The United States* v. *Endicott Johnson Corporation*, C.A.D. 1242 (1980), the U.S. Court of Customs and Patent Appeals stated, in essence, that a feature that is only incidentally decorative does not constitute ornamentation, whether or not that feature has any functionality.

On December 22, 1982, after receipt of all the comments on the proposed change of practice, the U.S. Court of International Trade decided the case of *Sportswear International Ltd.* v. *United States*, Slip Op. 82-118. That case involved the tariff classification of women's denim slacks, each of which had two belt loops on the front waistband and an elasticized rear waistband. In upholding Customs classification of the merchandise under an ornamented wearing apparel tariff provision, the Court stated:

> In the instant action the two belt loops on the subject merchandise have not been shown "capable" of holding a belt in place either for the purpose of holding up the garment or for the purpose of holding it (the belt) in place when worn as an ornament. On the contrary, the evidence supports the finding that the purpose of the two belt loops is to simulate the appearance of jeans on which a belt is required or may be worn.

Customs believes that the current practice concerning simulated features will not be upheld in view of these decisions, and that they require garments with decorative simulated features that are more than incidentally decorative to be classified under the ornamented wearing apparel provisions in the Tariff Schedules of the United States (19 U.S.C. 1202). It is Customs belief that such features are added to garments to enhance their appearance or eye appeal and therefore serve primarily to decorate the garment. This is, in fact, supported by some of the comments received.

It is Customs position that if a simulated feature is determined by Customs to be more than incidentally decorative in nature, then the garment would be declared to be ornamented and the question of its functionality would ordinarily not be raised, because by definition a "simulated" feature is one which is "mock," "false" or "imitative of the genuine feature," *i.e.*, nonfunctional.

Change of Practice

After careful analysis of the comments and further review of the matter in light of the judicial precedents discussed above, Customs has determined to change its classification practice as proposed. Customs now believes that simulations on wearing apparel such as false pocket flaps, false belts or belt segments, false pocket openings, false garment openings, and false adjustment straps or tabs, among other simulations, may constitute ornamentation for tariff classification purposes.

This change of practice revokes any existing Treasury or Customs Decisions, or other administrative rulings, to the extent that they are inconsistent with the new practice.

Drafting Information

The principal author of the document was Todd J. Schneider, Regulations Control Branch, Office of Regulations and Rulings U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 177

Administrative practice and procedure, Customs duties and inspection, Government procurement.

Alfred R. De Angelus,
Acting Commissioner of Customs.

Approved: November 9, 1983.

John M. Walker, Jr.,
Assistant Secretary of the Treasury.

[FR Doc. 83-32806 Filed 12-9-83; 8:45 am]
BILLING CODE 4820-02-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 190

Department of Defense Plant Cognizance Program; Removal of Part

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: The Office of the Secretary of Defense has canceled the source document of 32 CFR Part 190, "Department of Defense Plant Cognizance Program." This action removes this Part from the CFR since it is no longer valid.

EFFECTIVE DATE: October 24, 1983.

FOR FURTHER INFORMATION CONTACT:
M. S. Healy, Chief, Directives Division, C&D, WHS, Office of the Secretary of Defense, Washington, D.C. 20301, telephone 202-697-4111.

SUPPLEMENTARY INFORMATION: 32 CFR Part 190 represents DoD Instruction 4105.59, subject as above, which was superseded October 24, 1983. The new document carries the same subject and number. Copies may be obtained under 32 CFR Part 289.

List of Subjects in 32 CFR Part 190.

Armed forces, Business and industry, Government procurement.

PART 190—DEPARTMENT OF DEFENSE PLANT COGNIZANCE PROGRAM

Accordingly, 32 CFR is amended by removing Part 190.

(5 U.S.C. 301)

December 7, 1983.

M. S. Healy,
OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-32892 Filed 12-9-83; 8:45 am]
BILLING CODE 3810-01-M

POSTAL SERVICE

39 CFR Part 111

Postal Zones

AGENCY: Postal Service.

ACTION: Notice of final interpretative rule.

SUMMARY: The Postal Service is adopting an interpretative rule that increases the simplicity and accuracy of postal zone charts by basing them on the distance between 3-digit ZIP Code areas. Currently, zones are based on the distance between sectional center facilities. At the time the current formula for determining zones was adopted, 3-digit ZIP Code areas and the areas served by sectional center facilities were the same. Consolidation of sectional center facilities since then has required frequent revision of zone charts and has reduced the accuracy of the calculations of the actual distances that the mail travels.

DATES: The interpretative rule will become effective on July 1, 1984.

FOR FURTHER INFORMATION CONTACT: Dick Greene, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260–5371, telephone (202) 245–4530.

SUPPLEMENTARY INFORMATION: In 1966, before postal reorganization, Congress amended the postal laws to provide that postal zones would be determined based on the location of postal sectional center facilities. Pub. L. No. 89–593, amending former 39 U.S.C. 4553, effective January 15, 1967. At that time each sectional center facility (SCF) represented a 3-digit ZIP Code area. Recognition of the fact that SCF and ZIP Code areas were congruent can be found in the legislative history of the 1966 amendment. S. Rep. No. 1534, 89th Cong., 2d Sess., *reprinted in* 1966 U.S. Code Cong. & Ad. News 2981, 2990.

After postal reorganization, the method for determining postal zones in the old postal laws was maintained in postal regulations and later was incorporated into the Domestic Mail Classification Schedule recommended by the Postal Rate Commission and approved by the Governors of the Postal Service. The current formulation of that method as stated in postal regulations is that:

> * * * the earth is considered to be divided into units of area thirty minutes square, identical with a quarter of the area formed by the intersecting parallels of latitude and meridians of longitude. The distance between these units of area is the basis of the postal zones and is measured from the center of the unit of area containing the dispatching sectional center facility or multi-ZIP Coded post office not serviced by a sectional center facility.

Domestic Mail Manual section 122.71, incorporated by reference, 39 CFR 111.1 (1982); *see* Domestic Mail Classification Schedule section 4000.

Since 1967, however, in order to increase the efficiency of postal operations, many sectional center facilities have been consolidated. Thus, there no longer is an SCF within each 3-digit ZIP Code area. Many SCFs now serve two or more 3-digit ZIP Code areas. Each time that two SCFs are consolidated, new zone charts must be produced based on the new SCF location for the 3-digit ZIP Code whose SCF was eliminated. Revision of the zone charts following each such consolidation has caused confusion and has reduced the accuracy of the distance calculations with respect to the actual origin and destination points of the mail. Thus, the original intent of the provision to simplify zone charts by using 3-digit ZIP Code areas as their basis has not been fully realized because of subsequent operational changes.

The present reorganization rate of SCFs would require that zone charts be revised at least every six months if SCFs are to continue to be considered as the basis for zones. The significant expense that these revisions entail cannot be justified when the result is increased confusion and reduced accuracy.

Using 3-digit ZIP Code areas as the basis for zone calculations will return stability to the zone charts and eliminate the unnecessary expenditures and confusion that frequent revision causes. Under this method, each 3-digit ZIP Code will be represented by a specific geographic location within the 3-digit ZIP Code area. The distance calculation will be performed using the present formula, i.e., from the center of the thirty-minute square unit of area containing the location representing the 3-digit ZIP Code of origin to the edge of the thirty-minute square containing the location representing the destination 3-digit ZIP Code.

This approach will best carry out the original intent of the current zone calculation provisions. Moreover, changes to the zone charts will be necessary only when a new 3-digit ZIP Code is assigned. Accordingly, the Postal Service has determined that the term sectional center facility, as used in the context of calculating postal zones, shall be interpreted to refer to a 3-digit ZIP Code location.

The increased accuracy that will result from the use of 3-digit ZIP Code locations rather than SCFs will cause a small percentage of origin-destination pairs to result in different zone charges. The net result of using the present thirty-minute square formula with 3-digit ZIP Codes instead of SCFs as the basis for distance calculations will be increases in postage estimated at 0.1% for large volume mailers of zone-rated mail. The Postal Service is prepared to assist mailers in evaluating the effect of the change on their mailings.

For the above reasons, the Postal Service hereby adopts the following interpretative revision of the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations, see 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

Part 122 Addresses

Revise the first paragraph of 122.71 to read as follows:

.71 Some postal rates are computed on the basis of weight of the individual piece and the distance the mail is sent. To administer these rates, the earth is considered to be divided into units of area thirty minutes square, identical with a quarter of the area formed by the intersecting parallels of latitude and meridians of longitude. The distance between these units of area is the basis of the postal zones and is measured from the center of the unit of area containing a point representing the 3-digit ZIP Code area of dispatch. The postal zones are defined as follows:

* * * * *

A transmittal letter making this change in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of issuance of the transmittal letter will be published in the **Federal Register** as provided in 39 CFR 111.3.

(39 U.S.C. 401(2), 404(a)(2))

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 83-32944 Filed 12-9-83; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-8-FRL 2486-1]

Approval and Promulgation of State Implementation Plans; Colorado Carbon Monoxide/Ozone Attainment Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This notice approves the following elements of the 1982 Colorado State Implementation Plan (SIP) revisions which were proposed to be approved in the February 3, 1983 Federal Register (48 FR 5030): the Colorado motor vehicle exhaust emission inspection and maintenance (I/M) program; the Colorado Springs, Fort Collins and Greeley carbon monoxide (CO) plans, and the Denver area ozone plan. The intended effect of this action is to provide for attainment of the National Ambient Air Quality Standards (NAAQS) for ozone and carbon monoxide as required under Part D of the Clean Air Act Amendments of 1977. Actions on the remaining element of the 1982 Colorado SIP, the Denver area CO plan, will be taken at a later date.

DATES: This action will be effective on January 11, 1984.

ADDRESSES: Copies of the revision are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following offices:

Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295

Environmental Protection Agency, Public Information Reference Unit, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460

The Office of the Federal Register, 110 L Street, NW., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Robert R. DeSpain, Chief, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837-3471.

SUPPLEMENTARY INFORMATION: Part D of the Clean Air Act which was added by the amendments of 1977, requires States obtaining an extension beyond 1982 to submit SIP revisions by July 1, 1982, to provide for attainment of the CO and ozone standards by December 31, 1987. The Colorado SIP revisions are pursuant to these Part D requirements, Section 110 of the Clean Air Act and EPA criteria published on January 22, 1981 (46 FR 7182).

On February 3, 1983, EPA proposed to approve the following elements of the Colorado CO/ozone plan:

I/M

The I/M program was proposed to be approved as meeting EPA criteria, although it was noted that a 30-day inspection station audit period must be maintained for the program to remain acceptable. The State submittal indicated that, at a minimum, a 60 day audit period would be maintained.

Colorado Springs, Fort Collins and Greeley CO Plans

Approval was proposed for these plans with the understanding that reasonable further progress would be demonstrated and that a monitoring plan would be submitted to assess annually the effect of the transportation measures in Colorado Springs.

Denver Area Ozone Plan

This plan was proposed to be approved with the understanding that:

(1) reasonable further progress would be demonstrated

(2) a contingency plan would be developed to offset any shortfalls in emission reduction; and

(3) the State would confirm and document that reasonably available control technology (RACT) is required for all major sources of volitile organic compounds (VOC) which are covered by control techniques guidelines (CTG) issued by EPA, and that the State would commit to adopt RACT for any VOC source subsequently covered by a CTG.

Comments

The only comments relevant to the proposed approval were received from the Colorado Air Quality Control Commission on May 5, 1983. These comments provide the documents requested in the February 3, 1983 notice listed above.

Analysis and Approval Rationale

The State has assured EPA that the audit period for the inspection stations is in fact 30 days, and that this 30 day audit frequency will be maintained. The Colorado I/M program, therefore, meets EPA criteria and is approved.

The Colorado Springs monitoring plan and demonstrations of reasonable further progress for Colorado Springs, Greeley and Fort Collins were included and are acceptable. The Colorado Springs, Fort Collins and Greeley CO plans are therefore approved.

An acceptable reasonable further progress demonstration was also included for the Denver area ozone plan. The contingency plan for the Denver area was also addressed in the Commission's submittal. It was asserted in the submittal that there would be no adverse effect on air quality from planned transportation projects, and a list of federal actions and their effect on air quality was included. The Commission stated that making the voluntary share-a-ride program mandatory as well as the excess emission reductions to be provided from the planned warranty program constitute the required contingency plan. EPA finds that this plan is an acceptable contingency plan. The Commissioner's submittal also included an adequate documentation of RACT on existing VOC sources covered by a CTG, as well as a commitment to adopting RACT for VOC sources subsequently covered by a CTG. EPA is therefore approving the Denver area ozone plan.

Under Section 307(b)(1) of the Clean Air Act, petitions for review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements (see 307(b)(2)).

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

This rulemaking is issued under the authority of Section 110 of the Clean Air Act (42 U.S.C. 7410).

List of Subjects in 40 CFR Part 52

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

Dated: December 2, 1983.

William D. Ruckelshaus,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Colorado was approved by the Director of the Federal Register on July 1, 1982.

PART 52—[AMENDED]

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

Subpart G—Colorado

1. Section 52.320 is amended by adding new paragraph (c)(29) as follows:

§ 52.320 Identification of plan.

* * * * *

(c) * * *

(29) Provisions to meet the requirements of Part D of the Clean Air

Act for carbon monoxide in Colorado Springs, Fort Collins, and Greeley and ozone in Denver were submitted on June 24, 1982, and supplemented by information submitted on May 4, 1983, by the Colorado Air Quality Control Commission.

§§ 52.326, 52.327, 52.329 [Removed]

2. Sections 52.326, 52.327, and 52.329 are removed and reserved.

[FR Doc. 83-32796 Filed 12-9-83; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 65

[AD-FRL 2477-7]

Administrative Orders Permitting a Delay in Compliance With Louisiana Implementation Plan Requirements

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) proposed on September 6, 1983, to approve the administrative orders issued on May 16, 1983, by the Office of Environmental Affairs of the Louisiana Department of Natural Resources to Conoco Incorporated, Lake Charles Refinery; to Vulcan Materials Company, Geismar Chemical Plant; and to Formosa Plastics Corporation, Baton Rouge, and this action approves the orders. The orders allow the companies to bring air emissions from their facilities into compliance with certain regulations contained in the federally approved Louisiana State Implementation Plan (SIP) later than December 31, 1982. Because the orders have been issued to major stationary sources and permit delays in compliance with provisions of the SIP, they must be approved by EPA before they become effective as delayed compliance orders under the Clean Air Act. Since they are approved by EPA, the orders will constitute additions to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for the violations of the SIP regulations covered by an order.

EFFECTIVE DATE: This action will be effective January 11, 1984.

ADDRESSES: The State orders, supporting material, and evaluation reports may be inspected and copied (for appropriate charges) during normal business hours at the Region 6 office, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270; the Office of the Federal Register, 1100 L Street, N.E. Rm 8401, Washington, D.C. 20460, and at the Air Quality Division, Louisiana Department of Natural Resources, Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana.

FOR FURTHER INFORMATION CONTACT: Willie Kelley, Air Enforcement Section (6AW-AE), Air and Waste Management Division, U.S. EPA Region 6, Dallas, Texas 75270, Telephone: (214) 767-9877, FTS 729-9877.

SUPPLEMENTARY INFORMATION: The Assistant Secretary, Office of Environmental Affairs, in Louisiana's Department of Natural Resources issued delayed compliance orders to three sources for control of volatile organic compounds on May 16, 1983. These sources failed to comply by December 31, 1982, with the requirements for control of volatile organic compound emissions which EPA had approved in the State Implementation Plan (SIP). Because these orders were issued to major stationary sources of volatile organic compounds and allow delays in compliance with the applicable regulations, they must be approved by EPA before they can become effective as delayed compliance orders under Section 113(d) of the Clean Air Act (the Act). The State transmitted these orders to EPA on May 20, 1983. EPA reviewed the orders and found that they satisfy the requirements of Section 113(d), including public notice and hearing, before the State issued them. The full text of each of these orders was published on September 6, 1983 (48 FR 40278).

Compliance with the terms of these orders will preclude federal enforcement action under Section 113 of the Act against the sources for violations covered by the order during the period the orders are in effect. Enforcement against the sources under the citizen suit provision of the Act (Section 304) will similarly be precluded. The orders will also constitute additions to the Louisiana State Implementation Plan. However, compliance with the orders will not preclude assessment of any noncompliance penalties under Section 120 of the Act, unless the sources are otherwise entitled to an exemption under Section 120(a)(2)(B) or (C).

Conoco Incorporated

Conoco Incorporated operates a petroleum refinery at Lake Charles, Louisiana. The order under consideration addresses emissions from the volatile organic compound (VOC) storage tanks at the plant, which are subject to Louisiana Air Quality Regulation 22.3. The regulation limits the VOC emissions, and is part of the federally approved Louisiana State Implementation Plan. Specifically, ten VOC storage tanks, each with a capacity of greater than 40,000 gallons, do not have secondary seals installed as required by Regulation 22.3. The State found that the company was not able to comply with these requirements by the required date, December 31, 1982, except by closing the plant. The order requires final compliance with the regulations by December 31, 1983, by installing secondary seals. EPA's analysis of the order has been incorporated into a document entitled Evaluation of the Louisiana State Delayed Compliance Order for Conoco Incorporated, Lake Charles, Louisiana, dated May 1983, which is available for inspection at the locations indicated above.

Formosa Plastics Corporation

Formosa Plastics Corporation operates a chemical manufacturing facility at Baton Rouge, Louisiana. The order under consideration addresses emissions from the ethylene dichloride manufacturing processes at the plant, which are subject to Louisiana Air Quality Regulations 22.3 and 22.8. The regulations limit the emissions of volatile organic compounds (VOC), and are part of the federally approved Louisiana State Implementation Plan. Specifically, one ethylene dichloride storage tank of 750,000 gallon capacity (Point Source No. 134—State emission inventory number) and the oxychlorination vent (Point Source No. 154) from the ethylene dichloride process are not controlled by the methods required by Regulations 22.3 and 22.8, respectively. The State found that the company was not able to comply with these requirements by the required date, December 31, 1982, except by closing the plant. The order requires final compliance with the regulations by December 31, 1983, by venting emissions from both sources to a new thermal incinerator. EPA's analysis has been incorporated into a document entitled Evaluation of the Louisiana State Delayed Compliance Order for Formosa Plastics Corporation, Baton Rouge, Louisiana, dated May 1983, which is

available for inspection at the locations indicated above.

Vulcan Materials Company

Vulcan Materials Company operates a synthetic organic chemical manufacturing facility at Geismar, Louisiana, called Vulcan Chemicals Company. The order under consideration addresses volatile organic compound (VOC) emissions from the ethylene dichloride manufacturing processes at the plant, which are subject to Louisiana Air Quality Regulation 22.8. The regulation limits the VOC emissions, and is part of the federally approved Louisiana State Implementation Plan. Specifically, the oxychlorination vent (Point Source No. 6—State emission inventory number) from the ethylene dichloride process is not controlled by the methods required by Regulation 22.8. The State found that the company was not able to comply with these requirements by the required date, December 31, 1982, except by closing the plant. Initially, Vulcan planned to change the process to have a pure oxygen feed which would allow the emissions to be condensed and recycled. Because of the high operating cost of this system, Vulcan is considering incineration as an alternative. For whichever system is selected, Vulcan must comply with the regulation by December 31, 1984. EPA's analysis has been incorporated into a document entitled Evaluation of the Louisiana State Delayed Compliance Order for Vulcan Chemicals Company, Geismar, Louisiana, dated May 1983, which is available for inspection at the locations indicated above.

There were no public comments on the proposed approval actions. The public should be advised that this action will be effective on the date listed in the **EFFECTIVE DATE** section of this rulemaking. Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit within 60 days of the date of publication. This action may not be challenged later in proceedings to enforce its requirements. (See sec. 307(b)(2).)

Each of these delayed compliance orders affects only one entity and involves an "order", rather than a "rule", and therefore this action is not subject to the requirements of the Regulatory Flexibility Act or to Executive Order 12291.

List of Subjects in 40 CFR Part 65

Air pollution control.

Authority: 42 U.S.C. 7413, 7601.

Dated: December 2, 1983.

William D. Ruckelshaus,

Administrator.

PART 65—[AMENDED]

Title 40, Part 65, Subpart T—Louisiana, of the Code of Federal Regulations is amended by adding the following entries in the table in § 65.231:

Source	Location	Order No.	SIP regulations	Date of FEDERAL REGISTER Proposal	Final compliance date
•	•	•	•	•	•
•	•	•	•	•	•
Conoco Incorporated	Westlake, LA	None	§ 22.3	Sept. 6, 1983	Dec. 31, 1983
Formosa Plastics Corp	Baton Rouge, LA	do	§ 22.3 & 22.8	do	Do.
Vulcan Materials Co	Geismar, LA	do	§ 22.8	do	Dec. 31, 1984

[FR Doc. 83-32922 Filed 12-9-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[EPA Action KS 1273; AD-FRL-2485-1]

Designation of Areas for Air Quality Planning Purposes; State of Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: Section 107(d) of the Clean Air Act, as amended, provides for the designation of areas as either attainment, nonattainment, or unclassified with respect to the National Ambient Air Quality Standards (NAAQS). EPA today takes final action to redesignate Kansas City, Kansas, from unclassified to attainment with respect to the NAAQS for carbon monoxide (CO). This redesignation action is based on a request from the Kansas Department of Health and Environment (KDHE). Supportive data were included with the request.

EFFECTIVE DATE: This action will be effective February 10, 1984 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Comments should be sent to Larry A. Hacker, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106. The State submission is available for inspection during normal business hours at the above address, at the Kansas Department of Health and Environment, Forbes Field, Topeka, Kansas 66620.

FOR FURTHER INFORMATION CONTACT: Larry A. Hacker at (816) 374-3791, or FTS 758-3791.

SUPPLEMENTARY INFORMATION: In response to Section 107(d) of the Clean Air Act, as amended, EPA and the State of Kansas have designated all areas of the State as attaining the NAAQS, not attaining the NAAQS, or having insufficient data to make a determination. An attainment area is one in which the air quality does not exceed the standards. A nonattainment area is one in which the air quality is worse than the standards. An unclassified area is one for which there are insufficient data to determine whether the area is attainment or nonattainment. At 40 CFR Part 81, Subpart C, the areas of the State which are nonattainment for one or more pollutants are identified.

EPA's current Section 107 designation policy is summarized in an April 21, 1983, memorandum from Sheldon Meyers. Generally, eight quarters (two years) of monitoring data which show attainment are required to support redesignation requests, and evidence of actual, enforceable emission reductions should also be provided. However, the most recent four quarters of monitoring data can be used if dispersion modeling shows that the SIP strategy is sound, and if actual, enforceable emission reductions have occurred.

The NAAQS for CO consists of a 1-hour standard of 10 milligrams per cubic meter (9 parts per million (ppm)), and an 8-hour standard of 40 milligrams per cubic meter (35 ppm). Neither standard is to be exceeded more than once per year.

On April 5, 1983, the KDHE submitted a request to redesignate the attainment status of a portion of Kansas City, Kansas. The boundaries of this area are as follows: 6th Street on the east, Washington Street on the north, 18th Street on the west, and Barnett Street on the south. This area was designated unclassified with respect to the NAAQS for CO on November 4, 1980, at 45 FR 73046. At that time, EPA stipulated that

at least one year of supplemental CO monitoring data was to be collected at a second site before the area could be redesignated to attainment. The supplemental monitoring was performed at an EPA approved site (7th and State) during 1980–81. The data from this monitor showed attainment of the CO standard. Data from the other monitor site (619 Ann) have shown continued attainment since 1978. The Federal Motor Vehicle Control Program provides actual, enforceable CO emission reductions. On the basis of the preceding discussion, this action complies with agency redesignation policy. In addition, KDHE has satisfied EPA's November 4, 1980, requirement for supplemental CO monitoring.

Action: EPA today takes final action to redesignate Kansas City, Kansas, from unclassified to attainment for CO.

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

Under Section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. This action may not be challenged later in proceedings to enforce its requirements.

This action will be effective February 10, 1984 unless we receive written notice within 30 days from date of publication that someone wishes to submit adverse or critical comments. In such case, this action will be withdrawn and rulemaking will commence again by announcing a proposal of this action and establishing a comment period.

This notice of final rulemaking is issued under the authority of Sections 107 and 301 of the Clear Air Act, as amended (42 U.S.C. 7407 and 7601).

List of Subjects in 40 CFR Part 81

Intergovernmental relations, Air pollution control, National parks, Wilderness areas.

Dated: December 2, 1983.

William D. Ruckelshaus,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is revised to read as follows:

Subpart C—Section 107 Attainment Status Designations

§ 81.317 [Amended]

1. In § 81.317, in the table "Kansas-CO", remove the entire entry for Kansas City, Kansas.

[FR Doc. 83-32942 Filed 12-9-83; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6577]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fourth column of the table.

ADDRESS: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 457, Lanham, Maryland 20706, Phone: (800) 638–7418.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Senior Staff Officer, Federal Insurance Administration, (202) 287–0222, 500 C Street, Southwest, FEMA—Room 509, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

PART 64—[AMENDED]

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of Flood Insurance in community	Special flood hazard area identified
New York:				
Essex	Moriah, town of	361369	Nov. 7, 1983, emergency	Nov. 22, 1974.
Hamilton	Long Lake, town of	361406A	do	July 25, 1975 and May 19, 1978.
Michigan: Macomb	Armada, village of	260742—New	do	
Pennsylvania: Allegheny	North Fayette, township of	421065B	Mar. 23, 1978, emergency, Oct. 18, 1983, regular, Oct. 18, 1983, suspended, Nov. 14, 1983, reinstated.	Sept. 20, 1974 and June 16, 1976.
Indiana: Rush	Carthage, town of	180222B	May 5, 1975, emergency, Nov. 2, 1983, regular, Nov. 2, 1983, suspended, Nov. 4, 1983, reinstated.	Nov. 23, 1973 and Apr. 16, 1976.
Wisconsin: Sheboygan	Howards Grove, village of	550606	Nov. 14, 1983	
Oklahoma: Roger Mills	Reydon, town of	400322	Nov. 16, 1983	Nov. 12, 1976.
New York: Chenango	German, town of	361587A	Nov. 18, 1983	July 29, 1977.
Massachusetts: Worcester	Oakham, town of	250324A	do	Aug. 2, 1974 and Aug. 20, 1976.
Texas: Caldwell	Martindale, town of [1]	481587-New	Nov. 16, 1983, emergency, Nov. 16, 1983, regular.	
Virginia: Accomack	Unincorporated areas	510001	Jan. 10, 1974, emergency, May 16, 1983, regular, Nov. 14, 1983, withdrawn, Nov. 14, 1983, emergency.	Dec. 13, 1974.
Pennsylvania: Columbia	Benton, borough of	421543A	June 10, 1975, emergency, Oct. 18, 1983, regular, Oct. 18, 1983, suspended, Nov. 21, 1983, reinstated.	Jan. 17, 1975.
Ohio: Franklin	Darbydale, village of	390883	Nov. 25, 1983, emergency	
Pennsylvania: Chester	Parkesburg, borough of	422277A	June 11, 1975, emergency, June 1, 1983, regular, June 1, 1983, suspended, Nov. 25, 1983, reinstated.	Jan. 3, 1975.
Arkansas:				
Ouachita	Unincorporated areas	050161A	Nov. 29, 1983, emergency	Sept. 13, 1977.
Prairie	do	050459A	do	June 3, 1977.
New Mexico: Valencia	Bosque Farms, village of	350142A	do	Oct. 27, 1983.
Tennessee: Clairborne	Cumberland Gap, town of	470326	do	May 28, 1976.
Region I				
Massachusetts: Middlesex	Newton, city of	25020B	Nov. 2, 1983, suspension withdrawn	June 28, 1974, June 1, 1978.
Region II				
New York: Westchester	Croton-on-Hudson, village of	360907B	do	May 10, 1974, Jan. 30, 1976.
Region III				
Virginia: Independent City	Portsmouth, city of	515529B	do	May 15, 1970, July 1, 1974, Nov. 21, 1975, Nov. 2, 1983.
Region IV				
South Carolina:				
Kershaw	Camden, city of	450117C	do	May 24, 1974, May 14, 1976, June 27, 1980.
do	Unincorporated areas	450115B	do	Jan. 6, 1978.
Laurens	Laurens, city of	450125B	do	June 7, 1974, June 30, 1976.
Charleston	McClellanville, town of	450039B	do	Oct. 25, 1974, Mar. 16, 1983.
Region V				
Illinois: Marion	Central, village of	170452C	do	Feb. 15, 1974, Jan. 16, 1976, May 4, 1979.
Indiana:				
Allen	Huntertown, town of	180005B	do	May 31, 1974, Apr. 16, 1976.
Jackson	Seymour, city of	180099B	do	Dec. 17, 1973, June 16, 1976.
Vigo	Unincorporated areas	180263B	do	Jan. 3, 1975, June 23, 1978.
Michigan:				
Monroe	Estral Beach, village of	260261A	do	Apr. 12, 1974.
Montcalm	Greenville, city of	260158C	do	Jan. 17, 1975, May 14, 1976, Jan. 15, 1982.
Ionia	Ionia, city of	260097C	do	June 7, 1974, June 4, 1976, Feb. 5, 1982.
Ohio:				
Belmont	Bellaire, city of	390146C	do	Feb. 8, 1974, May 21, 1976.
Delaware	Delaware, city of	390148C	do	May 17, 1974, Apr. 4, 1975, Jan. 25, 1979.
Region II				
New Jersey: Monmouth	Sea Bright, borough of	345317B	Nov. 16, 1983, suspension withdrawn	Oct. 14, 1971, July 1, 1974, Apr. 23, 1976.
New York: Bronx, Kings, Richmond, Queens.	New York City, city of	360497	do	June 28, 1974, June 11, 1976.
Region IV				
Florida: Manatee	Palmetto, city of	120159C	do	July 19, 1974, Feb. 20, 1976, Sept. 2, 1981.
Georgia: Bryan	Unincorporated areas	130016A	do	July 30, 1976.
Mississippi:				
Hancock	Bay St. Louis, city of	285251B	do	July 1, 1970, July 1, 1974, Oct. 31, 1975.
Harrison	Gulfport, city of	285253	do	Feb. 20, 1976.
Hancock	Unincorporated areas	285254	do	Apr. 3, 1978.
do	Waveland, city of	285262	do	Apr. 16, 1976.
Region V				
Illinois:				
DeKalb	Kingston, village of	170185B	do	Mar. 8, 1974, June 11, 1976.
Peoria	Kingston Mines, village of	170758B	do	Dec. 28, 1973, Dec. 26, 1975.
Michigan:				
Saginaw	Saginaw, city of	260189B	do	June 21, 1974, Oct. 10, 1975.
Oakland	Sylvan Lake, city of	260701B	do	July 14, 1978.
Ohio: Monroe	Clarington, village of	390405B	do	Sept. 6, 1974, May 21, 1976.
Region IX				
Arizona: Coconino	Unincorporated areas	040019B	do	Jan. 24, 1975, May 30, 1976.
Region X				
Washington: Snohomish	Unincorporated areas	530171B	do	Mar. 8, 1974, May 28, 1976.

[1] The Town of Martindale, Texas (Caldwell County) is a newly incorporated community which was formerly contained in Caldwell County, TX. Since the community is compliant (60.3(d)) and was part of a Regular Program community, it is entered directly in the Regular Program. The Town will use Caldwell County's map in the interim for insurance purposes. (Caldwell County, TX Community No. 480094B; Hazard Area ID dates: 5-27-77 and 3-15-82; Emergency entry: 5-15-75; and Regular Program entry: 3-15-82.)

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; and delegation of authority to the Administrator, Federal Insurance Administration)

Issued: December 5, 1983.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 83-32773 Filed 12-9-83; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

49 CFR Part 71

[OST Docket No. 9; Amdt. 71-20]

Standard Tome Zone Boundaries; Technical Amendments

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: DOT amends its standard time zone regulations to reflect changes in the names of three of the zones made by recent legislation. It also updates the authority citation for these regulations to reflect codification of the laws administered by DOT.

DATE: The effective date of this amendment is November 30, 1983.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, C–50, Department of Transportation, Washington, DC 20590; (202) 426–4723.

SUPPLEMENTARY INFORMATION:

Renaming of Time Zones

A final rule took effect October 30, 1983, reducing from four to two the number of time zones in Alaska (48 FR 43276, September 22, 1983). (The State had been in, from east to west, the Pacific, Yukon, Alaska-Hawaii, and Bering time zones.) Effective on that date, the entire State was moved to the Yukon time zone (9 hours behind Greenwich Mean Time), except that part of the Aleutian Islands that is west of 169 degrees 30 minutes west longitude, which was moved to the Alaska-Hawaii time zone, 10 hours behind Greenwich. In the Supplemental Appropriation Act for Fiscal Year 1984 (Public Law 98–181, November 30, 1983), the Congress renamed three of the four zones which has been in Alaska to reflect the changes made by the rulemaking. Specifically, the dominant zone in Alaska was changed from "Yukon" to "Alaska"; the other zone in Alaska was changed from "Alaska-Hawaii" to "Hawaii-Aleutian"; and the Bering zone, which now applies only to American Samoa, was changed to "Samoa". This final rule makes conforming changes to DOT's regulations.

The renaming raises the question of the appropriate designations to be used for two of the new zones. There is already a time zone in the United States whose name begins with the letter "A": Atlantic standard time, which includes Puerto Rico and the Virgin Islands and is designated "AST". (Since daylight saving time is not observed in either Puerto Rico or the Virgin Islands, the designation "ADT" is never used.) Designation of the Alaska standard time as "AST/ADT" would be confusing; hence, DOT intends to use "AKST/AkDT" when referring to the Alaska standard time zone.

A similar problem exists with the new Hawaii-Aleutian standard time zone. That zone used to be called "Alaska-Hawaii"; the designation was "AHST/AHDT". (Although daylight saving time is not observed in Hawaii, it is observed in the part of Alaska which is in this zone.) Despite the formal name of the zone, people in the included part of Alaska consistently referred to it as "Alaska standard time (AST/ADT)". (People in Hawaii consistently referred to it as "Hawaii standard time (HST)".) Since we expect this local practice to continue, we urge those using this local name to use the designation "AIST/AIDT" (for "Aleutian") to avoid confusion. DOT, however, will use the full designation "HAST/HADT".

A similar problem does not exist with Samoa standard time; the appropriate designation is "SST". (Daylight saving time is not observed in American Samoa.)

Change in the Authority Citation

The Department of Transportation Act (former 49 U.S.C. 1651 et seq.) transferred to DOT from the Interstate Commerce Commission the authority to administer the Uniform Time Act of 1966, the basic standard time zone law. The DOT Act was effectively repealed by Public Law 97–449, which enacted that statute's provisions into positive codified law. (See 49 U.S.C. 101–526, 3101–04.) That statute also amended the Uniform Time Act to substitute the Secretary of Transportation for the Interstate Commerce Commission. Consequently, the reference to the DOT Act in the statement of authority for the standard time zone regulations (49 CFR Part 71) no longer is correct. The correct reference is to the Uniform Time Act, as amended.

List of Subjects in 49 CFR Part 71

Time.

PART 71—[AMENDED]

In consideration of the foregoing, Part 71 of Title 49, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 71 is revised to read as follows:

Authority: Secs. 1–4, 40 Stat. 450, as amended; sec. 1, 41 Stat. 1446, as amended; secs. 2–7, 80 Stat. 107, as amended; 15 U.S.C. 260–267, unless otherwise noted.

§ 71.11 [Amended]

2. In the title and text of § 71.11, the term "Alaska" is substituted for the term "Yukon" wherever it appears.

§ 71.12 [Amended]

3. In the title and text of § 71.12, the term "Hawaii-Aleutian" is substituted for the term "Alaska-Hawaii" wherever it appears.

§ 71.13 [Amended]

4. In the title and text of § 71.13, the term "Samoa" is substituted for the term "Bering" wherever it appears.

Authority: Act of March 19, 1918, as amended by the Uniform Time Act of 1966, as amended, 15 U.S.C. 260–67; 49 CFR 1.57 (a) and (l).

Issued in Washington, DC, on December 5, 1983.

Rosalind A. Knapp,

Acting General Counsel.

[FR Doc. 83-32837 Filed 12-9-83; 8:45 am]

BILLING CODE 4910-62-M

Proposed Rules

Federal Register
Vol. 48, No. 239
Monday, December 12, 1983

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1126

[Docket No. AO-231-A51]

Milk in the Texas Marketing Area; Partial Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This recommended decision denies a dairy industry proposal to reduce the price of producer milk used to make butter, nonfat dry milk and cheddar cheese during the months of December 1983, and March through June 1984 under the Texas order. This proposal was one of several considered at a public hearing held October 4–7, 1983, in Irving, Texas. Interested parties agreed to a separate briefing period for this proposal so that it could be considered on a timely basis. A separate recommended decision will deal with the remaining issues in this proceeding.

DATE: Comments are due on or before January 11, 1984.

ADDRESS: Comments (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: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

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).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Texas marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900), at Irving, Texas, on October 4–7, 1983. Notice of such hearing was issued on August 29, 1983, and published on September 1, 1983 (48 FR 39643).

Interested parties were given until November 3, 1983, to file post-hearing briefs on proposals Nos. 1 and 2 as published in the hearing notice and on whether the proposals should be considered on an expedited basis.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the **Federal Register**. Four copies of the exceptions should be filed. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The material issues on the record relate to:

1. The Class III price level for producer milk used in butter, nonfat dry milk and cheddar cheese for December 1983, and March through June 1984.
2. Whether an emergency exists to warrant the omission of a recommended decision and the opportunity to file written exceptions thereto with respect to issue No. 1.
3. The Class I price level and location adjustments within the marketing area.
4. The Class II price level and location adjustments within the marketing area.
5. Location adjustments applicable for milk delivered to plants located outside the marketing area.
6. Classification of milk contaminated with antibiotics.
7. Shipping percentages applicable to pool supply plants.
8. Computation of the Uniform price.

This decision deals only with issues 1 and 2. The remaining issues will be considered in a later decision on this record.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *The Class III price level for producer milk used in butter, nonfat dry milk and cheddar cheese for December 1983 and March through June 1984.* A temporary price reduction on producer milk used to make butter, nonfat dry milk and cheddar cheese should not be adopted for the months of December 1983, and March through June 1984. Presently, the price for all producer milk in Class III uses, including butter, nonfat dry milk and cheddar cheese, is the basic formula price for the month. It represents the average of prices paid during the month for manufacturing grade milk in Minnesota and Wisconsin. The evidence included in this record does not support a change in the Class III price.

Associated Milk Producers, Inc. (AMPI), a cooperative association which represents a substantial majority of the dairy farmers who furnish milk marketed under the Texas order, requested a reduction of 40 cents per hundredweight on producer milk used to manufacture butter, nonfat dry milk and cheddar cheese during December 1983, and March through June 1984. AMPI's proposal was virtually identical to a temporary provision of the Texas order which was effective April 28 through June 1983. Land O'Lakes, Inc. (LOL) also proposed a reduction in the price of milk used to produce these products. However, LOL did not appear at the hearing and later in brief abandoned their proposal and opposed the change requested by AMPI.

A witness for AMPI stated that market conditions which prompted a previous temporary price reduction have persisted and will be present during December of this year and March through June 1984. Evidence was presented to show that producers associated with the Texas market have continued to increase production above year earlier levels while fluid sales in the market have declined. The spokesman indicated that December is traditionally a month when Class I sales

are low because of school closings and reduced sales during the holiday period. Also, the months of March through June are the months when production is seasonally high and substantial amounts of milk must be moved to manufacturing plants. The witness asserted that the effect of a supply-demand imbalance in the market will result in unusually large quantities of milk not needed for the fluid market that must be manufactured into storable dairy products during December 1983 and March through June 1984.

The witness stated that AMPI clears the market of milk supplies in excess of the fluid needs of the entire Texas market. He testified that AMPI, by full supply, partial supply, and spot shipments, supplies almost all distributing plants on the market. In addition the witness stated that since early 1983, the amount of surplus milk handled by AMPI has increased substantially. The witness claimed that the marketwide increase in milk production combined with a slight decline in Class I sales caused AMPI to handle almost 100 million pounds more of Order 126 surplus milk during March through June 1983 than for the same period in 1982, an increase of 44 percent.

The AMPI witness also presented evidence designed to show that the cooperative loses money on its operations that serve to clear the market of abnormal excess milk supplies. The witness stated that AMPI operates plants at Muenster and Sulfur Springs, Texas, where most of the producer milk not needed by the fluid market is processed into butter, nonfat dry milk and cheddar cheese. The Muenster plant was said to produce barrel cheddar cheese and have a capacity to process 30 million pounds of milk each month. The witness stated that the Sulfur Springs plant produced butter and nonfat dry milk and could handle about 18 million pounds of producer milk per month. The AMPI spokesman introduced data from the financial records of the plants as a way of showing that both plants had lost money on the processing of surplus producer milk. The losses at Muenster on a per hundredweight basis ranged from 74 cents for the year 1981 to 7.1 cents for January through April 1983. The Sulfur Springs plant had a loss of 82 cents per hundredweight in 1981 and a loss of 74 cents per hundredweight for January through April 1983.

The witness claimed that the current losses at AMPI's two manufacturing plants were the result of attempting to process more milk in the plants than they were designed to accommodate. For March through June 1983 receipts at the two plants averaged almost 53 million pounds per month, or more than 10 percent above the rated maximum capacity. The witness indicated that the operation of the plants at levels above their maximum capacity creates inefficiencies and increased costs.

AMPI's witness testified that the Class III price should be reduced during December 1983 and March through June 1984, as a means of assuring that all producers on the market share more equitably in the cost of handling unusually large surplus milk supplies during these months. AMPI claims that it handles much more than its proportionate share of the market's Class III milk. AMPI also asserts that it incurs substantial losses in its surplus milk operations. Since these losses are incurred as a result of actions that benefit all producers in the market (the disposition of milk in excess of the fluid needs of the market) AMPI believes that all producers should share the costs of these services through a slightly reduced uniform price.

A representative of Kraft, Inc. presented testimony supporting AMPI's proposal to temporarily reduce the Class III price. However, the Kraft witness based his support on regional cost differences for manufacturing plants rather than the rationale put forward by AMPI. He stated that the regional cost differences were caused by the seasonal variability of milk available to manufacturing plants as between Texas and the Minnesota-Wisconsin area, and the quantifiable difference in butterfat and solids-not-fat content of milk produced in Texas and milk originating in the Upper Midwest, which results in a higher manufactured product yield per hundredweight for plants receiving milk from midwestern farms.

Kraft's witness stated that the company operates several cheese plants throughout the United States including a plant at Bentonville, Arkansas, which is a pool supply plant on the Southwest Plains milk order and which occasionally receives milk associated with the Texas market. Kraft does not operate any plants regulated by the Texas order. The witness presented evidence from Kraft's own records and from U.S. Department of Agriculture statistics to show that manufacturing plants in the Southwest face a more severe seasonal variation in supply than do similar plants in the Midwest. As a result, the witness claimed that plants in the Southwest cannot operate on a year-round basis at a level of capacity that allows them to achieve as great a level of efficiency as similar plants in the Minnesota-Wisconsin area. The witness stated that Kraft's experience indicates that this seasonal variability of supply factor makes the cost of operating a cheese plant in the Southwest 15.7 cents per hundredweight greater than the cost of operating a plant in the Upper Midwest.

The Kraft witness also presented evidence on the regional difference in the butterfat and solids-not-fat content of milk. Again the witness presented Federal order statistics and data from Kraft's own records to show that milk produced in the North Central region has higher butterfat and solids-not-fat content than milk produced in the Southwest. The witness also explained that these components affect the amount of butter, nonfat dry milk, or cheese that can be produced from a specific quantity of milk. The higher the butterfat and solids-not-fat, the greater the product yield. Thus, the witness concluded that manufacturing plants in the Southwest experience a lower product yield per hundredweight of milk than similar plants in Wisconsin. This yield difference, the witness contended, results in a cost difference of 16.7 cents per hundredweight between plants in the Midwest and those in the Southwest even when the butterfat differential is taken into consideration.

The Kraft spokesman stated that regional differences in manufacturing costs that result from the seasonality of milk available for manufacturing and regional differences in product yield should be reflected in the Class III prices of Federal milk orders. The witness concluded that these factors would justify a reduction of the Texas Class III price of about 32 cents per hundredweight.

A witness for Mid-America Dairymen, Inc. (Mid-Am), supported the AMPI proposal. The witness stated that AMPI had demonstrated that the costs associated with clearing surplus milk supplies in the Texas market more than justify a price reduction of 40 cents per hundredweight. Also, the Mid-Am official indicated that the price reduction would have little effect on the national market for butter, nonfat dry milk and cheddar cheese, and was not aware of any instance when AMPI had undercut the national price on these items while the previous price reduction was in effect during May and June 1983. In addition, the witness expressed agreement with the seasonality and yield theories put forward by Kraft to support the price reduction.

Seven individuals testified in opposition to the AMPI proposal. These persons represented individual

producers, producer cooperative associations, proprietary dairy firms and the Wisconsin Department of Agriculture, Trade and Consumer Protection. These witnesses based their opposition on a variety of reasons. Since some opponents presented similar arguments, the points discussed by all seven witnesses are presented below in summary form.

Numerous opponents testified that butter, nonfat dry milk and cheese are traded in a national market. Therefore, the price assigned to milk used in those products should be the same in all Federal orders. Some opponents stated that the current basic formula price based on the Minnesota-Wisconsin price series should continue as the Class III price in all Federal milk orders. Other witnesses testified that they would not object to a change in the Class III price as long as the change was adopted for all Federal orders and based on national rather than local factors.

Several witnesses expressed concern that a Class III price reduction in Texas would give AMPI a way to sell butter, nonfat dry milk and cheddar cheese at a price lower than the national market price and thereby expand its market share. Witnesses from Wisconsin expressed a fear that Wisconsin cheese plants would lose sales to AMPI because the price cut would give AMPI the opportunity to underbid these organizations for commercial markets. Although these witnesses were concerned that adoption of the AMPI proposal would have a negative impact on handlers and producers in other parts of the country, the real concern seemed to be the precedential value the proposal might have. The witnesses representing handlers and producers located in Wisconsin were particularly concerned that adoption of lower Class III prices in Texas and various other orders would harm the competitive position of Wisconsin handlers and ultimately reduce the income of Wisconsin dairy farmers.

Three witnesses stated that a reduction of the Class III price in Texas would conflict with the goal of the dairy price support program. The witnesses said that the support program was designed to support the market for manufactured dairy products so that dairy farmers would receive a specified price for their milk. The witnesses pointed out that the M–W price series has been below the support price for some months. In addition, they pointed out that a 40-cent price reduction would increase the current gap between the support price and the price farmers receive for milk used to produce butter, powder and cheese. Other witnesses said they opposed any order amendment that would lower the price received by dairy farmers at a time when the cost of production is increasing.

Opponents also contended that the Class III price reduction should not be adopted because AMPI did not produce evidence on the record that it lost money for its total operations. They claimed that AMPI should recover its manufacturing losses from the fluid market. These witnesses stated that since AMPI's manufacturing facilities functioned primarily as a means of balancing the fluid market, the cost of those balancing services should be borne by the handlers who benefit from the service. The witnesses suggested that AMPI's current over order premium should be sufficient to cover this manufacturing loss. In this regard, they stated that AMPI could solve its problem without help from the Federal milk order by charging handlers for these balancing services.

The major thrust of AMPI's testimony is that the Class III price should be reduced to offset losses incurred in operating its manufacturing plants beyond their rated capacity during periods of unusually large surplus milk supplies. The price reduction would result in all producers sharing a portion of the costs associated with operating the manufacturing plants that are necessary to clear the market of surplus production.

Record evidence establishes that AMPI handles a disproportionate share of the market's surplus production and that the cooperative performs a major balancing and surplus clearing function that results in a marketwide benefit. Also, the record establishes that AMPI does experience some losses in processing surplus producer milk at its two manufacturing plants, although the magnitude of these losses cannot be measured with any degree of precision. However, the record does not establish that AMPI is incurring extraordinary losses in operating its manufacturing plants or that it is unable to recover its manufacturing losses from within its total operations in supplying the Texas market or from its Southern Region marketing activities that extend beyond the Texas market, but which are, nevertheless, related to the disposition of Texas order surplus producer milk.

The data presented by AMPI with respect to losses incurred at its two Texas order manufacturing plants represent a limited portion of AMPI's manufacturing and market clearing activities and also does not include the total manufacturing that is conducted at the two plants. The manufacturing losses are presented in terms of receipts of producer milk at the plants that are used to produce butter, nonfat dry milk and cheddar cheese. Receipts of producer milk represent between 85 and 90 percent of total receipts at the two plants while the manufacturing of products besides butter, nonfat dry milk and cheddar cheese are excluded from the data. Profits generated from the sale of condensed milk and milk and cream blends from the Sulphur Springs plant are excluded from the data. Consequently, it is not at all certain that the losses presented with respect to producer milk are representative of the total financial picture of the operation of the two plants.

In addition to the above, the isolated losses with respect to handling of producer milk at the Muenster plant varied considerably during the first 6 months of 1983. The losses, as presented by AMPI, varied from about 7 cents per hundredweight for the January through April period to over 96 cents per hundredweight during May and June. According to the testimony, the minimal losses during the first 4 months of 1983 were a result of the Muenster plant being operated at or near its rated capacity during both the months of March and April. Also, the substantial losses presented for the Muenster plant during May and June were a direct result of the poor quality of the nonfat dry milk that was produced during such months. Although the plant was used for other than its intended purpose (producing nonfat dry milk powder rather than drying whey) to handle the volume of surplus, such losses cannot be anticipated to the same degree in the future. While it may be reasonable to assume that a heavy surplus of production may have to be processed during December 1983, the volume of surplus that may have to be processed during March through June of 1984 is a matter of speculation. While proponent expressed a degree of certainty with respect to the December surplus situation, the amount of surplus during March through June 1984 depends on what impact feed prices or programs to deal with the national surplus of milk would have on Texas milk production during such period. To the extent that the Muenster plant can be operated near its capacity, a price reduction of 40 cents per hundredweight would more than offset the losses claimed by AMPI.

In addition to the uncertainty over the actual losses at AMPI's two manufacturing plants, the volume of producer milk processed at the two plants does not represent all of the

Texas order surplus producer milk handled by AMPI. For example, during the period of March–June 1983, approximately 211 million pounds of producer milk was received and processed at AMPI's two manufacturing plants. However, during the same period, approximately 106 million pounds of producer milk was diverted to nonpool plants for manufacturing. Most of the diversions were to two AMPI manufacturing plants located at Oklahoma City and Tulsa, Oklahoma, from AMPI producer located in Oklahoma. Only minimal diversions to manufacturing plants in Louisiana were necessary to clear the Texas order surplus production. There is no demonstration on the record of this proceeding to indicate that AMPI suffered any significant losses with respect to the diverted milk, either in terms of manufacturing losses at its own nonpool plants or in terms of excessive, unrecoverable transportation costs. In contrast, the Deputy Assistant Secretary's decision of April 11, 1983 on a similar proposal to amend the Texas order was based on evidence of both significant operating losses and increased transportation costs.

The proposed 40-cent per hundred weight price reduction would have applied to all producer milk used to make butter, nonfat dry milk and cheddar cheese, not just the producer milk processed at the two AMPI Texas plants. For the March-June 1983 period, receipts of producer milk at the two manufacturing plants represented about 66.6 percent of the total volume of the surplus handled by AMPI that would have qualified for the proposed price reduction, while the remaining proportion was diverted.[1] Consequently, the proposed price reduction would have applied to a significant quantity of milk for which there is no demontrated loss on the record.

The marketing system of the Southern Region of AMPI extends well beyond the Texas order, as is indicated by the processing of Texas order surplus milk at AMPI plants in Oklahoma and Kansas. Consequently, an examination of operating losses at the two Texas manufacturing plants is too limited in scope to establish the existence of inequities in pay prices among groups of producers that could warrant amendatory action to maintain orderly marketing conditions. It would not be appropriate to reduce returns to Texas order producers on the basis of claimed losses at two manufacturing plants when the marketing system of AMPI generates returns to AMPI members from the sale and processing of milk over a broad region that extends well beyond the Texas marketing area.

AMPI claims that its manufacturing plants provide a balancing service that benefits all market producers. The record establishes that the plants serve an important function in processing the weekly and seasonal supplies of milk that are in excess of fluid milk needs. However, it has been a long established policy that the costs of providing a balancing service should be recovered from the fluid milk handlers that benefit directly from this balancing function. Exceptions to this policy have been recognized only in those rare cases when there was compelling proof of a real danger of disorderly marketing conditions caused by an acute surplus. Although over order pricing policies are not strictly within the scope of the federal marketing order program, the Secretary need not remain blind to their existence. In this regard, AMPI indicated that it reduced its over order charges to fluid milk handlers because of the existence of excessive supplies of milk. Even with a reduced over order charge, any manufacturing losses that may result in a particular month, need not be recovered in the same month. The record indicates that AMPI received an over order price on fluid sales throughout the year.

In conclusion, the record does not establish the extent to which manufacturing losses by AMPI actually exist or that certain, isolated losses on producer milk are resulting in a significant degree of inequity in pay prices among AMPI producers and other producers supplying the Texas market. Any substantial losses in AMPI's market clearing activities would be expected to result in pay prices to AMPI members that are significantly below the Texas order blend price. There is no evidence on the record to substantiate that such a situation exists as returns to AMPI producers have been equal to or only slightly below the order blend price. Also, there is no indication that any minimal manufacturing losses that result from balancing the fluid milk needs of the market should be offset in the form of a lower price, thus reducing returns to all producers, rather than being passed on to the fluid milk handlers that benefit directly from such balancing activities.

As previously stated, Kraft, Inc., supported AMPI's proposal. Kraft indicated that the proposed price reduction was justified on the basis of lower product yields in southern markets and inefficiencies in southern manufacturing plants because of greater seasonal volume fluctuations than are experienced in other areas of the country. On the basis of yield and the seasonality of surplus milk available for manufacturing, Kraft estimated that the value of producer milk at its Southwest plants was about 32 cents per hundredweight less than the value of milk at its plants located in the north central area of the country.

The rationale presented by Kraft with respect to product yields does not appear to address the problem perceived by AMPI of manufacturing losses that may result from handling a temporary excessive supply of milk. To the extent that product yields vary among different regions of the country on a consistent basis, there is an implication that the problem perceived by Kraft is of more than a temporary duration. However, higher manufacturing costs in southern regions that result from lower yields may well be another cost of doing business that should be recovered from the fluid sector. Manufacturing facilities that are intended to be operated on a permanent basis in low yield areas would appear to be economically justified to clear surplus milk supplies from the market. This is because fluid use prices have been established at higher levels in these higher cost of production regions for the purpose of generating an adequate supply for fluid use and carrying the necessary reserve milk supply for such use. Consequently, over the long run, manufacturing plant costs in these high cost of production and low yield areas appear to be more directly associated with serving the fluid milk needs of a market and, thus, may also represent costs of a nature that should be recovered from the fluid sector.

Kraft also testified that the differences in the seasonal nature of milk available for manufacturing results in higher manufacturing costs at its Southwest plants than its North Central plants. Basically, Kraft argues that manufacturing plants in the Southwest

[1] The total receipts of producer milk at the two manufacturing plants, and the quantity of diverted producer milk did not represent the total surplus handled by AMPI during March through June 1983, a significant but unspecified volume of producer milk was received at AMPI's manufacturing plant located at Hillsboro, Kansas, that was a pool plant under the Texas order during this period. The Hillsboro plant became pooled under the Southwest Plains order effective August 1, 1983. Since the Hillsboro plant is no longer pooled under the Texas order, the quantity of producer milk received at the Muenster and Sulphur Springs balancing plants plus the quantity of milk diverted to nonpool plants during the 1983 period is indicative of the quantity of producer milk that would be handled by AMPI under the Texas order during the period of the proposed price reduction.

cannot be operated at as high a level of capacity on a year-round basis as plants in other areas of the country.

Apparently, this occurs because southwestern area plants ship a greater proportion of receipts to fluid milk outlets and thus handle a smaller proportion of milk in manufacturing use than in other areas of the country. Also, southwestern area plants have a lesser proportion of manufacturing grade milk available to manufacture on a year-round basis than plants in other regions. As a result, Kraft contends that total manufacturing costs are greater in the Southwest because the cost of maintaining the necessary manufacturing capacity to handle the flush production months must also be carried over the relatively short production months of the year. Kraft contends that these greater costs at southwestern plants justify a lower Class III price in southwestern markets than in other markets.

The problem of maintaining necessary excess capacity during certain months is long term in nature and not related to the problem outlined by AMPI of costs associated with handling a surplus of production that is in excess of current manufacturing capacity. As stated previously with regard to the issue of regional yield differences, the cost of maintaining facilities to process milk that is surplus to the fluid needs of the market is more directly related to the fluid market and the revenues generated from fluid milk sales should be considered in any analysis of this issue. This record does not contain enough evidence to support the adoption of a change in the Class III price to offset regional cost differences.

Opponents of the AMPI proposal made legal and policy arguments to support their position that have not been discussed in this decision. It was not necessary to consider these arguments because the proposal was denied for other reasons previously discussed. The absence of discussion on any point raised by interested parties should not be considered acquiescence to any particular line of reasoning. Although detailed analysis of certain issues was not necessary in this instance, a preliminary review indicates several statements and conclusions to which the Department could not agree.

2. *Omission of a recommended decision and the opportunity to file exception thereto.* The notice of hearing setting forth the proposals to be considered indicated that evidence would be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR 900.12(d) with respect to proposals 1 and 2.

AMPI, the proponent of proposal 1, testified that it would experience significant costs at its manufacturing plants in handling the heavy surplus of production during December 1983 and the flush production months of March through June 1984. Thus, AMPI requested that its proposal be adopted on an emergency basis so that all producers would begin sharing in the high costs of marketing the surplus milk supplies under the Texas order during the month of December 1983.

Opponents of the proposed price reduction contended that no emergency conditions exist that would warrant the omission of a recommended decision and the opportunity for interested parties to file exceptions to such decision.

As indicated earlier, this decision does not recommend adoption of the proposed temporary price reduction. Consequently, there is no need to complete the proceeding by December 1, 1983.

It is therefore found that due and timely execution of the Secretary's function in this proceeding does not require the omission of the recommended decision and the opportunity for filing exceptions thereto.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings an conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Determination

The findings and conclusions of this decision do not require any change in the regulatory provisions of the order regulating the handling of milk in the Texas marketing area.

List of Subjects in 7 CFR Part 1126

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on: December 6, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-32832 Filed 12-9-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM80-10-002]

Natural Gas Policy Act; Incremental Pricing; Phase II

December 1, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: On May 6, 1980, the Federal Energy Regulatory Commission (Commission) issued a final rule (Order No. 80, 45 FR 31,622 (May 13, 1980)) to implement Phase II of the incremental pricing program in accordance with section 202 of the Natural Gas Policy Act of 1978 (NGPA). That rule expands the scope of incremental pricing to all industrial users of natural gas except those exempted specifically by the NGPA. This Notice proposes not to implement Phase II of incremental pricing by granting an exemption from incremental pricing to all Phase II natural gas users. The exemption is proposed pursuant to the Commission's authority under section 206(d) of the NGPA.

DATES: A public hearing for the oral presentation of comments on the Commission's proposal will be held on Tuesday, January 10, 1984, beginning at 10:00 a.m. Requests to speak at the hearing must be received on or before December 30, 1983. The deadline for filing written comments is January 17, 1984.

ADDRESSES: The public hearing will be held at the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An original and 14 copies of written comments and of requests to make an oral presentation at the public hearing should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and should reference Docket No. RM80-10-002.

FOR FURTHER INFORMATION CONTACT: Barbara K. Christin, Office of the

General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Energy Regulatory Commission) is proposing not to implement the regulations promulgated in Order No. 80 (Phase II Rule).[1] Those regulations expand the scope of the incremental pricing program in accordance with section 202 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. V 1981). The Commission today is also issuing a separate order in this docket (Docket No. RM80-10-001) staying the effective date of Order No. 80 until April 12, 1984, or until the Commission completes its reconsideration of Order No. 80, whichever is earlier.

II. Background

Under Title II of the NGPA, Congress established an incremental pricing program to channel to industrial users a specified portion of the higher costs of natural gas allowed by Title I of the NGPA. Under this program, the "incremental costs" of natural gas are to be passed through from interstate pipelines to certain industrial users by means of a surcharge pricing mechanism. The program was designed to prepare the natural gas market for deregulation in 1985 and to provide a measure of shelter from rising gas prices to residential and other high priority customers.

The Commission issued regulations to implement the incremental pricing program in two phases. The first phase was implemented by regulations issued on September 28, 1979 (44 FR 57,726, October 5, 1979).[2] Under those regulations, only large industrial facilities that use natural gas as boiler fuel are subject to incremental pricing.

Section 202 of Title II required the Commission to promulgate an amendment to the Phase I rule by May 9, 1980, that applied to other industrial users of natural gas to be defined by the Commission (Phase II rule). Section 202 also directed the Commission to submit the Phase II rule to Congress for review. The rule would not become effective if disapproved by either House within a thirty-day review period.

On May 6, 1980, the Commission issued the Phase II rule (Order No. 80) as required by the NGPA, although the comments overwhelmingly opposed a Phase II rule. The rule expanded the scope of the incremental pricing program to include all industrial users except those exempted specifically by the NGPA. The rule applied to all industrial gas consumption exceeding 300 Mcf per day. It also set a uniform price ceiling for natural gas sold to industrial users at the price of high sulfur No. 6 residual fuel oil. In the order, the Commission stated:

> The Commission believes that it was neither requested nor authorized to second-guess the social and economic judgments that the Congress made in enacting Title II. The role of the Commission under Section 202 is more limited. Instead, the Commission is instructed to bring its technical expertise to bear on the design of a workable Phase II rule that can best advance the purposes set by the Congress. It is up to the Congress to decide whether this Phase II submittal meets adequately the social and economic goals of the incremental pricing program or, indeed, whether those goals are still appropriate.[3]

Order No. 80 was submitted to Congress pursuant to section 202(c) of the NGPA, and was to become effective ninety days following the expiration of the thirty-day review period if neither House of Congress passed a resolution of disapproval. On May 20, 1980, the House of Representatives passed a resolution of disapproval of the Phase II rule by a vote of 360-34.

Subsequent to that vote, the Commission received one application for rehearing of the final rule. The applicant argued that the legislative veto provision of section 202 was unconstitutional and asked the Commission to make the Phase II rule effective at the end of the ninety days following the thirty-day Congressional review period.

On August 1, 1980, the Commission denied the application for rehearing and attempted to revoke Order No. 80.[4] The Commission determined that Order No. 80 should be revoked because the Commission had relied upon Congress to examine the social and economic benefits of extending the incremental pricing program, and had not "independently evaluated whether the Phase II rule meets the social and economic goals of the Title II incremental pricing program."[5]

Therefore, the Commission concluded that, even if the legislative veto was held unconstitutional, the rule should not take effect.

Subsequently, several persons sought judicial review of the constitutionality of the legislative veto provision and the Commission's revocation of the Phase II rule. The United States Court of Appeals for the District of Columbia Circuit held the legislative veto provision of section 202(c) of the NGPA is severable from section 202 and unconstitutional. The court also held that the Commission's attempted revocation of the Phase II rule was invalid because the Commission did not provide adequate notice and opportunity for comment and ordered that the rule take effect thirty days from the date of the court's decision.[6] The court stated, however, that the Commission "may consider whether to amend the substance of the rule or, in order to provide time for sufficient consideration, whether to postpone the effective date further."[7]

On July 6, 1983, the United States Supreme Court affirmed the decision of the D.C. Circuit, and, on September 9, 1983, denied rehearing of its decision.[8] Since the D.C. Circuit issued the mandate on September 15, 1983, Order No. 80 was due to become effective on October 15, 1983.

On October 5, 1983, the Commission stayed the effective date of Order No. 80 until December 14, 1983, and proposed to continue the stay for an additional 120 days or until it completes its reconsideration of Order No. 80, whichever is earlier.[9] The Commission also is issuing today an order extending the stay of Order No. 80 until April 12, 1984, or until reconsideration of Order No. 80 is complete, whichever is earlier.

III. Discussion

As previously noted, the incremental pricing program was established by Congress for two reasons. First, incremental pricing was designed to mitigate any disruption of the natural gas market that might occur upon deregulation in 1985. Congress believed that the continuation of price controls on some production would permit pipelines

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[1] Final Rule, Docket No. RM80-10, issued May 6, 1980, 45 FR 31,622 (May 13, 1980).

[2] The regulations issued on September 28th were contained in two dockets, Docket Nos. RM79-14 and RM79-21.

[3] 45 F.R. at 31,622.

[4] Order Denying Rehearing and Revoking Amendment made Order No. 80, issued August 1, 1980, Docket No. RM80-10, 45 FR 54,741 (Aug. 18, 1980).

[5] 45 FR at 54,742.

[6] Consumer Energy Council of America v. Federal Energy Regulatory Commission (*CECA*), 673 F.2d 425, (D.C.Cir. 1982).

[7] 673 F.2d at 479.

[8] *Aff'd mem. Sub nom.* Process Gas Consumers Group v. Consumer Energy Council of America, 51 U.S.L.W. 3935 (U.S. July 6, 1983), *reh. denied* 52 U.S.L.W. 3187 (U.S. Sept. 9, 1983).

[9] "Order Granting a Stay of Effective Date of Order No. 80 and Proposing Continuation of Stay for an Additional 120 Days," issued October 5, 1983, Docket No. RM80-10, 48 Fed.Reg. 45,759, 45,787 (Oct. 7, 1983).

to pay prices for new gas purchases in excess of long term market clearing levels. At the same time, however, pipelines' concerns about the loss of price-sensitive industrial load subject to incremental pricing would curb bidding for new supplies. In this manner incremental pricing would act as a market ordering device.[10]

A second purpose of the program was to shield high priority gas users, such as residential users, from some of the scheduled wellhead price increases allowed by Title I of the NGPA. This shielding is accomplished by channeling to industrial customers a greater than pro rata share of rising gas purchase costs paid by pipelines.

In implementing the Phase I rule, Congress left the Commission little discretion. The Commission, however, had a number of options available to it when it developed the Phase II rule. The Commission chose to propose and issue a broad rule that would cover as many industrial users as possible. In this way, the benefits perceived by Congress as flowing from the incremental pricing program would be maximized.[11] For example, the Commission believed that the price shielding objective could be "best advanced by a Phase II rule covering as broad a class of non-exempt users as possible."[12] At the same time, however, the Commission was concerned that the market ordering purpose of Title II was unlikely to be achieved by expanding incremental pricing beyond industrial boiler fuel users. This belief was premised on the fact that industrial users that have little or no capability to switch to alternative fuels are in a relatively weak position to affect the prices that pipelines will pay for natural gas. In addition, there were limitations and inconsistencies in the structure of Title II itself which would prevent any rule issued by the Commission from achieving market ordering.[13]

The Commission, however, believed that its role was limited to bringing its technical expertise to hear on a workable Phase II rule rather than independently detemining whether the rule was appropriate. It assumed that it was Congress' role, through the review provisions of section 202(c), to decide whether the Phase II rule developed by the Commission adequately met the social and economic goals Congress sought to achieve by enacting the incremental pricing provisions. By issuing a broad Phase II rule, the Commission gave Congress a meaningful choice. Now, however, the *CECA* decision has eliminated the reviewing role of Congress, and therefore, resulted in the Commission having much broader discretion with respect to implementing Title II. In view of this broad discretion, the Commission is issuing this notice to reopen the Phase II proceeding and reconsider the Phase II rule in light of current market conditions.

In the three-and-one-half-years since Order No. 80 was issued, natural gas marketing conditions have changed and Phase I was unable to achieve its intended market-ordering function in the face of those conditions. The wellhead price of deregulated gas rose sharply for several years. At the same time, there was an unanticipated drop in the price of oil. During the winter of 1982–1983, delivered gas prices, on the average, began to move above alternative fuel prices in many markets causing many pipelines to lose price-sensitive industrial loads. In addition, the mild winter of 1982–1983 and the general economic recession further decreased the demand for natural gas. By the spring of 1983, many pipelines had surplus supplies as the result of declining sales and were faced with the prospect of large take-or-pay liabilities for gas that they could not market.

In response, pipelines have begun to take steps to ameliorate the effects of the decreased demand. They have exercised "market-out" clauses in their contracts with producers and have attempted to renegotiate their supply contracts to obtain lower prices. Special rates and sales programs have been proposed and implemented in order to maintain capacity utilization. Expensive gas has been released from contracts and sold directly to industrial users at a discount. In addition, as a result of the Commission's blanket certificate program (18 CFR Part 157 Subpart F), end users are more readily able to compete for gas at the wellhead. In this manner, a substantial degree of market-ordering activity has already begun to take place. Price increases in the field have abated and the price of deregulated gas has generally fallen.

Moreover, implementation of Phase II at this time would likely compound the current market imbalance by reducing the demand for gas by industrial customers. In this context, incremental pricing is viewed primarily as a restraint on the demand for gas. The demand restraint operates by generally increasing prices for price-elastic industrial customers, while slightly reducing prices for a much larger class of price-inelastic customers (primarily residential and small commercial users). Such a demand restraint serves no purpose in the current environment of excess deliverability and could actually be disruptive to gas markets by further reducing demand by the marginal users who are able to switch to alternative fuels. The Commission believes that negotiations between pipelines and producers hold more promise of restoring gas markets to balance than an artificial mechanism such as Phase II of incremental pricing.

Because a Phase II rule will neither fulfill the market ordering purpose of Title II, nor significantly further the price shielding objective of incremental pricing, the Commission is proposing not to implement the regulations promulgated in Order No. 80 at this time. To this end, this Notice proposes to issue an exemption under section 206(d) of the NGPA to all industrial uses of natural gas covered by the Phase II regulations promulgated in Order No. 80. This exemption would be implemented by allowing the Phase II rule to become effective and simultaneously issuing a final rule under section 206(d) of the NGPA to exempt from incremental pricing all Phase II users of natural gas.[14] The Commission specifically requests comments on this approach and invites suggestions on alternative methods of implementing the proposed section 206(d) exemption.

Section 206(d) confers on the Commission broad exemptive authority. That section allows the Commission to "provide for the exemption, in whole or in part, of any other incrementally priced industrial facility or category thereof." This exemptive authority was intended to maximize the Commission's discretion in administering the incremental pricing program. In *Ohio Association of Community Action Agencies* v. *Federal Energy Regulatory Commission* (*Ohio Association*),[15] the court said that the Commission is to use this exemptive authority "flexibly" to accomplish other purposes talked about in the legislative history—to prevent individual hardship, to protect essential process uses of natural gas, to deter industrial relocations, to introduce a measure of stability in the market, [and] to avoid creating an administrative morass * * *.[16]

[10] See Order No. 80 for a detailed discussion of market ordering objectives. 45 FR. at 31,623.

[11] 45 FR at 31,623.

[12] 45 FR at 31,636.

[13] 45 FR at 31,633–31,635.

[14] Under this approach, § 282.215 of the regulations promulgated in Order No. 80 would require all Phase II users to file an exemption affidavit in order to obtain the exemption proposed in this Notice. Comments are specifically requested on alternatives to this filing requirement.

[15] 654 F.2d 811 (D.C. Cir. 1981).

[16] 654 F.2d at 824–825.

In *Ohio Association*, the Court reviewed the propriety of the Commission's actions in Order No. 51, which exempted all industrial boiler fuel facilities from incremental pricing surcharges exceeding the level of high sulfur No. 6 fuel oil.[17] The Commission issued Order No. 51 pursuant to its authority under section 206(d), notwithstanding the fact that section 204(e) of the NGPA provides specific statutory guidelines for the Commission's issuance of a rule or order reducing the alternative fuel price ceiling below the level of No. 2 fuel oil.[18]

The Court of Appeals rejected the challenge to the Commission's use of section 206(d) to exempt industrial users from incremental pricing surcharges above the price of high sulfur No. 6 fuel oil. The court found that the broad language of section 206(d) was intended by Congress to give the Commission the discretion to modify implementation of the incremental pricing program in view of the innovative nature of the program. The court stated at 654 F.2d at 820 that:

> In the context of the entire Act, a broad exemption power is entirely consistent with the objectives and concerns expressed by Congress during the passage of Title II. Moreover, the portions of the legislative history which specifically refer to section 206(d) indicate an express intent to maximize the Commission's discretion in administering the innovative incremental pricing system.

For these reasons, the Commission believes that its authority under section 206(d) is broad enough to exempt all Phase II users from incremental pricing. In the future, however, if conditions were to change, the Commission could propose a rule to revoke, in whole or in part, any exemption previously granted under section 206(d).

The Commission also is considering, and requests comments on, several other alternatives with respect to the Phase II rule. One course of action considered by the Commission is a postponement of the effective date of Order No. 80 either indefinitely or until a specific date such as October 1, 1985. A postponement until October 1, 1985, will permit the Commission an opportunity to review the effects of partial deregulation that will take place on January 1, 1985, before deciding on the appropriateness of the Phase II program.[19] This action, like the proposed section 206(d) exemption, recognizes that there is no benefit to be gained from implementing Phase II at this time, but that, at some point in the future, conditions may change and the incremental pricing of Phase II users of natural gas could be beneficial.

The Commission is also considering revoking the rules promulgated in Order No. 80 or amending them to significantly narrow the scope of Phase II. Section 201 of the NGPA requires the Commission to issue a rule covering the industrial boiler fuel use of natural gas. Section 202 requires the Commission to issue an amendment to the section 201 rule. The amendment covers other categories of industrial uses as may be defined by the Commission. Although that section does not require the broad expansion of the incremental pricing program that Order No. 80 envisioned, it does appear to require an expansion of the program.

Sections 201(a) and 202(a)(2), however, give the Commission the authority to amend the Phase II rule. In addition, section 501 of the NGPA authorizes the Commission to "prescribe, issue, amend, and rescind such rules and orders as it may find necessary or appropriate to carry out its functions under this Act."

The Commission believes that these sections give it the necessary authority to amend the Phase II rule to significantly limit its applicability. These sections also may give the Commission the authority to revoke the rule. As previously noted, the Congress was aware of the innovative and complex nature of the incremental pricing program and sought to give the Commission "the requisite discretion to deal with difficulties that may arise."[20]

The Commission requests comments on its proposal as well as the alternatives discussed above.

IV. Comment Procedures

The Commission invites interested persons to submit written comments, data, views, and other information concerning the proposal to exempt all Phase II industrial users from incremental pricing pursuant to the Commission's NGPA section 206(d) authority. The Commission also requests comments on the other alternatives set out in this notice. An original and 14 copies of such comments should be filed with the Commission by 4:30 p.m. on January 17, 1984. Comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and should reference Docket No. RM80–10–002.

All written submissions will be placed in the Commission's public files and will be available for public inspection through the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426, during regular business hours.

In addition, a public hearing to receive oral comments in accordance with section 502(b) of the NGPA will be held on Tuesday, January 10, 1984, beginning at 10:00 a.m. Any person requesting an opportunity to present oral comments must file with the Secretary an original and 14 copies of a request to do so by December 30, 1983.

The public hearing will be held at the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Information on the room location will be posted in the lobby of the building on the morning of the hearing and will be available through the Division of Public Information. Persons participating in the hearing should bring 25 copies of their presentation to the hearing, if possible.

The hearing will not be of a judicial or evidentiary type. There will be no cross-examination of persons presenting statements. However, the panel may question such persons and any interested person may submit questions to the presiding officer to be asked of persons making statements. The presiding officer will determine whether the question is relevant and whether time limitation permit it to be presented. Any further procedural rules will be announced by the presiding officer at the hearing. Transcripts of the hearing will be available in the public file for this proceeding, Docket No. RM80–10–002, through the Commission's Division of Public Information.

List of Subjects in 18 CFR Part 282

Intergovernmental relations, Natural gas, Reporting and recordkeeping requirements, Uniform system of accounts.

(The Natural Gas Policy Act, 15 U.S.C. 3301–3432)

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–32733 Filed 12–9–83; 8:45 am]

BILLING CODE 6717–01–M

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[17] Rule Exempting Industrial Boiler Fuel Facilities From Incremental Pricing Above the Price of No. 6 Fuel Oil, Docket No. RM79–21, issued September 28, 1979 (44 FR 57,778 (October 5, 1979)).

[18] The court cited the numerous concerns that various leaders in Congress expressed about the concept of incremental pricing to substantiate its interpretation of the role Congress intended section 206(d) to play in implementing the new pricing approach. See 654 F.2d at 820.

[19] In the event Congress enacts legislation before January 1, 1985, it may be appropriate to reconsider an October 1, 1985, date.

[20] S. Rep. No. 95–1126, 95th Cong., 2d Sess. 94 (1978).

PEACE CORPS

22 CFR Part 301

Peace Corps Rules Pertaining to Declassification

AGENCY: Peace Corps.

ACTION: Proposed rule.

SUMMARY: Notice is hereby given that the PEACE CORPS is proposing to revise Part 301 of Title 22, Code of Federal Regulations, to comply with Executive Order 12356, relating to the declassification and downgrading of national security information.

DATES: Comments must be received by February 10, 1984.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should be sent to Robert McClendon, Director, Office of Administrative Services, Peace Corps, Washington, D.C. 20526.

FOR FURTHER INFORMATION CONTACT:

Robert Martin, Associate General Counsel, Peace Corps, Washington, D.C. 20526, telephone number (202) 254–3114.

SUPPLEMENTARY INFORMATION: Executive Order 12356, National Security Information, requires that agencies that originate or handle classified information promulgate regulations implementing the Executive Order, and publish in the **Federal Register** unclassified regulations establishing agency security policy to the extent the regulations affect members of the public.

On July 16, 1980, the Peace Corps, which was then an autonomous agency within ACTION, published a notice of proposed rulemaking in the **Federal Register**, Volume 45, Number 138, beginning at page 47710, to promulgate regulations implementing Executive Order 12065, National Security Information. Executive Order 12065 has been superseded by Executive Order 12356. The proposed rulemaking issued in 1980 is hereby revoked and revised Part 301, conforming to Executive Order 12356 is proposed. Executive Order 12291.

The Peace Corps has determined that this proposal rule is not a major rule for the purpose of Executive Order 12291 because it is not likely to result in an annual effect on the economy of $100 million or more.

List of Subjects in 22 CFR Part 301

Classified information.

Accordingly, it is proposed that Part 301 of Chapter III of Title 22 of the Code of Federal Regulations be revised to read as follows:

PART 301—PUBLIC ACCESS TO CLASSIFIED MATERIAL

Sec.
301.1 Introduction
301.2 Requests for mandatory declassification review.
301.3 Action on requests for declassification review

Authority: Executive Order 12356, 43 FR 14874 dated April 2, 1982.

§ 301.1 Introduction

The following regulations implement Executive Order 12356 and provide guidance for members of the public desiring a review for declassification of a document of the Peace Corps.

§ 301.2 Requests for mandatory declassification review

(a) All information originally classified by the Peace Corps shall be subject to review for declassification.

(b) Requests for review of such information for declassification shall be in writing, addressed to the Peace Corps Director of Security, Peace Corps, Washington, D.C. 20526, and reasonably describe the information sought with sufficient specificity to enable its location with a reasonable amount of effort. Only requests made by a United States citizen or a permanent resident alien, a Federal agency or a State or local government will be considered.

(c) Requests relating to information, either derivatively classified by the Peace Corps or originally classified by another agency but in the possession of the Peace Corps, shall be forwarded, together with a copy of the record, to the originating agency. The transmittal may contain a Peace Corps recommendation for action.

§ 301.3 Action on requests for declassification review.

(a) The Director of Security shall present each request for declassification to the Peace Corps Classification Review Committee, which shall consist of the Associate Director for International Operations, the Associate Director for Management and the General Counsel, or their designees, together with his or her recommendation for action.

(b) Every effort will be made to complete action on each request within 60 days of receipt thereof.

Information shall be declassified or downgraded as soon as national security considerations permit.

(c) If the Classification Review Committee determines that the material for which review is requested no longer requires this protection, it shall be declassified and made available to the requester unless withholding is otherwise authorized by law.

(d) If the Peace Corps Classification Review Committee determines that requested information must remain classified, the requester shall be given prompt notice of the decision and, if possible, a brief explanation of why the information cannot be declassified.

(e) The Peace Corps may refuse to confirm or deny the existence or non-existence of requested information whenever the fact of its existence or non-existence is itself classified under E.O. 12356.

(f) A requester may appeal a refusal to declassify information to the Director of the Peace Corps, or the Director's designee. Appeals shall be in writing, addressed to the Director of the Peace Corps, Washington, D.C. 20526, and shall briefly state the reasons why the requester believes that the Peace Corps Classification Review Committee decision is in error. Appeals must be submitted within 30 days after receipt of notice of the Classification Review Committee decision. The decision of the Peace Corps Director, or designee, will be based on the entire record, and will be rendered in writing within 60 days after receipt of an appeal. The decision of the Director or Director's designee is the final Peace Corps action on a request.

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

Loret M. Ruppe,

Peace Corps Director.

[FR Doc. 83-32946 Filed 12-9-83; 8:45 am.]

BILLING CODE 6051-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 178

[Notice No. 496; REF.: Notice No. 487]

Sales of Firearms and Ammunition By Licensees at Gun Shows

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

ACTION: Reopening of comment period.

SUMMARY: This notice reopens the comment period for Notice No. 487, Sales of Firearms and Ammunition by Licensees at Gun Shows, for a 60 day period. Notice No. 487 was published in the **Federal Register** on September 27, 1983 (48 FR 44088). ATF is of the opinion

that the number of comments received has not been commensurate with the importance of the change being proposed, particularly in view of the number of comments received in response to the advance notice on this subject. Accordingly, ATF has decided to reopen the comment period for Notice No. 487.

DATE: The comment period for Notice No. 487 is reopened until February 10, 1984.

ADDRESS: Send comments to: Chief, Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 189, Washington, DC 20044 (Notice No. 496).

FOR FURTHER INFORMATION CONTACT: J. Barry Fields, Firearms and Explosives Operations Branch (202-566-7591).

SUPPLEMENTARY INFORMATION:

Background

The Bureau of Alcohol, Tobacco and Firearms (ATF) has taken a position since the enactment of the Gun Control Act of 1968 that firearms licenses are not issued to engage in the business at gun shows. This policy is reflected in Revenue Ruling 69-59 which held that the law contemplates licensing of premises where the applicant regularly intends to engage in the business to be covered by the license rather than temporary locations.

On September 27, 1983, ATF proposed regulations [Notice No. 487] allowing sales of firearms and ammunition by licensees at gun shows. The proposed regulations would allow a licensee to engage in business at a gun show located in the same State as the address specified on the license.

Reopening of the Comment Period

The comment period for Notice No. 487 closed on November 28, 1983. ATF is of the opinion that the number of comments received has not been commensurate with the importance of the change being proposed, particularly in view of the number of comments received in response to the advance notice on this subject. We feel that this relative lack of response is caused by inadequate publicity of the proposal. Accordingly, ATF has decided to reopen the comment period for Notice No. 487 until February 10, 1984. Those who have previously commented need not do so again unless they desire to give further information.

Public Participation—Written Comments

ATF requests comments concerning this proposal to allow sales of firearms and ammunition by licensees at gun shows from all interested persons. Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action. ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting the comment is not exempted from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request in writing to the Director within the 60-day comment period. The Director, however, reserves the right to determine in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this notice of proposed rulemaking is J. Barry Fields, Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

This notice reopening the comment period is issued under the authority of 18 U.S.C. 926, as amended (82 Stat. 1226).

Signed: December 5, 1983.

Stephen E. Higgins,

Director.

[FR Doc. 83-32836 Filed 12-9-83; 8:45 am]

BILLING CODE 4810-31-M

POSTAL SERVICE

39 CFR Part 10

Proposed International Express Mail Service to Italy and Thailand

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: Pursuant to agreements with the postal administrations of Italy and Thailand, the Postal Service proposes to begin International Express Mail Service with Italy and Thailand at postage rates indicated in the tables below. The proposed service is scheduled to begin on February 18, 1984.

DATE: Comments must be received on or before January 12, 1984.

ADDRESS: Written comments should be directed to the General Manager, Rate Development Division, Office of Rates, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260-5350. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in room 8620, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260-5350.

FOR FURTHER INFORMATION CONTACT: Leon W. Perlinn [202] 245-4414.

SUPPLEMENTARY INFORMATION: The International Mail Manual is incorporated by reference in the Federal Register, 39 CFR 10.1. Additions to the manual concerning the proposed new services, including the rate tables reproduced below, will be made in due course. Accordingly, although 39 U.S.C. 407 does not require advance notice and the opportunity for submission of comments on international service, and the provisions of the Administrative Procedure Act regarding proposed rulemaking [5 U.S.C. 553] do not apply [39 U.S.C. 410 [a]], the Postal Service invites interested persons to submit written data, views or arguments concerning the proposed International Express Mail Service to Italy and Thailand at the rates indicated in the table below.

List of Subjects in 39 CFR Part 10

Postal service, Foreign relations.

ITALY.—INTERNATIONAL EXPRESS MAIL

Custom designed service[1][2]		On demand service[2]	
Up to and including		Up to and including	
Pounds	Rate	Pounds	Rate
1	$28.00	1	$20.00
2	31.70	2	23.70
3	35.40	3	27.40
4	39.10	4	31.10
5	42.80	5	34.80
6	46.50	6	38.50
7	50.20	7	42.20
8	53.90	8	45.90
9	57.60	9	49.60
10	61.30	10	53.30
11	65.00	11	57.00
12	68.70	12	60.70
13	72.40	13	64.40
14	76.10	14	68.10
15	79.80	15	71.80
16	83.50	16	75.50
17	87.20	17	79.20
18	90.90	18	82.90
19	94.60	19	86.60
20	98.30	20	90.30
21	102.00	21	94.00
22	105.70	22	97.70
23	109.40	23	101.40
24	113.10	24	105.10
25	116.80	25	108.80
26	120.50	26	112.50
27	124.20	27	116.20
28	127.90	28	119.90
29	131.60	29	123.60
30	135.30	30	127.30
31	139.00	31	131.00
32	142.70	32	134.70
33	146.40	33	138.40
34	150.10	34	142.10
35	153.80	35	145.80
36	157.50	36	149.50
37	161.20	37	153.20
38	164.90	38	156.90
39	168.60	39	160.60
40	172.30	40	164.30
41	176.00	41	168.00

ITALY.—INTERNATIONAL EXPRESS MAIL—Continued

Custom designed service [1] [2]		On demand service [2]	
Up to and including		Up to and including	
Pounds	Rate	Pounds	Rate
42	179.70	42	171.70
43	183.40	43	175.40
44	187.10	44	179.10

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.
[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

THAILAND.—INTERNATIONAL EXPRESS MAIL

Custom designed service [1] [2]		On demand service [2]	
Weight not over		Weight not over	
Pounds	Rate	Pounds	Rate
1	$29.00	1	$21.00
2	33.50	2	25.50
3	38.00	3	30.00
4	42.50	4	34.50
5	47.00	5	39.00
6	51.50	6	43.50
7	56.00	7	48.00
8	60.50	8	52.50
9	65.00	9	57.00
10	69.50	10	61.50
11	74.00	11	66.00
12	78.50	12	70.50
13	83.00	13	75.00
14	87.50	14	79.50
15	92.00	15	84.00
16	96.50	16	88.50
17	101.00	17	93.00
18	105.50	18	97.50
19	110.00	19	102.00
20	114.50	20	106.50
21	119.00	21	111.00
22	123.50	22	115.50

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.
[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

An appropriate amendment to 39 CFR 10.3 to reflect these changes will be published when the final rule is adopted.

[39 U.S.C. 401, 404, 407]

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 83-32945 Filed 12-9-83; 8:45 am]

BILLING CODE 7710-12-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

45 CFR Part 400

Refugee Resettlement Program: Placement Policy

AGENCY: Office of Refugee Resettlement (ORR), SSA, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking would amend the refugee resettlement program regulations (45 CFR Part 400) and establish new policies on the placement of refugees in a community of initial resettlement in the United States. The rule would implement section 412(a)(2)(C)(i) of the Immigration and Nationality Act (INA), as amended by the Refugee Assistance Amendments of 1982 (Pub. L. 97-363), by establishing provisions for the designation of areas as highly impacted by the presence of refugees or comparable populations. Under this regulation, annual determinations would be made as to which areas, if any, should be designated as highly impacted and be recommended as unavailable for resettlement except for immediate family reunification as defined by the INA.

DATE: Public comments will be considered if received on or before February 10, 1984.

ADDRESS: Please submit written comments in duplicate to: David Howell, Office of Refugee Resettlement, Room 1332, Switzer Building, 330 C Street, S.W., Washington, D.C. 20201.

Comments will be available for view in Room 1319, 330 C Street, S.W., on Monday through Friday of each week from 9:30 a.m. to 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: David Howell (202) 472-6510.

SUPPLEMENTARY INFORMATION: This proposed rule would implement section 412(a)(2)(C)(i) of the INA, as amended by the Refugee Assistance Amendments of 1982 (Pub. L. 97-363). This provision requires that the Director of the Office of Refugee Resettlement (ORR) develop policies and strategies, in consultation with representatives of voluntary agencies and State and local governments, which "insure that a refugee is not initially placed or resettled in an area highly impacted (as determined under regulations prescribed by the Director after consultation with such agencies and governments) by the presence of refugees or comparable populations unless the refugee has a spouse, parent, sibling, son, or daughter residing in that area * * *" The House and Senate Reports accompanying the 1982 Amendments identify the term "comparable populations" as currently referring to "Cuban/Haitian entrants" and state that the provision cited above "mandates that the policy shall preclude placement, to the extent possible, of other than immediate family reunification cases" in areas which have been designated as highly impacted. (House Report No. 97-541, p. 11; Senate Report No. 97-638, pp. 8-9.)

In implementing the amended statute, this proposed regulation would establish criteria which operationally define high impact for purposes of refugee placement. These criteria are indicative of local conditions of refugee resettlement and, hence, local potential for effective future placement. As such, the criteria reflect the primary purposes of refugee placement policy, which are: To promote the potential for early achievement of self-sufficiency by those refugees who have been and will be resettled in an area under this policy; to reduce negative effects on areas which result from the presence of disproportionately large numbers of refugees, particularly those who are not self-sufficient; and to reduce the possibility of the occurrence of negative effects which might result from continued, unrestricted placement of refugees in an area.

In order to fully carry out these purposes, it is proposed that the restrictions on resettlement in an area designated as highly impacted apply to all refugees who are resettled in the United States, except where a waiver of the restrictions is specifically granted by the Director of ORR. It is not intended that the regulation apply to Cuban/Haitian entrants since resettlement of these groups is essentially completed. For the same reason, however, their presence in a local area is proposed to be included in the refugee population totals, since it affects the local area in essentially similar ways.

Current Policy

Refugees are resettled in the United States by resettlement agencies under agreements with the Department of State. Prior to 1982, no formal regulations or restrictions governed the selection by these agencies of locations for refugee placement. During 1982, the Department of Health and Human Services, in consultation with the Department of State, resettlement agency representatives, State and local officials, and refugee community leaders, developed a national policy for the placement of refugees who are resettled in this country. This policy became effective in July 1982.

Under current refugee placement policy, the placement of close family reunification cases is unrestricted. The policy defines close family reunification cases as those comprised of spouse, children, parents, siblings, grandparents, and grandchildren. The policy allows placement of other relatives in areas which are impacted by refugee resettlement, but requires that determination of the appropriateness of

such placements be made on a case-by-case basis, with the objective of reducing placement in those areas, and minimizing secondary migration. The placement of all other resettlement cases in impacted areas is not in accordance with current placement policies. These policies apply to all refugees who are resettled in the United States, unless specifically exempted by the Department of State.

Current policy also contains a conceptual definition of impact: The existence of circumstances under which, based upon available data and the judgments of those most actively participating in the resettlement effort, continued arrivals of refugees into an area would result in a drain on community resources of sufficient magnitude to materially affect the quality of services to the general community, and would be detrimental to the refugees' prospects for the timely achievement of self-sufficiency. This definition, while not intended to serve as the basis for a formula or other quantified assessment of resettlement site conditions, nonetheless provides a general guide to the review of information about those sites and brings a level of standardization to the concept of impact.

The currrent policy provides that available objective data relevant to the concerns of this definition are to be used as the basis for discussions between the Departments of State and Health and Human Services, resettlement agencies, and State and local governments to determine appropriate responses and requirements for resettlement in areas of high impact. Under this policy provision, the following areas are currently designated as impacted: San Diego County, CA; Orange County, CA; Long Beach, CA; Sacramento, CA; Fresno, CA; Oakland, CA; San Francisco, CA; Stockton, CA; Modesto, CA; St. Paul, MN; Providence, RI; Gulf Coast, TX; Dade County, FL; Arlington County, VA; Fairfax County, VA; Portland, OR; and Elgin, IL.

Changes Contained in This Regulation

Under this notice of proposed rulemaking, high impact is defined for purposes of refugee placement, and a formula which implements this definition is presented. The proposed formula applies two essential criteria to assess whether a resettlement site is highly impacted.

The proposed rule contains a definition of high impact area as an area which, based upon available data and assessments by cognizant public and private officials, has been determined to be experienced significant economic and public service problems which are directly attributable to refugees, and in which continued arrivals would exacerbate these problems and would not afford refugees, both already present and future arrivals, a reasonable opportunity for the timely achievement of self-sufficiency.

The definition of high impact is based upon the experience of public and private officials and takes into account both the general effect of refugee placement on an area as well as the potential for effective resettlement of additional refugees in that area. Areas which have been recognized as highly impacted were assessed for measurable characteristics which would distinguish them from other areas. Quantifiable criteria were then tested to determine if they were accurate predictors of impact as recognized by officials and other experts in the field of refugee resettlement. These criteria were refined so that their use reflects the concept of impact as generally accepted.

The first criterion consists of the county population according to the 1980 U.S. Census divided by the estimated refugee/entrant population on the first day of the current fiscal year. This calculation may be interpreted as persons per refugee.

The second criterion consists of the number of refugees/entrants receiving assistance divided by the estimated refugee/entrant population. Although referred to as "cash assistance percentage," it should not be interpreted as a dependency rate, for the following reasons: (1) It does not include all types of assistance; and (2) only slight corrections have been made in the base population figure for secondary migration. However, the Department believes that this criterion is a good indicator of a locality's ability to absorb additional refugees and that it is an indirect indicator of secondary migration since secondary migrants receiving assistance would be included in the cash assistance data.

We propose to designate a county as highly impacted if it meets certain combinations of cutoffs points on both criteria. The combinations of cutoff points that would qualify a county as "impacted" are as follows: (1) A population/refugee ratio of 200:1 or less in combination with a cash assistance percentage of 50 percent or more; (2) a population/refugee ratio of 100:1 or less in combination with a cash assistance percentage of 40 percent or more; (3) a population/refugee ratio of 50:1 or less, regardless of cash assistance utilization. The simultaneous application of these three combinations of criteria, we believe, will allow a fair and reasonable assessment of, first, the effect which resettlement has had on an area and second, the area's ability to sustain additional resettlement activity in a manner not detrimental to the area or the refugees' pursuit of economic self-sufficiency.

This proposed regulation is not intended to, and should not be construed to, restrict or preclude the right of resettlement agencies, individually or collectively, to reduce or curtail placements in localities which they have determined to be inappropriate for resettlement through their own criteria.

In implementing the INA as amended, this proposed regulation also defines immediate family reunification cases for purposes of refugee placement policy and proposes a mechanism for preventing the placement of non-immediate family reunification cases in highly impacted areas. This proposal would apply to all refugee placements arranged on or after the effective date.

The INA provides that policies and strategies should be implemented "to the extent practicable and except under such unusual circumstances as the Director may recognize." This provision acknowledges that the application of the proposed policy in some specific instances may be, or may produce conditions which would be, inconsistent with its intended purpose of effective resettlement and refugee self-sufficiency. In order to preserve a degree of flexibility to address such situations, a waiver petition process is contained in this regulation.

The proposed regulation also provides for periodic updating of the list of high impact areas. This is established by requiring that the Director of ORR shall re-examine, not less frequently than annually, the designation of areas as highly impacted. Further, the proposed regulation requires the Director to provide notification of the results of such re-examination, including any changes in the list of areas so designated, through notice in the **Federal Register.**

Finally, the proposed regulation provides a mechanism for adjustment and flexibility with regard to the designation of impacted areas. Since there may be reasons dictating consideration of whether an area should be added to or removed from the list of areas designated as highly impacted, this regulation establishes a means of reviewing and amending the impact status of a local area.

A notice listing areas proposed for designation as highly impacted in accordance with this proposed

regulation is published in today's **Federal Register.**

Regulatory Procedures

Executive Order 12291: We have determined that this regulation is not a major rule under provisions of Executive Order 12291.

Regulatory Flexibility Act: We certify that this regulation will not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Paperwork Reduction Act: This regulation contains no reporting or record-keeping requirements subject to OMB review and approval under the Paperwork Reduction Act of 1980.

List of Subjects in 45 CFR Part 400

Refugees, Department of State, Placement, Resettlement.

PART 400—REFUGEE RESETTLEMENT PROGRAM

45 CFR Part 400 is amended as follows:

(1) Sections 400.63 through 400.399 are added and reserved.

§ 400.63—400.399 [Reserved]

(2) A new § 400.400 is added to read as follows:

§ 400.400 Refugee placement policy: High impact areas; periodic impact area designation; interim reconsideration of impact status designation; implementation of placement restriction; waiver request process.

(a) *Definitions.* For purposes of this section—

(1) "Director" means Director of the Office of Refugee Resettlement.

(2) "Placement" means the arrangement, act, and place of the initial residence of a refugee upon legal entry to the United States.

(3) "Resettlement agency" means a public or private agency which has entered into an agreement with the U.S. Department of State for purposes of arranging placement and assisting the resettlement of refugees in the United States.

(4) "Resettlement case" means an individual or individuals who are legally related who are admitted to the United States as refugees under title II of the Immigration and Nationality Act and whose resettlement in this country is effected by a resettlement agency.

(5) "Immediate family reunification" means placement of a resettlement case, for purposes of initial residence, in a local area wherein resides, at the time of the legal entry of such case into the United States, a spouse, parent, sibling, son or daughter of an individual in that case.

(6) "High impact area" means an area which, based upon available data and empirical assessments by cognizant public and private officials, has been determined to be experiencing significant economic and public service problems which are attributable directly to the presence of refugees, and in which continued arrivals would exacerbate these problems and would not afford refugees, both already present and future arrivals, a reasonable opportunity for the timely achievement of self-sufficiency. The following quantitative measures of high impact have been derived to identify areas which meet this definition:

(i) A ratio of total population to refugees of between 101:1 and 200:1, and a rate of refugee cash assistance use of 50% or more; or

(ii) A ratio of total population to refugees of between 51:1 and 100:1, and a rate of refugee cash assistance use of 40% or more; or

(iii) A ratio of total population to refugees of 50:1 or less.

(7) "Refugee population" means the number of refugees (or comparable populations) who have been in the United States less than 3 years as of the date designated by the Director for the determination of high impact areas.

(b) *Periodic designation of high impact areas.* The Director shall examine, not less frequently than annually, the designation of areas as highly impacted and shall provide notification of the results of such examination, including any changes in the list of areas so designated, through notice in the **Federal Register.**

(c) *Reconsideration of impact status designation.* The Director may, at any time, designate an area as highly impacted if revised data indicate that the area meets the definition of highly impacted as set forth in paragraph (a)(6) of this section. The Director may, at any time, rescind an area's designation of highly impacted if revised data indicate that the area does not meet the definition of highly impacted set forth in paragraph (a)(6) of this section, or if, after consultation with State and local officials, the State refugee coordinator, the directors of resettlement agencies which place refugees in the area, and members of the local refugee community, the Director determines that the area is no longer highly impacted, and that, in order to promote effective resettlement, such designation should be removed. Such designation or rescission of high impact status shall be announced by notice in the **Federal Register.**

(d) *Placement implementation.* The Director shall provide to appropriate officials of the Department of State (DOS), who have authority to enter into contracts for or to provide grants for the placement of refugees, a list of areas which are designated as highly impacted at the time that such list is published in the **Federal Register,** identifying these as areas which meet the criteria for the placement of cases of 'immediate family reunification" only, as defined in paragraph (a)(5) of this section, except when a waiver may be granted under paragraph (e) of this section. The Director shall recommend to DOS that its contractors and grantees be prohibited from placing refugees who are not described in paragraph (a)(5) of this section in areas designated as highly impacted.

(e) *Waiver request.* A resettlement agency or a State or local government may petition the Director for a waiver of the placement limitation in paragraph (d) of this section. In support of each case for which a waiver is requested, the petitioning party must submit, in writing, relevant and specific information, as required by the Director, which illustrates conclusively that the resettlement case should be exempt from any placement prohibition because to do otherwise would be inconsistent with the intended purposes of refugee placement policy. A waiver petition must be signed by the Director of a resettlment agency, as defined in paragraph (a)(2) of this section; or a State refugee coordinator, as defined in section 400.2; or the chief elected official of the local jurisdiction in which the case would be placed.

(Pub. L. 97-363, 96 Stat. 1735; 8 U.S.C. 1522(a))

(No Catalog of Federal Domestic Assistance number has been assigned.)

Dated: August 5, 1983.

John A. Svahn,

Commissioner of Social Security.

Approved: October 20, 1983.

Margaret M. Heckler,

Secretary of the Department of Health and Human Services.

[FR Doc. 83-32784 Filed 12-9-83; 8:45 am]

BILLING CODE 4190-11-M

Notices

Federal Register
Vol. 48, No. 239
Monday, December 12, 1983

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Level of Donated-Food Assistance or Cash in Lieu Thereof for Nutrition Programs for the Elderly Fiscal Year 1984

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the value of donated foods or cash in lieu thereof which is authorized to be provided by the Secretary during the period October 1, 1983 through September 30, 1984, for nutrition services under the Older Americans Act of 1965, as amended.

EFFECTIVE DATE: October 1, 1983.

FOR FURTHER INFORMATION CONTACT: Gwena Kay Tibbits, Chief, Program Administration Branch, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, Alexandria, Virginia 22302, (703) 756–3660.

SUPPLEMENTARY INFORMATION: This action, which implements a mandatory provision of section 311 of the Older Americans Act of 1965, has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified as "nonmajor" because it does not meet any of three criteria in the definition of "major rule" in the executive Order. It will not have an annual effect on the economy of $100 million or more, will not cause a major increase in costs or prices, and will not have a significant impact on competition, employment, productivity, innovation, or the ability of U.S. enterprises to compete. The action has also been reviewed with regard to the requirements of Pub. L. 96–354, the Regulatory Flexibility Act of 1980. Robert E. Leard, Administrator, Food and Nutrition Service, has determined that it will not have a significant economic impact on a substantial number of small entities. The purpose of this action is to notify States of the level of donated-food assistance to be provided for nutrition services under the Older Americans Act during Fiscal Year 1984.

This notice imposes no new reporting or recordkeeping provisions that are subject to Office of Management and Budget review.

Notice is hereby given that pursuant to section 311(a)(4) of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), the level of assistance in food commodities or, where applicable, cash in lieu thereof, to be provided by the Secretary of Agriculture to recipients of grants or contracts for the operation of nutrition services under Titles III and VI of the Act for the period October 1, 1983 through September 30, 1984, will be 56.50 cents per meal. However, in accordance with section 311(d)(2) of the Act, this amount is subject to reduction by the Secretary if the sum appropriated for this purpose for Fiscal Year 1984 is insufficient. Section 311(a)(4) requires the Secretary, in donating foods or providing cash in lieu thereof to nutrition programs for the elderly funded under the Act, to maintain a minimum level of assistance during each fiscal year after Fiscal Year 1978 of not less than 30 cents per meal. That amount shall be adjusted on an annual basis for each fiscal year to reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics (BLS) of the Department of Labor. The minimum level of assistance at 56.50 cents per meal includes such an adjustment and reflects an increase in that series of 4.0 percent as reported by BLS for the period September 1982 through August 1983.

Section 311(d)(1) of the Act authorizes appropriations of $105,000,000 for Fiscal Year 1984, to carry out the provisions of section 311(a)(4). Section 311(d)(2) of the Act requires the Secretary to reduce the level of assistance per meal in any fiscal year in which compliance with section 311(a)(4) costs more than the amount appropriated. In accordance with this provision, if it appears that insufficient funds will be available in Fiscal Year 1984 to provide the level of assistance announced in this Notice, the level will be reduced uniformly for each meal served in nutrition programs for the elderly. The Secretary will disburse any funds remaining after this reduced level of assistance has been provided so that each State will receive an amount which bears the same ratio to the total remaining funds as the number of meals reported as served in nutrition programs for the elderly in the State bears to the total number of such meals reported by all the States. Notice of the Department's intent to reduce the level of assistance will be given in the **Federal Register** as soon as such action has been determined necessary.

(Catalog of Federal Domestic Assistance No. 10.550)

Dated: December 2, 1983.

Robert E. Leard,

Administrator.

[FR Doc. 83-32904 Filed 12-9-83; 8:45 am]
BILLING CODE 3410-30-M

Packers and Stockyards Administration

Deposting of Stockyards; Hebron, Connecticut, et al.

It has been ascertained, and notice is hereby given, that the livestock markets named herein, orginally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No.,	Name, and location of stockyard	Date of posting
CT-101	Hebron Horse Auction, Hebron, Connecticut.	Jan. 1, 1969.
NY-155	Tyrell's Livestock Market, Utica, New York.	Jan. 14, 1976.
PA-108	Danville Cattle Co., Inc., Danville, Pennsylvania.	Nov. 23, 1959.
RI-100	Danny's Auction Barn, Foster, Rhode Island.	Feb. 25, 1976.

Notice or other public procedure has not proceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a change relieving restriction and may be made effective in less than 30 days after publication in the **Federal Register**. This notice shall become effective upon publication in the **Federal Register**.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 *et seq.*)

Done at Washington, D.C., this 6th day of December 1983.

Jack W. Brinckmeyer,

Chief, Financial Protection Branch, Livestock Marketing Division.

[FR Doc. 83-32981 Filed 12-9-83; 8:45 am]

BILLING CODE 3210-02-M

Proposed Posting of Stockyard; Manchester, Iowa

The Chief, Financial Protection Branch, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock market named below is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

IA-258 Manchester Livestock Auction, Inc., Manchester, Iowa

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, as amended (7 U.S.C. 181 *et seq.*), proposes to designate the stockyard named above as a posted stockyard subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed designation, may do so by filing them with the Chief, Financial Protection Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by December 27, 1983.

All written submissions made pursuant to this notice shall be made available for public inspection in the office of the Chief of the Financial Protection Branch during normal business hours.

Done at Washington, D.C., this 6th day of December 1983.

Jack W. Brinckmeyer,

Chief, Financial Protection Branch, Livestock Marketing Division.

[FR Doc. 83-32980 Filed 12-9-83; 8:45 am]

BILLING CODE 3410-02-M

Soil Conservation Service

Myrick-Wenger-Peterson Critical Area Treatment RC&D Measure, Florida; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Myrick-Wenger-Peterson Critical Area Treatment RC&D Measure, Escambia County, Florida.

FOR FURTHER INFORMATION CONTACT: James W. Mitchell, State Conservationist, Soil Conservation Service, 401 S.E. 1st Avenue, Room 248, Gainesville, Florida 32601, telephone (904) 377-0946.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, James W. Mitchell, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for critical area treatment. The planned works of improvement include a concrete waterway apron, grade stabilization structure, and critical area planting.

The Notice of a Finding of No Signiciant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting James W. Mitchell.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901 Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: November 30, 1983.

James W. Mitchell,

State Conservationist.

[FR Doc. 83-32887 Filed 12-9-83; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 234]

Resolution and Order Approving the Application of the Massachusetts Port Authority for a Foreign-Trade Subzone for General Dynamics Corporation in Quincy, Massachusetts, Within the Boston Customs Port of Entry

Resolution and Order. Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Massachusetts Port Authority, filed with the Foreign-Trade Zones Board (the Board) on May 12, 1983, requesting authority on behalf of General Dynamics Corporation (GD) for FTZ subzone status at the GD-Quincy Shipyard in Quincy, Massachusetts, within the Boston Customs port of entry, the Board finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations would be satisfied, and that the proposal would be in the public interest, if approval is subject to certain conditions, approves the application subject to the following conditions: (1) Any steel plate, angles, shapes, channels, rolled sheet stock, bars, pipes and tubes, classified under Schedule 6, Part 2, Subp. B. TSUS, and not incorporated into merchandise otherwise classified, and which is used in the manufacture of vessels, shall be subject to Customs duties in accordance with applicable law, if the same item is then being produced by a domestic steel mill; and (2) in addition to the annual report, GD-Quincy shall advise the Board's Executive Secretary as to significant new contracts, other than for the TAKX project, with appropriate information concerning foreign purchases otherwise dutiable, so that the Board may consider whether any foreign dutiable items are being imported for manufacturing in the subzone primarily because of subzone statuts and whether the Board should consider requiring Customs duties to be paid on such items.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

To Establish a Foreign-Trade Subzone in Quincy, Massachusetts Within the Boston Customs Port of Entry

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the Massachusetts Port Authority, grantee of Foreign-Trade Zone No. 27 in Boston, has made application (filed May 12, 1983, Docket No. 16–83, 48 FR 22604) in due and proper form to the Board for authority to establish a special-purpose subzone at the shipyard of the Quincy Shipbuilding Division, General Dynamics Corporation, Quincy, Massachusetts, within the Boston Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations would be satisfied it approval is given subject to the conditions stated in the resolution accompanying this action;

Now, therefore, in accordance with the application filed May 12, 1983, the Board hereby authorizes the establishment of a subzone at General Dynamics' Quincy, Massachusetts shipyard, designated on the records of the Board as Foreign-Trade Subzone No. 27B at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and the Regulations, and those stated in the resolution accompanying this action, and also to the following express conditions and limitations:

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necessary permits shall be obtained from Federal, State, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In Witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington, D.C. this 2nd day of December 1983 pursuant to Order of the Boards.

Foreign-Trade Zones Board.

Malcolm Baldrige,

Chairman and Executive Officer.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 83-32951 Filed 12-9-83; 8:45 am]

BILLING CODE 3510-05-M

International Trade Administration

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and invites interested parties to submit information relevant to the determination of whether a certificate should be issued.

DATES: Comments on this application must be submitted on or before January 2, 1984.

ADDRESS: Interested parties should submit their written comments, original and five (5) copies, to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, D.C. 20230.

Comments should refer to this application as "Export Trade Certificate of Review, application number 83–00034."

FOR FURTHER INFORMATION CONTACT: Charles S. Warner, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377–5131, or Eleanor Roberts Lewis, Assistant General Counsel for Export Trading Companies, Office of General Counsel, 202/377–0937. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (Pub. L. 97–290) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III can be found at 48 FR 10595–10604 (Mar. 11, 1983) (to be codified at 15 CFR Part 325). A certificate of review protects its holder and the members identified in it from private treble damage actions and from civil and criminal liability under federal and state antitrust laws for the export trade, export trade activities and methods of operation specified in the certificate and carried out during its effective period in compliance with its terms and conditions.

Standards Certification

Proposed export trade, export trade activities, and methods of operation may be certified if the applicant establishes that such conduct will:

1. Result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant,

2. Not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class exported by the applicant,

3. Not constitute unfair methods of competition against competitors engaged in the export of goods, wares, merchandise, or services of the class exported by the applicant, and

4. Not include any act that may reasonably be expected to result in the sale for consumption or resale within the United states of the goods, wares, merchandise, or services exported by the applicant.

The Secretary will issue a certificate if he determines and the Attorney General concurs, that the proposed conduct meet these four standards. For a further discussion and analysis of the conduct eligible for certification and of the four certification standards, see "Guidelines for the issuance of Export Trade

Certificates of Review," 48 FR 15937–10 (April 13, 1983).

Request for Public Comments

The Office of Export Trading Company Affairs (OETCA) is issuing this notice in compliance with section 302(b)(1) of the Act which requires the Secretary to publish a notice of the application in the **Federal Register** identifying the persons submitting the application and summarizing the conduct proposed for certification. The OETCA and the applicant have agreed that this notice fairly represents the conduct proposed for certification. Through this notice, OETCA seeks written comments from interested persons who have information relevant to the Secretary's determination to grant or deny the application below. Information submitted by any person in connection with the application(s) is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552).

The OETCA will consider the information received in determining whether the proposed conduct is "export trade," "export trade activities" of a "method of operation" as defined in the Act, regulations and guidelines and whether it meets the four certification standards. Based upon the public comments and other information gathered during the analysis period, the Secretary may deny the application or issue the certificate with any terms or conditions necessary to assure compliance with the four standards.

The OETCA has received the following application for an Export Trade Certificate of Review:

Applicant: Micro Products Company, 20 North Wacker Drive, Chicago, Illinois 60606.

Application No.: 83–00034.

Date Received: November 23, 1983.

Date Deemed Submitted: November 28, 1983.

Members in Addition to the Applicant include the following shareholders: Mary Ann H. Sommer, Boulder, CO; Richard H. Sommer, Colorado Springs, CO; Betty S. Toy, Los Gatos, CA; Patricia J. Raven, Shawnee Mission, KS; Polly Ann Raven, Richmond, CA; Thomas C. Gillett, LaCanada, CA; and Rebecca G. Stewart, Tiburon, CA.

Summary of Application: Micro Products Company, an Illinois corporation, submitted an application seeking certification for the following export trade activities and methods of operation for its export trade worldwide.

Export Trade

The Applicant and its members intend to export precision flash, spot, resistance and butt welding machines. The Applicant and its members further intend to provide all services related to the sales and maintenance of their products, including the advertising and marketing of products and providing technical application and assistance to end-users or representatives.

B. Export Trade Activities and Methods of Operation

The Applicant and its members seek to enter into exclusive and non-exclusive agreements with suppliers, including suppliers within the same industry to act as a sales representative broker, purchasing agent and distributor. The Applicant and its members propose to enter into, may refuse to enter into, and from time to time may terminate, exclusive and non-exclusive agreements with distributors, agents, sales representatives, and customers located in foreign countries and in the United States for goods and services being exported or in the course of being exported. The foregoing agreements might contain territorial, customer, price and/or quantity restrictions.

In addition, the Applicant and its members seek to have certified the packaging of quotations responsive to invitations to bid, including the supply of products or services in the same industry, and seek certification for the designation and coordination of the sharing of business among the suppliers of the Applicant and its members. In addition, with respect to goods or services in the course of being exported, the Applicant and its members propose to consult and exchange information with competitors to ascertain the existence of, prepare bids for, and share business from foreign customers.

C. Export Markets

The Applicant and its members intend to market its products and services worldwide.

Dated: December 7, 1983.

Irving P. Margulies,

Deputy General Counsel.

[FR Doc. 83–32937 Filed 12–9–83; 8:45 am]

BILLING CODE 3510-DR-M

Issuance of Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Issuance of Export Trade Certificate of Review.

SUMMARY: The Department of Commerce has issued an export trade certificate of review to Texas First Intercontinental Trading Company ("Texas First"). This notice summarizes the conduct for which certification has been granted.

ADDRESS: The Department requests public comments on this certificate. Interested parties should submit their written comments, original and five (5) copies, to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, D.C. 20230.

Comments should refer to the certificates as "Export Trade Certificate of Review, application number 83–00019."

FOR FURTHER INFORMATION CONTACT: Charles S. Warner, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377–5131, or Eleanor Roberts Lewis, Assistant General Counsel for Export Trading Companies, Office of General Counsel, 202/377–0937. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. No. 97–290) authorizes the Secretary to issue export trade certificates of review. The regulations implementing the Act are found at 48 FR 10595–604 (March 11, 1983) (to be codified at 15 CFR Part 325). A certificate of review protects its holder and the members identified in it from private treble damage actions and government criminal and civil suits under federal and state antitrust laws for the export conduct specified in the certificate and carried out during its effective period in compliance with its terms and conditions.

Standards for Certification

Proposed export trade, export trade activities, and methods of operation may be certified if the applicant establishes that such conduct will:

1. Result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant;

2. Not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class exported by the applicant;

3. Not constitute unfair methods of competition against competitors engaged in the export of goods, wares, merchandise, or services of the class exported by the applicant; and

4. Not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

The Secretary will issue a certificate if he determines, and the Attorney General concurs, that the proposed conduct meets these four standards. For a further discussion and analysis of the conduct eligible for certification and of the four certification standards, see "Guidelines for the Issuance of Export Trade Certificates of Review," 48 FR 15937–40 (April 13, 1983).

Description of Certified Conduct

Texas First—Application No. 83–00019

The Office of Export Trading Company Affairs received an application for an export trade certificate of review from Texas First on September 2, 1983. The application was deemed submitted on September 8, 1983. A summary of the application was published in the **Federal Register** on September 21, 1983 (48 FR 43062–63 (1983)). Based on analysis of the information contained in the application, the response to supplementary questions, and other information in their possession, the Department of Commerce has determined, and the Department of Justice concurs, that the following export trade, export trade activities, and methods of operation specified by Texas First meet the four standards of the Act:

Export Trade

Goods in the following categories:

a. Food and Kindred Products, limited to:
1. Preserved fruits and vegetables;
2. Grain mill products;
3. Sugar and confectionery products; and
4. Fats and oils.

b. Textile Mill Products, limited to:
1. Weaving mills, cotton;
2. Weaving mills, manmade fiber and silk;
3. Weaving and finishing mills, wools;
4. Narrow fabric mills;
5. Knitting mills;
6. Textiles finishing, except wool;
7. Yarn and thread mills; and
8. Miscellaneous textile goods.

c. Apparel and Other Finished Products Made from Fabrics and Similar Materials, Limited to:
1. Men's and boys' suits and coats;
2. Men's and boys' furnishings;
3. Women's and misses' outerwear;
4. Women's and children's undergarments;
5. Hats, caps, and millinery;
6. Children's outerwear;
7. Fur goods;
8. Miscellaneous apparel and accessories; and
9. Miscellaneous fabricated textile products.

d. Furniture and Fixtures, limited to:
1. Partitions and fixtures; and
2. Miscellaneous furniture and fixtures.

e. Miscellaneous Converted Paper Products.

f. Chemicals and Allied Products, limited to:
1. Industrial inorganic chemicals;
2. Plastics materials and synthetics;
3. Drugs;
4. Soaps, cleaners and toilet goods;
5. Paints and allied products;
6. Industrial organic chemicals;
7. Agricultural chemicals; and
8. Miscellaneous chemical products.

g. Miscellaneous Petroleum and Coal Products.

h. Fabricated Rubber Products.

i. Miscellaneous Plastics Products.

j. Porcelain Electrical Supplies.

k. Miscellaneous Nonmetallic Mineral Products.

l. Steel Pipe and Tubes Not Made in Steel Works or Rolling Mills.

m. Drawing and Insulating of Nonferrous Wire.

n. Fabricated Metal Products, Except Machinery and Transportation Equipment, limited to:
1. Cutlery, hand tools and hardware;
2. Plumbing and heating, except electric;
3. Screw machine products, bolts, etc.;
4. Ordinance and accessories; and
5. Miscellaneous fabricated metal products.

o. Machinery, limited to:
1. Engines and turbines;
2. Farm and garden machinery;
3. Construction and related machinery;
4. Metalworking machinery;
5. Special industry machinery;
6. General industrial machinery;
7. Office and computing machines;
8. Refrigeration and service machinery; and
9. Miscellaneous machinery, except electrical.

p. Electrical and Electronic Machinery, Equipment and Supplies, limited to:
1. Electric distributing equipment;
2. Electrical industrial apparatus;
3. Household appliances;
4. Electrical lighting and wiring equipment;
5. Radio and television receiving sets;
6. Communication equipment;
7. Electric components and accessories; and
8. Miscellaneous electrical equipment and supplies.

q. Transportation Equipment, limited to:
1. Aircraft and parts; and
2. Guided missiles, space vehicles, parts.

r. Measuring, Analyzing and Controlling Instruments; Photographic, Medical and Optical Goods; Watches and Clocks, limited to:
1. Engineering and scientific instruments;
2. Measuring and controlling devices;
3. Optical instruments and lenses;
4. Surgical and medical instruments;
5. Ophthalmic goods;
6. Photographic equipment and supplies; and
7. Watches, clocks and watchcases.

Export Markets

The export markets include all parts of the world except the United States (the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export-Trade Activities and Methods of Operation

Texas First may enter into and terminate the following types of agreements:

a. Nonexclusive agreements with single buyers to act as a purchasing agent or broker in the Export Markets;

b. Nonexclusive agreements with single U.S suppliers to act as a sales representative or broker in the Export Markets;

c. Exclusive agreements with single U.S. suppliers to act as a sales representative (the term of these agreements will not exceed three years and will be renewable by mutual consent);

d. Nonexclusive agreements appointing foreign representatives (including agents, brokers, and distributors) in the Export Markets;

e. Exclusive marketing agreements with foreign representative (including brokers, agents and distributors) in the Export Markets, in which Texas First may designate export price, territory, and quantity terms; and

f. Exclusive agreements with single buyers in the Export Markets to act as a purchasing agent with respect to a particular transaction.

Texas First may also offer the packaging of complementary products as a unit in Export Trade for sale in the Export Markets, whereby Texas First

packages the complementary products independently of suppliers of the products.

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.5(c), which requires the Department of Commerce to publish a summary of a certificate in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.10(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

A copy of each certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4001–B, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230. The certificate may be inspected and copied in accordance with regulations published in 15 CFR Part 4. Information about the inspection and copying of records at this facility may be obtained from Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377–3031.

Dated: December 7, 1983.

Irving P. Margulies,

Deputy General Counsel.

[FR Doc. 83-32938 Filed 12-9-83; 8:45 am]

BILLING CODE 3510-DR-M

The University of California; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 82–00338. Applicant: The University of California, Davis, California 95616. Instrument: Excimer Laser Pumped Tunable Dye Laser System. Manufacturer: Lambda Physik Gmbh & Co., West Germany. Intended use: See notice at 47 FR 41410.

Comments: None received:

Decision:

Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, was being manufactured in the United States at the time the instrument was ordered (September 24, 1981).

Reasons: No reasonable combination of domestic instruments could provide the capability of operation at wavelengths between 157 and 350 nm in conjunction with the capability of conducting infrared multiphoton absorption using plused CO_2 operation which is pertinent to the purposes described by the applicant.

We know of no other domestic instrument or apparatus of equivalent scientific value to the foreign instrument being manufactured at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creil,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 83-32943 Filed 12-9-83; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Change in Meeting Location

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of change in meeting location.

SUMMARY: The meeting location as published in the **Federal Register** (December 6, 1983, 48 FR 54677), for the public meeting (December 14–16, 1983), of the Gulf of Mexico Fishery Management Council has been changed as follows:

From

Bay Harbor Inn, 7700 Courtney Campbell Causeway, Tampa, Florida

To

Downtown Hilton, 200 Ashley Drive, Tampa, Florida

All other information remains unchanged.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, telephone: (813) 229–2815.

Dated: December 6, 1983.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 83-32940 Filed 12-9-83; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of the Import Level for Certain Cotton Textile Products Produced or Manufactured in Pakistan

December 7, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Further amending the bilateral agreement with Pakistan to: (1) Establish a new specific limit of 1,769,739 pounds for Category 369 pt. (only TSUSA numbers 366.1820, 366.1840, 366.2120, 366.2140, 366.2420, 366.2440, and 366.2740; and (2) establish a designated consultation level of 6,273,739 pounds for other cotton manufactures in Category 369 (excluding TSUSA numbers 366.1855, 366.1820, 366.1840, 366.2120, 366.2140, 366.2420, 366.2440, and 366.2740), produced or manufactured in Pakistan and exported during 1983. Bar mops in TSUSA No. 366.1855 will not be covered by either level, but imports of these products will be charged to the aggregate limit of the agreement.

By exchange of letters dated October 28 and November 10, 1983 the Governments of the United States and Pakistan have agreed to further amend the Bilateral Cotton Textile Agreement of March 9 and 11, 1982, as amended, to establish a new specific limit and a designated consultation level for parts of Category 369.

EFFECTIVE DATE: December 12, 1983.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 17, 1982, there was published in the **Federal Register** (47 FR 56536) a letter dated December 14, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton textile products, including Category 369, produced or manufactured in Pakistan, and exported to the United States during the twelve-month period which began on January 1, 1983. In accordance with the terms of a further amendment to the bilateral agreement with Pakistan, the Chairman of the Committee for the Implementation of Textile Agreements is directing the Commissioner of Customs to establish two separate levels for Category 369 at the amounts designated.

The levels have not been adjusted to account for any imports exported after December 31, 1982. Charges for the period January–October 1983 have amounted to 1,442,307 pounds in Category 369 (only TSUSA numbers 366.1820, 366.1840, 366.2120, 366.2140, 366.2420, 366.2440, and 366.2740). In Category 369 pt. (all TSUSA numbers except 366.1855, 366.1820, 366.1840, 366.2120, 366.2140, 366.2420, 366.2440, and 366.2740), imports during the January–October 1983 period have amounted to 5,079,432 pounds and will also be charged. As the data become available, further charges will be made to the levels to account for merchandise exported in 1983 and imported during the period beginning on November 1, 1983 and extending to the effective date of this action, as well as thereafter.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 7, 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 14, 1982, which established levels for restraint for certain specified categories of cotton textiles and cotton textile products, produced or manufactured in Pakistan and exported during 1983.

Effective on December 12, 1983, the directive of December 14, 1983 is hereby further amended to establish the following levels for cotton textile products in Category 369:

Category	12-month level of restraint [1] (pounds)
369 pt.[2]	1,769,739
369 pt.[3]	6,273,739

[1] The levels have not been adjusted to reflect any imports exported after December 31, 1982. Imports in Category 369 pt.[2] have amounted to 1,442,307 pounds during the period January–October 1983. For Category 369 pt.[2] charges have amounted to 5,079,432 pounds.

[2] In Category 369 only TSUSA numbers 366.1820, 366.1840, 366.2120, 366.2140, 366.2420, 366.2440, and 366.2740.

[3] In Category 369 all TSUSA numbers except 366.1855, 366.1820, 366.1840, 366.2120, 366.2140, 366.2420, 366.2440, and 366.2740.

The action taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-32984 Filed 12-9-83; 8:45 am]

BILLING CODE 3510-DR-M

Adjustment of the Import Restraint Levels for Certain Wool and Man-Made Fiber Apparel Products Produced or Manufactured in the Socialist Federal Republic of Yugoslavia

December 7, 1983.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on December 13, 1983. For further information contact Gordana Slijepcevic, International Trade Specialist (202)/377–4212.

Background

A CITA directive of February 15, 1983 (48 FR 7246) established limits for certain wool and man-made fiber textile products in Category 443/643 (men's and boys' wool and man-made fiber suits), produced or manufactured in Yugoslavia and exported during 1983. Under the terms of the Bilateral Wool and Man-Made Fiber Textile Agreement of October 26 and 27, 1978, between the Governments of the United States and the Socialist Federal Republic of Yugoslavia, and at the request of the Government of the Socialist Federal Republic of Yugoslavia, the limit for Category 443/643 and the sublimit for 443 are being increased by the application of swing and carryover for goods exported during 1983.

A description of the textile categories in terms of TSUSA numbers was published in the 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).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 7, 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 February 15, 1983 from the Chairman of the Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain wool and man-made fiber textile products, produced or manufactured in Yugoslavia and exported during 1983.

Effective on December 13, 1983 paragraph 1 of the directive of February 15, 1983 is hereby amended to adjust levels of restraint established for wool and man-made fiber textile products in Category 443/643 exported during 1983, according to the terms of the Bilateral Wool and Man-Made Fiber Textile Agreement of October 25 and 26, 1978, between the Governments of the United States and the Socialist Federal Republic of Yugoslavia [1] to the following:

Category	Adjusted 12-month level of restraint [1]
443/643	18,864 dozen of which not more than 9,750 dozen shall be in Cat. 443.

[1] The levels of restraint have not been adjusted to reflect any imports exported after December 31, 1982.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-32985 Filed 12-9-83; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of Import Levels for Certain Cotton, Wool, and Man-Made Fiber Textile Products From Thailand, Effective on January 1, 1984

December 7, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishment of import levels for certain cotton, wool, and man-made fiber textile products imported from Thailand, effective on January 1, 1984.

SUMMARY: The Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of July 27 and August 8, 1983 establishes, among other things, levels of restraint for cotton, wool, and man-made fiber textile products in Categories, 313, 314, 315, 319, 320, 331, 334/335, 338/339, 340, 341, 347/348, 445/446, 604, 613, 634/635, 641, 645/646, and 647/648 during the agreement year beginning on January 1, 1984. In the letter published below the Chairman, Committee for the Implementation of Textile Agreements, directs the Commissioner of Customs to prohibit entry into the United States for consumption or withdrawal from warehouse for consumption of textile products in the foregoing categories,

[1] The bilateral agreement provides, among other things, that: (1) within the group limit the specific limit may be exceeded by no more than five percent in any agreement period; and (2) the group limit may the exceeded for carryover and carryforward not to exceed 11 percent of the applicable limit.

produced or manufactured in Thailand and exported during the twelve-month period beginning on January 1, 1984, in excess of the designated levels. The levels for Categories 313, 314, 315, and 331 have been adjusted to account for carryforward used in 1983.

A description of the textile categories in terms of TSUSA numbers was published in the **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).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1984.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. (202/377–4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 7, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of July 27 and August 8, 1983, between the Governments of the United States and Thailand; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Orders 11951 of January 6, 1977 and 12188 of January 2, 1980, you are directed to prohibit, effective on January 1, 1984 entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Thailand and exported during 1984 in excess of the following levels of restraint:

Category	12-month level of restraint [1]
313	11,600,000 square yards.
314	8,500,000 square yards.
315	17,000,000 square yards.
319	6,360,000 square yards.
320	10,494,000 square yards.
331	438,744, dozen pairs.
334/335	60,910 dozen.
338/339	659,725 dozen.
340	116,354 dozen.
341	122,846 dozen.
347/348	207,631 dozen.
445/446	15,150 dozen.
604	742,000 pounds of which not more than 430,894 pounds shall be in T.S.U.S.A. No. 310.5049.
613	14,575,000 square yards.
634/635	425,362 dozen.
641	183,695 dozen.
645/646	83,742 dozen.
647/648	474,299 dozen.

[1] The levels of restraint have not been adjusted to reflect any imports exported after December 31, 1983.

In carrying out this directive, cotton, wool and man-made fiber textile products in all of the foregoing categories, produced or manufactured in Thailand and exported to the United States on and after January 1, 1983 and extending through December 31, 1983, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during that twelve-month period. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The levels set forth above are subject to adjustment according to the terms of the bilateral agreement of July 27 and August 8, 1983 between the Governments of the United States and Thailand, which provide, in part, that: (1) Under certain specified conditions any non-apparel specific limit or sublimit may be exceeded by not more than 7 percent, provided that the amount of the increase is compensated for by an equal square yard equivalent decrease in another specific limit in the same group; (2) specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **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).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Thailand and with respect to imports of cotton, wool and man-made fiber textile products from Thailand have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 533. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-32986 Filed 12-9-83; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of Import Restraint Levels for Certain Wool and Man-Made Fiber Textile Products From the Polish People's Republic, Effective on January 1, 1984

December 7, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain wool and man-made fiber textile products imported from Poland, effective on January 1, 1984.

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 15, 1980 and March 20, 1981 between the Governments of the United States and the Polish People's Republic establishes specific ceilings for wool and man-made fiber textile products in Categories 433, 443/643/644, and 444, produced or manufactured in Poland and exported during the twelve-month period which begins on January 1, 1984.

In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of wool and man-made fiber textile products in the foregoing categories in excess of the designated twelve-month levels of restraint. The levels for Category 433 and the sublimit for Category 443/643/644 have been reduced to reflect carryforward used in 1983.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **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).

EFFECTIVE DATE: January 1, 1984.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. (202/377–4212).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 7, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 15, 1980 and March 20, 1981, between the Governments of the United States and the Polish People's Republic; and in accordance with the provisions in Executive Order 11651 of March 3, 1972, as amended by Executive Orders 11951 of January 6, 1977 and 12188 of January 2, 1980, you are directed to prohibit, effective on January 1, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in the following categories, produced or manufactured in Poland and exported in 1984, in excess of the indicated levels of restraint:

Category	12-month level of restraint
433	6,934 dozen.
443/643/644	15,302 dozen of which not more than 12,598 dozen shall be applied to all T.S.U.S.A. numbers in these categories except 379.8351, 379.8352, 379.8920 and 379.9560.
444	4,914 dozen.

In carrying out this directive, entries of wool and man-made fiber textile products in the foregoing categories, except Category 444, produced or manufactured in Poland, which have been exported to the United States during the period beginning on January 1, 1983 and extending through December 31, 1983, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during that twelve-month period. In the event the levels of restraint established for that period have been exhausted by previous entires, such goods shall be subject to the levels set forth in this letter. Textile products in Category 444 which have been exported before January 1, 1984 shall not be subject to this directive.

The levels of restraint set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of September 15, 1980 and March 20, 1981, between the Governments of the United States and the Polish People's Republic, which provide, in part, that: (1) Within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement will be made to you by letter.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the 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).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Polish People's Republic and with respect to imports of wool and man-made fiber textile products from Poland have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 533. This letter will be published in the Federal Register.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-32987 Filed 12-9-83; 8:45 am]

BILLING CODE 3510-DR-M

Adjustment of the Import Limit for Certain Cotton Apparel Products From Thailand

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on December 12, 1983. For further information contact Gordana Slijepcevic, International Trade Specialist (202)/377-4212.

Background

A CITA directive dated October 28, 1983 (48 FR 50596), further amended by the application of various types of flexibility, restraint limits established by directive of August 16, 1983 (48 FR 37684) for a number of categories of textile products, including Category 340 (men's and boys' woven cotton shirts), produced or manufactured in Thailand and exported during 1983. Carryover was applied to the limit for Category 340 in the October 28 directive. Since that adjustment was made, further imports have been entered which were exported during 1982 and are chargeable to the 1982 limit for Category 340. Accordingly, because the amount of carryover available in this category has been reduced, the Chairman of the Committee for the Implementation of Textile Agreements is directing the Commissioner of Customs to reduce the 1983 limit for Category 340 from 117,729 dozen to 117,429 dozen.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 7, 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 August 16, 1983, from the Chairman of the Committee for the Implementation of Textile Agreements concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in Thailand and exported during 1983.

Effective on December 12, 1983, paragraph 1 of the directive of August 16, 1983 is hereby further amended to include an adjusted twelve-month level of restraint for cotton textile products in Category 340 of 117,429 dozen,[1] according to the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Agreement of July 27 and August 8, 1983 between the Governments of the United States and Thailand.[2]

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements

[FR Doc. 83-32988 Filed 12-9-83; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information

[1] The level has not been adjusted to reflect any imports exported after December 31, 1982.

[2] The agreement provides, in part, that: (1) Under certain specified conditions any non-apparel specific limit or sublimit may be exceeded by not more than 7 percent, provided that the amount of the increase is compensated for by an equal square yard equivalent decrease in another specific limit in the same group; (2) specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement.

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

Evaluation of the Use of ASVAB by High School Counselors

School counselors who interpret ASVAB and students who have taken the test will be asked about the use and interpretation of ASVAB scores. Survey is needed to determine if the test scores are being used appropriately and to improve ASVAB interpretation to meet professional standards.

Individuals: 1,684 responses; 288 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, DC 20503, and John V. Wenderoth, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, DC 20301, telephone (202)694–0187.

A copy of the information collection proposal may be obtained from R. L. Newhart, OASD MRA&L(PI), Room 3C800, Pentagon, Washington, DC 20301, telephone (202) 695–0643. This survey is under contract.

Dated: December 7, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-32881 Filed 12-9-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Sample Cases and Expected Parental Contributions for the National Direct Student Loan, College Work-Study and Supplemental Educational Opportunity Grant Programs

AGENCY: Education Department.

ACTION: Extension of closing date for transmittal of information.

SUMMARY: The October 20, 1983, closing date for transmittal of information set forth in the Federal Register of September 20, 1983 (48 FR 42940–42941) is extended. The new closing date is January 11, 1984.

Reason for Extension: The Secretary has determined that the original closing date did not provide sufficient time for individuals and organizations to respond to the original application notice.

SUPPLEMENTARY INFORMATION: Authority for the procedure for approving need analysis systems for the 1984–85 award year is contained in section 4 of the Student Financial Assistance Technical Amendments Act of 1982 (Pub. L. 97–301) as amended by Section 4 of the Student Loan Consolidation and Technical Amendments Act of 1983 (Pub. L. 97–79) and 34 CFR 674.13, 675.13, and 676.13 of the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Program regulations, respectively. The sample cases and expected parental contribution tables are set forth in the **Federal Register** of September 20, 1983 48 FR 42940–42941.

Institutions of higher education must use an approved system of need analysis in determining the financial need of dependent and independent students under the above programs.

Documents Delivered by Mail: Descriptions of systems, application form(s), expected parental contributions, and calculations that are sent by mail must be postmarked on or before January 11, 1984 and addressed to Paula Husselmann, Department of Education, Office of Student Financial Assistance, 400 Maryland Avenue, S.W., (Room 4018, ROB–3), Washington, D.C. 20202.

An individual or organization must show proof of mailing these documents. Proof of mailing consists of one of the following: (1) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service, (2) a legibly dated U.S. Postal Service postmark, or (3) any other proof of mailing acceptable to the Secretary of Education.

If these documents are sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service. An individual or organization should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an individual or organization should check with its local post office. An individual or organization is encouraged to use certified or at least first-class mail.

Documents Delivered by Hand: Descriptions of systems, application form(s), expected parental contributions and calculations that are hand-delivered must be taken on or before January 11, 1984 to Paula Husselmann, Department of Education, Office of Student Financial Assistance, 7th and D Streets, S.W. (Room 4018, ROB–3), Washington, D.C. 20202. The Campus and State Grant Branch will accept these hand-delivered documents between 8:00 a.m. and 4:30 p.m. daily (Washington, D.C. time), except Saturdays, Sundays and Federal holidays.

FOR FURTHER INFORMATION CONTACT: For further information contact Margaret O. Henry or Paual Husselmann. Telephone: (202) 245–9720.

(Catalog of Federal Domestic Assistance No. 84.038, National Direct Student Loan Program; 84.033, College Work-Study Program; and 84.007, Supplemental Educational Opportunity Grant Program)

Dated: December 7, 1983.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 83-33000 Filed 12-9-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TA84–1–1–000]

Alabama-Tennessee Natural Gas Co., Proposed PGA Rate Adjustment

December 5, 1983.

Take notice that on December 1, 1983, Alabama-Tennesee Natural Gas Company (Alabama-Tennessee) P.O. Box 918, Florence, Alabama 35631, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Forty-Third Revised Sheet No. 3–A, Seventh Revised Sheet No. 3–B and Alternate Forty-Third Revised Sheet No. 3–A. The proposed effective date for such revised sheets is January 1, 1984.

Alabama-Tennessee states that the purpose of this filing is to adjust its rates to conform to the rates of its suppliers Tennessee Gas Pipeline Company (Tennessee), a Division of Tenneco Inc., and Sun Exploration and Development Company. These revised tariff sheets also provide for recoupment of minimum bill payments to Tennessee for the months of May through August 1983.

Tennessee on December 1, 1983 filed with this Commission a PGA filing providing for adjustments in its rates

which are also proposed to become effective January 1, 1984. Tennessee has also filed a stipulation and agreement in its Docket Nos. RP77–62, *et al.* In the event that the rates therein are permitted by the Commission to become effective on January 1, 1984, Alabama-Tennesee states that the Alternate Forty-Third Revised Sheet No. 3–A was filed to reflect in its rates as of January 1, 1984 the happening of that eventuality. The rates in both revised tariff sheets 3–A are as follows:

Rate schedule	Forty-third revised sheet No. 3–A, rates for current adjustment	Alternate forty-third revised sheet No. 3–A, rates after current adjustment
G–1:		
Demand	$8.86	8.06
Commodity	322.86	317.55
SG–1:		
Commodity	387.59	376.58
I–1:		
Commodity	351.99	344.12

Alabama-Tennessee states that copies of the tariff filing have been mailed to all of its jurisdictional customers and affected State Regulatory Commissions.

Any person desiring to be heard or to protest such filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 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. 83–32873 Filed 12–9–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. G–3315–000 et al.]

Diamond Shamrock Exploration Co. and Diamond Shamrock Refining and Marketing Co., et al.; Application To Amend Certificates of Public Convenience and Necessity and to Redesignate Rate Schedules

December 5, 1983.

Take notice that on November 1, 1983, Diamond Shamrock Exploration Company (Exploration) and Diamond Shamrock Refining and Marketing Company (Refining) of P.O. Box 631 Amarillo, Texas 79173 jointly filed an application to amend the certificates of public convenience and necessity heretofore issued to Diamond Shamrock Corporation and the related gas rate schedules to reflect changes in name to Diamond Shamrock Exploration Company as listed in Appendix A and Diamond Shamrock Refining and Marketing Company as listed in Appendix B.

On September 1, 1983, as part of a general corporate reorganization, the name of the Diamond Shamrock Corporation was changed to Diamond Chemicals Company (Chemicals). As successor to Diamond Shamrock Corporation, Chemicals was to continue all sales of natural gas previously made by Diamond Shamrock Corporation.

Effective November 1, 1983, Chemicals transferred its oil and gas leases and all gas sales contracts in connection with production from those leases to Exploration as listed in Appendix A. Effective the same day Chemicals transferred to Refining the McKee gas processing plant and related gathering system, as listed in Appendix B.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 22, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Appendix A

LIST OF CERTIFICATE PROCEEDINGS, RATE SCHEDULES AND COMMISSION PROCEEDINGS TO BE COVERED BY DIAMOND SHAMROCK EXPLORATION COMPANY

Docket No.	Original Diamond Shamrock Corp., rate schedule No.	Proposed Diamond Chemicals Co., rate schedule No.	Proposed Diamond Shamrock Exploration Co., rate schedule No.	Purchaser	Location
G–3315	1	1	1	Northern Natural Gas Co., a Division of InterNorth, Inc	McKee Plants.
G–3309	12	12	2	Natural Gas Pipeline Company of America	McKee Plants.
G–10111	17	17	3	Northern Natural Gas Co., a Division of InterNorth, Inc	Hansford County, Tex.
G–10072	18	18	4	Natural Gas Pipeline Company of America	Roberts County, Tex.
G–11006	21	21	5	Natural Gas Pipeline Company of America	Beaver County, Tex.
G–12261	22	22	6	Northern Natural Gas Co., a Division of InterNorth, Inc	Hansford and Ochiltree Counties, Tex.
G–14578	23	23	7	Northern Natural Gas Co., a Division of InterNorth, Inc	McKee Plants.

LIST OF CERTIFICATE PROCEEDINGS, RATE SCHEDULES AND COMMISSION PROCEEDINGS TO BE COVERED BY DIAMOND SHAMROCK EXPLORATION COMPANY—Continued

Docket No.	Original Diamond Shamrock Corp., rate schedule No.	Proposed Diamond Chemicals Co., rate schedule No.	Proposed Diamond Shamrock Exploration Co., rate schedule No.	Purchaser	Location
G-16148	25	25	8	Phillips Petroleum Co	Hugoton, Sherman County, Tex.
G-18923	27	27	9	Transcontinental Gas Pipe Line Corp	Big Foot, Frio County, Tex.
G-19720	28	28	10	Northern Natural Gas Co., a Division of InterNorth, Inc	Ochiltree County, Tex.
CI60-778	30	30	11	Panhandle Eastern Pipe Line Co	Meade and Seward Counties, Kans.
CI61-975	31	31	12	Panhandle Eastern Pipe Line Co	Do.
G-3308	32	32	13	Panhandle Eastern Pipe Line Co	McKee Plants.
CI62-121	33	33	14	Northern Natural Gas Co., a Division of InterNorth, Inc	Hansford County, Tex.
CI62-367	34	34	15	Natural Gas Pipeline Company of America	McKee Plants (Ochiltree County, Texas, Production).
CI62-1041	36	36	16	Natural Gas Pipeline Company of America	McKee Plants (Ochiltree and Roberts Counties, Texas, Production)
CI63-429	39	39	17	Natural Gas Pipeline Company of America	Beaver County, Okla.
CI63-636	40	40	18	Natural Gas Pipeline Company of America	Do.
CI63-1202	41	41	19	Western Gas Interstate Co	McKee Plants (Ochiltree County, Texas, Production).
CI64-398	42	42	20	Natural Gas Pipeline Company of America	Beaver County, Okla.
CI64-622	43	43	21	Northern Natural Gas Co., a Division of InterNorth, Inc	Do.
CI65-1246	44	44	22	Western Gas Interstate Co	McKee Plants (Ochiltree County, Texas, Production).
CI67-1031	45	45	23	Northern Natural Gas Co., a Division of InterNorth, Inc	Hansford County, Tex.
CI66-282	46	46	24	Arkansas Louisiana Gas Company	Sebastian County, Tex.
CI67-282	48	48	25	Panhandle Eastern Pipe Line Co	Meade County, Kans.
CI68-1435	51	51	26	Arkansas Louisiana Gas Company	Pittsburgh and Leflore Counties, Okla.
CI69-25	52	52	27	Transcontinental Gas Pipe Line Corp	Acadia Parish, La.
CI69-2	53	53	28	Colorado Interstate Gas Company	Sweetwater County, Wyo.
CI69-554	54	54	29	Northern Natural Gas Co., a Division of InterNorth, Inc	Hansford County, Tex.
CI70-637	55	55	30	Arkansas Louisiana Gas Company	Garfield County, Okla.
CI71-53	56	56	31	Northern Natural Gas Co., a Division of InterNorth, Inc	Ellis County, Okla.
G-3313	57	57	32	Northern Natural Gas Co., a Division of InterNorth, Inc	McKee Plants.
G-3307	58	58	33	Northern Natural Gas Co., a Division of InterNorth, Inc	Do.
CI71-608	60	60	34	Northern Natural Gas Co., a Division of InterNorth, Inc	Hemphill County, Tex.
CI72-354	62	62	35	Arkansas Louisiana Gas Company	LeFlore County, Okla.
CI72-355	63	63	36	Arkansas Louisiana Gas Company	Sebastian County, Ark.
CI72-448	64	64	37	Arkansas Louisiana Gas Company	Garfield County, Okla.
CI75-12	65	65	38	Trunkline Gas Company	Block 338, East Cameron Area, South Addition, Offshore (Federal) Louisiana.
CI75-13	66	66	39	Trunkline Gas Company	Block 639, West Cameron Area, South Addition, Offshore (Federal) Louisiana.
CI75-14	67	67	40	Trunkline Gas Company	Block 320, Vermilion Area, South Addition, Offshore (Federal) Louisiana.
CI74-512	70	70	41	Natural Gas Pipeline Company of America	Offshore Galveston County, Tex.
CI75-95	71	71	42	Transcontinental Gas Pipe Line Corp	Offshore Jefferson County, Tex.
CI75-653	72	72	43	Arkansas Louisiana Gas Company	LeFlore County, Okla.
CI75-734	73	73	44	Natural Gas Pipeline Company of America	Offshore Jefferson County, Tex.
CI70-734	74	74	45	Northern Natural Gas Co., a Division of InterNorth, Inc	Ochiltree County, Tex.
CI76-530	75	75	46	El Paso Natural Gas Company	Hemphill County, Tex.
CI77-43	76	76	47	Arkansas Louisiana Gas Company	LeFlore County, Okla.
CI77-447	78	78	48	Trunkline Gas Company	Block 380, "A" Platform, Eugene Island Area, South Addition, Offshore (Federal) Louisiana.
CI77-620	79	79	49	Southern Natural Gas Company	Blocks 288 & 289, Main Pass Area, East Addition, Offshore (Federal) Louisiana.
CI78-21	81	81	50	Panhandle Eastern Pipe Line Company	Hemphill County, Tex.
CI78-102	82	82	51	El Paso Natural Gas Company	Do.
CI78-253	83	83	52	Transwestern Pipeline Company	Lipscomb County, Tex.
CI78-585	84	84	53	Transcontinental Gas Pipe Line Corp	St. Landry Parish, La.
CI78-731	85	85	54	Transwestern Pipeline Company	Lipscomb County, Tex.
CI78-744	87	87	55	Trunkline Gas Company	Blocks A-369 and A-370, High Island Area, East Addition, South Extension, Offshore (Federal) Texas.
CI78-1146	89	89	56	Northwest Central Pipeline Corp	Sweetwater County, Wyo.
CI78-1137	90	90	57	Natural Gas Pipeline Company	McKee Plants.
CI79-187	92	92	58	Trunkline Gas Company	Blocks A-327, and A-332, High Island Area, East Addition, South Extension, Offshore (Federal) Texas.
CI79-342	96	96	59	Arkansas Louisiana Gas Company, Southern Natural Gas Company.	Blocks 72, 73 & 72/74, Main Pass Area, Offshore (Federal) Louisiana.
CI79-420	97	97	60	Trunkline Gas Co	Block A-511, High Island, South Addition, Offshore (Federal) Texas.
CI79-428	98	98	61	Texas Gas Transmission Corp	Lafayette Parish, La.
CI79-496	99	99	62	Northern Natural Gas Co., a Division of InterNorth, Inc	Block 261, Eugene Island Area Offshore (Federal) Louisiana.
CI79-542	101	101	63	Texas Gas Transmission Corp	St. Mary Parish, La.
CI79-542	102	102	64	Texas Gas Transmission Corp	Do.
CI79-542	103	103	65	Texas Gas Transmission Corp	Do.
CI80-41	104	104	66	Southern Natural Gas Company	Blocks 114, 115, 116, Main Pass Area, Offshore (Federal) Louisiana.
CI80-251	105	105	67	Trunkline Gas Company	Block 353, East Cameron Area, South Addition, Offshore (Federal) Louisiana.
CI81-121-000	109	109	68	Transcontinental Gas Pipe Line Corp	Blocks A-443 and A-442, High Island Area, South Addition, Offshore (Federal) Texas.
CI81-201-000	110	110	69	Trunkline Gas Company	Blocks 377 & 380, "B" Platform, Eugene Island Area, South Addition, Offshore (Federal) Louisiana.
CI81-448-000	111	111	70	United Gas Pipe Line Company	Block A-442, High Island Area, South Addition, Offshore (Federal) Texas.
CI82-270-000	112	112	71	Panhandle Eastern Pipe Line Co	Block 220, East Cameron Area, Offshore (Federal) Louisiana.
CI82-284-000	113	113	72	Trunkline Gas Company	Block A-542, High Island Area, South Addition, Offshore (Federal) Texas.
CI83-49-000	114	114	73	Panhandle Eastern Pipe Line Co	Block 648, West Cameron Area, South Addition, Offshore (Federal) Louisiana.
CI83-50-000	115	115	74	Texas Eastern Transmission Corp	Block 264, Vermilion Area, South Addition, Offshore (Federal) Louisiana.
CI83-133-000	116	116	75	Texas Gas Transmission Corp	St. Mary Parish, La.
CI83-243-000	117	117	76	Trunkline Gas Company	Block A-365, High Island Area, East Addition, South Extension, Offshore (Federal) Texas.
CI83-300-000	118	118	77	Transco Gas Supply Company	Block A-376, High Island Area, East Addition, South Extension, Offshore (Federal) Texas.

LIST OF CERTIFICATE PROCEEDINGS, RATE SCHEDULES AND COMMISSION PROCEEDINGS TO BE COVERED BY DIAMOND SHAMROCK EXPLORATION COMPANY—Continued

Docket No.	Original Diamond Shamrock Corp., rate schedule No.	Proposed Diamond Chemicals Co., rate schedule No.	Proposed Diamond Shamrock Exploration Co., rate schedule No.	Purchaser	Location
CI83-380-000	Pending	119	78	Texas Gas Transmission Corp	St. Mary Parish, La.
				Other Proceedings	
Docket No. RI83-10-000—NGPA Protest Proceedings under Order No. 23-B: Docket Nos. GP80-5, GP80-6, GP80-8, GP80-19, GP80-23, GP80-24, GP80-25, GP80-26, GP80-31, GP80-35, GP80-40 and GP80-43.					

Appendix B

LIST OF CERTIFICATE PROCEEDINGS, RATE SCHEDULES AND COMMISSION PROCEEDINGS TO BE COVERED BY DIAMOND SHAMROCK REFINING AND MARKETING COMPANY

Docket No.	Proposed original Diamond Shamrock Corp., rate schedule No.	Proposed Diamond Chemicals Co., rate schedule No.	Proposed Diamond Shamrock Refining and Marketing Co., rate schedule No.	Purchaser	Location
CI84-110-000	1	1	1	Northern Natural Gas Co., a Division of InterNorth, Inc	McKee Plants.
CI84-111-000	12	12	2	Natural Gas Pipeline Co. of America	Do.
G-3310	13	13	3	Natural Gas Pipeline Co. of America	Do.
G-4880	14	14	4	Phillips Petroleum Co	Panhandle-Hugoton.
G-3301	15	15	5	Mobil Producting Texas & New Mexico Inc	McKee Plants.
G-3300, G-3314	16	16	6	Shell Oil Co. & ARCO Oil and Gas Co., Panhandle Eastern Pipe Line Co	Do.
CI84-112-000	23	23	7	Northern Natural Gas Co., a Division of InterNorth, Inc	Do.
CI84-113-000	32	32	8	Panhandle Eastern Pipe Line Co	Do.
G-3308	35	35	9	Panhandle Eastern Pipe Line Co	Do.
CI84-114-000	57	57	10	Northern Natural Gas Co., a Division of InterNorth, Inc	Do.
CI84-115-000	58	58	11	Northern Natural Gas Co., a Division of InterNorth, Inc	Do.
CI72-294	61	61	12	Northern Natural Gas Co., a Division of InterNorth, Inc	Do.
				Other Proceedings	
Docket No. IN83-2—NGPA Protest Proceedings under Order No. 32-B: Docket Nos. GP80-5, GP80-19 and GP80-43.					

[FR Doc. 83-32874 Filed 12-9-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA84-1-2-000 (PGA84-1, GRI84-1, IPR84-1)]

East Tennessee Natural Gas Co., Rate Filing Pursuant to Tariff Rate Adjustment Provisions

December 5, 1983.

Take notice that on December 1, 1983, East Tennessee Natural Gas Company (East Tennessee) tendered for filing Eighth Revised Sheet No. 41, Alternate Eighth Revised Sheet No. 4, Sixth Revised Sheet Nos. 5 and 6, and First Revised Sheet No. 133 to Original Volume No. 1 of its FERC Gas Tariff to be effective January 1, 1984.

East Tennessee states that the purpose of these tariff sheets is to reflect various rate adjustments pursuant to the General Terms and Conditions of its tariff as follows:

(1) PGA Rate Adjustments pursuant to Sections 22.2 and 22.3;

(2) A GRI Rate Adjustment pursuant to Section 25.2; and

(3) Estimated Incremental Pricing Surcharges pursuant to Section 26.2.

East Tennessee's filing also reflects Alternate PGA Rate Adjustments which East Tennessee proposes to make effective if the Commission approves a revised rate filing by East Tennessee's supplier, Tennessee Gas Pipeline Company, in Docket Nos. RP82-125, *et al.* In addition, East Tennessee states that the tariff sheets implement changes in the applicability of the GRI funding unit as required by Opinion No. 195.

East Tennessee states that copies of this filing have been mailed to all affected customers and affected state regulatory 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, N.W., Washington, D.C. 20426, in accordance with Rules 211 and 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 12, 1983. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 83-32875 Filed 12-9-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CS84-17-000, et al.]

Enex Oil & Gas Income Program I, Series 9, Whose General Partner Is Enex Resources Corporation, et al.; Applications for "Small Producer" Certificates [1]

December 5, 1983.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 23, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS84-17-000.	11/4/83	Enex Oil & Gas Income Program I, Series 9, whose General Partner is Enex Resources Corp., One Kingwood Place, Suite 202, Kingwood, Texas 77339.
CS84-18-000.	11/14/83	Petroleum Equities Corp., P.O. Box 1788, Longview, Texas 75606.
CS84-19-000.	11/15/83	William Odis Allen, Testamentary Trust, P.O. Box "A," Jenks, Oklahoma 74037.
CS84-20-000.	11/21/83	Alice Jane Edwards, formerly Alice Jane Williams, 6613 West Christy Drive, Glendale, Arizona 85304.
CS84-21-000.	11/22/83	Southwest Drilling Inc., P.O. Box 3119, Grand Junction, Colorado 81502.
CS84-22-000.	11/28/83	Collect Oil Ventures, Inc., P.O. Box 56268, Houston, Texas 77256-6268.

[FR Doc. 83-32876 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[Docket No. TA84-1-34-001 (GRI84-1)]

Florida Gas Transmission Co.; Proposed Changes in Rates and Charges Under the Gas Research Institute Charge Adjustment

December 5, 1983.

Take notice that on December 1, 1983, Florida Gas Transmission Company (FGT), P.O. Box 44, Winter Park, Florida 32790, tendered for filing the following tariff sheet to its FERC Gas Tariff.

Original Volume No. 1

1*st* Substitute 31*st* Revised Sheet No. 3-A

The aforementioned tariff sheet contains changes in the resale rates in rate schedules G and I resulting from Section 19 (Gas Research Institute Charge Adjustment Provision) in the Company's FERC Gas Tariff and the Commission's Opinion No. 195 issued on October 28, 1983, in Docket No. RP83-95-000. FGT proposes to make the rate changes effective January 1, 1984.

According to FGT, the changes contained in the above-identified tariff sheet is made in accordance with the Gas Research Institute Charge Adjustment Provision in its tariff (Section 19, General Terms and Conditions) and Opinion No. 195 (Docket No. RP83-95-000) approved by the Commission on October 28, 1983.

The effect of the above-mentioned adjustment for Rate Schedules G and I is to increase the GRI charge from .072¢/Therm to .125¢/Therm, or an increase of .053¢/Therm. The annual revenue effect on Rate Schedules G and I is an increase of approximately $421,000.

FGT states that a copy of its filing has been served on all customers affected by the rate change and the Florida interested State Commissions and is being posted.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32877 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-4-000 (PGA84-1, IPR84-1)]

Granite State Gas Transmission, Inc.; Proposed Change in Rates Pursuant to Purchased Gas Cost Adjustment Provisions

December 5, 1983.

Take notice that Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021, on December 1, 1983, tendered for filing Sixth Revised Sheet No. 7 and Fourth Revised Sheet No. 9 in its FERC Gas Tariff, First Revised Volume No. 1, containing proposed changes in rates for effectiveness on January 1, 1984.

According to Granite State, the instant rate adjustments reflect a decrease in its cost of gas purchased from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) which Tennessee proposes to make effective January 1, 1984, and the amortization of Unrecovered Purchased Gas Costs. It is stated that Granite State's filing is made pursuant to the purchased gas cost adjustment provision in Section XIX of the General Terms and Conditions of its tariff.

Granite State further states that its rate adjustments are applicable to its wholesale sales to its two affiliated distribution company customers: Bay

State Gas Company and Northern Utilities, Inc. According to Granite State, the effect of the proposed rates in its filing is a decrease of approximately $17,053,430 annually in the cost gas purchased by its customers, based on purchases and sales for the twelve months ended September 30, 1983.

According to Granite State, copies of the filing were served upon its customers and the regulatory commissions of the States of Maine, Massachusetts, and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 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 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. 83-32878 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-51-001 (GRI84-1)]

Great Lakes Gas Transmission Co.; Proposed In Gas Research Institute Charge

December 5, 1983.

Take notice that on November 30, 1983, Great Lakes Gas Transmission Company (Great Lakes) tendered for filing Forty-fifth Revised Sheet No. 57, to its FERC Gas Tariff, First Revised Volume No. 1, proposed to be effective January 1, 1984.

Great Lakes states that the revised tariff sheet reflects the GRI adjustment related to the Gas Research Institute's 1984 Research and Development Program as approved by Commission Opinion No. 195 (RP83-95-000) issued October 28, 1983.

Great Lakes also states that copies of the filing have been served upon its customers and the Public Service Commissions of Minnesota, Wisconsin and Michigan.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before 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. 83-32879 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES84-19-000]

Gulf States Utilities Co., Application

December 5, 1983.

Take notice that on November 28, 1983, Gulf States Utilities Company (Applicant) filed an application seeking an order under Section 204(a) of the Federal Power Act authorizing the Applicant to issue up to 5,000,000 Additional Shares of Common Stock, without par value, to be issued in one or more series over a two-year period.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 27, 1983, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32880 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES84-21-000]

Iowa Public Service Co.; Application

December 5, 1983.

Take notice that on November 29, 1983, Iowa Public Service Company (Applicant) filed an application seeking authority to negotiate the proposed financing and guarantee of Pollution Control Revenue Bonds to finance its share of costs associated with the construction of pollution control facilities at the Louisa Generating Station in Louisa County, Iowa.

Any person desering to be heard or to make any protest with reference to said application should on or before December 21, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32881 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES84-20-000]

Iowa Public Service Co.; Application

December 5, 1983.

Take notice that on November 29, 1983, Iowa Public Service Company, filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an Order authorizing the issuance of up to $35,000,000 principal amount of one or more series of its First Mortgage Bonds, via negotiated placement.

Any person desiring to be heard or to make any protest with reference to said Application should, on or before December 21, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32882 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-29-000]

Michigan Wisconsin Pipe Line Co.; Tariff Filing

December 5, 1983.

Take notice that on December 1, 1983, Michigan Pipe Line Company (Michigan Wisconsin) tendered for filing to the Federal Energy Regulatory Commission (Commission) First Revised Sheet No. 20A and Second Revised Sheet Nos. 21 and 22 which comprise Section 3, entitled "Measurements," of the General Terms and Conditions under Original Volume No. 1 of Michigan Wisconsin's FERC Gas Tariff.

Section 3 has been revised to accommodate the use of electronic flow measuring devices on Michigan Wisconsin's system.

Michigan Wisconsin has requested that the aforementioned revised tariff sheets be accepted for filing and become effective January 1, 1984, the date it proposes to commence use of electronic flow measuring devices that have been installed on its pipeline system.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 or Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protest 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 preceedings. Any party wishing to become a party to the proceeding 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. 83-32883 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-48-002]

Michigan Wisconsin Pipe Line Co.Proposed Changes in FERC Gas Tariff

December 5, 1983.

Take notice that on December 1, 1983, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Twenty-First Revised Sheet No. 7, which reflects an increase in Michigan Wisconsin's one-part rates and the commodity component of its two-part rates of .53 cents per dth, as the result of an increase in the GRI Adjustment to 1.25¢, approved by the Commission in its Opinion No. 195, at Docket No. RP83-95, issued on October 28, 1983.

Michigan Wisconsin has also filed Alternate Twenty-First Revised Sheet No. 7, which includes Base Tariff Rates filed on October 31, 1983 under "Motion to Place Revised Rates Into Effect on November 1, 1983," in the event the Commission does not accept Twenty-First Revised Sheet No. 7, which includes Base Tariff Rates filed on November 23, 1983 under "Motion of Michigan Wisconsin Pipe Line Company for Authority to Make Settlement Rates Effective Subject to Condition". Both tariff sheets are to become effective on January 1, 1984.

Copies of this filing were served upon Michigan Wisconsin'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, N.E., Washington, D.C. 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protest 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. 83-32884 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-5-000 (PGA84-1, GRI84-1, IPR84-1)]

Midwestern Gas Transmission Co.; Rate Filing Pursuant to Tariff Rate Adjustment Provisions

December 5, 1983.

Take notice that on December 1, 1983, Midwestern Gas Transmission Company (Midwestern) tendered for filing the following tariff sheets to its FERC Gas Tariff, to be effective January 1, 1984:

Original Volume No. 1

Eighth Revised Sheet No. 5
Alternate Eighth Revised Sheet No. 5
Ninth Revised Sheet No. 6
Sixth Revised Sheet No. 7 and 8
First Revised Sheet No. 184

Original Volume No. 2

Ninth Revised Sheet No. 37

Midwestern states that the purpose of the revised tariff sheets is to reflect adjustments to its rates pursuant to rate adjustment provisions of the General Terms and Conditions of its tariff as follows:

(1) PGA Rate Adjustments for the Southern System pursuant to Sections 2 and 3 of Article XVII;

(2) A PGA Rate Adjustment for the Northern System pursuant to Section 3 of Article XVIII;

(3) A GRI Rate Adjustment pursuant to Section 2 of Article XXI;

(4) Estimated Incremental Pricing Surcharges for the Southern System pursuant to Section 2 of Article XXII; and

(5) Estimated Incremental Pricing Surcharges for the Northern System pursuant to Section 2 of Article XXIII.

Midwestern's filing also reflects Alternate PGA Rate Adjustments for the Southern System which Midwestern proposes to make effective if the Commission approves a revised rate filing by Midwestern's Southern System supplier, Tennessee Gas Pipeline Company, in Docket Nos. RP82-125, *et al.* In addition, Midwestern states that the tariff sheets implement changes in the applicability of the GRI funding unit as required by Opinion No. 195

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory 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, N. E., 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 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. 83-32885 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-6-000]

Sea Robin Pipeline Co.; Filing of Revised Tariff Sheets

December 5, 1983.

Take notice that on November 30, 1983, Sea Robin Pipeline Company (Sea Robin) tendered for filing Thirty-Sixth Revised Sheet No. 4 to its FERC Gas Tariff, Original Volume No. 1. This tariff sheet and supporting information is being filed pursuant to the Purchased Gas Cost Adjustment provision set out in Sections 1 and 3 of Sea Robin's Tariff with a proposed effective date of January 1, 1984. In addition, Sea Robin submits Sixteenth Revised Sheet No. 4-

A to become effective January 1, 1984, in compliance with Federal Energy Regulatory Commission (Commission) orders issued May 11, 1978, and July 12, 1978, at Docket No. RP77–6; and Third Revised Sheet No. 4–B which reflects the estimated incremental pricing surcharges for the period January 1, 1984 through June 30, 1984.

Sea Robin states that these revised tariff sheets and supporting data are being mailed to Sea Robin's jurisdictional customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before 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. 83-32886 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA-84-1-8-000]

South Georgia Natural Gas Co.; Revision to Tariff

December 5, 1983.

Take notice that on November 30, 1983, South Georgia Natural Gas Company (South Georgia) tendered for filing, Twenty-Seventh Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1. This tariff sheet and supporting informatin is being filed 30 days before the proposed effective date of January 1, 1984, pursuant to the Purchased Gas Adjustment Provisions set out in Section 14 of South Georgia's tariff.

South Georgia states that its Twenty-Seventh Revised Sheet No. 4 reflects increases in the rates of its pipeline supplier, Southern Natural Gas Company. The Twenty-Seventh Revised Sheet No. 4 reflects a net PGA increase of 35.17¢ per MMBtu over current rates to South Georgia's jurisdictional customers. This net increase consists of an increased Current Adjustment of 40.35¢ per MMBtu and a reduction of 5.18¢ per MMBtu from the Surcharge Adjustment presently in effect. The proposed Surcharge Adjustment is 4.75¢ per MMBtu.

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 214 and 211 of the Commission's Rules of Practice and Procedure (§§ 385.214, 385.211). 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. 83-32887 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-001]

Southern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

December 5, 1982.

Take notice that on November 30, 1983, Southern Natural Gas Company (Southern) tendered for filing Sixtieth Revised Sheet No. 4A to its FERC Gas Tariff, Sixth Revised Volume No. 1. Southern states that pursuant to Section 19 of the General Terms and Conditions of such tariff it proposes to increase the rates under its Rate Schedules OCD, G and AO effective January 1, 1984, to reflect an increase in the GRI funding unit from 0.72 cents currently to 1.25 cents for the year 1984 as approved by the Commission's Opinion No. 195.

Southern states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before 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 proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32863 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP82-125-024 RP83-47]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Rate Filing

December 5, 1983.

Take notice that on December 1, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing the following revised tariff sheets:

Original Volume No. 1

Second Substitute Tenth Revised Sheet Nos. 20 and 22
Second Substitute Eleventh Revised Sheet No. 21
First Revised Sheet Nos. 37, 38, 39, 42, 43, 47, 49, 54, 58, 64, 189, 212 and 215
Substitute First Revised Sheet No. 218
Second Revised Sheet Nos. 44, 52, 52A and 188
Third Revised Sheet No. 88

Sixth Revised Volume No. 2

Second Substitute First Revised Sheet No. 2AA
Substitute First Revised Sheet No. 2BB
Substitute Original Sheet No. 2CC
Eighth Revised Sheet No. 249H

Tennessee states that the purpose of this filing is to place into effect, subject to refund and surcharge, settlement rates and tariff provisions set forth in the Stipulation and Agreement (November 29, 1983) (Stipulation) filed with the Commission on November 29, 1983, in Docket Nos: RP77–62, RP80–97, RP81–54, RP81–56, RP82–10, RP82–12, RP82–121, RP82–125, RP83–47, RP84–3, TA82–2–9, TA83–1–9 and TA83–2–9. Tennessee proposes to implement these rates and tariff provisions (Settlement Rates and Tariff Provisions) pending the Commission's expected approval of the unanimous Stipulation, in order to provide its customers with the immediate benefits of substantial rate reductions.

Tennessee states that the Settlement Rates and Tariff Provisions are based on a Settlement Cost of Service which reflects an annual revenue requirement which is approximately $170 million less than that reflected in Tennessee's revised rates which became effective on August 4, 1983, in Docket No. RP83–47. Tennessee proposes to implement the Settlement Rates and Tariff Provisions effective January 1, 1984

Tennessee also proposes that the Commission accept the Settlement Rates and Tariff Provisions, subject to refund and surcharge, in the event the Stipulation is not approved. The refund or surcharge would be based upon the difference in revenues collected under the Settlement Rates and Tariff Provisions and those that would have been collected under the rates finally approved by the Commission for the period commencing on the date the Settlement Rates and Tariff Provisions are made effective and ending on the effective date of Tennessee's next general rate change filing after Docket No. RP83–47.

Tennessee requests that the Commission grant a waiver of its Regulations as necessary to permit the acceptance of this filing.

Tennessee also states that copies of the filing were served on all parties to Docket Nos. RP82–125 and RP83–47 as well as its customers and appropriate state regulatory 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, N.E., Washington, D.C. 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, 983. 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; provided, however, that any person who has previously filed a motion to intervene in this proceeding is not required to file a further pleading. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32865 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-9-000 (PGA84-1, IPR84-1, GRI84-1)]

Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.; Rate Change Under Tariff Rate Adjustment Provisions

December 5, 1983.

Take notice that on December 1, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) tendered for filing the following tariff sheets to its FERC Gas Tariff to be effective January 1, 1984:

Original Volume No. 1

First Revised Sheet No. 218
Sixth Revised Sheet Nos. 23 through 30
Substitute Eleventh Revised Sheet No. 21
Substitute Tenth Revised Sheet Nos. 20 and 22

Sixth Revised Volume No. 2

Substitute First Revised Sheet No. 2AA

Tennessee states that the purpose of the revised tariff sheets is to adjust Tennessee's rates pursuant to Articles XXIII, XXVII and XXIX of the General Terms and Conditions of its FERC Gas Tariff, consisting of a PGA rate adjustment, a GRI rate adjustment, and Estimated Incremental Pricing Surcharges. In addition, Tennessee states that the tariff sheets implement changes in the applicability of the GRI funding unit as required by Opinion No. 195.

Tennessee states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

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, N. E., Washington, D.C. 20426, in accordance with Rules 208 and 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; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32866 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-17-000]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

December 5, 1983.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on November 30, 1983 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheet:

(A) Sixty-seventh Revised Sheet No. 14

or as an alternative to such Revised Sheet No. 14

(B) Alternate Sixty-seventh Revised Sheet No. 14

The tariff sheet listed in (A) above is being filed pursuant to Section 25 of the General Terms and Conditions of Texas Eastern's FERC Gas Tariff to include in Texas Eastern's rates the GRI Funding Unit of 1.25¢ per Mcf, approved by the Commission in Opinion No. 195 issued on October 28, 1983 in Docket No. RP83–95–000. This GRI Funding Unit of 1.25¢ per Mcf converts to 1.21¢ per dry dekatherm (Texas Eastern's billing basis) as shown on Schedule No. 1 attached thereto.

The tariff sheet listed in (B) above is being filed as an alternative to the revised Sheet No. 14 described in (A) above in the event Texas Eastern's filing of November 10, 1983 reflecting the incorporation of Rate Schedule ISS–III in its FERC Gas Tariff is not accepted for filing, to be effective April 1, 1983.

The proposed effective date of the above tariff sheet is January 1, 1984.

Texas Eastern respectfully requests the Commission to waive any of its requirements necessary to accept the tariff sheet listed in (A) above to be effective January 1, 1984 or as an alternative to such revised Sheet No. 14 described in (A) above, the alternate tariff sheet listed in (B) above.

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, N.E., Washington, D.C. 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32867 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-29-003]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

December 5, 1983.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on December 1, 1983 tendered for filing to be effective January 1, 1984, certain revised tariff sheets included in Appendix A attached thereto.

Transco states that the purpose of this filing is to reflect an increase of 0.51¢ per dt in the Gas Research Institute (GRI) charge applicable to sales and transportation deliveries to distributors for resale, to pipelines which are not members of GRI and to ultimate consumers.

Transco states that on October 28, 1983, the Commission issued Opinion No. 195 in Docket No. RP83-95. The Opinion provides that, as a member of GRI, Transco may file under its Gas Research Institute Charge Adjustment Provision to collect in advance of payments to GRI, 1.25¢ per Mcf (which on Transco's system equates to 1.21¢ per dt) on sales and transportation deliveries to distributors for resale, to pipelines which are not members of GRI and to ultimate consumers. This charge will replace the currently effective charge of 0.70¢ per dt. All amounts collected under this provisions will be remitted to GRI, less any applicable taxes.

The Company states that copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

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, N.E., Washington 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32868 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-42-002]

Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

December 5, 1983.

Take notice that Transwestern Pipeline Company (Transwestern) on November 30, 1983 tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following sheet:

Twenty-fourth Revised Sheet No. 5

The above tariff sheet is being filed pursuant to Section 21 of the General Terms and Conditions of Transwestern's FERC Gas Tariff to include in Transwestern's rates the GRI Funding Unit of 1.25¢ per Mcf, approved by the Commission in Opinion No. 195 issued on October 28, 1983 in Docket No. RP83-95-000. This GRI Funding Unit of 1.25¢ per Mcf converts to 1.18¢ per dekatherm (Transwestern's billing basis) as shown on Schedule No. 1 attached thereto.

The proposed effective date of this tariff sheet is January 1, 1984.

Copies of the filing were served on Transwestern'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, N.E., Washington, DC 20426, in accordance with Rules 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. 83-32869 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-25-007]

Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

December 5, 1983.

Take notice that Transwestern Pipeline Company (Transwestern) on December 1, 1983 tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following sheets:

Second Substitute Seventh Revised Sheet No. 74
Substitute Fourth Revised Sheet No. 76

On September 15, 1983, Transwestern filed tariff sheets, for informational purposes only, pursuant to Ordering Paragraph (3) of the Commission's Order dated May 2, 1983 approving Transwestern's proposed Stipulation and Agreement in Docket Nos. RP81-130-000 and RP78-88-000. These sheets, which were approved by the Commission's Order issued October 21, 1983 to be effective February 28, 1982, are currently superseded by tariff sheets approved July 1, 1983 to be effective June 1, 1983, subject to refund and pursuant to Transwestern's Motion to make rates effective in Transwestern's Docket No. RP83-25-000. With the approval of those sheets filed September 15, 1983, the supersession of the sheets made effective June 1, 1983 is incorrect. The sole purpose of this filing is to reflect the proper supersession for those sheets made effective June 1, 1983 in Docket No. RP83-25-000.

The proposed effective date of the above-listed tariff sheets is June 1, 1983.

Transwestern requests the Commission to waive all necessary rules and regulations to permit the above-listed tariff sheets to become effective on June 1, 1983, the effective date of the previously filed tariff sheets in Docket No. RP83-25-000.

Copies of the filing were served on Transwestern'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, N.E., 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. 83-32870 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-11-000]

United Gas Pipe Line Co.; Filing of Revised Tariff Sheets

December 5, 1983.

Take notice that on November 30, 1983, United Gas Pipe Line Company (United) tendered for filing Sixty-fourth Revised Sheet No. 4, Eighth Revised Sheet Nos. 4–A and 4–B, Ninth Revised Sheet No. 4C and Revised Original Sheet No. 4D to its FERC Gas Tariff, First Revised Volume No. 1. Tariff Sheets 4, 4–A and 4–D and supporting information are being filed pursuant to the Purchased Gas Cost Adjustment provisions set out in Sections 19, 21, 23 and 24 of United's Tariff. Tariff Sheet Nos. 4–C and 4–D are submitted pursuant to the letter order issued by the Office of Pipeline and Producer Regulations dated January 27, 1982 in Docket No. CP81–387–000. In addition, United tendered for filing, Alternate Sixty-fourth Revised Sheet No. 4 to be effective if either the Settlement or the Interim Settlement filed October 31, 1983, in Docket No. RP82–57 is approved prior to January 1, 1984. United stated that the only difference between Sixty-fourth Revised Sheet No. 4 and the Alternate is the computation of the Alaskan Natural Gas Transmission System adjustment with the Alternate Sheet reflecting the effect of approval of the Settlement and/or Interim Settlement. The proposed effective date of each tariff sheet is January 1, 1984.

Copies of the proposed tariff sheets and supporting data are being mailed to United'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, 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 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. 83-32871 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-64-000]

Virginia Electric & Power Co.; Extension of Time

December 5, 1983.

On November 29, 1983, Virginia Electric and Power Company filed a motion for an extension of time to answer a protest and intervention filed in this proceeding by the North Carolina Electric Membership Corporation (NCEMC). VEPCO states that additional time is needed because of the possibility of reaching a settlement.

Upon consideration, notice is hereby given that an extension of time is granted to VEPCO for answering NCEMC's protest and motions to and including December 20, 1983.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32872 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP80-72-011]

Algonquin Gas Transmission Co.; SNG Report

December 6, 1983.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas"), on November 29, 1983, submitted a Cost of Service report related to service under its Rate Schedule SNG–1 for the 1982–1983 SNG winter delivery season, as required by the provisions of its Rate Schedule. Together with such report, and reflecting the results of the Report, Algonquin Gas has filed a Revised Tariff Sheet containing a surcharge adjustment which reduces the demand charge to be collected during the 1983–1984 winter delivery season for Rate Schedule SNG–1 service. The reduction amounts to approximately $0.1228 (including interest and estimated carrying charges) for the 1983–1984 winter delivery season.

Algonquin Gas has also filed three tariff sheets to add to Rate Schedule SNG–1 an explicit statement that any such amortizing adjustment shall include interest and carrying charges during the amortization period.

Algonquin Gas notes that a copy of this filing is being served upon all affected parties 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, N.E., Washington, D.C. 20426 in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before 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. 83-32956 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-20-001]

Algonquin Gas Transmission Co., Rate Change Pursuant to Gas Research Institute Charge Adjustment Provision

December 6, 1983.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on November 29, 1983, tendered for filing Third Revised Sheet No. 201 and Fourth Revised Sheet No. 202 to its FERC Gas Tariff, Second Revised Volume No. 1.

Algonquin Gas states that the purpose of this filing is to include in its rates the Gas Research Institute ("GRI") surcharge as authorized by Opinion No. 195 for GRI funding of $0.0125 per Mcf, adjusted to $0.0121 per MMBtu, to reflect Algonquin Gas' Btu billing basis.

Algonquin Gas states that GRI surcharge is applicable to billing under its Rate Schedule F–1, WS–1, I–1, E–1 and SNG–1.

Algonquin Gas proposes that the effective date of the revised tariff sheets be January 1, 1984, as authorized by Opinion No. 195.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., 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 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. 83-32957 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-61-000]

Carnegie Natural Gas Co.; Application

December 6, 1983

Take notice that on November 14, 1983, Carnegie Natural Gas Company (Applicant), 800 Regis Avenue, Pittsburgh, Pennsylvania 15236, filed in Docket No. CP84-61-000 an application pursuant to Section 7(c) of the Natural Gas Act for certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the transportation for the direct sale of natural gas to United States Steel Corporation (USS), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to build three metering stations in Lorain County, Ohio, and one metering station in Scioto County, Ohio, at existing points of interconnection between Columbia Gas of Ohio, Inc. (Columbia of Ohio), and USS plants located in Lorain County, Ohio, and Scioto County, Ohio. Applicant states that the estimated cost of the proposed facilities is $400,000. These facilities would be financed from corporate funds, it is explained.

Furthermore, Applicant seeks authorization to transport and deliver, by displacement, up to 55.9 billion Btu of gas per day for a direct sale to USS at the previously mentioned delivery stations. Applicant intends to divert up to 55.9 billion Btu per day of natural gas being purchased from Texas Eastern Transmission Corporation (TETCO) and to have these volumes delivered by displacement from TETCO to Columbia Gas Transmission Corporation (Columbia) at their existing point of interconnection. These volumes then would be delivered to Columbia of Ohio at existing points of interconnection between Columbia and Columbia of Ohio, it is submitted. It is indicated that TETCO and Columbia intend to transport the gas pursuant to their Order No. 60 authorizations in Docket Nos. CP80-156 and CP80-106, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 28, 1983, file with the Federal Energy Regulatory Commission, Washigton, 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 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. 83-32956 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-7-000]

C. Bert Sanger, Trust Mining Enterprises; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

December 6, 1983.

On October 3, 1983, C. Bert Sanger/Trust Mining Enterprises, (Applicant) of P.O. Box 62, Loomis, Washington 98827 filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules. On November 15, 1983, supplemental information was filed to complete the application.

The small power production facility will be located in Okanogan County, Washington. The primary energy source for the facility will be flowing water produced from a well drilled into an underground artesian stream. The water flow will be controlled by a valve and piped to a power house. The electric power production capacity of the facility will be 150 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, N.E., 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. 83-32959 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-22-000]

Consolidated Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

December 6, 1983

Take notice that Consolidated Gas Supply Corporation (Consolidated) on November 29, 1983, tendered for filing, pursuant to Section 13.5 of the General Terms and Conditions of its FERC Gas Tariff, Third Revised Volume No. 1 and Ordering Paragraph (B) of Opinion No. 195 issued October 28, 1983 at Docket No. RP83-95-000, Thirty-Sixth Revised Sheet No. 16. The revised tariff sheet, proposed to be effective January 1, 1984, reflects the 1984 Gas Research Institute (GRI) funding unit of 1.25¢ per Mcf (1.22¢ per Dt) as provided in the aforementioned Opinion.

Consolidated requests a waiver of any of the Commission's Rules and Regulations as may be deemed necessary to permit the revised tariff sheets to become effective as proposed.

Copies of the filing were served upon Consolidated's jurisdictional customers as well as 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, N.E., Washington, D.C. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of

Practice and Procedure (18 CFR 385.214 and 385.211). All 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. 83-32960 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-23-001]

Eastern Shore Natural Gas Co.; Tariff Filing

December 6, 1983.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on November 30, 1983, tendered for filing the following revised tariff sheets to Original Volume No. 1 of Eastern Shore's FERC Gas Tariff:

To Be Effective November 1, 1983

Substitute Twenty-Third Revised Sheet No. 5
Substitute Twenty-Third Revised Sheet No. 6
Substitute Eighth Revised Sheet No. 7
Substitute Twenty-Third Revised Sheet No. 10
Substitute Twenty-Third Revised Sheet No. 11
Substitute Twenty-Third Revised Sheet No. 12

Eastern Shore states that the purpose of the filing is to reflect a Purchased Gas Cost Current adjustment, to reflect a Demand Charge Adjustment, to reflect a Deferred Gas Cost Adjustment, to report the Projected Incremental Pricing Surcharges, and to reflect a Transportation Surcharge Adjustment. This filing is being made in accordance with section 20, 21 and 23 of Eastern Shore's FERC Gas Tariff and provisions of the Stripulation and Agreement approved by letter order issued March 27, 1982 in Docket No. RP80-84.

Eastern Shore states that copies of the filing have been 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, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All 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. 83-32961 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-530-000]

Equitable Gas Co.; Application

December 6, 1983.

Take notice that on September 29, 1983, Equitable Gas Company (Equitable), 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219, filed in Docket No. CP83-530-000 an application, as supplemented October 27, 1983, and November 7, 1983, pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon gas purchase facilities connecting its system to one gas well located in Skin Creek District, Lewis County, West Virginia, all as more fully set forth in the application on file with the Commission and open to public inspection.

Equitable states that due to depletion said well has not produced a measurable quantity of gas since February 1978. Further, it is stated that gas production was being purchased from James A. Hughes pursuant to a gas purchase contract (5219), dated June 30, 1958.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 28, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a normal 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 Equitable to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32962 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. OF83-395-000]

Hydrocarbon Generation, Inc.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

December 6, 1983.

On August 17, 1983, Hydrocarbon Generation, Inc., (Applicant) of P.O. Box 154, Allegany, New York 14706, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules. On November 16, 1983, supplemental information was filed to complete the application.

The topping-cycle cogeneration facility will be located in Allegany, New York. The primary energy source for the facility will be natural gas. The facility will consist of a spark ignition engine, an electric generator, a heat exchanger, and two oil well plunger pumps. The useful thermal energy output will be used in secondary oil recovery and in heating two enclosed structures. The electric power production capacity of the facility will be 500 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifiying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of

Practice and Procedure. 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. 83-32963 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP82-81-003 and RP82-104-003]

Inter-City Minnesota Pipelines Ltd., Inc., Filing of Tariff Sheet

December 6, 1983.

Please take notice that on November 29, 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, N.E., 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. 83-32964 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-53-001 (GRI84-1)]

KN Energy, Inc.; Proposed Changes in FERC Gas Tariff

December 6, 1983.

Take notice that on November 28, 1983, KN Energy, Inc. (KN) tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1. The proposed changes will adjust KN's rates charged its jurisdictional customers pursuant to the Gas Research Institute charge adjustment provision (Section 22) of KN's FERC Gas Tariff, Third Revised Volume No. 1. Such adjustment is to track the increased GRI rate allowed, effective January 1, 1984, per Opinion No. 195 issued on October 28, 1983.

Copies of the filing were served upon the company's jurisdictional customers and interested public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before 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. 83-32965 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-46-002]

Kentucky West Virginia Gas Co.; Proposed Change in Tariff Sheets

December 6, 1983.

Take notice that Kentucky West Virginia Gas Company (Kentucky West) on November 2, 1983, tendered for filing with the Commission the following revised tariff sheets to Kentucky West's FERC Gas Tariff, First Revised Volume No. 1, to become effective January 1, 1984.

Seventh Revised Sheet No. 8
Seventh Revised Sheet No. 10

The revised tariff sheets amend Kentucky West's Gas Research Institute (GRI) Funding charge to place in effect the new GRI funding unit of 12.5 mills per dth as approved by FERC in Opinion No. 195, issued October 28, 1983, under Docket No. RP83-95-000.

Kentucky West states that copy of its filing has been served upon Kentucky West's jurisdictional customers and the Kentucky Energy Regulatory Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., 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. 83-32966 Filed 12-09-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-107-002]

North Penn Gas Co.; Filing of Revised Tariff Sheets

December 6, 1983.

Take notice that North Penn Gas Company (North Penn) on November 28, 1983, pursuant to Section 4 of the Natural Gas Act, has filed the following revised tariff sheets to be effective as of June 21, 1983, to North Penn's FERC Gas Tariff, Revised Volume No. 1:

Sixth Revised Sheet No. 15D,
Superseding Substitue Fourth and Fifth Revised Sheets No. 15D, and
Sixth Revised Sheet No. 15E,
Superseding Substitute Fourth and Alternate Fifth Revised Sheets No. 15E.

The revised tariff sheets involve no change in rates, charges and services. The purpose of the revised tariff sheets is only to consolidate in them changes in tariff sheets that were approved by the Commission in Docket No. RP83-107 by order of August 1, 1983 prior to the Commission's approval on September 20, 1983 of a settlement agreement in

Docket No. RP82–132 and the changes authorized by approval of the settlement agreement that presently appear in the separate tariff sheets that will be superseded.

North Penn requests that the Commission grant such waivers of its Regulations as are necessary to accept the revised tariff sheets for filing and to make them effective as of June 21, 1983.

Copies of the filing were served upon North Penn's jurisdictional customers as well as interested state commissions.

Any person desiring to be heard or to protest the filing should file a petition to intervene or protest with the the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). 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 desiring 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. 83-32967 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-64-000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Application

December 6, 1983.

Take notice that on November 14, 1983, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP84–64–000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon facilities in Custer County, Oklahoma, all as more fully set forth in the appliation which is on file with the Commission and open to public inspection.

Specifically, Northern requests permission to abandon and remove its original East Clinton Custer County interconnect which is connected to Natural Gas Pipeline Company of America's (Natural) facilities. Northern states that the interconnect allowed Northern to deliver its East Clinton Gathering System gas into Natural's facilities. Northern further states that Natural's transportation for Northern commenced March 26, 1981, and terminated March 25, 1983, pursuant to Part 284 of the Commission's Regulations and therefore the subject interconnect is not needed.

It is stated that Producer's Gas Company (Producer's), an intrastate pipeline company in Oklahoma, owns facilities located in close proximity to the subject Northern/Natural interconnect, and has an opportunity to tie into Natural's facilities with minimal cost involvement. Natural is agreeable to this arrangement, providing that Producer's interconnects with Natural facilities at the exact same location as Northern's interconnect, it is indicated. The proposed abandonment and removal would accomodate Producer's desire to attach its reserves to Natural.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 28, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience 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 Northern to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32968 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-31-000]

PRI Energy Systems, Inc.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

December 6, 1983.

On November 2, 1983, PRI Energy Systems, Inc., (Applicant) of P.O. Box 3379, 733 Bishop Street, Honolulu, Hawaii 96842, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle cogeneration facility will be located at 3210 Ualena Street, Honolulu, Hawaii. The primary energy source for the facility will be synthetic natural gas produced in the refining of petroleum crude oil. The facility will consist of an internal combustion engine, an induction generator, and waste heat recovery equipment. The useful thermal energy output will be used in the distribution process of residual fuel oil. The electric power production capacity of the facility will be 60 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, N.E., 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. 83-32969 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-55-000]

Southern Natural Gas Company, Complainant and Transcontinental Gas Pipe Line Corporation, Respondent; Complaint

December 6, 1983.

Take notice that on November 7, 1983, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP84-55-000 a complaint against Transcontinental Gas Pipe Line Corporation (Transco) and a petition pursuant to Rule 206 and Rule 207 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (18 CFR 385.206, 385.207) requesting the Commission to issue an order: (i) Directing Transco to cease and desist from arbitrarily and unilaterally restricting Southern's takes from Block 108, Eugene Island Area, offshore Louisiana, to a level ratable with Transco's takes from that block on a daily basis; and (ii) requiring Transco to perform transportation services it agreed to render on behalf of Southern pursuant to the terms of Transco's Order No. 60 blanket transportation certificate authorization under Section 7(c) of the Natural Gas Act issued in Docket No. CP80-151 and to comply with the terms of the long-term transportation services Transco has agreed to render on behalf of Southern under Section 7(c) of the Natural Gas Act, all as more fully set forth in the complaint and petition on file with the Commission and open to public inspection.

Southern states that it has contracted to purchase certain quantities of gas produced from Eugene Island Block 108 pursuant to a gas purchase and sales agreement between Elf Aquitaine, Inc. (Elf), and Southern dated June 4, 1981, and that Transco has contracted to purchase the remaining interests owned by other producers in Eugene Island Block 108. In order to connect the gas committed to Southern and Transco, it is indicated that the parties agreed to construct, own and operate, in proportion to the respective interests of their producers in the block, certain pipeline facilities connecting to Transco's existing Southeast Louisiana Gathering System in Eugene Island Block 129. In consideration of Southern's participation in the construction and ownership of the Eugene Island Block 108 pipeline facilities, Southern states that Transco agreed to transport, subject to available capacity, its gas produced from that block to Southern's main pipeline system in Livingston Parish, Louisiana.

Southern states that on May 2, 1981, Transco and Southern filed with the Commission a joint application under Section 7(c) of the Natural Gas Act in Docket No. CP82-339-000 for authorization to construct and operate jointly-owned pipeline and appurtenant facilities connecting the Eugene Island Block 108 platform. In that application that parties stated that the capacity of the proposed pipeline, approximately 75,000 Mcf per day, would be available to each party in proportion to its ownership interest—Southern having a 34 percent interest and Transco having the remaining 66 percent interest. It is further stated that Transco also represented in that application that it had agreed to transport Southern's gas produced from Eugene Island Block 108 and that on August 27, 1982, the Commission issued an order in Docket No. CP82-339-000 granting a certificate of public convenience and necessity under Section 7(c) of the Natural Gas Act to Transco and Southern for the construction and operation of the Eugene Island Block 108 facilities under the terms and conditions proposed in the parties' application.

Shortly after production from Eugene Island Block 108 commenced, Southern submits, Transco unilaterally and capriciously began restricting the quantities of gas which may be produced and transported for the account of Southern from that block in contravention of its agreements with Southern. It is stated in the complaint that the effect of Transco's restriction on takes from the blocks is to hold Southern's purchases in Eugene Island Block 108 proportionate or rateable on a daily basis with those of Transco in the block. Southern complains that those actions render it unable to utilize effectively the pipeline facilities authorized by the Commission in Eugene Island Block 108 and to perform fully the rights and obligations under the terms of its contract with Elf.

Southern contends by its complaint that Transco's actions violate the transportation authorization in Docket No. ST83-726 granted by the Commission pursuant to Transco's blanket certificate authorization under Section 7 of the Natural Gas Act § 717(f) issued in Docket No. CP80-151. In addition, Southern asserts that Transco's actions deny Southern access to the available capacity of the Eugene Island Block 108 facilities contrary to the terms and conditions of the Commission's order under Section 7(c) of the Natural Gas Act issued in Docket No. CP82-339-000. It is further asserted that Transco's actions may constitute violations of other laws and governmental regulations, including but not limited to provisions of Sections 4 and 5 of the Natural Gas Act and Section 5 of the Outer Continental Shelf Lands Act.

Any person desiring to be heard or to make any protest with reference to said complaint and petition should, on or before January 5, 1984, 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. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32970 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-56-000]

Texas Gas Transmission Corp.; Application

December 6, 1983.

Take notice that on November 10, 1983, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP84-56-000, an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in order to effect direct sales to 11 industrial purchasers on an interruptible basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to sell up to 15,392,000 Mcf of natural gas at a maximum daily delivery rate of 71,422 Mcf, for a twelve-month term commencing January 1, 1984, to Armco, Inc., (Armco), Celotex Corporation (Celotex), Chevron Corporation (Chevron), Container Corporation of America (CCA), Davison Chemical Company/Division of W. R. Grace (Davison Chemical), Diamond Shamrock Company (Diamond Shamrock), Georgia Pacific Corporation (Georgia Pacific), Kaiser Aluminum & Chemical

Corporation (Kaiser Aluminum), Middletown Paperboard (Middletown), Procter and Gamble Corporation (P&G), and Stone Container Corporation (Stone Container), as shown below.

PROPOSED SALES VOLUMES

[Million cubic feet]

Customer	Maximum annual volume	Maximum daily volume
Armco	12,000,000	59,000
Celotex	480,000	2,200
Chevron	242,000	672
CCA	378,000	1,600
Davison Chemical	360,000	1,200
Diamond Shamrock	300,000	900
Georiga Pacific	432,000	1,600
Kaiser Aluminum	215,000	050
Middletown	475,000	1,300
P&G	150,000	800
Stone Container	360,000	1,200
Total	15,392,000	71,422

It is stated that the proposed sales serve to displace the use of fuel oil by the 11 purchasers. It is indicated that these purchasers are customers of Cincinnati Gas and Electric Company (Cincinnati Gas); however, Applicant indicates that each has reduced or suspended their purchases from Cincinnati Gas due to the lower price of fuel oil. Applicant states that it would limit the proposed sales to those requirements which would otherwise be met with fuel oil.

Applicant states that the sales would occur and title would pass to the 11 purchasers at existing points of interconnection of Applicant's and Cincinnati Gas' facilities. Applicant indicates that Cincinnati Gas would receive the gas at these points for the account of the purchasers and would render a transportation service to the industrial plants of each purchaser. It is indicated that Cincinnati Gas would impose a charge on the purchaser for this service under the terms of transportation agreements between Cincinnati Gas and each end-user.

Applicant States that it would charge a negotiated rate for the above direct sales to be set initially at $3.70 per Mcf and would be periodically redetermined, with such redetermination subject to a minimum price equal to Applicant's system average load factor rate. Applicant proposes to retain the revenues realized from these sales.

Applicant indicates that capacity to render the proposed sales is available on its system due to the decline in the overall volume of its sales, including those previously made in the Cincinnati area. Cincinnati Gas also indicates that it has adequate capacity to transport the proposed volumes. Applicant states that the sale and/or transportation of the volumes proposed would be interrupted prior to the curtailment of service to its and Cincinnati Gas' other customers.

Applicant avers that the proposed transactions represent a continuation of sales authorized by the Commission, through December 31, 1983, in an order issued on September 26, 1983, in Docket Nos. CP83-374 and CP83-378 (24 FERC ¶61,372).

Any person desiring to be heard or to make any protest with reference to said application should on or before December 28, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or 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. 83-32852 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-18-000]

Texas Gas Transmission Corp.; Filing of Revised Tariff Sheet

December 6, 1983.

Take notice that on November 29, 1983, Texas Gas Transmission Corporation (Texas Gas) tended for filing Forty-Third Revised Sheet No. 7 to its FPC Gas Tariff, Third Revised Volume No. 1.

The revised tariff sheet is being filed pursuant to Section 24 of Texas Gas's tariff to reflect the 1984 General RD&D Funding Unit of 1.25¢ per Mcf as authorized by Opinion No. 195, issued by the Commission on October 28, 1983 in Docket No. RP83-95.

Copies of the revised tariff sheet are being mailed to Texas Gas'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, N.E., Washington, DC 20426, in accordance with Rules 2.11 and 2.14 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 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. 83-32853 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-60-000]

United Gas Pipe Line Co.; Application

December 6, 1983.

Take notice that on November 10, 1983, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP84-60-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation in interstate commerce of certain existing gas supply facilities located in southwestern Louisiana, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant states that certain portions of its system are so constructed and have been so operated that gas entering them connot leave the state in which the facilities are located. It is explained that one of such segments is located in the area of Lake Charles, Louisiana, and includes facilities in Calcasieu,

Beauregard, Vernon, Jefferson Davis and Cameron Parishes, Louisiana, and that the gas supplies that are consumed on this segment enter it from Applicant's general interstate system and from purchases from producers located along the segment itself. The application states that most of Applicant's facilities on the segment have long been subject to the Commission's jurisdiction inasmuch as such facilities are used to transport and sell gas in interstate commerce, *i.e.*, to deliver to customers on the segment gas from outside the state of Louisiana or gas that has been commingled with such gas. However, Applicant states, other facilities on the segment are not jurisdictional because heretofore they have not been used to perform any jurisdictional service, *i.e.*, neither does gas flow from such facilities into interstate commerce nor is gas from outside Louisiana, or gas commingled with such gas, transported through the facilities. Specifically, Applicant states that the non-jurisdictional, uncertificated facilities on the Lake Charles segment are the gas supply facilities that are used to transport gas from points of purchase from producers on the segment to Applicant's certificated facilities.

Applicant states that due to the changing operational requirements on this segment and for purposes of enhancing the overall flexibility of its operations, Applicant proposes to change the nature of operations on the segment. Applicant states that as it acquires new gas supplies in certain locations in the Lake Charles area, the operational conditions on this segment of its system would necessitate its being able to flow the gas outside the segment. Correspondingly, decreases in the demand of some customers in the area could lead to situations in which Applicant may have substantial volumes of gas in excess of the needs of its remaining customers in such area, it is asserted. In addition, it is explained, as result of exercise of market-out clauses in its contracts with certain producers, Applicant has been requested to transport gas on a short-term basis on behalf of other purchasers. In order to meet these needs and to maximize the capabilities of its system, Applicant proposes to change its method of operations so that gas can be delivered out of, as well as into, the Lake Charles area.

Applicant requests authorization to operate gas supply facilities, other than gathering facilitis, for the transportation of natural gas in interstate commerce. The facilities are identified in exhibits accompanying the application, as are the gas purchase contracts and names of producers who supply gas at particular field purchase points. Applicant states that it is unable to state with certainty when it would be necessary to change the operation of the Lake Charles segment to permit gas from such segment to flow in interstate commerce, since precise information on the timing and flows of new purchases or other operational needs is not currently available. Applicant states that since the gas supply facilities for which authorization is sought are already in existence, no additional construction or financing would be required.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 28, 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. 83-32954 Filed 12-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-37-000]

United States Natural Gas Corp.; Application

December 6, 1983.

Take notice that on October 28, 1983, United States Natural Gas Corporation (Applicant), 1200 Milam, Suite 3300, Houston, Texas 77002, filed in Docket No. CP84-37-000 an application, as supplemented November 15, 1983, pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce, the sale of natural gas in interstate commerce for resale, and the acquisition and operation of facilities necessary to render the proposed service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has negotiated a ten-year contract with its corporate affiliate, Golden Triangle Gas Distribution Company (Golden Triangle), to sell, transport, and deliver up to 75 billion Btu of natural gas per day on a firm basis and 75 billion Btu per day on an interruptible basis, all as averaged on an annualized basis. Applicant indicates that it would arrange to deliver the natural gas to Golden Triangle's facilities located in Orange County, Texas. Applicant estimates the sales price for the first year of deliveries to be $3.25 per million Btu for both firm and interruptible sales and estimates the average transportation cost to be approximately $0.10 per million Btu delivered.

Applicant states that Golden Triangle would use the natural gas to serve its existing customers and as a source of system supply to serve new customers. Applicant submits that the end-use of the natural gas would be approximately 50 percent industrial and 50 percent electric utility, varying to some extent on a seasonal basis and from year to year. Golden Triangle has filed with the Commission in Docket No. CP84-36-000 an application for an exemption pursuant to Section 1(c) of the Natural Gas Act to become effective on the date of commencement of deliveries from Applicant under the certificate proposed herein, it is explained.

Applicant submits that the natural gas intended to be delivered to Golden Triangle is part of Applicant's system supply and is produced in the offshore and onshore Louisiana and Texas areas.[1] It is explained that

[1] Applicant states that it currently has pending in Docket No. CP83-116-000 an application pursuant to

Continued

transportation from the offshore Louisiana area is to be through the facilities of Applicant, Michigan Wisconsin Pipe Line Company (Mich-Wis) and/or Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee). From various points onshore, the natural gas would be transported pursuant to various transportation agreements currently in place or proposed among Applicant, Golden Triangle, Mich-Wis, Tennessee, Florida Gas Transmission Company, Sugar Bowl Gas Corporation and/or Transcontinental Gas Pipe Line Corporation, it is asserted. Applicant states that existing capacity of the offshore facilities is adequate to transport and deliver the proposed volumes. Also, Applicant states that the resale of the proposed volumes to Golden Triangle would not impair the ability of Applicant to serve fully its customers nor would the transportation of the proposed firm volumes impair Applicant's other transportation obligations.

To effectuate certain deliveries to Golden Triangle, Applicant proposes to acquire and operate facilities known as the "Sabine River Crossing" facilities. It is submitted that these facilities consist of 1,200 feet of 12-inch pipeline located in Orange County, Texas, and Cameron Parish, Louisiana. Applicant states that the Sabine River Crossing facilities are currently owned by Applicant's parent company, Tatham. Applicant proposes to acquire these facilities by a cash payment of $175,912, the estimated cost of facilities, the transaction to be consummated upon Commission approval of the application herein. Applicant proposes to reflect this value in its rate base. Applicant states that the cost of the acquisition would be financed through an additional capital contribution by its parent company.

Applicant states that it has excess transportation capacity on its system and has dedicated gas supplies excess to its present system requirements. Applicant states it may incur take-or-pay obligations if the proposed service is not authorized. Applicant states further that approval of the requested authorization would permit more efficient and economical use of Applicant's facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 28, 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. 83-32955 Filed 12-9-83; 8:45 am]

BILLING CODE 32955-M

Section 7(c) of the Natural Gas Act for authorization to succeed to the facilities and obligations of Tidal Transmission Company and West Lake Arthur Corporation, two interstate pipelines owned by Applicant's parent company, Tatham Pipeline Company. Once successor certificates are issued, Applicant maintains, it would be an interstate pipeline as that term is defined in Section 2(15) of the Natural Gas Policy Act of 1978 and would own and operate facilities located in the offshore Louisiana and Texas areas and in the West Lake Arthur Field, Louisiana.

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53054; BH-FRL 2463-3]

Premanufacture Notices; Monthly Status Report for September 1983

Correction

In FR Doc. 83-29882 beginning on page 51522 in the issue of Wednesday, November 9, 1983, make the following corrections:

1. On page 51522, in PMN No. 83-1102, under the column titled "Identity/generic name", the word "alkonal" should read "alkanol".

2. On page 51525, in PMN No. 83-1326, under the column titled "Identity/generic name", add the word "Void."

3. On page 51526, "PMN No. 83-679" should read "PMN No. 82-679".

4. On page 51527, in PMN No. 82-387 and PMN No. 82-388, under the column titled "Identity/generic name", "*O,O,*" should read "O,O',".

BILLING CODE 1505-01-M

[OPRM-FRL 2486-2]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests that have been forwarded to the Office of Management and budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers; Office of Standards and Regulations; Information Management Section (PM-223); U.S. Environmental Protection Agency; 401 M Street, S.W.; Washington, D.C. 20460; telephone (202) 382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION:

Hazardous Waste Programs

• Title: Reporting, Recordkeeping and Planning Requirements for Groundwater Monitoring (EPA #0959).

Abstract: Under the Resource Conservation and Recovery Act, treatment, storage and disposal facilities must monitor groundwater for possible contamination. They must maintain related records throughout the life of the facilities and submit periodic reports to EPA.

Respondents: Owners and operators of treatment, storage and disposal facilities.

Toxics Programs

• Title: Acknowledgement Statement by Foreign Purchasers of Unregistered Pesticides (EPA #0161).

Abstract: EPA requires foreign purchasers of unregistered pesticides to sign a statement acknowledging that the pesticide in unregistered and cannot be sold in the United States. EPA sends a

copy of the statement to the government of the importing country for any necessary action.

Respondents: Foreign purchasers of unregisted pesticides produced in the U.S.

Agency PRA Clearance Requests Completed by OMB

EPA #0158, Application for Registration of Pesticide-Producing Establishments, was cleared November 17 (OMB #2000-0353).

EPA #0563, Utility Flue Gas Desulfurization Survey, was cleared November 27 (OMB #2060-0004).

EPA #1149, Request for Emissions Data and General Plan Information: SOCMI Carrier Gas NSPS, was cleared November 19 (OMB #2060-0052).

Comments on all parts of this notice should be sent to:

David Bowers (PM-223), U.S. Environmental Protection Agency, Office of Standards and Regulation, 401 M Street, S.W., Washington, D.C. 20460

and

Vartkes Broussalina, Wayne Leiss or Carlos Tellez, Office of Management and budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, N.W., Washington, D.C. 20503

Dated: December 2, 1983.

Daniel J. Fiorino,

Acting Director, Regulation and Information Management Division.

[FR Doc. 83-32705 Filed 12-9-83; 8:45 am]

BILLING CODE 6560-50-M

[AMS-FRL 2485-2]

Fuel Economy Retrofit Devices; Announcement of Fuel Economy Retrofit Device Evaluations for Gyroscopic Wheel Cover, HYDRO-VAC, Mesco Moisture Extraction System, POWERFUeL Extender System, and P.S.C.U. 01

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of fuel economy retrofit device evaluation.

SUMMARY: This document announces the completion of the EPA evaluation of the "Gyroscopic Wheel Cover," "HYDRO-VAC," "Mesco Moisture Extraction System," "POWERFUeL Extender System," and "P.S.C.U. 01" under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act. The notice also announces our findings, conclusions, and the availability of the reports.

SUPPLEMENTARY INFORMATION:

I. Background

Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device."

EPA published final regulations establishing procedures for conducting evaluations of fuel economy retrofit devices on March 23, 1979 (44 FR 17946).

II. Origin of Request for Evaluation, Device Descriptions and Report Identification

A. Gyroscopic Wheel Cover

On January 31, 1983, the EPA received from Zimmer Wheels, Incorporated, an application for evaluation of the Gyroscopic Wheel Cover. The device is a mechanical assembly which replaces each of the standard wheel covers on a vehicle. The device is claimed to improve fuel economy, handling, and braking characteristics as well as extend the life of the brakes and tires.

Report: "EPA Evaluation of the Gyroscopic Wheel Cover Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act." Report Number EPA-AA-TEB-511-83-11 contains the analysis and conclusions. It consists of 59 pages and includes all of the attachments.

B. HYDRO-VAC

On January 4, 1983, the EPA received from Griffin Sales Company, Incorporated, an application for evaluation of the HYDRO-VAC. The product is a vapor-air bleed device which provides water and additional air to the induction system of an engine. The device is claimed to improve fuel economy and performance for both gasoline and diesel fueled vehicles.

Report: "EPA Evaluation of the HYDRO-VAC Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act." Report Number EPA-AA-TEB-511-83-12 contains the analysis and conclusions. It consists of 21 pages and includes all of the attachments.

C. Mesco Moisture Extraction System

On February 7, 1983, the EPA received from Mesco, Inc., an application for evaluation of the Mesco Moisture Extraction System. This device is an exhaust gas recirculation (EGR) system. The device supplements the EGR system of a vehicle by adding cooled and filtered exhaust gas to the carburetor. The ignition timing is also advanced. This combination of advanced timing and supplemental EGR is claimed to result in a longer, cleaner burn that improves engine performance and reduces emissions.

Report: "EPA Evaluation of the Mesco Moisture Extraction System Under Section 511 of the Motor Vehicle Information and Cost Savings Act." Report Number EPA-AA-TEB-511-83-10 contains the analysis and conclusions. It consists of 69 pages and includes all of the attachments.

D. POWERFUeL

On October 13, 1982, the EPA received from Auto Economy Venture, Incorporated, an application for evaluation of the POWERFUeL Extender System. The product is a vapor-air bleed device which meters an additive (composed mostly of alcohol and water) into the engine's induction system only during periods of hard acceleration. The device is claimed to improve fuel economy and driveability and to reduce exhaust emissions and required engine maintenance.

Report: "EPA Evaluation of the POWERFUeL Extender System Under Section 511 of the Motor Vehicle Information and Cost Savings Act." Report Number EPA-AA-TEB-511-83-7 contains the analysis and conclusions. It consists of 47 pages and includes all of the attachments.

E. P.S.C.U. 01

On November 15, 1982, the EPA received from Dutch Pacific, Incorporated, an application for evaluation of the P.S.C.U. 01. The device is comprised of several mechanical and electrical components which generate

steam and delivers it to the air intake via an inline catalyst. The device is claimed to improve fuel economy and to reduce exhaust emissions.

Report: "EPA Evaluation of the P.S.C.U. 01 Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act." Report Number EPA–AA–TEB–511–83–6 contains the analysis and conclusions. It consists of 57 pages and includes all of the attachments.

III. Availability of Evaluation Reports

Copies of these reports may be obtained from the National Technical Information Service by using the above report numbers. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, telephone: (703) 487–4650 or FTS 737–4650.

IV. Summary of Evaluation

EPA fully considered all of the information submitted by the applicants. The test data and other information supplied by the applicants were insufficient to substantiate the claims for their devices. The applicants did not adequately respond to requests for additional information and failed to provide substantiating test data. Thus, our evaluations were completed on the basis of the information available and EPA's engineering judgment. In the case of the P.S.C.U. 01, the applicant sought to withdraw his application. Since the regulations require that each bona fide application result in an evaluation, his request was denied.

Our overall conclusions was that for each of these devices—Gyroscopic Wheel Cover, HYDRO–VAC, Mesco Moisture Extraction System, POWERFUeL Extender System, and P.S.C.U. 01—there is no reason to expect that the device would significantly improve either the emissions or fuel economy of a typical vehicle in proper operating condition.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, Office of Mobile Sources, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, Telephone: (313) 668–4299.

Dated: December 2, 1983.

John C. Topping,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 83-32932 Filed 12-9-83; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-51496; TSH-FRL 2485-3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of nineteen PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 84–223, 84–224 and 84–225: February 22, 1984

PMN 84–226, 84–227, 84–228, 84–229, 84–230 and 84–231: February 25, 1984

PMN 84–232 and 84–233: February 26, 1984

PMN 84–234, 84–235, 84–236, 84–237, 84–238 and 84–239: February 27, 1984

PMN 84–240 and 84–241: February 28, 1984

Written comments by:

PMN 84–223, 84–224 and 84–225: January 23, 1984

PMN 84–226, 84–227, 84–228, 84–229, 84–230 and 84–231: January 26, 1984

PMN 84–232 and 84–233: January 27, 1984

PMN 84–234, 84–235, 85–236, 84–237, 84–238 and 84–239: January 28, 1984

PMN 84–240 and 84–241: January 29, 1984

ADDRESS: Written comments identified by the document control number "[OPTS–51496]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460; (202–382–3532).

FOR FURTHER INFORMATION CONTACT: Margaret Stasikowski, Acting Chief, Premanufacture Notice Management Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M St., SW., Washington, DC 20460; (202–382–3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E–107 at the above address.

PMN 84–223

Manufacturer. Confidential.

Chemical. (G) Aromatic sulfonate of substituted heteropolycycle.

Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.

Toxicity Data. BOD_5 commercial product—138,000 mg/l; BOD_5 standard test system—197,000 mg/l; BOD_5 commercial product and standard test system—350,000 mg/l.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 84–224

Manufacturer. Milliken & Company.

Chemical. (G) Alkoxylated bisphenol A, inorganic ester, monoethanolamine salt.

Use/Production. (G) Surfactant. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by navigable waterway.

PMN 84–225

Manufacturer. Confidential.

Chemical. (G) Polyester—imide resin.

Use/Production. (G) Intermediate for electrical insulation coatings. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 84–226

Manufacturer. Confidential.

Chemical. (G) 1,3 Benzene dicarboxylic acid polymer with 1,4 benzene dicarboxylic acid, adipic acid and polyols.

Use/Production. (S) Primary binder in industrial paint. Prod. range: 30,000–100,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 22 workers, up to 8 hrs/da, up to 40 da/yr.

Environmental Release/Disposal. 10 kg/batch released to land. Disposal by publicly owned treatment works (POTW) and landfill.

PMN 84–227

Manufacturer. Confidential.

Chemical. (G) Fatty acids, esters with polyols.

Use/Production. (G) Contained use and used in an open non-dispersive application. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 6 workers.

Environmental Release/Disposal. Release to air and land with less than 0.1 kg/batch to water. Disposal by landfill.

PMN 84–228

Manufacturer. Confidential.

Chemical. (G) Modified copolymer of alkenoic esters and substituted alkenoic esters with styrene.

Use/Production. (G) Vehicle polymer for an industrial finish which has an open use. Prod. range: 5,000–50,000 kg/yr.

Toxicity Data. Acute oral: > 5.0 ml/kg; Acute dermal: > 2.0 ml/kg; Irritation: Skin—Irritant, Eye—Non-irritant; Inhalation: None.

Exposure. Manufacture: Dermal, a total of 23 workers, up to 3 hrs/da, up to 9 da/yr.

Environmental Release/Disposal. 5–20 kg/batch released to land. Disposal by incineration and by landfill.

PMN 84–229

Manufacturer. GTE Products Corporation.

Chemical. (S) Zinc ammonium phosphate.

Use/Production. (G) Destructive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: Dermal, a total of 4 workers.

Environmental Release/Disposal. 0.010–0.01 kg/batch released to air with 0.001–0.004 kg/batch to water. Disposal by navigable waterway.

PMN 84–230

Manufacturer. GTE Products Corporation.

Chemical. (S) Zinc magnesium orthophosphate.

Use/Production. (S) Industrial and commercial luminescent chemical used in display screens. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: Dermal, a total of 5 workers.

Environmental Release/Disposal. 0.01 kg/batch released to air with 0.001–0.003 kg/batch to water. Disposal by navigable waterway.

PMN 84–231

Manufacturer. Confidential.

Chemical. (G) Aliphatic polycarbonate diol.

Use/Production. (G) Contained use. Prod. range: Confidential.

Toxicity Data. Acute oral: 5 g/kg; Acute dermal: 2 g/kg; Irritation: Skin—Minimal, Eye—Non-irritant; Inhalation: >.74 mg/l; Ames Test: Negative.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 84–232

Manufacturer. Spencer-Kellogg Division of Textron, Inc.

Chemical. (G) Alkyd resin.

Use/Production. (G) Open, non-dispersive manner. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. No data submitted.

PMN 84–233

Manufacturer. Aluminum Company of America.

Chemical. (S) Silicon aluminum oxynitride.

Use/Production. (S) Raw materials for fabrication, abrasion resistant refractories, ceramic shapes for ware, electromagnetic and corrosion resistant parts for industrial, commercial and consumer use. Prod. range: 45,000–275,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: Dermal and inhalation, a total of 73 workers, up to 4 hrs/da, up to 270 da/yr.

Environmental Release/Disposal. Release to air. Disposal by control technology.

PMN 84–234

Manufacturer. Confidential.

Chemical. (G) Diisocyanate polymer with polyether polyols.

Use/Production. (S) A moisture curable polymer for sealant formulations. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: A total of 8 workers.

Environmental Release/Disposal. Confidential.

PMN 84–235

Manufacturer. Confidential.

Chemical. (G) Disocyanate polymer with polyether polyols.

Use/Production. (S) A moisture curable polymer for sealant formulations. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: A total of 8 workers.

Environmental Release/Disposal. Confidential.

PMN 84–236

Manufacturer. Confidential.

Chemical. (G) Diisocyanate polymer with polyether polyols.

Use/Production. (S) A moisture curable polymer for sealant formulations. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: A total of 8 workers.

Environmental Release/Disposal. Confidential.

PMN 84–237

Manufacturer. Confidential.

Chemical. (G) Hydroxyalkylene-bis-[trialkyl ammonium chloride].

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. Irritation: Skin—Non-irritant, Eye—Mild.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 84–238

Manufacturer. Confidential.

Chemical. (G) Alkenyltrialkylammonium phosphate.

Use/Production. (G) Synthetic fiber processing aid. Prod. range: Confidential.

Toxicity Data. Acute oral: <5.0 gm/kg; Irritation: Skin—Non-irritant, Eye—Severe.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 84–239

Importer. Confidential.

Chemical. (G) Amine derivative of a fatty acid condensation polymer.

Use/Import. (G) Dispersant. Import range: Confidential.

Toxicity Data. Irritation: Skin—Severe; Skin sensitization: Low.

Exposure. Import and use: A total of 20 workers, 10 minutes.

Environmental Release/Disposal. No data submitted.

PMN 84–240

Manufacturer. Confidential.

Chemical. (G) Trisubstituted benzoxazolium salt.

Use/Production. (G) Chemical intermediate. Prod. range: 350–750 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and use: Dermal, a total of 11 workers, up to 0.8 hr/da, up to 2 da/yr.

Environmental Release/Disposal. Release is <1–3 kg/batch.

PMN 84–241

Manufacturer. Confidential.

Chemical. (G) Trisubstituted benzoxazolium salt.

Use/Production. (G) Contained use in article. Prod. range: 150–200 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and processing: Dermal, a total of 15 workers, up to 6 hrs/da, up to 15 da/yr.

Environmental Release/Disposal. Release is <0.01–3 kg/batch.

Dated: December 2, 1983.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 83-32928 Filed 12-9-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Georgia Port Authority and Moller Steamship Co. et al.; Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: T–4150.

Title: Georgia Ports Authority and Moller Steamship Company, Lease Agreement for Terminal Premises.

Parties: Georgia Ports Authority (Port) and Moller Steamship Company (Moller).

Synopsis: Agreement No. T–4150 provides for the lease of certain paved premises by the Port to Moller, located within the Containerport at Garden City Terminal, Chatham County, Georgia, to be used for the storage and handling of containers, trailers and chassis.

Filing Party: Robert Goethe, Assistant Executive Director, Georgia Ports Authority, P.O. Box 2406, Savannah, Georgia 31402.

Agreement No.: 57–130.

Title: Pacific Westbound Conference.

Parties:

American President Lines, Ltd.
Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
Korea Marine Transport Co., Ltd.
A. P. Moller Maersk Line
Mitsui O.S.K. Lines, Ltd.
Nippon Yusen Kaisha, Ltd.
Sea-Land Service, Inc.
Showa Line, Ltd.
United States Lines, Inc.
Yamashita Shinnihon Steamship Co., Ltd.

Synopsis: Agreement No. 57–130 would amend the basic agreement to clarify and to make certain minor improvements in the independent action provisions of the agreement.

Filing Party: Charles L. Coleman, III, Esquire, Lillick, McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Agreement No.: 9973–10.

Title: Johnson Scanstar Joint Service.

Parties:

Blue Star Line, Ltd.
The East Asiatic Company Limited
Johnson Line Aktiebolag

Synopsis: Agreement No. 9973–10 would amend the basic agreement of the Johnson Scanstar Joint Service to extend the termination date from March 30, 1984 for an indefinite period of time.

Filing Party: R. Frederick Fisher, Esquire, Lillick McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Agreement No.: 10490.

Title: Westwood Transpacific Service.

Parties:

Leif Hoegh & Co. A/S
Westwood Shipping Lines.

Synopsis: Agreement No. 10490 would establish a new and initial joint service between the parties in the trade between the United States/British Columbia West Coast and the Far East (including but not limited to Japan, Korea and Taiwan) to be known as Westwood Transpacific Service.

Filing Party: Joseph A. Klausner, Esquire, 1800 Massachusetts, N.W., Washington, D.C. 20036.

Agreement No.: 10491.

Title: North Europe-U.S. South Atlantic Rate Agreement.

Parties:

Dart Containerline Company Limited
Hapag-Lloyd, AG
Sea-Land Service, Inc.
Trans Freight Lines, Inc.
United States Lines, Inc.

Synopsis: Agreement No. 10491 would establish a rate agreement covering cargo moving from North European ports (Bayonne-Hamburg and Baltic ranges) and European points via such ports to U.S. South Atlantic ports (Cape Hatters-Key West range) and continental U.S. points via such ports. The agreement would also authorize a right of independent action upon 30 days' notice.

Filing Party: Warren L. Lewis, Esquire, Billig, Sher & Jones, P.C., 2033 K Street, N.W., Washington, D.C. 20006.

Agreement No.: 10492.

Title: U.S. South Atlantic-Europe Rate Agreement.

Parties:

Dart Containerline Company Limited
Hapag-Lloyd, AG
Sea-Land Service, Inc.
Trans Freight Lines, Inc.
United States Lines, Inc.

Synopsis: Agreement No. 10492 would establish a rate agreement covering cargo moving from U.S. South Atlantic ports (Cape Hatteras-Key West range) and continental U.S. points in the United Kingdom and Republic of Ireland, North European ports (Bayonne-Hamburg and Baltic ranges), and European points via such North European ports. The agreement would also authorize a right of independent action upon 30 days' notice.

Filing Party: Warren L. Lewis, Esquire, Billig, Sher & Jones, P.C., 2033 K Street, N.W., Washington, D.C. 20006.

By Order of the Federal Maritime Commission.

Dated: December 7, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-32983 Filed 12-9-83; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 83–53]

U.S. Atlantic & Gulf/Australia-New Zealand Conference (Agreement No. 6200–24—Application for U.S. Intermodal Authority); Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Docket No. 83–53 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, (42 U.S.C. 4321 *et seq.*), and that preparation of an environmental impact statement is not required.

This proceeding is an investigation of Agreement No. 6200–24 between Trader Navigation Co. Ltd., Columbus Line, Pacific America Container Express, Bank and Savill/SCNZ and ABC Containerline, N.V. The Agreement includes authority to provide intermodal service from U.S. Atlantic/Gulf ports to ports in Australia, New Zealand and South Sea Islands.

The Commission assessed the environmental impacts of this Agreement earlier, and issued a FONSI on April 18, 1982. The contents of the initial FONSI applying to Agreement 6200–24 remain valid at this time.

This FONSI will become final within 20 days of publication of this Notice in the **Federal Register** unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI is available from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 83-32982 Filed 12-9-83; 8:45 am]

BILLING CODE 6730-01-M

GENERAL SERVICES ADMINISTRATION

Agency Information Collection Under Review by the Office of Management and Budget: Application for Placement on GSA Register of Available Real Estate Appraisers, GSA Form 1195

AGENCY: Office of Policy and Management Systems, GSA.

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the General Services Administration (GSA), plans to request the Office of Management and Budget (OMB), to reinstate a previously approved collection of information.

DATES: Comments on this information collection must be submitted on or before January 6, 1984.

ADDRESSES: Send comments to Franklin S. Reeder, GSA Officer, Room 3235, NEOB, Washington, DC 20503, and to John F. Gilmore, GSA Clearance Office (ORAI), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Wanda Peterson, Office of Information Resources Management (535–8287).

SUPPLEMENTARY INFORMATION: The GSA Form 1195 is used by independent appraisers to present their qualifications for membership on the GSA Register of Available Real Estate Appraisers. The data is used to evaluate the applicant's appraisal education and work experience to determine the level of complexity of appraisal assignments appropriate for each appraiser. The annual reporting burden is: 150 respondents, 150 responses, 75 hours. A copy of the proposal may be obtained from the Directives and Reports Management Branch (ORAI), Room 3004, GS Building, Washington, DC 20405; (202–566–0666).

Dated: December 6, 1983.

John F. Gilmore,

Acting Director, Information Management Division.

[FR Doc. 83-32936 Filed 12-9-83; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Additions to Senior Executive Service Performance Review Board Membership

Title 5, United States Code, Section 4314(c)(4) of the Civil Service Reform Act of 1978, Pub. L. 95–484, requires that the appointment of Performance Review Board members be published in the **Federal Register.**

On October 21, 1983, the Department of Health and Human Services PRB membership was published in the **Federal Register.** The following members are hereby added to that membership:

A. B. Virkler Legate
George W. Siguler

Dated: December 6, 1983.

Thomas S. McFee,

Assistant Secretary for Personnel Administration.

[FR Doc. 83-32931 Filed 12-09-83; 8:45 am]

BILLING CODE 4150-04-M

Centers for Disease Control

Morbidity Industrial Hygiene Survey of Surface Coal Mines Study—4th Round Examinations of Underground Workers; Meeting

The following meetings will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control (CDC) and will be open to the public for observation and participation, limited only by the space available:

Morbidity/Industrial Hygiene Survey of Surface Coal Mines

Date: January 9, 1984.
Time: 9:00 a.m. to 12 noon.
Place: Room 138, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.
Purpose: To discuss the research protocol of a four-phase project involving the examination of surface coal miners and a determination of their exposure to mine dusts.

The National Coal Study—4th Round Examinations of Underground Workers

Date: January 9, 1984.
Time: 1:00 p.m. to 4:00 p.m.
Place: Room 138, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.
Purpose: To discuss the research protocol of a project involving the examination of underground coal miners. The project involves two separate examination principles and three specific environmental considerations.

Viewpoints and suggestions from industry, organized labor, academia, other government agencies, and the public are invited.

Additional information and copies of research protocols for the above projects may be obtained from: Robert B. Reger, Ph.D., Division of Respiratory Disease Studies, NIOSH, CDC, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505, Telephones: FTS: 923–4476, Commercial: 304/291–4476.

Dated: December 1, 1983.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 83-32815 Filed 12-9-83; 8:45 am]

BILLING CODE 4160-19-M

Office of Child Support Enforcement

Conformity of Child Support Enforcement Plan of the State of Ohio With Federal Requirements; Hearing

This is a technical amendment to the Notice of Hearing to reconsider the disapproval of Ohio's State Plan Submittal No. 82–24 noticed in 48 FR 54128, November 30, 1983.

The date of the hearing appeared as January 13, 1983. The correct date is January 13, 1984.

The specific site of the hearing did not appear in the notice. The hearing site is the Moot Court Room at Capital University School of Law, 665 South High Street, Columbus, Ohio 43215.

Dated: December 6, 1983.

Donald F. Garrett,

Presiding Officer.

[FR Doc. 83-32978 Filed 12-9-83; 8:45 am]

BILLING CODE 4190-11-M

Food and Drug Administration

[Docket No. 83M-0326]

CTL, Inc.; Premarket Approval of Customeyes™-38 C, Customeyes™-38 L, Customeyes™-38 S, and CTL-M (Polymacon) Tinted Hydrophilic Contact Lenses; Correction

AGENCY: Food and Drug Administration.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the docket number that appeared in the heading of the notice of approval of the application for premarket approval of the subject devices.

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

SUPPLEMENTARY INFORMATION: In FR Doc. 83-30267 appearing at page 51535 in the issue for Wednesday, November 9, 1983; the docket number is corrected to read as it appears in the heading of this correction document.

Dated: December 6, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-32895 Filed 12-9-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83M-0390]

Dow Corning Ophthalmics, Inc., Premarket Approval of Silcon (Silafilcon A) Multifocal Contact Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the supplemental application for premarket approval under the Medical Device Amendments of 1976 of the SILCON® (silafilcon A) Multifocal contact Lens, sponsored by Dow Corning Ophthalmics, Inc., Midland, MI. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Troat; and Dental Devices Panel, FDA notified the sponsor that the supplemental application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by January 11, 1984.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, National Center for Devices and Radiological Health (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On November 22, 1982, Dow Corning Ophthalmics, Inc., Midland, MI, submitted to FDA a supplemental application for premarket approval of the SILCON® (silafilcon A) Multifocal Contact Lens. The lens is indicated for daily wear by not-aphakic persons with nondiseased presbyopic eyes who have no more than 4.00 dopters fo astigmatism and who require powers of −12.00 to +12.00 diopters and up to 2.75 diopters fo refractive add. The lens is to be disinfected using approved thermal or chemical disinfection systems. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On November 9, 1983, FDA approved the supplemental application by letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), contact lenses made of polymers other than polymethylmethacrylate (PMMA) and solutions for use with such contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), contact lenses made of polymers other than PMMA and solutions for use with such lenses are now regulated as class III medical devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of contact lenses or solutions for use with such lenses comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310) until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based in on file with the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles H. Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling for the SILCON® (silafilcon A) Multifocal Contact Lens states that the lens is to be used with thermal or chemical disinfection systems of specified lens solutions that FDA has approved for use with contact lenses made of polymers other than PMMA. The restrictive labeling informs new users that they must avoid using certain products. The restrictive labeling needs to be updated periodically to refer to new lenses solutions that FDA approves for use with approved contact lenses made of polymers other than PMMA. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41-58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93-637). Furthermore, failure to update restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)). Accordingly, whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved lens, the sponsor of the lens shall correct its labeling to refer the new solution at the next printing or at any other time FDA prescribes by letter to the sponsor.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for adminstrative review of FDA's decision to approve this supplemental application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the supplemental application and FDA's action by an independent advisory committee of experts. A

petition is to be in the form of a petition for reconsideration of FDA's action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through adminstrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before January 11, 1984, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 6, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-32890 Filed 12-9-83; 8:45 am]

BILLING CODE 4160-01-M

Public Health Service

Privacy Act of 1974; System of Records

AGENCY: Public Health Service, HHS.

ACTION: Addition of a new routine use to system of records 09-37-0013, "Health Resources Utilization Statistics, HHS/OASH/NCHS."

SUMMARY: In accordance with the Privacy Act, the Public Health Service (PHS) is publishing notice of a proposal to add a new routine use to system of records 09-37-0013, "Health Resources Utilization Statistics, HHS/OASH/NCHS." This system of records is maintained in the National Center for Health Statistics (NCHS) for the purposes of collecting statistics on the utilization of health services, processing and analyzing the data, and publication of the statistical findings. NCHS is proposing to add a new routine use to permit disclosure of information to a contractor. PHS invites interested persons to submit comments on or before January 11, 1984.

DATE: PHS will adopt the new routine use without further notice 30 days after the date of publication, unless comments are received which would result in a contrary determination.

ADDRESS: Please address comments to: Privacy Act Coordinator, National Center for Health Statistics, Room 2-19, Center Building, 3700 East-West Highway, Hyattsville, MD 20782.

We will make comments available for public inspection at the above address during normal business hours, 8:30 a.m.-5 p.m.

FOR FURTHER INFORMATION CONTACT: Dr. Robert H. Mugge, Privacy Act Coordinator, National Center for Health Statistics, Room 2-19, Center Building, 3700 East-West Highway, Hyattsville, MD 20782; Telephone: (301) 436-7019. This is not a toll free number.

SUPPLEMENTARY INFORMATION: NCHS established this system of records to collect statistics on the utilization of health services and to prepare aggregated data in the form of statistical tables for publication, in accordance with its legislative mandate (42 U.S.C. 242k). The published tables are used for a variety of purposes in the public interest, such as disseminating information on health services statistics to aid in health program planning and policy decisions.

NCHS occasionally finds it necessary to contract with a private firm to conduct surveys or to process or analyze data. If the contract provides for a private firm to conduct a survey, then the firm will be developing and accumulating records for the system. If the contract calls for the private firm to process or analyze data, then records which have already been developed will be turned over to the firm, possibly with records in identifiable form. In either case, the contractor is bound by terms of the contract to take all necessary steps to protect the records from any disclosure, intentional or accidental, except to NCHS. Using a contractor as outlined above increases NCHS' efficiency and effectiveness in carrying out its legislative mandate and, thus, is compatible with the purpose of the system.

The proposed new routine use #2 will permit disclosure of necessary information to a contractor and reads as follows:

"2. NCHS occasionally contracts with a private firm for the purpose of collecting, analyzing, aggregating, or otherwise refining records in the system. Relevant records are developed by or disclosed to such a contractor. The contractor is required to maintain Privacy Act safeguards with respect to such records."

We are also expanding the System Location category to add a reference to contractor sites and are adding contractor safeguards in the safeguards category.

The system notice, which was last published on October 13, 1982, is republished in its entirely below to incorporate the proposed changes.

Dated: December 2, 1983.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operations and Director, Office of Management.

09-37-0013

SYSTEM NAME:

Health Resources Utilization Statistics, HHS/OASH/NCHS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 2-19, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782; Federal Records Center, 4205 Suitland Road, Suitland, Maryland 20409; and at selected contractor locations. A current list of contractor sites is available by writing to the System Manager at the address below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of medical care included in statistical surveys and reports of the National Center for Health Statistics (NCHS), including but not limited to: (1) Staff and residents of nursing homes selected by random sampling techniques to be representative of nursing homes in the U.S.; (2) physicians providing medical care and patients visiting such physicians; (3) patient medical records from selected short-stay hospitals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records containing information on: (1) The utilization of long-term care and nursing home care through data on clients and residents (demographic and social characteristics, health status, and charges paid for care) and the facility (general characteristics, certification, services offered, and expense); (2) the demographic characteristics, medical and other problems of persons visiting physicians, and the physicans' diagnoses, treatment, and disposition decisions made during such visits as obtained from physicians during randomly assigned one-week survey periods; (3) the demographic characteristics, administrative information (admission and discharge

dates, discharge status, and medical record number), and medical information (diagnoses and surgical procedures) abstracted from the face sheet of short-stay hospital medical records; (4) records of family planning medical services provided by the clinics participating in a nationwide sample survey reporting system, the demographic and socioeconomic characteristics, including education and welfare status, of the recipients of these services, and the extent to which these services (excluding physicians' offices) are funded by Federal grants.

In many cases, these records do not contain individual identifiers when they come under control of the National Center for Health Statistics; they carry only sequence numbers, which only the originating agency would be able to translate into a personal identifier—and even then, not in all cases. Names of residents and staff of nursing homes and patients of physicians are listed on separated forms for sampling purposes only and are not included in the final statistical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 306(b) (42 U.S.C. 242k).

PURPOSE(S)

The data are used for statistical purposes only, as specified by statute, Section 308(b) of 42 U.S.C. 242m. Uses within the Department include the preparation of aggregated data in the form of statistical tables for publication, analysis and interpretation to meet the legislative mandates of 42 U.S.C. 242k, i.e., collection of statistics on the utilization of health services, including the utilization of: (1) Long-term care services and nursing home facilities to determine levels of illness and disability, effects on the serviced population, and the costs of care; (2) ambulatory health services by specialties and types of practice of the health professionals providing such services; (3) short-stay hospitals to determine characteristics of patients, length of stay, diagnosis and surgical operations, and utilization patterns of care in hospitals of different size and ownership; (4) family planning facilities to provide statistics on the size of and services dispensed by these facilities, the numbers and characteristics of family planning patients, the overall proportion of the "target population" which is being reached by family planning programs on a national scale, and the like. The family planning data are distributed to the Deputy Assistant Secretary for Population Affairs, DHHS, and the Bureau of Community Health Services in the Health Services Administration for the purpose of executing national family planning programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. The data are disseminated in forms which do not permit the identification of individuals, such as publications of statistical tables, specially requested tabulations, and public use computer tapes. These are communicated to interested persons outside DHHS, such as members of Congress and their staffs, other executive branch agencies, universities and medical schools, state and local health planning agencies, private foundations, etc. The findings are used by demographers, sociologists, health statisticians, epidemiologists, medical educators, health planners, other scholars and concerned citizens, to evaluate health matters, make determinations on needs for legislation, appropriations, new service programs, and the like.

2. NCHS occasionally contracts with a private firm for the purpose of collecting, analyzing, aggregating, or otherwise refining records in the system. Relevant records are developed by or disclosed to such a contractor. The contractor is required to maintain Privacy Act safeguards with respect to such records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files and magnetic tapes.

RETRIEVABILITY:

Data are retrieved by individual identifier only in the editing stage of data processing and only for the purpose of correcting errors in the recording of information. Original survey records are reviewed for accuracy and edited, then data (without personal Identifiers such as name of Social Security Number) are transferred to magnetic tape.

SAFEGUARDS:

All employees of NCHS and contractor personnel with access to NCHS records, as a condition of employment, sign an affidavit binding them to nondisclosure of identifiable individuals, information. Since the magnetic data tapes have no name and address information, users of the tape could only identify specific individuals by relating the identification number on the tape to the original record. Only employees of NCHS, NCHS contractors, the agency supplying the information in the first instance, and third parties with the written permission of the agency supplying the information are permitted access to the magnetic tapes with the identifying numbers described above or to the files containing the original reporting instruments. Access to the records is further limited to person such as analysts, statisticians, statistical clerks, and key punch operators who need to use the individual data to perform their assigned tasks. The NCHS project officer has oversight responsibility to ensure that the contractor observes Privacy Act safeguards. The safeguards are established in accordance with guidelines in DHHS Chapter 45–13 in the General Administration Manual, in supplementary Chapter PHS. hf: 45–13, and in the NCHS Staff Manual on Confidentiality.

RETENTION AND DISPOSAL:

The original records are retained in office files of NCHS or NCHS contractors for two years. The procedure for family planning records differs in that the original documents are retained in office files for only two months. In all instances, the original records are then sent to the Federal Records Center where they are stored for five years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, National Center for Health Statistics, Office of Health Research, Statistics and Technology, Center Building, Room 2–19, 3700 East-West Highway, Hyattsville, Maryland 20782.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the above address.

RECORD ACCESS PROCEDURE:

Access to record systems which have been granted an exemption from the Privacy Act access requirement may be made at the discretion of the System Manager. Positive identification is required from anyone seeking access. Appeal of access refusal may be made to the Director, Office of Management, Public Health Service.

CONTESTING RECORD PROCEDUBES:

If access has been granted, contact the System Manager and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Hospitals, physicians, clinics, nursing homes, and other providers of health care.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

With respect to this system of recordss exemption has been granted from the requirements contained in Subsections 552(a)(3), (d)(1) through (4), and (e)(4)(G) and (H), in accordance with provisions of Subsections 552a(k)(4) of the Privacy Act of 1974. The reason for this exemption is that this system contains only records required by statute to be maintained and used solely as statistical records. The exemption was published in the **Federal Register**, September 11, 1978, Page 40229.

[FR Doc. 83-32898 Filed 12-9-83; 8:45 am]
BILLING CODE 4160-17-M

Social Security Administration

Refugee Resettlement Program: Proposed Designation of Impacted Areas

AGENCY: Office of Refugee Resettlement (ORR), SSA, HHS.

ACTION: Notice of proposed designation of impacted areas.

SUMMARY: This notice proposes the designation of areas as impacted for purposes of the placement of refugees in the United States. Those areas which are designated as impacted will be recommended as unavailable for the resettlement of refugees, except in cases of immediate family reunification, during the period of which the designation is in effect.

DATE: Comments of the proposed area designated as highly impacted will be considered if received on or before February 10, 1984.

ADDRESS: Address written comments, in duplicate, to: David Howell, Office of Refugee Resettlement, Room 1332, Switzer Building, 330 C Street, S.W., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: David Howell, 202-472-6510.

SUPPLEMENTARY INFORMATION:

I. Purpose and Scope

This notice announces the proposed designation of areas that are highly impacted by the presence of refugees or comparable populations such as Cuban/Haitian entrants. Under the Immigration and Nationality Act (INA) and 45 CFR Part 400, areas designated as highly impacted would be recommended as unavailable to resettlement agencies for purposes of placing new refugee arrivals, except in cases where the new arrival is an immediate relative of a current resident of the area.

Under section 412(a)(2)(C)(i) of the INA, as amended by the Refugee Assistance Amendments of 1982 (Pub. L. 97-363), the Director of the Office of Refugee Resettlement (ORR) is required to develop policies and strategies, in consultation with representatives of voluntary agencies and State and local governments, which "insure that a refugee is not initially placed or resettled in an area highly impacted (as determined under regulations prescribed by the Director after consultation with such agencies and governments) by the presence of refugees or comparable populations unless the refugee has a spouse, parent, sibling, son, or daughter residing in the area * * *." In implementing this provision, the Department is publishing a proposed regulation, 45 CFR 400.400, in this issue of the **Federal Register**. This regulation would establish a definition of "highly impacted" and the criteria for applying the definition as well as for seeking a waiver of its application.

This notice, proposing the designation of highly impacted areas, would implement the proposed regulation by applying the impact criteria to over 60 candidate counties. Those counties which meet the criteria are proposed for designation as highly impacted. A list of those counties will be provided to the Department of State as areas proposed to be unavailable for the resettlement of refugees, except immediate family reunification cases, as defined by the proposed § 400.400(a)(5), until they are determined by the Director of ORR to be no longer highly impacted.

II. Authorization

Section 412(a) of the Immigration and Nationality Act (8 U.S.C. 1522(a), as amended by section 4(a) of the Refugee Assistance Amendments of 1982 (Pub. L. 97-363).

III. Discussion of Data

The Department proposes to use the county as the basic unit to which the criteria are applied. The county is thought to be a meaningful local unit in which the impact of refugees and entrants is experienced and can be measured. All relevant data are available at the county level, which is not the case with other possible geographic or jurisdictional units. This insures that uniform units are compared nationwide.

ORR developed an initial list of counties for screening according to the proposed criteria. ORR listed all counties that its data system indicated had received more than 900 initial resettlements of Southeast Asian refugees during either of two time periods, October 1979 through December 1980 (a 15-month period during which 196,057 refugees arrived) and January 1981 through September 1982 (a 21-month period during which 175,243 refugees arrived). This division into two periods of roughly equal refugee admission guaranteed that a county would be considered even if its resettlement rates had been extremely uneven or demonstrated a strong upward or downward trend. Counties were considered for purposes of this notice if either period of time contained significant arrival totals. Thus, ORR listed all counties that received more than approximately one-half of one percent of the new arrivals in either time period. Together, these time periods constitute the entire 36-month period considered in the allocation of funds for social services for FY 1983. The number of counties meeting this initial criterion was 40. (Washington, D.C., was treated as a county for this purpose.)

This initial list was compared with three other lists of places thought to be significantly affected by their refugee populations. These lists were compiled by three organizations: The Committee on Migration and Refugee Affairs of the American Council of Voluntary Agencies for Foreign Service, Inc. (ACVA), the National Association of Counties, and the U.S. Conference of Mayors. Where these lists referred to a non-county entity, the county thought to best approximate the identified entity was used. From the ACVA list, all places designated as either "impacted" or "sensitive" were considered. While all of the lists substantially overlapped, the review of these additional three sources resulted in the addition of 26 more counties to ORR's initial list of 40. In this way, ORR screened 66 counties according to the proposed criteria.

The ORR refugee data system contains information on the refugee's initial place of resettlement as recorded in documents carried by the refugee at the time of arrival in the U.S. The system contains records on 99 percent of the Southeast Asian refugees who arrived during the 3-year period considered, October 1979 through September 1982. The county of arrival could not be identified (although the State was identified) for about 15 percent of those who arrived during 1980, 6 percent of those who arrived during 1981, and 1 percent of those arriving in 1982. Because of this, arrival numbers by county are somewhat

understated; however, the "unknown" placements are distributed proportionately across all of the States, and no county is thought to suffer a relative disadvantage due to the missing information.

With regard to refugees from regions other than Southeast Asia during the 1980–1982 period, ORR's data system is less complete. Therefore, estimates of the populations of the non-Southeast Asian refugees in the counties to be screened were developed by tabulating the data available from ACVA on their places of resettlement and adjusting the results for missing data. For estimates of entrant populations at the county level, ORR used the estimates which were developed by the U.S. Census Bureau and published in the **Federal Register** on 6/24/81. These were adjusted slightly for later resettlements and secondary migration.

In summary, estimates of the combined refugee/entrant populations of the 66 counties were derived by adding the known Southeast Asian arrivals, the estimated arrivals of other refugees, and the estimated entrant populations. Data on the number of refugees and/or entrants receiving ORR-reimbursed AFDC, AFDC–UP, or RCA benefits as of October 1, 1982, were furnished by the counties themselves.

IV. Application of Criteria

Under the proposed section 400.400, two criteria are to be applied in determining if an area should be designated as highly impacted. The first criterion consists of the county population according to the 1980 U.S. Census divided by the estimated refugee/entrant population on October 1, 1982, and may be interpreted as persons per refugee. The second criterion consists of the number of refugees/entrants receiving assistance on October 1, 1982, divided by the estimated refugee/entrant population on that date.

A county may qualify for designation as highly impacted by meeting certain combinations of cutoff points on these two criteria. The combinations of cutoff points that would qualify a county as highly impacted are as follows: (1) A population/refugee ratio of 200:1 or less in combination with a cash assistance percentage of 50 percent or more; (2) a population/refugee ratio of 100:1 or less in combination with a cash assistance percentage of 40 percent or more; (3) a population/refugee ratio of 50:1 or less, regardless of cash assistance utilization.

The application of these criteria to the list of 66 counties results in the identification of 18 counties proposed for designation as highly impacted. These counties, with their qualifying criteria, are listed in Section V.

V. Proposed Areas of High Impact

The following areas are proposed for designation as highly impacted:

TABLE 1

County	Population/ refugee ratio	Cash assistance percentage[1]
Alameda, CA	180	122
Fresno, CA	103	80
Los Angeles, CA	174	82
Orange, CA	132	115
Sacramento, CA	195	159
San Diego, CA	166	112
San Francisco, CA	42	55
San Joaquin, CA	123	229
Santa Clara, CA	119	115
Dade, FL	14	11
Sedgwick, KA	115	59
Suffolk, MA	75	44
Ramsey, MN	77	66
Multnomah, OR	67	45
Providence, RI	173	66
Calhoun, TX	39	N/A
Arlington, VA	47	60
King, WA	127	56

[1] Refugees and/or entrants receiving AFDC, AFDC–UP, or RCA on 10/1/82, divided by number of resettlements of refugees and entrants in FY 1980–1981–1982. The "cash assistance percentage" should not be interpreted as a dependency rate since it does not include all types of assistance, and because the population base has been only partially corrected for secondary migration.
N/A = Not available.

VI. Reconsideration of Data Used in Impact Determination

It is possible that some counties which have experienced substantial growth in refugee population or in use of cash assistance due to net secondary in-migration or other factors may meet the criteria for high impact designation as a result of such changes. In most circumstances, counties with notable secondary migration would already meet the criteria on the basis of initial placements, or would not meet them under any circumstance because the secondary migrants have not sufficiently increased the local refugee population. However, in the event that an increase in refugee population and/or in use of cash assistance would cause a county which is not on the proposed list to meet the high impact criteria, the Department will consider an adjustment of the local refugee population figure and/or will revise the cash assistance percentage.

If a State or local government believes that a country qualifies on the basis of secondary migration or increased use of cash assistance, it should submit a letter containing supporting evidence. The following evidence is requested:

- As of 10/1/82 (or a specified more recent date), the total number of refugees in the county who had been in the U.S. 36 months or less and who were receiving refugee cash assistance (RCA), aid to families with dependent children (AFDC, including AFDC–UP), and general assistance (GA) (each category *must be* separately reported).
- If possible, statistics on the proportion of the cash assistance caseload that consists of persons initially resettled out of the county and/or out of the State.
- The best available information on the amount of in-migration and out-migration of refugees experienced by the county, with emphasis on the past two years. Discussion should be confined to the population entering the United States since October 1, 1979, and should clearly identify what refugee groups are being discussed. The evidence should include a description of the information collection system(s) used by the State and/or county, including data sources, time period covered, timeliness, and validation procedures. Surveys or other special studies can be considered only if they are submitted for review.

Letters must be received by 60 days from date of publication of this notice to be considered. Address letters, in duplicate, to: Linda Gordon, Office of Refugee Resettlement, Room 1332 Switzer Building, 330 C Street, S.W., Washington, D.C. 20201.

X. Paperwork Reduction Act

This notice establishes no reporting requirements which require OMB review and approval.

(No Catalog of Federal Domestic Assistance number has been assigned)

Dated: August 5, 1983.

John A. Svahn,

Commissioner of Social Security.

October 20, 1983.

Margaret M. Heckler,

Secretary of the Department of Health and Human Services.

[FR Doc. 32765 Filed 12-9-83; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D–83–716]

Delegation of Authority to Albert R. Diehl for Interim New Community Functions

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of delegation of authority.

SUMMARY: The Secretary of Housing and Urban Development is delegating his functions, powers, and duties to Albert R. Diehl with respect to section 413 of the Housing and Urban Development

Act of 1968, sections 717 and 726 of the Housing and Urban Development Act of 1970, section 474(a) of the Housing and Urban-Rural Recovery Act of 1983 and any other functions, powers and duties which may affect the liquidation of the new communities program. This delegation is to remain in effect until the assets and liabilities in the revolving fund authorized under section 717 of the Housing and Urban Development Act of 1970 are transferred to the revolving fund for liquidating programs established pursuant to title II of the Independent Offices Appropriations Act, 1955, and a new official is named in a subsequent delegation. This transfer is required to be carried out in Fiscal Year 1984 by title I of the Department of Housing and Urban Development—Independent Agencies Approporiation Act, 1984.

EFFECTIVE DATE: December 5, 1983.

FOR FURTHER INFORMATION CONTACT: Grant E. Mitchell, Assistant General Counsel for New Communities, Room 10248, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Telephone (202) 755–6550 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Section 474(a) of the Housing and Urban-Rural Recovery Act of 1983, Pub. L. 98–181, 97 Stat. 1153, provides for the management and orderly liquidation of the assets, and discharge of the liabilities, acquired or incurred in connection with the new communities program authorized pursuant to title IV of the Housing and Urban Development Act of 1968 and title VII of the Housing and Urban Development Act of 1970 (hereafter referred to as "title IV" and "title VII," respectively). The liquidation of the new communities program is to be carried out pursuant to the provisions of law applicable to the revolving fund for liquidating programs established pursuant to title II of the Independent Offices Appropriations Act, 1955, upon the transfer by the Secretary of Housing and Urban Development of the assets and liabilities in the revolving fund authorized under section 717 of title VII to such revolving fund, as required in title I of the Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1984. Section 474(e) of the Housing and Urban-Rural Recovery Act of 1983 repealed title IV, except for sections 408, 411, 413, 414, 416, and part B of title VII, except for sections 724, 725, 726, and subsections (b) through (e) of section 727. Therefore, all remaining functions, powers and duties related to the new communities program are vested in the Secretary of Housing and Urban Development.

There exists a need to deal promptly with matters concerning the new communities program which may arise before the transfer to the revolving fund for liquidating programs. Albert R. Diehl, formerly Acting Deputy General Manager for New Communities, is knowledgeable of the remaining matters regarding the new communities program. In this connection, the Secretary is delegating the authority to exercise the remaining interim functions to Mr. Diehl.

Accordingly, the Secretary of Housing and Urban Development delegates as follows:

Section A. Authority delegated. Albert R. Diehl is delegated the authority of the Secretary with respect to the new communities program including the functions, powers and duties in section 413 of the Housing and Urban Development Act of 1968 (42 U.S.C. 3912), sections 717 and 726 of the Housing and Urban Development of 1970 (42 U.S.C. 4518, 4527), section 474(a) of the Housing and Urban-Rural Recovery Act of 1983 (Pub. L. 98–181, 97 Stat. 1153) and any other functions, powers and duties which may in the interim affect the liquidation of the new communities program.

Section B. Authority to redelegate. Any of the authority delegated to Albert R. Deihl may be redelegated by Mr. Diehl to other employees of the Department.

Section C. Term of authority. The authority delegated above in Sections A and B shall remain in effect until the assets and liabilities in the revolving fund authorized under section 717 of the Housing and Urban Development Act of 1970 are transferred to the revolving fund for liquidating programs established pursuant to title II of the Independent Offices Appropriation Act, 1955, and a new official is named in a subsequent delegation.

Section D. Supersedure. This delegation revokes and supersedes the assignment of functions from the Secretary to the Community Development Corporation at 36 FR 5304, March 19, 1971 and the delegation of authority from the Secretary to the Supervisor, Cincinnati Multifamily Service Office at 47 FR 38429, August 31, 1982.

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

Dated: December 5, 1983.

Samuel R. Pierce, Jr.,

Secretary of Housing and Urban Development.

[FR Doc. 83-32949 Filed 12-9-83; 8:45 am]

BILLING CODE 4210-32-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Utah; Public Comment Period on Wilderness Study Areas Site Specific Analyses

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice.

SUMMARY: This notice announces a public comment period on 14 draft site specific analyses (SSAs) under review in Utah (13 individual wilderness study areas (WSAs) and 1 instant study area complex (ISA)). The public comment period is scheduled to end on January 27, 1984. Comments and/or information submitted by the public and received on or before the close of business on January 27, 1984, will be considered by BLM in arriving at a "preliminary suitability recommendation" for each WSA. This notice amends the July 30, 1982, notice, pages 33014–6, which gives the details of the Wilderness Study Process. Any acreage differences reflect more accurate measurements.

During the current phase, and prior to the preparation of a statwide EIS, each WSA is being analyzed on a site specific basis using the "Wilderness Study Policy: Policies, criteria, and guidelines for conducting wilderness studies on public lands." These guidelines directed that eight specific study criteria and quality standards be addressed. They are: *Wilderness Study Criteria* (1) Evaluation of Wilderness Values, (2) Manageability; and *Quality Standards,* (3) Energy and Mineral Resource Values, (4) Impacts on Other Resources, (5) Impact of Nondesignation on Wilderness Values, (6) Public Comments, (7) Local Social and Economic Effects, and (8) Consistency with Other Plans. The guidelines were used to conduct an interdisciplinary evaluation which is now subject to public comment. Four basic management options, or alternatives, are evaluated in the SSAs; all wilderness, partial wilderness, no wilderness and no action.

The purpose of the wilderness site specific analysis is to determine the environmental, social and economic effects of recommending or not recommending any, all or portions of

individual WSAs for inclusion into the National Wilderness Preservation System (NWPS). In addition to the site specific analysis and prior to reporting recommendations to the President, a statewide environmental impact statement (EIS), evaluating the cumulative effects, will be prepared for Utah; this is scheduled to be completed in early 1985.

The Secretary of the Interior will recommend to the President whether or not a WSA should be designated wilderness. This is to be completed no later than October 1991.

The President has two years after receipt of the recommendation from the Secretary to make his recommendation to Congress.

Congress has unlimited time to act on the recommendation. Only Congress can designate an area wilderness.

WSAs currently under study in Utah and draft SSAs subject to public comment at this time:

BLMs "Preliminary" Finding on Suitability

WSA No.	WSA Name	WSA acreage	All wilderness	Partial wilderness (approximate acres)	Not suitable
UT-040-078	Death Ridge	62,870			X
UT-040-079	Burning Hills	61,550			X
UT-040-248	Wahweap	134,400		70,360	
UT-040-275	The Cockscomb	10,060		5,100	
UT-050-241 [1]	Fiddler Butte	62,200		31,000	
UT-060-068A	Desolation Canyon	269,850		242,000	
UT-060-068B	Floy Canyon	72,605		23,140	
UT-060-068C	Jack Canyon	7,500			X
UT-060-100B	Flume Canyon	50,800			X
UT-060-100C	Coal Canyon	61,430			X
UT-060-139A	Mill Creek Canyon	9,780			X
UT-060-181	Mancos Mesa	51,440		46,120	
ISA/UT-060-175	Dark Canyon/Middle Point	68,030	68,030		
UT-060-730	Winter Ridge	42,462			X

[1] This area is currently under appeal to the Interior Board of Land Appeals. Once the appeal is resolved the SSA may need revision; however, it is being included for public comment at this time as it treats the area previously identified for WSA status by BLM.

Copies of each SSA currently under study are available for review at all County Courthouses, BLM District Offices, Area Offices, and at the State Office (Public Room) for in-state publics. The addresses are:

County Courthouses

Beaver County Courthouse, Beaver, Utah
Box Elder County Courthouse, Brigham City, Utah
Cache County Courthouse, 160 N. Main, Logan, Utah
Carbon County Courthouse, Price, Utah
Daggett County Courthouse, Manila, Utah
Davis County Courthouse, Farmington, Utah
Duchesne County Courthouse, Duchesne, Utah
Emery County Courthouse, Castledale, Utah
Garfield County Courthouse, Panguitch, Utah
Grand County Courthouse, Moab, Utah
Iron County Courthouse, Parowan, Utah
Juab County Courthouse, Nephi, Utah
Kane County Courthouse, Kanab, Utah
Millard County Courthouse, Fillmore, Utah
Morgan County Courthouse, Morgan, Utah
Piute County Courthouse, Junction, Utah
Rich County Courthouse, Randolph, Utah
Salt Lake County Courthouse, 240 East 400 South, Salt Lake City, Utah
San Juan County Courthouse, Monticello, Utah
Sanpete County Courthouse, Manti, Utah
Sevier County Courthouse, Richfield, Utah
Summit County Courthouse, Coalville, Utah
Tooele County Courthouse, Tooele, Utah
Uintah County Courthouse, Vernal, Utah
Utah County Courthouse, 51 South University, Provo, Utah
Wasatch County Courthouse, Heber, Utah
Washington County Courthouse, 197 East Tabernacle, St. George, Utah
Wayne County Courthouse, Loa, Utah
Weber County Courthouse, Municipal Building, 2550 Washington, Ogden, Utah

BLM Offices in Utah

Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111
Salt Lake District Office, Bear River Resource Area, Pony Express Resource Area, 2370 South 2300 West, Salt Lake City, Utah 84119
Cedar City District Office, 1579 North Main, Cedar City, Utah 84720
Beaver River Resource Area, 444 South Main, Cedar City, Utah 84720
Dixie Resource Area, Dixie Office Building, St. George, Utah 84770
Kanab Resource Area, 320 North First East, Kanab, Utah 84741
Escalante Resource Area, Escalante, Utah 84726
Richfield District Office, 150 East 900 North, Richfield, Utah 84701
House Range Resource Area, Warm Springs Resource Area, Fillmore, Utah 84631
Sevier River Resource Area, 180 North 100 East, Richfield, Utah 84734
Henry Mountains Resource Area, Hanksville, Utah 84734
Moab District Office, 125 West 2nd South, Moab, Utah 84532
Price River Resource Area, San Rafael Resource Area, 900 North 7th East, Price, Utah 84501
Grand Resource Area, Sand Flats Road, Moab, Utah 84532
San Juan Resource Area, 284 South First West, Monticello, Utah 84535
Vernal District Office, Diamond Mountain Resource Area, Bookcliffs Resource Area, 170 South 500 East, Vernal, Utah 84078

A letter of notification of availability of documents (SSAs) has been mailed to out-of-state publics which are on the wilderness mailing list.

Comments and/or information on the draft SSAs should be mailed to the Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111 (Attention: Wilderness).

FOR FURTHER INFORMATION CONTACT: Kent Biddulph, Utah State Office (801) 524–3136.

Dated: December 5, 1983.

Roland G. Robison,

State Director.

[FR Doc. 83-32833 Filed 12-9-83; 8:45 am]

BILLING CODE 4310-DQ-M

Geological Survey

Information Collection Submitted for OMB Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. 3504(h)). Copies of the proposed information collection requirements and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Office at the phone number listed below. Comments and suggestions on the requirement should be made directly to

the Bureau Clearance Officer and the Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503, Attention: Desk Officer for Interior, Telephone: 202–395–7340.

Title: Inventory of Hydrologic Data
Bureau Form Number: 9–1981 through 9–1981–10
Frequency: Variable
Description of Respondents: State, County, River Basin, Interstate, Municipality, Local Government
Annual Responses: 12,000
Annual Burden Hours: 3,740
Bureau Clearance Officer: Geraldine A. Wilson 703–860–7211

Dated: November 30, 1983.

Philip Cohen,

Chief Hydrologist.

[FR Doc. 83-32934 Filed 12-9-83; 8:45 am]

BILLING CODE 4310-31-M

Office of Surface Mining Reclamation and Enforcement

Intent To Prepare a Draft Environmental Impact Statement for the Proposed MONTCO Mine, Rosebud County, Montana

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

ACTION: Notice of intent to prepare a draft environmental impact statement.

SUMMARY: Notice is hereby given that the Office of Surface Mining Reclamation and Enforcement (OSM), Western Technical Center, intends to prepare a draft environmental impact statement (EIS) on the mining and reclamation plan submitted by MONTCO, a partnership of Thermal Energy, Inc., Tongue River Resources, Inc., and Diamond Shamrock, to OSM and the State of Montana for the proposed MONTCO mine. The draft EIS will evaluate the alternative actions of approval or disapproval and other alternatives that may be developed after all comments from the scoping process have been evaluated. This draft EIS will assist the Department in making a decision on MONTCO's application for a surface coal mining operation located east of the Tongue River between Ashland and Birney, Montana.

Unless scoping comments dictate otherwise, OSM's draft EIS will consist of information included in the 1982 Montana Department of State Lands (DSL) MONTCO mine draft EIS, and additional information as required. Because Montana's draft EIS already has been subject to extensive public review and comment, during the scoping period OSM is primarily interested in receiving comments on the need to expand the Montana analysis and what should be included.

DATES: Written comments or statements on the scope of the EIS must be received no later than 4 p.m. M.S.T., January 11, 1984, at the address below.

ADDRESSES: Written comments or statements must be mailed or hand delivered to Allen D. Klien, Administrator, Attn: Charles Albrecht, Office of Surface Mining, Western Technical Center, 2nd Floor, Brooks Towers, 1020 15th Street, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Charles Albrecht (telephone (303) 837–5421; FTS 327–5421 for Federal agencies) at the Denver, Colorado, location given under **"ADDRESSES."**

SUPPLEMENTARY INFORMATION: The MONTCO mine is a proposed surface coal mine to be located approximately 3 miles southwest of Ashland, Montana, and 3.5 miles northeast of Birney, Montana. Using truck-and-shovel mining methods, MONTCO plans to recover 186.1 million tons of coal at a maximum rate of 12 million tons per year for approximately 24 years. The mining operations will disturb approximately 10,171 acres of State and privately owned lands. The coal to be mined is privately owned and is leased by the applicant.

The current 5-year permit application before OSM is for a 1,274-acre permit area, including: (1) A facilities area and topsoil and overburden stockpiles, which are on privately owned surface over unleased Federal coal (sec. 8, T. 4 S., R. 44 E.); and (2) the surface-mine area, which is on privately owned surface and mineral (sec. 9, T. 4 S., R. 44 E.).

Montana DSL's 1982 MONTCO mine draft EIS analyzed the immediate and cumulative effects of mining over the entire mine-plan area (all areas to be mined throughout the life of the mine) to the extent that available information allowed. The analysis focused on the permit area, for which detailed information was available from MONTCO's permit application. Where additional information was available, the analysis extended beyond the permit area to the remainder of the mine, which includes four mining units in addition to the one contained in MONTCO's permit application. A railroad is proposed to service the mine. If the railroad is built, it could spur additional coal mining in the area. The cumulative efforts of the possible additional coal development were briefly discussed in the State draft EIS. The impacts of the railroad were addressed in detail in a draft EIS prepared by the U.S. Interstate Commerce Commission (ICC) in 1983.

Environmental statements other than the 1982 Montana DSL and 1983 ICC draft EIS's covering the proposed mine area are: (1) The 1979–80 U.S. Geological Survey/Montana DSL Northern Powder River Basin coal, Montana, draft and final EIS's; and (2) the 1981–82 OSM/Montana DSL Tongue River, Montana, draft and final petition evaluation documents on the Northern Plains Resource Council's petition to designate certain lands unsuitable for surface coal mining operations.

Historical as well as present land use of the land to be affected by mining and associated disturbances is for livestock grazing and wildlife habitat. As mining progresses, the land will be restored to these uses.

Dated: December 6, 1983.

James R. Harris,

Director, Office of Surface Mining.

[FR Doc. 83-32999 Filed 12-9-83; 8:45 am]

BILLING CODE 4310-05-M

Minerals Management Service

Gulf of Mexico Region; Availability of Final Environmental Impact Statement Regarding Proposed Central Gulf of Mexico Lease Offering (April 1984) and Proposed Western Gulf of Mexico Lease Offering (July 1984)

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Minerals Management Service has prepared a final environmental impact statement (EIS) relating to proposed 1984 oil and gas lease offerings of all unleased blocks in the Central and Western Gulf of Mexico. Central Gulf of Mexico lease offering (April 1984) consists of approximately 34.8 million acres and Western Gulf of Mexico lease offering (July 1984) consists of approximately 30.4 million acres on the Outer Continental Shelf of the Gulf of Mexico.

Single copies of the final EIS can be obtained from the Regional Manager, Gulf of Mexico Region, Minerals Management Service, P.O. Box 7944, Metairie, Louisiana 70010.

Copies of the final EIS will also be available for review in the following libraries:

Austin Public Library, 401 W. 9th Street, Austin, TX
Rosenburg Library, 2310 Sealy Street, Galveston, TX
Brazoria County Library, 410 Brazosport Blvd., Freeport, TX
Texas Southmost College Library, 80 Fort Brown Street, Brownsville, TX

Houston Public Library, 500 McKinney Street, Houston, TX
Dallas Public Library, 1954 Commerce Street, Dallas, TX
LaRatama Library, 505 Mesquite Street, Corpus Christi, TX
New Orleans Public Library, 219 Loyola Avenue, New Orleans, LA
Louisiana State Library, Louisiana State University, Baton Rouge, LA
Calcasieu Parish Library, Downtown Branch, Lake Charles, LA
Mobile Public Library, 701 Government Street, Mobile, AL
St. Petersburg Public Library, 3745 North Avenue North, St. Petersburg, FL
Northwest Regional Library System, 25 W. Government Street, Panama City, FL
Lee County Library, 3355 Fowler Street, Fort Myers, FL
Tampa-Hillsborough County Public Library System, 800 North Ashley Street, Tampa, FL
Lafayette Public Library, 301 W. Congress Street, Lafayette, LA
Harrison County Library, 21st Avenue and Beach Street, Gulfport, MS
Montgomery Public Library, 445 S. Lawrence Street, Montgomery, AL
West Florida Regional Library, 200 West Gregory Street, Pensacola, FL
Leon County Public Library, 127 N. Monroe Street, Tallahassee, FL
Charlotte-Glades Regional Library, 801 N.W. Aaron Street, Port Charlotte, FL

Dated: December 5, 1983.

David C. Russell,

Acting Director, Minerals Management Service.

Approved.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 83-32588 Filed 12-9-83; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30293 (Sub-1)]

Rail; Norfolk and Western Railway Co.; Discontinuance of Service Exemption in Niagara County, NY

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C 10903 *et seq.* the discontinuance of service by Norfolk and Western Railroad Company of 9.6 miles of line in Niagara County, NY, subject to the standard labor protective conditions.

DATES: This exemption shall be effective on January 12, 1984. Petitions to stay must be filed by December 22, 1983, and petitions for reconsideration must be filed by January 3, 1984.

ADDRESSES: Send pleadings referring to Finance Docket No. 30293 (Sub-No. 1) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423, and
(2) Petitioner's Representative: Angelica D. Lloyd, 204 South Jefferson Street, Roanoke, VA 24042.

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: December 2, 1983

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

James H. Bayne,

Acting Secretary.

[FR Doc. 83-32901 Filed 12-9-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-71)]

Rails; Seaboard System Railroad, Inc., Abandonment in Nelson and Washington Counties, KY; Notice of Findings

The Commission has found that the public convenience and necessity permit the Seaboard System Railroad, Inc., to abandon its 17.5-mile rail line between Wickland (milepost B-42.0) and Springfield (milepost B-59.5) in Nelson and Washington Counties, KY. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152-27.

James H. Bayne,

Acting Secretary.

[FR Doc. 83-32902 Filed 12-9-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-80)]

Rails; Seaboard System Railroad, Inc., Abandonment in Leon and Wakulla Counties, FL; Notice of Findings

The Commission has found that the public convenience and necessity permit Seaboard System Railroad, Inc., to abandon its 20.46-mile rail line between Tallahassee, FL (milepost SPA 799.74) and St. Marks, FL (milepost SPA 820.20) in Leon and Wakulla Counties, FL. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27(b).

James H. Bayne,

Acting Secretary.

[FR Doc. 83-32903 Filed 12-9-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Information Collections Under OMB Review

December 7, 1983.

OMB has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all the entries

grouped into new forms, revisions, or extensions. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); (2) The office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) Who will be required or asked to report; (7) An estimate of the number of responses; (8) An estimate of the total number of hours needed to fill out the form; (9) An indication of whether Section 3504(H) of Pub. L. 96-511 applies; (10) The name and telephone number of the person or office responsible for OMB review. Copies of the proposed forms and supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the reviewer listed at the end of each entry and to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

Department of Justice

Agency Clearance Officer Larry E. Miesse—202-633-4312

Reinstatement of a Previously Approved Collection for Which Approval Has Expired

Office of Justice Assistance, Research and Statistics, Department of Justice

Request for Advance or Reimbursement (H-3) (OJARS Form 7160/3)

Monthly

State or local governments, non-profit institutions, small businesses or organization

This form is used by grantees to request funds when the Letter of Credit method is not used. The form is prescribed by OMB Circulars A-102 and A-110: 700 respondents; 4,200 hours; not applicable under 3504(h).

Rob Veeder—395-4814

Larry E. Miesse,

Departmental Clearance Officer, Systems Policy Staff, Office of Information Technology, Justice Management Division.

[FR Doc. 83-32809 Filed 12-9-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; Unemployment Insurance Program Letter No. 41-83; Amendments Made by Pub. L. 98-21 (Social Security Act Amendments of 1983), Which Affect the Federal-State Employment Security Program

Unemployment Insurance Program Letter No. 41-83 provides explanations and interpretative guidelines for the amendments made by sections 324 through 329, 515, and 521 through 524 of Pub. L. 98-21. Those amendments made certain revisions to Title III of the Social Security Act, the Federal-State Extended Unemployment Compensation Act of 1970, and sections 3303(f), 3304(a) and 3306(b) of the Federal Unemployment Tax Act. Each of those amendments are described on a section by section basis. Draft language to implement the changes needed in State laws to satisfy the new requirements by reason of the amendments made by sections 521, 522 and 523 of Pub. L. 98-21 have also been included in UIPL No. 41-83, which is printed below.

Dated: November 25, 1983.

Patrick J. O'Keefe,

Acting Deputy Assistant Secretary of Labor.

Date: September 13, 1983

Expiration Date: September 30, 1984.

Directive: Unemployment Insurance Program Letter No. 41-83

To: All state employment security agencies

From: Royal S. Dellinger, Deputy Assistant Secretary, for Employment and Training

Subject: Amendments Made by Pub. L. 98-21 (Social Security Act Amendments of 1983), Which Affect the Federal-State Unemployment Compensation Program

1. *Purpose.* To advise State agencies of certain amendments made by the subject act to Title III of the Social Security Act (SSA); the Federal-State Extended Unemployment Compensation Act of 1970 (EUCA); sections 3303(f), 3304(a) and 3306(b) of the Federal Unemployment Tax Act (FUTA).

2. *References.* Sections 324 through 329, 515, and 521 through 524 of Pub. L. 98-21.

3. *Background.* The amendments in Pub. L. 98-21, approved on April 20, 1983, made numerous changes in provisions of the Federal law which impact on State unemployment compensation programs. Several of the changes made to the Federal law by Pub. L. 98-21 are being handled in separate unemployment insurance program letters and will not be addressed in this letter. The changes being treated separately include: (1) The provisions in section 501 through 505 of Pub. L. 98-21 which extended the Federal Supplemental Compensation Act (See General Administration Letter No. 2-83, Change 2); and (2) the provisions in sections 511 through 514 which relate to the cap on FUTA tax credit reductions, the definition of average employer rates as used for purposes of those provisions, and the provision establishing the due dates for State payment of interest on Title XII loans (See UIPL No. 31-83, issued June 29, 1983).

4. *Amendments made by sections 515 and 521-524 of Pub. L. 98-21.* The matters to be addressed herein include those changes made by sections 515, and 521 through 524 respectively, which provide for:

(a) Withholding certification of a State law for tax credits under section 3304(c), FUTA, and administrative grants under section 303(c), SSA, if a State fails to pay the interest required on advances under Title XII by the date such interest is required to be paid;

(b) Revision of the optional between terms denial applicable to nonprofessional employees, the vacation or holiday recess denials and the denial allowed to be made applicable to educational service agencies by clauses (ii), (iii), and (iv) of section 3304(a)(6)(A) so that as of April 1, 1984 each of those optional provisions will be mandatory requirements for certification purposes;

(c) An optional denial pursuant to new clause (v) of section 3304(a)(6)(A), FUTA, that may be applied in the same circumstances as described in clauses (i) through (iv) to employees of a nonprofit organization or governmental entity who provide services to or on behalf of an educational institution;

(d) Revision of the actively seeking work requirement applicable to extended benefit claimants under section 202(a)(3)(A)(ii), EUCA, in a manner which provides States with the option of applying the week by week availability requirement to such claimants rather than the 4 x 4 disqualification, if their failure to seek work is because they: (1) Are serving on jury duty; or (2) are hospitalized for treatment of an emergency or life-threatening condition;

(e) Amendment of the withdrawal standard applicable to monies in a State UI trust fund under section 3304(a)(4), FUTA, and section 303(a)(5), SSA, to

permit a State to deduct an amount from unemployment compensation otherwise payable to an individual and use that amount for health insurance premiums if the individual elected to have such deduction made under a health insurance program approved by the Secretary of Labor; and

(f) Extension of the authorization permitting States to allow use of prior positive balances as a contributing employer for reimbursing benefit costs in the case of employers whose tax status is changed retroactively from that of an organization described under section 501(c)(4) of the Internal Revenue Code of 1954 (IRC), to a 501(c)(3) organization if the organization elects the reimbursing method before the earlier of January 1, 1984 or the date 18 months after such election was first available to it under the State law.

5. *Explanation of changes made by Pub. L. 98–21.* Attachment I provides explanations and interpretative guidelines for each of the above described amendments made by sections 515 and 521 through 524 on a section by section basis as well as their effective dates. Draft language for changes needed in State laws to satisfy the new requirements by reason of the amendments made by sections 521, 522 and 523 of Pub. L. 98–21 are provided in Attachment III.

Note.—Suggested language is not provided for the amendments in section 515.

In addition to all of the above described provisions, section 324 through 329 of Pub. L. 98–21 also amended the definition of "wages" in FUTA. The applicability of those changes and the manner in which they will be interpreted are the responsibility of the Secretary of the Treasury. However, for the convenience of the States, we are providing the text of the changes made by those sections and a brief explanation in Attachment II to this UIPL.

6. *Action Required.* SESAs are requested to take the necessary action to assure consistency of State law with the Federal law requirements as amended by Pub. L. 98–21.

7. *Inquiries.* Inquiries should be directed to your regional offices.

8. *Attachments:*

I—Explanation and Interpretation of Amendments
II—Explanation and Text of Amendments Made to Definition of Wages Under FUTA
III—Suggested Draft Language for Implementation of sections 521, 522, and 523 of Pub. L. 98–21

Attachment I, UIPL No. 41–83; Section by Section Explanation and Interpretation of Amendments Made by Sections 515 and 521 Through 524 of Pub. L. 98–21

1. Section 515—Sanctions for Failure To Pay Interest

Section 303(c) of the Social Security Act is amended by the addition of a new paragraph (3), and section 3304(a) of FUTA is amended by redesignating paragraph (17) as paragraph (18) and by inserting a new paragraph (17). New paragraph (3) of section 303(c) provides that if any interest due on advances under Title XII of the Social Security Act is not paid by the due date, of if such interest has been paid directly or indirectly (by an equivalent reduction in State unemployment taxes or otherwise) by the State from amounts in its unemployment fund, the Secretary shall make no certification for payment of a grant to the State for administration of its unemployment compensation law until the interest due has been properly paid.

New paragraph (17) of section 3304(a) includes requirements similar to those of new paragraph (3). Failure to conform the State law to, or to comply with, those requirements will be grounds for withholding certification of a State under section 3304(c), FUTA, on October 31 of any year beginning with 1983. With respect to both the new Title III and the new FUTA requirements, certification may be withheld by the Secretary of Labor only after he has offered the State agency an opportunity for a hearing on the matter and he has made a finding adverse to the State. As in the case of other requirements, the State has a statutory right to seek review of the Secretary of Labor's finding by a United States Court of Appeals.

States must include provisions in their laws consistent with section 3304(a)(17). States should, in addition, assure that proper measures are taken to pay interest, from funds other than the State's unemployment fund, in a timely manner to preclude the loss of certifications as described above.

Due Dates for Payment of Interest

Interest, when payable, is due on various dates depending on particular circumstances. If there is an outstanding balance of an advance or advances made during the 12-month period from October 1 to September 30 (the Federal fiscal year), interest is ordinarily due before the first day of the following fiscal year (October 1). If, however, an advance was made in the last five months of a fiscal year (May, June, July, August, or September), a State may, at its option, defer payment of interest due until the last day of the following calendar year (December 31). Interest does not accrue on such deferred interest.

If there was repayment in full of an advance or advances made in the same calendar year (a cash flow loan) to avoid interest, but there is a subsequent advance after September 30 of the same calendar year, interest on the repaid advance or advances will become due and payable on the day after the date of such subsequent advance.

If a State's insured unemployment rate (IUR) was at least 7.5 percent during the first six months of the preceding calendar year, it may, at its option, defer payment of, and extend the payment for, 75 percent of the interest charges due before October 1. One third of the deferred interest, i.e., 25 percent of the original amount is due and payable before October 1 of each of the following calendar years. Interest does not accrue on such deferred interest.

With respect to interest due before October 1 of 1983, 1984, and 1985 (other than interest previously deferred), a State may, at its option, pay 20 percent and defer 80 percent in four annual installments equal to at least 20 percent of the original amount, under conditions set forth in paragraph (8) of Section 1202(b) added by section 511(a) of Pub. L. 98–21.

Any interest due before October 1 may be deferred, at a State's option, without interest on such deferred interest, for a grace period not exceeding 9 months (i.e., before the following July 1) if, for the most recent 12-month period for which data are available, the State's average total unemployment rate (TUR) was at least 13.5 percent. This deferral authority is provided by paragraph (9) of section 1202(b) added by section 511(a) of Pub. L. 98–21.

Sections 303(c)(3) and 3304(a)(17) apply to any failure to pay interest by the above-described due dates. The first interest due date to which these provisions apply is September 30, 1983.

Effective Date

The above described change to FUTA and SSA became effective upon enactment of Pub. L. 98–21, which was April 20, 1983.

2. Section 52—Treatment of Employees Providing Services to Educational Institutions

Section 3304(a)(6)(A), requires that a State law, as a condition for approval of Federal unemployment tax credit by the Secretary of Labor, provide that benefits

be payable based on services performed for State and local government entities and certain nonprofit organizations in the same amount, on the same terms, and subject ot the same conditions as benefits payable on the basis of other covered service. Prior to amendment by Pub. L. 98–21, the only permitted exceptions to this "equal treatment" requirement were specified in clauses (i) through (iv) of that same subparagraph as described briefly below. (Note: The word "professional" is used herein for convenience in referring to individuals working in an instructional, research or principal administrative capacity while the work "nonprofessional" will refer to services performed in all other capacities.)

Clause (i) *requires* the denial between academic years or terms of benefits based on professional work for any educational institution under certain conditions. Clause (ii)(I) *permits* the denial between academic years or terms of benefits based on nonprofessional work for any educational institution, under certain conditions. Clause (iii) *permits* the denial during an established and customary vacation or holiday period based on professional work or nonprofessional work for any educational institution, under certain conditions. Clause (iv) *permits* the denial as specified in clauses (i), (ii), and (iii) of benefits based on services described in clauses (i) or (ii) to "any individual who performed such services in an educational institution while in the employ of an educational service agency" (ESA). Pub. L. 98–21 amended section 3304(a)(6)(A), FUTA, by adding a new optional clause (v) and made the provisions on clauses (ii) through (iv) mandatory rather than optional.

Specifically, section 521(a)(1) of Pub. L. 98–21 amended section 3304(a)(6)(A), FUTA, by adding new clause (v) as follows:

> (v) With respect to services to which section 3309(a)(1) applies, if such services are provided to or on behalf of an educational institution, compensation may be denied under the same circumstances as described in clauses (i) through (iv), and * * *

The provisions in new clause (v) provides States with the option to deny benefits under the conditions specified by clauses (i) through (iv) to individuals who are not subject to the provisions in those clauses because they are not employees of an educational institution or performing services for an educational institution while in the employ of an educational service agency as that term is specifically defined in clause (iv). As written it will permit States at their option to apply the denials in those clauses to benefits based on any services performed by employees of a nonprofit organization or a governmental entity who provide services to or on behalf of an educational institution. However, if adopted, the provision must be accepted in toto and must be applied equally to all classes of services, both professional and nonprofessional, and must apply equally to all categories of services within classes. Patterns of denial that would provide distinctions between either classes or categories of services would be inconsistent with clause (v).

In addition, section 521(a)(2) of Pub. L. 98–21 amended Section 3304(a)(6)(A) to provide as follows:

> Clauses (ii)(I), (iii) and (iv) of such sections are each amended by striking out "may be denied" and inserting in lieu thereof "shall be denied".

This amendment to the cited clauses in section 3304(a)(6)(A), FUTA, means that the States no longer have the choice of applying the provisions of those clauses at their election, and instead are now required to do so as a condition for certification of the State law. Accordingly, for consistency with the new mandated requirements all States must: (1) Deny benefits based on nonprofessional services performed by employees of an educational institution between academic years or terms under clause (ii)(I); (2) deny benefits based on professional and nonprofessional services performed by employees of an educational institution during an established and customary vacation period or holiday recess under clause (iii); and (3) deny benefits based on professional and nonprofessional services performed by employees of an ESA who perform such services in an educational institution between academic years or terms or during an established and customary vacation period or holiday recess under clause (iv).

Both of the above changes made by section 521(a) (1) and (2) of Pub. L. 98–21 become effective in the case of compensation payable for weeks beginning on or after April 1, 1984. An additional provision provides a grace period beyond the April 1, 1984 effective date for meeting the mandatory requirements imposed by section 521 (a)(2) of Pub. L. 98–21. The explanation for this grace period is provided under a specifically identified heading at the end of the discussion on this section.

Application of Optional Clause (v) of Section 3304(a)(6)(A), FUTA

Prior to enactment of the optional clause (v) provision added to section 3304(a)(6)(A), FUTA, by section 521(a)(1) of Pub. L. 98–21, States were not permitted to deny benefits "between terms" and "within terms" or during an "established and customary vacation period or holiday recess" to any employee of a governmental entity or nonprofit organization who "provided" services "to or on behalf of" an educational institution. They could deny benefits during the prescribed periods only if the individual was in the employ of the educational institution. The only exception was the denial allowed under the terms in clause (iv) of section 3304(a)(6)(A) which was limited to services performed by an employee of an ESA who performed services in an educational institution. Even under clause (iv) any services provided by an employee of the ESA to or on behalf of the ESA are not subject to the denial provisions, unless the services are performed in the educational institution.

The optional denial provision of clause (v) relaxes the employee-employer relationship requirement in clauses (i) through (iv) by allowing the denial to be applied if the services were "provided to or on behalf of an educational institution" irrespective of an employment relationship with the educational institution. Specifically, employees of a State or local governmental entity or a nonprofit organization who provide services "to or on behalf of" an educational institution can be denied benefits in the same circumstances as described in clauses (i) through (iv) pursuant to new operational clause (v). The organizational structure or function of such entities or organizations is of no consequence for purposes of clause (v). They are not required to be established and operated exclusively for purposes of providing services to or on behalf of an educational institution. (This latter requirement applies solely to an educational service agency under the provisions of clause (iv)).

The words "on behalf of" are not specifically defined in the statute, and in the absence of an express definition, we believe the terms must be given their common, ordinary meaning. According to *The American Heritage Dictionary*, 1976 edition, published by Houghton Mifflin Company, Boston, the term "behalf" is defined to mean "interest, support, or benefit." However, it has a distinctly different meaning when used in the phrase "on behalf of" as opposed to "in behalf of." The two are not interchangeable. As used in the phrase "on behalf of" it is restricted to situations in which the individual acts *"as the agent of"*, or *"on the part of"*

someone else. In the context of the provision in which the words are used, we believe it must be construed to apply only to those employees of governmental entities or nonprofit organizations who perform services as an agent of or on the part of an educational institution. This situation could arise, therefore, only where an employee of a governmental entity or nonprofit organization performed services as an agent of or on the part of an educational institution in such a representative capacity. For example, a school board attorney acting in such a capacity in performing services in the employ of the school board could be denied benefits under a clause (v) provision of the State law during periods of unemployment if *all* of the conditions provided in clauses (i), (ii), or (iii) were met.

The words "provided to" in clause (v) are less restrictive than "on behalf of", and do not require that the individual be acting as the agent of or in a representative capacity for the educational institution. It requires only that the services provided to the educational institution give some benefit or support to the institution. For example, under clause (v), employees who perform services as school crossing guards and who are employed by a "City Department of Law Enforcement," or employees who perform services as school bus drivers and who are employed by a "City Department of Transportation", or cafeteria workers employed by the State or local government or a nonprofit organization, may be denied benefits under the same circumstances as described in clauses (ii) through (iv). In such cases such individual may be considered as providing services to the educational institution since they supported transportation needed for the institution, provided safety measures for and satisfied nutritional needs of its students.

This situation could also arise in the case of services performed by employees of an educational service agency (ESA) who perform their services in the ESA rather than in the educational institution. The services may consist of adminstrative functions such as establishing course criteria or schedules. The individuals performing such services for an educational institution cannot be denied benefits during the prescribed period pursuant, to clause (iv) of section 3304(a)(6)(A) since their services are not performed in the educational institution as required by those provisions. However, they can be denied benefits for those periods if a State includes the optional clause (v) in its law. Their services would be considered to have been "provided to" the educational institution, and if all other conditions provided in clauses (i) through (iii) were met, then benefits could be denied accordingly.

In addition, since clause (v) provides that benefits "may be denied under the same circumstances as described in clauses (i) through (iv)," a State will be allowed to deny benefits to individuals providing services to or on behalf of an educational institution only if each of the conditions prescribed by those clauses has been satisfied. That is, benefits may be denied only for the periods between academic years or terms (or for a similar period between two regular but not successive terms as specified in clause (i) and during an established and customary vacation period or holiday recess. Futhermore, the individual must have performed the services in the first of such academic years or terms, or immediately before such vacation period or holiday recess, and must have a reasonable assurance (contract or reasonable assurance in the case of employees who perform professional services) that such services will be performed after the designated periods. Additionally, the required retroactive payment of benefits provided for nonprofessional employees under section 3304(a)(6)(A)(ii) (II), FUTA, must also be applied under the same terms and conditions as specified therein to denial on the basis of nonprofessional services performed by employees of governmental entities and nonprofit organizations that provide services to or on behalf of an educational institution. In other words, every aspect of the conditions provided in clauses (i) through (iv) must be applied to individuals whose services fall within the purview of clause (v) in order to deny them benefits consistent with the Federal law requirements. It is not enough that they simply provide services to or on behalf of an educational institution.

Mandatory Denial of Benefits to Employees Performing Services for an Educational Institution Under Clauses (ii), (iii), and (iv) of section 3304(a) (6) (A), FUTA

Section 521(a)(2) of Pub. L. 98-21 amended section 3304(a)(6)(A)(ii)(I), (III), and (iv), FUTA, by establishing as a condition for certification for tax offset credit by the Secretary of Labor that States amend their laws to require denial of benefits to employees performing services for an educational institution in the circumstances prescribed by the above cited clauses. Prior to the amendment made by section 521(a)(2) of Pub. L. 98-21 States could enact all or certain prescribed parts of clauses (ii) through (iv) at their option. For instance, instead of requiring a reasonable assurance as specified under clause (ii), The State law could include a more restrictive provision requiring a contract to return to work in the next year or term. Also, under those optional provisions, a State could have decided to enact the option only partly with respect to either professional or nonprofessional services. The optional feature in those clauses offered the States those alternatives. However, now that the provisions in these clauses are mandated by Federal law those distinctions are no longer permissible. As in the case of the required provisions in clause (i) States must deny benefits to the full extent of and consistent with the requirements in clauses (ii) through (iv). Consequently, States that previously exercised the options by making distinctions as described above must amend their law to assure that those distinctions are no longer applicable. Conversely, States that have not provided for the denial of benefits to employees performing services for educational institutions under the circumstances and in the capacities described in clauses (ii) through (iv) of amended section 3304(a)(6)(A), FUTA, must amend their laws to provide for denial of benefits as provided in those clauses.

We recommend that States carefully follow the draft language provided in Attachment III of this UIPL when preparing State Legislation modeled on clauses (ii), (iii), and (iv) of section 3304(a)(6)(A), FUTA, for consistency with Federal law requirements.

The above paragraphs supersede Question and Answer 2, p. 7 on the same subject in *Supplement 3, 1976 Draft Legislation*, dated May 6, 1977, to the extent it authorizes clause (iii) to be applied only in part or describes those provisions as optional. It also supersedes the paragraphs in Question 1 and Answer on page 21 of *Supplement 5, 1976 Draft Legislation*, dated November 13, 1978 which formerly permitted States to require a written contract rather than a reasonable assurance in applying the between-terms denial provided by section 3304(a)(6)(A)(ii), FUTA.

Effective Date of Provisions in Section 521

The provisions of section 3304(a)(6)(A), FUTA as amended by section 521 of Pub. L. 98-21 will require changes in current States laws that have not adopted all or only parts of the

between terms and within terms denial provisions contained in provisions modeled on clauses (ii), (iii), and (iv) of section 3304(a)(6)(A). Such changes will be necessary for conformity with the new Federal law requirements in section 3304(a)(6)(A), FUTA. Adoption of the provisions in clause (v) is entirely optional with the States.

Section 521(b)(1) of Pub. L. 98–21 provides that the amendment made by section 521 "shall apply in the case of compensation paid for weeks beginning on or after April 1, 1984." Albeit, a State may enact or modify existing provisions for consistency with clauses (ii), (iii), and (iv) of section 3304(a)(6)(A), FUTA, prior to the April 1, 1984 effective date.

Similarly, a State may enact a provision to implement clause (v) prior to the April 1, 1984 effective date. A State is not required to enact clause (v), but if it decides to do so, it must adopt the provision *in toto*, as described herein, may not adopt only part if it, and may not apply the denial authorization beyond the express terms of the Federal statute.

Additional Time Allowed To Amend State Law to Conform With Amended Clauses (ii), (III) and (iv) of Section 3304(a)(6)(A), FUTA

There is a exception to the April 1, 1984 effective date for implementation of the requirements in clauses (ii) through (iv) of section 3304(a)(6)(A). States are provided additional time to add to or amend provisions in their State laws to conform with the requirements imposed under Section 521(a)(2) of Pub. L. 98–21 where the Secretary of Labor determines that legislation is necessary for consistency with the amendments made by that section. Specifically, section 521(b)(2) provides that:

> In the case of a State with respect to which the Secretary of Labor has determined that State legislation is required in order to comply with the amendment made by this section, the amendment made by this section shall apply in the case of compensation paid for weeks which begin on or after April 1, 1984, and after the end of the first session of the State legislature which begins after the date of the enactment of this Act, or which began prior to the date of the enactment of this Act and remained in session for at least twenty-five calendar days after such date of enactment. For purposes of the preceding sentence, the term "session" means a regular, special, budget, or other session of a State legislature.

Pursuant to the above quoted provisions when the Secretary of Labor determines, after analysis of the State laws and appropriate inquiry of the States involved, that legislation is needed to conform with amended section 3304(a)(6)(A) for weeks beginning on or after April 1, 1984, the State may be given additional time to amend its law for this purpose. The State will have until the end of the first session of the State legislature which begins after April 20, 1983 (the date of enactment of Pub. L. 98–21), or April 1, 1984, whichever is later. If the State legislature is in session on April 20, 1983 and remains in session thereafter for at least 25 calendar days, the April 1, 1984 date is applicable to that State. The "session" to which paragraph (2) applies is specifically defined to include a regular, special, budget, or other session of the State legislature and it is irrelevant whether within that 25 days the legislature meets or is in recess. For example, if the State Legislature first meets in session on January 4, 1984, and adjourns on June 6, 1984, the amendments in Section 521 of Pub. L. 98–21 would be effective with respect to that State for weeks which begin after June 6, 1984. If the session ended before April 1, 1984, the required effective date for the subject amendments would be April 1, 1984 rather than the earlier ending date on which the legislature adjourned.

Because of the different periods that State legislatures are in session, the effective dates for the amendments in section 521 for those States given the so-called "grace period" provided therein, will vary depending on the beginning and ending dates of such sessions. State agencies will be asked to confirm the status of their parallel State law provisions modeled on section 3304(a)(6)(A), FUTA, and about the need for legislative amendments. If the analysis made of the State law and information provided by the States indicates that legislative action is needed, it will form the basis for a determination by the Secretary allowing a "grace period" as provided in paragraph (2).

3. Section 522—Application of Actively Seeking Work Requirement to EB Claimants Who Are Hospitalized Or Are On Jury Duty

Under the terms of the provisions in section 202(a)(3)(A) (ii) of the Federal-State Extended Unemployment Compensation Act of 1970 (EUCA), a State law must provide that an extended benefit claimant who fails to actively engage in seeking work will be disqualified for the week in which such failure occurred and until he or she has been employed at least 4 weeks and earned a total of at least 4 times the individual's extended weekly benefit amount (4 x 4 disqualification). This requirement is applicable to extended benefit claimants irrespective of provisions in State laws which excuse claimants for regular benefits from the active search for work provisions in any week that the individual is not actively seeking work because of jury duty or emergencies requiring hospitalization.

This prohibition against application of provisions of this type to extended benefit claimants has now been relaxed by revisions made to section 202(a)(3)(A)(ii) by Section 522 of Pub. L. 98–21. As revised that section now provides that payment of extended compensation shall not be made to an individual for any week:

> (ii) during which he fails to actively engage in seeking work [,], *unless such individual is not actively engaged in seeking work because such individual is, as determined in accordance with State law—*
>
> *(I) before any court of the United States or any State pursuant to a lawfully issued summons to appear for jury duty (as such term may be defined by the Secretary of Labor), or*
>
> *(II) hospitalized for treatment of an emergency or a life-threatening condition (as such term may be defined by such Secretary),*
>
> *if such exemptions in clauses (I) and (II) apply to recipients of regular benefits, and the State chooses to apply such exemptions for recipients of extended benefits.* (New language italicized, bracketed language deleted.)

The purpose of the above amendments is to allow States that apply corresponding provisions in their laws to claimants for regular benefits, to also apply them to claimants for extended benefits. If a State so elects, the active search for work requirement in the provision quoted above will not apply for any week that an individual satisfies the conditions in clause (I) or (II). However the option may not be applied solely to extended benefit claimants. The exemptions may be applied by a State to extended benefit claimants only if "recipients of regular benefits" are also exempted under the State law from the active search for work requirements in the specified circumstances. That means that no distinctions can be made between claimants for regular or extended benefits in applying the State law as authorized by the amendment to section 202(a)(3)(A)(ii) by section 522.

However, a State is not required to apply both of the exemptions allowed by clauses (I) and (II) if it does not choose to do so. It has the option of electing either one or the other of the two exemptions and apply it to claimants for extended benefits. Whatever the choice it must be made applicable to *both* claimants for regular and extended benefits.

The conditions under which an individual may be exempted from the 4 x 4 disqualifications are specifically set forth under clauses (I) and (II). Under clause (I) an exemption is allowed if a State determines pursuant to its law, that the failure to actively seek work was because the individual was serving on jury duty. The jury duty must be required by a lawfully issued summons which orders the individual to appear for such duty before a court of either the United States or a State.

Under clause (II) an extended benefit claimant can be relieved of the 4 x 4 disqualification only if he or she has been actually hospitalized. Furthermore, the exemption only applies in cases where the individual has been hospitalized as an in-patient "for treatment of an emergency or a life-threatening condition." The exemption cannot be allowed if the treatment given by the hospital is not for the designated purposes.

Under clauses (I) and (II) the terms "jury duty" and hospitalized for treatment of an "emergency or a life-threatening condition" are as such terms may be defined by the Secretary of Labor. Accordingly, these terms are defined generally as follows:

The term "jury duty" means the performance of service as a juror, during all periods of time an individual is engaged in such service, in any court of a State or the United States pursuant to the law of the State or the United States and the rules of the court in which the individual is engaged in the performance of such service."

The phrase "hospitalized for treatment of an emergency or life-threatening condition" has the collective meaning of each of its terms within the context of that phrase. An individual is "hospitalized" when admitted to a hospital as in-patient for medical treatement. Treatment for an "emergency or life-threatening condition" shall be considered for those purposes if determined to be such by the hospital officials or attending physician that provide the treatment for a medical condition existing upon or arising after hospitalization. For purposes of this definition the terms "medical treatment" refer to the application of any remedies which have the objective of effecting a cure of the emergency or life-threatening condition. Once an "emergency condition" or a "life-threatening condition" has been determined to exist, the status of the individual as so determined shall remain unchanged until release from the hospital.

Since application of these exemptions is to be "as determined in accordance with State law", the above terms have been defined broadly to set only the outer bounds of those terms. This leaves the State the choice to establish the exemptions anywhere within those bounds. Therefore in adopting the amendment authorized by section 202(a)(3)(A)(ii), a State may adopt either or both exemptions to the full extent permitted by the definitions given above, or it may adopt more narrowly drawn definitions to limit the scope of the exemption. Adoption of either of these exemptions by a State must be accomplished, however, by the inclusion of provisions in the State's unemployment compensation law which are applicable to claimants for regular benefits as well as claimants for extended benefits.

The definitions given the terms above will be incorporated in amendments to the extended benefit regulations at 20 CFR Part 615 which will be published as proposed regulations with opportunity for comments. In the meantime, the definition as stated above will be applied.

It is emphasized however, that these exemptions from the actively seeking work requirement for EB claimants may be applied by the States only to the extent of and under the conditions prescribed by clauses (I) and (II). State law provisions applicable to claims for regular benefits which go beyond or are different from these conditions for excusing an individual from the active search for work requirement still cannot be applied to extended benefit claimants. This would be the case for example, where State laws permit exemption from the active search for work requirements for claimants who are not actively seeking work because of illness not requiring hospitalization or hospitalization for treatment of other than an emergency or life-threatening condition, or because of disability, death in the family and other reasons. None of those situations are recognized under revised section 202(a)(3)(A)(ii), EUCA, and consequently, those State laws which recognize them may not operate to exempt individuals who file claims for extended benefits from the 4 x 4 disqualification in cases where the failure to actively seek work resulted from such causes.

Effective Date

The amendments made to section 202(a)(3)(A)(ii), EUCA, as described above because effective on the date of enactment of Pub. L. 98-21, which was April 20, 1983.

4. Section 523—Deductions From Unemployment Benefits For Health Insurance Premiums

Under the provisions of section 3304(a)(4), FUTA, and section 303(a)(5), SSA, monies withdrawn from an unemployment fund of a State must be used solely for the payment of unemployment compensation with certain specified exceptions. Both of these provisions were amended by section 523 of Pub. L. 98-21 to permit States to make deductions from the amount of benefits payable to an individual at the option of the individual, and use those deductions for paying health insurance premiums under a program for such insurance that has been approved by the Secretary of Labor.

Specifically, section 3304(a)(4) FUTA was amended by adding the following new subparagraph (C):

(C) Nothing in this paragraph shall be construed to prohibit deducting an amount from unemployment compensation otherwise payable to an individual and using the amount so deducted to pay for health insurance if the individual elected to have such deduction made and such deduction was made under a program approved by the Secretary of Labor.

In similar fashion, section 303(a)(5), SSA, was amended by adding the following new provision at the end thereof:

Provided further, That nothing in this paragraph shall be construed to prohibit deducting an amount from unemployment compensation otherwise payable to an individual and using the amount so deducted to pay for health insurance if the individual elected to have such deduction made and such deduction was made under a program approved by the Secretary of Labor; and

These two provisions require specific implementing language in State law to establish the conditions under which a State may deduct sums from an individual's entitlement to unemployment compensation for the designated purpose. Specifically, the deduction may be made by the State only if the individual elects to have the State do so. The individual's election to have the amount deducted is essential if the deductions are to be made consistent with the new conditions contained in FUTA and the SSA. A State may not require mandatory deduction of monies from the claimant's unemployment compensation for this purpose.

Furthermore, the deduction must be used only "to pay for health insurance." That phrase is interpreted as applying only to payments for the premiums required by the provisions of an approved health insurance program. Premiums for this purpose only include the sum of money agreed to be paid by the insured claimant to the underwriter as consideration for the insurance. Deductions for any other purpose or use in connection with the health insurance program would not be permissible under the Federal law authorization.

Additionally, deductions may be made only for premiums payable under a health insurance program that has been approved by the Secretary of Labor. No deductions are allowed for

programs that have not received such approval.

The criteria that are being established for approval of health insurance programs and the procedures applicable for obtaining such approval are being provided in a separate program letter. That program letter also will include instructions on funding the costs of administering the health insurance program in a State.

Impact of Waiver Provisions Under State Laws

Since all State laws contain provisions voiding any agreement to waive benefit rights or any assignment of benefits, States should consider whether it is necessary to amend such provisions to permit proper implementation of deduction provisions for a health insurance premium. Amendments for this purpose should be carefully phrased to avoid interpretations allowing any expansion of the exception allowed to the withdrawal requirements in State law provisions corresponding to section 3304(a)(4), FUTA, and section 303(a)(5), SSA.

Effective Date

The amendments made to section 3304(a)(4), FUTA and section 303(a)(5), SSA as described above took effect on the date of enactment of Pub. L. 98–21, which was April 20, 1983.

5. Section 524—Treatment of Certain Employers Granted Section 501(c)(3) Status

Unemployment insurance coverage was extended in 1972 to employees of nonprofit organizations described in section 501(c)(3) of the Internal Revenue Code of 1954 which are exempt from income tax under section 501(a) of the Code, pursuant to Pub. L. 91–373, which also gave those organizations the option of financing benefits through reimbursements rather than contributions. Prior to 1972, some of those organizations had elected unemployment insurance coverage for their employees and had paid contributions. The 1976 amendments (Pub. L. 94–566) extended coverage to practically all non-profit organizations in 1978 and also included the option of making payments (reimbursements) rather than contributions as a method of financing benefits.

Those nonprofit employers who had voluntarily covered their employees prior to enactment of Pub. L. 91–373 and Pub. L. 94–566 and had been required to finance their benefit costs by the contributions method, and chose after passage of the 1970 and 1976 UI legislation to switch to the reimbursement method of financing were permitted to apply any positive balance in their experience rating accounts toward benefit costs incurred later and paid for on a reimbursement basis. However, authority to take advantage of such an offset was available for only a short time after enactment of the legislation.

As a result of the provisions in section 524 of Pub. L. 98–21, the above described offset has been made available again for certain organizations that have been determined to be 501(c)(3) organizations retroactively. Specifically, a State may, at its option, permit certain nonprofit organizations that switch from the contributions to the reimbursement method to apply an accumulated balance in its experience rating account to claims costs incurred after the switch, if the switch occurs under the following conditions and involves the following organizations:

1. The organization did not elect the reimbursement option under prior authority because before April 1, 1972, it was treated as a section 501(c)(4), Internal Revenue Code of 1954 (IRC), organization by the Internal Revenue Service (IRS);

2. The IRS subsequently determined such organization to be retroactively a section 501(c)(3), IRC, organization;

3. Such organization elects to switch to the reimbursement method before the earlier of 18 months after such election was first available to it under State law or January 1, 1984; and

4. Such organization paid contributions before January 1, 1982.

Section 524 of Pub. L. 98–21 provides that if the organization meets the conditions stated above, then section 3303(f) shall be applied as though it did not contain the requirement that the election to reimburse benefits be made before April 1, 1972 and did contain "January 1, 1982" in place of "January 1, 1969."

As indicated by the above described conditions in item 1, the State may only apply these provisions to organizations that were formerly exempt under section 501(c)(4). The provision has no applicability to organizations that were previously classified under some other provisions of section 501(c), IRC. Note also that section 3303(f), FUTA, can apply to groups of nonprofit organizations in the same manner that it applies to a single nonprofit organization.

If the nonprofit organization meets all of the above conditions, then the State may provide by law that the organization will not be required to make any reimbursement payments until the total of compensation claimed and paid equals the amount—

1. By which the contributions paid by the organization, during a period specified by the State and before the election, exceed

2. The unemployment compensation for the same period which was charged to the experience rating account of the organization or paid under the State law on the basis of wages paid by it or service performed in its employ, whichever is appropriate.

The draft legislation and most of the Commentary in *Draft Legislation to Implement the Employment Security Amendments of 1970 * * * H.R. 14705* will help explain the manner in which a State may apply the above described provisions in section 3303(f), FUTA, as they pertain specifically to the use of prior contributions to offset current benefit reimbursements.

Attachment II, UIPL No. 41–83; Explanation of Amendments Made to Definition of "Wages" Under FUTA

Section 324(b), 327(c), and 328(c), Pub. L. 98–21, Definition of "Wages"

The definition of "wages" in FUTA was amended in a number of respects by the addition of new subsection (r) to section 3306 and by amendment of subsection (b) of section 3306. These changes impact on certain fringe benefits that include cash or deferred arrangements, tax-sheltered annuities, and nonqualified deferred compensation plans. Under a cash or deferred arrangement forming a part of a qualified profit-sharing plan or stock bonus plan, a covered employee may elect to have the employer contribute an amount to the plan on the employee's behalf or to receive such amount directly in cash. Under a cafeteria plan, so-called, an employee may choose among various benefits including cash, taxable benefits and nontaxable benefits (including a cash or deferred arrangement) offered under the plan. Amounts paid by an employer under a cash or deferred arrangement (whether part of a cafeteria plan) will be taxable as wages under FUTA.

Subject to certain limitations, amounts paid by the employer for a tax-sheltered annuity for an eligible employee may be excluded from an employee's income. Tax-sheltered annuities may be purchased for employees of educational institutions and certain tax exempt organizations, pursuant to a salary reduction agreement. Amounts paid by a nontaxable employer will not be taxable under FUTA.

Amounts deferred under a nonqualified deferred compensation plan generally are taxable when paid or when there is no substantial risk of forfeiture by the employee, depending on whether the plan is unfunded or funded. Such plans may be used by taxable employers to provide retirement benefits in excess of those permitted under tax-qualified retirement plans or coverage limited primarily to highly compensated or management employees. They are also used by tax exempt employers and by State and local governments. Such amounts will be included in an employee's wage base for benefit purposes when the services are performed or later when there is a lapse of a substantial risk of forfeiture (within the meaning of section 83 of the Internal Revenue Code) of the employee's rights to such amounts.

Any payment (other than vacation or sick pay) made to an employee after the month when he or she attains age 62, where the employee did not work for the employer in the period in which such payment is made, will be included as wages if the payment is made with the expectation that the individual will subsequently render services. This provision is effective with respect to remuneration paid after 1983.

In the *Rowan* decision of June 8, 1981, the U.S. Supreme Court held that "wages" under FUTA do not include the cash value of meals and lodging furnished for the convenience of the employer. (See UIPL 39–81 for further details of the decision). The substance of the decision is codified in FUTA, with a limitation on the reach of the *Rowan* decision that exclusion from "wages" for income taxation shall not alone be construed to require a similar exclusion for FUTA.

Employer payments to or on behalf of an employee under a simplified employee pension plan (SEP) are excluded from "wages."

Since administration of these provisions is the responsibility of the Secretary of Treasury, any questions concerning their application and interpretation should be directed to the Internal Revenue Service.

All of the amendments described above are effective with respect to wages paid after December 31, 1984, except where explicitly specified otherwise. The amended provisions of section 3306(b) and new subsection (r) as enacted by Pub. L. 98–21 are given below.

Text of Amendments Made to Definition of "Wages" Under FUTA

3306(b) Wages.—For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

(1) That part of the remuneration which, after remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) equal to $7,000 with respect to employment has been paid to an individual by an employer during any calendar year, is paid to such individual by such employer during such calendar year. If an employer (hereinafter referred to as successor employer) during any calendar year acquires substantially all the property used in a trade or business of another employer (hereinafter referred to as predecessor), or used in a separate unit of a trade or business of a predecessor, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor, then, for the purpose of determining whether the successor employer has paid remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) with respect to employment equal to $7,000 to such individual during such calendar year, any remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) with respect to employment paid (or considered under this paragraph as having been paid) to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor employer;

(2) The amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) made to, or on behalf of, an employee or any of his dependents under a plan or system established by an employer which makes provisions for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), on account of—

[(A) retirement, or]

[B] *(A)* sickness or accident disability *(but, in the case of payments made to an employee or any of his dependents, this subparagraph shall exclude from the term "wages" only payments which are received under a workman's compensation law)*, or

[C] *(B)* medical or hosptalization expenses in connection with sickness or accident disability, or

[D] *(C)* death;

[(3) Any payment made to an employee (inclding any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) on account of retirement;]

(4) Any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employer to, or on behalf of, an employee after the expiration of 6 calendar months following the last calendar month in which the employee worked for such employer;

(5) Any payment made to, or on behalf of, an employee or his beneficiary—

(A) From or to a trust described in section 401(a) which is exempt from tax under section 501(a) at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust, or

(B) Under or to an annuity plan which, at the time of such payment, is plan described in section 403(as),

(C) Under or to a bond purchase plan which, at the time of such payment, is a qualified bond purchase plan described in section 405(a), [or]

(D) Under a simplified employee pension if, at the time of the payment, it is reasonable to believe that the employee will be entitled to a deduction under section 219*(b)(2)* for such payment, [;]

(E) Under or to an annuity contract described in section 403(b), other than a payment for the purchase of such contract which is made by reason of a salary reduction agreement (whether evidenced by a written instrument or otherwise),

(F) Under or to an exempt governmental deferred compensation plan (as defined in section 3121(v)(3), or

(G) To supplement pension benefits under a plan or trust described in any of the foregoing provisions of this paragraph to take into account some portion or all of the increase in the cost of living (as determined by the Secretary of Labor) since retirement but only if such supplemental payments are under a plan which is treated as a welfare plan under section 3(2)(B)(ii) of the Employee Retirement Income Security Act of 1974.

(6) The payment by an employer (without deduction from the remuneration of the employee)—

(A) Of the tax imposed upon an employee under section 3101, or

(B) Of any payment required from an employee under a State unemployment compensation law,

[with respect to remuneration paid to an employee for domestic service in a private home of the employer or for agricultural labor;

(7) Remuneration paid in any medium other than cash to an employee for service not in the course of the employer's trade or business;

[(8) Any payment (other than vacation or sick pay made to an employee after the month in which he attains the age of 65, if he did not work for the employer in the period for which such payment is made:]

(9) Remuneration paid to or on behalf of an employee if (and to the extent that) at the time of the payment of such remuneration it is reasonable to believe that a corresponding deduction is allowable under section 217;

(10) Any payment or series of payments by an employer to an employee or any of his dependents which is paid—

(A) Upon or after the termination of an employee's employment relationship because of: (i) Death, or (ii) retirement for disability, [or (iii) retirement after attaining an age specified in the plan referred to in

subparagraph (B) or in a pension plan of the employer,] and

(B) Under a plan established by the employer which makes provision for his employees generally or a class or classes of his employees [or for such employees or class or classes of employees and their dependents), other than any such payment or series of payments which would have been paid if the employee's employment relationship had not been so terminated;

(11) Remuneration for agricultural labor paid in any medium other than cash;

(12) Any contribution, payment, or service, provided by an employer which may be excluded from the gross income of an employee, his spouse, or his dependents, under the provisions of section 120 (relating to amounts received under qualified group legal services plans); [or]

(13) Any payment made, or benefit furnished, to or for the benefit of an employee if at the time of such payment for such furnishing it is reasonable to believe that the employee will be able to exclude such payment or benefit from income under section 127 or 129 [.], or

(14) The value of any meals or lodging furnished by or on behalf of the employer if at the time of such furnishing it is reasonable to believe that the employee will be able to exclude such items from income under section 119.

Nothing in the regulations prescribed for purposes of chapter 24 (relating to income tax withholding) which provides an exclusion from "wages" as used in such chapter shall be construed to require a similar exclusion from "wages" in the regulations prescribed for purposes of this chapter.

Except as otherwise provided in regulations prescribed by the Secretary, any third party which makes a payment included in wages solely by reason of the parenthetical matter contained in subparagraph (A) of paragraph (2) shall be treated for purposes of this chapter and chapter 22 as the employer with respect to such wages.

* * * * *

[3306] (r) *Treatment of Certain Deferred Compensation and Salary Reduction Arrangements.—*

(1) Certain Employer Contributions Treated As Wages.—

Nothing in any paragraph of subsection (b) (other than paragraph (1)) shall exclude from the term "wages"—

(A) Any employer contribution under a qualified cash or deferred arrangement (as defined in section 401(k)) to the extent not included in gross income by reason of section 402(a)(8), or

(B) Any amount treated as an employer contribution under section 414(h)(2).

(2) Treatment of Certain Nonqualified Deferred Compensation Plans.—

(A) In general.—Any amount deferred under a nonqualified deferred compensation plan shall be taken into account for purposes of this chapter as of the later of—

(i) When the services are performed, or

(ii) When there is no substantial risk of forfeiture of the rights to such amount.

(B) Taxed only once.—Any amount taken into account as wages by reason of subparagraph (A) (and the income attributable thereof) shall not thereafter be treated as wages for purposes of this chapter.

(C) Nonqualified deferred compensation plan.—For purposes of this paragraph, the term "nonqualified deferred compensation plan" means any plan or other arrangement for deferral of compensation other than a plan described in subsection (b)(5). (New language italicized; Bracketed material deleted).

The above language was quoted as amended. The discrepancies noted in the citations for various numbered or lettered sections resulted from the legislative failure to make the needed changes to accommodate the new amendments.

Attachment III, UIPL No. 41–83—Draft Language to Implement Sections 521, 522 and 523 of Pub. L. 98–21

1. Section 521—Treatment of Employees Performing Services for or Providing Services to or on Behalf of Educational Institutions

The provisions of section 3304(a)(6)(A), FUTA as amended by Pub. L. 98–21 will require changes in State laws to provide for all of the between terms and within terms provisions that are now necessary for conformity with amended clauses (ii), (iii), and (iv) of section 3304(a)(6)(A). Those States that included such provisions in State laws with the modifications previously allowed when the provisions were optional, will need to amend their laws to assure that they apply to the full extent required by the Federal law. Appropriate amendments to the State law will also be necessary for those States that decide to include the new optional clause (v) provision in the State law.

The following draft language is offered for purposes of developing amendments that satisfy each of the requirements in clauses (ii) through (v) of section 3304(a)(6)(A), FUTA. Changes will have to be made to the section references included herein to be made to by substituting citations to the parallel provisions in the State law.

Clause (ii) of section 3304(a)(6)(A), FUTA

(B) With respect to services performed in any other capacity for an educational institution benefits shall not be payable on the basis of such services to any individual for any week which commences during a period between two successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms, except that if compensation is denied to any individual under this subparagraph and such individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, such induicidual shall be entitled to a retroactive payment of compensation for each week for which the individual filed a timely claim for compensation and for which compensation was denied solely by reason of this subparagraph.

States whose laws contain this language but require a contract rather than a reasonable assurance as specified above, must amend their laws by deleting reference to a contract and substitute it where appropriate with the words "reasonable assurance" in order to apply this provision to the full extent required by Federal law.

What constitutes a "reasonable assurance" for the purposes of clauses (i), (ii) and (iii) is set forth on page 54 of the Commentary in the *1976 Draft Legislation*, and in Questions and Answers 2, 3, 4 and 7 (pages 17, 18 and 20) of Supplement 1. See also Question and Answer 4 (page 23) of Supplement 5.

Clause (iii) of section 3304(a)(6)(A), FUTA

(C) With respect to any services described in subparagraphs (A) [1] and (B), [1] benefits shall not be payable on the basis of services in any such capacities to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess.

State laws that now include this provision but apply it either to services performed by professional or nonprofessional employees, but not both, must be amended to make them applicable to both classes of services since the State no longer has the option to be selective in applying this provision.

Clause (iv) of section 3304(a)(6)(A), FUTA

(D) With respect to any services described in subparagraphs (A) [1] and (B), [1] benefits shall not be payable on the basis of services in any such capacities as specified in subparagraphs (A), (B) and (C) to any individual who performed such services in an educational institution while in the employ of an educational service agency. For purposes of this subparagraph the term "educational service agency" means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing such services to one or more educational institutions.

Any State which presently has this provision in its law but limits its application to services performed in

[1] Cite sections of State law which provide for the between terms denial to professional and nonprofessional employees respectively.

either a professional or nonprofessional capacity but not both, must now amend its law to provide for application of the denial of benefits in the prescribed circumstances to both classes of services. The distinction between these services that was previously allowed is no longer permissible under the new mandated requirements.

New Optional Clause (v) of Section 3304(a)(6)(A), FUTA

(E) with respect to services to which section 3309(a)(1) applies (substitute equivalent State law citation to provisions defining employment for governmental entities and nonprofit organizations), if such services are provided to or on behalf of an educational institution, benefits shall not be payable under the same circumstances and subject to the same terms and conditions as described in subparagraphs (A), (B), (C), and (D), (substitute equivalent State law citations).

2. Section 522—Application of Actively Seeking Work Requirements to EB Claimants Who Are Hospitalized Or Are On Jury Duty

The changes made to section 202(a)(3)(A), EUCA by section 522 of Pub. L. 98–21 were designed to allow States to apply corresponding provisions in the State law to claims for extended benefits so that those claims are treated in the same manner as claims for regular benefits. However, the dual applicability of such provisions is permissible only to the extent that the provisions of the State law applicable to regular claims are identical to those allowed by section 202(a)(3)(A)(ii), as amended. As pointed out in Attachment I, State laws that relax the active search for work provision under conditions that go beyond those allowed by section 202(a)(3)(A)(ii) still cannot apply those conditions for that purpose to claims for extended benefits. Therefore, any amendments or interpretation of State law to implement the authorization in Section 522 must limit application of the State law to extended benefit claimants as prescribed by that authorization.

The following draft language is intended to be use by States that wish to modify the active search for work provisions for extended benefit claimants that is now included in State laws pursuant to the requirements of section 202(a)(3)(A)(ii), EUCA, to reflect the amendments made by Pub. L. 98–21. The language revises that provided to the States on page 1 of the Attachment to UIPL No. 14–81, as follows:

(h)(1) Notwithstanding the provisions of subsection (b) of this section, an individual shall be ineligible for payment of extended benefits for any week of unemployment in the individual's eligibility period if the Commissioner finds that during such period:

* * * * *

(B) He failed to actively engage in seeking work as prescribed under paragraph (5), *unless such individual is not actively engaged in seeking work because such individual is—*

(i) *Before any court of the United States or any State pursuant to a lawfully issued summons to appear for jury duty.*

(ii) *Hospitalized for treatment of an emergency or a life-threatening condition.*

The entitlement to benefits of any individual who is determined not to be actively engaged in seeking work in any week for the foregoing reasons, shall be decided pursuant to the able and available requirements in Section [1] without regard to the disqualification provisions otherwise applicable under Section.[2] The conditions prescribed in clauses (i) and (ii) of this subparagraph (B) must be applied in the same manner to individuals filing claims for regular benefits. (New language italicized).

3. Section 523—Deductions From Unemployment Benefits for Health Insurance Premiums

The amendments to sections 3304(a)(4), FUTA, and section 303(a)(5), SSA, which authorize States to make deductions from the amount of benefits payable in order to pay health insurance premiums for the individual, can be implemented only in accordance with the conditions prescribed by those amendments. This authorization is an exception to the withdrawal standards in the above cited sections, and any expansion of the conditions under which such deductions are allowed that does not fall within the purview of those prescribed, would raise issues of conformity and compliance under those sections.

The following draft language is provided to assure consistency with section 3304(a)(4), FUTA, and section 303(a)(5), SSA, as amended by Pub. L. 98–21. Additional amendments to the State law may be necessary for provisions in State law voiding agreements to waive benefit rights or prohibitions against assignments of benefits. They too should be narrowly drawn to avoid expansion of the exception being made to those agreements and prohibitions.

Notwithstanding any other provisions of this chapter to the contrary, an amount equal to the amount payable by an individual for premiums payable under a health insurance program that has been specifically approved by the United States Secretary of Labor shall be deducted from unemployment compensation otherwise payable to an individual, but only if such individual has elected to have such deduction made. For purposes of this section the term "premium" shall only include the sum of money agreed to be paid by the insured individual to the underwriter as consideration for the insurance.

[1] Cite section of the State law that prescribes the disqualification applicable to individuals filing claims for regular benefits that fail to satisfy the able and available requirements for the prescribed reasons.

[2] Cite section of the State law that imposes the 4x4 disqualification on claimants for extended benefits that fail to actively engage in seeking work.

[FR Doc. 83-32845 Filed 12-9-83; 8:45 am]
BILLING CODE 4510-30-M

NATIONAL TRANSPORTATION SAFETY BOARD

Reports and Responses; Availability

Reports Issued:

Safety Study—Recreational Boating Safety and Alcohol (NTSB/SS–83/02) (NTIS Order No. PB83–917006).

Marine Accident Report—Engineroom Flooding and Near Foundering of U.S. Tankship *Ogden Willamette*, Caribbean Sea, June 18, 1982 (NTSB/MAR–83/06) (NTIS Order No. PB83–916406).

Marine Accident Report—Explosions and Fire On Board the U.S. Tankship SS *Golden Dolphin* in the Atlantic Ocean, March 6, 1982 (NTSB/MAR–83/07) (NTIS Order No. PB83–916407).

Highway Accident Report—Jonesboro School District Schoolbus Run-Off Road and Overturn, State Highway 214 at State Highway 18, near Newport, Arkansas, March 25, 1983 (NTSB/HAR–83/03) (NTIS Order No. PB83–916203).

Note.—Reports may be ordered from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, for a fee covering the cost of printing, mailing, handling, and maintenance. For information on reports call 703–487–4650 and to order subscriptions to reports call 703–487–4630.

Responses From:

Highway—*State of Maryland: Oct. 25: H–83–46 through –48:* Recommendations concerning schoolbus inspection and repair have been forwarded to Division of Driver Examination and Licensing for review and consideration for incorporation in their existing school vehicle regulations. *H–83–39 through –41:* Department of Education operational rules require all school vehicle drivers to wear seatbelts. Maryland law requires all motor vehicles used by nursery schools, camp, day nurseries or day care centers for retarded children to transport children, and that are not regulated as a "school bus," to be equipped with seatbelts for each seat.

State of Maine: Oct. 14: H–83–46 through –48: Will take the necessary measures to propose the legislation needed to accomplish the recommendations concerning schoolbus inspection and repair.

State of Massachusetts: Oct. 7: H–83–39 through –41: Recommendations concerning seatbelt use on schoolbuses has been forwarded to Secretary of Public Safety.

State of Oregon: Oct. 5: H–83–46: Does not have State standards or training for school district mechanics who work on school buses. Has a State requirement for an annual inspection, and State conducts spot inspections. *H–83–47,* which recommended that the States institute and enforce procedures to prevent activity groups and drivers from organizing, beginning, or continuing trips in mechanically unsafe vehicles: Any driver of a school bus with a capacity of more than 15 persons must have a school bus driver's license. This includes 28 hours of training. The training includes vehicle inspection matters. *H–83–48:* Requires only one fire extinguisher on school buses. Regular riders receive safety instruction and participate in evacuation drills twice a year.

State of Arizona: Oct. 12: H–83–46 through –48: State's minimum standards for school buses now exceed Federal standards and specifically require each schoolbus to be equipped with at least one fire extinguisher. Schoobus evacuation drills are required twice a year for all students who may ride a schoolbus.

State of Colorado: Oct. 19: H–83–39 through –41: Some small schoolbuses designed to carry more than 10 passengers but less than 20 passengers and weighing less than 10,000 GVWR are equipped with seatbelts, but seatbelt usage rates are unknown as usage is not required. Regulations require restraint systems for the operator position and the operators are required to wear them whenever the vehicle is in motion. Is hopeful that regulatory action by the Colorado Department of education will accomplish the intent of the recommendations and would be reluctant to request legislative action unless it can be demonstrated that these regulatory procedures are not being carried out effectively.

State of Texas: Oct. 13: H–83–46 through –48: Appropriate State agencies will review current procedures involving schoolbus safety and implement the recommendations if they are not already in effect.

State of Tennessee: Oct. 19: H–83–39 through –41 and H–83–46 through –48: Forwarded to Commissioner of Education.

State of Kentucky: Oct. 7: H–83–46 through –48: School districts operate their own schoolbus maintenance facilities, most of which are modern and were designed and equipped specifically for the inspection and maintenance of schoolbuses. Maintenance shops are staffed by trained schoolbus mechanics and the Department of Education provides periodic training to improve their knowledge and skills in bus inspection and repairs. Will consider the possibility of a second fire extinguisher placed near the rear emergency exit. The most skilled drivers who drive schoolbuses on regular routes each day have the best opportunity to know the limits and capabilities of the buses and should be the drivers on special activity trips.

State of Colorado: Nov. 3: H–83–46: On July. 14, 1983, the State Board of Education adopted regulations requiring inspections of all school transportation vehicles in the State. It would be difficult for the responsible State agency to evaluate and monitor the qualifications for vehicles maintenance/operations persons in 181 school districts. Setting up training sessions for the same group would also be a formidable undertaking. *H–83–47:* Federal Motor Vehicle Safety Standards preclude a school district from accomplishing activity trips in any vehicle not meeting all schoolbus standards, if the trip is done by the school entity. The same school district may, however, charter a bus which is built under completely different standards and not require to conform to the Federal schoolbus minimums for any activity trip. School entities should be allowed to acquire and operate vehicles specified for activity purposes. For long-distance activity use, seats meeting the FMVSS 222 are uncomfortable, so schools in many cases use charter buses for activities involving longer distances. *H–83–48:* It is not considered feasible to locate emergency equipment in locations not under driver surveillance. Colorado operating regulations require two evacuation drills per year for all schoolbus passengers. Bus drivers are tested annually on other emergency procedures discussed in Colorado schoolbus operating regulations.

State of Hawaii: Nov. 2: H–83–39 through –41 and H–83–46 through –48: Recommendations will be taken into consideration to assist State in its highway safety programs.

State of Massachusetts: Oct. 27: H–83–46 through –48: Recommendations will be forwarded to the School Bus Safety Committee of the Registrar of Motor Vehicles for consideration at their next meeting.

State of Nevada: Oct. 27: H–83–39 through –41: State recently increased the required training for a schoolbus driver from 10 to 20 hours of instruction, with at least 10 hours of behind-the-wheel training and 10 hours of related instruction. Drivers are required to wear their seatbelts whenever the vehicle is in motion, and all schoolbus drivers are made aware of this requirement as part of their training. Local school transportation personnel feel that the padding requirement on the rear of seats and the added height requirement for small schoolbuses is probably safer for smaller children than lapbelts.

State of Washington: Oct. 31: H–83–39 through –41: All occupants in small schoolbuses and school vans are required to use available restraint systems whenever the vehicle is in motion. Drivers are made aware of this requirement as part of the driver training and retraining programs. Any vehicle designed to carry more than 10 passengers and used to transport children to and from school and other school-related activities must meet Federal and State schoolbus specifications, regardless of the GVWR. State does not require nonpublic school vehicles designed to carry more than 10 passengers and weighing less than 10,000 pounds GVWR to meet all Federal Motor Vehicle Safety Standards applicable to small schoolbuses. Schoolbus drivers are required to wear seatbelts whenever the vehicle is in motion.

State of Maryland: Oct. 31: H–83–46 through –48: A preventive maintenance inspection of all privately owned school vehicles is performed at least once annually by Motor Vehicle School Bus Inspectors. These inspectors also supervise the examination of all public-owned buses in conjunction with the county Boards of Transportation supervisors. In addition to the preventive maintenance inspection, two additional safety inspections are performed annually. Fire extinguishers and other emergency equipment are required. The equipment meets the standards of the Federal Bureau of Motor Carrier Safety. The equipment is stored in view of the driver and occupants of the bus.

National Tank Truck Carriers, Inc.: Nov. 7: H–83–34: Has not heard from the American Association of Motor Vehicle Administrators or any other group with regard to implementing the Board's request for development of criteria for training and certification of drivers of vehicles containing hazardous materials.

Pipeline—*Utility Location and Coordination Council: Oct. 14: P–83–15:* The American Public Works Association, through its Council, will continue to discuss excavation work by sponsoring workshops and seminars; producing publications; publishing relevant articles in the *APWA Reporter;* and assisting in the development of more accurate underground utility locating devices as a result of activities pursued by the ULCC Research Committee.

Land Improvement Contractors of America: Oct. 27: P–83–15: Provided its members with a national one-call director advisory map and other information.

Interstate Power Company: Oct. 25: P–83–21: Held meetings with all employees who would be involved with an emergency leak situation that covered all phases of leak response, dangers of leaking gas, prompt shutoff of gas supply and rapid evacuation of the public. Review of emergency plans, equipment usage, service call response, records, maintenance and operation plans, and all phases of natural gas operations were covered.

Four Corners Pipe Line Company: Nov. 2: P–81–23: Has rewritten its Oil and Hazardous Substance Spill Notification and Response Plans and training in their use. In addition, all operations manuals have been revised and reissued. *P–81–24:* Formal training programs for the Control Center personnel have been established. *P–81–25:* Line No. 8 has been fully integrated into the Supervisory Control System. *P–8–26:* Maximum delivery pressures are set for all line locations and each shipper has been directed not to exceed these limits. *P–81–27:* Four Corners pressure recording charts are monitored on a continuous basis to ensure accuracy of data. *P–81–28:* Four Corners repair procedure is to remove full joints of pipe when replacing longitudinal seam failures.

Railroad—*Urban Mass Transportation Administration: Oct. 31: R–81–3, –15, and –18:* Plans to publish in the Federal Register Emergency Preparedness Guidelines for Rail Transit Systems and request public comments on the guidelines. *R–81–16:* Will conduct a research project in FY 84 to determine the most effective means of informing rail transit passengers of actions to take in the event of an emergency. Results of the research will be published and distributed to rail transit operators for their consideration and use. *R–81–6, –7, and –13:*

Recently published in the **Federal Register** and for public comments the Recommended Fire Safety Practices for Rail Transit Materials Selection guidelines addressing smoke and flammability criteria for interior materials used in rail transit vehicles. Intends to finalize the guidelines, based upon the comments received, and publish the final version in the **Federal Register**. Planning additional safety research to address the toxicity materials issue. *R–81–9 and –10:* A rail transit safety program plan is currently being developed and will be coordinated with the UMTA constituency. The plan will include rail transit reaserch and development activities. *R–81–11:* Continues to provide technical assistance to rail transit operators in testing products to be used in revenue service. *R–81–12:* UMTA and the American Public Transit Association have agreed to conduct jointly safety reviews of planned and operating rail transit systems. *R–81–17:* Has begun a reaserch project for fire suppression modeling on rail transit vehicles. *R–81–20:* Are developing guidelines and recommended practices to assist transit systems in assessing needs in planning improvements in safety without preempting local safety responsibility.

Southeastern Pennsylvania Transportation Authority: Oct. 19: R–82–112: Employee newspaper ran an article on the July 13, 1983, SEPTA accident in Southampton, Penn.

Secretary of the U.S. Department of Transportation: Oct. 31: R–81–117: Public Law 97–424 enacted this year provides DOT with the authority to investigate conditions associated with any facility, equipment, or manner of operation that is financed under the Urban Mass Transportation Act of 1964.

California Department of Transportation: Nov. 3: R–83–44 and –45: forwarded relevant portions of its contrct with the Southern Pacific Railroad for commuter services.

Marine—*U.S. Coast Guard: Oct. 11: M–83–45:* Concurs with studying the collision damage caused by raked bow barges to determine if a modified bow design or fendering would improve vessel safety. The Towing Safety and Advisory Committee will determine a course of action. *M–83–46:* No action will be taken on this recommendation pending resolution of M–83–45. *Oct. 11: M–83–56:* Concurs with intent of recommendation to promulgate regulations similar to the regulations contained in 33 CFR 128.801 to be applicable to barge fleets moored in all portions of the inland waters of the United States. Will wait for the results of a casualty review project which is being conducted and which may help determine the extent of the barge breakaway problem. *M–83–57:* No action will be taken on this recommendation pending resolution of M–83–56.

Radio Officers Union: Oct. 14: M–81–68: When a radio officer is assigned aboard a vessel and he advises the union that he is not familiar with the vessel's equipment, the union directs him to meet the departing radio officer for break-in instructions. The union operates a technical school which has installed all types of radio equipment found aboard U.S. Merchant ships.

Victory Carriers, Inc.: Oct. 28: M–81–92: Issued instructions on Jun. 22, 1981 to ship captains on procedures to be followed when pumping engine bilges to slop tanks. The instructions were cancelled when the installation of the new piping was completed.

National Safe Boating Council, Inc.: Nov. 2: M–83–75: while not promulgating any boating education course itself, the NSBC does number among its membership most of the national organizations involved in boating education. NSBC has adopted as its 1984 theme alcohol and boating.

Note.—Single copies of these response letters are available on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. Please include respondent's name, date of letter, and recommendation number(s) in your request. The photocopies will be billed at a cost of 20 cents per page ($2 minimum charge).

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

December 7, 1983.

[FR Doc. 83-32994 filed 12-9-83; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application," please take notice that the Nuclear Regulatory Commission has received the following application for an export license. A copy of this application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission, and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or utilization facilities, special nuclear materials or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 1st day of December 1983 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James V. Zimmerman,

Assistant Director, Export/Import and International Safeguards, Office of International Programs.

NRC EXPORT APPLICATIONS

Name of applicant, date of application, date received, application No.	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Exxon Nuclear Co., Nov. 18, 1983–Nov. 25, 1983, XSNM02097.	3.27 percent enriched uranium.	30,440	996	Fuel assemblies for Oskarshamn Nuclear Plant—Unit 1, Reloads 6 and 7.	Sweden.

[FR Doc. 83-32995 Filed 12-9-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–369 and 50–370]

Duke Power Co.; Issuance of Amendment to Facility Operating Licence and Final Determination of no Significant Hazards Consideration

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 27 to Facility Operating License No. NPF–9 and Amendment No. 8 to Facility Operating License No. NPF–17, issued to Duke Power Company (the licensee), which revised the Technical Specifications for operation of the McGuire Nuclear Station, Units 1 and 2 (the facilities), located at Mecklenburg County, North Carolina. The amendments were effective October 28, 1983.

The amendments change the Technical Specifications related to the containment lower compartment temperature to allow the temperature limit to be increased from 120° F to 125°

F for up to 90 cumulative days a year provided that the lower compartment temperature had averaged less than 120° F over the previous 365 days.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with this action was published in the Federal Register on October 25, 1983 (48 FR 49394). The amendments were issued before expiration of the 30-day comment period because failure to do so would result in plant shutdown.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendments involve no significant hazards consideration. The basis for this determination is contained in the Safety Evaluation related to this action. Because the increase in lower compartment temperature would be small, less than 5% compared to the allowable temperature of 120° F under the current Technical Specification, the proposed amendments do not involve a significant increase in the probability of an accident previously evaluated or a significant reduction in a margin of safety. Because no changes in any accident analysis will result from the increase in lower compartment temperature, the proposed amendments do not involve any increase in the consequences of an accident previously evaluated nor do they create the possibility of a new or different kind of accident. Accordingly, as described above, the amendment has been issued and made immediately effective and any hearing will be held after issuance.

The Commission has determined that the issuance of the amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to the action see: (1) The application for amendent dated September 22 and supplemented October 26, 1983; (2) Amendment No. 27 to Facility Operating License NPF-9; (3) Amendment No. 8 to Facility Operating License No. NPF-17; and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28242.

A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 2nd day of December 1983.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-32896 Filed 12-9-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 40-2061-ML, ASLBP No. 84-495-01 ML]

Kerr-McGee Chemical Corp.; West Chicago Rare Earths Facility

December 6, 1983.

Please take notice that a prehearing conference in this proceeding will take place on February 7, 1984, at the U.S. Court of Appeals, Room 2781, 219 South Dearborn Street, Chicago, Illinois 60604, beginning at 9:30 a.m. The purpose of the conference is to consider petitions to intervene and contentions filed by the Attorney General of Illinois on behalf of the people of that state and the Chamber of Commerce of the City of West Chicago.

Bethesda, Maryland, December 6, 1983.

[For the Atomic Safety and Licensing Board.

John H. Frye III,

Chairman, Administrative Judge.

[FR Doc. 83-32997 Filed 12-9-83; 8:45 am]

BILLING CODE 7590-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-346]

The Toledo Edison Co. and the Cleveland Electric Illuminating Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed no Significant Hazards Consideration Determination and Opportunity for Hearing

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-3, issued to The Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensees), for operation of the Davis-Besse Nuclear Power Station, Unit No. 1, located in Ottawa County, Ohio.

In accordance with the licensees' application for amendment dated December 26, 1980 (Item 1), as modified July 10, 1981 (Item 6), the amendment would change the Technical Specifications applicable to the fire protection systems at the facility. These changes are in response to the NRC staff request, dated September 23, 1980, for Technical Specification revisions to reflect modifications made to the facility fire protection features and to incorporate the format and scope of the current Standard Technical Specifications. The facility modifications were a result of the staff's fire protection Safety Evaluation Report, dated July 26, 1979. The changes requested affect Specifications 3.3.3.8, Fire Detection Instrumentation; 3.7.9.1, Fire Suppression Water Systems; 3.7.9.2, Spray and/or Sprinkler Systems; 3.7.9.3, Hose Stations; 3.7.9.4, Fire Hydrants and Hydrant Hose Houses; and 3.7.10, Fire Barrier Penetrations. The changes requested have: (1) Added the number of installed fire detectors to Table 3.3-14, (2) upgraded and clarified action and surveillance requirements applicable to the operability of fire detection instruments and fire suppression systems, (3) expanded the number of identified spray or sprinkler systems which shall be operable, (4) added new specifications dealing with fire hydrants and hydrant hose houses, and (5) upgraded the action and surveillance requirements for fire barrier penetrations.

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 of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of the standards by providing certain examples (48 FR 14870). One of the examples of actions involving no significant hazards considerations (ii) relates to changes that constitute additional restrictions or controls not presently included in the Technical Specifications. The changes now under consideration resulted from the staff's review of the facility fire protection safety evaluation report that indicated that additional fire protection features were to be added to the facility. The staff proposes to determine that the amendment does not involve a significant hazard since the modifications to the fire protection systems enhance the ability of the licensee to detect, control, and extinguish fires at the Davis-Besse Nuclear Power Station.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Branch.

By January 11, 1984, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with 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, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036, attorney for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent

a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Dated at Bethesda, Maryland, this 6th day of December 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83-33114 Filed 12-9-83; 8:45 am]

BILLING CODE 7590-01-M

PEACE CORPS

Agency Information Collection Activities Under OMB Review

AGENCY: Peace Corps.

ACTION: Notice of submission of public use form review request to the Office of Management and Budget.

SUMMARY: Pursuant to the Paperwork Reduction Act of 1981 (44 U.S.C. Chapter 35), the Peace Corps has submitted to the Office of Management and Budget a request to approve the use of the Peace Corps Partnership Donor Form through December 31, 1986. The form is completed voluntarily be those seeking additional information about the Partnership Program. The form provides the name, organization, current address and current phone number of those people interested. This information is necessary for Peace Corps to continue to provide new project information on a regular basis to current of potential donors.

Information About the Form

Agency Address: Peace Corps, 806 Connecticut Avenue, N.W., Washington, D.C. 20526
Title: Peace Corps Partnership Donor Form
Type of request: Approval of use
Frequency of collection: On occasion
General description of respondents: Random sampling of schools, businesses, civic organizations, corporations and individuals who have requested more information
Estimated number of respondents: 2,000 annually

Estimated hours for respondents to furnish information: Five minutes.

Comments

Comments in this form request should be directed to Francine Picoult, Desk Officer, Office of Information and Regulatory Affairs, Room 3235, Office of Management and Budget, Washington, D.C. 20503.

Comments should be received on or before February 10, 1984. A copy of the form may be obtained from Nicole Vanasse, Peace Corps Partnership Program, Room 1210, 806 Connecticut Avenue, N.W., Washington, D.C. 20526. Ms. Vanasse may be called on area code 202–254–8406. This is not a toll-free number.

This is not a request to which 44 U.S.C. 3504(h) applies. This notice is issued in Washington, D.C. on December 5, 1983.

Robert T. Spencer,

Associate Director for Management.

Robert E. McClendon,

Certifying Officer, Peace Corps.

[FR Doc. 83-32947 Filed 12-9-83; 8:45 am]

BILLING CODE 6051-51-M

PENSION BENEFIT GUARANTY CORPORATION

Amendments to Class Exemption From Bond/Escrow and Sale-Contract Requirements Relating to Sale or Assets by an Employer That Contributes to a Multiemployer Plan: A. A. Brown, et al.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of amendment to class exemption.

SUMMARY: On the basis of a request for an exemption from A. A. Brown, as a representative for two liquidated corporations (Centennial Laundary Company and Ace Laundry Company), the Pension Benefit Guaranty Corporation has adopted an amendment to its class exemption from the bond/escrow and sale-contract requirements of section 4204(a)(1) (B) and (C) of the Employee Retirement Income Security Act of 1974. Prior to the amendment, the class exemption covered certain transactions that were consummated prior to January 1, 1981. As amended, the class exemption would also include sales for which a legally enforceable contract containing all of the terms and conditions of the sale was signed by the parties prior to January 1, 1981. A notice of consideration of amendment to the class exemption was published on May 9, 1983 (48 FR 20832). The effect of this notice is to advise the public of the decision amending the class exemption.

ADDRESSES: The request for exemption and the PBGC decision are available for public inspection at the PBGC Public Affairs Office, Suite 7100, 2020 K Street, N.W., Washington, D.C. 20006, between the hours of 9:00 a.m. and 4:00 p.m. A copy of these documents may be obtained by mail from the PBGC Disclosure Officer (160) at the above address.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, (202) 254–4862. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION:

Background

Section 4204(c) of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980 (ERISA), 29 USC 1384, authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow and sale-contract requirements of section 4204(a)(1) (B) and (C) when warranted. The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transaction.

Section 4204(c) requires the PBGC to publish a notice of the pendency of a request for a variance or an exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption. On August 10, 1982 (47 FR 34662), PBGC issued a class exemption from the requirements of ERISA section 4204(a)(1) (B) and (C) for all sales of assets consummated prior to January 1, 1981, but on or after the effective date of Part I, Subtitle E of Title IV of ERISA, on the condition that each of the parties provide written notification to the affected plan of the party's intention to have the transaction governed by section 4204.

Decision

On May 9, 1983 (48 FR 20832), the PBGC published a notice of consideration of amendment to the class exemption. That notice was based on a

request from A. A. Brown ("Brown"), acting as representative for two liquidated corporations, Centennial Laundry Company ("Centennial") and Ace Laundry Company ("Ace"), for an exemption from the requirements of ERISA section 4204(a)(1) (B) and (C). In the request, Brown represented, among other things, that during the latter part of 1980, Centennial and Ace entered into negotiations for a sale of assets to the Chief Laundry Company, a wholly owned subsidiary of North Chicago Laundry Company ("North Chicago"). An agreement of sale between the parties was executed on December 17, 1980. The agreement contained all the material terms and conditions of the sale. However, in order to take advantage of certain tax law changes, the closing, including execution of the installment notes, was deferred until January 1981. The December agreement did not take into account the provisions of ERISA section 4204, although it was subsequently amended on September 1, 1982 in an effort to comply with section 4204(a)(1)(A).

Prior to the sale, Ace was a wholly owned subsidiary of Centennial, in which Brown was the sole stockholder. Following the sale of assets, both Centennial and Ace were liquidated and their remaining assets distributed to Brown.

The sale contract obligates North Chicago to contribute to the Laundry, Dry Cleaning and Dye House Workers' International Union Pension Fund (the "Fund"). The combined potential withdrawal liability of the sellers to the Fund has been estimated to be $150,000. The amount of the bond or escrow required under section 4204(a)(1)(B) is estimated to be $45,000 (the annual contribution required to be made by Centennial and Ace for the 1980 plan year, the plan year preceding the sale).

Brown stated that an exemption should be granted from the requirements of section 4204(a)(1) (B) and (C), because, even though the closing occurred in January 1981, a binding contract containing all the terms and conditions of the sale was entered into on December 17, 1980. North Chicago has indicated its intention that ERISA section 4204 should apply to the sale. No financial information on North Chicago was submitted as part of this request.

In response to the request, PBGC indicated that it was considering amending the class exemption from the requirements of ERISA section 4204(a)(1) (B) and (C) to also include sales for which a legally enforceable contract containing all of the terms and conditions of the sale was signed by the parties prior to January 1, 1981. No comments were received in response to the notice.

With respect to the request, PBGC notes that a binding contract containing all of the terms and conditions of the sale was entered into by the parties on December 17, 1980, and that only for tax purposes was the closing deferred until January 1981. For purposes of the class exemption, PBGC concludes that there is very little difference between a sales transaction that was consummated prior to January 1, 1981 and a sales transaction for which the parties had signed a binding contract containing all the terms and conditions prior to that date. In both situations, the parties are legally bound by a contract at a time when they did not know or could not reasonably be expected to know that sales transactions could, under the Multiemployer Act, be structured in such a way as to avoid immediate withdrawal liability. Thus, this transaction, like the transactions previously covered by the class exemption, was due to its timing likely to have been a normal business transaction undertaken without regard to the question of withdrawal liability. Moreover, the parties want their sale to be covered by section 4204 and have indicated their agreement to assume the responsibilities they would incur if section 4204 applies.

In light of these considerations, PBGC has determined that the amendment to the class exemption from the bond/escrow and sale-contract requirements is warranted.

Therefore, PBGC hereby amends the class exemption to apply to all sales which, prior to January 1, 1981, but on or after the effective date of Part I, Subtitle E of Title IV of ERISA, were consummated or for which a legally enforceable contract containing all of the terms and conditions of the sale was signed by the parties, on the condition that each of the parties provide written notification to the affected plan of the party's intention to have the transaction governed by section 4204.

The class exemption, as amended, does not constitute a finding by PBGC that a specific transaction satisfies the other requirements of ERISA section 4204(a)(1). The determination of whether a transaction satisfies such other requirements is a determination to be made in a specific case by the plan sponsor. Further, the class exemption does not waive the seller's underlying secondary liability under section 4204(a)(2).

Issued at Washington, D.C. on this 6th day of December, 1983.

Charles Tharp,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 83-32903 Filed 12-9-83; 8:45 am]

BILLING CODE 7708-01-M

Pendency of Request for Exemption From Bond/Escrow Requirement Relating to Sale of Assets by an Employer That Contributes to a Multiemployer Plan: Happiness Laundry Service, Inc. et al.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of pendency of request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a joint request from Happiness Laundry Service, Inc. and Briarcliff Laundry Corp. for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974. Section 4204(a)(1) provides that the sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for a five plan year period beginning after the sale. The PBGC is authorized to grant individual and class exemptions from this requirement. Prior to granting an exemption, the PBGC is required to give interested persons an opportunity to comment on the exemption request. The effect of this notice is to advise interested persons of this exemption request and to solicit their views on it.

DATES: Comments must be submitted on or before January 26, 1984.

ADDRESSES: All written comments (at least three copies) should be addressed to: Acting Director for Corporate Planning and Program Development Department (630), Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006. The request for exemption and the comments received will be available for public inspection at the PBGC Communications and Public Affairs Department, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Attorney, Corporate Planning and Program Development Department (630), Pension Benefit Guaranty Corporation, 2020 K Street,

N.W., Washington, D.C. 20006; (202) 254-4862. [This is not a toll-free number.—

SUPPLEMENTARY INFORMATION:

Background

Section 4204 of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980, (ERISA), 29 U.S.C. 1384, provides that a bona fide arm's-length sale of assets of a contributing employer to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1)(A)–(C), are that—

(A) The purchaser has an obligation to contribute to the plan for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) The purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred; and

(C) The contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204. The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

Additionally, section 4204(b)(1) provides that if a sale of assets is covered by section 4204, the purchaser assumes by operation of law the contribution record of the seller for the plan year in which the sale occurred and the preceding four plan years.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) when warranted. The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions. The granting of an exemption of variance from the requirements of section 4204(a)(1)(B) does not constitute a finding by PBGC that a particular transaction satisfies the other requirements of section 4204(a)(1).

Under PBGC's regulation on procedures for variances for sales of assets (29 CFR 2643.3(a)), the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of title IV of the Act; and

(2) Would not significantly increase the risk of financial loss to the plan.

Section 4204(c) of ERISA and section 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or exemption in the Federal Register, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

The Request

The PBGC has received a joint request from Happiness Laundry Service, Inc. ("Happiness") and Briarcliff Laundry Corp. ("Briarcliff") (collectively referred to as the "Parties") to waive the bond/escrow requirement of ERISA section 4204(a)(1)(B). In the request, the Parties represent among other things, that:

1. On June 16, 1982, Briarcliff sold its laundry and other assets to Happiness.

2. In connection with this sale, Happiness has assumed the responsibilities of Briarcliff under a collective bargaining agreement with the Local 338 Milk Drivers and Dairy Employees Union, I. B. T., which required contribution to the Industry and Local 338 Pension Fund ("Fund"). The Fund has computed Briarcliff's potential withdrawal liability to be $14,477.

3. The amount of the bond/escrow that would be required under ERISA section 4204(a)(1)(B) is $6,642 (the annual contribution required to be made by Briarcliff for the 1980–1981 plan year, the plan year preceding the sale).

4. In the sale contract, Briarcliff agreed that, if the purchaser withdraws and fails to pay withdrawal liability within five years of the date of the sale, Briarcliff would be secondarily liable for any withdrawal liability it would have had to the Fund but for the operation of ERISA section 4204.

5. In accordance with PBGC regulation (29 CFR 2643.2(d)(7)), copies of Happiness's unaudited financial statements for its fiscal years 1978, 1980 and 1981 were submitted as part of the application. (The financial statement for its fiscal year ended December 31, 1979 is not available.) However, the Parties have asserted that the financial information is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552(b)(4)) and PBGC regulation (29 CFR 2603.18).

6. The Parties stated that the request for an exemption should be granted on a *de minimis* basis. Based on information provided by the Fund, the average annual contributions made by all employers to the Fund for the three plan years preceding the plan year in which the sale occurred was $2,249,816. Thus, the amount of the bond/escrow is about three-tenths of one percent of the amount of employer contributions. PBGC is considering granting this request on a *de minimis* basis.

7. A copy of this request has been sent by the Parties to the Fund and the collective bargaining representative of Briarcliff's former employees, by certified mail return receipt requested.

Comment

All interested persons are invited to submit written comments on the pending class exemption to the above address, on or before January 26, 1984. All comments will be made a part of the record. Comments received, as well as the relevant information submitted in support of the application for exemption, will be available for public inspection at the address set forth above.

Issued at Washington, D.C. on this 6th day of Dec., 1983.

Charles Tharp,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 83-32991 Filed 12-9-83; 8:45 am]

BILLING CODE 7708-01-M

Republication of Pendency of Request for Exemption From Bond/Escrow Requirement Relating to Sale of Assets by an Employer That Contributes to a Multiemployer Plan: Manley Truck Line, Inc.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of republication of pendency of request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation is, on the basis of new and updated financial information, republishing a request from Manley Truck Line, Inc. for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974. This request is in connection with Manley's purchase of assets of Chicago Kansas City Freight Line, Inc. The original notice of pendency of this

request was published for public comment on January 4, 1982 (47 FR 118). Section 4204(a)(1) provides that the sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five plan years beginning after the sale. The PBGC is authorized to grant exemptions from this requirement. Prior to granting an exemption, the PBGC is required to give interested persons an opportunity to comment on the exemption request. The effect of this notice is to advise interested persons of the republication of this exemption request and to solicit their views on it.

DATES: Comments must be submitted on or before January 26, 1984.

ADDRESSES: All written comments (at least three copies) should be addressed to: Director, Corporate Planning and Program Development Department (140), Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006. The request for exemption (including updated information and correspondence) and the comments received are available for public inspection at the PBGC Communications and Public Affairs Department, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m. Any additional comments received will also be available at those times at that location.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Attorney, Corporate Planning and Program Development Department, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006; (202) 254-4862. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION:

Background

Section 4204 of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980, (ERISA), 29 U.S.C. 1384, provides that a bona fide arm's-length sale of assets of a contributing employer to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1)(A)-(C), are that—

(A) The purchaser has an obligation to contribute to the plan for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) The purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred, and

(C) The contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

Additionally, section 4204(b)(1) provides that if a sale of assets is covered by section 4204, the purchaser assumes by operation of law the contribution record of the seller for the plan year in which the sale occurred and the preceding four plan years.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) when warranted. The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions. The granting of an exemption or variance from the requirements of section 4204(a)(1)(B) does not constitute a finding by PBGC that a particular transaction satisfies the other requirements of section 4204(a)(1).

Under the PBGC's regulation on procedures for variances for sales of assets, (29 CFR 2643.3(a)) the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of the Act; and

(2) Would not significantly increase the risk of financial loss to the plan.

Section 4204(c) of ERISA and § 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

The Request

The PBGC has received new and revised information from Manley Truck Lines, Inc. ("Manley") relating to its request for an exemption from the bond/escrow requirement of ERISA section 4204(a)(1)(B). The request for an exemption is in connection with Manley's purchase, effective July 20, 1981, of the operating assets of the Chicago Kansas City Freight Line, Inc. ("CKC"). The original notice of pendency of this request was published in the **Federal Register** on January 4, 1982 (47 FR 118).

Although prior to the sale both CKC and Manley were contributing employers to the Central States, Southeast and Southwest Areas Pension Fund ("Central States Fund"), the notice of pendency provided information only on the amount of CKC's withdrawal liability to that plan. Further, the notice did not provide information, financial or otherwise, on the controlled group of corporations of which Manley was and is a member. After reviewing these matters, PBGC determined that it was necessary to consider the combined withdrawal liability of CKC and Manley to the Central States Fund as well as the financial condition of Manley's controlled group. At PBGC's request, Manley subsequently provided that information.

However, in discussions concerning the information submitted, Manley's representatives asserted that the "book value" set forth in the financial statements was not representative of the true value of corporate assets, because the fair market value of certain realty and equipment had been undervalued. It was also stated that Manley, which has been in business since 1911, has long-term obligations at relatively low interest rates that did not reflect the present value of those obligations. As a result, Manley suggested, and PBGC agreed, that a more accurate representation of the net tangible assets of the controlled group would be obtained if Manley submitted new financial statements reflecting the fair market value of assets and liabilities. Thereafter, in order to provide even more accurate information, Manley agreed to provide independent appraisals of certain of those assets. The new and updated information submitted by Manley is contained in this notice.

In response to the original notice of pendency, PBGC received comments from each of the plans affected by this request. Since PBGC is now considering the request on the basis of different and

more complete information. PBGC will not respond to those comments at this time.

In the request, as amended, Manley represents among other things, that:

1. CKC contributed to the following multiemployer plans: Central States Fund, Local 710 of the International Brotherhood of Teamsters Pension Fund ("Local 710 Fund"), and Chicago Independent Truck Drivers, Helpers, and Warehouse Workers Union Pension Fund ("Chicago Independent Fund"). Under the sales agreement, Manley agreed to assume for each of these plans substantially the same number of contribution base units for which CKC had an obligation to contribute.

2. The following chart lists the three multiemployer plans for which an exemption is requested, the estimated amount of CKC's and Manley's withdrawal liability (where applicable, and excluding the liability attributable to the purchased operations), and the estimated amount of the bond/escrow that would be required under ERISA section 4204(a)(1)(B) with respect to each such plan:

Fund	Estimate of seller's liability	Estimate of purchaser's liability (if applicable)	Amount of bond/escrow [1]
Central States Fund	$1,200,000	$1,400,000	$167,062
Local 710 Fund	200,000	N/A	57,501
Chicago Independent Fund.	387,820	N/A	47,584
Total	1,787,820	1,400,000	2,147

[1] The bond/escrow amount for each plan represents the average annual contribution that CKC made to that plan for the three plan years preceding the plan year in which the sale occurred.

The estimate of CKC's withdrawal liability to the Central States Fund ($1.4) published in the original notice of pendency was not based on the formula used by the Central States Fund for that computation. Since publication of that notice, CKC's withdrawal liability to the Central States Fund has been re-calculated by Manley using the proper formula. The revised estimate for that liability is the above-stated $1.2 million. In addition, since publication of the first notice, the Chicago Independent Fund has indicated that CKC's withdrawal liability to that fund is $387,820 (rather than the prior estimate of $408,950). Thus the total combined withdrawal liability of Manley and CKC to all of the plans affected by this transaction is $3,187,820.

3. Manley is a wholly-owned subsidiary of Overland Enterprises, Inc. ("Overland"). According to its consolidated unaudited financial statements, Overland and its subsidiaries report net tangible assets of $3,738,465. Most of the assets were valued as of October 31, 1981, although the valuations for certain other assets are as current as December 1982. Overland and its subsidiaries had a net income after taxes of $142,649 for 1980 and $144,059 for 1979. The consolidated group suffered a loss of $66,747 in 1978.

4. Manley has sent a copy of this request (including all supplemental information) to the plans listed above and collective bargaining representatives of the seller's former employees.

Comment

All interested persons are invited to submit written comments on the pending exemption to the above address, on or before January 26, 1984. All comments will be made a part of the record. Comments received, as well as the relevant information submitted in support of the application for exemption, will be available for public inspection at the address set forth above.

Issued at Washington, D.C. on this 6th day of December, 1983.

Charles C. Tharp,

Acting for Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 83-32992 Filed 12-9-83; 8:45 am]

BILLING CODE 7708-01-M

SECURITY AND EXCHANGE COMMISSION

[Release No. 34-20412; File No. SR-BSE-11]

Self-Regulatory Organizations; Proposed Change By Boston Stock Exchange, Incorporated; Relating to Specialist Capital and Equity Requirements

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 1, 1983, the Boston Stock Exchange, Incorporated filed with the Securities and Exchange Commission the proposed change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement on the Terms of Substance of the Proposed Rule Change

The terms of substance are enclosed in Section II(A)(a) of this filing.

II. Self-Regulatory Organization's Statement of the Purpose of, and Satutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements governing the purpose of and basis for the proposed rule change and discussed any comments it received. The text of these statements may be examined at the places specified in Item IV. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of Purpose of, and Statutory Bais for, the Proposed Rule Change

(a) The proposed amendment would amend Chapter XXII, Section 2(b) and 2(c) of the BSE rules to do the following:

(i) Amend minimum net capital requirements for BSE dealer-specialists and provide that, if the dealer-specialist does not meet such requirements for five consecutive business days, such member or member organization shall be restricted from expanding his or its business and shall take such other measures as the Exchange deems necessary; (ii) increase the minimum liquidating equity required by each BSE dealer-specialist from $50,000 to $80,000 effective January 1, 1984; (iii) establish an "Early Warning Alert" notice by the BSE to alert a specialist if its equity drops below $80,000; (iv) require that if a dealer-specialist's equity drops below $70,000 such dealer-specialist must notify the Exchange of steps being taken to supply itself with additional capital, such specialist to be given five consecutive business days to increase its equity to the minimum level of $80,000; (v) require that if a dealer-specialist cannot increase its equity to the $80,000 minimum within the five business days alotted or if a specialist's equity drops below $65,000, such specialist's securities shall be assigned to another specialist for not more than 20 days, after which time they will be subject to permanent reallocation to another dealer-specialist; (vi) provide that each "Alternate A specialist" must maintain at all times a liquidating equity of not less than $25,000 in cash or securities, and each "Alternate B specialist" must maintain a liquidating equity of not less than $15,000; and (vii) a dealer-specialist may register as both an alternate A or Alternate B specialist, in which case the minimum equity requirement shall be $25,000 more than

the minimum equity required for its primary account.

(b) The bases under the Act for the proposed rule changes are Sections 6(b)(5) and 11(b) since such changes will enhance the national market system by increasing the ability of Boston specialists to make competitive and liquid markets in securities in which they are registered.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe the proposed amendment imposes any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory oranization consents, the Commission will:

(A) By order approve such proposed change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: November 23, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-32910 Filed 12-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-20435; File No. SR-BSE-83-12]

Self-Regulatory Organization; Proposed Change by Boston Stock Exchange, Inc., Relating to Chapter II, Sub-Section 15–G. T. C. Orders

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 6, 1983 the Boston Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed changes as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Boston Stock exchange, Inc. proposes to amend Chapter II, Sub-Section 15 of its Rules to provide that the Exchange would determine when G.T.C. orders should be confirmed. Presently some firms confirm the status of such orders monthly and the lack of uniformity created some confusion as to whether or not orders have or have not been previously confirmed or cancelled.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements governing the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) The present rule currently requires confirmation of G.T.C. orders semiannually. Some member firms confirm the status of such orders sporadically or monthly and the lack of uniformity has created some confusion as to whether such orders have or have not been previously cancelled. The proposed amendment would provide that confirmation periods will be determined by the Exchange, in lieu of the current requirement of semi-annual confirmation periods in April and October. Under the rule, the specialist has the responsibility of notifying the introducing broker, in writing, of all G.T.C. orders held by him prior to the expiration of the confirmation period. The proposed rule change would provide that unconfirmed G.T.C. orders would be retained on the specialist's book and, if executed according to their terms, must be accepted by the entering firm, thus limiting the specialist's liability in the event orders are not confirmed on a timely basis. In addition, the proposed rule would allow any firm at its discretion, to request and receive confirmation no more frequently than once a month, notwithstanding the confirmation periods prescribed by the Exchange.

(b) The basis under the act for the proposed rule change is Section 6(b)(5) and 11(a) in that it would provide for uniformity in the conformation of G.T.C. orders.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe the proposed amendment imposes any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be witheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 2, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-32911 Filed 12-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23151; 70-6931]

Central Power and Light Co., et al., Proposed Transactions

December 5, 1983.

In the matter of Central Power and Light Company, 120 North Chaparral Street, Corpus, Christi, Texas, 78401; Public Service Company of Oklahoma, 212 East Sixth Street, Tulsa, Oklahoma, 74119; West Texas Utilities Company, 301 Cypress, Abilene, Texas, 79601; and Central and South West Services, Inc., 2400 San Jacinto Tower, Dallas, Texas, 75222.

Central Power and Light Company ("CPL"), Public Service Company of Oklahoma ("PSO") West Texas Utilities Company ("WTU"), and Central and South West Services, Inc. ("CSWS"), electric utility subsidiaries of Central and South West Corporation, a registered holding company, have filed an application-declaration with this Commission pursuant to Sections 6(a), 7, 9(a), and 10 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) thereunder.

CPL, PSO, and WTU (the "Companies"), have begun construction of a 654 megawatt coal-fired electric generating plant (the "Unit") near Oklaunion, Texas, pursuant to a Construction Agreement entered into by the Companies and CSWS. CPL, PSO, and WTU own undivided 18.0%, 27.3%, and 54.7% interests, respectively, in the Unit as tenants in common (the "Percentage Interests"). Certain unaffiliated third parties have the right to acquire an undivided interest in the Unit up to a maximum of 200 megawatts. CSWS is the Construction Project Manager under the Construction Agreement. The estimated total cost of construction of the Unit is $609 million, including allowance for funds used during construction.

In connection with the construction of the Unit, it is necessary to acquire and construct certain air, water, and solid waste pollution control facilities (the "Facilities") as part of the Unit in order to comply with applicable state and federal governmental control standards. The Companies and CSWS propose to enter into an Installment Sale Agreement (the "Sale Agreement") with the Red River Authority of texas (the "Authority"), an instrumentality of the State of Texas, pursuant to which the Authority would undertake the financing of the Facilities. The Sale Agreement would provide for the transfer by the Companies to the Authority of their respective Percentage Interests in the Facilities, the reconveyance thereof by the Authority to the Company, and the reimbursement of the Companies for their pro rata shares of the cost of acquiring and constructing the property so transferred. CSWS would cause the construction (pursuant to the Construction Agreement and the Sale Agreement) of the Facilities to be completed for the Authority.

The Authority will finance the acquisition and construction of the Facilities and related costs through the issuance and sale from time to time for a period of up to five years (the "Note Period") of short-term commercial paper obligations of the Authority (the "Notes") in a maximum authorized aggregate principal amount presently estimated at $85 million, which is equal to the estimated total cost of acquisition and construction of the Facilities. The Notes will be issued in bearer form and will have such maturities, interest rates, and be in such amounts as may be determined by the Companies and CSWS and authorized by the Authority from time to time during the Note Period. Although the Notes may have maturities ranging from one day to 270 days, it is expected that the average maturity of the Notes will be between 30 and 45 days. The Companies have been advised that similar tax-exempt commercial paper currently carry interest rates approximately equal to 65% of the interest rates on comparable taxable commercial paper. During the Note Period, it is intended that principal and interest on each Note obligation will be paid at its maturity from the proceeds of succeeding Note obligations. At the end of the Note Period, it is contemplated that all outstanding Notes will be retired and the Facilities will be refinanced pursuant to an issue of long-term, industrial revenue pollution control bonds, which will be subject to separate filing by the Companies under the Act. To protect against the Authority's inability to market Notes at the maturity of outstanding Notes, the Authority and the Companies will enter into a standby Revolving Credit Agreement (the "Credit Agreement") with one or more commercial banks to be selected by CSWS and the Companies. The interest rate will be a specified percentage of the prime rate. The Companies will be liable jointly, but not severally, to the extent of their Percentage Interests for all obligations under the Sale Agreement and the Credit Agreement.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by January 3, 1984, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or at it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-32917 Filed 12-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-20436; File No. SR-CBOE-83-37]

Self-Regulatory Organizations; Proposed Rule Change by Chicago Board Options Exchange, Incorporated; Relating to Withdrawal of Approval of Underlying Securities

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 7, 1983, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of Proposed Rule Change

Rule 5.4 * * * No Change
* * * Interpretation and Policies:
.01 through .04 * * * No Change

.05 When there is no open interest in a series the Exchange may delist such series. Delisting shall be proceded by a notice to member organizations concerning the delisting.

II. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to permit CBOE to delist particular series of a class of options prior to the series' expiration. Currently, the CBOE delists an option series only when the underlying security fails to meet the maintenance standards in Rule 5.4, Interpretation and Policy .01. This rule change will permit CBOE to delist particular series which have no open interest and to continue to list series of the same class which do have open interest.

The need for this rule change is particularly acute in options covering government securities. Recent volatility in the bond market has resulted in a proliferation of series which are actively traded for a short period and not traded at all thereafter. As of August 12, 1983, 145 out of 264 series had no open interest. From time to time, equity option series also become inactive after the price of the underlying moves very far away from the strike price.

Numerous member organizations have requested CBOE to delist series in which there is no open interest. Member organizations have informed the Exchange that the mere fact that a series is listed implies a reasonably liquid market. Customers are confused and disappointed when they must pay a significant premium or accept a significant discount to induce someone to take the opposite side in a trade in a series without open interest. Further, maintaining series without open interest imposes significant operational burdens and expense on member organizations and the Exchange.

CBOE would delist a series only after giving adequate notice to member organizations of its intent to delist. Initially, CBOE plans to give two weeks notice of any delisting. The notice would indicate that if a series without open interest still has no open interest on a certain date, then it will be delisted. Thereafter, CBOE will review the notice period and the appropriateness of the two week notice period.

The statutory basis under the Securities Exchange Act of 1934 is Section 6(b)(5) is that the proposed rule change is designed to remove unnecessary burdens on member organizations and the Exchange and to protect investors.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule changes will not impose a burden on competition

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

See Item II(A).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 2, 1983.

George A. Fitzsimmons,

Secretary.

FR Doc.83-32912 Filed 12-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23154; 70-6937]

Consolidated Natural Gas Co., et al.; Proposed Transactions Related To Reorganization of System Operations in West Virginia

December 6, 1983.

In the Matter of Consolidated Natural Gas Company, 100 Broadway, New York, New York, 10005; Consolidated Gas Supply Corporation and Consolidated Gas Transmission Corporation 445 West Main Street, Clarksburg, West Virginia, 26301; and CNG Coal Company, Four Gateway Center, Pittsburgh, Pennsylvania, 15222

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, two of its subsidiary companies, Consolidated Gas Supply Corporation ("Supply Corporation") and CNG Coal Company ("Coalco"), and Consolidated Gas Transmission Corporation, a newly-organized corporation, have filed an application-declaration with this Commission pursuant to Sections 6(a), 7, 9(a), 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42, 43, 44, and 45 promulgated thereunder.

Supply Corporation, a West Virginia Corporation, is a wholly owned subsidiary of Consolidated and is engaged in the business of producing, purchasing, storing, and transporting natural gas, and selling such natural gas at wholesale to customers principally in New York, Ohio, and Pennsylvaina. It also sells gas at retail in West Virginia and renders gas storage services and extracts by-products principally from portions of its local gas supply in West Virginia. Supply Corporation serves the full requirements of West Virginia distribution customers through its Hope Natural Gas Company Division ("Hope Division"), on terms and conditions prescribed by the West Virginia Public Service Commission ("WVPSC). Coalco is a Delaware corporation and a wholly owned subsidiary of Consolidated. Coalco owns approximately 615 million tons of recoverable raw coal reserves located principally in the Sewickley and Pittsburgh coal seams, in Greene County, Pennsylvania, as well as a related plant site. Transmission is a newly-organized Delaware corporation which has no securities outstanding and no paid-in capital and has transacted no business. Upon the consummation of the proposed transactions, Transmission will become a wholly owned subsidiary of Consolidated and will: (1) Acquire and operate, with limited exceptions, Supply Corporation's facilities which are subject to the jurisdiction of the Federal Energy Regulatory Commission ("FERC"), (2) continue the sales and services previously authorized by FERC to be rendered by Supply Corporation, and (3) initiate a tariff for a new sale for resale to Supply Corporation so that Supply Corporation may continue to serve the full requirements of its West Virginia distribution customers.

Supply Corporation proposes: (1) To transfer to Transmission all of its assets and related liabilities allocable to all its activities, other than its natural gas utility business within the State of West Virginia and certain gas production and purchase properties, and (2) to dividend up to its parent, Consolidated, its coal reserves, consisting of 94 tracts totaling 5,214.94 acres of Sewickley coal located in Marshall County, West Virginia, immediately adjacent to Coalco's present reserves in Greene County, Pennsylvania. Simultaneously with such action, title to said reserves will be conveyed by Consolidated to Coalco in exchange for 3,034 shares of its common stock $100 par value, plus cash inlieu of a fractional share. Upon effectuation of the proposed transfer of facilities and properties, Supply Corporation will change its name to Hope Gas, Inc. It is requested that the closing be effective as of January 1, 1984.

Transmission will, as of the effective date of the transfer, (1) assume and pay when due: (a) Current and accrued liabilities on Supply Corporation's books of account attributable or allocable to the property transferred, all estimated at $1,364,000 as of December 31, 1983, and (b) that relevant portion (estimated at $261 million as of December 31, 1983,) of long-term notes of Supply Corporation payable to Consolidated which are outstanding as of the effective date of the transfer, (2) issue and deliver to Supply Corporation a certain amount of its capital stock. Upon receiving the capital stock issued to it by Transmission, Supply Corporation shall transfer all of that capital stock of Transmission transferred to Consolidated, thereby making Transmission a wholly owned subsidiary of Consolidated. In exchange for the capital stock of Transmission transferred to it by Supply Corporation, Consolidated shall, at the same time, surrender to Supply Corporation shares of Supply Corporation's capital stock held by it, equal in par value to the total par value of the capital stock of transmission which was transferred to it by Supply Corporation. Simultaneously with the proposed dividending of the coal reserves by Supply Corporation to Consolidated, title to said reserves will be conveyed to Coalco in exchange for 3,034 shares of Coalco's common stock $100 par value, and Coalco propose to issue such shares and to pay to Consolidated cash in lieu of a fractional share.

Consolidated, Supply Corporation, and Transmission also propose that the financing authorization granted for Supply Corporation by the Commission in its order of June 15, 1983 (HCAR No. 22974) be made applicable to both Supply Corporation and Transmission.

It is stated that the primary objective of the proposed transactions is to place the Hope Division operations on a full legal and regulatory parity with the operations conducted by Supply Corporation's other affiliated and non-affiliated wholesale distribution customers. In so doing, the regulatory functions of FERC and the WVPSC with respect to the facilities, sales, and services now being rendered by Supply Corporation will be simplified.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by December 29, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-32906 Filed 12-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23152; 70-6934]

Middle South Utilities, Inc.; Proposed Financing of New Subsidiary

December 5, 1983.

Middle South Utilities ("Middle South"), 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, has filed with this Commission an application-declaration pursuant to Sections 6(a), 7, 9(a), 10, 11, 12, and 13 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 45, 50, 90, and 91 under the Act.

By prior order (HCAR No. 22818), Middle South was authorized to invest up to $1 million, before January 1, 1984, in a new subsidiary ("Newco") organized to explore investment opportunities for the Middle South Utilities System ("System"). Middle South now proposes that 1) the time period for this initial investment be extended to December 31, 1984; 2) it commit up to $100 million to the activities of Newco through December

31, 1985; and 3) Newco be authorized to: a) Invest and participate in cogeneration facilities within the areas served by System operating companies; and b) operate a consulting business for profit, marketing to nonaffiliates management, technical, and training expertise developed by System companies. The $100 million in financing may take the form of capital contributions, common stock purchases, loans from Middle South or nonaffiliates, related guarantees made by, or on behalf of, Newco, or recourse liabilities of any project in which Newco invests.

Cogeneration is a form of power production in which both usable heat and electricity are produced in the same process. Newco would invest with nonaffiliated companies in qualifying cogeneration facilities and in small power production facilities (collectively, "cogeneration projects") as defined by the Public Utility Regulatory Policies Act of 1978 ("PURPA") and the rules and regulations promulgated thereunder by the Federal Energy Regulatory Commission ("FERC"). Newco's investment in any particular project would in no instance exceed a 50% equity interest. Sales of electric power from cogeneration projects will be made to System operating companies or to nonaffiliated, nonutility companies.

Investments in cogeneration projects may occur on a specific project-by-project basis with an individual, nonaffiliated company. Newco and nonaffiliates may acquire equity interests in separate legal entities in order to own (where not legally restricted), contruct or operate the particular facilities. The nonaffiliate may be an investing partner or may be the purchaser for its own use of the steam or heat generated. Alternatively, Newco may organize one or more joint ventures ("Joint Venture") with nonaffiliates. Newco's interest or participation in a Joint Venture would be subject to the same 50% limitation set forth above. A Joint Venture would actively seek investment opportunities in qualifying facilities with one or more companies. The activities of the Joint Venture would be limited to those permitted Newco.

It is represented that Newco's investments in a Joint Venture or individual projects have not been specifically determined and may take many forms, including the purchase of shares or other acquisitions of interest, the making of loans, the guarantee of indebtedness or other contractual arrangements. CSW requests, therefore, the flexibility to negotiate specific provisions with third parties without further Commission authorization, subject to the $100 million maximum financial commitment. It is also contemplated that Newco's involvement with cogeneration projects may include the provision of engineering, construction, or other services, to the particular project company or Joint Venture, for a fee or other consideration to be negotiated based upon the fair market value of such services.

Newco will conduct its operations with a limited permanent staff and will be furnished services under agreements with System operating companies, Middle South Services, Inc. ("Service Company") and System Fuels, Inc., the System's fuel procurement subsidiary. It is represented that all System companies providing services will utilize cost accounting procedures designed to identify rapidly all direct and indirect costs, including overhead. Billings to Newco will be made on a full cost reimbursement basis consistent with Rules 90 and 91 under the Act. Service Company will account for and charge its costs utilizing a work order system in accordance with the Uniform System of Accounts for Mutual and Subsidiary Service Companies.

Service Company shall be Newco's primary source of temporary employees and resources. Newco may request the use of personnel and other resources from other system companies only when not otherwise available from Service Company. Such unavailability may occur when resources 1) do not exist within Service Company, 2) are insufficient for the purpose of completing a specified project, or 3) are previously committed. The companies shall have sole discretion in determining the availability of their personnel and resources. Any system company may elect not to participate in a particular project.

Agreements for services also extend to the resale or licensing of certain types of property protected by the copyright, patent, or trademark laws, or as a trade secret ("intellectual property"). If Newco sells or licenses to nonaffiliates intellectual property developed by System companies for their own use, and as a result that property is no longer available to the companies, they shall receive seventy percent of net profits and Newco would receive thirty percent. If the intellectual property is made available for disposition or licensing to nonaffiliates, but its use is retained by the companies, Newco will reimburse them for actual expenses incurred. Intellectual property developed by Newco will be made available to all associate companies without charge, except for all expenses incurred.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by December 30, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing and will receive a copy of any notice or order issued. After said date, the application-declaration, as then amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-32916 Filed 12-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20450; SR-PSDTC-83-10]

Pacific Securities Depository Trust Company ("PSDTC"); Order Approving Proposed Rule Change

December 6, 1983.

On October 11, 1983, PSDTC filed a proposed rule change with the Commission pursuant to Section 19(b)(2) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C 78s(b)2), and Rule 19b-4 thereunder. Notice of the proposed rule change was given in Securities Exchange Act Release No. 20315 (October 21, 1983), 48 FR 49567 (October 26, 1983). The Commission received no comments.

The proposed rule change would amend PSDTC's Article XI of its By-laws in two ways. First, when a PSDTC participant secures its participants fund open account indebtendess [1] with a letter of credit, the participant must, within ten days prior to that letter's expiration date, make an appropriate substitution for the letter. The substitute collateral, which may be in any form allowed by PSDTC By-laws,[2] must be

[1] "Open account indebtedness" refers to that portion of a participant's required participants fund contribution above the minimum cash contribution.

[2] Article XI, Section 11.1 of PSDTC's By-laws provides that a participant's open account

Continued

tendered to PSDTC on or before the letter's expiration.

Second, the proposal would amend PSDTC's aujthority to pledge participants fund assets for loans to meet losses or liabilities "incident to the operation of a securities depository."[3] Under the proposal, if PSDTC uses this pledge authority, PSDTC must repay any resulting loans fully within thirty days after they are made.[4]

In its filing, PSDTC states that the proposed rule change is consistent with Sections 17A(b)(3) (A) and (F) of the Act because it ensures PSDTC's ability to safeguard funds and securities in PSDTC's custody or control or for which it is responsible.

For the following reasons, the Commission agrees with PSDTC that the proposed rule change is consistent with the Act. First, the requirement that a letter of credit be replaced with adequate substitute collateral within ten days before the letter's expiration should help to ensure that the assets securing participants' open account indebtedness remain assets on which PSDTC can reasonably rely in the case of participant default or insolvency. Second, the proposal's thirty-day loan repayment provision would reasonably limit PSDTC's pledge authority consistent with the past Commission pronouncements. As noted, PSDTC's provision is based on NSCC Rule 4, which, in relevant part, was approved by the Commission in Securities Exchange Act Release No. 19230 (November 10, 1982), 47 FR 51969 (Novembr 18, 1982). That Order, among other things, approved NSCC's limited authority to pledge certain clearing fund assets to cover clearance and settlement losses. In coming to that determination, the Commission understood that NSCC would use its pledge authority only when NSCC reasonably expected to recover the loss promptly. To assure that this use of assets would be short in duration, NSCC limited that use to thirty days. Moreover, if NSCC were unable to repay a loan within thirty days and pledged assets were liquidated by the lender, that liquidation would be equivalent to a clearing fund assessmept. In that case, the Commission expected, and NSCC undertook, to adjust the loss to result in a *pro rata* assessemnt. The Commission decided that such limited use was consistent with a clearing agency's responsibility to safeguard securities and funds. Because PSDTC's proposed provision in effect would limit PSDTC's pledge authority in the same way, the Commission believes that it should be approved.[5]

The Commission therefore finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and, in particular, the requirements of Section 17A of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-32906 Filed 12-9-83; 8:45 am]

BILLING CODE 8010-01-M

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indebtedness may be secured by letters of credit or qualifying bonds, such as U.S. government securities.

[3] The Commission approved PSDTC's pledge authority in Securities Exchange Act Release No. 20287 (October 14, 1983), 48 FR 48733 (October 20, 1983).

[4] The proposed rule change is modeled on National Securities Clearing Corporation ("NSCC") Rule 4.

[5] PSDTC also has undertaken to treat any failure to repay within thirty days as a participants fund assessment, to be made on a *pro rata* basis.

[Release No. 34-20442; File No. SR-PSE-83-19]

Self-Regulatory Organization; Proposed Rule Change by the Pacific Stock Exchange Incorporated; Relating to Priority of Stock/Option Orders

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 18, 1983, the Pacific Stock Exchange Incorporated ("PSE" or the "Exchange") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The text of the proposed rule change follows, with italics indicating additions and brackets indicating deletions:

Rule VI. Exchange Options Trading

Priority of Bids and Offers

Section 49. (a) through (c) No change

(d) Notwithstanding anything in paragraphs (a) and (b) to the contrary, when a member holding a spread order, a straddle order, or a combination order and bidding or offering on the basis of a total credit or debit for the order has determined that the order may not be executed by a combination of transactions with or within the bids and offers displayed by the Order Book Official or other members, in procedures determined by the Options Floor Trading Committee, then the order may be executed as a spread, straddle, or combination at the total credit or debit with one or more members without giving priority to bids or offers for the individual option series of the Order Book Official or of other members at the post that are no better than the bids or offers comprising such total credit or debit. Under the circumstances described above, a stock/option order has priority over the bids and offers of members in the trading crowd (but not over the bids and offers of) *and* the Order Book Official.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The PSE proposal grants stock/option orders, as defined in Rule VI, Section 57(j), priority over orders for single option series held by the Order Book which are at the same limit price as a component of the stock/option order. Currently, these stock/option orders have priority over such orders in single option series held by members in the crowd but do not have priority over orders in single option series held by the Order Book.

The PSE understands that the Securities and Exchange Commission ("SEC") or "Commission") has concerns about loss of priority for public customer orders on the Order Book. (See Securities Exchange Act Release No. 20294, October 17, 1983.) However, for the reasons described below, the PSE believes that the distinction between orders held in the trading crowd and

orders held in the Order Book creates distortions in the marketplace not justified by the Order Book's priority over stock/option orders.

The PSE's proposal continues the trend recognizing that orders involving more than just a single option series are an accepted and important part of the option marketplace. Spread and straddle orders have long been recognized as a single order for two option series. Combination orders involving options series on different sides of the market were then recognized. Later, combination orders involving option series on the same side of the market were recognized as single orders. Most recently, stock/option hedge orders have been accorded the same status. This treatment of orders for more than a single option series as single orders has been the basis for granting these orders priority over orders in single option series in the trading crowd and in the Order Book, in certain circumstances. The priority is allowed when the spread, straddle, combination or stock/option order cannot be executed with other market participants by trading its components separately. When that situation occurs, the member holding the order may trade all its component parts with one or more members, even if the price of one component is the same as the price for an order in a single option series held in the crowd or in the Order Book. This priority prevents the execution of the spread, straddle, combination or stock/option order from being left as blocked by an order in a single option series at the same price.

The Commission has stated in Securities Exchange Act Release No. 20294 that the granting of priority for stock/option orders over orders in single option series held by the Order Book would create "excessive loss of priority for public customer orders on the limit order book." The PSE's proposal is based on our belief that the granting of priority over the Order Book for stock/option orders will not create an "excessive" loss of priority. Further, the creation of this new exception to the priority of orders held by the Order Book will facilitate the maintenance of a fair and orderly market by preventing the use of the Order Book solely to block the execution of a stock/option order.

Under the PSE proposal, the number of occasions an order in a single option series held by the Order Book would lose priority to a stock/option order is expected to be insignificant. A consequence of granting priority to combination orders with option series on the same side of the market was that the option component of conversion and reverse conversion ("reversal") orders, i.e., one type of stock/option order, can be executed ahead of orders in a single option series held by the Order Book. The majority of conversion and reversal orders involve market professionals. The only situation where the PSE proposal would create a new exception to Order Book priority is in the case of orders for a single options series and the underlying security, such as covered writes. In contrast to conversions and reversals, the majority of covered writes and similar orders are entered by public customers. In addition, the exception would only apply when a Floor Broker brought an order to the Options Floor to solicit bids and offers for both the stock and the option components of the order. If the Broker had already executed the stock component of the order, the order would be treated as an order for a single option series, and would not be entitled to priority. Therefore, it is only in the instance where the Broker attempts to execute both the stock and option components of an order at the same time that the order could take priority over the Order Book.

The current rule also distorts market behavior because a stock/option order may take priority over orders in the crowd, but orders in the Order Book. Orders in the Order Book are always for public customers; however, the majority of the orders in the crowd are also for public customers. When a customer sees an option series trade at his limit price, he may inquire why his order was not executed. Customers have long accepted the fact that spread, straddle, and combination orders can take priority over orders for a single series. But if the customer is told that the trade at his limit would not have occurred if his order had been placed in the Order Book, he may demand that the Floor Broker fill his order.This may be despite the fact that the customer's order might not have been executed even if it had been placed in the Order Book since it could not trade with the stock/option order. The customer will do so based on the argument that his order was not adequately protected by the Floor Broker. To keep their customers satisfied, many Floor Brokers will accede to a demand from a customer under these circumstances. As a consequence, Floor Brokers may tend to place customer orders in the Order Book whenever they suspect a covered write or similar stock/option transaction may occur. Then the stock/option order would not be executed, and there is no guarantee that the customer's order, now in the Order Book, will be executed either. The end result may be that no orders are filled—a solution hardly conductive to a fair and orderly market.

In considering recent amendments to the Exchange's priority rules, the PSE discussed several alternatives to this current proposal. One alternative suggested was to adopt a rule preventing an order from being placed on the Order Book solely to frustrate the execution of a stock/option order. However, any such rule would be difficult to enforce because a violation would require proof of an intent to block a stock/option order. A Floor Broker exercising his due diligence obligation could place an order in the Order Book for reasons other than to block the execution of a stock/option order. The net effect of such a rule may be to discourage use of the Order Book.

Another alternative the PSE considered was a rule directing that the Floor Broker try to execute the components of the stock/option order separately before his order can receive priority over the Order Book. However, a rule of this type would subject the Floor Broker to risk if he fails to execute the entire order. If the Floor Broker first executes the option component of the order and then attempts to execute the stock component, he may find that the market for the stock has shifted away from the customer's price and he must take the option position as an error. If he succeeds in obtaining the stock after executing the option component, he may be accused of frontrunning. If he attempts to purchase the stock first, the stock print may change the market for the options and prevent the option component from being executed. The Floor Broker would then have to take the stock position as an error. These positions may have to be closed at sizeable losses to the Floor Broker.

In summary, the PSE believes that the limited extension of the exceptions to the general priority rules contained in this proposal is proper, and continues the recognition of stock/option orders as legitimate orders. The proposal contributes to the maintenance of a fair and orderly market and to the execution of all option orders. The proposal balances the interests of the members of the PSE and those of the public that the members and the Exchange serve. For these reasons, the statutory basis of the PSE proposal is Section 6(b)(5) of the Securities Exchange Act of 1934.

(B) Self-Regulatory Organization's Statements on Burden on Competition

The proposed rule change imposes no burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received for Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received. However, the proposed amendments were considered and unanimously approved by the Options Floor Trading Committee, comprised of members of the Exchange.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of the publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 2, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-32909 Filed 12-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20448; SR-PCC-83-05]

Self-Regulatory Organizations; Pacific Clearing Corporation ("PCC"); Order Approving Proposed Rule Change

December 6, 1983.

On October 11, 1983, PCC filed a proposed rule change with the Commission pursuant to Section 19(b)(2) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. § 78s(b)(2), and Rule 19b-4 thereunder. Notice of the proposed rule change was given in Securities Exchange Act Release No. 20318 (October 21, 1983), 48 FR 49958 (October 28, 1983). The Commission received no comments.

The proposed rule change would amend PCC Rule XXX in two ways. First, when a PCC member secures its clearing fund open account, indebtedness [1] with a letter of credit, the member must, within ten days prior to that letter's expiration date, make an appropriate substitution for the letter. The substitute collateral, which may be in any form allowed by PCC Rule XXX,[2] must be tendered to PCC on or before the letter's expiration.

Second, the proposal would amend § 2 of Rule XXX, which permits PCC to pledge certain clearing fund assets for loans to meet losses or liabilities "incident to the operation of the clearance and settlement business."[3] Under the proposal, if PCC uses this pledge authority, PCC must repay any resulting loans fully within thirty days after they are made.[4]

In its filing, PCC states that the proposed rule change is consistent with Sections 17A(b)(3) (A) and (F) of the Act because it ensures PCC's ability to safeguard funds and securities in PCC's custody or control or for which it is responsible.

For the following reasons, the Commission agrees with PCC that the proposed rule change is consistent with the Act. First, the requirement that a letter of credit be replaced with adequate substitute collateral within ten days before the letter's expiration should help to ensure the the assets securing members' open account indebtedness remain assets on which PCC can reasonable rely in the case of member default or insolvency. Second, the proposal's thirty-day loan repayment provision would reasonably limit PCC's pledge authority consistent with past Commission pronouncements. As noted, PCC's provision is based on NSCC Rule 4, which, in relevant part, was approved by the Commission in Securities Exchange Act Release No. 19230 (November 10, 1982), 47 FR 51969 (November 18, 1982). That Order, among other things, approved NSCC's limited authority to pledge certain clearing fund assets to cover clearance and settlement losses. In coming to that determination, the Commission understood that NSCC would use its pledge authority only when NSCC reasonably expected to recover the loss promptly. To assure that this use of assets would be short in duration, NSCC limited that use to thirty days. Moreover, if NSCC were unable to repay a loan within thirty days and pledged assets were liquidated by the lender, that liquidation would be equivalent to a clearing fund assessment. In that case, the Commission expected, and NSCC undertook, to adjust the loss to result in a *pro rata* assessment. The Commission decided that such limited use was consistent with a clearing agency's responsibility to safeguard securities and funds. Because PCC's proposed provision in effect would limit PCC's pledge authority in the same way, the Commission believes that it should be approved.[5]

The Commission therefore finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and, in particular, the requirements of Section 17A of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed change be, and hereby is approved.

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[1] "Open account indebtedness" refers to that portion of a member's required clearing fund contribution above the minimum cash contribution.

[2] PCC Rule XXX provides that a member's open account indebtedness may be secured by letters of credit or qualifying bonds, such as U.S. government securities.

[3] The Commission approved PCC's pledge authority in Securities Exchange Act Release No. 20286 (October 14, 1983), 48 FR 48732 (October 20, 1983).

[4] The proposed rule change is modeled on National Securities Clearing Corporation ("NSCC") Rule 4.

[5] PCC also has undertaken to treat any failure to repay within thirty days as a clearing fund assessment, to be made on a *pro rata* basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-32907 Filed 12-9-83; 8:45 am]

BILLING CODE 8010-01-M

Boston Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

December 5, 1983.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(C) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the stock of: Dunlop Holdings, PIC, Ord. Reg. 50 Pence Par Value (File No. 7-7219).

This security is registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 27, 1983 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-32915 Filed 12-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13657; 812-5647]

Dean Witter Developing Growth Securities Trust, et al.; Application

December 6, 1983.

In the matter of Dean Witter Developing Growth Securities Trust, Dean Witter Dividend Growth Securities Inc., Dean Witter High Yield Securities Inc., Dean Witter Industry-Valued Securities Inc., Dean Witter Natural Resource Development Securities Inc., Dean Witter Tax-Exempt Securities Inc., Dean Witter Variable Annuity Investment Series, Dean Witter World Wide Investment Trust, Dean Witter/Sears Liquid Asset Fund Inc., Dean Witter/Sears Tax-Free Daily Income Fund Inc., Dean Witter/Sears U.S. Government Money Market Trust, InterCapital Income Securities Inc., Active Assets Money Trust, Active Assets Tax-Free Trust, Active Assets Government Securities Trust, and Dean Witter Reynolds Inc., One World Trade Center, New York, NY 10048.

Notice is hereby given that Dean Witter Developing Growth Securities Trust, Dean Witter Dividend Growth Securities Inc., Dean Witter High Yield Securities Inc., Dean Witter Industry-Valued Securities Inc., Dean Witter Natural Resource Development Securities Inc., Dean Witter Tax-Exempt Securities Inc., Dean Witter Variable Annuity Investment Series, Dean Witter World Wide Investment Trust, Dean Witter/Sears Liquid Asset Fund Inc., Dean Witter/Sears Tax-Free Daily Income Fund Inc., Dean Witter/Sears U.S. Government Money Market Trust, InterCapital Income Securities Inc., Active Assets Money Trust, Active Assets Tax-Free Trust, Active Assets Government Securities Trust (collectively, the "Funds"), and Dean Witter Reynolds Inc. (Dean Witter with the Funds, collectively referred to as "Applicants"), filed an application on September 14, 1983, and an amendment thereto on November 8, 1983, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") granting an exemption from the provisions of Section 17(a) of the Act to permit the Funds, and any other registered investment companies for which Dean Witter may in the future serve as investment adviser, to purchase from and sell to Dean Witter certain securities in principal transaction, in the manner and subject to the conditions set forth below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of applicable provisions.

Applicants represent that all except one of the Funds are registered under the Act as open-end, diversified, management investment companies. According to the application, each Fund is authorized to purchase various types of high quality short-term debt securities maturing in one year or less ("money market instruments"). Applicants state that Dean Witter, the investment adviser to each Fund, is a wholly-owned subsidiary of Dean Witter Financial Services Inc. ("DWFS"), which in turn is a wholly-owned subsidiary of Sears, Roebuck and Co. Applicants represent that Dean Witter is both registered as an investment adviser under the Investment Advisers Act of 1940 and as a broker-dealer under the Securities Exchange Act of 1934. Applicants state further that Dean Witter also serves as principal underwriter to all except three of the Funds.

According to the application, Dean Witter InterCapital Inc. ("InterCapital"), a wholly-owned subsidiary of DWFS, served as the Funds' investment adviser until its merger into Dean Witter on March 20, 1983. Applicants state that the current Division of Dean Witter represented by InterCapital's former operations operates as an autonomous unit within Dean Witter ("InterCapital Division"). Applicants represent that the InterCapital Division maintains separate books and records and operates as an independent profit center within Dean Witter.

It is further stated that the persons who formerly were officers and employees of InterCapital retain responsibility for operating the InterCapital Division and continue to provide services to the Funds on the same basis as such services were provided by InterCapital. Applicants represent that these officers and employees of the InterCapital Division do not include any persons who are also engaged in other aspects of Dean Witter's operations.

Applicants represent that Dean Witter is one of the ten largest dealers in money market instruments and is one of the government securities dealers that reports its daily positions and trading in such securities to the Federal Reserve Bank of New York. Applicants state that Dean Witter further acts as both a primary dealer and distributor of United States government and United States government agency issues, and as a dealer in other types of money market instruments including commercial paper, certificates of deposit and bankers' acceptances. It is further represented that transactions in these money market instruments are conducted, almost exclusively, on a principal basis.

Applicants state that, subject to the general supervision of the Funds' boards of directors, and in conformity with the Funds' investment objectives and policies, Dean Witter, through its InterCapital Division, is responsible for portfolio decisions and the placing of portfolio transactions. According to the application, the Funds have no obligation to deal with any dealer or group of dealers in the execution of their portfolio transactions; rather, in placing

orders, it is the policy of the Funds to obtain the best net results taking into account such factors as price (including the applicable dealer spread), the size, type and difficulty of the transaction involved, the firm's general execution and operational facilities, and the firm's risk in positioning the securities involved. Applicants state that, while the InterCapital Division generally seeks to effect transactions at reasonably competitive spreads or commissions, the Funds do not necessarily pay the lowest available spread or commission on all transactions.

Applicants represent that practically all trading in money market instruments takes place in an over-the-counter market which consists of groups of dealer firms (primarily major securities firms or large banks). Applicants represent that Dean Witter is one of the largest competitive retail dealers in the money market. According to the application, being a competitive dealer in a particular security means that the dealer has the security in inventory (or is willing to go short on the security) and is in a position to quote prices within the prevailing range of market quotations. Applicants further state that a retail dealer is a dealer that sells securities to institutional customers such as the Funds, among others, and does not act solely as a wholesaler or dealer for its own account.

It is stated further that money market instruments are generally traded in round lots of $1,000,000 or more on a net basis. Transactions in these instruments do not normally involve either brokerage commissions or transfer taxes. Applicants represent that the cost to the Funds of portfolio transactions in money market instruments consists primarily of dealer or underwriter spreads which generally do not exceed 25 basis points and decline on larger amounts. According to Applicants, a typical spread for a transaction in a money market instrument involving the Funds' portfolios can be expected to be 12.5 basis points or less. Applicants assert that it has been the experience of the Funds that there is not a great deal of variation in the spreads of various dealers.

Applicants represent that there is no composite tape or central auction market such as the New York Stock Exchange, where buyers and sellers of money market instruments are matched in agency transactions and buyers or sellers can readily determine the prices at which securities are being traded. Rather, the money market consists of an elaborate telephone communications network among dealer firms, principal issuers of the money market instruments, and the principal institutional buyers of such instruments. Dealers usually act as principals for their own accounts. According to Applicants, because the money market is a dealer market, rather than an auction market, there is not a single obtainable price for a given security that prevails at any given time. Price is determined by negotiation between the parties to a transaction. Money market instruments generally are sold by each participating dealer from inventory, and the quotations of the dealers will vary depending upon a number of factors. According to Applicants, access to the market is absolutely dependent upon the ability to obtain quotations from the dealers. Applicants represent that only with these quotations can one attempt to utilize such yield improvement techniques as trades to take advantage of yield disparities and, to obtain quotations, one must be a customer of the dealer.

Applicants assert that, because of the variety of money market instruments and issuers, the money market is somewhat segmented. Applicants state that not all dealers stand ready to buy and sell all types of instruments, and although a dealer may buy and sell a particular type of money market instrument, it generally will not trade in all available instruments of a particular type. In addition, the markets for different money market instruments vary in terms of price, volatility, liquidity, and availability.

According to Applicants, for these reasons, it is important that the InterCapital Division, on behalf of the Funds, have access to as many dealers as possible. Because Dean Witter is a major competitive dealer in various money market securities, Applicants state that being able to purchase money market instruments from Dean Witter and to sell such instruments to Dean Witter would enhance the ability of the Funds to obtain the money market investments deemed most attractive by the InterCapital Division at the best available prices.

Applicants state that best price and execution, in the case of money market instruments, is normally achieved by obtaining quotations with respect to a particular security from competitive retail dealers. Applicants assert, however, that dealers tend to specialize in certain types of money market instruments, and the particularized needs of a potential buyer or seller, in terms of type of security, maturity or quality, may severely limit the number of available dealers.

Because of the above-described affiliation of Dean Witter with the Funds, Applicants represent that Section 17(a) of the Act would generally prohibit Dean Witter from selling securities to or purchasing securities from the Funds as principal. Applicants further state that, by virtue of this prohibition, the Funds are unable to acquire from or sell to Dean Witter a variety of money market instruments which typically are sold on a principal basis. In this regard, Applicants state that the directors of the Funds have determined that it is in the best interest of the Funds to have access to Dean Witter when engaging in principal transactions in certain types of money market instruments. According to Applicants, the directors believe that the Funds' inability to effect trades in such securities with Dean Witter inhibits their ability to obtain best price and execution and results in certain other detriments to the Funds. Moreover, Applicants assert that, due to the specialized nature of the so-called "money market," the inability to conduct transactions with Dean Witter often results in a competitive disadvantage to the Funds in their dealings with other dealers in money market instruments.

Applicants represent that the non-interested directors of the Funds have reviewed and approved the following guidelines, which will govern the Funds' principal transactions with Dean Witter in money market instruments:

(1) The Funds will limit their principal transactions with Dean Witter in money market instruments to United States government and United States government agency securities, bank money instruments (i.e., certificates of deposit and bankers' acceptances) and commercial paper (not including tax-exempt municipal paper), having, at the time of the transaction, remaining maturities of one year or less. Bank money instruments purchased from or sold to Dean Witter must be issued by United States commercial banks having at least $1 billion in assets. Commercial paper purchased from or sold to Dean Witter by the Funds must be rated in the highest rating category by Standard & Poor's Corporation or by Moody's Investors Service, Inc., regardless of whether such paper is quoted by dealers other than Dean Witter. For purposes of the order, the remaining maturity of an instrument shall be determined in the manner set forth in Rule 2a-7 under the Act.

(2) Before any transaction will be affected with Dean Witter, the Inter Capital Division will obtain such information as is deemed necessary to

determine the most favorable price (as defined in paragraph (3) below) available with respect to the transaction, and will check at least two other dealers to obtain competitive quotations for the particular security involved or, in the case of commercial paper which is quoted solely by Dean Witter, competitive quotations for the particular security involved or, in the case of commercial paper which is quoted solely by Dean Witter, competivive quotations of at least three other dealers for issues of paper having a comparable maturity and of comparable quality. With respect to prospective purchases of securities, these dealers must be in a position to quote favorable prices with respect thereto, and have money market securities of the categories and the type desired in their inventories. With respect to the prospective disposition of securities, these dealers must be those who, in the experience of the Funds and the Inter Capital Division, are in a position to quote favorable prices.

(3) A determination will be required in each instance, based upon the information available to the Funds and the InterCapital Division, that the price available from Dean Witter is "better than" that available from other dealers. To be considered "better than" that available from other dealers, the Dean Witter quotation must be at least one basis point better than that available from other sources if the quotation is made in terms of yield basis and must be at least 1/64th of a dollar better than that available from other sources if the quotation is made in terms of a dollar price.

(4) All transactions will originate with the Funds or the InterCapital Division (and not other personnel or divisions of Dean Witter). No solicitations will be made of the Funds or the InterCapital Division by personnel of Dean Witter outside the InterCapital Division. In discussions with respect to proposed transactions between the Funds and Dean Witter, Dean Witter personnel outside the InterCapital Division will confine their activities to responding to inquiries from the Funds and the InterCapital Division, and will not attempt to influence or control in any way the placing by the Funds, or the InterCapital Division on behalf of the Funds, of orders with Dean Witter.

(5) Dean Witter's dealer spread in regard to any transaction with the Funds will be no greater than its customary dealer spread, which in turn will be consistent with the average or standard spread charged by dealers in money market securities for the type of security and the size of transaction involved.

(6) All transactions with Dean Witter effected in reliance on any order issued upon this application shall be subject to any regulations promulgated by the Commission under Section 11(a)(2)(B) of the Securities Exchange Act of 1934 which may prohibit or restrict the ability of the Funds to conduct principal transactions with Dean Witter.

(7) The Funds and the InterCapital Division will maintain records with respect to the Funds' transactions with Dean Witter, including documentation of having obtained quotations from other dealers with respect to each transaction as required above. A schedule of all transactions with Dean Witter will be filed with the periodic reports filed by the Funds with the Commission pursuant to Section 30(a) of the Act.

(8) Dean Witter's legal department will prepare guidelines for Dean Witter personnel in an effort to assure that the Funds receive rates as favorable as other institutional purchasers buying in the same quantities, that the "no-solicitation" policy of paragraph (4) above is followed and that the Funds and the InterCapital Division on one hand, and other personnel of Dean Witter on the other hand, maintain arm's-length relationships in their dealings with respect to transactions on behalf of the Funds. The legal department will periodically monitor the activities of Dean Witter in this regard to make certain that the policy of paragraph (4) is followed.

(9) The audit committees of the boards of directors of the Funds will prepare procedures for use by the InterCapital Division to make certain that the Funds are obtaining best price and execution with respect to all transactions with Dean Witter and that the guidelines set forth in these paragraphs are followed in all respects. The audit committees will periodically monitor the activities of the Funds and the InterCapital Division in this regard to assure that these matters are being accomplished.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than December 30, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-32913 Filed 12-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20447; SR-NASD-83-25]

National Association of Securities Dealers, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change

December 6, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 2, 1983, the National Association of Securities Dealers, Inc. ("Association") 1735 K Street, N.W., Washington, D.C. 20006, filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items, I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The National Association of Securities Dealers, Inc. ("NASD" or "Association") is proposing as a stated policy an exemption from Schedule E ("Schedule E") under Article IV, Section 2 of the Association's By-Laws until June 6, 1984 for any broker/dealer which becomes a member of the Association after November 18, 1983 and which, immediately prior to becoming a member, relied upon paragraph (c)(3) of Rule 15b10-9 of the Securities and Exchange Commission ("SEC" or "Commission") in distributing public offerings of an affiliate's securities; provided, however, that such exemption is conditioned upon disclosure of the terms of the exemption in the prospectus for any offering made pursuant to the exemption. Such disclosure may be accomplished by sticker and the Association will approve any language suggested by the broker/dealers that discloses that the offering is being made until June 6, 1984 pursuant to or in

compliance with an exemption to Schedule E.

II. Self-Regulatory Organization's Statement Regarding the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and the basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organizations's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Earlier this year, Congress adopted amendments to the Securities Exchange Act of 1934 ("Exchange Act") that eliminated the option for broker/dealers to be registered only by the SEC ("SECO"), requiring current SECO broker/dealers to register with the NASD by December 6, 1983.[1] Certain SECO broker/dealers that limit their activities to the sale of securities issued by an affiliate, which affiliate is not a broker dealer have been exempt from SECO regulations covering broker/dealer self-underwriting activities pursuant to paragraph (c)(3) of SEC Rule 15b10-9[2]. In essence, paragraph (c)(3) exempts a broker/dealer which limits its activities to the sale of its affiliate's securities from the requirement of SEC Rule 15b10-9 to retain an independent underwriter for the purpose of pricing and due diligence so long as the offering documents disclose the affiliation and state that no independent underwriter has set the public offering price.

With the elimination of the SECO program, SECO broker/dealers are required to become NASD members by December 6, 1983. Several "special purpose" broker/dealers are engaged in continuous marketing programs. Since Schedule E does not contain an exemption similar to that provided by paragraph (c)(3) of SEC Rule 15b10-9, they will be in violation of Schedule E to the Association's By-Laws (the NASD self-underwriting regulations) immediately upon approval of their NASD membership unless an exemption is granted or their activities modified.

In recognition of the needs of the "special purpose" broker/dealers which are compelled to become NASD members, the Association is proposing as a stated policy to temporarily suspend the requirements of Schedule E for a six-month period to June 6, 1984 to enable such firms to come into compliance with Schedule E. The exemption is only available to a broker/dealer which becomes a member of the Association after November 18, 1983, the date of the Board of Governor's approval of the exemption, and which immediately prior to becoming a member relied upon paragraph (c)(3) of SEC Rule 15b10-9 in distributing public offerings of its affiliate's securities.

Further, the Association is proposing that all interested persons be informed by means of disclosure in the offering document that the exemption from Schedule E for "special purpose" broker/dealers is temporary until June 6, 1984. Such disclosure may be accomplished by sticker and the Association will approve any language suggested by the broker/dealers that discloses that the offering is being made until June 6, 1984 pursuant to or in compliance with an exemption to Schedule E. The Association is concerned that Schedule E continue to be applied in a manner which will not discriminate unfairly among NASD members, as required by Section 15A(b)(6) of the Exchange Act.

During the six-month grace period of the temporary exemption the Association will consider each "special purpose" broker/dealer's situation on a case-by-case basis to determine the extent to which and the manner in which compliance with Schedule E can be attained.

The proposed rule change is consistent with, and in furtherance of, Sections 15A(b)(2) and 15A(b)(6) of the Exchange Act, as amended.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change is only available to those SECO broker/dealers which become a member of the Association after November 18, 1983, the date of the Association's approval of the exemption, and which immediately prior to becoming a member relied upon paragraph (c)(3) of SEC Rule 15b10-9 in distributing public offerings of an affiliate's securities. The exemption is not available to other "special purpose" SECO firms which are not currenty engaged in distributing a public offering of an affiliate's securities.

The Association believes that the foregoing distinction is justified as such other "special purpose" SECO firms are not subject to potential automatic violation of the NASD By-Laws on attaining membership. New offerings by firms which cannot utilize the proposed exemption will be brought into compliance with Schedule E under the normal review procedures of the Association prior to effectiveness. Essentially, the proposed temporary exemption gives those "special purpose" broker/dealers which would be violation of Schedule E on attaining NASD membership the same opportunity to work out any special problems with respect to Schedule E compliance which is available to those firms which do not come within the exemption.

For the foregoing reasons, the Association believes that the proposed rule change presents no impact in competition which is not necessary in the furtherance of the purposes of the Exchange Act, as amended.

(C) Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Association requests accelerated effectiveness immediately upon filing of the proposed rule change, pursuant to Section 19(b)(2)(B). The Association believes that the proposed rule change to suspend the requirements of Schedule E under certain circumstances is necessary to facilitate the integration of SECO firms into the NASD by December 6, 1983.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and agruments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, Washington, D.C. 20549. Copies of such

[1] Pub. L. 98-38, 87 Stat. 205

[2] Exchange Act Release No. 18395 (January 7, 1982).

filing will also be available for inspection and copying at the principlal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the National Association of Securities Dealers, Inc. ("NASD") and, in particular, the requirements of Section 15A 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 proposed rule change is consistent with paragraph (c)(3) of the Commission's Rule 15b10-9 and provides exemptive relief necessary to facilitate the integration of SECO broker-dealers into the NASD by December 6, 1983. Indeed, without accelerated effectiveness of the proposed exemption such special purpose SECO broker-dealers would, upon admission to membership in the NASD, be in violation of Schedule E of the NASD's By-Laws.

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.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-32921 Filed 12-6-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23149; 70-6927]

National Fuel Gas Co., et al.; Proposed Intra-System Borrowing Arrangements and Issuance and Sale of Commercial Paper Notes to Banks by Holding Company; Exception From Competitive Bidding

December 5, 1983.

In the matter of National Fuel Gas Company, 30 Rockefeller Plaza, New York 10112; National Fuel Gas Distribution Corporation, National Fuel Gas Supply Corporation, Penn-York Energy Corporation, 10 Lafayette Square, Buffalo, New York 14203.

National Fuel Gas Company ("National"), a registered holding company, and its subsidiaries National Fuel Gas Distribution Corporation ("Distribution"), National Fuel Gas Supply Corporation ("Supply"), and Penn-York Energy Corporation ("Penn-York"), have filed with this Commission an application-declaration pursuant to Sections 6(a), 7, 9(a), 10, 12(b), and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42(b)(2), 43, 45, 50(a)(2), and 50(a)(5) thereunder.

By orders dated February 2, 1981 (HCAR No. 21903), December 31, 1981 (HCAR No. 22351), and November 22, 1982 (HCAR No. 22722), applicants-declarants were authorized to participate in a system money pool. The procedures for borrowing from and lending to the pool are set forth in those orders. Applicants-declarants now propose that they continue to participate in the pool. Total outstanding short-term borrowings through the money pool will not exceed $150 million for Distribution, $125 million for Supply, and $20 million for Penn-York. National will not borrow through the money pool or from any subsidiary.

If intra-system sources of funds are insufficient to meet short-term loan needs, National proposes to issue and sell unsecured notes to certain banks and/or commercial paper to A.G. Becker & Co., Inc. ("Dealer") up to an aggregate principal amount at any one time outstanding of $341 million pursuant to National's Restated Certificate of Incorporation. The maximum principal amount of unsecured debt that the system may have outstanding at any one time is limited to 25% of the consolidated capitalization of the system pursuant to a restriction in National's Certificate. As of July 31, 1983, 25% of its consolidated capitalization equals $124 million. Borrowings by Supply to finance its inventory of storage gas and by consolidated to finance its accounts receivable loans are excluded from the definition of unsecured debt permitting borrowings in excess of the unsecured debt limitations.

National proposes to issue and sell, through December 31, 1985, up to $80 million aggregate principal amount at any one time outstanding of its commercial paper to A.G. Becker & Co., Incorporated ("Dealer") and/or short-term unsecured notes to Chase Manhattan Bank, N.A. Commercial paper will have varying maturities not to exceed nine months and will not be prepayable prior to maturity. No commission will be payable, however, the Dealer will reoffer and sell the commercial paper to a limited, defined group of buyers at a discount rate of ⅛ of 1% per annum less than the prevailing discount rate from the Dealer to National.

The short-term bank notes will be issued to certain banks, up to an aggregate principal amount at any one time outstanding of $255 million. Each unsecured note will mature not later than 12 months from the date of issue and will be prepayable at any time, in whole or in part, without penalty or premium. Certain notes will bear interest at the prime rate in effect from time to time at Chase. Other notes will bear interest at the prime rate at each individual bank. In the case of notes to Chase, interest will be payable quarterly, while for all other banks it will be payable monthly until the principal amount is paid in full. In recent years the banks have required compensating balances from 5–10% of the line of credit and from 0–15% of the amount borrowed. Under proposed lines, the banks have requested that the compensating balance arrangement vary depending upon market conditions, however, in no case would the compensating balance arrangement require a balance greater that of 20% of the amount of fully utilized lines of credit. In most cases, the average balances maintained for normal operating needs across the system are sufficient to cover these amounts. Assuming National borrowed the full amount under each line of credit, and a compensating balance of 20% under each line was required, the effective cost of money, based on an 11.5% prime rate, would be 14.38%. Initially, the cost of compensating balances and commitment fees will be allocated on the basis of 51% to Distribution, 42% to Supply and 7% to Penn-York. At the end of a calendar year costs will be reallocated to reflect actual maximum borrowings and balances.

In addition to the lines of credit, certain of the banks may have funds available to lend National at fixed rates below the existing prime rate for short periods of time (1–60 days). Depending upon market conditions, National may repay existing notes outstanding at the prime rate with funds borrowed at the lower fixed rate. Since the 1–60 day notes are not prepayable, National will not utilize such notes unless it needs the funds for at least the maturity of the notes.

National requests that the sale of its commercial paper be excepted from the requirements of Rule 50 pursuant to sub-paragraph (a)(5) since the notes will have maturities not to exceed nine months, will be issued to a limited defined group of buyers, interest costs will not exceed the cost of equivalent borrowings for Chase, and the rate for commercial paper for prime issuers such

as National are ascertainable by reference to daily publications.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by December 29, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-32916 Filed 12-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20453; File No. SR-PSE-83-20]

Pacific Stock Exchange, Inc.; Filing of Proposed Rule Change

December 6, 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 28, 1983, the Pacific Stock Exchange, Inc. ("PSE") 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 add non-member broker-dealer proprietary orders to the current prohibition against the placing of members' proprietary orders with the PSE's options Order Book Officials. The PSE believes that the proposed rule change will benefit public investors by limiting order book access to nonprofessionals who might otherwise be at a disadvantage because of the superior facilities ordinarily available to professionals following prices and trading activity on the PSE floor. PSE also notes its concern that its current rule places its members at a disadvantage with respect to non-member professionals who may wish to place their orders on the order book.[1] PSE believes its rule change proposal is in accord with Section 6(b)(5) of the Act in that it will facilitate transactions in securities, protect investors and the public interest and help prevent unfair discrimination among broker-dealers.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-PSE-83-20.

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 for inspection and copying at the PSE's principal office.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-32919 Filed 12-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13656; 812-5622]

Security Tax-Exempt Fund; Filing of Application

December 6, 1983.

Notice is hereby given that Security Tax-Exempt Fund (the "Fund"), c/o Security Benefit Life Insurance Co., 700 Harrison Street, Topeka, Kansas 66636, registered under the Investment Company Act of 1940 (the "Act") as an open-end, diversified series-type management company, filed an application on August 5, 1983, and amendments thereto on November 23, 1983, and December 6, 1983, for an order of the Commission, pursuant to Section 6(c) of the Act, exempting the Fund from the provisions of Section 12(d)(3) of the Act to the extent necessary to permit the Fund to acquire puts (also known as stand-by commitments) from brokers or dealers. All interested persons are referred to the application on file with the Commission for a statement of the representation made therein, which are summarized below, and to the Act and Rules thereunder for the provisions thereof which are relevant to a consideration of the application.

The Fund states that its investment objective is to obtain as high a level of interest income exempt from federal income taxes as is consistent with preservation of capital. The Fund further states that entering into transactions involving puts would permit the Fund's portfolio to be as fully invested as practicable in municipal securities, the interest on which is exempt from federal income taxes, while preserving necessary flexibility and liquidity for the Fund to meet redemptions.

The Fund represents that its investment policies permit the acquisition of stand-by commitments solely to facilitate portfolio liquidity and that it does not intend to exercise its rights thereunder for trading purposes. In the opinion of the Fund, the acquisition or exercisability of puts will not affect the valuation or maturity of the underlying securities. According to the Fund, the puts will have the following characteristics: (1) They will be in writing and will be physically held by the Fund's custodian; (2) they may be exercised by the Fund at any time prior to the maturity of the underlying security; (3) they will be entered into only with brokers, dealers and financial institutions who in the opinion of the Fund's investment adviser present a minimal risk of default; (4) the Fund's right to exercise the puts will be unconditional and unqualified; (5) although the puts may not be transferable, the underlying securities can be sold to a third party at any time, even though the put is outstanding; and (6) the exercise price of the put will be: (i) The Fund's acquisition cost of the underlying security (excluding any accrued interest which the Fund paid on such acquisition) less any amortized market premium or plus any amortized or original issue discount during the period the Fund owns the security, plus (ii) all interest accrued on the security since the last interest payment date during the period the security was owned by the Fund, except that if the exercise price of the put as calculated in this manner is greater than the market value of the underlying security, the exercise price of the put must be the market value of the underlying security.

[1] The Chicago Board Options Exchange's Rule 7.4(a) already forbids non-member professionals' as well as members' proprietary orders from being placed on that exchange's order book.

If necessary and advisable, the Fund will pay for puts either separately in cash or by paying a higher price for the underlying securities. The Fund intends that the total amount paid in either manner for outstanding puts held in each series of the Fund's portfolio will not exceed ½ of 1% of the value of the total assets of such portfolio calculated immediately after any put is acquired. The Fund states that, because it is difficult to evaluate the likelihood of exercise or the potential benefit of a put, the Fund's directors will determine that puts have a "fair value" of zero, regardless of whether any direct or indirect consideration was paid. The Fund further states that, when it has paid for a put, its cost will be reflected as unrealized depreciation in the underlying security for the period during which the commitment is held.

The Fund submits that an exemption from Section 12(d)(3) of the Act to permit the Fund to acquire puts from brokers or dealers would be consistent with the standards set forth in Section 6(c) of the Act. It is claimed that the proposed acquisition of puts is not expected to affect the Fund's net asset value per share for purposes of sales and redemptions and will not pose new investment risks, but rather will improve the Fund's liquidity and ability to meet redemptions.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than December 30, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon the Fund at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-32914 Filed 12-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20443; File No. S7-433]

Receipt of an Amendment to the Consolidated Tape Association Plan

December 5, 1983.

On December 1, 1983, the participants in the Consolidated Tape Association ("CTA") submitted to the Commission, pursuant to Rules 11Aa3-1 and 11Aa3-2 under the Securities Exchange Act of 1934 ("Act"), an amendment to the "Restated and Amended Plan submitted to Securities and Exchange Commission pursuant to Rule 17a-15 under Securities Exchange Act of 1934" ("CTA Plan").[1]

I. Description of the Amendment

The amendment increases the charges for stock tickers and the ticker network disseminating consolidated last sale data from the CTA. These charges are contained in schedules A-1 through A-4, attached to the CTA Plan as Exhibit D. The CTA participants indicate that the increased charges are necessary to recover retroactive rate increases for low speed private line service provided by Western Union. The CTA protested the Western Union rate increases to the Federal communications Commission, but without success.[2] The new CTA rates will be applied retroactive to October 15, 1983.

II. Request for Comment

Pursuant to Rule 11Aa3-2(c)(3) under the Act, the amendment became effective upon filing with the Commission. The Commission, however, may summarily abrogate the amendment summarily within 60 days of its filing and require refiling and approval of the amendment by Commission order pursuant to Rule 11Aa3-2(c)(2), if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system, or otherwise in furtherance of the purposes of the Act. In order to assist the Commission in determining whether to abrogate the amendment and to require refiling and further review, interested persons are invited to submit their views to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, within 21 days from the date of publication of this notice in the Federal Register. The amendment to the CTA Plan will be available for public inspection in the Commission's public reference room. All communications should refer to File No. S7-433.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[3]

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-32920 Filed 12-9-83; 8:45 am]

BILLING CODE 8010-01-M

[1] *See* Securities Exchange Act Release No. 18983 (July 18, 1980), 45 FR 49414.

[2] The CTA is exploring less costly means of making this information available. In addition, because, in the CTA's view, the Western Union rate increases apply disproportionately to the stock ticker units provided by the CTA, the CTA has notified its ticker subscribers of a less expensive alternative ticker made available by a vendor, TransLux Corporation.

[3] 17 CFR 200.30-3(a)(27).

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 890]

Magnuson Fishery Conservation and Management Act; Applications for Permits to Fish in the United States Fishery Conservation Zone

The Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) requires all foreign vessels fishing in the U.S. Exclusive Economic Zone to have a permit. Section 204 of the Magnuson Act requires the Secretary of State to publish a summary of applications received.

Individual vessel applications for fishing in 1984 have been received from the Governments of the German Democratic Republic and Korea.

If additional information regarding any application is desired it may be obtained from: Fees, Permits, and Regulations Division (F/M12), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 (Telephone: (202) 634-7432).

Dated: December 5, 1983.

James A. Storer,

Director, Office of Fisheries Affairs.

Fishery Codes and designation of Regional Councils which review applications for individual fisheries are as follows:

Code	Fishery	Regional council
ABS	Atlantic Billfishes and Sharks	New England Mid-Atlantic. South Atlantic. Gulf of Mexico. Caribbean.
BSA	Bering Sea and Aleutian Islands Trawl, Longline and Herring Gillnet.	North Pacific.
CRB	Crab (Bering Sea)	North Pacific.
GOA	Gulf of Alaska	North Pacific.
NWA	Northwest Atlantic	New England. Mid-Atlantic.

Code	Fishery	Regional council
SMT	Seamount Groundfish (Pacific Ocean).	Western Pacific.
SNA	Snails (Bering Sea)	North Pacific.
WOC	Washington, Oregon, California Trawl.	Pacific.

Code	Fishery	Regional council
PBS	Pacific Billfish and Sharks	Western Pacific.

Activity Codes specify categories of fishing operations applied for as follows:

Activity code	Fishing operations
1	Catching, processing, and other support.
2	Processing and other support only.
3	Other support only.

Nation/vessel name/vessel type	Application No.	Fishery	Activity
German Democratic Republic:			
Breitling, transport vessel	GC-84-0012	NWA	3
Granitz, large stern trawler	GC-84-0051	NWA	2
Bodo Uhse, large stern trawler	GC-84-0004	NWA	1, 2
Stubnitz, large stern trawler	GC-84-0047	NWA	2
Rudolf Leonhard, large stern trawler	GC-84-0048	NWA	1, 2
Wili Bradel, large stern trawler	GC-84-0024	NWA	1, 2

Joint Venture—(Revision): The German Democratic Republic and Joint Trawlers (North America) Ltd., P.O. Box 1209, Gloucester, Massachusetts 01930, have applied to engage in a joint venture fishery aimed at producing approximately 4,600 metric tons (mt) of Mackerel in both directed and joint venture fisheries and 2,500 mt Loligo squid for joint venture as approved by Fishery Management Councils for the fishery year 1983–84. Also requested is a further 3,400 mt of Mackerel for both directed and joint venture fisheries commencing April 1, 1984, to attain their goal of 8,000 mt Mackerel harvested by G.D.R. vessels and 8,000 mt of Mackerel purchased from U.S vessels in a joint venture fishery for the calendar year 1984. The German Democratic Republic have altered their plans from utilizing one large mother ship with several feeder trawlers to providing up to three vessels with no directed fisher capability to support U.S. joint venture activities.

Korea:			
No. 7 Sang Won, stern trawler	KS-84-0041	GOA/BSA	1, 2, 3

Joint Venture—(Revision): The Korean industry has revised its application for joint venture with American fishermen for 1984. The Marine Enterprise Co. Ltd., Korea, and Cal-Alaska Fisheries Inc., 3242W 8th Street, Suite 203, Los Angeles, CA 90005, (change of partner as published in the **Federal Register**, dated December 2, 1983) have applied to engage in a joint venture fishery during the period March 1 through October 31, 1984.

Yuyang Ho, large stern trawler	KS-84-0104	BSA	2, 3

Joint Venture—(Revision): The Korean industry has revised its application for joint venture with American fishermen for 1984. The Dongwon Industries Co. Ltd. Korea, and profish International, Inc., 1530 Westlake Ave., N., Suite 700, Seattle, WA 98109, (change of partner as published in the **Federal Register**, dated December 2, 1983) have applied to engage in a joint venture fishery during the period February 27 to March 25, and April 25 to October 25, 1984.

Shin An Ho, large stern trawler	KS-84-0047	GOA/BSA	2, 3
Han Kil Ho, medium stern trawler	KS-84-0044	GOA/BSA	2, 3
Han Jin Ho, medium stern trawler	KS-84-0045	GOA/BSA	2, 3
Han Il Ho, medium stern trawler	KS-84-0107	GOA/BSA	2, 3
Dae Jin No. 52, large stern trawler	KS-84-0037	GOA/BSA	2, 3

Joint Venture—(Revision): The Korean industry has revised its applications for joint ventures with American fishermen for 1984. The Silla Trading Co. Ltd., Korea, and Profish International, Inc., 1530 Westlake Ave., N., Suite 700, Seattle, WA 98109, (change of partner as published in the **Federal Register**, dated December 2, 1983) have applied to engage in a joint venture fishery during the period February 20 through September 30, 1984.

[FR Doc. 83-32935 Filed 12-9-83; 8:45 am]
BILLING CODE 4710-09-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Hazardous Materials; Applications For Renewal or Modification of Exemptions or Applications To Become a Party To An Exemption

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applications for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulations of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATE: Comment period closes December 28, 1983.

ADDRESS: Send comments to Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, D.C.

Application No.	Applicant	Renewal of exemption
3992-X	Union Carbide Corporation, Danbury, CT	3992
3992-X	Kay-Fries, Inc., Stony Point, NY	3992
4453-X	Austin Powder Company, Cleveland, OH	4453
4453-X	Atlas Powder Company, Dallas, TX	4453
4453-X	Maynes Explosives Company, Lee's Summit, MO.	4453
4453-X	Alamo Explosives Company, Inc., Houston, TX.	4453
4661-X	Foote Mineral Company, Exton, PA	4661
5112-X	Department of Defense, Washington, DC	5112
5122-X	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	5122
5736-X	Phillips Petroleum Company, Bartlesville, OK.	5736
5948-X	Department of Energy, Washington, DC	5948
6007-X	The Boeing Co., Seattle, WA	6007
6007-X	Falcon Safety Products, Inc., Mountainside, NJ.	6007
6113-X	Utility Propane Company, Elizabeth, NJ	6113
6113-X	Valley Gas Company, Cumberland, RI	6113
6184-X	Air Products and Chemicals, Inc., Allentown, PA (See Footnote 1).	6184
6267-X	Georgia-Pacific Corp., Montebello, CA	6267
6296-X	Rhone-Poulenc Inc., Monmouth Junction, NJ.	6296
6530-X	Messer Griesheim Industries, Valley Forge, PA.	6530
6563-X	Bemco Inc., Chatham, Ontario, CA	6563
6563-X	Mada Medical Products, Inc., Carlstadt, NJ.	6563
6611-X	Air Products and Chemicals, Inc., Allentown, PA (See Footnote 2).	6611

Application No.	Applicant	Renewal of exemption
6657-X	Kelsey Welding Supply Corporation, New Berlin, WI.	6657
6765-X	Union Carbide Corporation, Danbury, CT (See Footnote 3).	6765
6765-X	Air Products and Chemicals, Inc., Allentown, PA (See Footnote 4).	6765
6801-X	Phillips Petroleum Company, Bartlesville, OK.	6801
6816-X	U.S. Department of Defense, Washington, DC.	6816
6824-X	Georgia-Pacific Corp., Montebello, CA	6824
6913-X	Conoco, Inc., Houston, TX	6913
7062-X	Bennett Industries, Pacoima, CA	7062
7205-X	U.S. Department of Defense, Washington, DC.	7205
7255-X	U.S. Department of Defense, Washington, DC.	7255
7280-X	U.S. Department of Defense, Washington, DC.	7280
7536-X	U.S. Department of Defense, Washington, DC.	7536
7549-X	Stauffer Chemical Company, Westport, CT.	7549
7616-X	Union Pacific Railroad Company, Omaha, NE.	7616
7616-X	The Western Pacific Railroad Company, Omaha, NE.	7616
7616-X	The Kansas City Southern Railway Co., Kansas City, MO.	7616
7616-X	Missouri Pacific Railroad Company, Omaha, NE.	7616
7668-X	Foster Wheeler Energy Corporation, Livingston, NJ.	7668
7768-X	Plasti-Drum Corporation, Lockport, IL (See Footnote 5).	7768
7822-X	Air Products and Chemicals, Inc., Allentown, PA (See Footnote 6).	7822
7835-X	Union Carbide Corporation, Danbury, CT	7835
7835-X	Messer Griesheim Industries, Valley Forge, PA.	7835
7946-X	Westinghouse Electric Corporation, Horseheads, NY.	7946
7954-X	Air Products and Chemicals, Inc., Allentown, PA (See Footnote 7).	7954
8354-X	Fauvet-Girel, Paris, France	8354
8556-X	Air Products and Chemicals, Inc., Allentown, PA (See Footnote 8).	8556
8698-X	Union Carbide Corporation, Danbury, CT (See Footnote 9).	8698
8723-X	IRECO Chemicals, Salt Lake City, UT (See Footnote 10).	8723
8725-X	CNG Fuel Cylinder Corporation, Long Beach, CA.	8725
8732-X	Dow Chemical Co., Midland, MI	8732
8753-X	Union Carbide Corporation, Danbury, CT (See Footnote 11).	8753
8758-X	Union Carbide Corporation, Danbury, CT (See Footnote 12).	8758
8792-X	Digital Equipment Corporation, Northborough, MA (See Footnote 13).	8792
9064-X	Corning Glass Works, Corning, NY (See Footnote 14).	9064

[1] To make certain proper shipping name, retest, reporting and travel time changes in consonance with Docket HM-115 rulemaking.

[2] To make certain proper shipping name, retest, reporting and travel time changes in consonance with Docket HM-115 rulemaking.

[3] To make certain administrative and operational changes in consonance with Docket HM-115 rulemaking.

[4] To renew, to make certain proper shipping name, retest, reporting, and travel time changes in consonance with Docket HM-115 rulemaking.

[5] To authorize use of the removable head polyethylene containers as an overpack for waste flammable liquids for disposal.

[6] To make certain proper shipping name, retest, reporting and travel time changes in consonance with Docket HM-115 rulemaking.

[7] To renew and to modify provision for pressure relief device and ball valve configurations.

[8] To renew, to make certain proper shipping name, retest, reporting and travel time changes in consonance with Docket HM-115 rulemaking.

[9] To add an additional portable tank, and to provide for a stainless steel inner container for the presently authorized 9% nickel steel portable tanks.

[10] To increase capacity of the AYC 266 repump truck from 12,000 pounds to 15,000 pounds, and to authorize an additional portable tank design.

[11] To renew, to increase the water capacity of the LTM-1600 tank from 1550 to 1670 and the LTM-2000 tank from 1950 to 2100 gallons, and to increase the 2-year retest period to 5 years.

[12] To renew, to increase the water capacity of the LTM-1600 tank from 1550 to 1670 and the LTM-2000 tank from 1950 to 2100 gallons, and to increase the 2-year retest period to 5 years.

[13] To authorize rail as an additional mode of transportation.

[14] To add water as an additional mode of transportation.

Application No.	Applicant	Parties to exemption
2587-P	H. E. Everson Company Welding Supply Inc., Grand Forks, ND.	2587
2587-P	Bill Munn Supplies, Inc., Enid, OK	2587
4108-P	National Welding Supply Co., Fort Worth, TX.	4108
4108-P	Basin Welding Supply Co., Odessa, TX	4108
4108-P	Natwel Supply Corp., San Antonio, TX	4108
4108-P	National Welding Supply, Inc., Batesville, AR.	4108
4884-P	Scientific Gas Products, Inc., South Plainfield, NJ.	4884
6538-P	Beltronic Marking Inc., New York, NY	6538
6759-P	Buckley Powder Company, Englewood, CO.	6759
6927-P	Bromine Compounds Ltd., Beer-Sheva, Israel.	6927
6984-P	Buckley Powder Company, Englewood, CO.	6984
7052-P	TNR Technical, Farmingdale, NY	7052
7952-P	White Chemical Corporation, Newark, NJ.	7952
8129-P	General Electric, San Jose, CA	8129
8129-P	Waste Conversion, Inc., Hatfield, PA	8129
8129-P	Tonawanda Tank Transport Service, Inc., Buffalo, NY.	8129
8129-P	McCloskey Varnish Company, Philadelphia, PA.	8129
8129-P	Harvey Mudd College, Claremont, CA	8129
8378-P	Cooper Biomedical, Inc., Malvern, PA	8378
8445-P	Waste Conversion, Inc., Hatfield, PA	8445
8509-P	LCP Chemicals & Plastics, Inc., Edison, NJ.	8509
8764-P	Redding Air Service, Inc., Redding, CA	8764
8988-P	Schlumberger Offshore Services, Houston, TX.	8988
8988-P	Welax, Houston, TX	8988

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on December 6, 1983.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-32876 Filed 12-9-83; 8:45 am]

BILLING CODE 4910-60-M

Hazardous Materials; Applications

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Comment period closes January 10, 1984.

ADDRESS: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street SW., Washington, DC.

New Exemptions

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9172-N	CECOS International, Buffalo, NY	49 CFR 173.24b and 173.365	To authorize shipment of various corrosive and poison B solids contained in 6-mil polyethylene bags, overpacked in a triple wall corrugated fiberboard box securely mounted to a pallet with total content not to exceed 2,400 pounds. (Modes 1, 3)
9173-N	British Caledonian Airways Lts., West Sussex, England.	49 CFR 172.101 and 175.75	To authorize carriage of various hazardous materials and nonflammable compressed gases in inaccessable cargo compartments without quantity limitations. (Modes 4, 5)
9174-N	The National Aeronautics and Space Administration, Washington, DC.	49 CFR 173.302 and 173.306	To ship helium and nitrogen, classed as non-flammable gas, in non-DOT specification titanium pressure vessels. (Mode 1)
9175-N	Marathon Oil Co., Littleton, CO	49 CFR 173.119(b)	To authorize shipment of crude oil, classed as a flammable liquid, contained in an aluminum cylinder overpacked inside a wooden crate not to exceed six cylinders per crate. (Mode 1)

NEW EXEMPTIONS—Continued

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9177-N	Processing Engineering Inc., Plaistow, NH	49 CFR 173.315	To manufacture, mark and sell non-DOT specification 304 stainless steel portable tanks of 7,300 gallon capacity for shipment of liquified nitrogen, oxygen and argon, classed as non-flammable gas not to exceed 40 psig. (Mode 1)
9178-N	Markings Inc., Hingham, MA	49 CFR 173.119	To authorize shipment of paint, classed as a flammable liquid, in non-DOT specification metal portable tanks not to exceed 200 gallon capacity. (Mode 1)
9179-N	E. I. DuPont de Nemours & Co. Inc., Wilmington, DE.	49 CFR 173.31(c)	To authorize a one time shipment of sludge contaminated with 7% motor fuel antiknock compound, class B poison in DOT Specification 105A300 tank car tanks which are overdue for retesting. (Modes 1, 2)
9180-N	M & G Tankers Ltd., West Midlands, England	49 CFR 173.119	To manufacture, mark and sell non-DOT specification fiber reinforced plastic cargo tanks of approximately 9,500 gallons for shipment of various flammable liquids. (Mode 1)
9181-N	Honeywell, Inc., Horsham, PA	49 CFR 173.206, 173.21, and 173.247	To ship a device containing lithium metal, classed as flammable solid and thionyl chloride, classed as corrosive material in the same specially designed non-DOT specification packaging. (Mode 1)
9182-N	Stoneco, Inc., Dacono, Co	49 CFR 172.101, 173.100, 173.86, and 175.3	To authorize shipment of special fireworks, described as pest repellent devices, class C explosives in specially designed packaging. (Mode 1, 4)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on December 6, 1983.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-32975 Filed 12-9-83; 8:45 am]

BILLING CODE 4910-60-M

National Hazardous Materials Transportation Advisory Committee; Advisory Committee Charter

AGENCY: Research and Special Programs Administration (RSPA), Department of Transportation (DOT).

ACTION: Publication of advisory committee charter.

SUMMARY: The RSPA announces the establishment of the National Hazardous Materials Transportation Advisory Committee (NHMTAC), a multidisciplinary advisory committee created under the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 720) (FACA) to provide DOT with a non-Federal perspective on issues and developments in all aspects of hazardous materials transportation.

FOR FURTHER INFORMATION CONTACT: Alan I. Roberts, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, Washington, D.C. 20590; (202) 426-0656.

SUPPLEMENTARY INFORMATION: In the eight and one-half years that the Hazardous Materials Transportation Act (HMTA) has been implemented through the Hazardous Materials Regulations, the entire field of hazardous materials transportation has undergone rapid change. Whether the issue is the introduction of state-of-the-art developments in packaging, the transportation of wastes (including radioactive wastes), a growing involvement in international transportation, or the deregulation of the trucking industry, hazardous materials transportation encompasses a growing number of constituent groups substantially affected by whatever action the Department takes in fulfilling its mandates under the HMTA.

At the present time, the primary mechanism through which these constituent groups make known their position on a given issue is the regulatory comment process. As the Department's hazardous materials regulatory arm, the Materials Transportation Bureau (MTB), has relied increasingly on the use of advance notices of proposed rulemaking, greater contributions can be made by regulated entities earlier in the regulatory decision-making process. However, the process is still one of specific commenters responding to specific proposals. The job of melding these often disparate points of view into a given regulatory decision has been the exclusive province of the Federal government. What is lacking is a broader non-federal view of the spectrum of problems, interests, and solutions confronting the Department's regulated constituencies. While the focus for decision-making should not be shifted from the Federal government, the opportunity for a collegial interdisciplinary perspective could be a valuable resource in assuring an effective Federal regulatory program.

This consolidating function currently is performed by trade associations, industry cross-cutting bodies such as the Hazardous Materials Advisory Committee (HMAC), and associations of state, county, and local governments. Although these groups have served both their members and the Department well, their focus is primarily on the specific issue confronting their membership. What is needed is a forum for: (1) The identification of issues of common concern; (2) the airing of approaches and solutions; and (3) a means of communicating to the Department the Broad-based non-Federal recommendations resulting from joint deliberations.

In consideration of the foregoing, the Department, under the sponsorship of the Research and Special Programs Administration, and at the direction of the Secretary, has established the National Hazardous Materials Transportation Advisory Committee and hereby publishes its charter. As noted in Paragraph III of the charter:

> The NHMTAC does not exercise program management or regulatory development responsibilities, and makes no decisions directly affecting the programs on which it provides advice. The NHMTAC provides a forum for the development consideration, and communication of information from a knowledgeable, independent perspective.

It should be noted that the NHMTAC consists of 20 members, drawn from all areas of hazardous materials transportation operations and regulations. The large membership was determined to be necessary in order to assure that the objectives (see Paragraph IV) of the NHMTAC are met, and hence the public interest served.

Charter of the National Hazardous Materials Transportation Advisory Committee

I. *Purpose:* This Charter establishes the National Hazardous Materials Transportation Advisory Committee (NHMTAC), and provides for its operation in accordance with the provisions of the Charter as adopted under the Federal Advisory Committee Act (the FACA) (Pub. L. 92–463; 86 Stat. 770), DOT Order 1120.3A, as amended (including additional references cited therein), and the requirements prescribed in Title 49, Code of Federal Regulations, Part 95.

II. *Authority:* The NHMTAC is established and operates pursuant to:

A. Section 109(d)(3) of the Hazardous Materials Transportation Act (HMTA) (49 U.S.C. 1808(d)(3)).

B. The FACA and all applicable laws, rules, regulations, and guidelines promulgated by the Congress, the President, the General Services Administration, or the Secretary.

III. *Scope:* The NHMTAC, acting as an advisory committee, provides information, advice, and recommendations to the Department of Transportation on matters relating to all aspects of hazardous materials transportation and Federal, State and local government roles and relationships. The NHMTAC does not exercise program management or regulatory development responsibilities, and makes no decisions directly affecting the programs on which it provides advice. The NHMTAC provides a forum for the development, consideration, and communication of information from a knowledgeable, independent perspective.

IV. *Objectives and Duties:* Consistent with the scope of its activities described in Paragraph III, the NHMTAC is authorized to:

A. Undertake such information gathering activities as necessary to define issues for consideration by the Committee, develop positions on those issues, and communicate the Committee's position thereon to appropriate elements of the Department.

B. Advise the appropriate Departmental elements on hazardous materials transportation problems in the various industries under the Department's jurisdiction. This includes economic, technological, and legal problems that may be identified.

C. Evaluate technological and institutional developments relating to hazardous materials transportation and communicate to the appropriate Departmental elements recommendations for incorporating promising new ideas and approaches into Departmental programs.

D. Serve as a forum for the discussion of problems involving the relationship of industry activities and State and local government requirements. Seek, where possible, to resolve such problems without resort to formal Departmental intervention.

V. *Sponsor:* The Research and Special Programs Administration (RSPA) shall be the NHMTAC sponsor and shall furnish support services for the operation of the Committee. The RSPA Administrator shall designate a member of the RSPA staff to be Executive Director of the NHMTAC.

VI. *Membership:* The NHMTAC shall be composed of 20 members, each of whom shall be appointed by the Secretary, after consultation with appropriate State and local government bodies, industry associations, labor organizations, and public interest groups. Members shall be appointed from among representatives of Federal, State, and local government; hazardous materials shippers, carriers, and packaging manufacturers; organized labor; academia; and other concerned individuals expert in fields related to hazardous materials transportation.

VII. *Appointments:* Each member appointed by the Secretary shall serve a term of two years, except that a member may serve until a successor is appointed. Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term. The terms of all members expire upon termination of the NHMTAC Charter. A Chairperson and a Vice-Chairperson shall be appointed from among the membership by the Secretary.

VIII. *Meetings:* The NHMTAC shall meet at least twice each calendar year, and upon the call of the chairperson made 60 days prior to convening. In accordance with the FACA, no such meeting shall be held in the absence of the Executive Director or a Department employee alternate named by the RSPA Administrator. An agenda for each meeting must be approved in advance by the Executive Director or designated alternate, who may cancel or adjourn any meeting when he or she determines that to do so is in the public interest. The following procedures shall govern the conduct of all NHMTAC meetings:

A. All NHMTAC meetings shall be open to the general public.

B. Notice of each NHMTAC meeting shall be published in the **Federal Register** at least 15 days prior to the date of the meeting. The notice shall include the agenda.

C. The Chairperson or, in the absence of the Chairperson, the Vice-Chairperson shall preside at each meeting.

D. Detailed minutes of each meeting shall be kept and certified by the Executive Director. The minutes shall contain:

1. A record of participants at the meeting;

2. A complete and accurate description of all matters discussed and conclusions reached; and

3. Copies of all reports received, issued, or approved by the NHMTAC.

E. The minutes, as certified by the Executive Director, shall be available for public inspection and copying in the Dockets Section, Room 8426, 400 7th Street, S.W., Washington, D.C. 20590. Public availability of minutes or other documents received or generated by the NHMTAC are subject to applicable limitations and exceptions prescribed in the Freedom of Information Act (5 U.S.C. 552(b)).

IX. *Coordination:* It shall be the responsibility of the Executive Director to coordinate with all modal administration offices on matters under consideration by the NHMTAC that would be of interest to the hazardous materials transportation programs of those offices. All communications from the Department to the NHMTAC in response to NHMTAC recommendations shall be coordinated with appropriate modal administration offices prior to submission to the NHMTAC.

X. *Travel Compensation:* Members of the NHMTAC are authorized travel allowances in accordance with paragraph 332 of DOT Order 1500.6., Department of Transportation Civilian Travel Regulations dated August 2, 1972.

XI. *Estimated Cost and Support:* The estimated annual direct operating cost of the NHMTAC is $40,000, which includes travel costs of members, printing, and miscellaneous related costs. This estimate does not include the cost of direct staff support to the NHMTAC, which is estimated at 1.0 person years of effort.

XII. *Public Interest:* As a component of the Secretary's program to implement and administer the Hazardous Materials Transportation Act in an efficient and effective manner, the formation and operation of the NHMTAC is determined to be in the public interest.

XIII. *Report to the Secretary:* Within 90 days following the last meeting of each calendar year, the Executive Director shall submit to the Secretary an annual report describing the NHMTAC's membership, activities, and accomplishments for the past calendar

year. In addition, the Executive Director shall provide the Secretary with any interim reports upon request during the calendar year.

XIV. *Effective Date:* This Charter is effective December 31, 1983, and terminates on December 31, 1985 unless prior to that time the Charter is extended in accordance with the FACA and other applicable requirements.

Howard Dugoff,

Administrator, Research and Special Programs Administration.

[FR Doc. 83-32974 Filed 12-9-83; 8:45 am]

BILLING CODE 4910-60-M

[Docket No. IRA-28]

Arizona Department of Transportation; Application for Inconsistency Ruling; Public Notice and Invitation to Comment

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration (RSPA), DOT.

ACTION: Public notice and invitation to comment.

SUMMARY: The Arizona Department of Transportation has applied for an administrative ruling "as to whether the City of Tucson Ordinance Number 5148 is inconsistent with 49 CFR Part 177, Appendix A, VI E."

DATES: Comments received on or before January 15, 1984 will be considered before an inconsistency ruling is issued by the Associate Director for Hazardous Materials Regulation.

ADDRESSES: The application and any comments received may be reviewed in the Dockets Branch, Office of Information Services, Room 8426, Nassif Building, 400 7th Street, SW., Washington, D.C. 20590. Comments on the application may be submitted to the Dockets Branch at the above address. Indicate Docket Number IRA-28 on your submission. Three copies are requested. A copy of each comment must also be sent to: Mr. Juan Martin, Jr., Division Director, Motor Vehicle Division, P.O. Box 2100; Phoenix, Arizona 85001; and Mr. Timothy J. Harrison, Assistant City Attorney, City Hall, P.O. Box 27210, Tucson, Arizona 85726-2721; and that fact certified to at the time the comment is submitted to the Dockets Branch. (The following format is suggested: "I hereby certify that copies of this comment have been sent to Mr. Juan Martin, Jr. and Mr. Timothy J. Harrison at the addresses noted in the Federal Register.")

FOR FURTHER INFORMATION CONTACT: Vita A. Simon, Office of the Chief Counsel, Research and Special Programs Administration, 400 7th Street, SW., Washington, D.C. 20590; 202-755-4972.

SUPPLEMENTARY INFORMATION:

1. Background

The HMTA (49 U.S.C. 1801 *et seq.*) at section 112(a) [49 U.S.C. 1811(a)] expressly preempts "any requirement of a State or political subdivision thereof, which is inconsistent with any requirement," of the HMTA or regulations issued thereunder. Section 112(b) [49 U.S.C. 1811(b)] provides that an inconsistent State or political subdivision requirement ceases to be preempted, however, if upon application the Secretary of DOT determines that the requirement in question: (1) Provides an equal or greater level of protection to the public than the HMTA or regulations issued under the HMTA; and (2) does not unreasonably burden commerce.

Procedural regulations implementing section 112 of the HMTA are codified at 49 CFR 107.201-107.225. These regulations provide for the issuance of inconsistency rulings and nonpreemption determinations. Briefly, an inconsistency ruling is an administrative opinion as to the relationship between a State or political subdivision requirement and a requirement of the HMTA or regulations issued under the HMTA. 49 CFR 107.209(c) sets forth the following factors which are considered in determining whether a State or political subdivision requirement is inconsistent.

(1) Whether compliance with both the State or political subdivision requirement and the Act or the regulations issued under the Act is possible; and

(2) The extent to which the State or political subdivision requirement is an obstacle to the accomplishment and execution of the Act and the regulations issued under the Act.

If the State or local requirement is found to be inconsistent with a Federal requirement, the State or locality may seek a nonpreemption determination, i.e., waiver of preemption pursuant to section 112(b) of the HMTA [49 U.S.C. 1811(b)].

2. The Application for Inconsistency Ruling

On February 18, 1982, the Arizona Corporation Commission filed an application for an administrative ruling seeking a determination that Tucson Ordinance Number 5148, which restricted the movements of radioactive materials through the City of Tucson, is inconsistent with the Federal Hazardous Materials Regulations.

Specifically, the Commission requested that the "City of Tucson Ordinance be compared for consistency with 49 CFR Part 177, Appendix A, VI. E." The Commission predicated its request on its belief that the Tucson Ordinance is inconsistent because it required prenotification.

On March 25, 1983, the Arizona Department of Transportation, which had assumed the hazardous materials transportation regulatory function on July 1, 1982, resubmitted the earlier request (noted above) for the administrative determination.

The City of Tucson Ordinance No. 5148, is included as Appendix to this document. The Ordinance is being challenged by the Arizona Department of Transportation in its entirety. Briefly, section 13-12 of the Ordinance contains the following pertinent provisions:

Subsection A prohibits transportation within or through the City of any quantity of radioactive materials not specifically exempted except as provided in subsection C.

Subsection B defines the following terms: radioactive materials; large quantity radioactive materials; person; and industrial purposes.

Subsection C requires notification to the Chief of the Fire Department at least 48 hours prior to the commencement of the transportation. Subsection D contains prohibitions against transportation of certain radioactive materials through the City such as plutonium and radium isotopes, enriched uranium, actinides whose activity exceeds 20 curies, spent reactor fuel elements or mixed fission products, and any large quantity of radioactive materials (as defined in 49 CFR 173.389(b) through the City such as plutonium and radium isotopes, enriched uranium, except cobolt 60 when used by medical or educational institutions.

Subsection E contains the exemptions from applicability of the Ordinance. Subsection F indicates that the Ordinance does not apply to materials passing through Tucson on Highways of the State or Federal system where the City lacks jurisdiction, to materials transported by rail over established tracks reserved to the railroads, or to material being transported by the Federal government for national security, military, or national defense purposes.

On June 28, 1983, the RSPA's Chief Counsel's Office requested additional information from the Arizona Department of Transportation clarifying what quantities and materials were covered by specific licenses and further

information as to the "City streets" limitation contained in the Ordinance. That information has been received and has been a part of the docket.

The State of Arizona asserts that the Ordinance is inconsistent primarily because of the prenotification requirement. On the other hand, the City of Tucson contends that its Ordinance is consistent with Federal regulations since it specifically exempts shipments on State and Federal highways. Tucson also contends that the Ordinance restricts only "large quantities" of materials and that no restrictions are placed on transcommunity movements by rail, air, or highway.

3. Public Comment

Comments should be restricted to the following issue: whether the Tucson Ordinance is inconsistent with the HMTA or regulations issued thereunder.

Since the application is for an inconsistency ruling and not a nonpreemption determination, comments on the effect on interstate commerce of Tucson's Ordinance as the effect relates to a waiver of preemption under 49 U.S.C. 1811(b) are inappropriate at this time and will not be considered.

Persons intending to comment on the application should examine the HMTA [49 U.S.C. 1801–1812], the DOT Hazardous Materials Regulations [49 CFR 171–179], the inconsistency rulings at 43 FR 16954, 44 FR 75566, 46 FR 18918, and 48 FR 760, the procedures governing the Department's consideration of application for inconsistency rulings [49 CFR 107.201–107–211] as well as the City of Tucson Ordinance contained as Appendix B to this notice.

In directing prospective commenters to the Hazardous Materials Regulations, the RSPA calls particular attention to Appendix A to Part 177 which was cited in the Arizona application. As adopted under Docket HM–164 [46 FR 5298; January 19, 1981], Appendix A sets forth the policy of the RSPA with respect to state and local hazardous materials regulations that may conflict with DOT hazardous materials requirements in a manner that renders those regulations inconsistent. Among those types of requirements cited in the Appendix which the RSPA considered to be vulnerable to challenge as being inconsistent with the Federal scheme, are prenotification requirements. Consequently, commenters should take into account the provisions of Appendix A when examining the Tucson Ordinance, and to the extent practicable, structure their comments in accordance therewith.

Issued in Washington, D.C., on December 2, 1983.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation.

Appendix A—Text of Appendix A to 49 CFR Part 177

For the convenience of the reader the text of Appendix A to 49 CFR Part 177 is reprinted below.

Relationship Between Routing Requirements In Part 177 With State and Local Requirements

I. *Purpose.* This appendix is a statement of the Department of Transportation policy regarding the relationship of State and local rules with Federal rules in Part 177 of this subchapter for routing motor carriers transporting radioactive materials. The purpose of this appendix is to advise a State or local government how it can exercise authority over motor carriers under its own laws in a manner that the Department of Transportation considers to be consistent with rules in Part 177 (see 49 U.S.C. 1811(a)). This appendix and Part 177 do not delegate Federal authority to regulate motor carriers.

II. *Definition.* "Routing rule" means any action which effectively redirects or otherwise significantly restricts or delays the movement by public highway of motor vehicles containing hazardous materials, and which applies because of the hazardous nature of the cargo. Permits, fees and similar requirements are included if they have such effects. Traffic controls are not included if they are not based on the nature of the cargo, such as truck routes based on vehicles weight or size, nor are emergency measures.

III. *Large quantity radioactive materials.* A. *State routing rules.* A State routing rule which applies to large quantity radioactive materials is inconsistent with Part 177 if—

1. It prohibits transportation of large quantity radioactive materials by highway between any two points without providing an alternate route for the duration of the prohibition; or

2. It does not meet all of the following criteria:

(a) The rule is established by a State routing agency as defined in § 171.8 of this subchapter;

(b) The rule is based on a comparative radiological risk assessment process at least as sensitive as that outlined in the "DOT Guidelines";

(c) The rule is based on evaluation of radiological risk wherever it may occur, and on a solicitation and substantive consideration of views from each affected jurisdiction, including local jurisdictions and other States; and

(d) The rule ensures reasonable continuity of routes between jurisdictions.

B. *Local routing rules.* A local routing rule that applies to large quantity radioactive materials is inconsistent with this Part if it prohibits or otherwise affects transportation on routes or at locations either—

1. Authorized by Part 177, or

2. Authorized by a State routing agency in a manner consistent with Part 177.

IV. *Quantities of radioactive materials required to be placarded.* A State or local routing rule that applies to a radioactive material (other than a large quantity radioactive material), for which Part 177 requires placarding, is inconsistent with Part 177 unless it is identical to § 177.825(a) of this part.

V. *Radioactive materials for which placarding is not required.* A State or local routing rule that applies to a radioactive material for which Part 172 does not require placarding is inconsistent with this part.

VI. *Other related State and local rules.* A State or local transportation rule is inconsistent with Part 177 if it—

A. Conflicts with physical security requirements which the Nuclear Regulatory Commission has established in 10 CFR Part 73 or requirements approved by the Department of Transportation under § 173.22(b) of this subchapter;

B. Requires additional or special personnel, equipment, or escort;

C. Requires additional or different shipping paper entries, placards, or other hazard warning devices;

D. Requires filing route plans or other documents containing information that is specific to individual shipments;

E. Requires accident or incident reporting other than as immediataely necessary for emergency assistance; or

G. Unnecessarily delays transportation.

(49 U.S.C. 1803, 1804, 1808, 49 CFR 1.53 and App. A to Part 1)

Appendix B—Text of Tucson Ordinance No. 5148

Adopted by the Mayor and Council December 14, 1981.

[Ordinance No. 5148]

Relating to Fire Protection and Prevention; Providing for the Regulation fo the Transportation of Radioative Materials Within the City of Tucson; Adding a New Section 13–12 to the Tucson Code

Be it ordained by the Mayor and Council of the City of Tucson, Arizona, as follows:

Section 1. That the Tucson Code is hereby amended by adding a new Section 13–12 relating to transportation of radioactive materials, reading as follows:

Sec. 13–12. *Transportation of radioactive materials; prohibition; definitions; notice to fire chief required; materials prohibited; exemptions; non-applicability.*

A. *Prohibition.* It shall be unlawful for any person to transport within or through the City of Tucson any quantity of radioactive materials not specifically exempted herein, except as provided in subsection C of this section.

B. *Definitions.* For the purposes of this section the following definitions shall apply:

(1) Radioactive materials means any material (solid, liquid or gas) which emits radiation spontaneously. For the purpose of this definition, "radiation" means ionizing radiation, i.e., gamma rays and x-rays, alpha and beta particles, high speed electrons, neutrons, protons and other nuclear particles.

(2) Large quantity radioactive materials means any quantity of materials whose

aggregate radioactivity is specified as "large quantity" in Code of Federal Regulations, Title 10, Part 71.4, "Packaging of Radioactive Materials for Transport" of the United States Department of Transportation.

(3) Person means any individual, partnership, or corporation, and includes any individual, partnership or corporation engaged in the transportation of passengers or property as common, contract, or private carrier or freight forwarder, as those terms are used in the Interstate Commerce Act, as amended.

(4) Industrial purposes means purposes ancillary and specific to an industrial concern or process, the primary activity or result of which is not the production or use of radioactive material, and specifically excludes generation of power through nuclear fission in any form, or the reprocessing of nuclear waste.

C. *Notice to fire chief required.* Any person transporting radioactive materials within or through the City of Tucson shall notify the chief of the Tucson Fire Department at least forty-eight (48) hours prior to commencement of such transportation and shall provide him with the following information and such other information as may be required:

(1) Identification of each radionuclide being transported by element name, mass number, activity and quantity.

(2) Identification of the transportation route, date and approximate time of such transportation;

(3) Name, address, and telephone number of the person, association, partnership or corporation submitting the notice and the relationship to the shipment (e.g. consignee, shipper, transporter); the name, address, and telephone number of:

(a) The person sending the shipment,

(b) The carrier, and

(c) The person to whom the shipment is being sent.

D. *Materials prohibited.* It shall be unlawful to transport within or through the City of Tucson the following radioactive materials:

(1) Isotopes of plutonium and radium, other than plutonium 239, in any quantity and form exceeding 20 curies; plutonium 239 exceeding 5 curies;

(2) Uranium enriched in the isotope U–235 exceeding 25 atomic per cent of the total uranium content in quantities where the U–235 content exceeds one (1) kilogram;

(3) Any of the actinides the activity of which exceeds 20 curies;

(4) Spent reactor fuel elements or mixed fission products associated with such spent fuel elements the activity of which exceeds 20 curies when from a reactor having a power level rating in excess of one (1) megawatt thermal; or

(5) Any "large quantity" of radioactive material as defined by the United States Department of Transportation in 49 CFR 173.389(B), other than cobalt 60 when being transported by or for medical or educational institutions duly licensed by the State of Arizona or the Federal Government.

E. *Exemptions.* Materials exempted from regulation under this ordinance shall include:

(1) Radioactive materials which are exempted from regulation by the Arizona Radiation Regulatory Agency or its legally established successor, or whose use is or would be permitted under a general license issued to other than carriers by the Agency or its successor.

(2) Radioactive materials being transported by or for state or federally licensed medical, educational or research institutions in amounts which do not exceed "Type A quantities" as defined by the United States Department of Transportation in 49 CFR 173.396.

(3) Medical devices designed for individual application, such as cardiac pacemakers, containing plutonium 238, promethium or other radioactive materials.

(4) Radiation sources used in radiography and other non-destructive testing procedures when used by persons or firms duly licensed by the State of Arizona.

F. *Non-applicability.* This section shall not apply to materials passing through Tucson on highways of the state or federal system where the city does not have jurisdication, or by rail over established tracks on rights-of-ways reserved to the railroads, nor being transported by or for the United States Government for national security, military, or national defense purposes.

Section 2. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

Section 3. Whereas, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this ordinance become immediately effective, an emergency is hereby declared to exist, and this ordinance shall be effective immediately upon its passge and adoption.

[FR Doc. 83-32791 Filed 12-9-83; 8:45 am.]

BILLING CODE 4910-60-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 239
Monday, December 12, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CIVIL AERONAUTICS BOARD

Notice of deletion of item 4 and notice of addition and closure of item 16 to the December 8, 1983 meeting

[M-396 Amdt 1]

December 7, 1983.

TIME AND DATE: 10:00 a.m., December 8, 1983.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

4. Spantax, S.A.—petition for review of staff action denying a waiver of the financial security requirements of Part 212, (BDA, BIA, OGC)

16. Negotiations with the Federal Republic of Germany. (BIA)

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, (202) 673-5068.

[S-1726-83 Filed 12-8-83; 3:53 pm]

BILLING CODE 6320-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, December 14, 1983.

LOCATION: Third Floor Hearing Room, 1111—18th Street, N.W., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. Section 6(b) Final Rules

The Commission will consider the final regulation implementing Section 6(b) of the Consumer Product Safety Act.

2. Formaldehyde in Products: Status

The staff will brief the Commission on its investigation of products to identify major consumer product sources of formaldehyde.

3. DEHP CHAP—Federal Register Notice

The Commission will consider a **Federal Register** notice which solicits recommendations from the public for expert scientists to service on the Chronic Hazard Advisory Panel on DEHP.

4. Formaldehyde CHAP—Letter—Reconsideration

The Commission will conisder a revision to the letter to the National Academy of Sciences on forming a Chronic Hazard Advisory Panel on formaldehyde.

(For a recorded message containing the latest agenda information: call 301-492-5709)

Contact Person for Additional Information: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, Md. 20207, 301-492-6800.

[S-1727-83 Filed 12-8-83; 4:01 pm]

BILLING CODE 6355-01-M

3

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:30 a.m., Thursday, December 15, 1983.

LOCATION: Third Floor Hearing Room, 1111-18th Street, N.W., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. FFA Export Policy: Decision and Reconsideration

The staff will brief the Commission concerning issues raised at a public hearing October 26, 1983 on the issue of whether the Commission should reconsider the export policy of non-complying items subject to the Flammable Fabrics Act standards announced in the Matter of Imperial Carpet Mills, Inc. The Commission is scheduled to vote on whether to reconsider the export policy at this meeting.

2. NEISS: Policy for Dissemination

The Commission will consider the policy to be used for publishing NEISS estimates.

3. Crib Hardware: 30(d) Rule, Proposed

The staff will brief the Commission on failures of hardware on cribs and a proposed rule under Section 30(d) of the Consumer Product Safety Act, which proposes transfer of the regulation of risks of injury associated with crib hardware failures from the Federal Hazardous Substances Act to the Consumer Product Safety Act.

(For a recorded message containing the latest agenda information: call 301-492-5709)

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, Md. 20207, 301-492-6800.

[S-1728-83 Filed 12-8-83; 4:01 pm]

BILLING CODE 6355-01-M

4

FEDERAL COMMUNICATIONS COMMISSION

FCC to hold a closed Commission meeting Wednesday, December 14, 1983

December 7, 1983.

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Wednesday, December 14, 1983 following the Open Meeting, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, N.W. Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—Three Applications for Review in the Indiana comparative FM proceeding. (Docket Nos. 78-243, 78-244, 78-246, and 78-247.

Hearing—2—Requests for Consolidation and Stay of DPLMRS applications in the Digital Paging Systems of Oklahoma, Inc. application (File No. 23088 *et al.*) and the A.S.D. *Answer Service, Inc.* hearing proceeding (CC Docket Nos. 82-547 *et al.*)

General—1—Recommendations for ratings, awards and pay level adjustments of Senior Executive Service members.

Hearing Items 1 and 2 are closed to the public because they concern Adjudication Matters (See 47 CFR 0.603 (j)).

General Item 1 is closed to the public because it concerns internal Personnel Rules Matters (See 47 CFR 0.603 (c)).

The following persons are expected to attend the appropriate portions of this meeting:

Commissioners and their Assistants
Managing Director and members of his staff
General Counsel and members of his staff
Chief, Office of Public Affairs and members of his staff.

Action by the Commission December 5, 1983.

Commissioners Fowler, Chairman, Quello, Dawson and Rivera voting to consider these items in Closed Session.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1723-83 Filed 12-8-83; 12:43 pm]

BILLING CODE 6712-01-M

5

FEDERAL COMMUNICATIONS COMMISSION

FCC to hold open Commission meeting, Wednesday, December 14, 1983

December 7, 1983.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, December 14, 1983, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* Further Notice of Inquiry and Notice of Proposed Rulemaking in the Matter of Enforcement of Prohibitions Against the Use of Common Carriers for the Transmission of Obscene Materials. *Summary:* The Commission will consider adoption of a Further Notice of Inquiry and Notice of Proposed Rulemaking in Docket 83-989 in light of the recent amendments to section 223, 47 U.S.C. § 223.

Private Radio—1—*Title:* Amendment of Part 90 of the Rules to make ten frequencies in the 72-76 MHz band available to the Forest Products Radio Service for low power mobile operations (RM-4539). *Summary:* The FCC will consider whether to adopt a Notice of Proposed Rule Making to permit the Forest Products Radio Service to share ten low power mobile frequencies in the 72-76 MHz band.

Private Radio—2—*Title:* Establishment of a Class of Amateur Operator License not Requiring a Demonstration of Proficiency in the International Morse Code. *Summary:* The Commission will consider whether to establish an amateur radio operator license which an individual may obtain without demonstrating a proficiency in the international Morse code.

Private Radio—3—*Title:* Report and Order in the Matter of the amendment of Subparts M and S of the Commission's Rules to revise the standards for assignment of frequencies in the 806-821 and 851-866 MHz bands for co-channel trunked systems in Northern California. *Summary:* The FCC will consider the issues raised in a petition from the California Trunking Interference Association concerning co-channel separation standards in Northern California.

Common Carrier—1—*Title:* Waiver of the Amortization Period for Embedded Investment in Account 232, Station Connections-Inside Wiring. *Summary:* The Commission will consider granting Illinois Bell Telephone Company's Petition for Waiver to shorten the Amortization Period for Embedded Investment in Account 232, Station Connections-Inside Wiring.

Common Carrier—2—*Title:* Amendment of Part 31 Uniform System of Accounts to account for access revenues and expenses and conforming amendments to the Annual Report Form M and FCC Form 901. *Summary:* The Commission will consider soliciting comments on proposed new accounts to record carriers access revenues and expenses as required in Docket 78-72. It will also consider soliciting comments on revising the Form M Annual Report and Form 901 to incorporate the new accounts.

Common Carrier—3—*Title:* Prescription of Depreciation Rates for Domestic Telephone Companies. *Summary:* The Commission will consider the adoption of six Orders modifying the depreciation rates of various accounts for twenty-seven domestic telephone companies. Should the Commission approve these orders it will have prescribed ramaining-life and equal-life group rates for all companies requesting same, in accordance with the three year phase-in implementation schedule in *Property Depreciation,* Docket No. 20188, 83 FCC 2d 267 (1980)

Video—1—*Title:* Notice of Proposed Rule Making in Low Power Television Translator Service. *Summary:* The Commission is seeking comments on proposed rule changes for low power television and television translators which would: (1) modify the present cut-off procedures; (2) eliminate the requirement to file financial information; and (3) crate a priority class of service for television translator applications.

Enforcement—1—*Title:* Interpretation of the no-censorship provision of Section 315(a) of the Communications Act and Section 1464 of The Criminal Code as they apply to political candidates. *Summary:* The Commission will consider what a broadcaster's obligations are with respect to the no-censorship provision of Section 315 when presented with material that it reasonably believes contains obscene or indecent material.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1723-83 Filed 12-8-83; 12:43 pm]

BILLING CODE 6712-01-M

6

FEDERAL ENERGY REGULATORY COMMISSION

December 7, 1983.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552b:

TIMES AND DATES: 10:00 a.m., December 14, 1983.

PLACE: 825 North Capitol Street, NE., Room 9306, Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda

782nd Meeting—December 14, 1983, Regular Meeting (10:00 a.m.)

CAP-1: Project No. 5553-001, Commonwealth of Pennsylvania

CAP-2: Project Nos. 2729-001, 002, 003 and 004, Power Authority of the State of New York

CAP-3: Project Nos. 6827-003 and 004, Jackson Falls Hydroelectric Power Company

CAP-4: Project No. 5315-003, Phoenix Hydro Corporation

CAP-5: Project No. 67-010, Southern California Edison Company

CAP-6:
- Project Nos. 4024-001 and 6439-000, Gregory Wilcox
- Project Nos. 6423-000, 6424-000, 6425-000, 6426-000, 6427-000 and 6428-000, Uncompahgre Valley, Water Users Association and Montrose Partners

CAP-7: Project No. 4639-001 and 002, Long Lake Energy Corporation

CAP-8: Project No. 6628-001, Public Utility District No. 1 of Franklin County

CAP-9: Project No. 6954-001, Hydro Power Development, Inc.

CAP-10:
- Project No. 3878-002, Gregory Wilcox
- Project No. 5343-000, Montana Power Company
- Project No. 5375-000, Utah Power & Light Company

CAP-11: Project No. 803-007, Pacific Gas and Electric Company

CAP-12: Project No. 2845-001, Idaho Power Company

CAP-13:
- Project No. 3515-000, Fluid Energy Systems, Inc.
- Project No. 4122-000, Kern County Water Agency
- Project No. 4129-001, Olcese Water District

CAP-14: Project No. 7187-001, Pankratz Lumber Company

CAP-15:

Project No. 6387-002, Western Hydro Electric, Inc.
Project No. 5448-000, Western Power, Inc.
Project No. 6071-000, Public Utility District No. 1 of Lewis County, Washington

CAP-16:
Project No. 6611-000, Boulder River Power Company
Project No. 5916-000, City of Darrington, Washington
Project No. 6258-000, White Chuck Water Company
Project No. 6465-000, Public Utility District No. 1 of Snohomish County, Washington

CAP-17: Docket Nos. ER83-694-001 and ER83-694-002, West Texas Utilities Company

CAP-18:
Docket No. EL83-29-001, the Town of Highlands, North Carolina, Haywood Electric Membership Corporation, and North Carolina Electric Membership Corporation v. Nantahala Power & Light Company
Docket Nos. ERE82-774-000, ER83-209-000 and ER-83-227-000, Tapoco, Inc.
Docket Nos. ER82-829-000 and ER83-219-000, Nantahala Power & Light Company

CAP-19: Docket Nos. EF84-2011-002, EF84-2011-003, EF84-2011-004, EF84-2011-005, EF84-2021-002, EF84-2021-003, EF84-2021-004, and EF84-2021-005, U.S. Department of Energy—Bonneville Power Administration

CAP-20:
Docket No. ER80-592, Allegheny Power Systems, et al.
Docket Nos. ER80-607-000 and ER80-660-000, Central Louisiana Electric Company, Inc.

CAP-21:
Docket No. ER82-704-000, Central Louisiana Electric Company, Inc.
Docket No. EL83-8-000, Cajun Electric Power Cooperative v. Central Louisiana Electric Company, Inc.

CAP-22: Docket No. ER83-78-000, Central Illinois Public Service Company

CAP-23: Docket No. ER82-729-000, Pacific Gas and Electric Company

CAP-24: Project No. 5695-002, Paradise Irrigation District

CAP-25: Project No. 7182-002, Gerald L. and Lois R. Simms

CAP-26: Docket No. ER82-318-003, Philadelphia Electric Power Company, the Susquehanna Electric Company and the Susquehanna Power Company

CAP-27: Project No. 4412-002, Wells River Hydro Associates

Consent Miscellaneous Agenda

CAM-1: Docket No. FA84-3-000, Puget Sound Power & Light Company

CAM-2: Docket No. GP83-1-000, State of New Mexico, Section 108 NGPA Determination, Mobil Producing Texas & New Mexico, Inc., State "M" No. 6, FERC No. JD82-38926

CAM-3: Docket No. GP83-20-000, State of Oklahoma, Section 108 NGPA Determination, Mobil Oil Corporation, Daily No. 2 Well, FERC No. JD82-50616

CAM-4: Docket No. RO81-60-000, Inexco Oil Company

CAM-5: Docket No. RO82-56-000, Exxon Company, U.S.A.

CAM-6: Docket No. RA81-59-000, Hobart Corporation

CAM-7: Docket No. RA80-76-000, Little America Refining Company

CAM-8: Docket No. GP83-6-000, Davis Drilling Inc.

Consent Gas Agenda

CAG-1: Docket Nos. RP82-16-003 and RP82-16-004 (Phase I), United Gas Pipe Line Company

CAG-2: Docket Nos. RP80-102-018, RP81-86-013, RP82-116-007, RP83-58-005, RP80-102-019, RP81-86-014, RP82-116-008, and RP83-58-006 (Liquids and Liquefiables), Southern Natural Gas Company

CAG-3: Docket Nos. RP83-139-001 and 002, El Paso Natural Gas Company

CAG-4: Docket No. TA84-1-59-000, Northern Natural Gas Company

CAG-5: Docket No. TA84-1-29-002 (PGA84-1a), Transcontinental Gas Pipe Line Corporation

CAG-6:
Docket Nos. TA83-2-21-000 (PGA83-4) (IPR83-2) (AP83-2) and RP82-88-000, Columbia Gas Transmission Corporation
Docket No. GP82-41-000 (Not Consolidated), Columbia Gas Transmission Corporation

CAG-7: Docket No. TA84-1-29-001 (PGA84-1) (IPR84-1) and (DCA84-1), Transcontinental Gas Pipe Line Corporation

CAG-8: Docket No. TA83-2-33-000, El Paso Natural Gas Company

CAG-9: Docket No. IS83-34-000, Wyco Pipe Line Company

CAG-10: Docket No. ST83-620-000, Arkansas Western Gas Company

CAG-11: Docket No. ST80-94-002, Cranberry Pipeline Corporation

CAG-12: Docket No. ST83-610-000, MGTC, Inc.

CAG-13: Docket No. ST83-567-000, Llano, Inc.

CAG-14: Docket No. ST83-599-000, Cranberry Pipeline Corporation

CAG-15: Docket Nos. CI83-269-000 and 001, Tenneco Oil Company, Houston Oil & Mineral Corporation, Tenneco Exploration, Ltd., Tenneco Exploration II, Ltd., and Tinco, Ltd.

CAG-16:
Docket Nos. CI77-784-003, CI78-250-003 and CI78-460-003, Kerr-McGee Corporation
Docket No. CI83-337-002, Exxon Corporation

CAG-17: Docket No. CI83-45-001, Mesa Petroleum Company

CAG-18: Docket Nos. G-11414-000 and CI66-410-001, Arco Oil and Gas Company, Division of Atlantic Richfield Company (Operator), et al.

CAG-19:
Docket Nos. CI69-220-000 and RI74-198-000, Union Oil Company of California
Docket Nos. CI69-245-000 and RI74-199-000, Gulf Oil Company
Docket Nos. CI69-351-000 and RI74-200-000, Mobil Oil Corporation
Docket Nos. CI69-373-000 and RI74-201-000, Texaco, Inc.
Docket No. R-478-000, Pacific Lighting Gas Supply Company

CAG-20:
Docket No. CP80-274-000, Mountain Fuel Supply Company
Docket No. CP80-274-000, Mountain Fuel Resources, Inc.
Docket No. CP80-144-005, CP82-153-000, 001, CP75-33-002 and 003, Mountain Fuel Supply Corporation
Docket No. SA83-16-000, Mountain Fuel Resources, Inc.

CAG-21: Docket Nos. CP75-23-020 and CP75-120-013, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

CAG-22: Docket No. CP77-453-001, Transcontinental Gas Pipe Line Corporation

CAG-23: Docket No. CP77-494-002, Columbia Gulf Transmission Company and Texas Eastern Transmission Corporation

CAG-24: Docket No. CP82-48-000, Oklahoma Gasahol, Inc.

CAG-25: Docket No. CP72-82-000, Mobil Oil Corporation

CAG-26: Docket No. CP83-475-000, Michigan Wisconsin Pipe Line Company and Locust Ridge Gas Company

CAG-27: Docket No. CP83-360-001, Texas Gas Transmission Corporation

CAG-28: Docket No. CP83-444-000, Lone Star Gas Company, a Division of Enserch Corporation

CAG-29: Docket No. CP82-467-000, Southern Natural Gas Company

CAG-30: Docket Nos. CP83-372-000 and 001, Arkansas Oklahoma Gas Corporation

CAG-31: Docket No. CP83-315-000, Rocky Mountain Natural Gas Company

CAG-32:
Docket No. CP83-450-000, Northwest Central Pipeline Corporation
Docket No. CP83-463-000, Zenith Natural Gas Company

CAG-33:
Docket No. CP74-147-003, Michigan Wisconsin Pipe Line Company and Midwestern Gas Transmission Company
Docket No. CP75-155-002, Wisconsin Gas Company
Docket No. CP76-84-001, Northern States Power Company (Wisconsin)

CAG-34: Docket No. 74-41-027 (RP78-87 and RP81-109), Texas Eastern Transmission Corporation

CAG-35: Docket Nos. RP81-49-013, 014, 015, 016, 017, 118, 019, and 020, Natural Gas Pipeline Company of America

CAG-36:
Docket No. CP83-439-001, Southern Natural Gas Company
Docket No. CP83-479-001, Louisiana Intrastate Gas Corporation

CAG-37: Docket No. CP82-158-005, Transcontinental Gas Pipe Line Corporation, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., Columbia Gulf Transmission Company, Michigan Wisconsin Pipe Line Company, Northern Natural Gas Company, Division of Internorth, Inc. and Southern Natural Gas Company

CAG-38:
Docket Nos. RP79-23-016 and 017, Distrigas of Massachusetts Corporation
Docket No. RP79-24-010, Distrigas Corporation

CAG–39: Docket No. RP83–68–004, Natural Gas Pipeline Company of America
CAG–40: Docket No. CP83–452–001, Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company

Power Agenda

I. Licensed Project Matters

P–1: Docket No. HB24–63–3–000, Public Service Company of Colorado
P–2:
Project No. 3503–001, James B. Howell
Project No. 5865–000, David Creghino
Project No. 5965–000, Firmin O. Gotzinger
Project Nos. 6245–002, 6206–002, 6175–002, 6442–000, 6230–001 and 6231–001, Lester Kelley, Vernon Ravenscroft and Helen Chenowith
Project Nos. 6246–002 and 6267–001, Lester Kelley, et al.
Project No. 6433–000, Warren B. Nelson
Project No. 6434–000, Thomas A. Nelson
Project No. 6435–000, Joseph B. Nelson
Project Nos. 6589–000, 6590–000 and 6591–000, Hy Tech Company
Project No. 6702–000, Superior Oil Company
Project No. 6755–000, Brown's Industries, Inc.
Project Nos. 6809–000, 6810–000 and 6811–000, Douglas Mendenhall
P–3:
Project Nos. 6442–000, 6442–001 and 6442–002, Lester Kelley, Vernon Ravenscroft
Project No. 6230–002, Helen Chenoweth
Project Nos. 7184–002 and 7184–003, Richard A. and Carole K. Sorensen
Project Nos. 6810–000, 6810–001, 6810–002, 6811–000, 6811–001 and 6811–002, Douglas Mendenhall
Project No. 6702–001, Superior Oil Company
Project No. 6591–002, Hi-Tech
P–4:
Project Nos. 67, 2085, 2904, 5570, 5688, 5864 and 6144, Upper San Joaquin Basin
Project Nos. 5263, 5277, 5280, 5380, 5381, 5382, 5384, 5385, 5386, 5910, 5914, 6114, 6148, 6186, 6188, 7230, and 7343, Owens Basin
Project Nos. 4037, 4363, 4379, 4662, 4704, 4915, 4917, 4984, 5054, 5294, 5311, 6281, 6791, 6793, 7077, 7090, 7121 and 7146, North Fork Feather Basin
Project Nos. 4157, 4367, 4396, 4739, 4838, 4929, 4936, 5049, 6167, 6783, 7010, 7249, 7326 and 7407, Trinity Basin
P–5: Omitted
P–6: Project No. 4412–003, Thornton Lake Resource Company
P–7: Project No. 4373–001, City of Fredericksburg, Virginia; Project No. 7490–000, Commonwealth Hydroelectric, Inc.
P–8: Project No. 2790–002, Boott Mills and Proprietors of the Locks and Canals on Merrimack River, Boot Hydropower, Inc. and General Electric Credit Corporation

II. Electric Rate Matters

ER–1: Docket No. ER84–38–000, Otter Tail Power Company
ER–2: Docket No. ER84–55–000, Montaup Electric Company
ER–3: Docket Nos. ER81–179–012, 013 and 014 (Phase II), Arizona Public Service Company
ER–4: Docket No. E–9206–003, McDowell County Consumers Council Inc. v. American Electric Power Company, et al.
ER–5: Docket No. EC83–13–000, Union Electric Company, Missouri Utilities Company, Missouri Power & Light Company and Missouri Edison Company
ER–6: Docket No. EC83–24–001, Pacific Power and Light Company
ER–7: Docket Nos. QF83–108–000, QF83–113–000, QF83–114–000, QF83–115–000, QF83–116–000, Energy Cogen Corporation
ER–8: Docket No. QF83–373–000, Massachusetts Refusetech, Incorporated
ER–9:
(A) Docket No. EL83–19–001, Cliffs Electric Service Company and Upper Peninsula Generating Company
(B) Docket No. EL83–28–000, Colockum Transmission Company, Inc.
(C) Docket No. EL83–30–000, Elkem Metals Company
(D) Docket No. EL83–18–000, Stonington and Deer Isle Power Company
ER–10: Docket No. EL83–11–000, Virginia Electric & Power Company
ER–11: Docket Nos. EL82–1–003 and EL82–1–004, town of Easton, Maryland v. Delmarva Power & Light Company and Pennsylvania-New Jersey-Maryland Interconnection
ER–12: Docket No. EF82–5031–000, Western Area Power Administration (Pick-Sloan Project)
ER–13: Docket No. EF81–5021–003, U.S. Department of Energy—Western Area Power Administration (Colorado River Storage Project)

Miscellaneous Agenda

M–1: Docket Nos. RM82–6–000 and RM82–6–001, Confirmation and Approval of the Rates of the Bonneville Power Administration
M–2: Docket No. RM83–57–000, Payments for Benefits From Headwater Improvements
M–3: Reserved
M–4: Reserved
M–5: Docket No. RM83–68–000, Rules of Practice and Procedure: Revision of Contested Settlement Procedures
M–6: Omitted
M–7:
Docket No. RM79–50–000, Northern Natural Gas Company
Docket No. RM80–49–000, National Gypsum Company and National Gypsum Energy Company
Docket No. RM81–22–000, Consolidated Edison Company of New York, et al.
Docket No. RM80–52–000, Advance Payments Under the NGPA
Docket No. RM80–77–000, Gulf Oil Corporation
Docket No. RM81–42–000, Sun Gas Company
Docket No. RM81–32–000, Indicated Producers, et al.
Docket No. RM81–39–000, Associated Gas Distributors
Docket No. RM81–43–000, Texas Eastern Transmission Corporation
Docket No. RM82–42–000, Interstate Natural Gas Association of America
Docket No. RM80–64–000, NGPA 206(d) Exemption—Gasohol
Docket No. RM81–23–000, Rochester Gas and Electric Corporation
Docket No. RM82–22–000, Miles Laboratories, Inc.
Docket No. RM83–45–000, Church & Dwight Company, Inc.
Docket No. RM79–17–000, Indiana Municipal Electric Association, et al.
Docket No. RM83–59–000, New England Environmental Mediation Center
M–8: Docket No. RM80–18–001, Treatment Under the Incremental Pricing Program of Natural Gas Used in the Manufacturing Process for Fertilizer, Agricultural Chemicals, Animal Feed, or Food
M–9:
Docket Nos. RM80–73–004, 005, 006, 007, 008 and 009, Delivery Allowances Under Section 110 of the Natural Gas Policy Act of 1978
Docket Nos. RM80–74–004, 005, 006, 007, 008 and 009, Gathering Allowances Under Section 110 of the Natural Gas Policy Act of 1978
M–10: Docket No. RM80–47–002, Regulations Implementing Section 110 of the Natural Gas Policy Act of 1978
M–11:
Docket No. RM83–72–000, First Sales of Pipelines Production Under Section 2(21) of the Natural Gas Policy Act of 1978
Docket No. RM82–16–000, First Sales by Affiliates
M–12: Docket No. GP83–25–000, Eastern American Energy Corporation
M–13: Docket No. RM83–3–01, Reduction in Filing Requirements for Well Category Applications in Filing Requirements for Well Category Applications Under Sections 102, 103, 107 and 108 of the Natural Gas Policy Act of 1978
M–14:
Docket No. GP79–61–000, Frontier Oil Company
Docket No. GP79–119–000, Discorbis Oil Company
Docket No. GP80–46–000, Lacy and Byrd, Inc.
Docket No. GP80–56–000, Tartan Production Company
Docket No. GP80–57–000, Tartan Production Company
Docket No. GP80–61–000, Skaer Enterprises, Inc.
Docket No. GP80–62–000, Apache Gas Corporation
Docket No. GP80–66–000, Phillips Petroleum Company
Docket No. GP80–77–000, Andarko Production Company, et al.
Docket No. GP80–81–000, Stream, Inc.
Docket No. GP80–84–000, Rio Petroleum, Inc.
Docket No. GP80–92–000, Louisiana General Petroleum
Docket No. GP80–94–000, Woodco Oil and Gas Company, et al.
Docket No. GP80–105–000, Gulf Oil Corporation
Docket No. GP80–108–000, James F. Scott d.b.a. Scott Oil and Gas
Docket No. GP82–19–000, Wolsey Petroleum Corporation
Docket No. GP82–29–000, BYS, Inc.

GAS AGENDA

I. Pipeline Rate Matters

RP-1: Omitted
RP-2: Omitted
RP-3: Docket No. TA82-2-9-009, et al., Tennessee Gas Pipeline Company
RP-4: Omitted
RP-5:
Docket No. RP83-106-001, Transwestern Pipeline Company
Docket No. RP81-130-007, Transwestern Pipline Company
Docket No. RP83-113-001, Pacific Gas Transmission Company
Docket No. RP83-135-001, Pacific Interstate Transmission Company
Docket No. RP83-136-001, Pacific Offshore Production Company
Docket No. RP84-28-000, Pacific Interstate Offshore Company
RP-6: Docket Nos. RP81-130-004, RP83-25-006, TA82-2-42-010 and TA83-1-42-002, Transwestern Pipeline Company
RP-7: Docket No. RP83-85-000, Northwest Central Pipeline Corporation v. Arkansas Lousiana Gas Company, a Division of Arkla, Inc.
RP-8:
Docket No. RP83-10-000, the Inland Gas Company, Inc. v. Tennessee Gas Pipeline Company
Docket No. RP83-20-000, Tennessee Gas Pipeline Company v. the Inland Gas Company, Inc.
RP-9: Docket No. RP83-12-000, Columbia Gas Transmission Corporation v. Kentucky West Virginia Gas Company
RP-10: Docket No. RP83-60-000, Kansas State Corporation Commission
RP-11: Docket No. RP80-136-000 Southern Natural Gas Company
RP-12: Omitted
RP-13:
Docket Nos. RP83-11-000 and RP83-30-000, Transcontinental Gas Pipe Line Corporation
Docket No. CP83-279-002, Producer-Suppliers of Transcontinental Gas Pipe Line Corporation
Docket No. CP83-340-003, Producer-Suppliers of Transco Gas Supply Company
Docket No. CP83-428-001, Producer-Suppliers of Transco Gas Supply Company and Transcontinental Gas Pipe Line Corporation

II. Producers Matters

CI-1: Reserved

III. Pipeline Certificate Matters

CP-1: Docket No. CP80-346-000, Consolidated Gas Supply Corporation and Consolidated Gas Transmission Corporation
CP-2: Docket Nos. CP80-17-001 and CP80-17-002 (Phase 1), Trans-Anadarko Pipeline System
CP-3: Docket No. CP80-485-000, Transcontinental Gas Pipe Line Corporation
CP-4:
Docket Nos. CP83-131-000 and CP83-131-001, Northern Natural Gas Company, a Division of Internorth, Inc.
Docket No. CI83-179-000, Amoco Production Company
CP-5: Omitted
CP-6: Docket No. CP83-502-000, Tennessee Gas Pipeline Company
CP-7:
(A) Docket No. CP81-388-018, Northwest Alaskan Pipeline Company
(B) Docket Nos. CP78-123-020 and CP78-123-021, Northwest Alaskan Pipeline Company

Kenneth F. Plumb,

Secretary.

[S-1720-83 Filed 12-8-83; 9:59 am]

BILLING CODE 6717-01-M

7

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10:00 A.M., Thursday, December 15, 1983.

PLACE: Board room, 6th floor, 1700 G St., N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202-377-6970).

MATTERS TO BE CONSIDERED: Amendments to Net-Worth Requirements.

[No. 66, December 7, 1983.]

[S-1721-83 Filed 12-8-83; 10:41 am]

BILLING CODE 6720-01-M

8

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9:00 a.m.—December 14, 1983.

PLACE: Hearing Room One—1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portion open to the public:

1. Sea-Land Service, Inc.—Petition to Institute a Rulemaking for Regulatory Relief.

Portions closed to the public:

1. Agreements No. 10475: Cooperative working arrangement between ABC International, Inc. and Davies Turner & Co., Inc.
2. Agreements Nos. 10266-7, 10266-8 and 10266-9: Gulf Europe Express—Modifications to restructure and extend the term of approval of the agreement.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523-5725.

[S-1719-83 Filed 12-8-83; 9:02 am]

BILLING CODE 6730-01-M

9

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

TIME:

January 5, 1984
9:00 a.m. to 5:00 p.m.
January 6, 1984
9:00 a.m. to 4:00 p.m.

DATE: January 5 and 6, 1984, respectively.

PLACE: Capitol Holiday Inn, Apollo Room (second floor), 550 C Street, S.W., Washington, D.C. 20024.

STATUS: Open.

MATTERS TO BE DISCUSSED:

Chairman's Report
Approval of Minutes
Executive Director's Report
Networking Presentation—Henriette Avram, Assistant Librarian for Processing Services, Library of Congress
IFLA 1985 Committee, Mr. Juergensmeyer, Committee Chair
Update on Activities of Coalition for Literacy, Rick Ventura, Chair, Fund Raising Committee
Discussion, NCLIS Program on Technology, Innovation and Productivity
Presentation on Association for Library and Information Science (ALISE), Robert Stueart, President
Ad Hoc Committee on "A Nation at Risk", Mr. Ambach, Committee Chairman
Blue Ribbon Panel on the Information Policy Implications of Archiving Satellite Data
Old Business—Continuing Library Education Network Exchange (CLENE)

CONTACT PERSON FOR MORE INFORMATION: Toni Carbo Bearman, Executive Director.

Toni Carbo Bearman,

NCLIS Executive Director.

December 7, 1983.

[S-1725-83 Filed 12-8-83; 3:33 pm]

BILLING CODE 7527-01-M

10

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1322]

TIME AND DATE: 10:15 a.m. (e.s.t.), Thursday, December 15, 1983.

PLACE: TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

Agenda Items:

Approval of minutes of meeting held on November 13, 1983.

Old Business Items

1. TVA policy relating to future development of hydroelectric generating facilities at TVA dams.

2. Contract No. TV-62000A among the Mississippi Board of Economic Development, the Tombigbee River Valley Water Management District, the Yellow Creek State Inland Port Authority, and TVA for cooperation in the planning and development of an inland port and attendant industrial properties.
3. Fiscal year 1984 capital budget for the power program—Convert the Savannah, Tennessee, 46-kV Substation to 161-kV operation.

NEW BUSINESS ITEMS

A—Budget and Financing Items

A1. Amendment to fiscal year 1984 capital budget for the power program—Piping replacement for Browns Ferry Nuclear Plant.

A2. Amendment to fiscal year 1984 capital budget for the power program—Rebuilding turbine rotors at Browns Ferry Nuclear Plant.

B—Purchase Awards

B1. Negotiation 33-942416—Low Pressure Turbine Repair Parts at Paradise Fossil Plant.

*B2. establishment of foreign trade zones at Hartsville and Phipps Bend sites.

B3. Proposal J3-663301-2—Indefinite quantity term contract for automated office systems.

C—Power Items

C1. Cogeneration agreement between Tennessee River Pulp & Paper Company, Counce, Tennessee, and TVA covering the purchase by TVA of up to 38,000 kW of cogenerated power.

C2. Letter agreement with Big Rivers Electric Corporation extending term of existing wheeling agreement.

C3. Agreement Among the United States Department of Energy, Commonwealth Edison Company, Project Management Corporation, Breeder Reactor Corporation, and TVA to Terminate the Clinch River Breeder Reactor Project.

C4. Extension of availability of experimental price schedule and experimental cogeneration program options under the dispersed power production progam.

D—Personnel Items

D1. Supplement to personal services contract with Bartlett Nuclear Inc., Plymouth, Massachusetts, to provide services of qualified helath physics technicians during refueling outages at TVA nuclear plants, requested by the Office of Power.

D2. Renewal of consulting contract with Sheppard T. Powell Associates, Baltimore, Maryland, for advice and assistance in the field of chemical engineering and other related work associated with power generating plants, requested by the Office of Engineering Design and Construction.

*D3. Retroactive implementation of TVA's last salary offer for salary schedule SG (Pulic Safety Service employees) which was made to the Salary Policy Employee Panel during the Thirty-Second Annual Salary Policy Negotiations.

E—Real Property Transactions

E1. Abandonment of certain flowage easement rights affecting approximately 2.57 acres of Nickajack Reservoir land located in Hamilton County, Tennessee—Tract Nos. HBA-330F, -331F, -332F, -333F, -334F, -335F, -336F, -337F, and -409F.

E2. Grant of permanent easement to the City of Kingsport, Tennessee, for the construction, operation, and maintenance of a pumping station and sewerline affecting approximately 0.8 acre of Fort Patrick Henry Dam Reservation land located in Sullivan County, Tennessee—Tract No. XFHR-32PS.

E3. Grant of 30-year easement to the Town of Farragut, Tennessee, for the construction, operation, and maintenance of public recreational facilities affecting approximately 5.5 acres of Fort Loudoun Reservoir land located in Knox County, Tennessee—Tract No. XTFL-119RE.

E4. Resolution designating a 10-year underground mining lease of the Hazard No. 4 seam of coal underlying approximately 535 acres of the Red Bird coal reserves located in Leslie County, Kentucky, as surplus and for sale at public auction—Tract No. XEKCR-10L.

E5. Filing of condemnation cases.

F—Unclassified

*F1. Appointment of Assistant Secretary—Charles L. Young.

F2. Appointment of Dale H. Kangas as Treasurer.

F3. Appointment of Kathy J. Brannar as Assistant Treasurer.

F4. Agreement between TVA and the University of Maine providing for TVA assistance in a research project focusing on aluminum biogeochemistry of forested watersheds.

F5. Support agreement with the U.S. Army Corps of Engineers to provide outside services on stream rehabilitation project in Bell County, Kentucky.

F6. Supplement to contract with Stearns Roger Services, Inc., for architect/engineer services for the North Alabama Coal-to-Methanol Project.

F7. Final Regulations to be Published in the **Federal Register** Establishing Uniform Procedures for Implementing the Archaeological Resources Protection Act of 1979.

DATED: December 8, 1983.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

[S-1724-83 Filed 12-8-83; 3:21 pm]

BILLING CODE 8120-01-M

*Items approved by individual Board members. This would give formal ratification to the Board's action.

*Item approved by individual Board members. This would give formal ratification to the Board's action.

federal register

Monday
December 12, 1983

Part II

Environmental Protection Agency

Standards of Performance for New Stationary Sources; Appendix A—Reference Methods; Revision to Method 12 to Add a Method of Additions Procedure; Proposed Rule and Notice of Public Hearing

Federal Register

Friday
December 17, 1993

Part II

Environmental Protection Agency

Determination of Performance for New Stationary Sources; Reference Methods; Revision to Methods 1, 2, 2C, 2D, 3, and 4 and Addition of Methods 1A and 2A; Direct Measurement of Gas Volume Flow Rate and Mass Flow Rate

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL 2453-6]

Standards of Performance for New Stationary Sources; Appendix A—Reference Methods; Revision to Method 12 to Add a Method of Additions Procedure

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and notice of public hearing.

SUMMARY: The purpose of this action is to propose a revision to Method 12 of Appendix A of 40 CFR Part 60 to include a method of additions procedure, which deals with the resolution of any possible interferences in the lead analysis. This revision is necessary because it has been determined that the method of additions procedures previously cited by Method 12 may not be readily available to the analyst, and were not suitable for incorporation by reference.

A public hearing will be held, if requested, to provide interested persons an opportunity for oral presentation of data, views, or arguments concerning the proposed revisions.

DATES: *Comments.* Comments must be received on or before February 27, 1984.

Public Hearing. If anyone contacts EPA requesting to speak at a public hearing by January 3, 1984, a public hearing will be held on January 26, 1984 beginning at 10:00 a.m. Persons interested in attending the hearing should call Mrs. Pat Finch at (919) 541-5578 to verify that a hearing will occur.

Request to Speak at Hearing. Persons wishing to present oral testimony must contact EPA by January 3, 1984.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to: Central Docket Section (LE-131), Attention: Docket Number A-83-38, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Public Hearing. If anyone contacts EPA requesting a public hearing, it will be held at EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons interested in attending the hearing should call Mrs. Pat Finch, at (919) 541-5578 to verify that a hearing will occur. Persons wishing to present oral testimony should notify Mrs. Pat Finch Standards Development Branch (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone number (919) 541-5578.

Docket. Docket No. A-83-38, containing materials relevant to this rulemaking, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Shigehara, Emission Measurement Branch (MD-19), Emission Standards and Engineering Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-2237.

SUPPLEMENTARY INFORMATION:

Miscellaneous

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This regulation is not major because it will not have an anual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices; and there will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

This proposed rule does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980 U.S.C. 3501 *et seq.*

Pursuant to the provision of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant economic impact on small entities because there will not be any increase in the cost of testing.

This proposed rulemaking is issued under the authority of Sections 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, and 7601(a)).

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel sulfuric acid plants, Waste treatment and disposal, Zinc, Tires, Incorporation by reference. Can surface coating, Sulfuric acid plants, Industrial organic chemicals, Organic solvent cleaners, Fossil fuel-fired steam generators.

Dated: December 5, 1983.

William. D. Ruckelshaus,

Administrator.

PART 60—[AMENDED]

40 CFR Part 60, Appendix A, Method 12, is amended as follows:

1. By revising Section 5.4.2 to read as follows:

5.4.2 Check for Matrix Effects on the Lead Results. Since the analysis for Pb by atomic absorption is sensitive to the chemical composition and to the physical properties (viscosity, pH) of the sample (matrix effects), the analyst shall check at least one sample from each source using the method of additions as follows:

Add or spike an equal volume of standard solution to an aliquot of the sample solution, then measure the absorbance of the resulting solution and the absorbance of an aliquot of unspiked sample.

Next, calculate the Pb concentration C_x in μg/ml of the sample solution by using the following equation:

$$C_x = C_s \frac{A_x}{A_1 - A_x} \qquad \text{Eq. 12-1}$$

Where:

C_x = Pb concentration of the standard solution, μg/ml.

A_x = Absorbance of the sample solution.

A_1 = Absorbance of the spiked sample solution.

Volume corrections will not be required if the solutions as analyzed have been made to the same final volume. Therefore, C_x and C_s represent lead concentration before dilutions.

Method of additions procedures described on pages 9-4 and 9-5 of the section entitled "General Information" of the Perkin Elmer Corporation Atomic Absorption Spectrophotometry Manual, Number 303-0152 (see Section 9.1) may also be used. In any event, if the results of the method of additions procedure used on the source sample do not agree to within 5 percent of the value obtained by the routine atomic absorption analysis, then reanalyze all samples from the source using a method of additions procedure.

2. By correcting the symbol "$V_{m(std)}$" to "$V_{m(std)}$" in Section 7.2, line 3.

3. By adding "Eq. 12-2" to the right of the equation in Section 7.4.

4. By inserting "$\times 10^{-9}$" immediately after the number "2.205" in the last line of Section 7.4

[FR Doc. 83-32925 Filed 12-9-83; 8:45 am]

BILLING CODE 6560-50-M

federal register

Monday
December 12, 1983

Part III

Environmental Protection Agency

Amendment To Transfer the Agency's Fuel Economy Retrofit Device Test Cost Liability to the Device Manufacturer; Proposed Rule

Part III

Environmental Protection Agency

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 610

[AMS-FRL 2417-7]

Amendment To Transfer the Agency's Fuel Economy Retrofit Device Test Cost Liability to the Device Manufacturer

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: This rulemaking proposes to amend 40 CFR Part 610 of the device evaluation regulations so that it will be more consistent with Section 511 of the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. 2011. This amendment will formally transfer the test cost liability incurred by the Agency during its testing of retrofit devices to the device manufacturer, in those instances in which the evaluation was initiated by the manufacturer.

DATES: Comments on this NPRM must be submitted on or before January 26, 1984.

ADDRESS: Written comments should be submitted to: U.S. Environmental Protection Agency, Central Docket Section (LE–131), Gallery 1, West Tower Lobby, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460, ATTN: Docket No. A–83–30.

Copies of material relevant to this rulemaking are located in Public Docket No. A–83–30, at the address cited above. The docket may be inspected between 8 a.m. and 4 p.m., Monday through Friday. A reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Test and Evaluation Branch, Emission Control Technology Division, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105. Telephone (313) 668–4299.

SUPPLEMENTARY INFORMATION: The Agency has recently determined that it is precluded by statute from absorbing certain costs incurred during the evaluation of a retrofit device. That is, for those EPA evaluations which are initiated by the manufacturer of the device, the manufacturer will be liable for the cost incurred by EPA should it test the device, or cause the device to be tested, as part of the evaluation. Such costs are distinct and separate from the costs attributable to EPA engineering evaluation time which are borne by the United States government. The Agency heretofore has not held the manufacturer liable for costs incurred by the Agency during its testing of a device. The EPA Office of the Inspector General has recently ruled that Section 511(b) of the Motor Vehicle Information and Cost Savings Act, requires that EPA transfer the test cost liability to the manufacturer of the device. For this reason, EPA proposes to amend the regulations to formally transfer the test cost liability to the device manufacturer.

Administrative Designation

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposed regulation is not major because it will not have a significant adverse effect on competition, employment, investment, productivity, or innovation.

This proposed regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection in the docket cited earlier in the preamble.

Effect on Small Entities

Section 605 of the Regulatory Flexibility Act requires that the Administrator certify regulations that do not have a significant impact on a substantial number of small entities. Although this proposed regulation will have a significant impact on a few small entities (less than four a year), I certify that on a national basis, it will not have a significant impact on a substantial number of small entities. For this reason, the Agency has not prepared an analysis under the Regulatory Flexibility Act.

Reporting and Recordkeeping Requirements

This amendment creates no new reporting or recordkeeping requirements. It merely proposes to amend the regulations to formally transfer program cost liability under the fuel economy retrofit device evaluation program and makes no change to the existing reporting and recordkeeping requirements.

List of Subjects in 40 CFR Part 610

Fuel economy, Gasoline, Motor vehicles.

(15 U.S.C. 2011)

Dated: December 6, 1983.

William D. Ruckelshaus,

Administrator.

PART 610—[AMENDED]

For the reasons set forth in the preamble, EPA proposes to amend 40 CFR Part 610 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

1. Section 610.14 is proposed to be amended by revising paragraph (b) to read as follows:

§ 610.14 Payment of program costs.

* * * * *

(b) For those evaluation programs initiated at the request of a manufacturer of a retrofit device, should the Administrator test the device, or cause the device to be tested, as part of the evaluation, then said manufacturer shall supply at his own expense, one or more samples of such device to the Administrator and shall be liable for the costs of testing which are incurred by the Administrator. The manufacturer will also be liable for all costs incurred as a result of preliminary testing at an independent testing laboratory as part of the evaluation program.

[FR Doc. 83–32924 Filed 12–09–83; 8:45 am]

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federal register

Monday
December 12, 1983

Part IV

Department of Agriculture

Animal and Plant Health Inspection Service

Highly Pathogenic Avian Influenza; Interim Rule

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 81

[Docket No. 83-137]

Highly Pathogenic Avian Influenza

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the interim rule in 9 CFR Part 81. The interim rule is amended to prohibit the interstate movement from quarantined areas of certain live poultry, and eggs to be used as poultry hatching eggs. The interim rule is also amended to impose restrictions on the interstate movement of certain eggs and certain accessories used in the handling of certain poultry or eggs. This is necessary in order to help prevent the spread of highly pathogenic avian influenza. This document also clarifies provisions in the interim rule and makes other nonsubstantive editorial changes.

DATES: Effective date December 8, 1983. Written comments must be received on or before February 10, 1984.

ADDRESS: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. William W. Buisch, Chief, National Emergency Field Operations Staff, VS, APHIS, USDA, Room 747, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; 301-436-8073.

SUPPLEMENTARY INFORMATION:

Emergency Action

Dr. John K. Atwell, Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services, has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for public comment. Immediate action is warranted in order to help prevent the spread of highly pathogenic avian influenza.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest; and good cause is found for making this interim rule effective upon signature. Comments are solicited for 60 days after publication of this document. A final document discussing comments received and any amendments required will be published in the **Federal Register**.

Background

The interim rule in 9 CFR Part 81, among other things, contains provisions for the purpose of prohibiting or restricting certain interstate movements of poultry and other items because of highly pathogenic avian influenza (48 FR 51422-51423, 52420-52427, 52885-52887, 53678-53679, 53679-53681, 53997, 54574-54575). The interim rule is divided into four subparts: Subpart A—Definitions, Subpart B—General Provisions, Subpart C—Quarantined Area Provisions, and Subpart D—Extraordinary Emergency Provisions. This document amends the heading for Part 81 and amends provisions in Subparts A, B, and C.

"Other Similar Poultry Diseases"

Prior to the effective date of this document, Part 81 was captioned "Highly Pathogenic Avian Influenza and Other Similar Poultry Diseases." This is changed to "Highly Pathogenic Avian Influenza." The term "highly pathogenic avian influenza and other similar poultry disease(s)" is also changed to "highly pathogenic avian influenza" in the general provisions of the interim rule.

Highly pathogenic avian influenza is defined in the interim rule as a disease of poultry caused by any influenza virus Type A that results in not less than 75 percent mortality within 8 days in at least eight healthy susceptible chickens, 4 to 8 weeks old, inoculated by the intramuscular, intravenous, or caudal airsac route with bacteria-free infectious allantoic or cell culture fluids and using standard laboratory operating procedures to assure specificity. Under this definition, any one of a number of strains of influenza meeting such criteria would be classified as highly pathogenic avian influenza. The definition of the term highly pathogenic avian influenza includes all of the diseases that the interim rule is intended to cover. Accordingly, the term "and other similar poultry disease(s)" is deleted from the heading and from the general provisions of the interim rule.

Quarantined Area Provisions

Prior to the effective date of this document, the quarantined area provisions of the interim rule, with certain exceptions, prohibited the following articles designated as prohibited articles from being moved interstate from quarantined areas in New Jersey and Pennsylvania:

(1) Live poultry infected with or exposed to highly pathogenic avian influenza,

(2) Manure from poultry, and

(3) Litter that has been used by poultry. Also, prior to the effective date of this document, the quarantined area provisions, with certain exceptions, allowed the following articles designated as restricted articles to be moved interstate from a quarantined area only in accordance with certain conditions:

(1) Live poultry not infected with or exposed to highly pathogenic avian influenza;

(2) Poultry carcasses or parts thereof;

(3) Eggs from poultry, and

(4) Used coops, containers, troughs, or other accessories for use in the handling of poultry or poultry eggs.

In addition, prior to the effective date of this document, the quarantined area provisions contained provisions concerning the cleaning and disinfecting of coops, containers, troughs, other accessories, and means of conveyance used in the interstate movement of poultry from quarantined areas.

As explained below, this document makes changes in the quarantined area provisions concerning certain live poultry, eggs from poultry, and poultry carcasses or parts thereof, and deletes the provisions concerning the cleaning and disinfecting of coops, containers, troughs, other accessories, and means of conveyance used in the interstate movement of live poultry from quarantined areas.

Quarantined Area Provisions—Live Poultry

Prior to the effective date of this document, § 81.6(c) of the quarantined area provisions of the interim rule contained specific provisions for the interstate movement of live poultry from quarantined areas, as follows:

(c) Live poultry not infected with or exposed to highly pathogenic avian influenza may be moved interstate from a quarantined area directly to a federally inspected slaughtering establishment for immediate slaughter if:

(1) From a flock in which all poultry are determined by a State or Federal inspector to be negative for highly pathogenic avian influenza based on:

(i) Examination of the flock by such inspector for clinical evidence of highly pathogenic avian influenza at least 7 days but not more than 10 days prior to movement;

(ii) Agar-gel immunodiffusion or hemagglutination inhibition testing at a State

or Federal laboratory of blood samples from a statistically representative random sample of the flock taken by such inspector at least 7 but not more than 10 days prior to movement;

(iii) Virologic examination of cloacal swabs at a State or Federal laboratory from swabs taken from a statistically representative random sample by such inspector at least 7 but not more than 10 days prior to movement (examination of the swabs to be completed only on seropositive flocks);

(iv) Re-examination of the flock by such inspector for clinical evidence of highly pathogenic avian influenza within 48 hours before the first shipment;

(2) Moved accompanied by a permit within 48 hours after re-examination of the flock, except that a State or Federal inspector upon request of the permittee may extend the 48 hour period (not to exceed a total period of 72 hours) as necessary to accommodate multiple shipments; and

(3) From a flock to which poultry have not been added for at least 10 days prior to movement.

Based on a re-evaluation of these provisions and on recommendations of technical consultants on avian influenza, the Department has determined that compliance with such provisions would not be sufficient to protect against the spread of highly pathogenic avian influenza. The examinations and testing described above, even if performed immediately before movement of live poultry from a quarantined area, would not be adequate to detect the presence of virus that might start incubating and be shed in the flock shortly before movement. Further, the disease appears to be spreading much more rapidly within the quarantined area in Pennsylvania than previously had been anticipated. Under these circumstances, it has been determined that live poultry should not be allowed to move interstate from a quarantined area without assurance that the live poultry were not from a flock that had started incubating the virus. Currrently, it appears that there are no feasible means for assuring that all highly pathogenic avian influenza virus in live poultry would be detected prior to movement from a quarantined area. Accordingly, it is necessary to redesignate as prohibited articles those live poultry previously designed as restricted articles. With this change all live poultry from quarantined areas are designated as prohibited articles. Consequently, except for any movements of such poultry by the United States Department of Agriculture for diagnostic or experimental purposes in accordance with § 81.8 of the interim rule, all live poultry are prohibited from moving interstate from a quarantined area.

Prior to the effective date of this document, § 81.9 contained provisions concerning the cleaning and disinfecting of coops, containers, troughs, other accessories and means of conveyance used in the interstate movement of live poultry from quarantined areas. Since this document prohibits the interstate movement of live poultry from quarantined areas, such cleaning an disinfecting provisions are no longer applicable. Therefore, § 81.9 is removed.

Quarantined Area Provisions—Poultry Hatching Eggs

Prior to the effective date of this document, § 81.6(e) of the quarantined area provisions of the interim rule contained specific provisions for the interstate movement of poultry hatching eggs from quarantined areas as follows:

(1) Poultry hatching eggs may be moved interstate from a quarantined area accompanied by a permit if the following conditions are met prior to movement:

(i) Such hatching eggs are held for a minimum of five days and after the five-day holding period, the breeding flock is determined by a Federal inspector to be free of highly pathogenic avian influenza based on clinical evidence, agar gel precipitin testing, and virologic examination of cloacal swabs, and thereafter prior to movement such hatching eggs are fumigated in accordance with the following procedures:

(A) The eggs shall be fumigated with formaldehyde gas in an airtight room or cabinet. The room or cabinet shall be equipped with a fan to circulate the gas during fumigation and to expel it after fumigation.

(B) The eggs shall be placed on wire racks, in wire baskets, or on cup-type egg flats stacked outside of the egg cases (to permit air circulation) and exposed to circulating formaldehyde gas.

(C) The formaldehyde gas shall be provided by mixing 0.6 gram of potassium permanganate with 1.2 cc. of formalin (37.5 percent) for each cubic foot of space in the room. The ingredients shall be mixed in an earthenware or enamelware container having a capacity at least 10 times the volume of the total ingredients.

(D) The gas shall be circulated within the room for 20 minutes; then expelled.

(E) The temperature in the room or cabinet during fumigation shall be at least 70° F. (21° C), and the relative humidity above 70 percent, and

(ii) Such eggs are moved only to a person who has signed a document provided by Veterinary Services wherein such person agrees to destroy the hatching eggs or poultry therefrom if the breeding flock is determined to be infected with highly pathogenic avian influenza before the eggs are hatched.

Based on a re-evaluation of these provisions and on recommendations of technical consultants on avian influenza, the Department has determined that insufficient information is currently available concerning what procedures would be adequate to ensure that the poultry hatching eggs would not cause the spread of highly pathogenic avian influenza. At a minimum, it appears that additional criteria must be developed with respect to maintaining the identity of any poultry hatching eggs moved interstate from a quarantined area and with respect to measures to be taken by the receiving hatcheries. The Department is working to develop adequate procedures to allow the interstate movement from quarantined areas of poultry hatching eggs. However, until such procedures are fully developed, it appears that there are no feasible established procedures for allowing the interstate movement of poultry hatching eggs from quarantined areas without causing a significant risk of spreading highly pathogenic avian influenza. Accordingly, it is necessary to amend the interim rule to prohibit the interstate movement from quarantined areas of eggs for use as poultry hatching eggs, except for any movements of such eggs by the United States Department of Agriculture for diagnostic or experimental purposes in accordance with § 81.8 of the interim rule.

Quarantined Area Provisions—Poultry Eggs for Use as Food

Prior to the effective date of this document, the quarantined area provisions of the interim rule designated "poultry table eggs and poultry eggs for processing" as restricted articles. The terms "poultry table eggs and poultry eggs for processing" are changed to "poultry eggs for use as food" in order to use language that is more commonly understood.

Quarantined Area Provisions—Poultry Carcasses or Parts Thereof

Prior to the effective date of this document, the quarantined area provisions of the interim rule, among other things, provided that poultry carcasses or parts thereof may be moved interstate from a quarantined area if from a poultry flock inspected by a Federal or State inspector prior to movement for slaughter and not found to have clinical evidence of highly pathogenic avian influenza, and if from poultry slaughtered at a federally inspected slaughtering establishment. Additional conditions concerning exposure to highly pathogenic avian influenza were inadvertently omitted. In order to protect against the spread of highly pathogenic avian influenza, it was intended under the quarantined area provisions of the interim rule that poultry carcasses or parts thereof also not be allowed to move interstate from a quarantined area if from a poultry flock found by a Federal or State inspector to

be exposed to highly pathogenic avian influenza. In this connection, the general provisions of the interim rule already prohibit the interstate movement from any place in the United States of carcasses or parts thereof exposed to highly pathogenic avian influenza. Accordingly, the quarantined area provisions are clarified to reflect that poultry carcasses or parts thereof are not allowed to be moved interstate from a quarantined area if from poultry found by a Federal or State inspector to have been exposed to highly pathogenic avian influenza.

General Provisions

The general provisions in §§ 81.2 and 81.3 of the interim rule prohibit or restrict the interstate movement from any place in the United States of certain live poultry and other items. It is necessary to amend these provisions to prohibit the interstate movement from any place in the United States of eggs from poultry infected with or exposed to highly pathogenic avian influenza unless moved interstate from a quarantined area for incineration, rendering, or burial in a landfill in accordance with § 81.6 of the quarantined area provisions. It is also necessary to amend these provisions to provide that poultry coops, containers, troughs, or other accessories that have been used in the handling of poultry infected with or exposed to highly pathogenic avian influenza or in the handling of eggs from such poultry shall not be moved interstate unless cleaned and disinfected with a permitted disinfectant specified in §§ 71.10 or 71.11 of 9 CFR. It is necessary to make these changes in order to protect against the spread of highly pathogenic avian influenza.

Miscellaneous

This document also makes certain nonsubstantive editorial changes.

Executive Order and Regulatory Flexibility Act

The emergency nature of this action makes it impracticable for the Agency to follow the procedures of Executive Order 12291 and Secretary's Memorandum 1512–1 with respect to this interim rule. Immediate action is warranted in order to help prevent the spread of highly pathogenic avian influenza.

This emergency situation also makes compliance with section 603 and timely compliance with section 604 of the Regulatory Flexibility Act impracticable. Since this action may have a significant economic impact on a substantial number of small entities, the Final Regulatory Impact Analysis, if required, will address the issues required in section 604 of the Regulatory Flexibility Act.

List of Subjects in 9 CFR Part 81

Animal diseases, Poultry and poultry products, Transportation.

PART 81—HIGHLY PATHOGENIC AVIAN INFLUENZA

Accordingly, 9 CFR Part 81 is amended as follows:

1. The heading for Part 81 is revised to read as set forth above.

2. Section 81.2 is revised to read as follows:

§ 81.2 Interstate movement of infected or exposed live poultry or materials.

(a) No live poultry infected with or exposed to highly pathogenic avian influenza, no manure from such poultry, and no litter which has been used by such poultry shall be moved interstate.

(b) No carcasses or parts thereof from poultry infected with or exposed to highly pathogenic avian influenza shall be moved interstate unless heated throughout to at least 160° F. (71° C.) or unless moved interstate from a quarantined area for incineration, rendering, or burial in a landfill in accordance with § 81.6.

(c) No eggs from poultry infected with or exposed to highly pathogenic avian influenza shall be moved interstate unless moved interstate from a quarantined area for incineration, rendering, or burial in a landfill in accordance with § 81.6.

(d) Poultry coops, containers, troughs, or other accessories that have been used in the handling of poultry infected with or exposed to highly pathogenic avian influenza or in the handling of eggs from such poultry shall not be moved interstate unless cleaned and disinfected prior to movement with a permitted disinfectant specified in §§ 71.10 or 71.11 of this Subchapter.

§ 81.3 [Amended]

3. Section 81.3 is amended by removing "or other similar poultry disease".

4. Sections 81.5 and 81.6 are revised to read as follows:

§ 81.5 Prohibited articles.

(a) The following are designated as prohibited articles:

(1) Live poultry,

(2) Manure from poultry, and

(3) Litter that has been used by poultry.

(b) A prohibited article shall not be moved interstate from a quarantined area.

§ 81.6 Restricted articles.

(a) The following are designated as restricted articles:

(1) Poultry carcasses or parts thereof,

(2) Eggs from poultry, and

(3) Coops, containers, troughs, or other accessories that have been used in the handling of poultry or poultry eggs.

(b) A restricted article shall not be moved interstate from a quarantined area except in accordance with the provisions in this Part.

(c) Poultry carcasses or parts thereof may be moved interstate from a quarantined area:

(1) If from a poultry flock inspected by a Federal or State inspector prior to movement for slaughter and not found to have been exposed to highly pathogenic avian influenza or to have clinical evidence of highly pathogenic avian influenza, and if from poultry slaughtered at a federally inspected slaughtering establishment; or

(2) If heated throughout to at least 160° F. (71° C.); or

(3) If moved under the supervision of a Federal or State inspector for incineration, rendering, or burial in a landfill (the incinerator, rendering facility, or landfill must have equipment and use procedures that are determined by the Deputy Administrator to be adequate to prevent the dissemination of highly pathogenic avian influenza and must comply with the applicable laws for environmental protection).

(d) Eggs may be moved interstate from a quarantined area as follows:

(1) Poultry eggs for use as food which are from poultry not found to be infected with or exposed to highly pathogenic avian influenza may be moved interstate from a quarantined area pursuant to a permit if prior to movement they are washed free of adhering material and rinsed with warm water containing not less than 50 p/m nor more than 200 p/m of available chlorine or its equivalent, and if moved in unused flats and cases, or in plastic flats and cases washed free of adhering material since last use and rinsed with warm water containing not less than 50 p/m of available chlorine or its equivalent.

(2) Any poultry eggs may be moved interstate from a quarantined area under the supervision of a Federal or State inspector for incineration, rendering, or burial in a landfill (the incinerator, rendering facility, or landfill must have equipment and use procedures that are determined by the Deputy Administrator to be adequate to prevent the dissemination of highly pathogenic avian influenza and must comply with the applicable laws for environmental protection).

(e) Poultry coops, containers, troughs, or other accessories that have been used in the handling of poultry or poultry eggs may be moved interstate from a quarantined area if prior to movement they are cleaned and disinfected with a permitted disinfectant specified in § 71.10 or 71.11 of this Subchapter.

§ 81.9 [Removed and Reserved]

5. Section 81.9 is removed and reserved.

Authority: Sec. 2, 23 Stat. 31, as amended; secs. 4–8, 23 Stat. 31–33, as amended; secs. 1–3, 32 Stat. 791, 792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; 41 Stat. 699; secs. 2, 65, Stat. 693; secs. 2–3, 5–6, and 11, 76 Stat. 129–132; 76 Stat. 663, 7 U.S.C. 450, 21 U.S.C. 111–113, 114a–1, 115–117, 119–126, 130, 134a, 134b, 134d, 134e, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 8th day of December, 1983.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 83-33146 Filed 12-9-83; 12:25 pm]

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Reader Aids

Federal Register

Vol. 48, No. 239

Monday, December 12, 1983

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-4534
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual 523-5230

SERVICES

Agency services	523-5237
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, DECEMBER

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:

5133.....54453
5134.....54465

5 CFR

870.....54949
871.....54949
872.....54949
873.....54949

7 CFR

51.....54807
271.....54951
272.....54951
273.....54951
301.....54577
907.....54584
910.....54211, 54467, 55103
932.....54211
981.....54467
984.....54213
987.....54213
989.....54213
1033.....55275
1139.....55276
1446.....54807
1944.....54809, 55277
1945.....55103
1980.....55103
3015.....54317

Proposed Rules:

6.....54242
58.....54622
355.....54627
446.....54825
656.....55132
932.....54361
1004.....54638
1036.....54485
1040.....54242, 54983
1126.....54243, 55290
1150.....55132
1207.....54639
1910.....54361
1924.....54361
1930.....54361
1941.....54361
1942.....54485
1945.....54361

8 CFR

238.....54809, 54810

9 CFR

81.....54574, 55402
92.....54214, 54469

Proposed Rules:

78.....54640
307.....54361
350.....54361
351.....54361
354.....54361
355.....54361
362.....54361
381.....54361

10 CFR

Proposed Rules:

2.....54243, 54499
72.....54499
430.....55133

12 CFR

4.....54584
5.....54584
7.....54319
30.....55108
204.....54587
505d.....55378
546.....55279
563.....54320, 54588, 55279
571.....54320
614.....54469
615.....54469
619.....54469

Proposed Rules:

226.....54642

14 CFR

39.....54467, 54477, 54588, 55108-55112
71.....54478, 55113, 55114
97.....55114
221.....54589
253.....54589
291.....54591, 54592

Proposed Rules:

Ch. I.....55134
39.....55135, 55136
71.....54505, 54645, 54646, 54829, 54830, 55136-55139
291.....54647
296.....54647
297.....54647

15 CFR

39.....54327
71.....54328, 54329
73.....54329
929.....55117

16 CFR

3.....54810
13.....54330-54333, 54969

17 CFR

145.....55280
146.....55280
211.....54810
249.....54436

Proposed Rules:

240.....54506

18 CFR

35 55281
125 55121
225 55121
282 55121
271 ..... 54479, 54943
274 54943
282 54215
356 55121

Proposed Rules:

282 55294
271 54648–54651
1302 55140

19 CFR

101 54216
141 54217
177 55281

20 CFR

Proposed Rules:

404 54243

21 CFR

5 54480
136 54593
145 54593
182 ..... 54970, 55122
184 ..... 54336, 54970, 55122
193 ..... 54220, 54970
561 54220

Proposed Rules:

161 ..... 54364, 54652
182 54983
184 ..... 54364, 54983, 54990
201 54993
436 54364
440 54364
442 54364
444 54364
446 54364
448 54364
450 54364
452 54364
455 54364

22 CFR

514 55124

Proposed Rules:

41 54995
301 55298

23 CFR

140 54970
625 54336
630 54972
655 54336

24 CFR

221 54571
570 54329
1895 54480

26 CFR

1 54594

Proposed Rules:

1 ..... 54376, 55143
11 54376
20 ..... 54376, 55143
25 ..... 54376, 55143

27 CFR

9 54220

Proposed Rules:

178 55298

28 CFR

0 54595

29 CFR

1601 54222
2670 54340
2672 54340

Proposed Rules:

1926 54652

30 CFR

55 54975
56 54975
57 54975
75 54975
77 54975

Proposed Rules:

906 54249
920 54996
938 54251
946 54376

32 CFR

190 55282
505 55125

33 CFR

100 ..... 54222, 54223
117 ..... 54975, 54976
151 54977
155 54977
204 54596
207 54596

Proposed Rules:

89 54997
117 54998
204 54253

35 CFR

111 54599

36 CFR

1 54977
2 54977
3 54977
4 54977
5 54977
6 54977
7 54977
9 54977
12 54977
13 54977
223 54812
1151 54223

37 CFR

304 54223

38 CFR

3 54482

39 CFR

111 55283
952 55125

Proposed Rules:

10 ..... 54831, 55299
3001 54254

40 CFR

52 ..... 54347, 54599, 55284
60 ..... 54978, 55072
61 ..... 54978, 55266
65 55285
81 ..... 54348, 54482, 55286
86 55068
145 ..... 54349, 54350, 55127
180 54818
271 54616

Proposed Rules:

51 54999
52 ..... 54377, 54654, 54832, 54833
60 55395
145 54507
228 55000
400 55300
610 55399
761 55076
773 54836

41 CFR

1–1 54617
1–16 54617
8–3 54351

Proposed Rules:

Ch. 7 54655

42 CFR

431 ..... 54224, 55128
434 55128
435 55128
447 55128

Proposed Rules:

57 55272

43 CFR

426 54748
2650 54483
3460 54819

Public Land Orders:

6389 (Corrected by PLO 6492) 54619
6456 Corrected 54978
6491 54618
6492 54619

Proposed Rules:

2700 54656

44 CFR

64 55287
65 ..... 54483, 54820

Proposed Rules:

67 ..... 54506, 54659

46 CFR

Proposed Rules:

310 54245
508 54256
528 55144

47 CFR

0 54979
22 54619
64 54351
69 54979
73 54980
83 54981
90 54981

Proposed Rules:

Ch. I 54518, 54667
1 ..... 55004, 55006
22 54668
43 55004
73 ..... 54669, 55006
76 55006
97 54670

48 CFR

Proposed Rules:

Ch. 5 ..... 54379, 54523, 54524

49 CFR

71 55289
1152 ..... 54235, 55128

Proposed Rules:

Ch. X 54844
23 54379
1056 54844
1310 55149

50 CFR

654 54821
658 54821

Proposed Rules:

17 55100
611 54525
663 54671
671 54383
672 54525

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federa Tegister for inclusion in today's **List of Public Laws.**

Last Listing: December 9, 1983

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been changed since last week.

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Title	Price	Revision Date
1, 2 (2 Reserved)	$6.00	Jan. 1, 1983
3 (1982 Compilation and Parts 100 and 101)	6.00	Jan. 1, 1983
4	7.50	Jan. 1, 1983
5 Parts:		
1-1199	8.50	Jan. 1, 1983
1200-End, 6 (6 Reserved)	6.00	Jan. 1, 1983
7 Parts:		
0-45	9.00	Jan. 1, 1983
46-51	7.50	Jan. 1, 1983
52	9.00	Jan. 1, 1983
53-209	7.50	Jan. 1, 1983
210-299	7.00	Jan. 1, 1983
300-399	5.50	Jan. 1, 1983
400-699	6.50	Jan. 1, 1983
700-899	6.50	Jan. 1, 1983
900-999	8.50	Jan. 1, 1983
1000-1059	7.50	Jan. 1, 1983
1060-1119	6.50	Jan. 1, 1983
1120-1199	7.00	Jan. 1, 1983
1200-1499	7.00	Jan. 1, 1983
1500-1899	6.50	Jan. 1, 1983
1900-1944	8.00	Jan. 1, 1983
1945-End	7.00	Jan. 1, 1983
8	6.50	Jan. 1, 1983
9 Parts:		
1-199	7.50	Jan. 1, 1983
200-End	7.50	Jan. 1, 1983
10 Parts:		
0-199	9.00	Jan. 1, 1983
200-399	7.50	Jan. 1, 1983
400-499	6.50	Jan. 1, 1983
500-End	7.00	Jan. 1, 1983
11	5.50	July 1, 1983
12 Parts:		
1-199	7.00	Jan. 1, 1983
200-299	8.00	Jan. 1, 1983
300-499	7.00	Jan. 1, 1983
500-End	8.00	Jan. 1, 1983
13	8.00	Jan. 1, 1983
14 Parts:		
1-59	7.00	Jan. 1, 1983
60-139	7.00	Jan. 1, 1983
140-199	5.50	Jan. 1, 1983
200-1199	7.00	Jan. 1, 1983
1200-End	6.50	Jan. 1, 1983
15 Parts:		
0-299	6.50	Jan. 1, 1983
300-399	7.00	Jan. 1, 1983
400-End	7.50	Jan. 1, 1983

Title	Price	Revision Date
16 Parts:		
0-149	7.00	Jan. 1, 1983
150-999	7.00	Jan. 1, 1983
1000-End	7.00	Jan. 1, 1983
17 Parts:		
1-239	8.00	Apr. 1, 1983
240-End	7.00	Apr. 1, 1983
18 Parts:		
1-149	7.00	Apr. 1, 1983
150-399	8.00	Apr. 1, 1983
400-End	6.50	Apr. 1, 1983
19	8.50	Apr. 1, 1983
20 Parts:		
1-399	5.50	Apr. 1, 1983
400-499	7.00	Apr. 1, 1983
500-End	7.50	Apr. 1, 1983
21 Parts:		
1-99	6.00	Apr. 1, 1983
100-169	6.50	Apr. 1, 1983
170-199	6.50	Apr. 1, 1983
200-299	4.75	Apr. 1, 1983
300-499	8.00	Apr. 1, 1983
500-599	6.50	Apr. 1, 1983
600-799	5.00	Apr. 1, 1983
800-1299	6.00	Apr. 1, 1983
1300-End	5.00	Apr. 1, 1983
22	8.50	Apr. 1, 1983
23	7.00	Apr. 1, 1983
24 Parts:		
0-199	6.00	Apr. 1, 1983
200-499	8.00	Apr. 1, 1983
500-799	5.00	Apr. 1, 1983
800-1699	6.50	Apr. 1, 1983
1700-End	6.00	Apr. 1, 1983
25	8.00	Apr. 1, 1983
26 Parts:		
§§ 1.0-1.169	8.00	Apr. 1, 1983
§§ 1.170-1.300	7.50	[1] Apr. 1, 1982
§§ 1.301-1.400	6.00	Apr. 1, 1983
§§ 1.401-1.500	7.00	Apr. 1, 1983
§§ 1.501-1.640	6.50	Apr. 1, 1983
§§ 1.641-1.850	7.50	[1] Apr. 1, 1982
§§ 1.851-1.1200	8.00	Apr. 1, 1983
§§ 1.1201-End	8.50	Apr. 1, 1983
2-29	7.00	Apr. 1, 1983
30-39	6.00	Apr. 1, 1983
40-299	7.50	Apr. 1, 1983
300-499	6.00	Apr. 1, 1983
500-599	8.00	[2] Apr. 1, 1980
600-End	5.00	Apr. 1, 1983
27 Parts:		
1-199	6.50	Apr. 1, 1983
200-End	6.50	Apr. 1, 1983
28	7.00	July 1, 1983
29 Parts:		
0-99	8.00	July 1, 1983
100-499	5.50	July 1, 1983
500-899	8.00	July 1, 1983
900-1899	5.50	July 1, 1983
1900-1910	8.50	July 1, 1983
1911-1919	4.50	July 1, 1983
*1920-End	8.00	July 1, 1983
30 Parts:		
0-199	7.00	July 1, 1983
200-End	10.00	July 1, 1982
31 Parts:		
0-199	6.00	July 1, 1983
200-End	6.50	July 1, 1983
32 Parts:		
1-39, Vol. I	8.50	July 1, 1983

Title	Price	Revision Date
*1–39, Vol. II	13.00	July 1, 1983
1–39, Vol. III	9.00	July 1, 1983
40–189	6.50	July 1, 1983
40–399	13.00	July 1, 1982
400–699	10.00	July 1, 1982
700–799	7.50	July 1, 1983
800–999	6.50	July 1, 1983
1000–End	6.00	July 1, 1983
33 Parts:		
1–199	9.00	July 1, 1982
200–End	7.00	July 1, 1983
34 Parts:		
1–399	13.00	July 1, 1982
300–399	6.00	July 1, 1983
400–End	8.50	July 1, 1982
35	5.50	July 1, 1983
36 Parts:		
1–199	6.50	July 1, 1983
200–End	7.50	July 1, 1982
37	6.00	July 1, 1983
38 Parts:		
0–17	7.00	July 1, 1983
*18–End	6.50	July 1, 1983
39	7.00	July 1, 1982
40 Parts:		
*0–51	7.50	July 1, 1983
52	9.00	July 1, 1982
53–80	8.50	July 1, 1982
*81–99	7.50	July 1, 1983
100–149	6.00	July 1, 1983
150–189	6.50	July 1, 1983
190–399	7.00	July 1, 1983
400–424	6.50	July 1, 1983
425–End	7.50	July 1, 1982
41 Chapters:		
1, 1–1 to 1–10	7.00	July 1, 1983
1, 1–11 to Appendix, 2 (2 Reserved)	6.50	July 1, 1983
3–6	8.50	July 1, 1982
7	5.00	July 1, 1983
8	4.75	July 1, 1983
9	7.00	July 1, 1983
10–17	6.50	July 1, 1983
18, Vol. I, Parts 1–5	6.50	July 1, 1983
18, Vol. II, Parts 6–19	7.00	July 1, 1983
*18, Vol. III, Parts 20–52	6.50	July 1, 1983
19–100	7.00	July 1, 1983
101	9.00	July 1, 1982
102–End	6.50	July 1, 1983
42 Parts:		
1–60	7.50	Oct. 1, 1982
61–399	7.00	Oct. 1, 1982
400–End	9.50	Oct. 1, 1982

Title	Price	Revision Date
43 Parts:		
1–999	7.00	Oct. 1, 1982
1000–3999	8.50	Oct. 1, 1982
4000–End	7.00	Oct. 1, 1982
44	7.50	Oct. 1, 1982
45 Parts:		
1–199	7.00	Oct. 1, 1982
200–499	6.00	Oct. 1, 1982
500–1199	7.50	Oct. 1, 1982
1200–End	7.50	Oct. 1, 1982
46 Parts:		
1–29	6.00	Oct. 1, 1982
30–40	5.50	Oct. 1, 1982
41–69	7.50	Oct. 1, 1982
70–89	6.00	Oct. 1, 1982
90–109	6.50	Oct. 1, 1982
110–139	5.00	Oct. 1, 1982
140–155	7.00	Oct. 1, 1982
156–165	7.50	Oct. 1, 1982
166–199	7.00	Oct. 1, 1982
200–399	8.50	Oct. 1, 1982
400–End	7.00	Oct. 1, 1982
47 Parts:		
0–19	8.50	Oct. 1, 1982
20–69	9.00	Oct. 1, 1982
70–79	8.00	Oct. 1, 1982
80–End	9.00	Oct. 1, 1982
48	1.50	[3] Sept. 19, 1983
49 Parts:		
1–99	6.50	Oct. 1, 1982
100–177	9.00	Oct. 1, 1982
178–199	8.00	Oct. 1, 1982
200–399	7.50	Oct. 1, 1982
400–999	8.00	Oct. 1, 1982
1000–1199	7.50	Nov. 1, 1982
1200–1299	7.50	Oct. 1, 1982
1300–End	7.50	Oct. 1, 1982
50 Parts:		
1–199	7.00	Oct. 1, 1982
200–End	8.00	Oct. 1, 1982
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[1] No amendments to these volumes were promulgated during the period Apr. 1, 1982 to March 31, 1983. The CFR volumes issued as of Apr. 1, 1982 should be retained.

[2] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1983. The CFR volume issued as of Apr. 1, 1980, should be retained.

[3] Refer to September 19, 1983, FEDERAL REGISTER, Book II (Federal Acquisition Regulation).